DEBATES

IN THE

HOUSES OF LEGISLATURE,

DURING THE

SECOND SESSION

OF

THE FIRST PARLIAMENT

OF

SOUTH AUSTRALIA.

FROM AUGUST 27 TO DECEMBER 24, 1858.

ADELAIDE

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SOUTH AUSTRALIAN

PARLIAMENTARY DEBATES.

SECOND SESSION,

OPENED ON FRIDAY, AUGUST 27, 1858.

LEGISLATIVE COUNCIL

FRIDAY, AUGUST 27, 1858

The second Session of the Parliament of South Australia, under the new Constitution, commenced on the 27th instant, but the event did not appear to excite as much interest as usual, the galleries being but thinly filled. Shortly before 12 o'clock, a military guard was drawn up in front of the Houses of Parliament, and in a few minutes the shrill sound of the trumpet announced the arrival of His Excellency the Governor in Chief. The members of Council present at this period, were the Honorable the President, the Honorable the Chief Secretary, and the Honorables Messrs Forster, Davies, Hall, O'Halloran, Ayers, Morphett, Davenport, Everard, Baker, Captain Scott, Bagot, A. Scott, and subsequently the Surveyor General. His Excellency arrived at a few minutes after 12 o clock, and was received at the door of the Council Chamber by a number of honorable members. His Excellency, who was in full uniform, was attended by the Private Secretary, Major Nelson, and the usual military suite. A chair was placed on the right of the President for the accommodation of His Excellency, who immediately directed that the gentlemen of the House of Assembly might be requested to attend. A considerable number of members, preceded by the Honorable the Speaker, promptly obeyed the call, and His Excellency then read the following address —

"HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY —

"1 Since I last had the gratification of meeting you in this Chamber, I have received the official notification of the marriage solemnized between Her Royal Highness the Princess Royal of England and His Royal Highness Prince Frederick William of Prussia. I am convinced that this most suitable alliance and auspicious event will be hailed by the representatives of Her Majesty's faithful and loyal subjects in this province with no less hearty and sincere demonstrations of loyal attachment to Her Majesty's person and throne, than it has elicited from all classes of the nation elsewhere.

"HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

"2 I have had much satisfaction in transmitting the address to the Queen, which you presented to me last Session, and in which you expressed your sympathy for the sufferings of so many British subjects through the mutiny in India, and your appreciation of the courage and firmness shown by Her Majesty's officers and soldiers serving in that dependendency. I am commanded to inform you that your address having been laid before the Queen, Her Majesty 'was pleased to receive it very graciously, and to express her sense of the loyalty and sympathy conveyed thereby.'

"3 I have further to inform you that, in compliance with your address of the 20th of last January to myself, I requested, through Her Majesty's Principal Secretary of State, that Her Majesty might be graciously pleased to direct a portion of the trophies taken by the British troops during the late Crimean war to be presented to Her Majesty's loyal subjects in this province. I have directed the correspondence on this subject to be laid before you, and you will have the satisfaction of learning that Her Majesty's Government has ordered two guns taken in the Crimea to be handsomely mounted, and presented to this colony, on behalf of Her Majesty.

"HONORABLE GENTLEMEN AND GENTLEMEN—

"4 I have directed to be laid before you the correspondence which (in compliance with your addresses of last session on that subject) has passed between myself and Her Majesty's Principal Secretary of State, relative to the annexation to this Colony of the territory intervening between its western boundary and the eastern boundary of Western Australia.

"You will, no doubt, learn with satisfaction that Her Majesty's Government agrees with you in opinion that the tract in question should form part of South Australia, though some previous communication with the Government of New South Wales may render some delay unavoidable in carrying out your wishes.

"5 I congratulate you that the indications of substantial prosperity, to which I have on former occasions alluded in addressing you, continue to manifest themselves.

"6 The imports and exports have increased during the past year in a sound proportion, and our Revenue has exceeded the estimated amount.

"7 In further confirmation of this favourable view of our financial position, it appears by our latest advices that South Australian Government Securities bearing interest at 6 per cent., have realized a premium of upwards of 10 per cent. in the London money market. This latter circumstance may be regarded as satisfactory evidence that the position and prospects of the colony are generally understood and appreciated abroad as well as at home.

"8 I am happy to inform you that the balance of Revenue at the disposal of the Government during the past financial year, sufficed to cover the expenditure and liabilities incurred, leaving a surplus available for the service of the current year, beyond the amount estimated, when the Estimates of the present year were authorized by you.

"GENTLEMEN OF THE HOUSE OF ASSEMBLY—

"9 I have availed myself of this balance to propose for your consideration a further considerable expenditure on several important public works. These you will find detailed in a Supplementary Estimate, which I have directed to be laid before you.

"HONORABLE GENTLEMEN AND GENTLEMEN—

"10 It has been deemed advisable that, for the future, the financial year should commence on the 1st July, instead of the 1st January, as hitherto. In addition to other advantages anticipated from this change, especially as connected with the large expenditure on roads and public works generally, it will enable my Government to meet the wishes expressed in an Address from you, hon. gentlemen of the Legislative Council, and to provide that the sittings of the Legislature shall be held at a period of the year less inconvenient to many members than that which has hitherto prevailed.

"GENTLEMEN OF THE HOUSE OF ASSEMBLY —

"11 With this view, I have caused Estimates of Receipts and Expenditure for the half year commencing the 1st January, and ending the 30th June 1859, to be prepared and laid before you.

"12 As respects the expenditure proposed under the heads of Government Establishments, these Estimates have been framed with a careful regard to economy, and when compared with the provision made by you for the current year, exhibit a small general increase, which is, however, unavoidable, arising out of the requirements created by the Department of the Registrar-General, under the Act for the Transfer of Real Property which came into operation on the 1st of July last, and the necessity of providing for extended Telegraphic communication

"HONORABLE GENTLEMEN AND GENTLEMEN—

"13 Relying on your desire to extend the system of railway communication, I have directed a Bill to be submitted to you to authorize the extension of the Northern Railway as far as Kapunda

"14 In this Bill it will be proposed, in accordance with the precedent established during the last Session, to make one-third of the whole cost of the undertaking a charge against the balance of General Revenue, and to raise the remaining sum by the issue of Government Securities.

"15 Of the three Bills which I reserved for the signification of Her Majesty's pleasure, two, relating respectively to Aliens and to the introduction of Convicts have received the Royal Assent, the third, relating to Marriage with a Deceased Wife's Sister, is still under the consideration of Her Majesty, pending the result of certain legal proceedings in England, which, it is supposed, may affect its operation

"16 Among the measures which will be laid before you, I may specify a Bill to confer upon the Supreme Court powers in Matrimonial Causes and in Divorce, and to enable Magistrates to protect the earnings and property of wives deserted by their husbands similar in its general provisions to that which lately passed the Parliament of Great Britain, a Bill for the better regulation of the Civil Service, similar to that which was introduced during the last Session, and a Bill to impose a moderate Assessment upon Stock depastured upon the Waste Lands of the Crown, as well as Bills to consolidate and amend the present Impounding Acts, and the Acts regulating District Councils It is also proposed to amend the Waterworks Act, by altering the mode of assessment so as to distribute the burthen of the rates more equally in proportion to the advantages conferred upon the ratepayers

"17 Your attention will also be invited to a scheme for amending the existing system of constructing and maintaining the main roads of the province, and a series of resolutions will, with this view be introduced, which may afterwards form the basis of legislation upon that subject

"18 The Act to amend the Law of Real Property has been brought into operation by my Government in the manner which appeared best calculated to ensure its complete and efficient working

"19 In accordance with the provisions of Act No 4, 21st Victoria, I have appointed an Emigration Agent in London I have directed the correspondence on this subject to be laid before you, which will inform you of the nature of the arrangements entered into for the future conduct of emigrants to South Australia from Great Britain The benefits expected to be attained from the working of the new system cannot, however, be realised until the nomination orders under the old system are exhausted The rate of immigration decided upon by you last session, of one ship per month, appears to meet the present requirements of the colony

"20 The Act 'To encourage the culture of the vine in South Australia, by permitting distillation of the fermented juice of the grape,' which was passed during the last session, will, I trust, under a liberal interpretation of its clauses, be found to have removed the main practical objections to the existing distillation law But while my Government desires to remove any proved inequality or injustice of the former law so far as is consistent with the collection of the revenue at present derived from the duty on imported spirits, it does not feel that it would be justified in introducing or sanctioning any measure which would have the effect of placing this large source of income in jeopardy—thus necessitating new and untried financial arrangements which might seriously impair the resources and credit of the province, as well as complicate our relations with the other Australian colonies

"21 No result has hitherto attended the communications of this Government with the Governments of the other colonies on the subject of federation,

"22 The unsettled conditions of the relations between the various European Governments, to which my attention has been called in a despatch from Her Majesty's Principal Secretary of State for the Colonies, renders it prudent that the means of defending the province against external aggression should receive the early and serious attention of the Government and the Legislature With this object, I have obtained a report on the most suitable measures of defence consistent with economy, and have made a communication on the subject to the Right Hon the Secretary of State in a despatch, a copy of which I have directed to be laid before you I feel assured that you will cordially co operate with the Government in devising and giving effect to such measures as may be adequate to the occasion

"23, I regret that the anticipations expressed in my Address to you at the close of the last Session with respect to the completion of the arrangements to enable the Ocean Steamers to call at Kangaroo Island on their homeward route, have not as yet been fulfilled It is, however, satisfactory to know that all the parties to the Postal Contract have agreed to that arrangement, and that the delay which has occurred appears to be solely attributable to the financial difficulties of the European and Australian Royal Mail Company It will be satisfactory to you to learn, from a despatch which I have directed to be laid before you, that the Imperial Government is taking immediate measures, by entering into another contract to provide for the efficient execution of the the mail service in future

"I now declare this Session to be opened"

ADDRESS TO HIS EXCELLENCY

The CHIEF SECRETARY in accordance with the usage of the Legislative Council, moved that a Select Committee be appointed to prepare the draft of an address from the Council to His Excellency the Governor-in-Chief in reply to the address which His Excellency had then read to the Council

The motion having been carried a Committee was appointed by ballot to prepare the address The Committee consists of Messrs Baker, Forster, Younghusband, Davenport, and Ayers

STANDING ORDERS

The CHIEF SECRETARY gave notice that on Tuesday next he should move the appointment of a Standing Orders Committee

THE CRIMEAN WAR

The Hon Major O'HALLORAN gave notice that on Tuesday next he would move that the Council received with much satisfaction intimation that the request of the Council, conveyed in an address of 20th January last, had been acceded to, and that Her Majesty had been graciously pleased to direct a portion of the trophies taken by the British troops during the late Crimean war to be presented to Her Majesty's loyal subjects in South Australia

ANNEXATION OF TERRITORY

The Hon A FORSTER gave notice that on Tuesday next he would move a resolution expressing the gratification of the Council at the steps taken for the annexation to this colony of the territory intervening between its western boundary and the eastern boundary of Western Australia

MARRIAGE OF THE PRINCESS ROYAL

The Hon J BAKER gave notice that on Tuesday next he would move a congratulatory address to Her Majesty upon the occasion of the marriage of the Princess Royal with His Royal Highness Prince Frederick William of Prussia

DAYS OF MEETING

The Hon H AYERS gave notice that on Tuesday next he would move that the Council take into consideration the days upon which it should meet for the despatch of business

TRINITY BOARD

The Hon Capt HALL asked the Chief Secretary whether it was correct that a non-professional gentleman had been appointed a member of the Trinity Board?

The CHIEF SECRETARY intimated that he should be prepared to reply to the question on Tuesday next

ADJOURNMENT

Upon the motion of the Chief Secretary the Council then adjourned till Tuesday next at 2 o clock

HOUSE OF ASSEMBLY

FRIDAY, AUGUST 27

The SPEAKER took the chair at 12 o clock

Immediately afterwards a message was received from His Excellency the Governor in Chief requesting the attendance of the members in the Legislative Council Chamber

The members accordingly proceeded thither, and on their returning

The Speaker announced that His Excellency had delivered an address to the members of both Houses in the Council Chamber, and that printed copies were prepared for distribution amongst hon members The Speaker then read the speech to the house

RESIGNATIONS AND RETURNS

The Speaker informed the House that he had received letters from Messrs Matthew Torrens, Kingsmill, and Marks, resigning their seats in the House, the two former on account of acceptance of office under Government, the latter on private grounds

The Attorney-General moved that the Speaker be instructed to issue writs to supply the vacancies

The Treasurer seconded the motion

Mr Townsend wished, before the motion was put to call attention to the facility with which the law as it now stood, enabled hon members to vacate their seats In one instance an hon member, having been returned, resigned without attending even on a single occasion Great expense was incurred through this practice which he hoped would be put a stop to when the Constitution Act came to be revised

The motion was carried

NEW MEMBERS

The following newly elected members took the requisite oaths and their seats for the electoral districts which they respectively represent —Mr G C Hawker member for Victoria was introduced by Mr Bagot and Captain Hart, Mr J H Barrow, member for East Torrens, by Mr Reynolds and Mr Glyde

STANDING ORDERS

The Speaker laid on the table the Standing Orders in force during the present session

The Attorney General moved that they be in force until the same or new regulations were adopted He moved that their consideration be an Order of the Day for Friday, 3rd September

The Treasurer seconded the motion, which was carried

REPLY TO HIS EXCELLENCY'S SPEECH

The Attorney General gave notice that on Tuesday next he would move that a Committee consisting of the Attorney-General the Treasurer, and Messrs Peake, Hughes and Neales, be appointed to prepare an address in reply to the speech of His Excellency The Committee to report on Tuesday next

The Treasurer seconded the motion

Agreed to

PETITIONS

Mr Hallett and Mr Glyde presented petitions, which were rejected, being inconsistent with Standing Order 93

RETURNS

The Treasurer laid upon the table a comparative statement of the revenue and expenditure of the colony for the year ending 31st December, 1857, also a return of the revenue and expenditure for the quarter ending 31st December, 1857, for the quarter ending 31st March, 1858, and for the quarter ending 31st June, 1858, also the immigration returns for the year 1857 also a report from the Immigration Board on the subject of immigration, also statistics of the colony of South Australia, compiled from returns in the Chief Secretary's office, also a copy of the new commission sent out to His Excellency the Governor, and of the instructions accompanying it in relation to responsible government, also a copy of the Railway Board regulations, also a copy of correspondence relating to the western boundary of South Australia also a copy of the correspondence relating to the Crimean trophies The hon member moved that such of these documents as had not been already printed be printed

Agreed to

WATERWORKS COMMISSION

The Commissioner of Public Works laid upon the table various correspondence relative to the Waterworks including what had been moved for during last session, and also down to the present date

MEMBERS PLACES

Mr Bagot said he wished to ask a question of the hon the President respecting the seats occupied by hon members He (Mr Bagot) had occupied one seat during the whole of last session, and since the House opened and as it appeared that the style of tables was still kept up he wished most respectfully to ask whether or not each hon member was entitled to the seat which he had sat upon during the former session It appeared to him that the system of moving about from one seat to another might cause great inconvenience, as many hon members might not be aware that there was any alteration If the tables were to be kept up, it would be only reasonable and just that each member should retain (unless he vacated it at his own option) the seat he occupied before Many hon members had come up to the House before others and for his part he was not aware that there would be any movement whilst there were other hon members who were also disappointed in this way He wished now to know whether or not hon members were in courtesy entitled to keep the seats which they had held last session

The Speaker replied that in the former Council the practice had always been for members to take seats at the commencement of a session Members who were there that day when he took the chair were entitled to select their seats and to retain them In England seats were held of right only for one day

Mr Bagot thereupon gave notice of motion for the removal of the tables, and for the substitution of other accommodation

ADJOURNMENT OF THE HOUSE

The Treasurer with the leave of the House, moved that the House, at its rising adjourn to Tuesday next, at 1 o'clock

Agreed to

THE NORTHERN RAILWAYS

The Commissioner of Public Works laid upon the table of the House a report from Mr Hargreave C E, relative to the Valley of the Gilbert as a route for a railway

Ordered to be printed

PRIVILEGE

The Speaker having intimated that in the event of there being no further business to be brought forward, the proper course would be to adjourn the House

Mr Peake begged to call attention to a power inherent in the House which he thought it was desirable should be upheld He meant that at that stage of their proceedings a Bill should be brought up and read a first time in order to assert the privileges of the House to proceed as a deliberative body

The Speaker stated that the House had transacted much formal business besides passing several resolutions and thus asserted their privileges before he read the Governor's speech

The Attorney General said that although not attaching individually much importance to the matter still as it had been the practice of the House and had been handed down from the old Legislative Council, he had intended himself to read a Bill *pro forma*, until he was informed by the Speaker that it could not then be done

LIBRARY COMMITTEE

Mr Blyth enquired whether it was necessary to reappoint the old Library Committee, or whether they still retained their powers

The Speaker replied that it was better they should be reappointed

Mr Reynolds asked if it would be necessary to reappoint the Committee for the decision of disputed returns

The Attorney General replied that they were appointed for the whole duration of each Parliament

Mr Blyth moved that the former Library Committee be reappointed

Agreed to

The House then adjourned until Tuesday next, at 1 o'clock

LEGISLATIVE COUNCIL

Tuesday, August 31

The President took the chair at 2 o'clock

The members of Council present were —The Hon the President the Hon the Chief Secretary and the Hon Messrs Hall Bagot, Morphett, Major O'Halloran, Forster, Davies, A Scott, Captain Scott, Everard, Ayers, and Baker

DIVORCE BILL

The Chief Secretary gave notice of motion to introduce a Bill to amend the laws relating to matrimony and divorce in South Australia

PRESERVATION OF THE SQUARES OF THE CITY

The Hon Mr Davies gave notice of his intention to ask the Chief Secretary if the Corporation of the City had power to grant leave to destroy the squares or whether the Government had power to prevent such destruction

PARLIAMENTARY PAPERS

The Chief Secretary said that before proceeding to business he would lay before the House the following documents —A despatch from the Secretary of State, enclosing a copy of an Act relating to divorce and matrimony Also a communication relating to the marriage of the Princess Royal

These documents were read and ordered to be printed

The President laid on the table a return of the City Corporation for the years 1855 and 1856 and a corresponding return for the Corporation of Port Adelaide The President remarked that the usual course would be to take no notice of those documents at present, but to ask the House as a matter of course to receive them

The Chief Secretary said that the papers should be laid on the tables of both Houses of Parliament

STANDING ORDERS

The Chief Secretary moved—

"That the Standing Orders Committee for the present session consist of the following members viz —The President the Honourables Messrs Morphett, Baker, Davenport and Younghusband"

The Hon H Ayers seconded the motion, which was carried

TROPHIES OF THE CRIMEA

The Hon Major O'Halloran moved—

"That this House has received with much satisfaction the answer from Her Majesty's Government to their Address of the 20th January last, in which Her Majesty has been graciously pleased to accede to a request from this Council, that a portion of the trophies taken by the British Troops during the late Crimean War might be presented to Her Majesty's loyal subjects of this Province"

The hon gentleman remarked that our Gracious Sovereign had in this instance, as on all similar occasions displayed a desire to meet the wishes of the colonists, and her graceful accession to the expressed desire of the colony required an acknowledgment such as was contained in the motion which stood in his name

The motion was carried

ANNEXATION OF TERRITORY

The Hon A Forster had much pleasure in moving, pursuant to notice, a resolution expressing the gratification of the House at the steps proposed to be taken by Her Majesty's Government for annexing to this province the territory lying between its western boundary and the eastern boundary of Western Australia The hon gentleman said that such a proceeding would afford gratification to all colonists, as if the territory were not of present benefit, it would be at some future time It would be a subject of regret that any territory should be annexed which might afterwards be claimed by another colony, but the territory in question lay so far beyond the jurisdiction of New South Wales, that it could be of no material benefit to that colony Besides, it was obvious that police protection could be most efficiently and economically afforded by the nearest Government Then South Australia possessed harbors adjoining the territory in question, which belonged naturally to this province, and it was therefore, no act of aggression to attempt to annex it It was gratifying to think that there was a prospect of adding so extensive, and possibly valuable a tract of country to our own, which stretched six degrees north, and three degrees in a westerly direction, and contained more than 80,000 square miles, a great portion of which was likely to be available for the use of flocks and herds

The motion was carried

ADDRESS TO HER MAJESTY.

The Hon J Baker moved—

"That a congratulatory address be presented to Her Majesty on the occasion of the marriage of Her Royal Highness the Princess Royal of England with His Royal Highness Prince Frederick William of Prussia"

The hon gentleman did not consider that a Select Committee was necessary to prepare the address If he might be allowed to suggest a course to be pursued, he would wish to take the sense of the House on an address prepared by himself, and he would move that the House should resolve itself into a Committee of the whole, and for this purpose would move the suspension of Standing Order No 38, that the address should be taken into consideration The hon gentleman then read the address

The Hon H Ayers seconded. He would remark, in addition, that the hon gentleman who had moved the address was now about leaving South Australia for England, and he thought the opportunity was a suitable one for appointing him as their messenger to carry the address to Her Majesty He moved the suspension of the Standing Orders to enable him to give notice of motion on the subject

Leave granted

The Hon A Forster was happy to express his concurrence with the preceding speaker on the subject of the address, and he also concurred with him in the proposition to confide the custody of the address to Mr Baker, on the occasion of his sailing for England Such a course was not without precedent, as in the case of the Mayor of Melbourne

The Hon. J Baker, in reply to the observations which had fallen from Mr Forster, remarked that he was shortly about to visit England, and he would be happy to be the vehicle of conveying the congratulations of the colonists

The Hon H Ayers obtained permission to amend the following resolution, which stood in his name, viz —

"That the days and hours of the Council's meetings for the despatch of business be taken into consideration"

He remarked that Tuesday, Wednesday, and Thursday in each week, at 2 o'clock, were convenient times, and judging from his experience of the last session, they could not do better than continue that arrangement.

He then moved—

"That the days of meeting of this Council be Tuesdays, Wednesdays, and Thursdays, in each week, at the hour of 2 o'clock"

Carried

CONVICTS FROM SWAN RIVER

The Hon Mr Morphett wished to ask a question from the Chief Secretary, as to whether he was aware if the three men who had been lately committing highway robbery, and who were convicted and sentenced to six years penal servitude in this colony, were prisoners of the Crown illegally at large, and belonging to the province of Western Australia The hon gentleman was of opinion that, under such circumstances, they should be sent back to that colony, instead of remaining here at a cost to this Government

The Chief Secretary said he would make enquiries, and report to the House

THE GOVERNOR'S SPEECH

The Chief Secretary moved the suspension of the Standing Order, No 38, for the consideration of the present address, in reply to the speech of His Excellency

The Hon H Ayers in moving the Address, would make a few remarks He regretted in the speech of His Excellency that there was no allusion to the present depression in trade, but, on the contrary, a congratulation on the satisfactory state of the finances of the colony Perhaps the Government did not consider the omission important, but there was no closing their eyes to the fact, that the present commercial depression had been unequalled for many years past He had endeavoured to discover the cause, and he imagined it might be traced to the excess of imports over exports In the half-year ended June 30th, the imports amounted to 842,986*l*, and the exports to 524,017*l*, leaving a difference of 308,969*l*, and this in a population of 110,000 souls The cloud which was hanging over the commercial horizon was further affected by a dull season of the year, and a peculiarly restricted market for discounts, and all this depression was in the face of a very flourishing revenue No doubt this state of things would pass away, for the overstock of goods would deter consignors from shipping, and consequently the excess of supply would be reduced The hon gentleman remarked that on the subject of railway communication he had felt it his duty to oppose the measure brought in by the Government during the last session, but the expression of public feeling had convinced him that the colonists at large were strongly in favour of the extension of this line to Kapunda, and he felt disposed now to give that measure his support. The question of an assessment on stock should be approached with caution So important an interest as that of the flockowners should not be made the subject of hasty legislation, and he thought a strong case should be shown in favour of the necessity of such a tax With regard to the Real Property Bill, which His Excellency had commended there was no information furnished by the Government which proved that the Act was working efficiently and completely Indeed, so far from this being the case, capitalists refused to lend money on property which had been brought under the Act The hon gentleman concurred with the Government in the opinion that it would be unwise to interfere with the arrangements passed last session relating to the Distillation Act

The Hon A. Forster would follow the hon gentleman in an expression of regret and surprise that the Government had not made allusion to the commercial depression at present existing It was possible that the abounding wealth of members of the Administration had prevented them feeling the monetary difficulties under which the public were suffering, but they could scarcely have their eyes entirely closed to the effects felt in commercial circles Such a reference would have been most appropriate, and it was a matter of regret that it had not been made It was also matter of regret that Government had not taken the trouble to supply themselves with information on the subject The speech from the 5th to the 7th clause contained the following remarks —

"I congratulate you that the indications of substantial prosperity, to which I have on former occasions alluded in addressing you, continue to manifest themselves

The imports and exports have increased during the past year in a sound proportion, and our Revenue has exceeded the estimated amount

"In further confirmation of this favorable view of our financial position, it appears by our latest advices that South Australian Government Securities, bearing interest at 6 per cent, have realised a premium of upwards of 10 per cent in the London money market This latter circumstance may be regarded as satisfactory evidence that the position and prospects of the colony are generally understood and appreciated abroad as well as at home"

This statement was not borne out by figures and facts, and was wanting in that necessary confirmation Referring to the difference between the imports and exports the hon gentleman remarked that the excess of the former had nothing to do with the tightness of the money market and the general welfare of the colony The export of wool amounted in the first half year of 1857 to £404,928 against £447,372 in 1858 The export of copper in the first half of 1857 amounted to £220,801, and in 1858 to £167,535, showing a falling off in this particular of £53,266 Then, in the article of breadstuffs a considerable deficiency was manifested, the exports in the first half year of 1857 being £276,237, against £146,680 for 1858, showing a deficiency of £129,557 for this half year Then the reduction in the price of wool in England would cause a loss to sheepfarmers here of more than £..,000, and the total deficiency could not be estimated at less than £237,843 The imports and exports certainly did not bear a fair proportion Contrasting the depressed state of the community with the present state of the revenue, it was to be considered that the wealth of a Government was an abstraction of wealth from other portions of the community Lands were forced into the market with the object of raising a

revenue, and frequently these lands were sold from under the feet of the squatters. The cause of the depression might be traced in some measure to the banking system which was not sufficiently expansive to meet the increasing requirements of commerce. The accommodation which would have been sufficient four or five years ago was not sufficient now. But more than this the banking capital in the colony had proceeded at a ratio inverse to the number of the population. For example, in 1853, the total coin and bullion in all the banks was £1,319,000, with a population of 67,000; in 1855 coin and bullion were £782,817 with a population of 96,982; in 1856, coin and bullion were £414,362, for a population of 104,230; in 1857, coin and bullion £347,772, against a population of 109,917; and in 1858, coin and bullion were £319,110, with a population of 112,000, showing a yearly increase of population, and a yearly diminution of coin and bullion held by the banks. At the present time the banks had not available funds to meet the wants of our increasing community.

The Hon. Mr. HALL rose and requested that the hon. gentleman would simplify the matter, and separate the question of amount of coin from the amount of bullion.

The Hon. Mr. FORSTER would give the hon. gentleman the advantage, especially as he was a manager of one of the Banks of the colony; he would simplify the matter by describing the total capital as bullion alone. He believed that the Banks had afforded the colonists accommodation to the utmost limit of safety. The existing depression he attributed to the circumstance that the Banks had not funds enough at their command to meet the growing wants of the colonists. It was well known that latterly bills had been refused to the amount he would say of thousands and tens of thousands of pounds, which had the Banks had more money at their command would not have been refused, and he believed that for years past they had granted accommodation to the extent of their whole available means. In making those observations he was desirous of shewing that the imports and exports did not bear a fair ratio to each other during the latter portion of the financial year; that the present depression was not the consequence of any serious difficulty but arose chiefly from the banks not having the means to afford accommodation in accordance with the increased demand. With regard to the main road question alluded to by His Excellency in his address, he (Mr. Forster) perceived that an allusion was made to legislation by resolution: upon the subject of legislating by resolution that House had fully and freely expressed its opinion last session, and although he did not expect that the present Government would endeavour in the face of the clearly expressed opinion of that House to establish such a principle, he trusted that whatever resolution was introduced, would be introduced so as to have the effect of forming rather the basis of legislation, than legislation itself; as otherwise he should be compelled to oppose any attempt on the part of the Government to legislate in that particular manner. He held it to be a sound principle that no branch of the legislature should legislate upon any question without submitting the question for discussion to the other branch.

The Hon. Mr. BAKER agreed with the hon. gentleman who had last addressed the House, that some allusion should have been made to the present commercial position of the colony; but he thought that gentleman had scarcely taken a right view of the question. With reference to the capital of the Banks, he (Mr. Baker) did not think that the amount of bullion was the sole evidence of the amount of capital; there were other circumstances to take into consideration, for instance the state of the accounts with establishments in England; in many cases large balances might be standing to the credit of Banks here, which of course would swell the amount of the means of those establishments. He agreed, however, that there had not been a commensurate increase in the circulating capital of the Banks considering the great increase of our population, for what was adequate years ago for the wants of the community was found inadequate now. Again, it might have been in some instances that the Bank authorities had been led into transactions which compelled them to occupy positions as merchants themselves by which they might have made great losses, and transactions of that character would naturally have an injurious effect upon other Banks. The truth would be found perhaps, that there had been excessive shipments upon which large advances had been made, and that the Banks were now compelled to curtail accommodation. As an instance of this, some two or three days ago he met a gentleman, who denounced the conduct of the banks as most atrocious to him individually, that they (the Banks) had actually discounted his paper to a very large amount, and, as he said, refused to go on. (A laugh.) It was such cases as these that had had the effect of bringing about the present limit of accommodation. He thought, however, that the depression was merely of a temporary nature, and would have the effect of introducing more money in the colony, when the present state of things would soon cease to exist. He understood the hon. gentleman (Mr. Forster) to say there was a falling off in the exports of wool, whereas on the contrary, there had been an increase; and as to the fall in the price of wool, it must be remembered that the price of that article had ruled very high of latter years, and they must look forward to a further depression in the market. He was certainly surprised that no allusion had been made to this circumstance, as it would be calculated at least to allay alarm. He thought, too, that the all important question of education should have been touched upon especially as the Ministry had already promised to deal largely with that question. With regard to the question of legislating by resolution, the House would remember that the first Ministry were turned out upon that question, and doubtless the present Ministry deemed it wise to ascertain how far they could go in committee before bringing forward the great road question. There was another question that he would mention and that was the question of Free Distillation. He certainly thought that this important matter demanded serious consideration. The public had been led to expect some measure which would meet the growing requirements of the colony in this respect. There was no question of more vital importance to the colonies generally, and the wine-grower particularly, as little would be done in this branch of agriculture until some measure was passed which would enable the wine-growers of this country to compete with other countries for the production of wines suited for the English markets. He did not think that the falling off of the revenue returns for spirits was sufficient reason for shelving the question. Free distillation must come sooner or later. The population of South Australia would have it. He had a letter recently from England, which he regretted he had not with him, in which it was stated that it was not the light wines, such as hocks, clarets, &c., which were required for the home market, but strong bodied wines which cannot be made without the assistance of the still; and he trusted the Government would turn their serious attention to this subject without delay. He for one would gladly submit to the infliction of a property-tax to make up any deficiency which might arise in the revenue consequent upon the passing of the measure, and should the Government omit to reconsider the matter and meet the views and necessities of the case, he should deem it his duty to take the opinion of the Council upon the subject. As to the Real Property Act mentioned by the hon. member (Mr. Ayers), that was a subject of the greatest importance; the Act he had been informed was so incomplete and unworkable that it would require great alterations to render it an effective measure. The Act was of a most sweeping character, affecting or repealing almost every Act which existed in the province; he had also been informed that the cost for placing an estate on the register would be enormous, and although lawyers were proverbially good hands in making a long bill, he had been informed that under the Act the costs would be far heavier. That the Bill was good in principle there could be little doubt, but to go on in the face of difficulties which the Act presented, was folly.

The Hon. Mr. FORSTER begged to explain. He had been informed by the Registrar that the Bill was working most satisfactorily, and that very little alteration was required to perfect it.

The Hon. Mr. BAKER resumed.—As to the waste lands of South Australia, he considered the regulations most unsatisfactory and such as required the immediate attention of the Government. He considered the auction system was very unjust to the squatter. He knew a country at the present moment which he would be willing to spend money upon for improvements if the system rendered the purchase secure at a fair rate. At present there was no surface water on it, and were any person to make an outlay for sinking wells, though he could secure a lease for 14 years, there was no guarantee that the run would not be immediately put up to auction. Again, on the score of discovery it was difficult to ascertain what constituted a discovery under the present regulations. He held that "discovery" was giving information to Government of the existence of land not before explored; but under the present regulations it was left to the discretion of the Government to declare what was and what was not a discovery. This principle was unfair to explorers, as there was no limit or rule to guide the explorer in his claim. Government should mark out on maps the present boundaries, and should any individual subsequently discover any other portion of territory, he should be entitled to the benefit of it even although it was just without the boundaries marked out. He deemed it his duty to call attention to the matter, so that the present land regulations might be discussed with the view of adopting measures for the removal of the objections to which he had called attention. As to the defences of the colony, that was a question which required much consideration. He thought that the means of the colony were not adequate to undertake the expenses of erecting fortifications, and indeed they could hardly be expected to do it.

The Hon. Mr. MORPHETT said that as the motion was in reply to the speech of His Excellency the Governor, he must express his opinion that a more dove-like document could not be conceived. (Laughter.) It was delightful the mesmeric influence which must have been exercised by the hon. the Chief Secretary over the Committee who acted with him in framing the reply. Messrs. Baker, Ayers, and Forster had been all on the Committee. Each of the hon. gentlemen of the Committee had addressed the House, and he (Mr. Morphett) could only remark that if they had said one-tenth on the Committee of what they had said to the House they would have had an address much more suitable to the dignity of the House. He confessed he looked upon the document with contempt, for it was not merely—as such documents when adopted by other Legislatures usually were—a mere echo of the speech, it had been, item by item and paragraph by paragraph, an echo. He could

have understood it but it was a succinct and short and ought to have been a valuable document but now many important points had been taken up by hon gentlemen who ought to have brought these matters up before in the Committee Mr Baker and Mr Ayers had both during the last session expressed themselves strongly in reference to the extension of railways, and yet in this most mild and beautiful address there was no allusion whatever to railways They might go to Kapunda or anywhere else but there was not a word said about them Again, the address congratulated the colony on the extent of its imports but the Hon the Chief Secretary ought to know that the extent of our imports was not a matter for congratulation Imports were a drain upon this colony and a loss to the merchants and shippers from England, although he admitted that their excess was in a great measure owing to excessive orders from this country However it appeared that the Committee considered this a matter for congratulation The Chief Secretary had also announced that there was a large available balance for public works

The Hon the CHIEF SECRETARY reminded the hon member that the speech was that of His Excellency the Governor

The Hon Mr MORPHETT was quite aware of that but still he believed he was acting in accordance with Parliamentary usage

The Hon the CHIEF SECRETARY had only mentioned it as a matter of form

The Hon Mr MORPHETT continued—The hon the Chief Secretary had said that there was a large balance available to be expended in public works What were these public works to be? He (Mr Morphett) thought it would be more just to expend the balance in lieu of the proposed assessment on stock for he presumed this assessment was necessary in order to meet some payment As he thought it would be very unjust and very unwise to impose it unless there was some large deficit or some large expenditure to be met They were told however that there was a large balance The Hon Mr Forster in his speech on this subject had as he (Mr Morphett) thought inconsiderately arrived at rather an unjust conclusion when he referred the present state of the colony to the condition of the Banks which he compared with their condition in 1853 He (Mr Morphett) thought that the Banks had at present coin in their possession in accordance with the sound principles of banking, or rather in excess of that amount The hon gentleman had said that there was not as much coin in the Banks now as there was in 1853, but did he remember that 1853 was the year of the gold escort, and that the coin in the Banks then was that deposited by the successful gold-diggers To compare this quiet time with the wealthy time of the gold escort was most unjust But he could congratulate the Council in connection with this subject, on the fact that there was another Bank about being established, and he thought the hon member (Mr Forster) had something to do with the new Land Bank

The Hon Mr FORSTER must correct the hon member He had nothing to do with the Land Bank or any other bank

The Hon Mr MORPHETT resumed He was not prepared to move any amendment on the address He could only say that since it had come before them it was not a very creditable document, and he did expect that better consideration would have been given to the important subjects which had been alluded to

The Hon Mr BAKER, as a member of the Committee could only say in reference to the subject of Railway construction, that although the address did not allude to it he had not altered his opinion on the subject He held now the precise views which he held when he recorded his opinions on the matter before, but he thought the question had been virtually decided when the Council had consented to the extension beyond Gawler Town, and that it would therefore not be necessary to bring about any angry discussion on the point It was not a very usual accusation against him (Mr Baker) to say that he was too dove-like (Laughter) All the things which had been mentioned had been spoken of in Committee, but it was considered better that the address should be too dove like than that, in a reply to a speech of Her Majesty's representative there should be any difference of opinion and perhaps much time wasted in consequence He was very happy to find that the hon gentleman (Mr Morphett) could not say anything more against the address than that it was too dove-like (Laughter) He was glad that hon gentleman could not move an amendment, and that with all the desire and inclination which he possessed to do so he could not suggest the alteration of a single word He would conclude by again stating that all these matters had been considered in Committee

The Hon Mr FORSTER, as a member of the Committee would also state that various matters which the hon member (Mr Morphett) had said were not mentioned he would find referred to if he would read the last clause [The hon member here read the clause]

The report of the Committee was then brought up and

The Hon Mr AYERS moved that the report as agreed to by the Committee, be adopted as the address of the Council in reply to His Excellency's speech that it be presented by a deputation of the Council to His Excellency at such time as His Excellency may appoint, and that the deputation be headed by the Hon the Chief Secretary owing to the indisposition and unavoidable absence of the Hon the President, in consequence of indisposition

The motion was agreed to, and the House adjourned to 2 o'clock next day

HOUSE OF ASSEMBLY

TUESDAY, AUGUST 31, 1858

The SPEAKER took the Chair at three minutes past one o'clock at which time the members in attendance were the Honorables the Attorney General the Commissioner of Public Works, the Commissioner of Land and Emigration, Messrs Macdermott, Duffield Peake, Reynolds, Strangways Barrow Mildred and Hawker

GEOLOGICAL SURVEYOR

Mr MACDERMOTT gave notice that on Wednesday, September 8th he should move—

"That an Address be presented to His Excellency the Governor-in-Chief, requesting that a sufficient sum may be placed on the Estimates to secure the services of a Geological Surveyor, with special reference to his knowledge and experience in boring for water on the Artesian principle and that an efficient party may be organized to be permanently employed in boring in such localities as he may indicate, as offering a reasonable prospect of success under such regulations as His Excellency in Executive Council may from time to time approve.

STANDING ORDERS

Mr REYNOLDS said the House had been taken by surprise by the new Standing Orders which had been adopted They were very different from the Standing Orders of last session, and it would have been far better at least it was thought so by many hon members that the Standing Orders of last session should have been adopted instead of the very voluminous Standing Orders which had been substituted, so voluminous that it would take hon members at least a month to understand them He did not know if he would be in order in bringing forward a motion to rescind the resolution adopting the new Standing Orders, but he repeated that the House had been taken by surprise by their adoption, and he was desirous of bringing forward a motion to rescind them

The SPEAKER was understood to say that the new Standing Orders would probably be taken into consideration that day week

RAILWAY COMMISSIONERS

Mr REYNOLDS gave notice that on Friday next he would ask the Honorable Commissioner of Public Works (Mr Blyth) whether any explanations had been furnished by the Railway Commissioners in reply to the queries of the Auditor General on the railway accounts of 1856—forwarded to the Commissioners on or about October last wherein the Auditor General has pointed out to the Commissioner of Public Works that a sum exceeding £30 000, purporting to have been paid to workmen, has not been properly vouched for by the receipts of the parties represented as being paid, what has been the nature of the explanations (if any), and whether he has approved the accounts

That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) whether any inquiry has been instituted into the charges made against certain parties on the Railway, as having had an interest in some contracts on the line, the names of the persons making the inquiry and the result

INTERCOLONIAL TELEGRAPH

The COMMISSIONER of PUBLIC WORKS laid upon the table Telegraphic Regulations and scale of charges in connection with the Intercolonial Telegraph, remarking that he would not move that they be printed as they had already appeared in the *Government Gazette*

LAND ON RAILWAY LINES

The COMMISSIONER of CROWN LANDS laid upon the table a return, moved for by an address to His Excellency, No 23 during the last session, showing the quantities of unsold land on the proposed lines of railway and moved that it be printed

LAND DISCOVERED BY SURVEYORS

Mr PEAKE gave notice that on Wednesday 8th September, he should ask the Commissioner of Crown Lands and Immigration (Mr Dutton) if any Waste Lands of the Crown recently discovered by the officers and at the expense of the Government of this colony, have been leased by private treaty and, if so, what lands have been so leased, and to whom, and on what conditions Also, what portion (if any) of the Waste Lands of the Crown so discovered have been offered by public auction, and what was the result of such public auction

STANDING ORDERS

Mr STRANGWAYS gave notice that on the following day he should move that the new Standing Orders be discharged, and that the Standing Orders of last session be adopted until the new Standing Orders which had been prepared had been considered and approved by the House.

SUPPLEMENTARY ESTIMATES

The TREASURER laid upon the table Supplementary Estimates for the colony for the present year and gave notice that he should move their consideration in Committee on Tuesday next.

REPLY TO HIS EXCELLENCY'S ADDRESS

The Attorney-General laid on the table the proposed reply to the address of His Excellency the Governor in Chief, upon the opening of Parliament and moved in accordance with the Standing Orders that it be printed and taken into consideration in connection with the Orders of the Day on the following day. His object in having it printed was that honourable members might have an opportunity of perusing the proposed reply before the question was brought under discussion.

Carried.

CONGRATULATORY ADDRESS TO HER MAJESTY

The Attorney-General moved pursuant to notice —

"That a congratulatory Address be presented to Her Majesty on the occasion of the marriage of Her Royal Highness the Princess Royal of England with His Royal Highness Prince Frederick William of Prussia."

He did not think it necessary to occupy the time of the House further than by a few brief observations. He could hardly imagine that any person would object to a recognition on the part of the House of the alliance which had taken place, it being a matter of great interest to that House as representing the community of South Australia. They must all feel a deep interest in whatever affected the welfare of the country of which they were still citizens, or of the Royal lady who presided over the destinies of that State. In one respect, perhaps, this was a matter of private consideration, affecting the personal and individual interests of the persons immediately concerned, but at the same time it had another and a wider aspect. It was an alliance affecting not only the Prince and Princess, but it was an alliance with a country over which the Prince would in all probability one day be called to govern, and the house to which the Princess belonged. On all grounds, not only of usage but as expressing the feelings of hon. members, it was right that they should offer congratulations upon the occasion such as had been offered by all similar bodies throughout the British dominions. The hon. gentleman concluded by reading the address, which was as follows:

"May it please your Majesty,

"We, your Majesty's loyal subjects, the House of Assembly of South Australia, avail ourselves of this earliest opportunity, to offer our heartfelt congratulations on the marriage lately solemnized between your royal daughter, the Princess Royal of England, and his Royal Highness the Prince William of Prussia.

"We trust that this suitable and auspicious union, while conducing under the Divine Providence to the happiness of Her Royal Highness, may cement the bonds of alliance between two powers long connected by treaties, and may tend to secure a continuance of our peaceful relations with the States of Europe."

The Treasurer seconded the motion.

Mr. Reynolds would like to make one or two remarks before the resolution was put. It was a very interesting matter, and one not merely very gratifying to the Government of this colony, but very gratifying and satisfactory to the members of that House. At the same time he could not help remarking upon the vacillating policy of the Government of that country, a Prince of which was now united to one of England's daughters. It had been supposed in consequence of a crowned head of Prussia being connected with a crowned head of Russia that that had something to do with the vacillation of Prussia, but he now hoped, as the royal family of Prussia had become united with the royal family of England, that instead of vacillation Prussia would now take a more prominent and determined part in the politics of Europe. He had hoped that the Attorney-General would have allowed a gentleman who represented the country with which England had formed an alliance to propose the motion, and that his honorable colleague, the Commissioner of Crown Lands, would have moved the address, but perhaps after all it was better that the Attorney-General should have done it himself, because it might have been considered bad taste on the part of the representative of Prussia. (Laughter.) If report spoke truly the Commissioner of Crown Lands was the representative of the Prussian Government. (Renewed laughter.) He confessed he felt some surprise when he heard it, but as the House were probably aware, he merely stated public rumour when he said that the honorable the Commissioner of Crown Lands was the Prussian Consul. He had hoped on the present occasion that that honorable gentleman would have appeared in official uniform, with cocked hat and feathers, to give proper weight to the address which it was proposed to present to Her Majesty upon the occasion of the marriage of one of her daughters with a Prince of Prussia. Perhaps the Attorney-General thought that the remarks contained in the address were so complimentary to Prussia that the representative of that country might have hesitated to propose them, or probably he expected the Hon. the Commissioner of Crown Lands to respond. At all events, and under all the circumstances, he thought there would have been bad taste in the Commissioner of Crown Lands moving the address, for he repeated that he merely stated public rumour when he said that the hon. gentleman was the Prussian Consul, and also the representative in that House of Her Majesty's Government. This was a close alliance — should they call it a holy alliance? (Laughter.) He had been induced to make these remarks in the hope that the Commissioner of Crown Lands would duly respond.

Mr. Peake regretted that the hon. member for the Sturt had made the remarks which he had, as they clearly referred to a matter which had no connection whatever with the subject under discussion. What possible connection could there be between the appointment of the Commissioner of Crown Lands to the office of Prussian Consul, and the presentation of a complimentary address to the Queen upon the marriage of her daughter? He hoped that the subject to which the hon. member for the Sturt had alluded would be dropped for the present, however much it might be discussed at a future time, and that the House would at once vote the address, which as loyal subjects they were bound to do. He was convinced there was no British subject in that House or in the colony who would not cordially endorse the loyal and fervent aspirations contained in the address. He was sorry that any irrelevant matter had been introduced into the discussion.

Mr. Burford fully agreed with the hon. member who had just sat down that it was most improper to mix up the two questions which had been referred to. He was sorry that the hon. member for Sturt had made any allusion to the vacillating policy of Prussia, as Prussia did not stand alone in that respect; in fact he would not be the man to stand up in defence of his own country on the score of vacillating policy. (Laughter.) Where it was thought that a vacillating policy would answer best he never yet knew the Government that would not adopt it. (Renewed laughter.) He hoped the present Ministry would prove an honorable exception, and that they would not adopt a vacillating policy, but go forth in earnestness, determination, and sincerity. He trusted that all irrelevant remarks in connection with the subject under discussion would cease.

The Attorney-General would merely say one word, and that was to express his regret, and perhaps he might say his surprise at the tone which had been adopted by the hon. member for the Sturt. Whatever of personal feeling he might have anticipated in the conduct of that hon. gentleman, he had trusted that an occasion like the present would not have been sullied by an exhibition of feeling of that sort. He could not help expressing the surprise and regret which he felt at being disappointed in that reasonable expectation.

The Speaker put the motion, which was carried.

ANNEXATION OF TERRITORY

The Attorney-General moved —

"That this House views with satisfaction the steps proposed to be taken by Her Majesty's Government to annex to this province the territory lying between its western boundary and the eastern boundary of Western Australia."

He did not know that in introducing this motion it was necessary to do more than make a very few remarks. The House was probably aware that between the western boundary of this province and the eastern boundary of Western Australia there was a tract of country which was nominally included in New South Wales. Practically it was almost impossible that any efficient Government of that country could be exerted by New South Wales. No power by the colony by which the territory was nominally possessed, could be exerted for good, whilst at the same time, the exercise of legal authority by any other State or community was prevented. His Excellency the Governor in Chief called the attention of the legislature to the circumstance, and that House and the other branch of the legislature presented addresses to Her Majesty asking for a removal of the difficulties which might arise from such a state of things, and that the country situated as he had described, might be annexed to South Australia. It was with great satisfaction, he was sure, that the House had learnt from His Excellency's address that the Government at home had recognised the reasonableness of the request, and were prepared to initiate a measure for the annexation of the territory to this colony, but courtesy to New South Wales rendered it necessary that that colony should be consulted, and this had created some delay prior to steps being taken to carry out the arrangement.

The Commissioner of Crown Lands seconded the motion.

Captain Hart was glad to hear the Attorney-General state that the important piece of country referred to was about to become a portion of this province. He believed there would be found in that space of ground some most important sheep-runs, probably as important as any in the country. There was no question that the spot could only belong to South Australia, as the only port available was Fowler's Bay, after which for a distance of 400 or 500 miles to the west, there was no place where a ship could anchor at all. He felt convinced that some very valuable discoveries would be made in the neighbourhood of Fowler's Bay, as the change of country in the vicinity was very apparent, and from there to Cape Arid the cliffs were 600 or 700 feet in height. No doubt the table lands inside would be found of great value to the pastoral interests of the colony, and he greatly rejoiced that the Home Government consented to annex the spot to South Australia.

The Speaker put the motion, which was carried.

CRIMEAN WAR

The Attorney-General, in pursuance of notice, moved that an Address be presented to Her Majesty, thanking her for the promise made by Her Government that this province

shall receive a portion of the trophies of the Crimean war He did not think it necessary to say one word in recommendation of this motion, because he believed it would commend itself to the universal feeling of the House He should, therefore, content himself by simply moving it The hon gentleman then read the Address, which was as follows, and moved its adoption —

"May it please your Majesty—We, your Majesty's loyal subjects, the House of Assembly in South Australia, have learned with much satisfaction that your Majesty has been graciously pleased to direct that a portion of the trophies won by the valour of your troops in the late Crimean war should be presented to this province

"We beg to offer to your Majesty our grateful acknowledgments of the interest thus shown in this dependency of the empire, and we shall carefully preserve these trophies of war as mementoes of the glory of our mother country"

The COMMISSIONER OF CROWN LANDS seconded the motion, which was agreed to without discussion

GOVERNMENT BUSINESS

The ATTORNEY-GENERAL moved that on Tuesdays and Thursdays, during the present session, Government business shall take precedence of all other business

Mr STRANGWAYS called attention to a point of order The notice had been given by the Attorney-General verbally for Tuesday and Friday, but it appeared on the paper for Tuesday and Thursday He was not aware whether the Attorney-General erred when he read the motion or whether he subsequently altered the notice

The SPEAKER said the mistake arose in the Attorney-General's reading, as the notice was written as it now appeared on the notice paper

The ATTORNEY-GENERAL had selected Tuesdays and Thursdays for the dispatch of Government business, because he believed they would be found the most convenient By this arrangement a day for the dispatch of general business would intervene between the days devoted to Government business Thus if important business happened to be postponed in consequence of a pressure of Government business upon a Government day, it might be taken on the following day without interfering with business of equal importance This had been the practice of South Australia since there had been an elective legislature, with the exception of last session, when the arrangement was altered, and the experience of last session had fully shown that Tuesday and Thursday would be more convenient than Tuesday and Friday

The COMMISSIONER OF CROWN LANDS seconded the motion

Mr REYNOLDS did not rise for the purpose of offering an objection to any particular plan which the Government might deem it expedient to adopt, but would point out that there were some exceedingly important motions for Thursday next, and wished to know if it were intended that Government business should take precedence on that day He did not wish to offer any unnecessary opposition to what was proposed by the Government, lest this should be construed into personal feeling He regretted that such had been the case when he previously addressed the House, although so far from having been influenced by any such feelings, it was in fact a most kindly one Presuming that the Government did not intend to put any business on the paper for Thursday next, he had no objection to the proposed arrangement

The ATTORNEY-GENERAL was not aware of there being Government business for Thursday, but if such were the case it could be postponed till the following Friday

Mr REYNOLDS had much rather that the Government should give way, and say that no Government business should be entertained on Thursday next

Mr BURFORD had given notice of a motion for Friday next, and was not aware until that morning that it had been set down for Thursday

The SPEAKER put the motion which was carried

HOUR OF MEETING

The ATTORNEY-GENERAL moved—

"That, during the present Session, this House do meet for the dispatch of business on Tuesdays, Wednesdays, Thursdays, and Fridays in each week, and that the hour be 1 o clock"

He imagined there would be no difference of opinion as to the days upon which the House should meet for the dispatch of business, and the purposes of legislation, but there might be considerable difference of opinion as to the most convenient hour In order to open up discussion upon the point he would move in the first instance that the hour be 1 o clock, upon which the hon member, Mr Bagot, would move as an amendment, of which he had given notice, that the hour be 5 o clock He had originally intended to vote for 5 o'clock as the hour of meeting, but he had since ascertained from the statement of a number of the members of that House that if 5 o clock were fixed it would interfere greatly with their private arrangements and prevent them from giving that attention to their legislative duties which they were desirous of devoting to it, and which the country expected He felt that he had no right in a matter of mere personal convenience to himself, to attempt to carry out an alteration which would have an effect of that character He should therefore move that the hour of meeting be one o clock in order that it might be made a subject of amendment if considered desirable

The COMMISSIONER OF PUBLIC WORKS seconded the motion

Mr BAGOT rose to move the contingent notice of motion standing in his name, that the hour of meeting be 5 o clock He had hoped, in fact he had reason to hope that the hour which he proposed would have been supported by the Attorney-General and by the array of Government officers but after what had fallen from the Attorney General he, of course, could not now hope for the support of that hon gentleman or his colleagues But although the hour he had proposed might be inconvenient to some, he felt assured that it would be found much more convenient to the majority of those whom it was desirable to have in that House, than the hour which had been named by the hon the Attorney-General There were many reasons to be given why 5 o'clock was the most desirable hour He would call attention to the analogy between 5 o clock and the hour at which other Parliaments and other Assemblies met There was no Parliament in the world, that he was aware of, which was in the habit of meeting at such an hour as that which the Attorney-General had proposed, or at which the Parliament of South Australia had been in the habit of assembling In the Australian colonies, in Canada, and he believed in the United States they all met at an hour much later than that which the Attorney General had named He was aware that there had been some discussion upon the point, but he wished to shew that notwithstanding the discussion which had taken place in the public prints, the hour which he suggested was preferable, and he did not think that they should be coerced by any opinion expressed through such a quarter, no matter how strongly or personally opinions might be put forth in the public press He had heard it said that if this motion passed, and the House agreed to meet at 5 o clock, it would become an evening debating club, and that the measures would not be so good as the country had a right to expect, as they would be discussed and passed whilst members were suffering from dyspepsia (Laughter) It was said that legislation after dinner was not good (Renewed laughter) As to the House being turned into "an evening debating club," the Parliaments of England, Victoria, Sydney, America, Canada, and other places did not meet till nearly the hour he had named, and they were called upon to consider questions of very great importance, nearly as great as were brought under the consideration of that House (Laughter) Yet he had never heard of their being turned into evening debating clubs, nor had he heard that the members were subject to dyspepsia, nor that they failed to pass good measures in consequence of meeting at so late an hour The fact was, that the vital portion of the question had not been touched The vital point was, whether men of business, whom he wished to see as representatives in that House, could, or would, offer themselves as candidates for legislative honors and attend to their duties when elected, if the hour of meeting were one o'clock It was well known that there were at that moment constituencies vacant, and it was an exceedingly difficult thing to get really suitable candidates to present themselves He regretted that such should be the case under responsible government, but it was so He believed that a great cause of men of business not presenting themselves was that hitherto, in consequence of the hour of meeting, some of the best business hours of the day were taken out (No, no, hear hear, ironically) Of course he would not expect that those hon gentlemen who intended to vote against him would give him anything but an ironical "Hear, hear" He believed that very many more men of business would look for seats in that House if the hour of meeting were 5 o clock because, if that hour were fixed, business men would be able to finish their business before attending the House With regard to himself, although personal motives had been imputed to him, he had not been induced to bring forward his motion from any personal considerations, but he would admit that the hour of meeting which had been hitherto adopted had been felt by him most inconvenient, although he had always put up with that inconvenience He would defy any one to say however pressing his private engagements had been, that he had ever shrunk from the performance of his public duties His object in endeavouring to bring about an alteration in the hour of meeting was that men of business might be induced to come forward, and that the representation of the country might not be almost exclusively confided to large and independent capitalists whose time was entirely in their own hands He wished to see men of business as representatives, capable of carrying on the business of the country as it should be Unless the suggestion which he had made were adopted, he felt assured that the only parties who would offer themselves as representatives would be gentlemen and large capitalists who were looking forward to advancement From the feeling which had been expressed by the House he did not expect to carry his motion, but he hoped the House would give him credit for having brought it forward from no other desire than that the public should be benefited

Mr BARROW intimated that he should support the motion of the Attorney-General, although if the hon gentleman had moved that the hour of meeting be 2 o clock instead of 1, he should have supported him (Hear, hear) He claimed the indulgence of the House whilst he made a few remarks in reply to what had fallen from the hon member for Light That hon member had said that he would *not* be coerced He was sure that he (Mr Bagot) need not have given the

House that assurance, for they all knew that he never had been and never would be coerced He could not help thinking however, on looking at the notice paper, that the hon member himself had been trying his hand a little in that direction, with the view of coercing members of that House, for he had endeavoured not only that day to coerce them into an alteration of the hour of meeting, from 1 to 5 o clock, but for the following day there actually appeared a notice of his intention to take away hon members' tables (Laughter) The hon member appeared determined to be the Arbiter of their Parliamentary destinies, standing forth in that House, holding Time in one hand, and Space in the other (Renewed laughter) The hon member had grounded his opposition to the hour of 1 o clock upon the fact, that in no British Parliament were there day sittings But, admitting there were not, it was clear that day sittings had not worked badly in South Australia, for in constitutional progress South Australia was in advance of the other Australian colonies "Hear hear" He defied the hon member to point to any injurious or disastrous measures, and say "these are the effects of early sittings" The honorable member had remarked that it had been said late hours would quickly convert the House into an evening debating club, but he (Mr Barrow) did not know where that had been stated, he had certainly never seen it so stated, nor did he apprehend there was any danger of that House becoming a debating club even though the sittings were held in the evening instead of the day He believed that the business of the country would be better attended to and more satisfactorily despatched by day sittings than by night sittings The honorable member for Light had said that the vital part of the question was whether men of business should have seats in that House or not But were there not many men of business, eminent in commercial circles, and conspicuous in commercial attainments, who already had seats? (Hear, hear) He did not think that all the business members would range themselves by the side of the honorable member for Light, they would prefer 1 o'clock to 5 He should therefore support the motion of the honorable the Attorney-General reserving to himself the right of voting for 2 o clock instead of 1, should the motion take that turn

Mr Duffield had intended to have risen for the purpose of seconding the amendment of the hon member for Light He should not have enlarged upon the subject but for a remark which had fallen from the Attorney General, from which he was led to believe that hon members could not conveniently assemble at the hour which the hon gentleman had intended originally to have proposed, and that unless their convenience was consulted in determining the hour of meeting they would resign their seats He was sorry that the gentlemen who had made this threat had not made similar remarks at the hustings He should adopt the course which he presumed others would take, and vote for that hour which would best suit his own convenience (Laughter) He did not, however, say that he should resign if the House should happen to determine upon an hour which was not the most convenient to him It was a matter of little consequence to him whether the House assembled at 1 2, or 3 o clock, as it occupied the whole day for him to attend the House He was compelled to leave Gawler Town by the first train, and the House usually broke up too late to enable him to return Whatever hour might be fixed upon he should feel bound to hold his seat so long as his constituents wished him to do so

Mr Hughes was glad to find that the Attorney-General was likely to be so ably supported When the hon gentleman brought forward his motion for affirming the days of meeting without mentioning the hour, it was thought that the hon gentleman wished to consult his own convenience, and to name an hour after that at which the Supreme Court would probably have risen Hon members would remember the inconvenience which was felt last session by the inability of the Attorney General to attend to his duties in the House, and he (Mr Hughes) presumed that the hon gentleman wished to remove that inconvenience and intended to exert his eloquence to persuade hon members that the most convenient hour of meeting would be later than hitherto The hon gentleman admitted that after having consulted a number of hon members he had been induced to alter the hour to 1 o clock, in fact, it might be assumed that the hon gentleman having counted heads and not wishing to bring forward a proposition upon which there was every probability of being defeated felt bound to bow to the wishes of those who preferred 1 o clock to 5 He should support the motion for meeting at 1 o clock He had ever been in favor of meeting at an early hour, as the surest way of consulting the convenience of settlers in the country, and those residing in the suburban districts By assembling at an early hour those residing at a distance were enabled to return to the family circle without remaining in town all night If the proposition of the hon member for Light were adopted the government of the country would virtually be thrown into the hands of parties residing in the City of Adelaide He would sooner even support a proposition for meeting at 10 o clock in the morning in order that they might give a whole day to legislation when it was found necessary That would be more a step in the right direction than the proposition of the hon member for Light It had been asserted by the hon member for Light, that in no colony under British rule did legislative assemblies meet at such an hour as 1 o clock, but that was no rule for South Australia, because in most countries there was a much larger population than there was here, and, consequently, there was a much larger number of persons who were in a position to attend to Parliamentary duties That was a statement which could not be controverted It was altogether out of place to institute a comparison between the hour of meeting in the House of Commons and in that House Every one who had been in London knew that there was comparatively little difference there between night and day (Laughter) He meant that the conveniences which were afforded in that city made it a matter of very little difference whether the meetings took place by night or day He was glad that the hon member for Light, with a great deal of tact, had refrained from alluding to the Legislature of the neighbouring colony of Van Diemen's Land, for he had been informed that the scenes which too frequently occurred there, were owing to the unfortunate practice of meeting in the evening He felt that the motion of the Attorney General would be supported by the House, but if there were a proposition brought forward to meet still earlier, he should certainly support it It was their duty to give the greatest facilities to bring every class into that House, that was a more essential point than consulting their own personal convenience

Mr Peake supported the motion of the Attorney-General At the first elections hon members who had been sent to represent the various constituencies consented, upon entering that House, to a certain hour of meeting, and he thought it only fair that that hour should be adhered to till the end of the period for which they had been elected For himself he should prefer the evening sittings The hon member for Light had stated that difficulties would be experienced in getting suitable representatives for the various constituencies which were and would become vacant unless the hour of meeting were 5 o clock, but he could not see how the fact of the sittings being deferred until that hour was likely to assist in getting a better class of men than if they were at an earlier period of the day He had no doubt that every member had come fully determined for what hour he would vote, and he believed this question would be the subject of downright hard voting Such it was intended to be, and he had no doubt every one would vote as best suited his own convenience If some hon members could not attend at the hour fixed he had no doubt that at future elections the people would relieve them from all difficulty by declining to re-elect them He thought the hon member for Light had acted wisely in refraining from making any allusion to Van Diemen s Land, and was happy that the House of Assembly in this province had not yet arrived at such a pitch as the Legislature in Tasmania

Mr Burford wished to move as an amendment that the hour of meeting be 2 o clock instead of 1 (Hear, hear)

The Speaker ruled that the amendment could not then be put

Mr Burford was happy to say he was not one of those who would be influenced in his vote by any considerations of personal convenience He came to that House as a representative, fully determined to make any sacrifices for the benefit of the country which might be demanded by circumstances Personal considerations should be entirely thrown aside in the consideration of the question The sole consideration should be—how could they best discharge their duties to their constituents, with advantage to the country? He was desirous of altering the hour to 2 o clock, because he believed that the additional hour would be sufficient to enable commercial men to finish their business before coming to that House, It seemed that no hon member could bring forward a motion without having personal insinuations thrown out Thus the hon member for the Port stated that before the Attorney-General brought forward a motion, he counted heads, and if he found he could not carry it, he pursued another policy But surely the Ministry were above such a dodge, he hoped they were, and that they would enter upon the public business with earnestness of purpose, honor, and straightforwardness

The Commissioner of Public Works had been present at several debates upon this question, and he believed that meeting at 2 o clock would be found a great mistake, at all events it had been found so in a former session If he remembered rightly, it was the hon member for the Port who on a previous occasion had supported 2 o clock, and who subsequently was the first to admit that a very great mistake had been committed He believed there was no middle course between 1 and 5 o clock He was sure that neither his own eloquence nor that of any other hon member, could change the determination at which hon members had arrived All had come down fully determined, and he thought the sooner they proceeded to that "hard voting" which had been spoken of the better

The Attorney-General, in reply, would trouble the House with but few remarks He believed there was no member of the old Legislature but would admit that 2 o'clock, which had been tried, was a great mistake All were ready to grant that; the additional time secured to the individual would be very trifling, and the loss to the Legislature would be very great He believed there was no medium between 1 and 5 o clock Personally he should have been prepared to support 5 o clock He was indifferent about the motives which were imputed to him, if parties thought he was such

a coward that he was not prepared to bring forward a motion without a majority to back him, he must leave them in the enjoyment of that reflection As a member of the Government he was not justified in merely supporting that hour which would be most convenient to himself, his duty was to support that hour which he believed from enquiry to be in accordance with the general feeling of the House and most conducive to the interests of the public. If the House were to carry 5 o'clock, he believed the legislation would not be so satisfactory as it would be if they persisted in meeting at the hour which had hitherto prevailed He should feel still more bound to vote against 2 o clock than 5

The motion of the Attorney-General for meeting at 1 o'clock was carried.

Mr BURFORD was desirous of pressing his amendment that the hour be 2 o'clock

The SPEAKER ruled that it could not be put, adding that such ruling was precisely in accordance with the practice of the Imperial Parliament

MR BABBAGE'S EXPLORING PARTY.

Dr WARK moved that there be laid on the table a return of all sums of money paid or contracted for on account of the exploring expedition under charge of Mr Babbage, and the dates of such payments or contracts It would be remembered that during last session the House voted a considerable sum—he believed £3,000—for the purpose of exploration, and since that time it had been patent to every one that the money had been expended, and not only that, but a much larger sum They were in a position to know the movements of the gentleman under whose care this undertaking was carried out, they were aware of the perils which he had already encountered, and they could see that still greater perils would have to be encountered before the party could perform their task Of course, a large party required a correspondingly large sum of money to maintain them, and he thought it only right that the House should be placed in possession of a statement shewing the various items of expenditure.

Mr TOWNSEND seconded the motion

Mr HUGHES was desirous of making an addition to the motion, to which he trusted the hon mover would assent It was unquestionably most important that the House should know what money had been expended since last session, but there was another point upon which it was also desirable that they should be informed, and that was what they were likely to get for their money If the additional information would not give any considerable trouble, it was desirable it should be afforded also, the date of Mr Babbage's appointment, and a statement of the distance he had travelled in that portion of the interior, previously unexplored, at the date of the last advices received from him

Mr PEAKE seconded the amendment, as he was desirous of knowing how far Mr Babbage's ride in the bush had extended, and what were the results A large sum of money had been expended, and from rumours which were afloat, it was desirable there should be some authentic information as to what had really been achieved Unpleasant questions were sometimes put to hon members as to what had been done with the money, and he was sure the Commissioner of Crown Lands would be happy to afford all the information in his power

Dr WARK adopted the amendment

Mr BAGOT asked the Commissioner of Crown Lands, if he intended to lay tracings on the table of the House, showing the different exploring expeditions? This was done last session on several occasions, and it was found to conduce very much to make hon members understand what had been done.

The COMMISSIONER of CROWN LANDS said every possible information upon the point had been prepared, and was being printed. He hoped in a few days it would be in the hands of hon members

Mr REYNOLDS asked if the information would include tracings

The COMMISSIONER of CROWN LANDS said the tracings were not yet in hand, the reason being that further plans were expected, and at a later period of the session the Government would be enabled to place on the table a lithographed map in a more perfect state than if it had been previously prepared

Mr BAGOT said he alluded to the exploration not only of Mr Babbage, but of others who, he believed, had made important discoveries

LIBRARY COMMITTEE

The COMMISSIONER of PUBLIC WORKS moved that the hon the Speaker, the Attorney-General, and Mr Bagot, be appointed a Library Committee for the present session, with power to confer with the Library Committee of the Legislative Council, and that a copy of such resolution be sent to the Legislative Council

The COMMISSIONER of CROWN LANDS seconded the resolution, which was carried

Upon the motion of the ATTORNEY-GENERAL the House adjourned at quarter-past 2 o'clock till 1 o clock on the following day

LEGISLATIVE COUNCIL

WEDNESDAY, SEPTEMBER 1

The PRESIDENT took his seat at 2 o'clock

Present—The Hon the Chief Secretary, and the Hons. Messrs Ayers, Morphett, Davenport, Everard, Scott, Bagot, Forster, and Davies

MESSAGE

The Hon the PRESIDENT reported the following message (No 1) from the House of Assembly —

"That the Library Committee of last session consisting of the Hon the Speaker, the Attorney-General (Mr Hanson), and Mr Bagot, be re-appointed and that such Committee have power to confer with any Library Committee of the Legislative Council That the above resolution be communicated by message to the Honorable the Legislative Council, requesting them to instruct any Library Committee appointed by the Hon the Legislative Council to confer with the Committee of the House of Assembly "

NOTICE OF MOTION

The Hon the CHIEF SECRETARY gave notice that on Tuesday next he would move that Mr Davenport and Mr Morphett be members of the Library Committee.

REPLY TO THE ADDRESS

The Hon the PRESIDENT informed the House that His Excellency the Governor-in-Chief had appointed 1 o clock on Friday next to receive the deputation appointed to present the address in reply to His Excellency's speech

REVISED STANDING ORDERS

The Hon Mr FORSTER asked the President when the revised Standing Orders would be laid on the table of the House

The Hon the PRESIDENT was not aware of any inconvenience having arisen in consequence of the old Standing Orders having been made use of It was desirable that the decision of the Courts in Tasmania respecting the Standing Orders of the House in that colony should be received before new ones were adopted here, as it would be well for the House to ascertain how far their powers to make such orders extended

The Hon the CHIEF SECRETARY moved the adjournment of the House till Tuesday next

House adjourned at half-past 2 o'clock

HOUSE OF ASSEMBLY

WEDNESDAY, SEPTEMBER 1

The SPEAKER took the chair at five minutes past 1 o'clock

STANDING ORDERS

Mr GLYDE gave notice that on Friday next, he should move that on and after Tuesday next, the hour of meeting be 2 o clock

RIVER WEIR.

Mr TOWNSEND asked the Commissioner of Public Works whether the correspondence which he laid upon the table on Friday last was to the 31st August

The COMMISSIONER of PUBLIC WORKS believed that the correspondence was to the 28th August, but a correspondence was still going on upon the subject

ELIGIBILITY OF REPRESENTATIVES

Mr HUGHES rose to ask the House to assent to the resolution in his name—

"That, in the opinion of this House, none of its members, except those who for the time being are members of the Administration, should hold any place of profit or emolument in the Public Service "

"That an address be presented to His Excellency the Governor in Chief, transmitting a copy of the foregoing resolution, and requesting him to issue regulations providing that whenever any person holding office under Government (the salary of which office is provided for on the Estimates or under the provisions of any Act, whether by fees or otherwise) shall be elected to represent any electoral district in this House, he shall by such election be held to have resigned his office, and some other person shall be appointed in his stead, and, also, providing, that whenever contracts are entered into by the Government, a notification of the fact that such contracts have been entered into, and the names of the contracting parties, shall be published in the *Government Gazette* "

He stated most emphatically in submitting the resolution to the House that he regretted it had not fallen into more experienced hands, fully acknowledging that few resolutions submitted to the House were of more importance to the constitution than those which he had the honor to lay before it The principle affected by the resolution had been raised within ten days of the first meeting in the Parliament in the case of Mr Hare, and the debate on that occasion took a turn which he believed rather unfortunate, as it went entirely upon the unfitness of that gentleman to retain his pay as Comptroller of Convicts and his seat in that House at the same time It did not go upon the broad principle that they should have no more Government officers in the House than were allowed by the Constitution Act If the matter were allowed to remain in

that position they would have the unpleasantness of having to discuss the personal merits of each individual in each case which arose. In bringing forward these resolutions he was actuated only by a desire to induce the House to affirm a great constitutional principle. He was not influenced by any wish to exclude from the House a gentleman who held the office of Registrar-General under the Real Property Act. He brought the resolution forward partly from a sense of duty, and partly from a feeling of personal honor. When Mr Hare was returned as a representative for Yatala the question was raised but it was shelved for a time by the resignation of Mr Hare, and he then determined upon the first opportunity to bring the question forward upon its broad principle. On the retirement of Mr Smedley, for the county of Light, he considered it was his duty to communicate with Mr Maturin, who had intimated an intention of standing for that county, and told that gentleman that if he were returned he should certainly bring the question forward, and that he (Mr Maturin) must be prepared to defend the principle of parties receiving salary or emolument under the Government sitting in that House or resign his salary as Commissioner of Waterworks. Mr Maturin ascertained the feelings of several hon members and found that many were adverse to his position, but still determined to contest the district and to test the principle. After his return Mr Maturin received a more lucrative appointment, and in consequence resigned his seat. It was, therefore, favorable that the question could be discussed without reference to any individual, and upon the broad principle which he had laid down. He would proceed to call attention to the Constitution Act, an Act which, like most others, was capable of being read two ways. Some hon members, whose opinions were entitled to considerable weight, contended that no Government officers but those named in the Act were eligible for seats in that House, and others contended that the disqualification merely extended to those who accepted office whilst holding seats. The 16th clause of the Constitution Act pointed out what class were eligible for electors, whilst the 14th clause provided that parties eligible for members should merely possess the same qualifications as electors. The only disqualifying clause upon the meaning of which there was any difference of opinion was the 17th, and the 18th imposed a penalty of £500 upon any person who should sit and vote as a member of the House after being disqualified. The question was whether the 17th clause would bear the construction which had been placed upon it. It appeared to him that it was a matter of very little importance whether a person came into that House holding office, or whether he afterwards received an appointment. The spirit of the Constitution Act was that every individual who had resided six months in the colony, should be entitled to vote, and that the representatives of the people should have the same qualification thus giving the electors the broadest possible choice, but that there should be no more Government officers in the House, than those named in the Constitution Act. To show that it was the intention of the framers of the Constitution Act, he would refer to the sentiments that were expressed at the time the Act was under discussion. On the 5th December, 1855, the clause to which he had alluded was brought under discussion, when the Colonial Secretary stated that the clause had been drawn for the purpose of preventing members receiving Government appointments from retaining their seats without going to their constituents. The hon gentleman stated that the people were the best judges of their own interests and that if they thought fit to re-elect members after receiving Government appointments, they could do so. Of the five members who took part in the discussion, three expressed themselves opposed to salaried officers having seats in that House, except those named in the Constitution Act. It was true that the then Chief Secretary boldly declared that if any member accepted office, his constituents were the best judges whether he should still remain their representative, but it should be remembered that at that time a circular had just been issued, intimating that Government officers were not expected in any way to oppose the existing Ministry. It was not right that the explanation given of the debate recently before a large assemblage of colonists, should be allowed to pass without challenge. He had referred to what had actually taken place on the occasion of the Constitution Act being under discussion and contended that the construction which he had placed upon the clauses to which he had alluded, was quite as reasonable as that placed upon them by others. As to who was to interpret the Act, there could be no doubt that the House alone was to decide as to any question relating to its powers privileges, and practices. In this view, he was supported by the Standing Orders the 27th clause of the Act stating that the House might make Standing Orders for its own guidance, and the very first Standing Order affirmed that each House should be the sole judge of the privileges, &c., of its own members. It had been affirmed in that House upon the celebrated debate upon the Privilege question, that the privileges of that House were analogous to those of the House of Commons, and if so, he found the views which he had enunciated fully borne out, upon reference to May, page 57. He had so worded the first paragraph as to confine the effects to that House, wishing to avoid any interference with the ways and customs of the other House, so long as the other House did not interfere with theirs. With regard to the last paragraph of the resolution, it had merely been inserted with the view that the House should become aware of any members accepting lucrative contracts from the Government. Upon the House becoming aware of such, it would be for it to consider whether it brought the parties under the disabilities laid down by May. The hon member quoted from May, page 34 showing that Government contractors were disqualified. If it were decided that persons holding salaried offices were not eligible to occupy seats in that House, they should certainly take notice of those beneficially interested in contracts with the Government. He believed that one member of that House, in the last session, had become disqualified by accepting contracts, his interest in which he believed he had since resigned. The practical effect of these resolutions, if adopted, as he hoped they would be, would be to explain to those constituencies about to hold elections for vacancies which existed the interpretation placed by that House upon the Constitution Act. It would explain that the House affirmed the principle that no Government officers but those named in the Constitution Act should be members of that House. It was very necessary that that principle should be affirmed, for it was obvious that the Government entertained the opinion that they had a right to influence the votes of those who were in the public service, the circular which had been addressed to them distinctly stating that they would not be allowed to take any position antagonistic to the Government of the day. He might have been wrongly informed, but there was a rumour which was entitled to credit, that even in the appointment of Registrar General a stipulation was made that that officer should not do anything to unseat the present Ministry. If the rumour were untrue he hoped the gentlemen opposite would state so and he should place confidence in their assurance more than any rumour. He had been informed that many members were likely to object to so broad a principle being laid down as that contained in these resolutions. For instance, he had heard it urged that any Justice of the Peace acting as Coroner and receiving a fee would be ineligible for a seat in that House, but it was not necessary he thought to alter the resolutions, as the cases were few in which Justices of the Peace acted as Coroner. Such cases only occurred in the outlying districts, and as Justices of the Peace were only called upon to act where there was no Stipendiary Magistrate within a distance of 20 miles, and no Justice of the Peace would perform so unpleasant an office if he could avoid it. The framers of the Constitution had in view to establish a system of representative responsible Government, superseding the close system of Government, which up to that time existed—to supersede in fact the nominee element. But if there were a district in the colony—he would not say a family borough, because there was no such thing in the sense in which the term was understood in England but if there were a district in which there was a strong feeling of affection towards a family of wealth, or one who had endeared themselves to the constituency, that constituency would virtually exercise a right of nomineeism as objectionable as that which had previously existed. If they were to have nominees at all, it would be better that they should be placed in the House by the Government, who were responsible to the House. To shew that he was not wrong in speaking of Mr Maturin, when that gentleman started for the Light, he stated that if he were to lose his salary by retaining his seat he should assuredly resign his seat and not his salary. Since that time Mr Maturin had received a still more lucrative appointment, and had resigned, shewing that his seat as a representative for Light was altogether a secondary consideration. The remarks which he had made were perfectly justifiable, for Mr Maturin had held all offices, from Master of the Ceremonies at Government House to Commissioner of Waterworks, and they had all seen him last Friday in a fancy dress, taking a prominent part in a public pageant. (Laughter.) He had said that the gentleman was nominally Commissioner of Waterworks, but really to superintend the squandering of large sums, which he was firmly persuaded were being squandered in connection with water supply. Mr. Maturin had now accepted a most mysterious office—Commissioner under the Real Property Act—an office which he never could understand, and which had been created apparently with no other view than to give the holder a salary, for it was expressly stated that the gentlemen who held these offices were not to understand the duties which they had to discharge. (Question, question.) He wished to explain that he was fully justified in alluding to this question, and to show that there was really nothing in the previous public career of Mr Maturin which entitled him to be elected by the members for Light, but the electors were influenced by feelings of respect for the family with which Mr Maturin was connected. He alluded to the question because he believed that the electors had a far higher duty to perform than their mere duty to their neighbours and friends, they owed a duty to the colony at large. Seeing that the new Constitution was only just being brought into working, it was only by such resolutions as the present that it could be brought into proper working. Constituencies could not be too cautious in sending men to that House as their representatives, who would not be biassed by office or the Government. Let them come as the independent representatives of an independent people. He should always unflinchingly adhere to the principle contained in the resolutions. He did not know whether they would be carried, for

he had not consulted hon members generally, and had merely been promised the support of four There might some day be an organized opposition in that House, but at present they had not arrived at such a state The position of a member of that House occupied a great deal of time, and he had really not had an opportunity of ascertaining the views of hon members before bringing his resolutions forward He relied however on the public spirit in that House, and was prepared to allow the question to be decided upon its own merits If he could not induce hon gentlemen to affirm the principle of the resolutions let them ignore it and set it aside He believed, however, that it would bear the light of day, and speak to hon members from its own intrinsic merits more than anything which he could say He wished to see members of the House what they ought to be—that was virtually the representatives of the electors who elected them In proposing an address to His Excellency he believed he had adopted the best mode of getting over the difficulty, as it would obviate the necessity of interfering with the Constitution Act All that he wished was that representatives should be enabled to prove that they were in a position to give an independent vote by shewing that they were not dependents upon the Government

Mr TOWNSEND seconded the motion

Mr PEAKE wished before the question was put to make a few remarks He agreed with the abstract proposition put forth by the hon member for the Port, that in the opinion of the House no persons should hold seats in that House who held office of profit or emolument in the public service He did not believe there was a single dissentient to that, but probably there were some who believed that such a proposition was not embodied in the present Constitution Act Many thought that the clause which had been alluded to by the hon mover had been drawn to enable the electors if they thought fit to elect Government officers as their representatives He admitted that the wording of the clause was defective, and rendered its literal meaning doubtful The proper course he apprehended, would be to remove the doubt by the introduction of an amended Constitution Act He objected to the presentation of an address to His Excellency, because it would be asking His Excellency to do what they were in a position to do for themselves The Constitution Act proved to him that they had that power, and he objected to the House taking so indirect a course as to ask His Excellency to interfere when the House had so clear a course before it. It was the opinion of many that the Constitution Act did not prevent Government officers from sitting in that House, but he repeated, why take an irregular course? Why not amend the Constitution Act? The hon mover had read copious extracts from the debates upon the Constitution Act, but that Act he must still confess was most ambiguous They were all, he believed, agreed upon that point, but they were not agreed upon the remedy He would ask the Ministry why no steps had been taken to amend the Constitution Act? He would ask the Treasurer why the Bill which had been promised had not been brought forward? Why the necessity of bringing forward such a resolution as that which had been brought forward by the hon member for the Port? He would ask the members of the Ministry, amongst whom he saw two gentlemen who spoke so ably and eloquently upon the Privilege question, why they had not brought forward an amended Constitution Act? It seemed to him that the gentlemen had been wandering in the Elysian fields of office and required waking up (Laughter) He begged to move an amendment to the resolution to the effect that an address be presented to His Excellency praying him to direct the law officers of the Crown to amend the Constitution Act, and set at rest the questions in connection therewith upon which the House had expressed its opinion It was of no use to attempt to legislate by resolution or to define the meaning of the Constitution Act by a resolution of that House The more delay there was in introducing an amended Constitution Act the more complication was likely to arise

Mr LINDSAY seconded the motion

Mr BURFORD supported the motion of the hon member for the Port, which he thought was a proof of the clear foresight and correct judgment of the hon member (Hear, hear) The Governor had power to make regulations, but the House could not prevent the operations of the Constitution Act It would be a great misfortune if that session were allowed to pass without an amended Constitution Act being introduced There were some eight or ten points in which it required to be altered to make it workable When any defect in the Act was discovered it should be discussed and recorded with a view to an ultimate alteration, but he saw this difficulty if they waited for an amended Act they would probably have to wait 18 months or two years before it could come into operation, whilst there would be no delay if His Excellency would issue such regulations as would effect for a time those alterations which were deemed essential

Mr HALLETT opposed the motion from a conviction that the Constitution Act already sufficiently provided that members accepting Government office became disqualified He referred to the 17th clause, which shewed satisfactorily to his mind that no person holding office of profit and emolument under the Government could hold a seat in that House, except indeed, such offices as were specially provided for by the Act

The ATTORNEY-GENERAL stated that he agreed to a considerable extent with the views enunciated in the first part of the proposition Many and great inconveniences he admitted were connected with that portion of the Constitution Act by which a Government officer was clearly eligible for a seat in that House, if elected by the constituents whilst holding that office That was his construction of the Constitution Act, and he admitted there were inconveniences of a very grave character connected with it But it should be remembered that this matter had been brought very fully before the Legislature at the time the Constitution Act was under discussion, and the Legislature deliberately affirmed that the choice of the constituents should not be limited by the office of the individual If the constituents thought their interest could be served by parties holding office they had full power to elect them Unquestionably there was a good deal to be said on the other side, but still he did not regard this as a new matter The House had by a unanimous vote affirmed the principle involved in the resolution in the case of the Comptroller of Convicts, and he thought it should be understood that this was not a shifting principle, available against an unpopular but not a popular person an engine which might be used against the weak, but not against the strong, but it should be affirmed as applicable to all cases He was prepared to acquiesce, and the Government would do all that they could to give effect to the resolution, but he would suggest that the motion should be altered, because what it asked for in its present form was more than it was in the power of the Government properly to do In effect, for instance, it asked the Governor to alter the law under which the Civil Service received their salaries He thought that the issue of a circular to all Government officers, or an intimation in the *Government Gazette* warning Government officers that they might be called upon to resign their appointments if they accepted seats in the Legislature, would accomplish the object in view He did not know whether this would meet the views of the mover and seconder of the motion, but he felt bound to suggest it, as it would be beyond the power of the Governor to assent to the resolution without the assent of the other branch of the Legislature He wished to see action taken in the matter, without violating the principles of the Constitution

Mr TOWNSEND regretted to have to differ with the Attorney-General He was convinced that nothing but a strong resolution of the House would prevent the House from being filled with Government officers Circulars such as had been suggested by the Attorney-General, had been issued by the Government of a former day, and the effect had been seen It had been said that Mr Hare's was an exceptional case, and that what the House did in that case, it was not bound to do in others, but he wished to see a broad principle laid down applicable to all cases He believed that the 17th and 18th clauses of the Constitution Act already provided for this or any other case, but a resolution would at once decide the matter, and show the constituencies the temper and feeling of the House He did not want to see the Constitution Act amended until after the termination of the first Parliament The hon member for the Burra (Mr Peake) had taunted the Ministry with having been wandering in the Elysian fields of office, but he did not know whether that hon gentleman, amongst his other pursuits, had been looking over the fence, that he had discovered they were so remarkably sweet (Laughter) He wished the hon member had tried his hand at amending the Constitution Act It had been said that the constituencies had a right to decide who should represent them, and that the House had no right to place a bar between the representatives and the represented He admitted that was a sound principle, but he considered that the united constituencies through the medium of their representatives had a perfect right to decide whether a particular representative came within the scope of the Constitution Act Better return to the nominee system than that the Government Benches should be filled with Government officers

Mr BARROW said that before the question was put he should offer one or two remarks on the resolution before the House Should no third course present itself, he would vote for the resolution, though not without reluctance, for if the resolution were to have the effect of excluding Justices of the Peace performing the duty of coroners, and other persons similarly circumstanced, he thought it would be rather a hard case He would have wished that the hon. member for the Port had dwelt more fully upon that portion of the subject, and had shown the House that the course which he proposed to adopt would not involve any such difficulties He must, however, support the resolution if he were to vote upon this question at all, and he should consider himself wanting in the duty which he owed to his constituents, if he were not to vote upon it With respect to the proposition of the hon and learned the Attorney General to the effect that a notification should be published in the *Government Gazette* intimating that Government officers returned to the House might be called upon to forfeit their offices, he could only say with regard to that proposal that it appeared to him to leave the question in the undefined position which the Attorney-General himself complained of when speaking of the present state of affairs For who was to say whether the notification would ever be carried into effect or not? It might, as the Attorney-General had said on another point, be powerful against the weak, and powerless against the strong Feeling as he (Mr Barrow) did, that such a notification would not tend to make clear that which was now un-

defined, he could not see any particular benefit which would result from it, and was unable to support it. With respect to the proposed amendment of the Constitution Act, although he was of opinion that that Act required emendations, he thought it would be better to introduce them in a new Parliament, and to let a general election intervene; for hasty amendments would lead to frequent amendments, but if the whole thing were done on a broader basis, the next amendments introduced might probably be the last required. He had understood that some hon. gentleman intended to move that a limitation should be placed to the interdict, to the effect that any person in the receipt of say £50 per annum should forfeit his seat, or resign his office; but it appeared that in this impression he had been misinformed. He was not prepared himself to move an amendment to that effect, and should, therefore, vote for the resolution.

Mr NEALES would suggest to the hon. mover of the resolution that he should introduce a proviso that the emoluments of an office should exceed some certain amount annually, and he believed that if this were done, the amount of support which the resolution would receive would be much greater than it would otherwise be, when the forfeiture of a seat would be involved by the receipt of one guinea. He should recommend the insertion of words to the effect that the fees should be of the aggregate of 50*l.* or 100*l.* a year, and he thought if such words were not inserted, many hon. members would not vote in favour of the motion. But even if the hon. member for the Port would not make this addition, he (Mr Neales) should still vote for the resolution, though he thought it would be much better if the words which he proposed were inserted. With respect to the proposal of the hon. and learned the Attorney-General, he thought that proposal would have no effect, or, if otherwise, it would have this effect, that it might be turned into a machine to favor the existence of any Ministry which might happen to be in power. (Hear, hear.) It would not affect the friends of the Ministry, but it would affect their enemies. (Hear, hear.) And, for his part, if he were a Minister, and there were no law to keep his friends and supporters out of the House, he would certainly not feel so vicious towards them as he would towards his political opponents. He thought the reading of the Act put before the House by the hon. member for Sturt seemed to him to be hardly borne out. The spirit of the Act was, that no Government officer or party in receipt of Government pay, should occupy a seat in the House; but he thought that the original vote hardly bore out the view of the hon. member. The only thing they could do was to support the proposition which had been laid before them by the hon. member for the Port. He thought, also, that the modesty of the hon. member for the Sturt would prevent him from pressing his views as to the interpretation of the Constitution Act, after the statement of the hon. and learned the Attorney-General. He would not speak on the subject of legislating by resolution, although it was involved in the question now before the House.

Mr YOUNG would support the resolution. As to members of the House being Justices of the Peace and acting as coroners, he considered that a case which could be met more readily than by interfering with the resolution before the House. It was only on extraordinary occasions that a difficulty occurred in supplying the place of a coroner, and in which it would be necessary for a magistrate who was a member of that House to act in that capacity, for it was seldom that the gentleman representing the district in Parliament was the only available Justice of the Peace.

Mr COLE would suggest another amendment in the resolution. In the second clause it was merely provided that the names of contractors should be published in the *Gazette*. He wished to see the amounts for which the various parties contracted published at the same time with and set against the names of the contractors.

Mr STRANGWAYS said he would support the motion of the hon. member for the Port, although he would have supported the hon. member for Clare if that hon. member had put it as a substantive motion; for he was of opinion that there were many things in the Constitution which required to be altered. As to the difficulty that had been raised with regard to Commissioners, &c., these would be removed if the Commissionerships were abolished; and as to the Justices of the Peace, they only received their fees in the capacity of Coroners, and would not under the Constitution Act vacate their seats unless they held offices of interest or emolument. He could not agree with the hon. member for the Sturt that there was any provision in the Act which would meet the case, for he believed that it was open to the constituencies to return any person who might have accepted office if they chose. He would support the motion, as it would have the effect of preventing the House being filled by nominees of the Government.

Mr MILDRED would support the resolution in its entirety. When the present Constitution Act was framed, whatever might be the wording of the Act, the impression on this subject was that no person holding an appointment under the Government, except hon. gentlemen sitting on the Treasury benches, should hold seats in the House; and on that ground he should support the resolution. The second part of the proposition he considered proper and desirable. He believed that there had already been questions amongst persons holding office as to what the position was in which they would be placed, if they became candidates, and were to be returned. He hoped the intention of the Act was to keep the House free from persons holding Government appointments; but at all events every person holding such appointments should know the effect which the obtaining of a seat would have on his position.

Mr REYNOLDS, before the question was put from the chair, had one or two observations to offer. He agreed with the motion of the honorable member for the Port, but he did not agree with the amendment. That amendment would have the effect of preventing the object which they had in view, and by means of it, the House would be kept "haggling," if he might say so, at the Constitution for months to come. When the Constitution was dealt with, it should be dealt with at once, and in a summary way. He questioned whether hon. gentlemen fully perceived the extent of the motion of the hon. member. He had heard no reference made to the sweeping character of that proposal, although for his part it was not on that ground he objected to it, for he was a sweeping radical himself, and desired to see all abuses rectified. It would have the effect of excluding all Commissioners from the House, Commissioners under the Waterworks, the Railways, the Harbor Trust, and the Central Road Board. It would exclude, if he was not mistaken, even the solicitors to these Boards, for these gentlemen were or were presumed to be, paid by the Boards, under Acts of the Legislature. Nothing afforded greater regret to him (Mr Reynolds) than to see his hon. and learned friend opposite (the Attorney-General), with whom he had worked so harmoniously for a long time, put out of his seat—(laughter)—for it was well known that that hon. and learned gentleman could not be spared, that it was absolutely necessary to every Government formed here that he should be a part of it. But whilst he (Mr Reynolds) admitted this, he did so with extreme regret, because it might in time prove disastrous to the hon. gentleman, for when gentlemen had become so essential they very often became non-essential, which in the case of the hon. and learned member, he was sure they would all regret. It was well known that the hon. member was the legal adviser of the Railway Board, and as such he could not receive his fees. He (Mr Reynolds) would support the motion of the hon. member for the Port, because it dealt with matters only connected with that House, and therefore the motion was not an infringement of the privileges of the other House. He had great pleasure in supporting the motion.

Mr MACDERMOTT took the case of a member of the Upper Chamber, and found that the resolutions proposed to be passed by the House of Assembly interfered with such a gentleman and therefore with the privileges of the Upper House. He thought the clause was too sweeping, because there were a great many Boards, the Road Board, for instance, affected by it, and consequently the House would deprive itself of the services of many most efficient members, though it could scarcely be the intention to do so. His vote would be given for the motion of the hon. member for the Port, although he should be glad to see the motion modified.

Mr HUGHES replied. He had received many suggestions of amendments, but after carefully considering them he thought he had no course left but to submit his resolution to the House in its entirety. He was satisfied that if he were to accept the resolution of the Attorney-General it would be of no effect, as that hon. member had proposed that each case should be judged upon its own merits, whereas that was the very thing which he (Mr Hughes) wished to avoid, for the result would be that a man popular with the Government would be allowed to sit, but one unpopular would not be allowed. The question would be decided on personal grounds. He did not want to amend the Constitution Act, but simply to show the reading of the 17th and 18th sections which he wished to uphold. He wished the Governor to issue regulations for the guidance of gentlemen in the public service. As to the Justices of the Peace, he did not think it necessary to alter the wording of his resolution to meet their case, for those gentlemen were not dependant on the Government for their salaries, and they did not take their office for the sake of the miserable fees of Coroners. They were supposed to be gentlemen of independent position. He would ask the House to decide on the resolution as a whole, for there was no alternative.

The amendment was then put and lost.

The ATTORNEY-GENERAL rose to address the House, but was informed by the SPEAKER that he was out of order, as he had previously spoken to the original question.

The original motion was then put and carried without a division.

STANDING ORDERS.

Mr STRANGWAYS rose, pursuant to notice, to move—

"That the new Standing Orders be discharged, and the Standing Orders of the last session adopted until the new Standing Orders shall have been fully considered in Committee and approved by the House."

Hon. members had been taken by surprise when they had read the new Standing Orders, not having been aware of the great alterations which had been made in the old ones. The discussion which had just taken place showed the necessity for the course which he proposed, as it was evident that the Attorney-General himself did not understand the new Standing Orders. He found that there were some of the new Orders which the House did not possess the power to carry out, as,

for instance, where they authorized the Speaker to order a member into the custody of the Sergeant-at-Arms. He thought it inexpedient that the Standing Orders should be adopted until they had been fully considered and approved of by the House.

The SPEAKER, in reference to some observations of the hon. member, said that under the old Standing Orders the ruling would have been the same as he had laid down that day and yesterday. The new Standing Orders were more numerous than the old, because wherever the old Orders did not apply the House was to be bound by the Standing Orders of the House of Commons; and hon. members would find that these Standing Orders, as far as practicable, were now embodied in the new Standing Orders, which would prevent the necessity of so often referring to May.

Mr. STRANGWAYS moved, that the Order of the Day be discharged.

Mr. HART seconded the motion. He would call attention to some instances in which the new Standing Orders were different from those of the House of Commons, although they had been but a few minutes in his possession. The 63rd Standing Order was to the effect, that no member should read any newspaper, book, or letter in his place unless when addressing the House. In the House of Commons the rule was, by Standing Order number 93, that no member should read any newspaper, book, or letter in his place in the House, the difference being that in the House of Commons a member should not read whilst addressing the House, so that the addition which had been made in Standing Order 63, made it just the opposite of the House of Commons Standing Order 94.

The SPEAKER informed the House that the reason why this addition had been made was that during the last session complaints were made that hon. members, whilst in their places, were in the habit of reading; and the intention of the rule was that honorable members should be brought to attend to the debates. The hon. gentleman proceeded to point out another discrepancy between the new Orders and those of the House of Commons, which was illustrated by No. 144 of the new Orders. Under this the Speaker possessed the power of reproving any member who should make a disturbance in the House, but in the House of Commons such persons are dealt with as the House might direct.

Mr. NEALES remarked that the new Orders contained a gross violation of the right of petition, inasmuch as under them no application could be made for a grant of public money, or a remission of duties, otherwise than by message from the Crown. This would "shut up" most of the petitions which had been presented to the House, inasmuch as they had been applications for money, and made on the merits of the cases.

The SPEAKER stated that according to the Standing Orders of the House of Commons, such petitions could not be received; that the old rules of the House were silent on the subject, but that if any member had called his attention to such a prayer in a petition, he should have been bound to decide against its being received, as he had done last session in the case of a petition referring to a debate in the House; our first Standing Order being that in all cases not provided for, the House shall be guided by the Standing Orders of the House of Commons.

After a few words from Messrs. BURFORD and BAGOT,

The SPEAKER enquired whether Mr. Strangways wished to discharge the whole of the Order of the Day.

Mr. STRANGWAYS replied that he did not. He should move—

"That so much of the Order of Friday last as provided for the adoption of the new Orders be discharged, and that the Standing Orders of the last session be adopted until the new Standing Orders shall have been fully considered and approved of by the House."

The motion was agreed to.

ADDRESS TO THE GOVERNOR.

Mr. BARROW, in rising to move the adoption of the Address in reply to the speech of His Excellency, said that he did not know whether the custom that was prevalent of assigning that duty to the junior member of Parliament at the time arose from a wish on the part of the Government that the indulgence which was generally asked for by the mover *should also be accorded to the Address itself*. He (Mr. Barrow), however, did not intend to claim indulgence, because he only purposed briefly to address the House. He wished it also to be understood that whilst moving the adoption of the Address, he did not pledge himself to the contents of the speech to which it referred. He understood that the Address was simply an expression of thanks to His Excellency for the speech delivered at the opening of the session and a promise on the part of that House that the measures referred to would meet with due consideration. He would however refer to one or two matters which held a prominent place in the inaugural address. No doubt local topics were of the most immediate importance, but they could not forget as South Australians the tie that still bound them to the parent country. It was but natural that that House should offer congratulations to Her Majesty on the marriage of the Princess Royal. He was not disposed to display more sympathy with the Prussian Government than they had obtained or deserved, but they were all aware of the salutary influence exerted upon society at home by the Court of Queen Victoria, and he believed that as the members of the Royal family were settled in the various States of Europe that they would diffuse those salutary influences under which they had themselves been trained. There were, therefore, good and substantial reasons for hoping that the influence of the recent Royal marriage would have a beneficial effect upon the foreign relations of England. In the address of His Excellency allusion was made to the privation and suffering of the troops in India and to the triumphs in the Crimea, evidence of which was on the way to the colony at the present time in the shape of trophies of war. There was in this portion of the address an appeal to the sympathies of the House and also a fair subject of congratulation and triumph, which he felt sure would be replied to with enthusiasm and pride. (Hear, hear.) Connected with allusions of this nature was the question of the defences of the colony, a subject introduced by His Excellency in his opening speech. He (Mr. Barrow) was quite certain that the House and the country would do everything that was possible to be done, but he hoped they would not be abandoned entirely to their own resources, or be compelled to rest *simply on their prestige as dependencies of the* British Crown. He trusted that those "handsomely mounted" guns which were on their way hither would not be the only British guns that would peal forth their thunders, if need be on their coasts. He (Mr. Barrow) was glad to find that the Government had obtained a report showing in what way it was possible to provide for the defences of the country efficiently, and with due regard to economy, and he hoped that that report would be immediately laid before hon. members in that House. The next topic he should refer to was the ocean postal service. His Excellency said in his address that satisfactory arrangements were being made by the Home Government. He (Mr. Barrow) was happy to hear that the Imperial Government were taking immediate measures to remedy the present defective service. He hoped this arrangement would prove "satisfactory," but he could not forget that every arrangement hitherto had been preceded by the remark that it was of a "satisfactory" kind (hear, hear)—and even that one which was now broken up was so characterised when the Mauritius Government wished to connect South Australia with themselves in a contract with the Peninsular and Oriental Company. With reference to the question of finance there would be a more suitable opportunity to discuss that matter when the Estimates came on for consideration; but he might in passing say that he scarcely understood what His Excellency meant by the "sound proportion" which subsisted between the imports and exports of the country. He (Mr. Barrow) was not quite clear whether this "sound proportion" meant the proportion which the imports bore to the exports, or the the sound proportion which both bore to the population. (Hear, hear.) He did not wish to anticipate the regular discussion on the various topics alluded to in the speech, but he must say one word about free distillation. In the Governor's speech is was stated that the Distillation Act passed last session, under a liberal interpretation of its clauses, accomplished all they desired. But what was meant by a "liberal interpretation of its clauses?" (Hear.) Was this "liberal interpretation" intended to make the Act different to what it was before? If so they might succeed in liberating this branch of trade *from difficulties which now* surrounded it. With regard to expenditure, the whole question would shortly come before the House for consideration, and there would then be ample scope for expression of opinion from hon. members. It appeared from published returns that the expenditure for Government purposes had been kept within the limits of former years, with the exception of one department, viz., the Lands Titles Registration Office, which would cost for the second half of the present year about £2,500. With regard to the subject of public works, there was one particular department which demanded their attention, and this was the telegraph department. He observed that about 13,000*l.* was set down in the Estimates for telegraphic extension. Before such an outlay was confirmed by the House, it was to be hoped that measures would be taken to place the telegraphic communication on a more satisfactory footing than at present, and that instead of having to wait two or three days to effect a communication with Melbourne, it might be managed with the same dispatch and regularity as in the other parts of the world. Then on the subject of colonial Federation, the speech of His *Excellency informed them that no result had* hitherto attended the communications of Government with the Governments of the other colonies. He (Mr. Barrow) did not know whether this was cause of regret or congratulation. (Hear, hear.) There was one topic in the Governor's speech which would require the calm consideration of the House, and that was the proposed assessment on stock. He (Mr. Barrow) was fully prepared to make the squatter bear his equitable proportion of the burden of taxation, but the question should be most thoroughly sifted. He had no desire to legislate hastily on the matter; he wished the squatter to make out the best case he could to lay before the House. (Hear, hear.) The House had been told over and over again that the squatter only wanted time to prepare, and he had abundance of facts to prove his case. He (Mr. Barrow), therefore, felt sure that the House would afford ample time before the consideration of the measure for the collection of these facts even though they were to be obtained from a distance. So far from wishing to inflict injury upon the sheepfarmer, he was certain that the House would be quite

willing to give the squatter an opportunity of proving—not only that he ought not to be taxed, but even that he should be relieved from present taxes *if he could prove it*. (*Oh, oh.*) He (Mr Barrow) would repeat the words—if he could prove it. (Hear, hear.) With regard to the various Bills that were to be laid before them the House would undoubtedly give them that fair discussion to which their importance entitled them. He concluded by moving the adoption of the Address.

Mr HAWKER seconded the motion of the member for East Torrens. He felt a natural difficulty, as a young member, speaking for the first time in the House, having only received a notice that he was desired to second the motion a few minutes before he came into the House. He had also the disadvantage of speaking after the talented member who had just sat down. He concurred in the congratulatory part of the Address which related to the marriage of the Princess Royal, but regretted that an hon. member, when alluding to that portion of it, should have made a burlesque of the Address. He would not bind himself to support all the questions alluded to. He would refer to a few points. It was satisfactory to hear that the commercial condition of the colony was so prosperous, although the information had not reached him through other channels. With reference to the Bill for Railway Extension, he was certainly of opinion that it should be in a northerly direction (a laugh), but it was for the House to determine if a more favorable line could be found than the one proposed. The question of an assessment on stock would lead to a considerable discussion, but he was satisfied the House would never consent to a breach of faith with the squatters. The squatters would do their best to put their case fully before the House. The defence of the colony was a measure that deserved adoption. In the present condition of the colony, the wives and children of colonists were at the mercy of the first French ship of war that touched on the coast.

Mr DUFFIELD, in commenting upon the address, expressed surprise at that portion of it which referred to the "indications of substantial prosperity which continued to manifest themselves," as the statement was not borne out by the facts with which hon. members were acquainted. The statement that "the imports and exports have increased during the past year in a sound proportion, and our revenue has exceeded the estimated amount" was correct so far as the latter portion was concerned, but the imports and exports had not increased in proportion. Facts and figures had not borne out the assertion contained in the address, as the balance in favor of exports over imports for the year 1857, was 95,431*l.*, while, for the present year, there was an excess of 349,239*l.* of imports over exports. That result was arrived at without taking into consideration the export of coin and bullion. He could not see how the statement contained in the address agreed with the returns of trade. Before giving his vote, he had a right to expect some explanation in support of the statement which had been made. It appeared to him that the financial state of the colony had not been properly represented. The present state of things could not last long, and he was anxious that the truth should be made known in England in order that it might have a salutary influence upon the exports from that country.

The COMMISSIONER of CROWN LANDS, in reference to that part of the address which alluded to the marriage of the Princess Royal, remarked that the member for the Sturt had spoken of him (the Commissioner of Crown Lands) as a representative of the Prussian Government, whereas he was simply a Prussian consul. He hoped the remarks were not intended in an offensive sense, and he was disposed so to regard them. The hon. gentleman then went on to show that his position as consul was mercantile rather than diplomatic. He was sorry to add, that the fees of office were so small that they would not enable him to provide himself with a cocked hat and feathers, as suggested by the hon. member for the Sturt. Some years hence the fees might enable him to adorn himself with such decorations. But to pass to more serious subjects, he would call attention to the misconception of the figures rendered in the returns—the remark that the imports and exports were in a sound proportion. This remark was founded on a statement contained in the volume of statistics laid on the table this session, and numbered 8, by which it appears that the imports for 1856 were 1,099,000*l.*, against imports for 1857, 1,408,664*l.*, whilst the exports were shown to be for 1856, 1,398,000*l.*, against 1,744,000*l.* for 1857, and he appealed to hon. members if a fair deduction had not been drawn. He would ask hon. members if the statement had not been borne out. (No, no.) It was not fair to quote figures for part of a year. The whole year should be taken. The returns for the first half of the year did not contain the shipments of wool, a very large feature in the exports of the colony, nor the dead weight taken by wool ships, which was generally copper, two items of exports which would have very much swelled the returns. It would be therefore, obvious that a just comparison could only be made for the whole year. He did not consider that the colony exhibited signs of decay, notwithstanding the tightness of the money market. He spoke as one having experience in the commercial world, and he saw nothing in the present state of things to alarm him. The statements made in another place with regard to coin and bullion were likely to mislead. In one bank in the colony the capital was 20,000*l.* larger than it ever was before, and trading operations were likewise extending. It was a natural characteristic of a go-head population such as as theirs, that a tightness of discounts should be followed by a temporary depression, but this was not caused so much by a want of capital, as by an undue demand for accommodation. If he were incorrect in this matter he would be glad to be set right. He would not then go into the details of the Assessment Act; that subject would come on for discussion by-and-bye. The measure would be found of a liberal character, and he believed it would meet the views of the House. Those who had known him for many years, would believe him when he said that he would not be a party to breaking faith with the leaseholders; he would say the same for every one of his colleagues; there might be a difference of opinion as to the construction to be put on the meaning of certain words in the Order in Council on which the leases are founded, but no one would believe him capable of wishing to break faith with anyone. The proposed assessment was moderate in amount, and liberal allowances would be made to those squatters who had expended large sums in the purchase of waste lands on their runs. With regard to the telegraph he admitted it was desirable that some improvements in the working of it should be effected, but it should be remembered that there were difficulties inseparable from such undertakings. When the new wire, now being laid on the Victoria side, was completed the cause of the present delay would be removed. He was glad to express his own strong opinion in favour of extending the telegraphs throughout the colony, and although the first cost might be large, he believed they would eventually be highly remunerative to the colony.

Mr HUGHES presumed that the Commissioner of Crown Lands was to be the leader of the Treasury benches. When the hon. the Treasurer was Chief Secretary last session in answer to a question put by the member for the Burra he stated that the Governor's speech was the exponent of the views of the Ministry, and he presumed the hon. gentleman had not altered his opinions. He congratulated the Commissioner of Crown Lands upon the rapid promotion which he had obtained, and was only sorry that he had not had a better case to make out. There were several topics which he considered should have been alluded to in the address, but which were not touched upon. He could not agree with the Ministerial programme. Some explanation should have been given of the reasons which had prompted the changes in the Ministry during the recess. There was no allusion to the doings of the Ministry during the recess. Although extraordinary means had been adopted to pass the Gawler Town Railway Bill, and it had been stated at the time that it would be matter of regret if the railway staff at that time in the colony were allowed to leave, yet nothing had been done to forward the works. Why this delay? Had the Ministry changed their policy? If railways were so important for the purpose of developing the resources of the colony, why not enter upon them with more spirit? Other works should also have been referred to, such as the Waterworks, to complete which a large sum had been borrowed from foreign capitalists on the credit of the colony, and it was rumoured that the money had been squandered—that a weir to stem a mountain torrent had been built of loose stone. He could have wished some mention had been made of the efforts which had been made to open up the interior of this continent, and what success was likely to attend them. How was it that there was no allusion to the discovery made by Mr Barry, made upon a principle which he once advocated when on the other side of the House, and which he believed to be the true legitimate mode of developing the resources of the colony. He wished to know why the House had been called together at a period which must obviously prove too inconvenient to many hon. members, as sheep shearing was about to commence, and the wheat and hay harvest would immediately follow. With regard to the prosperity of the colony, the Ministry glorified themselves upon the state of the commercial interest on 30th December last, but that was really not applicable to the present time. On looking at the returns of imports and exports to 30th June last, he found that the exports for the last nine months, compared with the corresponding nine months of the previous year, exhibited a great deficiency. There was a falling-off of 3,150 tons of flour, 5,550 quarters of wheat, metal to the value of £89,000, and although there was an increase of 600,000 lbs. weight of wool, a falling off in value to the extent of a penny or three half-pence in the pound, would more than counteract the apparent increase. He held that banking facilities had not kept pace with the progress of the colony, but in six months he believed that the colony would resume its character for prosperity and progress. He alluded at some length to the measures which the Government had intimated an intention to introduce, which he said did not indicate that the members of the Government had been very industrious during the recess. He should be happy to give the Government any support which, as a member of the opposition, he could. (Hear, hear, and laughter from the Ministerial benches.) The honorable and learned Attorney-General might perhaps laugh on the wrong side of his mouth, if he persisted in treating the House as he had, although there might not be so talented a man on the opposition benches.

Mr TOWNSEND did not believe there was a disposition on the part of any member of the community to do any injustice to the squatter, but there was a general feeling that they did not pay enough. He made this remark in consequence of

some observations which had fallen from the hon. member for East Torrens (Mr. Barrow). He knew the feeling of that gentleman's constituents and was quite sure that they would not submit to a shelving of the question of assessment on stock. He did not know what was meant in reference to the Distillation Bill by "a liberal construction of its clauses." Did the Government mean, that if the law was violated it would not be enforced? He hoped faith would be kept upon this subject, believing that, in consequence of the favourable feelings which were expressed last session to free distillation hundreds of acres had been turned into vineyards, under the impression that the views expressed last session would be carried out during the present one. He also hoped that the telegraphic charge to Melbourne would be reduced, a positive advantage would be derived from the increased number of messages.

Mr. Burford thought this a proper time for each member to express an opinion whether the Ministry had introduced into the address such subjects as they ought to. He was not prepared to say they should be quiet and satisfied with all the Ministry had done, or were likely to do. An amended Constitution Act was promised to be prepared during the recess, also an Education Bill but nothing appeared to have been done in either. The Distillation Act was altogether omitted, though he held it to be a matter of promise on the part of the Ministry. He could sympathise with Ministers in part from the amount of mental labour required in preparing such measures, and he believed they shrunk from it. They shrunk from facing the difficulties consequent upon the falling off in the revenue by removing the duty upon spirits. He admitted there was a difficulty, but it should be taken in hand, and he was quite sure the House would gladly assist the Ministry in framing suitable measures. He was quite satisfied there must be a different system of taxation, for it was suicidal to tax industrial occupation, upon the prosperity of which the general prosperity of the colony depended. In his opinion all the Boards which had to deal with the landed interests of the country should be brought under one head, but no allusion was made to this in the address. Although little appeared to have been done during the recess, he hoped that one or two measures, which were strictly of a Government character, would at once be brought in.

Mr. Neales wished to correct the statistics of the hon. member for Barossa, who had drawn a needlessly gloomy picture in reference to the exports and imports of the colony. A very considerable addition to the imports arose from the importation of implements and pipes for the Waterworks. He admitted that many of the imports consisted of articles which never ought to be imported, such as malt, iron, soap, fruit, salt, boots and shoes, wine, beer, potatoes, starch, vinegar, butter, and bacon, all of which articles could readily be produced in the colony. He believed the principal cause of depression arose from the defective system of banking and that when they had the new system mattters would improve.

Mr. Peake had assisted to frame the reply, and his object had been to prevent a long discussion. All the subjects which had been touched upon would have to be gone into in detail at a future time. He agreed with Mr. Neales that statements should not be allowed to go forth to alarm the public when there was no ground for such alarm. He believed the sound and gradual development of the resources of the colony was thoroughly demonstrated by the returns which had been placed in the hands of hon. members. He did not take isolated periods, but on comparing the aggregate of the returns from 1854 to 1857, he found the result most cheering, there having been a gradual and healthy increase in both imports and exports, whilst the increase in the latter was greater in proportion than in the former, or as 356 of exports to 309 of imports, during the past year.

The Treasurer remarked with regard to the statement in the Governor's speech relative to the financial position of the colony, exception had been taken to it, but it was not always wise to take large returns of imports and exports as the measure of prosperity without carefully examining them. There had been a large decrease in the shipments of produce, which might arise either from a deficiency in the harvest or low prices, it was in fact too early in the year to ascertain to what this could be attributed. An examination of the Customs revenue for the last eight quarters, and the last report of the Chamber of Commerce, indicated financial prosperity. There were signs of progress in every branch of statistics. All that was meant by a liberal interpretation in reference to the Distillation Act was that those parts which were left to the discretion of the Executive would be carried out with as little restriction as the law would permit. Parties might have been required to send all their spirits to the bonded store in Adelaide, but the Government having the power of licensing bonded warehouses where they pleased gave notice that the bonded warehouses might be upon the premises of the parties distilling. The House had long since determined, from the evidence which had been given before a Committee, that the manufacture of grain spirit could not be carried out to the benefit of the farmer, because the cost of spirits made from wheat would be greater than the cost at which spirits could be imported from foreign countries.

Mr. Bakewell suggested that there was an important omission in the speech; there was nothing about law reform. The hon. member alluded to a number of Acts which had been introduced in adjoining colonies, and from the non-introduction of which here he believed this colony suffered. He particularly alluded to the Bankers' Drafts Acts, the Sale and Lease of Settled Estates Act, Fraudulent Trustees Bill, Circuit Courts Act, Local Courts Act, Landlord and Tenant's Act, &c.

Mr. Reynolds had intended to make some remarks on the financial question, but these would come more properly, as the hon. the Treasurer had observed, when that hon. gentleman's financial statement was made to the House. He would only remark on the statement of the increase of imports and exports being in a sound proportion to each other, that on taking the suggestion of the hon. member for Clare he found they were not in such a proportion. Leaving this subject, he would make one or two comments upon the Ministerial programme. He wished he could go with the Ministry upon all questions, but it seemed impossible, though he might be found voting with them upon several subjects. There were many serious omissions in their programme. The hon. gentlemen on the opposite side were gentlemen with whom he (Mr. Reynolds) had acted for a considerable time, and he hoped that if he should be found giving his vote against them they would not attribute it to personal feeling any more than they would suppose that the hon. and learned Attorney-General was actuated by fraternal motives. If he and those hon. members had disagreed on matters of such importance as had led him to leave the valuable society of these hon. gentlemen, these must be matters on which he felt strongly, and which they should not feel surprised that he should battle out. These matters appeared to him of vast importance, though they might not appear so to others, but to him they appeared such that he should yet take the sense of the House upon them. Some of these matters were of a personal nature with which the House would have to deal; but in these matters there were still some links wanting, and he had sufficient confidence in the hon. members opposite to believe that they would produce these links when they were called upon to do so. He should be found supporting the Ministry on such questions as he could conscientiously support them; but on other matters of vast importance he would be found at issue with them. In the programme of the Ministry there was one serious omission which led him to think that the Ministry were not in favor of responsible government; for if they were to bring irresponsible Boards and Commissions under the control of a responsible minister, he contended that they were not advocates of responsible government. It was well known that during the last session, an important Bill, the Public Works Bill, had been brought in by the present Treasurer, who was then Chief Secretary. That Bill had met with the sanction of the House. No deviation or alteration was made in it, but it was passed and sent to the Upper House. How was it received there? On September the 15th he found that Mr. Davenport, then Commissioner of Public Works, moved, "that the Bill be now read a second time;" but Mr. Younghusband moved, "that the Standing Orders be suspended, and that the debate be continued;" and this was carried. Subsequently, Mr. Younghusband moved, "that the Bill be read a second time that day six months;" and that accounted for the omission of which he had spoken in the ministerial programme. The fact was, that the present Chief Secretary was an enemy to responsible government, or that Bill would have been re-introduced. He regretted very much to find that the hon. and learned Attorney-General had been outwitted in this matter by a gentleman of such a placid exterior as the Chief Secretary, but not all innocence within. (Laughter.) The question was put that the bill be now read a second time. Messrs. Hall, Scott, and Younghusband voted with the noes, and Mr. Younghusband was teller. It was strange that these three gentlemen should all be members of an irresponsible Board—the Harbor Trust. That, he (Mr. Reynolds) supposed was the reason why the Government had not brought in a Bill which was received so well last session. It was because they were opposed to responsible Government. He wished to know whether we were to have responsible Government or not, and this was a question on which he would take an early opportunity of testing the feeling of the House. He hoped the House would excuse him for speaking of what was personal, but having had something to do with the Board, he could not help speaking on the matter. He felt exceedingly gratified by the remarks of the hon. the Commissioner of Crown Lands on the observations which he (Mr. Reynolds) made on the previous day in playfulness, although that hon. gentleman's colleague on his left had considered them very vindictive, and he trusted if he had said anything annoying to the hon. Attorney-General, that hon. member would pardon it.

Dr. Wark was greatly pleased at many of the speeches, and especially with that of the late Commissioner of Public Works. The question was, should the Commissioner of Public Works be a Commissioner or a member of various Boards, and should he be irresponsible. He was in favor of sweeping away the Boards.

Mr. Hart moved that the House adjourn, and that the continuation of the debate be made an Order of the Day for the following day.

The motion was carried and the House adjourned accordingly.

HOUSE OF ASSEMBLY

THURSDAY, SEPTEMBER 2

The Speaker took the chair at 10 minutes after 1 o'clock

PETITIONS

Mr HUGHES presented a petition from the Mayor and Corporation of Port Adelaide, praying that the House might be pleased to recommend the Government to transfer to them the custody of the North parade, Port Adelaide The hon member moved that the petition be read, and laid upon the table

Petition read accordingly

Mr HUGHES presented a petition from Thomas O'Halloran and two others retired officers of Her Majesty's military service, praying for permission to avail themselves of the same advantages in the purchase of land which had been allowed to other naval and military settlers in the colony

NOTICES OF MOTION

Several notices of motion were given, which will be found elsewhere

THE YATALA

Mr BARROW asked the hon the Treasurer whether any particulars could be given relative to the reported running ashore of the Yatala in Rivoli Bay, and whether any information had been received respecting the lighthouse which she had on board

The TREASURER replied that the Yatala had gone ashore, but that no official intimation respecting the condition of the lighthouse lantern had been received

SOUTH AUSTRALIAN RAILWAY

Mr HUGHES, with the permission of the House, would ask the hon the Commissioner of Crown Lands, whether the Government had any objection to furnish the House with the whole of the correspondence in the possession of the Railway Commissioners, relating to the funds for additional rolling stock If information were laid on the table, it would save him (Mr Hughes) the necessity of moving the House on the matter

The COMMISSIONER of PUBLIC WORKS would be happy to furnish the information if the hon member would mention what portion of the correspondence had not been furnished He was not aware that any had been omitted, but if so it should be supplied

Mr REYNOLDS wished for the whole of the correspondence arising out of the letter dated October 31

Mr BLYTH—If the hon member would favour him with a memorandum the matter should be attended to

THE CHIEF COMMISSIONER OF RAILWAYS

Mr REYNOLDS, before proceeding with the motion standing in his name, begged to ask the hon the Attorney-General whether there was any truth in the rumour that the Chief Commissioner of Railways had resigned his office

The ATTORNEY-GENERAL replied that it was not true in one sense, but the Chief Commissioner of Railways, in accordance with the wish which that gentleman had long since expressed, had placed his resignation in the hands of the Government, to be used by them as deemed necessary Perhaps the best way would be for him to read the letter The hon member then read the letter as follows —

"South Australian Railway, Adelaide Station,
August 31, 1858

"Sir—Having seen a notice of motion by Mr Reynolds, the late hon Commissioner of Public Works, relative to my position as Engineer and Commissioner of South Australian Railways I beg to state—

"It is well known that I have been for some time anxious to resign my position as Commissioner, from the feeling that the duties involved were highly onerous and unpleasant, coupled with the fact that I received no pay or emolument, either directly or indirectly, for these duties And this desire has been greatly increased from the feeling that the new regulations have deprived the Commissioners of the power of the management, for which they, nevertheless, will be considered responsible

"Had any proposition of the late hon Commissioner assumed the shape of his present motion, I should have been ready at once to have embraced so favourable an opportunity to resign the Commissionership, but while complaints of the management of the Commissioners were still pending, I felt that it would be incompatible with respect due to myself to resign my office unless requested by the Government to do so

"I have now, however, to place my resignation in the hands of the Government, to make use of at the time which may seem to them most expedient and most conducive to the wellbeing of the public service

"I have, &c,

"W HANSON

"The Hon the Commissioner of Public Works"

Mr HAY asked the Commissioner of Public Works whether the surveys through Mount Lofty, and from Gawler Town to the 39th Section undertaken for the construction of a railway, had been completed, and, if so, when the report would be laid on the table

The COMMISSIONER of CROWN LANDS said that the surveys had been completed, and the report would be laid on the table on an early day

THE COMMISSIONER OF RAILWAYS

Mr REYNOLDS asked the hon the Attorney-General whether he was prepared to state what course the Government intended to pursue in reference to the letter of the Chief Commissioner of Railways Did the Government intend to accept that gentleman's resignation?

The ATTORNEY-GENERAL replied that the Government did not feel any particular inconvenience result from the offices of Engineer of the South Australian Railway and Chief Commissioner of Railways being held by the same individual, and that, therefore, until they were prepared to propose some better arrangement for the conduct, not merely of the Railway Board, but also of other Boards, it was not their intention to accept the resignation in question, unless such should be the wish of the House The only reason they did not accept it at present was, that in the event of their doing so, it would render the appointment of another salaried officer necessary for a mere temporary purpose He might also state that the Government had had under their consideration a proposal for the formation of a Board of Works, which should be responsible to the Commissioner of Public Works That was the plan proposed, in order to remove the present difficulties attending this subject At present they were endeavouring to procure the appointment of a Commission, of which the President of the Board of Works should be Chairman, and to which should be entrusted the management of all the great public works of the colony

Mr REYNOLDS said that if a Bill to that purpose were to be shortly laid on the table, he would not proceed with the motion of which he had given notice

The ATTORNEY-GENERAL said that in a fortnight at the latest he would be prepared to lay the draft of such a Bill on the table

Mr REYNOLDS—After what had fallen from the Attorney-General he would not proceed with his motion

DEPARTMENTAL EXPENDITURE

In reference to the motion standing in the name of Mr Strangways—

"That there be laid on the table of this House a copy of a circular that was on or about the 23rd of January last, sent from the Chief Secretary's office to heads of departments, requiring them, in preparing the pay-sheets and regulating the expenditure of their departments, to be guided by the Estimates alone, without reference to any existing Acts of the Legislature"

The ATTORNEY-GENERAL said that if the object of the mover was only to obtain a copy of the circular he might as well lay it on the table at once

Mr STRANGWAYS said such was his only object

The ATTORNEY-GENERAL laid the document on the table accordingly

DUPLICATE OFFICES

Mr BURFORD, in accordance with previous notice, rose to move—

"That the practice hitherto observed, rendering it necessary to unite in one person the two offices of Attorney-General and Member of the Administration, is highly inexpedient and objectionable, and that it is expedient to appoint a Parliamentary draftsman"

The hon member proceeded to say that under the old *regime* when the colony was under a Government which was purely irresponsible, it was convenient, if not necessary, that the Attorney-General should be a member of the Executive Government, and when the intermediate mode of legislation came into force, and nominees were coupled with a certain number of representatives, even then it was not so very objectionable that the Attorney-General should be a member of the Ministry, but now that they were under an entirely free Constitution it was utterly inconsistent and objectionable that that state of things should be permitted to exist It was inconsistent as affecting the office of Attorney-General itself, for although it was true that he was not initiated into the working of the law and the Law Courts, he could see that many inconveniencies must arise under the present system from the casual transfer of the office whenever a change of Ministry took place That must necessarily tend to derange the business in the hands of the Attorney-General The practice hitherto observed in consequence of this arrangement had been of a character to set limits to the operations of the members of the Legislature It set limits to their action, and still more than this, it tended absolutely to cripple them in their attempts to discharge their duties to their constituents, for when a change of Ministry took place, as had been the case some three or four times during the last session, the main difficulty of getting up a new Ministry was who should occupy the place of Attorney General It was a well-known fact, and, he might safely say, admitted by the gentlemen of the legal profession, that it was not every lawyer who could take the position of Attorney-General That had been an insurmountable difficulty in some cases It was felt by one and all, he believed, that the hon gentleman now filling the office was the man of all others most fitted for it, and under such circumstances it would be seen that a kind of immortality was conferred on his compeers who acted with him, and this was a state of things which under the present system could not be helped in a

colony were lawyers were not more numerous. The Attorney-General might not always be a man of gigantic mind, as he had heard one or two gentlemen say so on the previous day, or even possessing such a mind he might do all the mischief possible. He trusted that at some future time we might be able to steer clear of this Scylla and Charybdis. The House had hitherto shewn a very deep feeling of reverence for precedent, and he had often heard hon. members saying that they should conform in all their conduct to the example of the House of Commons. But he (Mr. Burford) found that in that House the practice was against the Attorney-General holding a seat in the administration, and consequently the precedent was in his (Mr. Burford's) favor in this instance. For his part he was always found in the ranks against precedent, but he was in its favor on this occasion, for he held that the Ministers composing a responsible Government should be non-professional gentlemen. The Attorney-General should not compose a part of the Ministry, for from the character of his training and education, he was a scientific and professional man, and could not therefore in his (Mr. Burford's) opinion, occupy a position in the Ministry without being out of place. He was only qualified to act as a subordinate officer under the Government to which he was attached. Then again, under the present system, a man of business habits and vigorous intellect was precluded from office, for he knew that with all the honorable aspirations of a virtuous ambition he could not attain his object until the present state of affairs was altered; and there was no encouragement for such a man to devote himself to public pursuits, for from the union of two offices in one person there was no chance of his rising to the high and honorable position of a member of the Government. This was a bad condition of affairs, and the range of choice for members of the Government must be made as wide as possible, and not circumscribed as it was at present. Doubtless many very many, of our fellow-colonists, remarkable for their mental activity and energy, and who had an interest in the colony, were likely to be shut out from taking part in the legislation of the country by the system of which he complained. The only objection which could be urged to his motion was the expense of the appointment of a Parliamentary draughtsman to take the place of the Attorney-General in preparing any Bills which might be required; but that was so trifling a matter that he was sure the House would not hesitate to set it on one side in consideration of the more important step of opening a way for the more liberal government of the country. This officer could be paid so much per folio for the work actually done, so that the Acts prepared would not necessarily cost more than was quite unavoidable, for he would not have a large salary attached to the office. And when the Attorney-General should be relieved from his present onerous duties he could not see that it would be necessary to retain the office. There was no necessity for filling up the office which would become vacant by the resignation of the hon. gentleman the Attorney-General. Four members of the administration in his opinion, would be sufficient. There was no need of five. (No, no.) Of course the hon. member's pension would still be retained when such a change was made in the Constitution Act—(laughter)—for that would be inviolable during the term of his natural life. His (Mr. Burford's) object in bringing forward this motion was to place on record his deliberate conviction, that this was one of the points in which the Constitution should be amended. That was his immediate object. His ultimate object was the amendment of the Constitution Act itself. When they looked at the remarks which had been offered and the disclosures made during the last few days, they were reminded of the celebrated Charles Dickens, when he wrote his pasquinade, or "how not to do it." But he must say that the South Australian Government was an exception in this respect, for they did know how to do it. The fact of the Attorney-General occupying the position of a Prime Minister, for it was he who had formed the Administration, was most anomalous, and the influence which he possessed in the Cabinet was necessarily greater than if he were merely the Attorney-General. He contended that every ground for suspicion that the learned gentleman might exercise an improper influence should be removed. He had the fullest confidence in the hon. gentleman who now filled the office, but he maintained that no individual should be placed in a position of such power, for if the man were corrupt at all, who occupied such a position, he could exercise a gentle coercion which would not hurt, but only tickle and please, but which at the same time would be quite sufficient to accomplish the objects which he had in view, as, according to the old axiom "a nod is as good as a wink to a blind horse." He was going to remark, without going into this matter further, upon the necessity of amending the Constitution as soon as possible. Some gentlemen had said on the previous day, "let one session go by until we have discovered all the faults of the Constitution;" but he thought that they had found out all the faults, or at all events they had discovered such grave faults as required immediate amendment. He thought it was the hon. the Treasurer who had, during the last session, brought forward sufficient reasons for amending the Constitution, to justify the House from the charge of needlessly and hurriedly altering that Act; and he did not think the present motion could entail upon him the charge of having made an amendment for the purpose of afterwards making others. He thought the subject was one which ought to be grappled with by the Government during the present session. Another point upon which he found fault with the Ministry was, that they had not devoted their time and attention to this matter during the recess. They ought to have revised the Constitution and not have allowed twelve months to pass by without the necessary alterations being effected. Acting under these convictions, he should move the resolution of which he had given notice.

After the hon. member resumed his seat there was a short pause before the motion was seconded.

Dr. WARK rose and said that he had had no intention of seconding the motion, for he thought that the hon. member who proposed it would have provided some one to undertake that duty before he brought a resolution of such grave import before the House. But he (Dr. Wark) had looked round, and finding no one ready to second the motion, he rose to do so. He considered the motion well put forward and well timed. It was intended to amend the Constitution and to rectify a grave and serious error in that Act. The hon. member had alluded to the working of that portion of the Constitution very justly, so that he (Dr. Wark) did not think it necessary to go over the ground again. It would not be necessary to do so, as he would only be walking in the hon. gentleman's footsteps. But there were two things which struck him. One was that the hon. the Treasurer had brought in a bill last session to amend the Constitution, when the hon. gentleman was not in power. He (Mr. Finniss) had brought in that bill, and most assuredly at the time he was in earnest; but why was nothing said about that bill now? If no one else in the Ministry, why did not the hon. the Treasurer do so? He (Dr. Wark) could not see how the hon. gentleman could take office, and yet consign to oblivion the extreme doctrines which he had held last session. There was another point which occurred to him, and which came to the same thing. The Commissioner of Public Works—where was he? That hon. gentleman entered office under the Baker ministry, and what were they going to do? To revise the Constitution, to amend all its faults, and get it into harmonious working. Indeed two of the Ministry were pledged to bring in a Bill for the purpose of amending the Constitution, and yet there was not a word said about doing it now. They had not done anything about it all through the cool winter, or even now when the roaring hot winds were about to commence. He thought the Government were individually to blame for bringing the House there without taking some steps to amend the Constitution. He would now second the motion, and if he had known he had to do so he would have prepared for it, which he had not done.

Mr. PEAKE rose for the purpose of supporting, as he had done on another occasion on the previous day, an abstract proposition. He would support the motion, asking the House to go a little further than the motion itself went, which was merely an abstract principle. He hoped the House would go with him in devising a remedy for the evils which existed in the Constitution Act. He would support the present motion on two grounds—first, because he believed that we lived under an essentially English Constitution, and he found that under the English Constitution the Attorney-General was not a Cabinet Minister. He had such faith in the wisdom and prudence of those who had framed the English Constitution that he should be sorry in any matter to deviate from the rules which had been laid down by it for the mother country, and which had worked so well there. He found that the other colonies, in which what he regarded as a similar mistake had been made, were now retracing their steps, and preparing to take the same action in the matter which the present motion suggested; and they were doing this in some instances, or at least in one, at the instigation of the Attorney-General himself; he alluded to the case of New South Wales. These were the two considerations upon which he would support the abstract proposition in the motion before the House; but he would not stop there. He would ask, was the House to go on from day to day and from week to week proclaiming the evils which existed in the Constitution Act, and yet taking no action to remedy them? Or was the House to go on for ever legislating against the Constitution Act by resolution? He had proposed a motion on the previous day to amend the Constitution, and he thought there was as much reason for amending that Act then as there was to day. He hoped that hon. gentlemen would not be content with making mere assertions against the Constitution, and then walking away and doing nothing to amend it; or, if they did so, he hoped that hon. members would give their reasons, or persons out of doors would begin saying that there was something not quite reasonable or prudent in their mode of proceeding. He would move as an amendment that the words "and that it is expedient to appoint a parliamentary draughtsman" be struck out, and the following words be inserted—"and that an address be presented to His Excellency the Governor, praying that His Excellency may be pleased to direct the Law Officers of the Crown to prepare a Bill to amend the Constitution." It was admitted, he believed by the House, that the presence of the Attorney-General in the Administration was neither essential nor desirable; and if so, the House should go with him, for how was action to be taken in the matter without an amendment of the Constitution? The Attorney-General held his seat in the Ministry under the Con-

stitution Act, and held it rightly and properly so long as that Act remained in force and he (Mr. Peake) for one would never expect him to relinquish his position so long as they went on legislating by resolution. He hoped the House would now go with him and pass a resolution that this point at least was one demanding prompt action in amending the Constitution Act, and if the House thought that the Attorney-General should not hold a seat in the Administration, he did not see how hon. members could avoid supporting him. He did not look at this matter upon personal grounds, for the talents and acquirements of the hon. gentleman who now held the office of Attorney-General were such as to render him an ornament to any Cabinet, but he relied upon the practice which had grown up under constitutional rule in England, and which had worked so well for a long period, and he fell back upon this as the best support and guarantee he could have in what he proposed. The hon. member concluded by formally moving his amendment.

Mr. HUGHES rose to second the amendment, and in doing so he trusted he need not assure the hon. and learned the Attorney-General that he did not act from any personal feeling towards him or any desire to see him abrogate his office, for during the long time for which that learned gentleman had held his seat, he (Mr. Hughes) had always regarded with admiration his high legal talent and acquirements. But in a small Legislature a person possessing great moral influence like that of the Attorney-General—an influence arising from his argumentative ability and legal acquirements, was sufficient to do away with the effect of representative government. He possessed a power far greater than it was safe to entrust in the hands of an individual. Not that he would say that the hon. gentleman who now held the office would use it or exert his abilities for any evil purpose, but a person might come into the office who would use it as a political partisan. It might occur in some future time, when the present holder had vacated his office, that it would be given to the gentleman who would display the greatest abilities in debate, without taking a very high view of the qualities which should be found in an Attorney-General. There was another point also which he wished to call attention to. He believed that, according to the practice here, the highest seat on the judicial bench would be offered to the Attorney-General in the event of its becoming vacant, if he chose to take it. However, if the qualifications of an Attorney-General depended upon his abilities as a political partisan, this might lead to a very serious injury. Such cases were known to have occurred on the English and Irish Bench in days gone by, and the danger was one which should be most seriously considered. He knew himself the practical inconveniences which arose from having an Attorney-General in the Ministry, for when he himself formed one of an administration they found that they would be obliged to resign, even without an adverse vote of the House, in consequence of their inability to find a gentleman whom they could recommend to His Excellency for the office of Attorney-General. It was only a chivalrous feeling on the part of Mr. Torrens which caused the Ministry to remain in as long as they did, for that hon. gentleman had said that he would rather be driven from office on a particular question, and he would then resign. He mentioned this to show that in a limited Legislature there was danger in having too great a power in the hands of one officer taken from so small a circle as the legal gentlemen in the House. He might be told that difficulties would arise in legislation without an Attorney-General, but he did not think them insurmountable, and he hoped the House would take the same view. He would remind hon. members that they had recently legislated on the subject of real property, and that they had then thought it better to revert to first causes. He would start from that point, and he thought hon. members would be found competent to catch the legal bearing of any matters which might come before them. The office of Attorney-General should be filled not from the limited circle of legal gentlemen in the House, but from the entire bar of the Supreme Court, and the appointment should not depend upon the ins and outs of any Ministry. He should like to see it more like the appointment of a Judge, namely, during good behaviour. Indeed, if all the heads of departments in the Government were placed in that position, and paid fixed salaries, it would tend to greater economy in the law expenses at least. He would put it to hon. gentlemen to say in what position they would be at present, if the Attorney-General were to vacate his seat, and the other legal gentlemen in the Legislative Council to do the same? Where would they get a gentleman so capable of filling the office of Attorney-General, or that greater office of Chief Justice, which was dependent upon it? The question before the House was a most important one, for he felt that they would never arrive at a proper working of responsible Government, with a Constitution such as we now possessed. There could be no hasty alteration of the Constitution, for even if the motion were affirmed it would take a considerable time before any alteration could be made. He would second the amendment, that members might express their opinions on it and calmly consider the bearings of the whole question, and then say whether it was necessary to legislate upon the subject.

The TREASURER before speaking to the question would ask the Hon. the Speaker whether at this stage he could move the previous question.

The SPEAKER replied not after the motion had been moved and seconded, but he could do so if the hon. member who had seconded the motion would withdraw.

The TREASURER said that as he might have an opportunity of moving the previous question at a later period of the discussion he would now content himself with stating that he should vote against the amendment. He would do so not because he was unfriendly to its object, but because at present he was not prepared to go with the hon. member who had proposed it. He should advert presently to his reasons for taking this course, and especially as his name had been alluded to in the observations of the last speaker. He would proceed now to the arguments on the motion before the House. He did not agree with the mover of the original motion, as he did not think the offices of Attorney-General and member of the Administration could be separated, unless a minister of justice or some other high legal functionary were appointed in place of the Attorney-General. When the precedent of the mother-country was quoted he could only say that we had not in this country the materials which existed in the mother-country for filling as many legal offices as existed there. It had been said during the discussion of the Constitution Act that it would be impossible to find 36 members for the Assembly and 18 for the Council, and that there would be a difficulty in filling the offices in the Administration in a small colony like this, and the argument seemed of some weight at the time, but it was met by the more solid and conclusive argument that it was a great advantage to have a large House and an Administration of at least five members, and that these would be permanent advantages, whilst the difficulties would be merely temporary, for every year the colony grew older the lighter the difficulties became and every year a greater number of persons would qualify themselves for seats in the Ministry or in the Legislature. During the short time the Constitution had been in operation there had been no lack of men to fill offices either paid or unpaid under that Constitution, and every year we should go on with increasing numbers. With regard to separating the two offices of Attorney-General and member of the Administration, he did not know that it would improve our Constitution in any respect to render necessary the creation of two offices for the highest legal functionaries, whilst the members of the bar were and were likely to continue so few in number. The questions of law reform which would continually arise would render it necessary to have in the Administration an officer of the highest legal attainments to be found in the colony, and it would be useless to have such an officer appointed during good behaviour, for if a Ministry had not amongst themselves a man of high legal attainments their plans of law reform would be easily evaded by any lawyer independently of the popular will on the subject. The motion would, in his opinion, necessitate not only that we should pay an officer instead of the Attorney-General, to conduct prosecutions which the law required, but also another officer as a member of the Administration. He did not say that in any amendment of the Constitution Act such an officer should have a seat in the House, as that might possibly be dispensed with, and was not considered a *sine qua non*, but he must be a member of the Government and must hold an office which he should vacate when the Ministry resigned. These were the reasons on which he was opposed altogether to the motion. As to the arguments used in support of the economy of the arrangement, he thought it would be found quite the reverse, as instead of one office they would have to pay the holders of two. It was said there were not men in the House or in the country fit for the office of Attorney-General, but he was quite sure that the gentlemen of the bar would not admit this, or that the members of the House or even the Attorney-General would not venture to assert that there was no man fit to hold that position. It was also said that there were only a few lawyers in the House, but the Governor was not restricted to the House, but had the range of the whole colony to choose his advisers. It was true the officer chosen should afterwards appeal to a constituency to be returned to the House, but on a great occasion, where the individual was fit for his office, and where a Ministry was put out because it was not popular with the House or the country, in such a case they would find that some constituency would return the gentleman appointed by the Governor. When once the Premier had stated in the House that he had been obliged to select that gentleman, so long as the House and the country were in accordance with him, as they would be if they sustained the Ministry in office, in such a case the country would support the new Ministry and some constituency would find a seat for the Attorney-General. The Constitution Act provided that no office of emolument or otherwise under the Crown should be conferred on any individual without the consent of the Governor in Council, which consisted, with one exception, of members of the responsible Ministry, and therefore the Executive could not be added to without the consent of the responsible Ministry. As to the dangerous power which the office was said to confer upon the Attorney-General in the Supreme Court, he did not think there could be any, but if there was, it might be remedied by transferring the decision as to what prosecutions should be brought before the Court to some other functionary, or by restoring the old Grand Jury system. He would now say a few words more of a personal nature respecting himself. It had been said by some speakers on that side of the House and by many on the other, that he had proposed to amend the Constitution Act. As a member of the House

he was not amenable to give any explanation on this point, but as a member of the Government he was amenable for any course which he might take. But it was as an individual member that during the last session he had proposed to amend the Constitution, and for this he was amenable to his constituents, and to them he should explain the course he had taken. But he was still of opinion that the Constitution required amendment in all the points which he had brought forward last session, and it might be in others. He had taken the opportunity last session of placing on record the points which in his opinion required amendment, and he had done that expecting and hoping for the support of the House, and that the country constituencies might express, if they desired any change, their opinions on the matter. But he found that on the meeting of the House, and before that, at the various elections which took place, there was not a single expression of a desire for any immediate change. The press was against him on the point, and therefore he thought he had done his duty in pointing out where the errors lay, and it must be some public expression of opinion which would justify him in going on. That would be his course were he still an individual member of the House, and not a member of the Government. If there were any fair indication of support out of doors he was prepared to go on, but as a member of the Government he was no longer free, and therefore could not bring forward such a measure, except with the consent of his colleagues, and he should consider with them what course to take whenever occasion arose. The cases cited during the session as points in which changes were required in the Constitution only showed that it would be premature to attempt it as yet, for the House was not yet alive to the various amendments required. He presumed these were the reasons which induced the Government, of which he had the honor of being a member, not to come forward with any amendments. He might explain that his views were not in the least altered as to the necessity for amending the Constitution, and he would be found on that side whenever the question came before the House. He objected to discussing an abstract proposition of such importance, and which could end in no result but the mere assertion of a principle. When the amendment of the Constitution was under consideration would be the proper time to discuss this question; but if it were discussed that day or that day week, or in a very short time, he should say that the proposition to separate the office of Attorney-General from that of a member of the Administration would not prove useful to the country.

Captain HART wished that the amendment might be read. It was to the effect, that an address be presented to His Excellency, praying him to instruct the Law Officers of the Crown to introduce a Bill to amend the Constitution Act. He should vote against the original motion, although he thought it very likely that he might have been induced to support the amendment had proper notice of it been given and the session had progressed a little more, in order that they might have been afforded an opportunity of judging where it was that the Constitution Act really required amendment. He could not, however, support it on the present occasion. The arguments which had been made use of rather confirmed him in the impression that the office of Attorney-General should remain, as at present, not separated from the Cabinet. Although the Attorney-General at home was not a member of the Cabinet, he had a seat in the House of Commons, and was ready to give advice and pay attention to Bills, and give a legal opinion on behalf of the Government. As, however, it had been yesterday determined that no person holding office of emolument under the Crown could be a member of that House, it appeared to him to put a stop altogether to the Attorney-General being there. (No, no.) He fancied that the resolution of yesterday prevented the Attorney-General from being in that House by any chance at all. It was necessary there should be legal members in the House, but as the House had taken away their only chance of getting honour or employment under the Government, it appeared to him they would have no legal members if they were debarred access to any office of profit, honour, or emolument. The consequence would be that the House would be thrown upon mercantile men and country gentlemen to determine what laws should be passed. It could not be argued that there would be no advantage in having some legal members in the House amongst the various other interests represented in it. It was hardly fair to say that there should be no legal members in that House, for it would really amount to that if *they were to say that the Attorney-General should not be a* member of the Cabinet. Although he was ready to endorse a considerable portion of what had fallen from the hon. member for the Port, he could not go the whole length. Although the Attorney General did exercise very considerable power in the House—he was going to say unlimited—he did not at the same time believe that the Attorney-General would receive the support which he did if he did not bring forward measures which were in accordance with the views of that House. All the talent which the Attorney-General unquestionably possessed would not keep him in his place if it were not for this circumstance. The measures brought forward by the hon. gentleman would not be supported as they were, if they were not in accordance with the views of a majority of that House. In fact the ability of the Attorney-General was in finding out what suited the views of a majority. (Laughter.) It appeared perfectly impossible to him for any Government or any Ministry to exist without legal members in it. Various members had expressed an opinion that there should be another legal member in the Cabinet. Several thought there should be a Solicitor-General as well as an Attorney-General. (Laughter.) Under such circumstances, he could not see how it could be desirable at the present moment to get rid of the Attorney-General. He was aware there was a great difficulty in forming a Ministry or an opposition at the present time, but if the Attorney-General were out of the Ministry, there be a much greater chance of the Ministry being ousted, than with the Attorney-General as one of its members. If a resolution of this kind were passed, no doubt they would see various changes in the Ministry between this and the end of the session. Looking at the subject in all its bearings, he felt bound to oppose the motion. The argument used by the hon. member for the Port, appeared to be that in consequence of the great ability of the Attorney General—because they could not find some other legal gentleman to cope with him—they ought to put him out of the Ministry. Now if this were a sound argument, if they happened to get a Chief Secretary who possessed such ability that he could carry the House with him on all occasions, they would require to get rid of him upon the same grounds as it was now proposed to get rid of the Attorney-General. (No, no.) The chief argument in support of the motion, certainly that of the hon. member for the Port, was the great ability of the Attorney-General. As there was no office that would fall into the hands of legal gentlemen except that of Attorney-General, they would shut them out from all chance of preferment if they *did away with that office as one of the Ministry.*

The COMMISSIONER of PUBLIC WORKS rose very much from the same feeling which had actuated the Treasurer in the latter portion of his address, namely, to give an explanation of a personal character. The House would perceive that the motion of Mr. Burford amounted in fact to a proposition to amend the Constitution Act, but only on the previous day several hon. members had declared that it would be unadvisable to consider the Constitution Act until the whole session had passed. He in common with other members had discovered imperfections in the Act; ever human undertaking was imperfect; but it was undesirable hastily to bring forward amendments in so important a measure as the Constitution Act. That Act had been referred to a Committee specially appointed to consider it, and the question whether there should not be a Solicitor-General as well as an Attorney-General received considerable attention. At one time it was deliberately affirmed that there should be legal advisers, and it was only by a majority of one that resolution was struck out. There was a time for all things, and the time would come for the amendment of the Constitution Act, though that time had not yet arrived. He could not help referring to the remarks of the hon. member for the Murray, who had stated that when he (the Commissioner of Public Works) formed part of an Administration, a specific promise was given by that Administration to amend the Constitution Act; but he would state that Ministers took office to settle the Privilege question; and without entering into the merits or demerits of that Ministry, he would merely remark that they bowed as he believed gracefully to the expression of feeling of that House. Whether they had succeeded or failed was not necessary to determine, as the matter had passed away. He believed that the House after discussing the motion of the hon. member (Mr. Burford), and hearing the views of several other members, would come to the conclusion that though some good might come from the discussion, the better plan would be to support the previous question.

Mr. ANDREWS felt bound to oppose the original motion before the House. It had been asserted that two offices were now held by the Attorney-General, but that statement was not supported by facts, the Attorney-General and one of the Ministry, being one office. But he opposed the motion upon stronger grounds, thinking it injurious hastily to amend the Constitution Act upon such grounds. The arguments which had been used in reference to the great power which was attributed to the Attorney-General would lead to the conclusion that the Ministry were thought to be too strong for the House, and that they should therefore be weakened. He was sure the House would see that this would be futile; that it would not be for the benefit of the country. The duty of that House, he apprehended, was to guard the interests of each constituency, and of the country in general. After all it appeared to him that there was no such important question involved that it could not be arranged by curtailing the powers of the Attorney-General, or such as he might possess, which might be used injuriously to the country, that is if they were such powers that they could be legislated against. Incidentally he might mention what appeared to him a very high power possessed by the Attorney-General—such a power as he thought should not be held by any one person, but should be wielded by a Grand Jury. Trial by Jury in the colony was gradually being done away with, and would, he believed, shortly dwindle down to nothing. It would soon vanish from the land altogether. They had now Courts in which one individual, judging from hasty impressions, however exemplary he might be, in a Court where there were perhaps 50 persons, and where the best order was not kept, might sentence a man to three years imprisonment without the intervention of any Jury at all—without the accused person having recourse to trial by his

peers—without the right which every Englishman considered he possessed, and boasted of. Again, a man might be brought before a petty Jury, and have his character stigmatized without the intervention of a Grand Jury. He did not believe that the present holder of the office, the Attorney-General, would stoop to acts to vex his opponents or injure his enemies; but still under under existing circumstances, it was in his power to give annoyance and to inflict injury. What he held was that no bill should be merely endorsed by the Attorney-General, but it should be endorsed by a Grand Jury. Let the Grand Jury determine whether there were a *prima facie* case or not against an accused, and, if so, it was in their power to find a true bill, and then the accused would have justice done to him. He knew of an instance in which the Attorney-General had submitted to him an information against one of his own clients for stopping a road; now if there had been a Grand Jury, the Attorney-General would never have known of this information. He would ask was it fair to place the Attorney-General in this position, that he must throw up his office or lay an information against one of his own clients, yet if he did not lay the information he would lay himself open to the charge of sheltering his own client. There were, he considered, reasons that the powers of the Ministry should be curtailed but there was no reason that the Ministry should not have the advantage of the ability of the Attorney-General. The question, however, of the convenience of the House was another thing. He considered that the House could not be assisted by the ability of the Attorney-General if he were to be irresponsible. No man was so well kept in his place as a person who was responsible, and so long as the Attorney-General was in his place in the House he was not only responsible to the House but to the country.

Mr Barrow was very glad to hear that the objection to the Attorney General was not on account of the great talent and ability which he possessed. (Hear, hear.) At one time from the turn which the debate took there was some danger of that impression getting abroad, but he was very glad that the House had repudiated it. If the Hon the Attorney-General were all-powerful in the Cabinet and omnipotent in that House it appeared that he was at the same time a target against which members of the House launched their shafts. (Laughter.) He had heard it stated at one time that the Attorney General was omnipotent in the Ministry, but another honorable member stated that the hon the Attorney-General showed his great ability by consulting and determining what would best suit a majority of the members of the House. (Laughter.) At one time it was stated that no Ministry could be kept together without the Attorney-General, and then it was stated that the hon gentleman counted heads in the Assembly to see if he could carry his measures or suggestions. He thought these sentiments clashed a little; but with regard to the particular question before them, he must say that he did not think it had been brought forward in the best possible way, because it might have the effect of driving the Attorney-General into the Upper House. (Oh, oh!) The resolution passed on the previous day, prohibiting Government officers from holding seats in that House, would not bar them from entering the other. They might place themselves in this dilemma that they would actually lose the services in debate of so able a gentleman as the Attorney-General, and transfer him to the other House, from which the people would not be so much benefitted as by the honorable gentleman remaining where he was. It would be better to keep him in that House than allow him to go into the other. (Hear, hear.) With regard to amendments in the Constitution Act, it would be better, he thought, at once to resolve that it was desirable to bring in a Bill to amend the Constitution Act. Let them deal with the question upon its own merits. Let them go directly to the Constitution Act, and affirm that it ought to be amended immediately, rather than by a side-wind endeavor to bring about that amendment. Hon members differed as to whether amendments should take place during the present session or the next, but his own opinion was that it would be well to let them alone till the new Parliament, when they would be enabled to approach the subject not only with additional experience, but with a knowledge of the views of the people upon the subject, which at the general election they would have an opportunity of stating. (Hear, hear.) As the hon member (Mr Burford) had remarked, such grave defects had already been discovered in the Constitution Act that the probability was, before the session closed, further imperfections would be discovered; and under all the circumstances, it would be better to allow this important Act to pass through the first Parliament without alteration. (Hear, hear.) Feeling, however, that amendments were necessary he should be sorry to oppose the wishes of the House if they considered it should be amended during the present session; but he put it to the House whether it would not be better to pass a resolution affirming the principle that the Constitution Act should be amended rather than pass a series of resolutions which might prove operative or inoperative. There might be alterations effected in the office of Attorney-General. As a celebrated statesman used to tell the House of Commons, there were three courses to adopt—they could retain the Attorney-General on his present footing or under an amended Act he might have a seat in that House, but not in the Cabinet; or under another resolution he might be ejected both from the Cabinet and that House. Perhaps the public service would be best promoted by the hon gentleman having a seat in that House and not in the Cabinet; but the whole question was so largely involved in points which probably had not yet occurred to hon members that it was most undesirable they should hastily come to a conclusion. He would strongly recommend the hon member for the Burra and Clare to withdraw his amendment in order that the hon the Treasurer might move the previous question. He suggested this not with any view to shelve the question, but in order that at as early a period as possible the House might be in a position to deal with it in a more tangible form than that in which it at present presented itself.

Mr Bagot asked if the amendment were negatived, whether the previous question could be put?

The Speaker said that it could.

The Attorney-General said he had some difficulty in approaching the subject, but still he felt it would be hardly right to give a silent vote. He felt a difficulty because, however much hon members might desire to abstain from personal allusions and he was sure the House would feel how very much personal allusions had been abstained from, it was impossible to disconnect the remarks which applied to the office from those which to a certain extent applied to the individual. But whilst he felt a difficulty in speaking to the question in one aspect, he felt none in speaking to it as a question of general policy. He did not say that the present system was the best which could be adopted, but he believed it was less open to objection than any other which could be proposed. Referring to the objections which had been raised to the present system, the hon member for the Port had contended that it was an injurious and improper thing that a person who obtained office by dint of political partizanship should determine questions for instance affecting the jurisprudence, of the country or the rights of individuals. That was an inconvenience, no doubt. It was open to objection that the Attorney-General should have to decide certain matters—not because he was a sound lawyer but an able debater. But he would ask, was it not equally objectionable that the Treasurer should have to decide upon questions affecting finance, when he obtained his office, not because he was skilful in arithmetical figures, but in figures of speech. A similar objection presented itself in reference to every office. There was no member of the Administration who did not necessarily obtain the appointment which he held more by virtue of his political principles than his peculiar fitness for the particular office. There was always a danger in theory of there being an abuse of such power but he believed the danger in practice was very small. He believed this to be the case whether it was essential that the occupant of the office should be a lawyer or not. He believed there was not a member of that House who might not safely be trusted to use the power thus confided to him purely for the furtherance of the interests of the community. It would be the severest censure upon the aptitude of this country for self government if it were otherwise. It would be a bitter censure if it could be said with truth that such power could not be trusted to hon members on account of their political partizanship, however strong. The system of responsible government he pronounced a failure if such were the case, because there were not men in the colony who were fit for it. But he would not utter such a libel either upon the profession to which he belonged or upon others. He could not believe there was any member of that House who, having obtained power, would abuse it for political partizanship. Unless, then, it should be said that members of the legal profession were more likely to abuse power than others he could not see anything in that objection. In reference to the remark of the hon member Mr Peake that in England the Attorney and Solicitor General were not members of the Administration, he admitted they were not, but they were members of the Privy Council. In England, however, the powers and functions of the Government in connection with the administration of justice, which in this country are exercised by the Attorney-General, are conferred upon the Lord Chancellor. Although some inconvenience was felt as connected with that, the impression was that it was better and wiser that all matters connected with law should be entrusted to a member of that profession. (The Speaker here intimated that it was 3 o'clock, and the hon the Attorney-General discontinued his address, till upon the motion of Mr Macdermott the standing orders were suspended to admit of the debate being continued.) The Attorney-General continued—He was about to say while it appeared to him that it was inconvenient members of the bar in this colony should have the power which was possessed by the Attorney-General, he thought it far better that it should be possessed by a member of the bar than by a Judge. He thought it would in this country be matter of deep regret that a Judge should be a member of the Administration. It would be regretted if a Judge held office on account of his political position or standing, or should be expected to co-operate with an Administration in matters affecting the Executive in his department. Greater inconveniences were likely to result from giving to Judges the power possessed by the Lord Chancellor, than from giving power of that kind to the Attorney General. He was happy to find that during the debate none had attributed to himself or any one who had held the office of Attorney-General for the brief period which it had been held, any attempt or inclination to abuse the power vested in that office. It had been said that much inconvenience was likely to arise from a union of

the powers vested in the Attorney-General. The only way in which it had been suggested inconvenience might be felt or surmised, was in connection with the supposition that the Attorney-General might have more power than he ought to have in the Supreme Court. It so happened, however, that the Attorney-General was absolutely powerless in connection with the Supreme Court, for the salaries of the Judges were fixed by the Constitution Act, they were made perfectly independent of any administration, their tenure of office too did not depend upon any Ministry or upon any local authority, but merely upon the will of Her Majesty, and that will could not be exercised till an address had been presented from both Houses of Legislature, so that the Judges were placed, by the Constitution of the colony, as he was bound to say they were placed by their character and intelligence, above all influence of the Attorney-General. There was nothing that the Attorney-General could offer, nothing that he could take away. He could exert no greater influence in the Supreme Court than that which belonged to any member of the profession, nothing except that which arose from his knowledge of law or his power of argument. It appeared to him that the remarks which had been made amounted to a slur upon the gentlemen who so ably filled the office of Judges. There was an imputation that they would permit themselves to be influenced by the arguments or suggestions of the Attorney-General more than if they came from any other member of the bar. The hon. member for Yatala had made allusions to the Attorney-General having been called upon to lay an information against one of his own clients, and had recommended a revival of the system of Grand Juries. He should be happy to discuss that question when it was brought under the consideration of the House at a future period, and he believed that comparing the working of the present system with that referred to, the House would not be disposed to assent to any change, but whether or not, this could not at all affect the power of the Attorney-General. The Attorney-General was the representative of the Crown or he might say the public, and in that character was empowered to lay an information against any person and appear in the Supreme Court in support of it. In America that power was possessed by the States-Attorney as amply as by the Attorney-General of England. It was essential where the public interest was concerned that there should be some person to move on behalf of the public where it believed it to be necessary, and that person must be a lawyer to represent the public in Court. The circumstance of reviving the Grand Jury would have no influence whatever upon the Attorney-General. He could only say that he had never considered himself, nor had he ever thought that the House considered him essential to any Administration. He trusted it was true that he was not without influence in the House, and he hoped that influence was due to the experience which members of that House and the country had had of the manner in which he had discharged the duties of the office which he had held. He hoped he should ever be able to exert an influence which arose from experience of the manner in which duties entrusted to him were performed. He claimed no more than this, so long as the confidence of the House was awarded to him, he should continue to discharge the duties of the office which he held, but it would be a matter not very much to be regretted by himself if the confidence of the House were bestowed upon some other gentleman. Whatever advantages were connected with the office, it was the belief that he was able to serve the community which had determined him to remain in it during the time he had occupied it. Unless he felt that he could serve the community, and, at the same time, enjoy the confidence of the Legislature, he should at any moment cheerfully lay down the office which he held. Without meeting the question by an absolute negative, he should support the previous question when it was before the House.

Mr. Strangways said the latter part of the motion, in reference to the appointment of a parliamentary draughtsman, had been entirely left out of the discussion. The only portion which had been touched upon was that which declared that it was highly inexpedient that the Attorney-General should be a member of the Cabinet, and that he should merely be the adviser. That appeared to him to be a distinction without a difference, for if the Attorney-General were the adviser of the Cabinet the decisions of the Cabinet would of course be influenced by his advice as much as though he held a seat in that House. As it was, the Attorney-General was responsible not only to the Cabinet, but to the country. It would, he thought, be highly inexpedient that the motion should be carried, and he very much wished that a substantive motion had been brought forward, to the effect that the Constitution Act required amendment, in order that the question might be fully discussed. He had a great objection to legislating by resolution, particularly when so important a matter was involved as the amendment of the Constitution Act. The Constitution Act itself distinctly stated how such amendments were to be effected. He should oppose both the motion and amendment.

Mr. Neales said it appeared to him that this resolution was for the purpose of frightening all legal gentlemen having seats in the House. One of the Bills passed last session was intended to produce that effect. It appeared to be thought by some that lawyers could not be trusted with anything, but he did not believe that they would oppose any but measures which they did not believe for the public benefit, for he felt assured they had as much public spirit as any other class. It was useless to continue these discussions in reference to the Constitution Act. If the Act really required amendment, let them enter into the whole question, and not go on attempting to patch up the Constitution. He believed that it wanted a good deal of amendment. It had a good deal of the American constitution about it, and like American ships which they got into the Thames, it was discovered that many repairs were necessary. He was of opinion with the hon. member (Mr. Barrow) that they had better get through the session before they attempted to amend it, but if others were in greater haste and could make out a good case let them go on with it immediately. Last session he voted against an amended Constitution Act because he thought they had not had sufficient experience of what the Act was, and he strongly advised hon. members to work through this session tranquilly, and not make such incessant attempts to shift themselves from one side of the House to the other. (Laughter.)

Mr. Reynolds had been listening like a juryman to what all parties had to say, and had arrived at the conclusion that the Constitution Act was so important it would be better not to meddle with it at present. A good deal had been said about his honorable friend opposite, the Attorney-General, who however omnipotent in the cabinet, was, as had been remarked by Mr. Barrow, made a target for others to fire away at. He could not agree however that honorable members were frightened at the Attorney-General on account of his great talent and ability, or if they were, he would rather recommend them to take him as a model, so that eventually they might be enabled to fight him with his own skill and tactics. The Attorney-General would excuse him for saying that such gentlemen as he (the Attorney-General) were of great advantage in a Legislative Assembly, as they not only raised its tone but sharpened the intellect and wit of hon. members, and, in fact, constituted a good model. The Attorney-General's was the only office in the Ministry for which a professional gentleman was really required. They did not require a civil engineer for a Commissioner of Public Works, nor a merchant for a Treasurer, nor a sheep-farmer nor a surveyor for a Commissioner of Crown Lands, but they must have a lawyer for an Attorney-General. It would not do for a merchant to take the office of Attorney-General, for some hon. member might jump up and ask the opinion of the Attorney-General as the legal adviser of the Crown upon some knotty point. It was the only office in the Ministry in which a professional man was required, and it appeared an anomaly, but still it was so. If, instead of an Attorney-General, there were a Minister of Justice, a merchant or squatter, or any one else might fill the office, so long as he were skilful at making a speech. He believed there was a good deal of red-tapeism and formality in the law courts, and that business might be facilitated to a great extent, by having a non-professional man in the position of a Minister of Justice. There was so much however, to be said on both sides of the question, that he should be compelled to vote for the previous question, but he was prepared to support a resolution to the effect that the Attorney-General of the day should not step into the highest position in the Supreme Court in case of a vacancy occurring in the office of Chief Justice. He had always opposed the principle of the Attorney-General obtaining the office of Chief Justice, and being placed over the heads of the Puisne Judges. If such a course were persisted in they would would never get any but inferior men to accept the office of Puisne Judge.

Mr. Burford had not heard any reasons to convince him that the arguments he had advanced were wrong, although they had been met with contra assertions. He denied there was necessarily any connection between the duties of the Attorney-General and the position he held in that House. Useful measures might as well come from members themselves, but instead of that they always came through the Attorney-General. The Attorney-General need not be a member of that House. He did not admit it would be necessary to create new offices to carry out his scheme, but even if it were, he would not object, convinced that the corresponding advantages would be far greater than the expense. The inconveniences resulting from the two offices being combined in one person were gross in the extreme. He did not find, as had been stated either by the Attorney-General or the Treasurer, that the Governor could make a selection where he pleased of individuals to assist him in the Executive, and even if it were so, he did not see that it at all affected the present question. Two members of the Ministry had only just joined that illustrious company, and he believed they would prove very useful men, but he confessed he could not say so of the whole, yet they must speak of the Ministry as a whole, they must stand or fall by their leader. He denied that the attendance of the Attorney-General in that House was necessary, as the Ministry could avail themselves of his advice as well if he were not a member. He should have moved a vote of censure upon the Ministry for their neglect during the recess, but he knew it was useless. (Laughter.) He knew it was useless, because he knew that no one could have been got to fill the office of Attorney-General. If the vote of censure had been carried he supposed that he (Mr. Burford) would have been sent for. (Loud laughter.) He was quite sure that he would not have known where to look for an Attorney-

General (Renewed laughter) He hoped the previous question would not be carried, as that would be merely shelving the question without meeting the difficulty The amendment of the Constitution Act had been shelved, and it was for that reason he felt bound to bring forward the present motion He was sure that no member of that House or the community was desirous of reflecting upon the Judges—(hear, hear)—although it was not more than a year or so since that the whole community was up in arms at the decisions of one of the Judges, and on that occasion the unanimous resolution was, that if any objectionable power were possessed by the Judges it should be removed He recommended that Bills before they were read a second time should be submitted to the Attorney-General, and by that means all difficulty would, he considered, be removed, in consequence of the absence of the Attorney-General from the House

A division being called for, there appeared—

AYES—Messrs Burford, Cole, Hughes, Lindsay, Waik, and Peake (teller)

NOES—The Treasurer, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Andrews Bagot, Barrow, Duffield, Dunn, Glyde, Hallett, Harvey, Hawker, McDermott, Mildred, Milne, Neales, Reynolds, Strangways, Townsend, and the Attorney-General (teller)

The previous question was therefore carried

COLONIAL DEFENCES

The ATTORNEY GENERAL laid on the table copy of despatch from Lord Stanley of 11th August last upon the subject of colonial defences, report of committee appointed to take into consideration colonial defences, and letter on the subject from the Major of the 40th commanding the troops in South Australia

REPLY TO HIS EXCELLENCY'S SPEECH
ADJOURNED DEBATE

Mr BAGOT said it had not been his intention, if the hon member for the Port had been present, to say anything, but in the first instance he would state it was his intention to vote for the address At the same time he could not but guard himself in reference to one or two portions He could not feel as those must have felt who prepared the address He did not believe that any injurious results would arise from giving full power to the farmers of the colony to distil from grain or fruit Such permission he did not believe would jeopardize the revenue of the colony He regretted that the Ministry had not determined upon at once grappling with the question of free distillation He was desirous of supporting the Ministry as much as he possibly could, but he certainly thought they should have grappled with this question in a way which the majority of the country wished If the electors were polled, he believed four-fifths would vote for free distillation If that were the case, it was time that the Ministry grappled with it, and see in what way they could best carry out the wishes of the country If the Ministry did not grapple with this and other questions he feared they would find it difficult to maintain their places upon the Treasury benches Then again, in reference to that portion of His Excellency's speech in reference to real property, he regretted that the Ministry had not informed the House whether the Real Property Bill was working in a way that could be wished By the Supplementary Estimates, he observed that a large sum had been fixed as necessary to carry out that measure, and seeing the great importance which must be attached to a measure which affected the property of every man who purchased an acre of land it was to be regretted that the Ministry had not stated whether the bill was working satisfactorily, or whether it would be necessary to make any amendment in it He thought considering the magnitude of the measure, and that it affected such a large amount of property, the Government should have stated how the Act was working If no other member did, he should certainly take the initiative, for the purpose of obtaining information in reference to this Act, but he scarcely thought it would be necessary, as it was stated in the public press, apparently by some one having authority, that every question which came before the Commissioners under the Act, was referred to the law advisers of the Commissioners, and, if so where was the use of the Lands Titles Commissioners? This seemed to show that they could not do without lawyers, but that they must have men accustomed to look at matters on all sides and in all their bearings

Captain HART would not detain the House long The commercial depression which had been alluded to was, to a great degree, of recent origin, and at the time when the Governor's speech was penned, might not have been so obvious as at the present moment He must also say that the depression complained of, did not in his opinion arise from excessive imports, it was to be attributed to various causes Our imports might, indeed be excessive one year, and the balance be restored in the next, as for example, in the article of cornsacks, of which there was now 18 months' stock on hand The depression must be sought for rather on the export than on the import side of our commercial account There had been a loss in wool arising from depreciated prices, this deficiency representing many thousands of pounds, and as the Banks had advanced on the faith of higher prices being realised, there was less means of accommodation, although merchants were now obliged to draw heavily on the Banks to meet their wants That was one cause of the depression The Bank accommodation was not sufficient for the wants of the mercantile community, all interests had in consequence been more or less affected The partial failure of the last harvest had seriously affected, as a deficient harvest always must affect, the prosperity of every class of the community He, however, thought the depression was only transient South Australia had never been in a more prosperous condition than at present Their lands were more valuable than those of Victoria, and this was a circumstance of the utmost encouragement At the same time he was aware that greater facilities should be afforded in the way of accommodation A purely Colonial Bank would tend much to advance the colony and prevent English Banks putting on the screw The value of their bonds in England increased confidence in the resources of the colony According to the rates at which our bonds were now selling they might be said to be making railways with capital borrowed at 5 per cent With respect to the apprehension of a rupture with Europe, he thought there was little to fear, but if a rupture broke out with the United States, much damage might be done to our trade on the high seas He had little fear of an invasion It was not one, two, or even three or four frigates, that could land 1,000 men He had no faith in a gun boat, but believed that near the Semaphore and at Glenelg, the natural breastworks afforded by the sand-hills would enable a few pieces of heavy artillery to be placed in such a position as to render the landing of a small body of troops impracticable Notwithstanding some defects, he was in favour of the Real Property Act, and hoped it would become law in all the Australian colonies

Mr STRANGWAYS approved of the control of works being taken from Boards It was a matter of regret that the subject of education had not been attended to He was in favour of railway extension, and hoped it would be carried out through the colony He concluded by expressing a wish that the Hon the Commissioner of Crown Lands would shortly place on the table all papers connected with Mr Babbage's expedition He should support the address

Mr MILDRED considered the Government programme ought to have afforded more information to the House respecting the policy intended to be pursued He should like to have seen the expenditure of the colony reduced in proportion to the present depressed state of affairs A promise was made last session to promote the cultivation of the vine by a new Distillation Bill, and he considered that the Ministry ought to have been prepared to bring forward a measure which would have the effect of removing all obnoxious restrictions With respect to colonial defences, he thought floating batteries would be most efficient Reserving to himself the right to object to any measure alluded to, he would support the address

Mr DUNN would have contented himself with a silent vote but for the omission of the subject of education from the Governor's speech The Ministry had lost sight of that subject altogether He was of opinion that a portion of the revenue should be applied to railway extension He supported the address

The Hon Mr BLYTH cheerfully supported the address The hon mover of it had alluded to the very inefficient working of the Telegraph Department Had that hon gentleman inspected the manner in which it was then being worked, he would have found it satisfactory Hon members had alluded to omissions with reference to railways and waterworks Others could not see why the financial year had been changed In reply, he would only say that the European year was unsuited to these colonies Works could be done cheaper at one time of the year than at another He might state, not only for himself, but also on behalf of his colleagues, that they were prepared to work They did not seek to wander in Elysian fields They had no desire to perpetuate irresponsible Boards, but as far as that subject was concerned he was content to go with his colleagues, although he might have to laugh the wrong side of his mouth (Laughter) The supplementary estimates were on the table, and hon members need not be afraid of increased expenditure He agreed with hon members that the colony was not sufficiently defended, and when that subject came on for consideration he hoped it would receive the attention it deserved In the working of various departments he would on behalf of the Government declare that any defects manifested would be amended He had bestowed much labour and thought on the subject of roads A measure would be brought forward similar to the one advocated by the hon member for the Port (Mr Hughes) The hon member thanked the House for the support which had been given to the Government, and resumed his seat

Mr HARVEY regretted the subject of free distillation had not been alluded to With reference to the prosperity of the colony, he admitted that mining and all other interests seemed to be progressing in the same ratio As to the defences, he considered there was not much money to spare for such purposes Every one should defend his own home and family He approved of supporting old roads and making others at the expense of the general revenue He was glad to see the Government inclined to support railway extension He should be happy to support the Ministry so long as he conscientiously approved of their conduct The change in the financial year met with his approbation He should support the address

Mr LINDSAY would not have addressed the House but for the road question The Central Road Board, or some

other department of Government, should have power to lay out and open suitable lines of communication. Money had been squandered to keep up lines that were useless. With reference to the defences, people should be trained and prepared to defend themselves. He could not approve of the address, and was astonished no one had moved an amendment to it.

The ATTORNEY-GENERAL would confine his observations to one or two points. The Governor's speech had been criticised by several hon. members, and objections had been taken on various points. He thought on the whole he might congratulate the Ministry on the feeling evinced by the House. They expected no servile support on the one hand, or factious opposition on the other. In reference to the various matters that had been brought forward he would allude to one in particular, because if it were allowed to go forth uncontradicted it might be prejudicial to the character of a particular hon. member. The hon. member for the Sturt had attempted to connect responsible Government with irresponsible Boards. As far as he could ascertain the only irresponsible Board here was the Road Board. All the others were responsible. They could not expend any funds without the approval of the Government. They were as responsible to the Government as the Ministry was responsible to that House. Thus much for the charge made against the Government of wishing to uphold irresponsible Boards, in contradistinction to responsible government. With reference to what had been said concerning the Hon. the Chief Secretary, he considered that if that hon. gentleman had taken a different course to that which he had adopted, the principle of responsible government might have been endangered. In justification of himself, and also of Mr. Reynolds, he might say there was nothing in Mr. Younghusband's vote opposed to responsible government. Had he believed the contrary he would not have undertaken to form a Ministry, nor did he imagine that the hon. member for Sturt should have become a member of his administration. No one had taken more trouble then himself to secure responsible government, and he would always endeavour to uphold it. Referring to a conversation which took place when it became his (the Attorney-General's) duty to form a Ministry respecting a change in the Chairmanship of a certain Board, and the propriety of appointing some permanent body to conduct the works, he believed the hon. member for the Sturt did not then state that such an arrangement was opposed to responsible government. If the statement which had been made were allowed to go forth uncontradicted, it would be calculated to operate prejudicially against the changes Government intended to propose. He intended to propose that a permanent body should be appointed for carrying out undertakings involving an expenditure of large sums of money, such body to be responsible to the Minister of Public Works. Without at that late hour further detaining the House, he would conclude by supporting the Address, as a courteous reply to His Excellency's speech. That was not the time for discussing the many topics which were therein alluded to. Opportunities would soon be afforded for that purpose, when he hoped the various points would be met in proper tone and spirit.

Mr. BARROW replied—When rising to propose the adoption of the address he carefully guarded himself against making any pledges to support the various measures therein mentioned. But that was no reason why he should condemn every sentence in the address which he moved the House to adopt. He would only touch upon one or two points. He had expressed a desire that the sheep farmers should have every opportunity afforded them of making out a case against the proposed assessment. That was nothing more than the barest justice. (Cheers.) Surely the House would not exercise the power of taxing any interest without giving to that interest the opportunity of showing cause against the proposed impost? (Hear.) The same privilege which was accorded to a criminal for showing cause why sentence should not be pronounced against him, would, he felt assured, be accorded by the Government to the squatting interest. He (Mr. Barrow) had demanded on the previous day, that if the squatter could make out a case even for remission of taxes now paid by him, he should have the chance of doing so. It was simple justice, although for his own part he had no hesitation in expressing his belief that they could not make out such a case. With reference to the question of finance, he had taken the trouble to examine some tables showing the amount of our exports and imports for the last three years, which exhibited the following facts:—

Exports on native produce for the year ending 30th of June, 1856	£918,470	0	0
Imports for colonial consumption, not including coin or bullion for same period	873,943	0	0
Balance in favor of Exports	£44,527	0	0
Exports of native produce for the year ending 30th of November, 1857	£1,382,760	0	0
Imports for colonial consumption, not including coin or bullion for same period	1,400,714	0	0
Balance in favor of Imports	£17,954	0	0
Exports of native produce for the year ending 30th of June, 1858	£1,470,236	0	0
Imports for colonial consumption, not including coin or bullion for same period	£1,510,759	0	0
Balance in favor of Imports	£40,523	0	0

The balance against the colony was, he admitted, considerable, but not sufficient to create alarm, and he had taken the trouble to compile those figures, because an hon. member had strongly censured the Government for only bringing their calculations down to the end of last December. He (Mr. Barrow) had brought his down to the end of June, the result not being much more adverse to the Governor's speech than were the figures so much censured. If trade had not been healthy the balance against the colony would have been much greater. He placed some reliance on the mercantile experience of such gentlemen as the Hon. the Commissioner of Public Works and the Hon. the Commissioner of Crown Lands. Those gentlemen were not alarmed at the financial condition of the colony, and if the depression were only temporary what reason was there for affirming things to be in a deplorable condition? It was unnecessary to allude to any other points. He would merely add that although there was an increase in some items of expenditure, there was but a small increase in the general amount. That increase had, however, been occasioned in connection with the new department for carrying out the Real Property Act. He hoped that the additional expenditure of £5,000 in that direction would be found advantageous to the colony. He had no doubt that when the various subjects alluded to in the address came on for discussion, they would receive that attention which their importance demanded. He moved the adoption of the address.

Carried.

The House then adjourned at half-past 5 o'clock.

FRIDAY, SEPTEMBER 3.

The SPEAKER took the chair at 1 o'clock.

On the motion of the Attorney-General, the House adjourned to half-past 2 o'clock, for the purpose of presenting the address to His Excellency the Governor.

The House resumed at half-past 2 o'clock.

Several notices of motion were given, which will be found in the usual place.

RECEPTION OF REPLY.

The SPEAKER announced that His Excellency the Governor-in-Chief had received the reply to his message in the most gracious manner.

The COMMISSIONER of CROWN LANDS explained, in answer to the question put to him yesterday, by the hon. member for East Torrens, respecting the Yatala, that the Government had received intelligence of that vessel being ashore in Rivoli Bay, but that she had sustained but little damage, and that the cargo, as far as can be ascertained, is uninjured.

PUBLIC WORKS.

Mr. REYNOLDS begged to draw the attention of the Commissioner of Public Works to certain correspondence that had taken place between the Public Works office, the Auditor-General, and the Railway Commissioners. There was in the office a letter from the Auditor-General calling attention to a sum of £30,669 19s. 7d., as payment to workmen for wages, &c., and which letter, asking from the Railway Commissioners explanation, was forwarded in October, 1857. No reply having been received, other letters, dated 9th and 26th April, were dispatched, requesting early explanation, but that up to the period of his (Mr. Reynold's) resignation no reply had been received. He would now ask the Commissioner of Public Works (Mr. Blyth) whether any explanations had been furnished by the Railway Commissioners in reply to queries of the Auditor-General on the railway accounts of 1856, forwarded to the Commissioners on or about October 1st, wherein the Auditor-General had pointed out to the Commissioners that a sum exceeding £30,000 purporting to have been paid to workmen had not been properly vouched for by the receipts of the parties represented as being paid; what has been the nature of the explanations (if any), and whether he has approved the amounts.

The COMMISSIONER of PUBLIC WORKS believed he should be able to give a satisfactorily reply to the questions put to him, and would state that those railway accounts to which the hon. member referred were the accounts of the Gawler Town Railway Commissioners, and not those of the present Railway Commissioners. In the payment of those parties alluded to, the Commissioners adopted the plan followed generally in England, of paying on a pay sheet, and the Government had instructed the Auditor-General to pass the accounts.

Mr. REYNOLDS begged to ask the other question standing in his name, namely, whether any enquiries had been instituted into the charges made against certain parties on the railway as having had an interest in some contracts on the line; the names of the persons making the enquiry, and the result?

The COMMISSIONER of PUBLIC WORKS said that enquiry had been made into the charges alluded to—that the names of the persons who conducted that enquiry were Messrs. John Brown and R. B. Colley, and that the result of the enquiry was that, in one case, sufficient was elicited to induce the Commissioners to recommend the dismissal of the party implicated, and in the other case, the charge was not sustained.

Mr. REYNOLDS asked the names of the parties who were accused.

The COMMISSIONER of PUBLIC WORKS stated that one was Mr Cole, the sub-engineer, and the other Mr McArthur, the draughtsman, and that the latter was the party whose dismissal was recommended.

Mr REYNOLDS enquired whether the Government had any objection to lay the minutes of the enquiry before the House.

The COMMISSIONER of PUBLIC WORKS replied that the Government had no objection.

ALTERATION OF THE HOUR OF MEETING.

Mr GLYDE stated that he had been induced to put the notice of motion which he was about to move on the notice paper in consequence of the proceedings of Tuesday last, in regard to the motion of the Attorney-General. He believed that many hon. members would prefer that the hour of meeting of that Assembly should be 2 o'clock instead of 1. He did not intend to say much on the question, for he did not think it necessary, as it did not involve much argument. Whatever hon. members might say about public convenience, they would decide as suited their own convenience, and he thought that 2 o'clock would be more convenient than 1 o'clock for those who wished to dine or take their lunch before the meeting of the House, as many might think half-past 12 or a quarter to 1 o'clock rather early; and those who did not care about lunching before the House met, would have another hour for their offices and counting-houses. He thought the alteration might be advantageously made, although some imagined that it would render it necessary for hon. members to sit an hour longer there. It did not appear so to him, for if such a course were adopted, members' speeches would be shortened, a "consummation devoutly to be wished." It might be urged that winter sittings would bring in darkness before the business was concluded, but under the new Standing Orders there would only be fifteen minutes grace allowed after 2 o'clock. He therefore proposed the motion standing in his name.

Mr DUFFIELD seconded the motion.

Mr NEALES, during session before last, thinking that 2 o'clock would be a more convenient hour, had introduced a motion to that effect, but it was found to work so inconveniently that the House resolved to go back to the original hour of 1 o'clock. Having already unsuccessfully tried 2 o'clock, it would, he thought, be quite out of character to try it again at a similar season of the year. The shortened grace of a quarter of an hour given in the new Standing Orders, had not yet been established. He believed the business of the House would not commence till half-past 1 o'clock. That would be the practical result. In his (Mr Neales's) opinion the alteration would not result in shortening speeches, but would prove inconvenient to journalists, who would thus have less time to revise their reports. If hon. members desired to have careful reports given, the more time given for that purpose the better. He should therefore advise adhering to 1 o'clock.

Mr YOUNG, in reference to what had been stated by the last speaker, said he might say that he should support the proposition for an alteration of the hour of meeting to 2 o'clock. In a House composed like theirs, of members most of whom were engaged in business, and some of whom had to ride perhaps twelve miles to take their places in the Assembly, it gave them scarcely any time to attend to their business in the country if they had to be in the House at 1 o'clock. His (Mr Young's) convenience, as well as that of other hon. members, would be consulted by fixing the hour of meeting at 2 o'clock, as it would give them the opportunity of doing some business in town as well.

Mr LINDSAY had certainly not heard from the hon. mover of the alteration before the House, any reason that would induce him to vote for it. For his part, instead of the alteration proposed, he should prefer making a day of it (laughter), as it would enable the House to do in three days what then required four. He therefore proposed, as an amendment, that in future the hour of meeting of that House should be 10 o'clock in the forenoon, and that the House should meet three days in each week instead of four. (Laughter.)

Mr BAGOT considered the arguments of the mover might be used in favor of meeting at 5 o'clock. In the arguments opposed to the motion there appeared to be a fear of after-dinner speeches being made by hon. members. Such speeches might be made if they had dined between 1 and 2 o'clock. He did not think that anything would be gained by altering the hour from 1 o'clock, for merchants did not usually transact any business between 1 and 2 o'clock, and they might as well be in that House as in their country houses. With regard to the length of the reports of the proceedings that would be given in that House, the debates would just be reported the same as now, if the hour were altered—they were merely an epitome of what was said, and that would continue to be given. The House of Assembly last session agreed that a certain sum should be placed on the Estimates, in order that better reports might be furnished than was then customary, and he thought therefore the convenience of the press should not be so very much studied as hon. members seemed to consider. That ought not to be a matter for consideration. He was in favor of the House meeting at 5 o'clock.

Mr BARROW said that, in reference to the allusions made to the convenience of the press, such an alteration as that proposed would make no difference. It did not matter whether the House met at 1 or 2 o'clock. The press would report as fully in the one case as in the other. But if alterations of time were made to suit the convenience of hon. members, if they agreed at one time to change the hour to 2 o'clock, and at another to 3 o'clock, and so on, it would ultimately be impossible to decide at what hour the members should meet. He thought it would be better to let well alone.

Mr COLE considered that, as much time had been already wasted this session, it would be necessary to make some alteration. Two days had been devoted to the consideration of that miserable address. (Laughter.) He would vote for 2 o'clock if hon. members would enter into a compact never to speak longer on a subject than a quarter of an hour.

Mr GLYDE had no personal interest in the success of the motion, and if the House decided to meet at 1 o'clock, he should be willing to accede to it.

The motion was then put and negatived.

IMPOUNDING ACT.

The COMMISSIONER OF CROWN LANDS asked leave to bring in a Bill entitled "An Act to consolidate and amend the Laws relating to the Impounding of Cattle." The laws relating to that subject were passed some years ago, and he thought it highly desirable that the several particulars relative to the subject should undergo the revision of the Houses, and that the various laws should be amalgamated in one Bill. He considered that the details of the measure would be more conveniently stated in the second reading of the Bill than then. He would therefore not enter upon them. The alterations he intended to propose were not of such an extensive nature as might be supposed, but as they affected the interests of the country population, he trusted that the country members having seats in that House would give the subject that attention which their practical experience would enable them to do, so that the Act might be rendered so perfect as to require no alteration for a great number of years.

The COMMISSIONER OF PUBLIC WORKS seconded the motion.

Leave was given. The Bill was read the first time. The second reading was fixed for Friday week.

REGISTRATION.

The ATTORNEY-GENERAL begged leave to introduce "A Bill to establish the validity of certain Regulations under the Act No. 25 of 1855-6." Since the alteration was made with regard to the Registration of Land, some questions had arisen as to whether, in addition to the seal of the colony, it was necessary to have the signature of the Governor to render such registration valid, and in order to prevent the difficulties arising from these questions, he proposed to introduce a Bill making the deposits valid by seal of the colony only.

The COLONIAL TREASURER seconded the motion.

Mr BAGOT hoped the Attorney-General would introduce a clause repealing Act No. 25, instead of amending the old Act. In a case of this kind where Nos. 25 and 26 included one or two clauses, it should be repealed.

Mr STRANGWAYS understood that this Bill was intended to render valid the registration of land grants. With that impression, he had referred to Act Nos. 25 and 26, but found that instead of an Act relative to the registration of land, 25 was an Act to provide for the registration of Joint-Stock Companies, and for limiting the liability of the shareholders. He presumed, therefore, the Attorney-General had made a slight mistake.

The ATTORNEY-GENERAL had not previously referred to the number of the Act, as stated on the Notice Paper, but found on examination it was incorrect. How it got into the Notice Paper as 25 he was unable to say. He believed 23 was the right number. He would say, in reference to what had fallen from the hon. member for Light, that it was to confirm a law already passed, not to make it good, or to establish a new law, that he wished this Act to be passed. And as no further registrations under that Act could henceforth be made it would be absurd to repeal it and introduce a new Act, the provisions of which had reference only to things already done. He had no wish to repeal the provisions of the Registration Act of last session, but to give effect to them.

Mr BURFORD said it was to prevent those properties from being before the House under the Real Property Act.

Mr BAGOT said, had he known that the Act passed last session prevented the necessity of registration, he would not have made his previous remark.

The ATTORNEY-GENERAL.—The only operation of that Act would be to settle the question that had arisen with regard to certain registrations that had taken place before July last, and making that unquestionably valid, which, probably, would be valid without it. His impression was that the Real Property Act provided for that, but it was advisable to settle the question, and there would be no new grants deposited after those of 1st July, 1858. He requested leave to amend the terms of his motion and to bring in the Bill.

Leave was given, and the Bill read the first time.

The second reading was appointed for Tuesday next.

The COMMISSIONER OF PUBLIC WORKS presented a report of the Public Works department for the half-year ending July 1858, which was ordered to be printed.

The House adjourned to Tuesday next.

LEGISLATIVE COUNCIL

TUESDAY, SEPTEMBER 7

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, and Hon Messrs O'Halloran, Ayers, Davies, Baker, A Scott, Forster, Bagot, Morphett, Everard, Hall, and Captain Scott

INCORPORATION OF INSTITUTIONS

Captain BAGOT gave notice that on the following day he would move for leave to introduce a Bill to provide for the incorporation of institutions and associations formed for the promotion of religious and charitable, educational, scientific, and other useful objects

PRIVILEGE

The CHIEF SECRETARY laid upon the table of the House a despatch from the Secretary of State, relative to the decision of the Privy Council upon the appeal case, Fenton against Hampden tried in the Supreme Court of Van Diemen's Land The despatch was dated Downing-street, 11th March, 1858, and the decision of the Privy Council in the case referred to was forwarded with it, as it was considered there were points involved which affected the legislature of this colony The decision had already gone the round of the colonial journals, and the circumstances of the case were briefly as follow —During the session of 1855 the Legislative Council of Van Diemen's Land appointed a Committee of their own body to enquire into certain alleged abuses in the convict department Mr T G Gregson, a member of the House, was appointed Chairman of the Committee, and summoned Dr Hampden, the Comptroller of Convicts to appear as a witness before the Committee Dr Hampden refused, or neglected to appear, and the Legislative Council then came to a resolution that Dr Hampden should be summoned to attend by the Speaker of the House The Speaker accordingly issued his summons, which was served upon Dr Hampden, who, however, still refused to attend, and the Committee were in consequence of the absence of his evidence unable to report to the Council The question was again brought under discussion, and the Council then resolved that Dr Hampden was guilty of contempt, and the Speaker was then desired to issue his warrant for the apprehension of Dr Hampden, such warrant being placed in the hands of the Sergeant at-Arms The Sergeant at-Arms acted upon this warrant, and arrested Dr Hampden, who then brought his action against the Speaker and Sergeant-at-Arms for trespass and the Supreme Court gave judgment for the plaintiff The Privy Council subsequently affirmed this decision, with costs

The despatch and the decision of the Privy Council were, upon the motion of the Chief Secretary, ordered to be printed

ADDRESS TO HIS EXCELLENCY

The PRESIDENT announced that since the last meeting of the Council he had, in company with other hon members, presented to His Excellency the Governor-in-Chief the address adopted by the Council in reply to His Excellency's speech upon the opening of Parliament, and that His Excellency had been pleased to express his approbation of the same

PUBLIC WORKS

The CHIEF SECRETARY laid upon the table of the House a report of the Commissioner of Public Works for the year 1857, which was ordered to be printed

ATTACK ON MR. FREARSON

The Hon Mr MORPHETT asked the Chief Secretary if he had made the promised enquiries for ascertaining whether the three men who had been convicted of waylaying, assaulting, and robbing a young gentleman named Frearson were escaped convicts from Western Australia

The CHIEF SECRETARY said that in accordance with the promise which he had given, he had instituted the necessary enquiries, and it had been ascertained that the three men referred to came from some of the diggings in Victoria to Guichen Bay, and arrived overland in this colony It had been ascertained that one of them had been tried for being concerned in an extensive gold robbery which took place on board the Nelson, in Victoria, some years back The two others were supposed to have been convicts at some time or another, but beyond what he had stated the police had been unable to obtain any positive information

THE WEIR AT THE WATERWORKS

The Hon Mr FORSTER hoped the Chief Secretary would answer a question which he was desirous of putting to him at once A good deal of discussion had taken place out of doors relative to the condition of the Weir in connection with the Waterworks, and various opinions had been formed as to the stability of the work He wished to ask whether the Government had taken any further steps to ascertain the actual condition of the Weir, and if so, what had been the result

The CHIEF SECRETARY said the hon gentleman had, he thought, been misinformed with regard to a variety of opinions having been expressed as to the stability of the work There was no difference of opinion upon that point On the previous day, however, the Commissioner of Public Works, accompanied by Mr Wilson, Captain Freeling, and Mr Halliday, visited the spot for the purpose of inspecting the work and reporting upon it He would avail himself of the earliest opportunity to lay their report upon the table of the House

DEFENCES OF THE COLONY

The Hon Major O HALLORAN referred the Chief Secretary to the 22nd paragraph of His Excellency's speech, upon the opening of Parliament which related to the defences of the colony, and asked if the Ministry intended bringing forward any measure in reference to that subject, which, lightly as it might be considered by some, he regarded as one of the most solemn and onerous duties which the Ministry had to perform

The CHIEF SECRETARY said that the despatch alluded to in His Excellency's speech, and the report of the Commissioners who had been appointed to investigate the subject, had been laid upon the table of the House of Assembly, and so soon as it had been printed it would be laid on the table of the Council

DIVORCE AND MATRIMONIAL CAUSES

The CHIEF SECRETARY, in accordance with the notice which he had given, asked leave to introduce a Bill intituled "an Act to amend the laws relating to Divorce and Matrimonial cases in South Australia" The purposes which the Bill sought to attain had been the subject of grave consideration by the Imperial Parliament The subject had been debated in both Houses of Legislature, and the result had been the framing and passing of an Act nearly a literal transcript of which he now proposed to introduce to the notice of that House He would endeavour briefly to apprise hon, members of the novel features which were enunciated by this measure. It proposed to give power to the Supreme Court of this colony to grant divorces in cases of adultery, or cruelty, or desertion for a period of two years or upwards That was, it proposed to give the Court power to pronounce a judicial separation—such a judicial separation as would have an exactly similar effect to a divorce *a mensa et thoro*, as pronounced by the Ecclesiastical Courts at home The operation would be to sever the tie between husband and wife as effectually as though they had never been united, but neither would have power to marry again There was a further provision in the Bill, by which a wife, who had been deserted by her husband, might at any time make application to a stipendiary magistrate, or a Judge of the Supreme Court, and obtain protection for any property which she had accumulated during her desertion, such protection operating, not only against her husband, but against her husband's creditors The Bill also authorised a Judge of the Supreme Court, in such cases as detailed in Clause 12, to decree an entire dissolution of the matrimonial tie It also gave power to the Judge to decree an order for alimony, after such dissolution had taken place, and to provide the best means of educating and taking care of the children by the marriage In the event of any individual obtaining, by action of crim con in the Supreme Court, a verdict for damages, the Court had power to award such damages for the support and education of the children, or the maintenance of the wife The Bill was very nearly a transcript of that which had been introduced in the Imperial Parliament, being merely altered to adapt it to the judicial system in force in South Australia. These alterations had been submitted to the Chief Justice, and had been approved of and sanctioned by him With respect to the merits of the principles contained in the Bill, he thought the House would agree with him, that there should be some law of the kind in South Australia, for he thought there were few hon members who had not, in their own individual experience, witnessed the social evils arising from husbands deserting their families, and afterwards returning, and sweeping away the hard earnings of an industrious wife (Hear, hear) Under the existing law a worthless husband might do so again and again, till the poor woman at last, in all probability, became spirit-broken, or her moral courage gave way, and she was driven to an immoral course, and her children became members of the Destitute Asylum, and a permanent burden upon the country He was confident that hon members would agree with him that social evils of that kind should be remedied with as little delay as possible (Hear, hear) As to the absolute dissolution of the marriage-tie, which the Bill also provided for Extreme cases occasionally arose in every class of society, such cases as were indicated in Clause 12 Under the existing law, he was aware of no remedy, but the injured party was obliged to pass his or her life in misery and torment, and their earthly career was probably terminated by some act of brutal violence The only course of procedure under the present state of things, was to apply to Parliament by petition for a private Bill, and this Bill, after passing through the usual formalities, and going through both Houses of the Legislature, could not be assented to by the Governor, but must obtain the assent of the Queen before it could become of any value He thought the House would agree with him that it was the duty of Parliament to give the same facilities in all matters of legislation, to the poor as to the rich, which the present Bill proposed He would not detain the House on the subject it being his intention to allow a reasonable period before moving the second reading of the Bill, and in the interim hon members would have ample opportunity of making themselves acquainted with its provisions He moved that the Bill

be read a first time, and that the second reading be an order for that day fortnight

The Hon Mr Ayers seconded the motion

The Hon Mr Morphett asked the Chief Secretary whether he had promised hon members that there should be a short session, the delay of a fortnight in this matter was likely to bring about that very desirable result—a short session There was no other business before the Council, and he saw no difficulty in the Bill being read a second time in a day or two, and the House might then go into Committee upon it Such a course he believed would greatly expedite the passing of the Bill

The Hon Captain Hall said the House had already affirmed the principle that reasonable time should elapse between the first and second reading of Bills involving important principles He was opposed to hasty legislation They had heard a very lucid explanation from the Hon the Chief Secretary of the provisions of this Bill, and it was quite clear from that explanation that most important principles were involved in the measure In his opinion hon members should be in possession of copies of the Bill, in order that they might study its bearings and be well prepared to discuss its merits and demerits before they were asked to assent to the second reading He very much objected to hurrying on the second reading of any Bill, and believed that allowing ample time to elapse between the first and second readings was the best safeguard they could adopt against hasty legislation

The Hon Captain Bagot advised the Chief Secretary to take the middle course, and move that the second reading take place that day week instead of fortnight That would probably meet the views of both hon members

The Chief Secretary only desired to consult the wishes of the House in the matter, and had no objection to alter his motion to that day week

The Bill was then read a first time and ordered to be printed, and read a second time on Tuesday next

THE CITY SQUARES

The Hon Dr Davies, in putting the question of which he had given notice—"That he will ask the Chief Secretary to ascertain from the Law Officers of the Crown, if the Corporation of the City of Adelaide has the legal right to destroy the public squares in the manner proposed to be done, also, if it has not the power, is it the intention of the Ministry to adopt any measures to preserve the squares for such public uses as were originally intended when the city was planned"—said that although the question might not appear of the same importance which it formerly was, still, as the Corporation had only suspended their determination in reference to cutting through the squares till the answer of the Chief Secretary had been obtained, he thought they ought not to pass over the matter in silence Although the opinion were in favour of the Corporation or of the powers which they possessed, he still thought that the public ought to be questioned as to whether they wished the squares of the city interfered with or diverted from the purposes for which they were originally granted If the Corporation were petitioned by a few individuals to cut through a square from north to south, and acceded to the request, they might the very next day receive a memorial from other parties asking the square to be cut through from east to west, and having consented to cut it in one direction, they could not refuse to cut it in another, and if they possessed this power in reference to one square, they possessed it equally in reference to every square in the city, so that the whole of the squares might be intersected with roadways If the intention of the Corporation were to cut roadways through the whole of the squares, he did not see how they could carry out their intentions in reference to Light-square, as a monument was erected in the centre, which it would be absolutely essential to remove before the roadway could be formed Such a step, he felt assured, would be considered degrading to the city, and would never be submitted to by the citizens He considered the question of disfiguring and cutting up the whole of the squares was as important as erecting a Corporation Hall, and as the inhabitants had been called together to consider that question, he considered they should also have been called together previously to the Corporation arriving at any determination in reference to the squares He had been induced to put these questions on the paper for the purpose of giving the Corporation some information upon the subject, but independently of that, he thought the notice of question might have a beneficial effect, as it would show the civic body that the eyes of the citizens were upon them, and that they were not at liberty to cut up public places which had been ordained for certain uses, and apply them to any other purposes they chose If the present Council were to open the squares, it was quite possible that the next Council who were elected might shut the squares up again, so that there would really be no end to the mischief He was glad to find that the Corporation were not inclined to interfere with the squares, but still, in the event of the law-officers of the Crown expressing an opinion that the Corporation had the power to interfere with these reserves, if they pleased, he wished the Corporation to be warned that an injunction would probably be issued from the Supreme Court to compel them to suspend operations, should they determine upon carrying the roadways through If the Corporation possessed power to cut through the squares, and should determine upon exercising it, it appeared to him that there was no alternative but to apply to the Supreme Court for an injunction, or to pass an Act limiting the powers of the Corporation

The Chief Secretary said he had consulted the Law Officers of the Crown upon the subject, and they stated that it was very doubtful if the Corporation had any power to cut through the squares, the control and management of which were, it was believed, merely vested in them for the purpose of enabling them to carry out the provisions of the Corporation Act In reference to the latter part of the question the Government were not aware that they had any power to interfere, but conceived that interference in the matter belonged to the Supreme Court of the province

CONGRATULATORY ADDRESS TO HER MAJESTY

The Hon Mr Ayers rose to move the motion in this name—"That the congratulatory address of this Council to the Queen on the Marriage of Her Royal Highness the Princess Royal of England with His Royal Highness Prince Frederick William of Prussia be presented to Her Majesty by the Hon John Baker, on behalf of this Council, that member having expressed his intention of shortly proceeding to England" In asking the Council to assent to the motion, he did so in the full belief that it would add to the manifestation of loyalty and respect to Her Majesty, to transmit the address which had been agreed to by the Council, by the hands of one of the members of that House, at the same time that it would afford an opportunity of conferring a graceful and well-merited compliment upon the hon gentleman who had so distinguished himself as a member of that Legislature, and who, as a colonist, had ever been ready to promote the best interests of his adopted land He would not enlarge upon the subject, particularly as the hon gentleman was present, but would make one remark in reference to the time at which Mr Baker was prepared to take his departure If the address were entrusted to that hon gentleman he was authorised to state that although he would not be prepared to depart by the next mail, which would leave in two or three days, he would at the latest be prepared to go by the mail which would leave Melbourne in October next

The Hon Mr Davies seconded the motion

The Chief Secretary had much pleasure in supporting the resolution, although he had not been consulted in the matter He believed that the Hon Mr Baker was particularly well qualified for the task

The Hon Captain Hall regarded this matter as one of importance He did not rise to oppose the motion, but he wished to elicit an opinion from the House as to whether this should be drawn into a precedent He was quite willing to award the hon gentleman to whom it was proposed to entrust the address every honor which was due to him He was quite prepared to admit that the hon gentleman had been a most efficient member of that Council, but he would ask what was to become of that House if this were to be drawn into a precedent Already there were two members of that House absent, and any member might under the Constitution Act absent himself for two months without leave The question which he wished to have determined was whether addresses to Her Majesty were to be confided to honorable members of that House for presentation If that resolution were arrived at it seemed to him the House would be in danger of losing its best members He did not think that any gentleman more admirably adapted to represent the colony could be selected than Mr Baker, but at the same time, Mr Baker was a most efficient member, and no doubt the Chief Secretary would be exceedingly unwilling to lose his active support It was for the House to consider whether the precedent should be established that upon an address to Her Majesty being moved and adopted, it should be entrusted for presentation to a member of that House It involved a question incidently of members being absent from the House

The Chief Secretary presumed it was to be perfectly understood that Mr Baker would proceed with the address to England, with as little delay as possible

The Hon Captain Bagot said that if the Hon Mr Baker had been selected as a special messenger for the occasion, he should in all probability have taken the same view as the hon member (Captain Hall), but as the hon gentleman was going to England, avowedly for his own purposes, and was merely on that account entrusted with the delivery of the address, he did not conceive that any precedent could be established If on the next occasion of an address being adopted to Her Majesty, perhaps on the marriage of another of Her Majesty's daughters, the Hon Captain Hall happened to be going to England, he should certainly vote for that hon gentlemen being entrusted with tha presentation of the address, thus affording the hon gentleman an opportunity of receiving that marked attention from Her Majesty which would no doubt be bestowed upon the Hon Mr Baker

The Hon Mr Morphett was willing to agree with the motion before the House, because he trusted it would be taken as a greater mark of respect and deference to Her Majesty that the address should be presented by a member of that House, that if it were transmitted in the usual manner He should like, however, that the House should have some special pledge that the address should be presented in a reasonable time A good deal of the

gracefulness of acts of the kind depended upon promptitude, and he should like the House to have a pledge that Mr Baker would proceed by the overland mail, and prosecute his journey as expeditiously as possible.

The Hon Major O'HALLORAN understood the Hon Mr Ayers, in introducing the motion, to get over the difficulty which had been alluded to, as he had stated that Mr Baker was prepared to proceed to England without delay. He confessed that the only objection in his mind had reference to time, as when the motion was first brought forward he understood that it was not the intention of the Hon Mr Baker to proceed to England till December. Had it been so he should have felt bound to oppose the present motion, as he considered the House would be wanting in their duty to Her Majesty by delaying the presentation of the address so long. That objection, however, been done away with by the announcement that Mr Baker was prepared to proceed to England by the October mail, and he felt great pleasure in supporting the motion, believing that no gentleman belonging to that Council was better qualified for the office than the Hon Mr Baker.

The Hon Mr SCOTT said if it had been the intention of the Hon Mr Baker to delay proceeding to England till the departure of the Orient, he should have felt it his duty to oppose that gentleman being the bearer of the address, particularly as he believed the address from the other branch of the Legislature would be sent either by the October mail, or that which would leave on Saturday. As however, he understood that it was the intention of Mr Baker to proceed by the overland mail he should cordially assent to the motion.

The Hon Captain SCOTT considered the difficulty had been entirely got over by what had fallen from previous speakers. Having been informed by the Hon Mr Baker that he was ready to go by the October mail, there were no further difficulties.

The Hon Mr BAKER did not know if it was expected he should say anything upon this subject, but he felt bound to answer the objection which had been raised by the Hon Mr Morphett to the effect that the House should have some substantial pledge that the address should be delivered with all speed. The Hon Mr Ayers, who had introduced the motion, had been authorised by him to state that he (Mr Baker) was prepared to go at the latest by the October mail, and he was not prepared to give any further pledge than by confirming that statement.

The Hon Mr MORPHETT was sorry that the hon gentleman should labor under a misconception of his remarks. He had not understood the Hon Mr Ayers to state in his opening address that he was authorised by the hon gentleman to state that he would proceed to England by the October mail. The hon gentleman having now stated so himself, he was perfectly satisfied with that pledge.

The Hon Mr BAKER had expressed his intention of going to England and of asking leave of absence before he was elected a member of that House, and since that period he had contemplated leaving the colony and had made arrangements to do so before the marriage of the Princess Royal was known in the colony. If the Council entrusted him with the presentation of the address he should feel it as a compliment. He felt indebted to hon members for the kind manner in which they had alluded to him during the discussion. He might refer to the unnecessary compliments which had been paid him by some honorable members. He repeated that if the address were entrusted to him there should be no delay in his departure beyond the period which he had stated, although, had he not been entrusted with it, he might not perhaps have left the colony so early by about a month. He admitted that the honor of presenting the address had induced him to make other arrangements, and had determined him upon taking his departure at a not later period than by the October mail.

The motion was carried.

LIBRARY COMMITTEE.

Upon the motion of the CHIEF SECRETARY, the Hon the President, the Hon Mr Davenport, and the Hon Mr Morphett, were appointed the Library Committee for the present session, with power to confer with the Library Committee of the Legislative Assembly. A copy of the resolution was directed to be transmitted to the House of Assembly.

INCORPORATED INSTITUTIONS.

The CHIEF SECRETARY stated that he had intended to move the adjournment of the House for a week, but he found that the Hon Captain Bagot had a notice of motion on the paper for the following day, and there was, consequently, a difficulty.

The Hon Captain BAGOT thought it undesirable that hon members should be compelled to attend the House when there was little or nothing to do. He was not anxious to push forward the Bill of which he had given notice, but perhaps it would meet the views of hon members if the Standing Orders were set aside, and the Bill now read a first time. The Bill was at present in manuscript.

The Hon Mr BAKER felt much pleasure in seconding the motion that the Standing Orders be suspended, and that the Bill be read a first time. It would be a far more convenient course, and would prevent the necessity of hon members attending on the following day, for the special purpose of entertaining the motion for the first reading of the Bill. Members could peruse the Bill between the period of its first and second reading. It was usual to introduce a Bill without any very lengthened notice, but even if it were not, this Bill was taken out of the usual category, because during the last session a similar Bill was introduced by the hon gentleman (Captain Bagot), but the adjournment of the House prevented it from being discussed. The steps taken in reference to the Bill last session fully justified the hon mover in asking that the Standing Orders be suspended, and that the Bill be read a first time that day.

The Standing Orders having been suspended,

The Hon Captain BAGOT moved for leave to introduce "a Bill to provide for the incorporation of institutions or associations framed for promoting religious, charitable, educational, scientific, and other useful objects." Hon members would remember that a Bill nearly similar in substance to the present was introduced last session by himself, but it was not followed up for reasons which it was not necessary to enter upon. The fact was that a trifling alteration was required in the Bill, and as it was the latter part of the session it was not proceeded with. The object of the Bill was to provide a remedy for what was found to operate most inconveniently in reference to the management of real property, which became vested in the managers of institutions, such as were described in the Bill. The Bill proposed that instead of vested proprietors or trustees, the institutions should be incorporated, so that the management of the property would become most simple. The Bill had been drafted with a good deal of care by a gentleman of the legal profession, and had met with the concurrence of the Lord Bishop of Adelaide, and other persons interested in property of the character described in the preamble.

The Hon Mr MORPHETT seconded the motion for the first reading, which was carried.

The Bill was then read a first time, and ordered to be printed, the second reading being made an order of the day for Tuesday next.

The House then adjourned till Tuesday next, at 2 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, SEPTEMBER 7.

The SPEAKER took the chair at five minutes past 1 o'clock.

PETITIONS.

Mr HALLETT presented a petition from the daughter of the late Captain Flinders, praying for some such pecuniary assistance as had been granted by the colonies of New South Wales and Victoria, in consideration of the eminent services of her late father. The petition, however, on account of an formality, could not be received.

Mr GLYDE presented a petition from Major Warburton, requesting to be allowed the usual remission in the purchase of land, as granted to other military officers.

Mr HAWKER presented a petition, signed by 626 landed proprietors, praying that no further expenses might be incurred in the construction of railways without a sufficient enquiry.

NOTICES OF MOTION.

Several notices of motion were given, which will be found in the usual place.

PAPERS LAID ON THE TABLE.

The COMMISSIONER of CROWN LANDS laid on the table, papers relating to the northern exploration, also, papers showing the cost of that exdedition.

Mr HAY asked if the instructions given to Mr Babbage by the Government were included in those papers.

The COMMISSIONER of CROWN LANDS said that the papers contained full information of every particular connected with that expedition.

Several returns were laid on the table of the House, and ordered to be printed.

MILITIA.

Mr REYNOLDS enquired whether the Militia Bill of 1854 was still in operation, and whether the Government would be able to enrol a militia under its provisions.

The ATTORNEY-GENERAL stated, that as it was a question involving a legal opinion, he would prefer that the honorable member would give notice of it in the usual way, as he would then be able to give a more satisfactory answer.

EXPLANATION.

Mr HUGHES rose to express his regret that the remarks which he had made in reference to Mr Maturin had been construed into a personal attack. He had no intention whatever of making any reflection upon that gentleman in his private capacity.

SUPPLEMENTARY ESTIMATES.

The TREASURER, before moving that the Supplementary Estimates be considered by a Committee of the whole House, begged to enquire what was the course that ought to be adopted on the occasion, as he wished that a precedent should be established as a guide for future proceedings. He, therefore, requested the Speaker to decide whether he should proceed to lay before the House a financial statement, and then move that the House resolve itself into a Committee, or that the

House should first be resolved into Committee, and the statement then be made

The SPEAKER decided that the House must be in Committee before the financial statement could be made

The TREASURER then moved that the Supplementary Estimates of 1858 be considered by a Committee of the whole House

Mr HUGHES wished, before the question was put to obtain some information respecting the ministerial changes which had lately taken place He had already expressed his opinion upon the subject, and he then repeated that when such changes took place the House was entitled to have an explanation of the reasons which had led to them Certain printed papers had been placed before the House, from which he concluded that they had had the square man in the square hole in the shape of the late Commissioner of Public Works, and he thought there ought to be some explanation in order that the country might know whether they were *living under responsible government*, or under the rule of a director

The ATTORNEY GENERAL understood from the hon member himself (Mr Hughes), that the papers already before the House afforded sufficient explanation, with regard to one hon member who had retired from the Ministry With regard to the other, the gentleman who had lately filled the office of Treasurer, he supposed that he was situated with what had been called the sweets of office, and that his private engagements did not permit him to attend to official duties It was no question of difference of political views between that gentleman (Mr Hart) and the present Ministry that caused him to retire, but simply the circumstance that he was unable to attend to the duties of office consistently with the claims of his private business

Mr HART would say that to a considerable extent he could corroborate what had fallen from the Attorney-General He certainly did not leave the Ministry from any general disapprobation of their policy He felt inclined at first to support their policy rather than otherwise, and he had no intention now to go into opposition He would say that in a new country and with new measures, differences of opinion must be expected to arise, and as it is almost impossible under such untried circumstances, to find five men agree in all points, there should be always such mutual concessions as would enable them to work harmoniously together Unless they would give and take, and thus mould themselves as it were into harmonious action, responsible Government could scarcely exist in this country With regard to the honorable member the late Commissioner of Public Works, Mr Reynolds, he (Mr Hart) might not possibly have agreed altogether with him, yet he was sure during the whole time they were associates they never had a single word of dispute During the time that he was in the Ministry he had formed friendships with some of its members which he trusted would never be dissolved, and having been a member of two Ministries, he had, in consequence of those feelings, left office with regret

Mr REYNOLDS could not allow the opportunity to pass without some remark, although he must confess that it had come rather unexpectedly upon him The hon the Attorney-General had stated that the papers affecting him (Mr Reynolds) personally, were before the House To a certain extent they were, but he had to ask the hon Commissioner of Public Works to furnish the House with the correspondence with the Railway Commissioners in regard to their application for a certain sum of money to construct waggon trucks, and he would ask that hon gentleman to do what he thought he ought in justice to have done before, namely, to furnish the particulars connected with the rejected tenders for those bodies That tender was put in not by parties on the Railway and he (Mr Reynolds), did not say there was any collusion between the Railway Commissioners and the parties tendering, but that tender was not received until five minutes after the time appointed for receiving tenders had expired The parties also wanted the use of the sheds and tools belonging to the Government for the purpose of carrying out the work To that he could not submit, and he wished those things to be placed before the House for their consideration The hon the Attorney-General had spoken of the harmony subsisting between the members of the Executive, and thought that he (Mr Reynolds) might not object to the hon the Colonial Secretary having taken the course he did, but he (Mr Reynolds) had always thought that Mr Younghusband was merely a make shift, and he had no idea that he would rule that House as he had done since his accession to office. Had he (Mr Reynolds) had any other idea he would not have been connected with that Administration, and if the hon the Commissioner of Crown Lands chose to express the views then stated to him in regard to the appointment of the present Colonial Secretary, the House would see that the opinion he then gave was not favorable to that appointment He felt that that gentleman (Mr Younghusband) had not the good of the country at heart He (Mr Reynolds) was for *placing responsible Government in responsible hands* When he undertook office he expected all departments of the Government were to be responsible, but it appeared to him that every department was to be held responsible excepting the Railway Board Had he known that Mr Younghusband would act as he had done since his taking office he would not have been a party to that Administration

Mr BURFORD confessed that there was a mystery in connection with the matter alluded to, viz, in the separation of the late Commissioner of Public Works from those with whom he had been in the habit of acting He did not conceive that the whole truth had been elicited in the correspondence placed before the House. He was sorry that the question had come on quite so soon, for had there been a delay of one or two days, the mystery might have been unravelled He thought there must have been some motive in dismissing Mr Reynolds which had not been explained, and that circumstances plainly indicated such to be the case, but whether those motives were of a private character, or had reference to parties with whom they were intimate, or to whom they were related, it was impossible to say, but a mystery there undoubtedly was He could not conceive that any men who were straightforward in their intentions, and determined to serve their country, would have hesitated nearly 10 months on the question of the contracts connected with the railway He thought there must have been neglect of the public interests, and he maintained what he had previously said, that those things showed the impropriety of uniting the two offices of Attorney General and Prime Minister in one person, for *de facto* the hon the Attorney-General was Prime Minister, although *de jure* he was not He thought, therefore, the Ministry were bound to unravel those mysteries Had it been any other set of men there would not have been this delay, but he thought that the good of the country had been sacrificed to private, and, perhaps friendly feelings

The COMMISSIONER of PUBLIC WORKS assured the House, and the country through the House, that there was no mystery nor underhandedness in the matter referred to He was surprised hon gentlemen seemed so exceedingly willing to believe that there were officers on the Treasury Benches who could be capable of the acts which had been imputed to them It was rather difficult to tell what precise documents the hon member (Mr Reynolds) wished for The House however might rest satisfied that every paper connected with the circumstances which had been alluded to should be forthcoming, in order that the false impression which seemed to prevail might be removed

The COMMISSIONER of CROWN LANDS was taken by surprise He had heard from time to time of some great mystery connected with the removal of his former hon colleague, but he suggested whether it would not be more manly at once to give notice that he would move for the appointment of a Select Committee of the House, to investigate any point he might be desirous of bringing before that House, than to take the course he had done For his (Mr Dutton's) part, he had acted with Mr Younghusband with the greatest possible satisfaction (Laughter) He would say, in spite of the sneers of hon members opposite, that he had great satisfaction in making that statement, and if a Committee were appointed by the House, the enquiry would fail to establish anything to his discredit Mr Reynolds had met with the utmost possible consideration from his colleagues In the discussion which took place on Railway matters, as might be seen from the correspondence placed before the House, his (Mr Reynolds's) colleagues would have supported him in any reasonable reform, but they took exception to the manner in which he wished to dictate to them in this matter, and if any one would dispassionately read the letters between the Colonial Secretary and him (Mr Reynolds) they would come to the conclusion that he had received more consideration from those whose counsel he ought to have sought but did not seek, than he had a right to expect

Mr TOWNSEND hoped that Mr Reynolds would not avail himself of the advice just tendered him He believed that Mr Reynolds had with him the sympathy of the House, and he would not have him move for a Committee of Enquiry, for of whom would that Committee be composed? But he would recommend that he (Mr Reynolds) should move a vote of want of confidence in that Government who could dismiss a valuable public servant without satisfactory reasons being given (No, no) He thought that such a course would bring the whole question before the country The country believed that the late Commissioner of Public Works had served them well, and they would not be satisfied until they knew why such an efficient public officer had been compelled to resign

Mr STRANGWAYS asked, with respect to a Select Committee, who would be placed upon it, and what would be the result? The Colonial Secretary had almost entire control in the Ministry, and also out of the Ministry The Government had appointed a non-professional man a member of the Trinity Board The Commissioner of Crown Lands said he had been able to act entirely with the Colonial Secretary That might arise from the circumstance that when two persons go together, and one lays down the law and the other is content to follow it, they will not disagree He did not know whether it was the case or not In the despatches laid on the table of the House, there was not a word connected with the resignation of Mr Reynolds It had been said he should have sought counsel from his colleagues, but he never could find his colleagues, one was at the Goolwa—one here, one there, was that treating him with consideration? Then there was a large sum placed on the Estimates for expenses connected with the Real Property Act (question), and no notice had been taken of that (cries of "order"), and it should not be forgotten what the Attorney-General said when that bill was introduced into the House, namely, that if it became law, it

would increase his professional income for 20 years to come No reference was made to the working of that Act in His Excellency's speech, except to say that it was in operation, and that it worked favorably (Question) He had his doubts whether that Act would have been supported had all things been explained The hon member, after some further observations, sat down

Mr BAGOT would certainly have been down punctually at the time appointed for the meeting of the House had he thought a question of such importance would have been brought forward It appeared the hon member for the Port had brought it forward without notice ("No ") He must say that he and many members of that House were not prepared at that moment to go into a question so large as that involved in the statement made by the member for the Port It was one of great political importance (hear, hear), and it was not treating the Ministry in the way in which he thought they ought to be treated, to bring it forward in the present manner There was great difficulty in appointing a Colonial Secretary when Mr Younghusband was selected The Attorney-General had consulted many members of that House with regard to their opinions as to the best course to be pursued, and it was thought the Colonial Secretary ought to be a member of the House of Assembly No one, however could be found who could act But necessity arose, and the present Colonial Secretary was named He did not therefore think it fair that the statements to which he had alluded should have been made after the formation of the Ministry He requested that when a change of Ministry, the retiring Ministry did not make the statement of the circumstances connected with their resignation which was customary on such occasions in England There, the retiring Ministers, and those who succeeded them, usually stated the reasons which led them to take their respective courses, and he thought it would be well for such a course to be followed in this colony He was sorry they did not make a short statement with regard to the position in which the honorable the Treasurer was placed in that House, but he supposed he must look upon him as the leader of the Ministry in that House (" No" from some parts of the House) He did not know how it was, but he himself and several other honorable members, thought there would be a change there. He considered the hon Treasurer as leader of that House, and certainly it was an onerous position to be placed in, especially as the hon Attorney-General was not always able to attend

The TREASURER availed himself of his right to reply He had been taken completely by surprise at the character of the debate, but statements had been made which required notice on his part. The hon member for Sturt had said that the late Commissioner of Public Works had made certain statements with regard to the causes of his (Mr Reynolds's) resignation, and in doing so he recollected also that he stated he intended making his resignation his battle-ground in that House He (the Treasurer) presumed that the hon member was waiting for full information, and for all the papers for which he had called, to enable him to place the House in full possession of the facts He was sure that hon members would wait to see those documents, because the matter could then be fairly gone into and understood He (the Treasurer) could not enter upon matters of that kind but would wait until there was some substantive motion before the House The hon Chief Secretary had been assailed during the debate The grounds of the attack, he must confess, surprised him It had been said that he was strong out of doors For his part he (the Treasurer) thought that that was a recommendation Then, with regard to the appointment of a member of the Trinity Board, the Act did not require that the members of that Board should all be nautical men He would request the House to observe that two persons were appointed by the Government, as the Board had large powers entrusted to it, and it was felt necessary for the Government to retain a control over the exercise of those powers The Act did not require the appointment of professional persons, and they had, therefore, appointed Mr Newman

The House then resolved itself into a Committee of the whole, and

The TREASURER then proceeded to lay before the House the Supplementary Estimates He should feel that he was not doing his duty were he to neglect making some observations upon the present financial state of the colony, although he confessed it was not very agreeable to him to have to make a long statement, blended with statistics and figures, which, perhaps, would be impatiently listened to by the House It was necessary, however, that he should make that statement, because the speech of the Governor dealt more with generalities than with facts and figures, and in so doing he was only acting in the spirit of responsible government, inasmuch as other explanations were necessarily made afterwards in the House He could not enter upon that subject without alluding to the imports and exports of the colony They were referred to in a previous speech, but he would take that opportunity of stating some of the disadvantages under which he laboured in preparing his statements Up to that time he had not obtained complete returns of the imports and exports for the year ended December last, nor any for the year ended June last Therefore he had had to gather his views of the condition of the colony from the quarterly returns, and he had to put them together for the purpose of arriving at a correct conclusion That involved great labour ("No, no," from Mr Hughes), as would be seen by any one who inspected the Customs returns laid on the table of the House Hon members said "No, no" He did not perhaps possess the great ability of the late Treasurer, but he had had to work 10 to 12 hours a day for the last fortnight in order to prepare a satisfactory statement for that House, and even then he would have to supplement it when the General Estimates were placed before them With those remarks, which he had put forward in order to bespeak the indulgence of the House, he would proceed to his statement He found that the total value of imports consumed or remaining in the colony during the year ended 30th June, 1858 was 1,556,489*l*, and the exports during the same period were 1,470,236*l*, which gave an excess in the value of imports over exports amounting to 86,253*l* Comparing the values of imports and exports of this period with the corresponding values returned in the previous year, the imports in the third quarter of 1856 were 292,489*l*, the fourth quarter, 451,500*l*, the next, or first quarter of 1857, 361,546*l*, and the quarter ending June, 1857, 351,447*l*, making the total imports 1,456,983*l* as the imports for that year, and which corresponded with the year then under consideration The exports for the same periods were—third quarter of 1856, 195,336*l*, fourth quarter, 423,841*l*, the first quarter of 1857, 444,899*l*, and the second quarter of 1857, 318,684*l*, being a total, 1,382,760*l* Thus much for the financial year ending 30th June, 1857, with which he proceeded then to compare the present year The imports of the third quarter of 1857 produced 300 832*l*, the fourth quarter, 412,671*l*, the first quarter of 1858, 479,681*l*, and the second quarter, ending the 30th June last, 363,305*l*, making a total of 1,556,489*l* The exports for those quarters amounted to 1,470,236*l*, the third quarter of 1857 being 331,525*l*, the fourth, 614,694*l*, the first quarter of 1858, 316,252*l*, and the quarter ending 30th June, 1858, being 207,765*l* Those figures demonstrated that the imports of the last year had increased at the rate of six per cent over the preceding year, and the exports were in the same ratio But at the close of each year ending June 30th, the imports had been in excess of the exports to the extent of 74,223*l* for 1857, and 86,253*l* for 1858 It might be well to analyze the state of their export trade in order to ascertain if there had been any deficiency in the chief staples of colonial produce Taking the stated values of the export of corn, flour, &c., of metals and ores, and of wool, at each of the quarters previously named, and adding the amount together in each year, it would be seen there had been a gain of about 75,544*l* on the export of those articles during the past year Thus the exports of corn, &c, were for the year ended June 30th, 1857, valued at 576,744*l*, metals and ores figuring at 416,879*l*, wool, at 370 443*l*, against the year ending June, 1858, of a total of 593,584*l*, for corn, &c, 419,980*l*, for metals and ores, and 426 046*l* for wools This showed an increase in favour of last year amounting to 55,603*l* on wool, 3,101*l* on metals and ores, and 16,840*l* on wheat, total amount of increase in these exports being 75 544*l* So far the result was satisfactory, as showing that the produce of the colony was progressing But comparing the export of corn and flour during the first half-years of 1857 and 1858, there may be some explanation of the discrepancies arising from a review of the first six months in the year only He found that there had been a decrease in the value of those articles during the last six months of 129,938*l* there had been a decrease of 6,799 tons of flour, or 339,977 bushels of wheat The figures from which those results had been obtained gave for the first quarter of 1857, 7,302½ tons of flour, 4,503 quarters of wheat, valued at 138,513*l* The figures for the next quarter were 6,731 tons of flour, 15 721 quarters of wheat, amounting in value to 179,150*l* The total exports for the last half year ending June, 1858, were 8,084 tons of flour and 14,911 quarters of wheat, amounting in value to 187,725*l* Thus, in these articles there had been less exported this year than in the corresponding period of last year to the amount in round numbers of 130,000*l* That amount must be recovered during the current half-year to make the future look as well as the past It was evident that the slackness in shipments hitherto had not resulted from any deficiency of quantity in the colony, but if such existed it would diminish exportations at the close of the season It rather arose from indisposition to sell at a reduced price The slackness in the export, or the deficiency in the export of wheat would, at the current price of—say 6s 8d per bushel, more than account for the excess of 86,253*l* which was discoverable in their import trade, and was probably the solution of the apparent unfavourable relation between exports and imports It was somewhat in confirmation of that view to find nearly the same condition obtained last year and it had happened in two successive years that the tables of imports and exports exhibited a favorable result when made up to December, while the reverse was the case when the amount was balanced on the 30th June in each year Thus, in 1856, at the close of the calendar year, the exports exceeded the imports by 299,211*l* The year made up to the following June exhibited an excess of imports of £74,223 In 1857, in December last, the gain on the side of exports was £335,520, whilst, as before, the balance was against exports in June last to the extent of £86,253 It was to the fluctuations in the wheat market, and, consequently, in the periods of exportation of

wheat that they must chiefly look to account for the apparent unfavorable state of the Customs Returns when made up to the latest date, because of the exports of colonial staples had, on the whole, increased about 6 per cent, and since imports had only increased 6 per cent upon the imports of last year, which was about the ratio of increase attributable to healthy progress it could not be said that imports had been excessive If the yield of last harvest proved to be deficient, or if prices of wheat fell, either of such circumstances, coupled with any permanent fall in wool, would seriously affect their future ability to sustain the present rate of imports But in attempting to speculate upon the future, further than to exercise caution in our estimates, until the prospects of the year were more fully developed, they would fall into errors of despondency at least as mischievous as those of sanguine exaggeration For whilst glutted markets were an evil, scanty supplies seriously affected the income of the consumer by inducing excessive prices He would now leave these statements of imports and exports, as when he produced the Estimates for 1859 he would have to make further remarks upon them Since he came down to the House, he (the Treasurer) had received from the Collector of Customs an abstract of imports and exports to June last, which were within a trifle of the figures he had given, the difference being more favorable than the picture he had drawn The difficulty in making up the Customs returns arose from not receiving returns from distant ports The exports of wool could not be ascertained at an early date, and they formed a very material item in their list of exports for the year He would now refer to the state of the public revenue, and in doing so would avoid going into the prospects on which the Estimates for 1859 would be calculated His remarks would be chiefly confined to the past and to the present year as explanations of the Supplementary Estimates now before the House The revenue received up to December last was somewhat less than previously, the difference being 4475*l* The chief items of decrease were on land sales, and there is a slight apparent decrease of 468*l* on the Customs But the revenue exceeded the Estimates by 29 410*l*, while the expenditure fell short of those Estimates by 72,716*l*, so that a large balance accrued at the end of the year, a part only of which is included in the sum brought forward in the original Estimates of 1858 This surplus derived from the balances of all sources of revenue, is the first item on the list of ways and means, and amounted on the 1st of January, 1858, after setting by a sufficient sum to meet outstanding expenditure, to 179,782*l* It will be found so stated at the head of the column of revenue in the Supplementary Estimates before the House The Government had not attempted to amend the items, although perhaps, the Supplementary Estimates might be amended In some instances there would be a falling off, in others an increase of expenditure, so that on the whole the revenue estimated might at least be depended on He would go into those items *seriatim* The first item was the land sales In 1857 they reached £220 954, in the previous year £231,023 and in 1855, £240,038, at which period they reached their highest productiveness At the end of August last the amount realised was £133,088, leaving a sum of £46,912 to make up the estimate of £180,000 This would leave £11,728 to be received during each of the next four months, which will no doubt be more than realised The revenue of the year ended June last, whilst it exceeded the estimate, exhibited a nett increase on the revenue of the former year of only 656*l* The decrease during the year was chiefly in the Customs, while the gain was chiefly in the land sales, postages, immigration deposits, and railways Bearing that in view, it would be unsafe to expect from the Customs more than the sum stated in the Estimates, viz, 154,000*l* The gross Customs receipts in 1856 and 1857 respectively were 152,135*l* and 151,676*l*, but those were only gross receipts, and although they appeared as revenue received, there were amounts to be repaid to New South Wales and Victoria during each of those years for goods passed into those colonies, so that in 1856 there must be 13,070*l* deducted from the revenue stated, leaving only 139,065*l*, in 1857 8,892*l* must be deducted, leaving a balance of 142,775*l* But this year it would probably not exceed 3000*l* Taking that from 102,613*l* which they had already received under the head of Customs there would remain 99,613*l* realized towards the Estimates, leaving 54,386*l* to be obtained during the rest of the year That would require an average receipt of 13 596*l* per month during the next four months in order that the Customs Revenue might produce the full amount Harbour dues was the next item In that the revenue would be nearly realized The next item was rents Under that head were included rents of wharves at Port Adelaide, sundry rents in other parts of the colony, and annual leases of runs All those contributed last year 22,522*l* to the revenue The rent of lands held under fourteen years leases was 18,351*l* That item would probably be slightly increased The number of leases issued had been 571, including 13 new leases The extent of country comprised in those leases was 28 024 square miles, or 17,935,360 acres, of which 1,112,928 had been resumed, leaving still occupied, as runs under lease, 16,822,432 acres, yielding an annual rent of 18,350*l*, thus giving an average rental of something more than one farthing per acre per annum The estimated amount derivable from rents of all kinds was 21,000*l*, and as 22,522*l* were received last year, it seemed probable that that estimate might be exceeded by 1,500*l* £1,300 was put down for licences He thought that would be slightly exceeded since 1,2783 had been received to the end of July Postage appeared next and he found receipts had not paid expenses since the postage had been reduced to 2d and 6d respectively for inland and ship letters, although the Post-Office revenue had been gradually increasing since 1854 The postal revenue of 1855 was 7 841*l*, of 1856, 8 925*l*, of 1857, 10,353*l*, against an expenditure of 15,032*l* in 1855, 15,715*l*, in 1856, and 17 984*l*, in 1857 To the expenditure of 1857 should also be added the portion of the subsidy payable to the European Steam Contract Company A charge on that account should likewise be added to that year's estimate, but it was difficult to state the amount The receipts for six months in 1858, amounted to 5 989*l* 19s and in July to 1,171*l* 11s That gave an average of 1000*l* a month, and it might be expected to increase the sum estimated by 2 000*l* It might also be expected that the income in two or three years would cover the Post-Office expenditure, and it should be borne in mind in considering the advantages to the country derived from that department, that the carriage of 849,946 newspapers was included in the cost of that establishment, the greater part of which were sent inwards, and the cost of transmission of which was heavier than that of letters Amongst the items of fixed revenue, fines, fees, and forfeitures afforded a considerable sum The sum on the Estimates might not be realized, as the year ending June last only produced 14,781*l* Sales of Government property stood next The late Treasurer (Mr Hart) was very moderate in his estimate, having only estimated a probable amount of 2000*l* But even that was not likely to be realized 709*l* only having been received to that time Reimbursements came next Under that head there would probably be a deficiency They came then to an item of receipt which had been gradually swelling during late years,—namely, interest and exchange, and that account suggested many interesting questions In those had been included the profit upon their Exchequer Bill transactions, and the sale of bonds The Government had decided that the latter was not a proper item of revenue, as they considered they ought to credit the different undertakings with the profit that must accrue, because, otherwise, they would be spending borrowed capital That would reduce the estimate probably to £1,000, hitherto considered available revenue They then come to Railways They appeared, for the first time, on their estimates of receipts That was the first year in which the Railways had yielded a profit The amount received was £3,497 against an estimate of £2,000, and as there were receipts to come in from the Goolwa Railway, he expected there might be a surplus of £2,000 at the close of the year The telegraph, set down at 4,000*l*, might be depended upon, for the inter-colonial wire was in full operation, and was a source of considerable revenue He had gone through the various items in detail and shewn that probably on some there might be a deficiency, and on others an increase, but it was not thought advisable to amend the Estimates, as the total estimate would probably be realized Before concluding, the House would perhaps require information respecting the bonded debt He would quote from a table in his hands There were eight different undertakings, which had been authorized to be carried out by means of loans The total amount authorized to be borrowed was 889,000*l* Up to the 25th August last 641,100*l* had been sold as advised, and there remained 49,700*l* in the hands of the agent for sale The bonds remaining amounted to 203 600*l* The colonial debt was 624,400*l* With respect to this debt he would remind the House that railways were becoming a source of means, and contributing towards the payment of interest, and in course of 18 months there would be a large amount received from the City of Adelaide Railway, available for repayment of the amount, but it would not appear in the Estimates of that year because no returns could be expected until the works were finished, which would not be for the next 12 or 15 months Having gone through all matters relating to the funds of the Government, he would turn to the Supplementary Estimates of expenditure The hon member enumerated some few of the large items proposed to be expended on public works, and concluded by moving the consideration of the first item of the Supplementary Estimates.

Mr HUGHES did not wish to take any objection to the item now before the House, but he should offer a few remarks on the statement of the hon the Treasurer On one very recent occasion the House had been assured upon the very highest authority that the revenue was increasing that imports and exports bore a favorable comparison with those of former years, and that our financial condition showed a steady progress But the hon gentleman who had just addressed the House had told them that when he really looked into the matter, he found that that statement was altogether incorrect, and that on the contrary, there was a large falling off in the principal items of our exports The hon member had shown that in the last nine months which covered the harvest, including the articles of wool and wheat, there was a great falling off in these articles, which formed the substantial wealth of the colony He agreed in the statement now made, and he only regretted that the hon gentleman had not shown more assiduity in preventing the incorrect statement to which he had before referred, and which he (the Treasurer) now admitted to be incorrect, from being placed before the House The hon gentle-

man had also said that it was a work of great labour to prepare the statement he had made, but the department of the Auditor General was so admirably managed, that any schoolboy could in a few hours arrive at the conclusions which the hon member had laid before the House. He (Mr Hughes) would take no great credit, nor should any person possessing a knowledge of accounts and business matters find any difficulty in doing it. The hon gentleman had also said that the premium on bonds was not to be brought in under the head of general revenue, but he (Mr Hughes) did not know that in saying so, the hon member had taken a right view of the matter. For if, for instance, the Government were to raise a sum of 100,000*l* on bonds, and if these bonds were sold at 10 per cent premium, why should not the 10,000*l* profit go to the credit of the general revenue? If it did not, he (Mr Hughes) did not know what was to become of it. Supposing this sum to be realised by the sale of Railway Debentures, would the Commissioners of Railways have the power of expending the money? Whatever premiums were received in this way should go to the general revenue, and if they then went into a sinking fund they would be well disposed of. The hon the Treasurer of that time had informed the House last year that he had made a great discovery, that he had found out that the Emigration Commissioners in London were in possession of funds belonging to this colony, with the existence of which we were not acquainted before. The accounts of the matter were laid on the table at the time, but he believed the hon gentleman (Mr Finniss) had since found that these funds existed only in the imagination of the late Treasurer, and that the discovery amounted to nothing at all, though that also was a matter which any schoolboy might find out. He was glad the hon the Treasurer did not mislead the House on these points, and he hoped he had not done so on another point when he stated we were borrowing money now at 5 per cent. He (Mr Hughes) did not know how that result was arrived at, but he could not arrive at it, though nothing would be more satisfactory to him than to find that it was the case. He found that the hon gentleman had congratulated the House that the bonds were selling in the English market at a premium of 10 per cent, but he had not stated whether the interest was included in that, and he (Mr Hughes) believed it was so—that we might find that instead of paying 5 per cent we were paying nearly 6 per cent. There was another point, and he (Mr Hughes) believed it to be the most important point of all, for it showed beyond dispute the financial condition of the colonists, and furnished the true keystone to what the colony could afford to pay for the luxuries and the necessities of life—he meant the Customs revenue. If hon members looked at the statement of the hon member again they would find that the Customs revenue for the year was £11,000 less than that that for the previous year, and how under these circumstances the House could be informed that the revenue was increasing, he (Mr Hughes) did not know. He hoped they would not in future have such statements brought before them as those which had been contained in the speech of His Excellency the Governor, inasmuch as such statements were lowering to the character of the House. He must protest against statements being put before the House which would not bear scrutiny, and he should always consider it his duty to point out such false statements, for South Australia need not fear the truth, and a plain statement of the truth, would show clearly that this colony had made, looking to the short time of its existence, a wonderful—he had almost said an unexampled—progress, that it had every element of stability and increasing wealth. He hoped, if he was wrong about the sum of money which had been said to have been discovered in the hands of the Emigration Commissioners in London, that the hon gentleman opposite would set him right. He need not go through the items of the Estimates now before the House, but hon members should not be surprised if some of them were struck out. With regard to what had been said as to his being out of order in putting the question which he had put in the earlier part of the discussion, he contended that he was quite in order, and he did not put that question with the view of initiating the discussion which had ensued.

Mr Townsend enquired to whom the sum under the consideration of the House was to go.

The Treasurer, without adverting to the remarks of the hon member for the Port, which he would take up at another time, and, he believed, would answer satisfactorily, would for the present confine himself to replying to the question of the hon member for East Torrens as to what would become of the £40 now before the House. This sum was required for extra clerical assistance in the office of the Private Secretary, as the work was beyond the power of the present staff to accomplish, and as such assistance need not always be afforded, it was desirable to make a temporary provision.

Mr Townsend hoped this custom would not be adhered to. When the question of salaries was before the House, everything was said that could be thought of to swell the importance of the offices, and then when the salaries were raised to a high amount, these additional sums were asked for in the Supplementary Estimates.

The Attorney-General said that with regard to one point which had been raised by the hon member for the Port, he regarded it as important, as involving a question of policy entertained by the Government, and on which he differed from the hon member. With respect to regarding as a portion of income the money produced by the sale of lands, he thought the Government had acted wisely and properly in treating such money as capital, and not revenue, and in devoting it to the purpose for which the bonds were issued and the loan raised. The position of the Government was, that the House sanctioned the expenditure of a large sum to be raised by loan, and to be repaid by devoting a portion of the revenue year by year, for the payment of the principal and the interest, and the House authorized the Government to raise the money by means of bonds available for that particular purpose. He took it to be the duty of the Government to see that whatever money was realized by these bonds should be applied to the specific purpose for which the bonds were issued, and that if they sold the bonds at £110, they were not to put the £10 premium in their pockets, or apply it to any other purpose. It should be used for the object for which it was raised. By this means they would not give rise to delusive impressions with respect to the revenue, by treating as revenue that which was in reality capital. To act in any other way was opposed to the spirit and the letter of the law, and would be a grievous financial blunder. Indeed, he was surprised to find that a gentleman, who had been himself a finance Minister, should make so great a blunder as to quarrel with the policy of the Government on this matter. The Government was not in favor of creating a sinking fund, but of preventing the necessity for one, and that was what they would do. They would avail themselves of the increased price of the bonds to save South Australia the necessity of borrowing all the money which they were authorized to borrow, and which under the other system suggested they would have to borrow. He would now offer a word or two on what had been said during the personal discussion. In doing so his observations would be very short, but inasmuch as these remarks were of a personal character, and had been made under circumstances which had previously prevented him from replying, he felt he would not be doing justice to himself or those with whom he acted if he did not now say something in answer to them. The hon member for the Sturt had said that when he was called upon to join the Ministry of which the Hon the Chief Secretary (Mr Younghusband) was Premier, he had had a conversation with him (the Attorney-General), and referred to what took place in that conversation.

Mr Reynolds rose to order. He thought the discussion had closed, as he would not have the right to reply.

The Chairman ruled that the Hon the Attorney-General was in order. The discussion had been initiated by the hon member (Mr Reynolds.)

The Attorney-General.—The hon member had referred to a private conversation, but as he (the Attorney-General) did not keep shorthand notes and records of all his private conversations, he did not pretend to remember every conversation with particularity, and even if he did, he should feel bound in honor, and as a tribute to the principles which bind gentlemen to one another, not to repeat one word of what passed in such conversation. (Hear, hear.) He would not therefore refer to private conversations, he had not done so but he would speak of the public conduct of Mr Younghusband in reference to the present Administration, which he (the Attorney-General) had formed. He was most anxious to have at the head of that Administration a Chief Secretary who should have a seat in that House, and with that view he had spoken to almost all the members with whom he associated himself in public business. He found, however, that he could not get a Chief Secretary in that House, unless he was prepared to take the office himself. He was not wealthy enough to do that, and he was not prepared to make the sacrifice of his professional practice which it would entail. He could not have formed an Administration unless by giving the Chief Secretaryship to Mr Younghusband. He believed, and that belief was shared by all whom he had consulted, and he was certain was held by all who joined the Ministry, that in taking Mr Younghusband as a colleague they had a gentleman who possessed the confidence of the House and the country. When it was said that the appointment of Mr Younghusband was temporary, he could only say that there was nothing whatever in what took place which would entitle any person connected with the Administration to say to the Chief Secretary that he was only there for a temporary purpose, and that he must retire. On the contrary he (the Attorney-General) had joined the Administration believing that Mr Younghusband had been selected for the office because he was competent for it, and that the inconvenience of having the Chief Secretary in the Upper House was inevitable. He (the Attorney-General) as having formed the Administration, should of course have felt himself at liberty in the event of any difference of opinion between himself and the Chief Secretary, to advise His Excellency upon such a matter, but until some difference of this nature arose, so long as any gentleman filled the office of Chief Secretary, it was due to him, and to all the Administration, that he should exercise the functions and powers of his office. It was due to him that he should be really as well as nominally, the head of the Executive. When Mr Younghusband took the position of Chief Secretary, there was no intention that he should occupy any position other than that which he nominally held. With regard to "ruling the roast," in all matters in which he (the Attorney-General) had consulted with Mr Younghusband, he had had occasion to appreciate his judgment,

ability, and fairness, and he was not aware that in any opinion which that hon. gentleman had given, or in any act he had advised, he had advised or acted in contradiction or violation of the principles which were professed by the Administration when he took office, or when it was originally founded. If the hon. gentleman (Mr. Reynolds) or any hon. gentleman could say that in any public act—in any act done as a Government—since the Administration was formed, it had been false to its principles, that its members had violated the pledges which they had made, let him make a charge against them; and if the charge was proved, let the Administration be dismissed from office. He had no desire to retain office longer than he possessed the confidence of the House, for it was the confidence of the House which had placed him in the position he held, and that position was only valuable so long as the same confidence retained him in it. The hon. member had on several occasions referred to his (the Attorney-General's) being connected with the Chief Commissioner of Railways, but it was not he (the Attorney-General) who had put that gentleman in the position either of Engineer-in-Chief of the Railways or in that of Chief Commissioner. Undoubtedly, when it was proposed that the Engineer of the Railways should be the Commissioner, in order that the salary of a Commissioner might be saved, he had acquiesced in the recommendation to that effect to His Excellency, but the appointment did not come either directly or indirectly from him, otherwise than as sanctioning the appointment proposed by one of his colleagues. At the same time there was nothing in the relationship between that gentleman and himself, which should prevent him (the Attorney-General) from doing that gentleman justice, and from supporting him when he believed him to be in the right. Had a stranger been in the office, and had an attempt been made to place him in a false position and to treat him with injustice, he (the Attorney-General) would support him; and he would not be deterred from doing so now, merely because the gentleman who occupied the position was related to himself. Let the hon. member bring the matter fairly before the House, and let him show that he (the Attorney-General) had ever given the Commissioner of Railways any support which he would not have given to any other person in that gentleman's position, and then he (the Attorney-General) would submit to any condemnation which the House might pronounce against him. But for his part, he believed that it would be very difficult to find in this hemisphere a person better fitted for the position which he held than the Chief Commissioner of Railways. From all he had heard, no person comparing the construction and management of our railways with those of the other colonies could fail to see that ours were superior, and he (the Attorney-General) claimed for the Chief Commissioner some share of the merit of the construction and management of our lines. His hon. friend the present Treasurer, who was then Chief Secretary, had been influenced by the knowledge that that gentleman was the only one to be found in the colony who had large practical experience in the management of railways in England, when making the appointment. The Chief Commissioner had been engaged in the construction of railways in England, and in addition to this he had been for seven years engaged in the management of two of the most important lines in that country; and it was believed that his experience in these capacities would qualify him for the appointment which was given to him. He regretted having to allude to this matter, but he found that in every speech which the hon. member for the Sturt had made, he had alluded to the fraternal feeling—he had not asserted anything. Heaven forbid that he should assert anything; but he had thrown out insinuations as to the fraternal feeling existing between him (the Attorney-General) and the Chief Commissioner of Railways. He alluded to this matter because he found that what he at first took for a mere ebullition of spleen now appeared intended as a deliberate ground of personal attack against himself. The hon. member had referred in his remarks to the amended tender, and he said he did not assert that there was any collusion between the Railway Board and the persons sending in the tender. He (Mr. Reynolds) had said so because he knew perfectly well that the facts of the case distinctly repelled any such insinuations; but when the hon. member said he would not make any charge of collusion he knew that people would think that there were grounds, if he chose to do so, for making the charge; and this was the meaning of the insinuation. The reason why the hon. member did not make a charge was, that he knew that the circumstances of the case would repel any charge of collusion. He did not know whether it would be necessary for him to refer to this matter again; but as the House was in Committee, he could, if necessary, do so. He would now enter on a new matter. The hon. member for Encounter Bay (Mr. Strangways) had referred to one matter mentioned in the correspondence. That hon. member excused the hon. member for the Sturt for not consulting his colleagues, on the ground that he could not find them; and asked, "how could he consult them when he could not find them?" He (the Attorney-General) did not know that the hon. member (Mr. Reynolds) was unable to write, and one use of writing was supposed to be that it enabled a person to communicate with persons whom he could not see. (A laugh.) And if the hon. member could not find his colleagues at their offices, why did he not write to them? which it appeared he had not done. For his part, with the exception of one week, there was not a week from the time of the prorogation of the Legislature up to the present time, during which time he had not been on four or five days in Adelaide. Besides, the hon. gentleman (Mr. Reynolds) knew where he lived, and he believed was in the habit of passing his (the Attorney-General's) house going in to and coming out from town, and yet he was not aware of any desire of that hon. gentleman's to see him or any of the gentlemen who acted with him in the Government. It was, therefore, idle to say that there was any inability on the part of the hon. gentleman to consult with his colleagues. He was sorry to occupy the time of the House; but he had adverted to these matters because it was right that on the same day as such charges were made they should be replied to, and, if necessary, he should address the House again, and he had no doubt he would be able to reply satisfactorily to any charges which might be brought against him.

MR. REYNOLDS, after the observations of the hon. gentleman and the feeling which the House had shewn on the matter, would take an early opportunity of laying before hon. members, though not in the precise form suggested by the hon. member for Onkaparinga, the facts of the case. He should not act on the suggestion of that hon. member, for it was not his wish to put the hon. gentlemen opposite out of office, but he would frame his motion in such a manner that the House would have the opportunity of censuring either himself, or the hon. gentlemen opposite. (Hear, hear.) The hon. member (the Attorney-General) said that he need have had no difficulty in consulting his colleagues, that he could have written to them; but where was he to write to? It amounted to this, that the Commissioner of Public Works was to be the drudge of the Cabinet, and he was to hunt up where his colleagues were. Was he to write to the Goolwa or Cox's Creek, and was he to be at the expense of a messenger there? (Oh! oh!) But he would leave that to another day, when there would be a fair opportunity of discussing it all. The hon. gentleman had said that he (Mr. Reynolds) knew there was no collusion between the persons on the railways and the contractors. He did not believe there was any collusion between the hon. the Chief Commissioner and Engineer, and the parties who sent in the tenders, and he had said so. The hon. member had also said that he (Mr. Reynolds) had referred to private conversations, but the hon. Attorney-General himself had challenged him to do so, and he would not have referred to them but that the hon. gentleman had challenged his memory on the point. He must say, in reply to the remarks of the hon. the Attorney-General, that he had never understood that the hon. the Chief Secretary was to be Premier, but thought it was the Attorney-General himself who was to occupy that position; and, as he had said that morning, if he had known that Mr. Younghusband was to be Premier, bearing in mind the antecedents of that gentleman, he would not have had him as his leader, though he was satisfied to accept the Attorney-General as his leader. This was all he considered it necessary to say at present, for he would not allow the Attorney-General to bring him out, as it was the object of that hon. gentleman to do, before his case was entirely prepared. The hon. gentleman came there as an advocate, but he (Mr. Reynolds) would take the opportunity before another week of dealing with this matter; and, as he had said the other day, he would battle out this question as one which affected the public interest. The Attorney-General had charged him with indulging in insinuations, and complained that he (Mr. Reynolds) charged him with being actuated by fraternal feelings, but had not the hon. Attorney-General even charged him (Mr. Reynolds) with being actuated by personal feeling, and how then could he twit him (Mr. Reynolds) for attributing fraternal feeling. It amounted to this, that it was right for the Attorney-General to charge him with personal feeling, but it was not right for him (Mr. Reynolds) to twit the Attorney-General with fraternal feeling. But why should he have any personal feeling in the matter? He might have sat on the ministerial benches still if he had chosen, for he believed that his colleagues were not anxious for him to leave; but there were great public interests at stake, and he said that nothing but a bold stroke on his part would enable him to expose the gross deficiencies of the Government Departments. Passing now to the matter before the House—a matter of 40*l.* for additional assistance to the Private Secretary—(a laugh)—he did not see the necessity for this, and unless the hon. the Treasurer could make out a better case for it than he had yet done, he should vote against it. The previous Private Secretary had performed all the duties for £300 a year, whilst the present gentleman had £400, and he thought if the present Private Secretary were not capable of performing the duty at £400, they should get a more efficient man for the purpose.

The TREASURER had nothing to add to what he had already said on this vote, but rose to reply to some remarks of the hon. member for the Port. That hon. member found fault with the statement which he (the Treasurer) had made, and said that with respect to the Customs revenue that he (the Treasurer) had spoken of the prosperous state of that revenue, whilst at the same time he had admitted a falling off of £11,000 in that department. He might have mentioned another portion of his (the Treasurer's) remarks. Mr. Hughes had alluded to the programme in the Go-

vernor's speech and the arguments made use of in reference to it, and had congratulated the hon member on the statement which he had since made to the House He had said that there was an increase in the revenue which was not so large as in former years, but whilst the revenue maintained its ground as compared with former years, and exceeded the estimates, he thought there was no ground for complaint The hon member had alluded to the Audit Office, and stated how easy it would be to obtain all the information which he (the Treasurer) required He thought the hon member after filling the place which he (the Treasurer) now occupied, would have been competent to speak as an authority on the matter, but he could not have taken the interest which might be supposed in it, or he would not have made such a statement, for the information referred to was not to be had at the Audit Office, but in the Customs department, for it was in reference to the Customs revenue he had said that he had had considerable labor in making his computations The hon member had spoken of a sum of 17,000*l* profit on exchanges which the late Treasurer had stated was in the hands of the Emigration Commissioners This information was in the hands of the Auditor-General, where those accounts were kept, and to whom the hon gentleman had referred as a model In that office it was proved that a sum of 17,279*l* on exchequer bill transactions for a series of years, remained in the hands of the Commissioners, and that was the only statement which he understood to have been made on the subject But whatever the statements on this point might be, he (the Treasurer) was not responsible for them as he had never made them, but no accountant could contradict the statement that the Land and Immigration Commissioners had a balance in their hands The hon member had said that he (the Treasurer) admitted a great falling off of one of the principal articles of colonial industry, but there, again, he was mistaken, for he had shown by the Customs returns that, taking the year ended 31st June last, there was an increase in the principal staples of 75,544*l*, and that of that increase 16,814*l* was due to the exportation of flour and wheat But the hon member set aside that statement because it showed that the colony was prospering, and adverted to the fact that during the last six months of this year the exports of wheat did not realize as much as in the last six months of the previous year He admitted the falling off there, but on the year there was a balance of 75,000*l* in favor of the country He believed these were the only points which the hon member had made which he required to meet With regard to the sinking fund argument, it had been taken up so well by the Attorney-General that it was unnecessary for him to go into it He quite agreed with that hon gentleman that they should not carry to the credit of the revenue any profit derived from the sale of bonds With respect to the premium on the bonds, he had been advised that they had realised 11*l* per cent, selling at 111*l*, and he had heard on good authority that they had realised even 112*l*

Mr BARROW said that, although the House acknowledged the importance of the subjects which had been brought before it, hon members must see the inconvenience of the course which had been pursued The question before the House was an item of 40*l* for extra clerical assistance in the Private Secretary's Office, and they had heard a great deal on all kinds of subjects, so that at one time it might be supposed that they were listening to the reply to His Excellency's speech, and at another to a vote of confidence or no confidence in the Administration (Hear, hear) These topics were all of great importance, but it would save the time of the House if they were brought on in their proper course, and if they were not introduced as irrelevant matter If they were brought forward in this way, hon members who wished to speak on them must either remain silent and so be compromised, or occupy the time of the House to an unreasonable extent There were, undoubtedly, several topics connected with the late changes of Ministry of great interest but they should be discussed at their proper time He would now address himself to the only question really before them The item which they were at present considering would affect many other items It involved the question of additional assistance in the various departments If the Government made out a case for granting this additional assistance, of course the House would gladly grant it but when they had to decide whether the Private Secretary was overtasked or not, he wanted to know what the Chief Commissioner of Public Works, having resigned his office, had to do with the matter (Laughter) He (Mr Barrow) was in the dark as to the overwhelming character of the work of the Private Secretary, but the present item was one of several similar, for a little lower down he found on the same page £50 for additional assistance to the Auditor-General's office, and that amount might certainly be required, or so might the present vote but he wanted to know why they were required There was also 20*l* additional labor at the Colonial Store, when required He admired the contingency expressed in the words "when required," for the assistance might never be required There was another item of £20 for extra clerical assistance for the Supreme Court but if they could complete their labors at the Supreme Court with £20 worth of additional assistance, he thought they could very nearly complete it without any assistance. He did not mean to say the assistance was not wanted in many cases, or that it might not be in all but he would point out that they were about to affirm the principle, and leaving the knotty points which had been discussed during the afternoon, he would like to know something more about this item, and about the various other items of similar character

The ATTORNEY-GENERAL differed from the hon member in one respect, namely, in his opinion that the decision to which the House might come on this item would necessarily pledge it in any other case which would come before it, but he would refer to the department of the Attorney-General, which afforded an appropriate illustration of the circumstance which rendered the present item necessary Hon members were aware that the chief Government work was done by persons constantly and permanently employed, with regular salaries, but in his department it would require two or three additional hands at times to do all the work, though these would only be employed for three or four days in every month It was thought better therefore, that 200*l* or 250*l* should be voted for the department and then the salaries of two, or, perhaps, three additional clerks could be dispensed with The first item then under consideration was placed on the Estimates at the suggestion of His Excellency, who had stated that his Private Secretary could not get through the work He (the Attorney-General) could understand that this was something like his own department, and that a press of business came on just when the mail was about to start, from the necessity of copying despatches and other documents which a person might not be able to get through with in time, but which did not require or justify a large addition to the Estimates

Mr PEAKE would support the vote, for while not yielding to the hon member for East Torrens, in enforcing economy in the public service, he felt that when the House gave its confidence to four or five gentlemen, and placed them in possession of the seats of the Government, these gentlemen had an amount of responsibility, and were entitled to some amount of respect, and that when they placed an amount on the Estimates the House should give them the credit of supposing that they would not put a sum on the Estimates which was not wanted When he (Mr Peake) came to think that the gentlemen on the Treasury benches put £10 or any other sum on the Estimates, when it was not wanted, he would square yards with them in another way —(laughter)—for when the House thought the Ministers would waste £40 of the public money, the sooner they were told "you are not wanted in the department you fill" the better

Mr NEALES said if the argument of the last hon member was worth anything, the House ought not to waste time considering the Estimates at all He wanted hon gentlemen to show him that this 40*l* was necessary, and if they did not he should not vote for it although he would not vote the Ministry out or "square yards" with them in that way When he found that the gentleman who filled this office had a much larger salary than the gentleman who filled it before, and filled it efficiently, and when he found that the present gentleman held office on the Education Board, he thought they must dispense with his services at that Board In mercantile affairs, when the foreign post was going they worked harder, they did not subsidise men from the next office to do the work He would go with the hon member for East Torrens and vote that some of these items be struck out He was sorry to begin with a small one, but if they did not take care of the pence they would soon lose many pounds

Mr HART would vote against the motion He agreed with the hon member for East Torrens that it was very wrong to bring charges against the Ministry when their conduct was not under consideration, and to waste the time of the House by introducing matter wholly irrelevant to the question before them It was very bad taste, and as during absence from the House some observations had been made respecting himself, which were not merely in bad taste but something more, he should now reply to them The hon member might have waited until he (Mr Hart) was in his place before making accusations against him, for to act otherwise was not doing what gentlemen usually did With regard to the remarks which had been made, he was perfectly ready at all times to explain clearly to the hon member or those gentlemen who acted with him, the statements which he (Mr Hart) had made He believed that upon no occasion had he ever made a statement which he failed to justify, and when he had been called upon by that hon gentleman himself (Mr Hughes) to fill the post of Treasurer, a post which he had filled during two Administrations, he could not think that gentleman could believe that he had left office because he was unable to fill it, or because he had failed to fill it with credit to himself

Mr HUGHES enquired whom the hon member alluded to?

Mr HART—To the hon member himself (Mr Hughes) The words had been taken down by a friend of his (Mr Hart's) and they were—that the discovery said to have been made by the late Treasurer of a large sum of money in the hands of the Emigration Commissioners was "entirely a creation of the late Treasurer's own imagination" That was the accusation, which not being in the House at the time it was made, he had had no opportunity of rebutting, and it would have been a more courteous, if not more manly way to have made the remarks when he (Mr Hart) was in the House But the fact was that he (Mr Hart) had taken the hon member and

showed him the books, and pointed out this sum and the hon member expressed himself perfectly satisfied with them He (Mr Hart) was not in the habit of saying what was not true, and he thought the House would believe him, especially when he mentioned that the Assistant Treasurer was present, and saw the books, and pointed out the account If the hon member thought that he (Mr Hart) received the pay of the Treasury without giving proper value for it why not bring a charge against him, as he (Mr Hart) had made a charge against a former Treasurer, and proved to the satisfaction of the House that there had been considerable loss in consequence of that gentleman's mismanagement Let the hon member enquire into the management of the Treasury department whilst he (Mr Hart) was at the head of it, and he would defy that hon gentleman to find fault with or improve it It was highly inconvenient to have these discussions, as he found when he was called upon unexpectedly to make an explanation which he could have done more fully and clearly if he had been prepared for it He should oppose the 40*l*

Mr HUGHES hoped the House would allow him to reply to the most unjust attack which had been made on him by the late Treasurer (Oh!) He understood why the sum in question did not appear to the credit of the colony, as from the mode of management of the bonds the money could not accumulate, and on the other hand there was an expenditure which had not been brought to book at all, which would balance it

Mr STRANGWAYS supported the vote

The CHAIRMAN put the question, and declared the item to be lost

The next item was 35*l* for the office of the Chief Secretary

The TREASURER explained that this sum was wanted for furniture

Agreed to

The next item was additional assistance, Audit Department, 50*l*

The TREASURER could only, in reference to this vote, repeat the argument which had previously been used on that side of the House The office was one of the best worked, and one in which the clerks were most assiduous

The item was agreed to

The next item 794*l* 15s for the Police Department, was agreed to, as were also the following —Gaols, 50*l*, convicts, 30*l*, Post-Office, 2*l* 3s 4d, education, 10*l*

The next item, Registrar of Births, Deaths, and Marriages, 211*l* 10s, was agreed to

The following items were agreed to after some slight discussions —Payment to vaccinators, £200, destitute poor, £264 6s 4d, colonial store, £80 public offices, £75, military, £150 law officers' department, £272 10s

The House then resumed and the Chairman reported progress, and obtained leave to sit again the following day

RAILWAY EXTENSION BILL

On the motion of the hon the Commissioner of Public Works the Bill for the extension of the Railway from the 12th section to Kapunda was read a first time, and the second reading fixed for this day week

CONFIRMATION OF REGISTRATION BILL

On the motion of the ATTORNEY-GENERAL this Bill was read a second time

The Bill was passed through Committee without amendment, the House having resumed, the report was adopted, and the third reading made an order of the day for Thursday

The House then adjourned

WEDNESDAY, SEPTEMBER 8

The SPEAKER took the chair at five minutes past one o clock

COAL BORING

Mr NEALES presented a petition from James Thompson, a coal miner, which was read by the Clerk of the House It set forth that in 1850 the petitioner was digging a well at North Adelaide, when at a depth of 100 feet, he came upon unmistakeable indications of there being coal at a greater depth Subsequently he applied to the Corporation for permission to bore upon the Park Lands in the vicinity, and there discovered similar indications, but he was, unfortunately, not in a position to continue the search, and he now prayed the House to set aside funds for continuing the search

COAL FIELD

Mr NEALES presented a petition from 250 tradesmen of Adelaide, residing in Hindley, Morphett, Grenfell, and Rundle streets, praying the House to accede to the petition of James Thompson and devote a sum of money towards the accomplishment of so desirable an object as the discovery of an available coal-field

SOUTH AUSTRALIAN RAILWAY

The COMMISSIONER of PUBLIC WORKS laid upon the table of the House correspondence relative to the construction of trucks and other property on the South Australian Railway It was the correspondence which had been alluded to on the previous day

Ordered to be printed

ARTESIAN WELLS

Upon the motion of Mr MACDERMOTT the House went into Committee for the consideration of the motion in his name -

"That an Address be presented to His Excellency the Governor-in-Chief, requesting that a sufficient sum may be placed on the Estimates to secure the services of a geological Surveyor, with special reference to his knowledge and experience in boring for water on the artesian principle, and that an efficient party be organized, to be permanently employed in boring in such localities as he may indicate, as offering a reasonable prospect of success, under such regulations as His Excellency in Executive Council may from time to time approve"

He might venture to describe the northern portion of this colony as an arid country, where, from the deficiency of surface water, large tracts of land could not be occupied, either for the habitation of man, or for pastoral purposes And yet, he fully believed that fountains of pure waters were flowing in subterranean passages through the porous strata of the country, running to waste until they mingled with the great ocean Those waters, by the aid of skill and science, might be brought to the surface, and made available to enrich and fertilize the land They had recently heard of the great success of the French, in finding water in the deserts of Algeria And it would be difficult to over-estimate the value of such discoveries in South Australia which, if abundantly watered, would become one of the finest countries in this hemisphere He believed that a portion of the public revenue could not be better expended than in organizing an efficient party, under skilful scientific direction, to be permanently employed in boring for water on the artesian principle And he thought such expenditure would be amply remunerative, by largely increasing their staple products, and preparing the country for the maintenance of a dense population A large expenditure, however, might be incurred without any beneficial result, unless they could secure the services of a man of practical experience in such operations He understood that there was a class of men to be found in England, who had devoted their special attention to the scientific construction of artesian wells, from which class the selection should certainly be made But in a great mineral country such as this, they might reasonably hope to combine with their primary object a scientific mineralogical and geological survey of the province Many hon members were aware of the existence of the celebrated artesian well at Grenelle, in Paris, but it might be interesting to others to be informed that its depth was 1820 English feet, lined all through with pipes eight inches in diameter The water was forced by means of gravitation through a pipe to the top of a tower 200 feet above the surface, from whence it descended through other pipes, by which it was distributed through three quarters of the city of Paris, the supply being about 750,000 gallons per day, and the cost of that great work was only 12,000*l* Such wells would be extremely valuable at Port Adelaide and other populous places in the colony A difficulty would doubtless arise from the extent to which portions of this country were impregnated with salt But they should not be discouraged from that fact, as he was informed that several artesian wells which have been recently made in London, and which produced good water, yielded salt water only in the first instance Those salt springs, however, could be shut out, and better water found at a lower depth, or the water would ultimately become fresh from the preponderance of fresh water and the gradual dissipation of the saline particles contained in the soil He had also heard of several common wells which had been sunk on the back runs of the River Murray, which at first produced salt water And, although they were still a little brackish, yet the sheep and cattle which were watered from them, were found to thrive remarkably well At Augusta, which had become the shipping port of a very large district, and was likely to become a place of importance, no fresh water was to be found within a distance of 13 miles A party had been recently sent to that place with a boring apparatus, but the piping was found unsuitable While waiting the arrival of fresh pipes the party commenced boring in an old well which had dried up (Minchin's), at a place within five miles of Port Augusta, and in a short time they tapped a spring, when the water rose 17 feet and was found to be excellent, although a well of salt water existed within 200 yards of the spot The value of this discovery to the northern districts was very great, and it was to be hoped that good water would yet be found at Augusta itself He trusted this important subject would sufficiently commend itself to the hon members without any further observations of his, and he therefore concluded by moving the adoption of the address standing in his name on the notice-paper

Captain HART seconded the motion

The ATTORNEY-GENERAL wished, before the question was put, to make a few observations He did not say that he rose for the purpose of offering any opposition to the motion, supposing the House should think it wise to incur so great an expenditure as that which was unquestionably involved in the motion now before it He thought the House should well consider whether they would agree to a resolution which clearly involved the fetching out from England of a person presumed to be qualified, but of whose qualification they would have no means of judging, at a very considerable expense, direct and immediate and under circumstances, too,

which would certainly involve the colony in the payment of this gentleman's salary for a certain number of years, independently of keeping on foot an expensive establishment of borers with the necessary apparatus He should imagine that the motion involved at least a cost of £2,000 or £3,000 a year to the colony, and it was for the House to say, whether it was advisable to incur such a positive expenditure for the chance of the advantages which were supposed likely to result—for the mere chance of securing those advantages As he had before said, he should offer no opposition to the motion, if the House agreed to it, he thought, however, the House should not be led away by the possible advantages, but that they should keep in mind the positive expenditure

Mr MILDRED felt bound to oppose the motion upon several grounds In the first place he must join issue with the mover as to South Australia being the sterile arid country which he had described it to be From where they were then sitting to a distance of 250 miles up the Murray, the country was not as it had been described The pioneers of civilization went further with their flocks and herds, and in most cases they came to water These were the men who made the most important discoveries from time to time, and initiated the advantages of South Australia The last report, indeed, they had received from Mr Babbage, showed that he had received more valuable and specific information from the managers of various stations than had been obtained from the party who had been paid to go pic-nic-ing (Laughter) From Lake Torrens to Port Lincoln, and from Port Lincoln to Streaky Bay, there was, generally speaking, water At Yorke's Peninsula it was well known there was a sufficient supply, and when he found that going as far as Mr, Babbage had gone, and further, that there was a supply of water, and when he knew that flocks were brought from Port Lincoln across Lake Torrens, it would be making "ducks and drakes" of the public money to squander it by sending home to England for a scientific party to test the artesian principle If the motion had been brought forward a long time since with the view of testing the artesian system in the city of Adelaide, thus preventing the expenditure—he would not say an unwise expenditure on the Waterworks now progressing—he should have advocated it but he could see no reason now for agreeing to the motion, seeing that Mr Babbage was employed, and that persons were making discoveries in connection with the subject from week to week He denied that the country was arid as it had been described, certainly in those portions to which he had alluded there was a sufficient supply of water, and it would be folly to expend money upon further searches in those localities Scarcely a year passed over without new discoveries, and as there were springs from where they were then assembled to the far north, he considered it his duty to oppose the motion. With regard to the water which had been spoken of near Port Augusta, he visited that spot in the spring Within a few miles was also Minchin's Well, in which there was a small quantity of water He was exceedingly glad to hear there was 17 feet of water in the spring known as Minchin's Well, but that, he thought, must have arisen from the surface drainage There was water there unquestionably, but the quantity was the thing With regard to Port Augusta, the time might come when it would be desirable to make some attempts amongst the sands, and the attempt might possibly succeed It would be premature under existing circumstances to involve the country in such an expenditure as that which would be requisite if this motion were carried, and he should consequently feel bound to oppose it

Mr REYNOLDS would be quite willing to support a vote for a sum of money for boring for water in a particular locality, but he was opposed to forming a new department for the purpose of boring for water and establishing a department under the Geological Surveyor He was certainly not prepared to go to that extent Besides they already had a Geological Surveyor, Mr Babbage having been sent out, specially imported, as was stated by an hon member for that very purpose There might be some doubt whether he was really up to the mark and capable of undertaking such a matter as that referred to in the motion If any particular localities could be pointed out where it was desirable to bore, he should be happy to give the proposition his support, but he was certainly not prepared to establish a new department—a boring department—without any indications as to where their efforts were likely to prove successful He was glad to hear that the depth of water in Minchin's well was 17 feet it was certainly new to him, as he believed the depth to be about seven If it had increased it shewed that there was a new spring, but it was possible as the spring had been struck in the summer time He hoped the Commissioner of Public Works would inform the House as to the success of the undertakings at Port Augusta, for he felt a deep interest in the subject He should be happy to find that the piping which had been ordered specially upon the recommendation of the Colonial Architect answered the purpose As the motion at present stood he felt bound to vote against it

Captain HART thought the motion might be altered with some advantage The question was one of very great importance, and he confessed that all which had been said upon the subject, in his opinion, rather strengthened the position of the mover The hon gentleman who had last sat down said that if the hon mover would point out where there was any reasonable probability of boring being attended with success, he would vote for a sum of money being appropriated for the purpose That hon gentleman had taken a great interest in the question, and he was sure he would admit that what they wanted to know was where the water was He apprehended that the very object of the mover of this motion was to ascertain this Another strong argument in favor of the motion was, that it did not bind them to the appointment of a geological surveyor, or any one whom they were not perfectly satisfied was equal to the task which he undertook to perform, but the matter would be left with the Executive Council to make the appointment whenever they could find a suitable person They would employ this gentleman, he apprehended, upon localities which were considered most suitable, and which the Executive approved of as advisable spots at which the experiments should be made But the strongest argument of all in favor of the motion was, that it was proposed to tax the sheep-farmers of this country, and it would be well to shew that class that that House merely wished to tax them for the purpose of making them bear a portion of the burden incurred specially for their benefit (Laughter) It had been shewn by a Council Paper recently laid upon the table of the House, that a sum of £20,000 had been expended in the colony for the benefit of sheep-farmers, and that was a strong argument in favor of the assessment on stock The present motion would be a strong argument in support of that assessment, as it would shew to the sheep-farmers that the House were prepared to increase the advantages which they at present enjoyed, and enable them to extend their flocks and herds over those portions of the country which they could not at present make available for want of water The hon member, Mr Mildred, had said the question was, where should they bore for water Unquestionably that was the question of all others If that were ascertained, the House would at once, he was sure, vote the necessary funds, but how could they possibly tell where to bore if they did not employ a scientific person to point out the particular spots Even within a short distance of Adelaide an hon member, who usually sat at his right, informed him that considerable sums had been expended in sinking wells for the purpose of obtaining water, to render available a large tract of country between the Burra and the Murray A large portion of this otherwise available country could not be made use of for want of water If the Geological Surveyor would point out where water could be got, and it was actually obtained, he apprehended that every run would maintain a greater number of sheep A large additional revenue would accrue to the colony from these lands being made available He thought they had been groping about in the dark, and that if they could get scientific knowledge to assist them, it would be most desirable No argument had been adduced to convince him that it would be necessary to send to England for a competent person He was by no means convinced that it would not be possible to obtain a perfectly competent person nearer home If they advertised it was quite possible that they might find a perfectly competent person at their very doors If they could by the aid of scientific knowledge have pointed out to them where water was to be obtained, it would be a blessing to the colony

Mr HAWKER, before the motion was put, suggested to the hon mover that he should strike out the words, "permanently employed"

Mr MACDERMOTT adopted the suggestion

Mr HAWKER had no doubt that great benefit would be derived by the colony, particularly by those residing in the remote districts, if it could be ascertained that water was below the surface At present wells were frequently sunk to a depth of 170, or even 210 feet, without any water being attained Every settler could not get the necessary apparatus and the men who understood the work Large tracts of land were rendered utterly useless, although there was splendid feed for sheep or cattle, in consequence of there being no water near the surface He particularly alluded to a large extent of country in the western portions, near Port Augusta and on the north-east of the Burra, between the Burra and the Murray A well in that locality had been sunk by Mr Campbell a depth of 120 feet, when he came to salt water, but he thought if he could have got through the rock he would have come to fresh, and, if he had, that station alone would have carried 6,000 or 8,000 sheep, There were many similar instances in other parts of the colony, there were many portions in which there was splendid feed but no water, and the consequence was that country of this character was valueless to the sheepfarmer Sheepfarmers had in many instances gone to enormous expense in endeavouring to obtain water It was considered by some that sheep-farming was all profit, but if a Select Committee were appointed to enquire into the subject it would be found that thousands and thousands of pounds had been expended in attempts to procure water He believed that it would be quite possible to find many persons here who understood the practical portion of boring, and he did not think it would be absolutely necessary that they should have a scientific person They might render available the knowledge which they had already gained, and as a general rule it was known that within a certain distance of high ranges there was a better chance of getting water than further away from them If boring took place upon a squatter's run, he felt assured that the squatter would be very happy to pay the cost whether the experiment were successful or not The squatters would be very glad that there should be some party appointed by the Government for the purpose of making the necessary ex-

periments, and such a course would he had no doubt not only be largely beneficial to individuals, but would render available a large portion of country at present valueless

Mr BARROW thought that the object which the hon mover had in view must commend itself to every member of that House, but he did not think that the hon gentleman had adopted the best course to carry out his object (Hear, hear) If they were to have another Geological Surveyor imported from England, not only would there necessarily arise a large expenditure of money, but there would be a great loss of time, as pending the arrival of this scientific gentleman, no proceedings under the resolution before the House could be taken Nor would the Geological Surveyor be in a position to commence operations immediately upon his arrival, it being absolutely essential before doing so that he should make himself acquainted with the physical features of the country (Hear, hear) The first objection which he saw to the motion had been removed by what the proposer had consented to strike out, and if instead of asking for the appointment of a Geological Surveyor from England, he would move that the Surveyor-General be required to report as to the most likely spots at which to meet with these subterranean springs, he (Mr Barrow) would support the proposition (Hear, hear) He apprehended the Surveyor-General could see quite as far below the surface as the Geological Surveyor, and, without depreciating geological science, he would venture to suggest that the experience of many in the colony would enable them to determine where to bore with the greatest probability of success If the hon mover would adopt that suggestion, he believed he would obtain unanimous support He should dispense with the importation of a Geological Surveyor, and avail himself instead of the experience of the colony, merely moving that a sufficient sum be placed upon the Estimates to defray the expenses of a boring party (Hear, hear)

The COMMISSIONER OF PUBLIC WORKS thought that, with the suggestion of the last and other speakers, the House would be enabled to come to a unanimous vote upon this subject His principal object in rising was to give an answer to a question which had been suggested to him by the hon member for the Sturt, in reference to the borings at Port Augusta There had been an attempt at boring at Port Augusta, of a very important character, and he might observe that Port Augusta was a very rising place The boring party sunk to a depth of 95 feet, and the boring apparatus was then discontinued, pending the receipt of pipes Some pipes had been obtained from a neighbouring colony but not sufficient for the purpose required, nor was the quality good It would be observed that the sum of £200 had been placed upon the Supplementary Estimates for the purpose of procuring the necessary pipes Sinking these 95 feet, and the operations upon Minchin's well, had cost £506, and it was believed that a sufficient supply of water would be obtained from these sources He thought that if the hon mover would leave out the words in his motion, "permanent employment," and would also dispense with the importation of a Geological Surveyor, that great benefit might result from a sum of money being placed on the Estimates sufficient to pay the expenses of boring where there was a probability of obtaining water

Mr LINDSAY supported the motion, not because he did not think it was not possible to expend the money more beneficially, but because there was so much annually wasted, that he should like to see some usefully expended (Laughter) The amount mentioned by the Attorney-General as being probably involved in this motion would, he considered, be "well" expended It had been said that the country generally was a well-watered country, and not sterile and arid, but the same might be said of Algeria for thousands of years past, but since the French had bored artesian wells in it, the country had been far better than it ever had been in the hands of the Turks He knew many parts which were terribly deficient of fresh water, though the soil was good, and the country could readily have been made available but for the want of water He agreed with hon member for Noarlunga, in reference to the water supply of Adelaide The hon mover had stated that the artesian well which supplied three-fourths of Paris with water only cost £12,000, but three times that sum would have been well expended if the water could have been obtained in Victoria square If a proper artesian system had been suggested in the first instance, he should have liked it far better than the present Waterworks scheme, which was now likely to prove abortive A good deal had been said about the difficulty of obtaining a proper person to superintend operations of this character It was unquestionably desirable that there should be a proper scientific supervision in order to avoid such an error as that into which the Government fell on one occasion by sending a party to bore through granite, in the hope of finding a coal-field Any one who understood the elements of geoloy would avoid such an error as that He was happy to support the motion

Mr BAGOT rose to move an amendment with the view of carrying out the suggestions of the hon member for East Torrens, by the insertion of the words "under the department of the Surveyor-General" If the motion was passed in its present form, he was satisfied the Executive Council would take the opportunity of creating another department, for there was that in Executive Councils or Ministries, that if they could create another department they invariably would He was particularly desirous of guarding against the creation of another department, as it appeared they were to have a new one every year Last year they had a most expensive one He thought the boring should be under the superintendence of the Surveyor-General, and consequently moved the insertion of the words he had named

Mr MACDERMOTT also adopted this suggestion

Captain HART suggested that the Geological Surveyor should be under the Surveyor General

The ATTORNEY-GENERAL thought if this question were to be entertained at all, the better way would be simply to move that an address be presented to His Excellency, praying that a sum be placed on the Estimates sufficient for the organization of a party to be employed upon localities where it was deemed desirable to bore He would state what appeared objectionable in principle to the employment of a Geological Surveyor The party would not probably be employed where water did not exist at the present time It would be unwise to expend money to bore where there was sufficient surface-water at the present time, no matter how great the probabilities might be of a further supply being obtained by boring In other places, again, the advantages of obtaining a supply of water would be so great that that it might be desirable to expend money in boring for the mere chance of obtaining water no matter how slight the indications might be It had reconciled him, and no doubt had reconciled many other hon members to vote for this motion, when the hon member for Victoria stated that "sheepfarmers were disposed, to a considerable extent, to repay the outlay consequent upon the employment of a party of this kind, without reference to whether they were successful or not" No doubt the sheepfarmers, after what had been stated, would look upon the establishment of such a party as a great boon, as their operations would be conducted at a small expense compared with the object to be attained

Mr BURFORD said there could be no difference of opinion as to the importance of this question, but he could not agree with anything which had been advanced (Laughter) There was a subject which had long agitated the public mind, which he thought might be very properly alluded to in that discussion He referred to the Camel (Renewed laughter)

The CHAIRMAN said the hon member was not at liberty to introduce the camel in connection with a discussion upon water

Mr BURFORD thought that he was in order The Attorney-General had stated that there was no knowing what expenditure might be incurred if this motion were assented to, and he agreed with him, but the hon. member for Encounter Bay discarded the amount of expenditure altogether If, by the expenditure of £3000 they could obtain advantages which they had not hitherto possessed, it would, he thought, be well expended Scientific men, with tools necessary for boring, might accomplish one object, but he was desirous of accomplishing two objects at one stroke—an abundant water supply, and the exploration of the country He should, therefore, move, if he had an opportunity, that instead of the mode suggested in the motion of the hon member, Mr MacDermott, the House assent to a vote of £3000, for the importation of camels

The CHAIRMAN said the motion was irregular, the debate being upon a motion for the appointment of a Geological Surveyor

Mr BURFORD begged to be allowed to proceed, promising to show the analogy, but

The CHAIRMAN ruled that the motion was out of order, and the hon member resumed his seat

Mr PEAKE said as they had shelved the camels he should vote for the amendment of the hon the Attorney-General, because he regarded this proposal like one for the improvement of a man's private estate, which would be of a valuable and permanent kind If water could be obtained the means of permanently improving the patrimony of the people would be enhanced, and therefore he should vote for the organization of an efficient party for that purpose Being at all times ready to assist the pioneers of this country, he should be prepared to subsidise them, and to expend labor and capital in developing the resources of the colony He would support the motion as it now stood

Mr DUFFIELD had much pleasure in supporting the amendment It was a matter which the Government had lost sight of for some years, and it was well known to those who had a knowledge of the interior, they could, without sending out costly exploring parties, have, by the means now suggested, a much larger area of country available for stock There were some districts, particularly to the east, where he happened to possess a run, on which he had paid three years' rent, and had never been able to keep his sheep more than a few weeks, in consequence of the want of rain Such a project as the present would prove of great advantage, for many hundreds of miles in that country would be available for stock if they could find means to water the country He agreed with the hon member for Victoria that the stockholders would be agreeable to pay anything reasonable for such attempts as might be made to procure water on the runs which they might take This country was for the most part unoccupied, and in the hands of the Government, and if water could be

obtained it would all be available for sheep If it were not for the continual political agitations going on for taxing the squatters, much more would be done towards stocking the country, for had it not been for the uncertainty of the last two years, he and another person who was associated with him, would have spent hundreds, and, perhaps, thousands, in trying to get water in the district which they now occupied, but when he found that there was a proposal for a tax on stock, he felt he would not be justified in spending money until the question of taxation was in some degree settled

The CHAIRMAN reminded the hon member that the question before the House was that of boring for water

Mr DUFFIELD—Of course, if the ruling of the hon, the Speaker was against him he would not pursue the subject further, but he thought he was quite in order in giving his reasons for supporting the motion

The CHAIRMAN—The hon member would be quite in order in giving his reasons, but not in entering upon a different subject altogether from that before the House

Mr DUFFIELD would support the motion, believing that by its means a large portion of country would become occupied

Mr NEALES said if hon members pursued the subject further they would not require to import boring tools, for they become such themselves (Laughter) The introduction of the camel was going far but the last speaker had gone farther (Laughter) There could be no doubt of the advantage of looking for water, and there was no rule of geology against finding it if they only bored deep enough (Loud laughter) It was merely a question of expense, for they must find water If they had engaged the gentleman, who was now otherwise employed here, in the same pursuit in which he had been employed in England, he had no doubt that long before this we should have discovered that there was no necessity for the great expense now proposed If they were going to bore the public about the matter, he did not see why we should not bore for coal simultaneously with water (Laughter)

The CHAIRMAN ruled that the hon member must not speak of boring for coal (Renewed laughter)

Mr MACDERMOTT considered the Government as trustees for the people, the great landholders of this country, and he believed the lands still in their hands for disposal would be greatly enhanced in value by the success of the proposition now before the House It had been well remarked by one or two speakers, that if the spot were pointed out where we should search for water, the Government would send a party there to bore, but who was to point out the spot? It required deep knowledge to indicate that, and he still thought, although he deferred to the opinion of the Committee that a practical man like the one who had been already engaged, and who had devoted his attention to artesian wells, would be the best person to employ

The motion, as amended, was then put from the chair, and carried

The House having resumed, the Chairman reported the resolution, and the report was adopted

CROWN LANDS

Mr PEAKE, pursuant to notice, asked the Hon the Commissioner of Crown Lands, "If any waste lands of the Crown recently discovered by the officers and at the expense of the Government of this colony, have been leased by private treaty, and, if so, what lands have been so leased, and to whom, and on what conditions Also, what portion (if any) of the waste lands of the Crown so discovered have been offered by public auction, and what was the result of such public auction" In asking the question, he would only remark that he had been induced to do so as considerable discussion had taken place in that House on the subject of putting the Crown lands up to auction He also wished to elicit what would be the policy of the Government in carrying out the wishes of the House in this particular in future in order that the public might know what they had to expect

The COMMISSIONER OF CROWN LANDS replied that no land discovered by officers of the Government had been leased by private treaty In reference to the second portion of the question—in a portion of the country discovered by Mr Hack, certain runs had been put up by auction and had been afterwards taken up, one at 167*l*, one at 83*l* 7s, and one at 49*l* In Blanchewater, three lots had been offered, and two had been subsequently sold at 50*l* each The Government contemplated no alteration in the present system of leasing the runs He had not heard any complaints on the subject There was no difficulty in the way of persons discovering new country, or occupying it, availing themselves of the proper privileges under the present regulations

SOUTH AUSTRALIAN RAILWAY

Mr HARVEY, pursuant to notice, asked the Commissioner of Public Works whether it is the intention of the Government to issue yearly second-class tickets for the South Australian Railway, considering that that privilege was already granted to first class passengers

The COMMISSIONER OF PUBLIC WORKS said it was not at present the intention of Government to issue second-class return-tickets They desired first to test the operation of the first class tickets

PETITIONS

The petitions of J S O'Halloran and others, of Major Warburton, of 626 residents of the Valley of the Gilbert, and of the Town Council of Port Adelaide, were ordered to be printed

THE MARRIAGE BILL

Mr BAGOT, pursuant to notice, moved—

"That an Address be presented to His Excellency the Governor-in-Chief, requesting him to cause the despatch of His Excellency forwarding the Marriage Bill, also all other papers and despatches received from the Secretary of State for the colonies respecting the Bill, to be laid on the table of this House."

Mr STRANGWAYS would move if the hon member for the Light had no objection, that the Titles to Real Property Bill be added to the motion, together with the words "and also all papers and despatches relating to the same"

Mr HUGHES seconded the amendment, and the hon member of the original motion assented to it

Mr BAGOT said that during the whole time he had the honor of a seat in the House, he had yearly made this motion for a return of the deeds registered during the prior years, and also for a table of the fees received and paid into the Treasury He hoped the Government would continue the returns in the same form as in previous years

The ATTORNEY-GENERAL had no objection to offer, but would suggest that no advantage could arise from returns showing the working of a new measure, which had only been two or three months in operation—(hear, hear)—as no just inference could be drawn from them

The motion was carried as amended

HINDMARSH VALLEY

Mr HARVEY found that the general heading to the question standing in his name on the paper might cause it to be supposed that he was favorable to the Cut-Hill-road, whereas he only put the question for the sake of obtaining information He thought the line of the road in question an undesirable one, and that as a main line it should go more to the westward He asked the Hon the Commissioner of Public Works whether the road by way of the Cut Hill, through Hindmarsh Valley, has been ordered to be gazetted as a part of the main road to Encounter Bay

The COMMISSIONER OF PUBLIC WORKS said the road had not yet been gazetted, as the plans were not prepared An order had been made for gazetting it, but it could not be proclaimed until drafts had been made and plans prepared, and all the other conditions of the Road Act had been complied with

THE NORTHERN RAILWAY

Mr REYNOLDS, pursuant to notice, asked the Hon the Commissioner of Public Works, whether the Railway Commissioners are in treaty for the purchase of part of Section No 72, on the proposed line to Section 112 whence arises the necessity for such purchase, seeing that large blocks of unsold land are contiguous to the said section, and apparently more convenient for a station than the section in question

The COMMISSIONER OF PUBLIC WORKS replied that the Railway Commissioners were not in treaty for the purchase in question, but the proprietor of that section had given gratuitously all that was required of it for the erection of a station making a road through the section from one end to the other It was found that the site was most suitable, and therefore the offer to give the land gratuitously had been approved of, but no expenditure would be made on the land until possession of it was formally given up

GRANTS TO MUNICIPALITIES

On the motion that the House go into Committee of Supply,

Mr DUFFIELD, in reference to the statement of the Hon the Treasurer on the previous day, wished to put a question to that hon gentleman, in reference to the grants in aid to municipalities He found that in '57 the sums to be appropriated to municipalities and corporations were to be double the amounts collected by these bodies, but, in some instances, a much larger proportion had been given [The hon member read some items in support of his statement from the Estimates]

The COMMISSIONER OF PUBLIC WORKS said that some district councils and corporations had other income besides rates, and having expended these in public works they were entitled to equal sums from the Treasury

LOCAL COURT AT CLARE

Mr HUGHES enquired whether the Hon the Attorney-General would allow him to put the question which stood in his name on the notice-paper on the previous day, as it had then lapsed in consequence of the sitting having lasted so long that he (Mr Hughes) was obliged to leave the House, in order to be in time for the railway The question was, "Whether it is true that the Clare Local Court of full jurisdiction has not been held for several months past, owing to the non-attendance of Justices of the Peace, if so the reasons for such non attendance, and the measures the Government have taken to re-establish the Court" He had been told that the Court in question had not been held for six months past, the reason of this being that the Justices of the Peace residing in the neighborhood declined to attend, in consequence of a person named Charles Webb having been appointed a Magistrate This person, he understood, was a

tavern-keeper at Clare, and a warm political partisan of the Hon. the Chief Secretary.

The SPEAKER called the hon. member to order. He was not entitled to make a speech in putting a question.

Mr. HUGHES was giving his reasons for putting the question. He understood this Webb had been during a late trial, reprimanded by Mr. Justice Boothby for supplying a person with liquor, who was at the time in a state of intoxication. He wished also to know whether this individual had been since convicted of an assault, and whether he was a person of such character that the magistrates would sooner throw up the commission of the peace than sit on the bench with him.

The ATTORNEY-GENERAL said that the hon. member had a peculiar adroitness in attacking persons who, not being present in the House, had not the means of defending themselves; but, nevertheless, he (the Attorney-General) would not allow himself to be dragged into a personal discussion, but would answer the question. He did not know with certainty that the Court at Clare had not been opened for six months, but he had been informed that the magistrates declined to sit. With respect to the appointment spoken of by the hon. member, the course which the Government took in such matters was to appoint such persons as were recommended by the special magistrate.

SUPPLY.

The House then resolved itself into Committee of Supply; but previous to proceeding with the business,

Mr. BAGOT asked the hon. gentlemen on the Treasury benches whether they were prepared to mention any day for the consideration of the new Standing Orders. They were on the paper for that day, but the consideration of the Supplementary Estimates would render it impossible to proceed with them; and as the Estimates would shortly come on for discussion there would be no time left to decide upon the Standing Orders.

The TREASURER said the hon. member was rather late in mentioning the matter now that the House had gone into Committee. Had he mentioned it before it could have been attended to.

The following items of the Supplementary Estimates were then passed without discussion:—Supreme Court department, 20*l*.; Magistrates and Local Courts, 95*l*. 12s. 6d.; Insolvency Courts, 319*l*. 1s. 8d.

On the motion that 500*l*. be granted to the Registrar-General,

Mr. STRANGWAYS moved that the sum of 500*l*. in this department be struck out, and that 250*l*. be substituted for it, as he thought, from the spare time which the Registrar-General had, as could be seen from his letters in the *Register* on various subjects, his duties could not be very onerous. He also saw that there was a sum of 500*l*. for six months or at the rate of 1000*l*. a year voted for the senior solicitor, though he understood that a gentleman in every way competent for the office had offered to accept it for considerably less.

Mr. HUGHES hoped some understanding would be come to on the subject of the Real Property Act, for if the House agreed to that vote it would be taken as a precedent, and the next time the House met the amount asked for would be considerably extended. Was this vote to be exceeded, or would it be sufficient for the whole of the Lands Titles Registration department from year to year? If the amount voted for carrying out the original Act was not sufficient, a new Act ought to be brought in; for, whilst he was willing to vote a sum for carrying out this Act in order to try it fairly, it would be wrong that a single class of the community should be benefited at the expense of the whole community. If the Act was to be such a boon, as was said, to the landowners they ought to pay for it, and the House should not compel the general revenue of the colony to pay for a special interest. He hoped the Attorney-General, in whose department that matter rested, would explain whether the Act was to be placed upon a permanent basis.

Mr. BAKEWELL said his objection to the vote was that that it made the people generally pay the expense of making good titles for a few individuals. If the Bill was calculated to improve the value of real property, the vote was an attempt to tax the community to the extent of £5,000 or £6,000 for that object. The Lands Titles Registration Department should be a self-supporting institution, and the expense fairly divided amongst those who benefitted by it. There were now 800 properties under this Act at the end of only two months, and if the expense of the department were divided amongst these it would be a very reasonable amount. If the Bill was an advantage to persons of property, poor persons having no real property should not be called on to contribute to it. Another objection which he had to this vote was, that he believed the work could be done a great deal cheaper. There would probably before the Act was worked out be from £5,000 to £6,000 expended by South Australia for this purpose, and this sum would build an endowed schoolhouse in every district in the country. He believed that a much cheaper Bill might have been introduced if the hon. the Attorney-General had devoted his attention to the matter. Without that Act at all a general Bill might be introduced by which persons would get their titles cheaper. Not that he for a moment undervalued the professional character and attainments of the gentleman for whom the vote was put on the estimates; for he thought it highly creditable to the Government that a gentleman so highly qualified as Mr. Torrens should be placed in that position; neither did he object to the salaries, for if anything he should rather they were higher, but he objected to the country paying for what was done to benefit a class.

Mr. HAWKER had objected all along to the principle on which these gentlemen were to be remunerated. The Act was so entirely for the benefit of individuals that he saw no reason why the country should pay for it. If the Registrar-General and the other officers had so high an opinion of the Act, they ought to be willing to be paid by fees, and for this reason he agreed with the hon. gentleman who preceded him in opposing the item.

Mr. REYNOLDS thought the House had been rather taken aback by the vote which they had just passed. He meant the vote for the Commissioner of the Insolvency Court, whose salary had been raised from 650*l*. to 900*l*. a year, without a single remark from the Government as to the reasons for such an increase. He thought there would be a disposition in the House to reconsider this vote before long. With regard to the vote for the Registrar-General, he objected to paying him a salary of 1000*l*. a year under a Bill which had not the confidence of the people. (Oh, oh.) He said, which had not the confidence of the people, for, if it were otherwise, a larger number of people would be found putting their properties under the Act, as, notwithstanding all the outcry and clamor which had been made about it, very few persons were putting their properties under it, a proof that they had very little confidence in the Bill. If the Bill wanted amendment let the House amend it, and he was prepared to give all the assistance he could towards it, provided the principle was good. He could not go all the way with the hon. gentleman who had moved the amendment, in saying if we were to have a Registrar-General that he would not give him more than 500*l*. a year. He might be prepared from the great importance of the measure, and the advantage which the public might derive from it—if the gentlemen who were so partial to it would only throw a little light on the subject—to give even more but at present he was not prepared to give a sum, of 1000*l*. a year, seeing as he did that very little was done for the money.

Dr. WARK said that during the last session a vote of the House had been passed asking the Government to bring this Bill into operation by July.

The CHAIRMAN said the Act itself provided for that.

Dr. WARK said that now it was left in the hands of the Government to carry out the Act, and the House could not suppose that the Government were anxious to give appointments under it unnecessarily. ("Oh, oh.") They should submit to the management of the Government in the matter. As to the observations of the hon. member for Barossa and others that the Act was for the benefit of landed proprietors he would say it was also for the benefit of the poor man; for every man who had land was not rich, and the poor man who rented a section was as much benefitted by this Act as the landowner, for his business was done quickly and there was a benefit for the lessee as well as for the lessor. In bringing into operation any great system like this, they could not expect that it would work fairly when objections were raised to it in all quarters, and when all the legal gentlemen declared it would not work. They could not expect it to work before the public had confidence in it; but he thought 60 was a large number of properties to be brought under it in two months. As to the Act paying for itself, the terms could be altered when it came fairly into operation, and then he believed it would pay for itself, and it ought to be made to do so.

The ATTORNEY-GENERAL would say, in the first place, that that House, and the other branch of the Legislature, had, by a decided majority during the last session affirmed the principal of the Act, and carried it through in a manner which showed it to be, in their opinion at least, a point of great importance that the Act should be brought into operation under what were deemed the most favorable conditions. It would be in the recollection of hon. members that before the prorogation he had stated, with regard to the course which the Government would take that whatever doubts he might entertain, (and he had never concealed that he had very grave doubts) respecting the Act—having once ascertained the opinions of the Legislature to be unmistakeably in favor of the measure, and having reason to believe that that was the opinion of the country also—(hear, hear)—that having seen this he should induce the Government to bring the Bill into operation as efficiently as possible. The Government then offered the appointment of Registrar-General to the gentleman by whom the plan had been devised and the Bill prepared, and who, by doing these things, had obtained the confidence of the Legislature and the public—(hear, hear)—in connection with this measure; for whatever doubts there might be of his possessing the confidence of the House or the country generally, as the person who had devised the plan of the Bill, prepared the measure, and carried it through the Legislature, there could be no doubt that he had obtained the confidence of the Legislature, and was regarded as the person best qualified to bring the Act into operation with the greatest chance of success—(hear, hear)—and that was a matter which was referred to in His Excellency's speech, and which had since been referred to by the hon. member for the Port. Before an important measure like this was to be brought into operation, it would be undignified and

unwise, and disappointing to the public, if they had deprived a gentleman in Mr Torrens's position of the power of procuring the assistance of such persons as he considered qualified to assist him in bringing the Act into operation It would have been out of the question to ask Mr Torrens to accept this appointment at £500 or £800 a-year, and if the Act possessed anything like the value which was attached to it by some persons the money which was now asked for would be well expended He did not say that the Act would confer all the advantages expected from it, for he was not now called on to express any opinion on the point, but he wished to show that the Government had no course but to obtain the best persons for this purpose, and they could not not do so except by offering adequate salaries, for no persons possessing the requisite qualifications would accept the appointments otherwise Mr Torrens had selected Mr Belt and Mr Gawler, and these were the gentlemen whose salaries the House were now called upon to pay It was said that another gentleman could be found who would take the appointment of Mr Belt at a smaller salary, but when the Registrar-Generalship was offered to Mr Torrens he was informed that the Government would, as far as possible, adopt his recommendations as to the individuals appointed for carrying out the Act, for to have appointed any other persons to bring into operation a new scheme as complicated as this was, would have fettered that gentleman unfairly, and therefore the Government felt there was no other course open for them than the one which they had adopted He might say, with regard to Messrs Belt and Gawler, the Government had adopted the recommendations of the Registrar-General With regard to the salaries, it was said that £1,600 for the year would be sufficient for the two salaries of these gentlemen, but in making these appointments he (the Attorney-General) had felt it his duty to make it a condition, as the solicitors were to act in a quasi-judicial capacity, or rather being assistants of a quasi-judicial body, should give up their private practice, in order that they might not have any clients whose titles might come before them in their new positions, and the Registrar felt the importance of this consideration also It then became a question what persons could be obtained for these offices, and what inducements should be offered to them The Registrar-General was very anxious to obtain the services of Mr Belt, and though he (the Attorney-General) did not say that no other person could be found equally competent, no one could doubt that Mr Belt was thoroughly competent for his duty When that gentleman declined to give up his practice for less than 1,000*l* a year, Mr Torrens asked whether the Government would make up that sum, and as Mr Gawler consented to take 600*l*, he (the Attorney-General) saw no public reason for declining the arrangement proposed by the Registrar He thought that the House would agree with him that 1,600*l* was not too much for two competent solicitors, and if these gentlemen were satisfied that one should take 1,000*l* and the other 600*l*, he could see no objection whatever to the arrangement Whatever his opinion might be of the measure, he thought it unwise to argue as to the success which might attend it from the delays and difficulties of the commencement It frequently happened that reforms of a novel character, and pregnant with the greatest benefits, were beset with difficulties at the outset If not in the course of the present session, perhaps during the next some measure would be brought forward to amend the Bill, and if so he trusted it would be brought in in such a way as would prevent the violent opposition and conflicts of opinion which had taken place on the former Bill Whatever the difficulties in the way of the measure, its object was most important, and the results sought after, if attained, would be most beneficial Even if experience should show that the present scheme was not a good one another differing from it might attain its object and if so the country would be well paid indeed for the money it was proposed to expend

Mr BARROW observed that a few days since, when certain motions were brought forward to amend the constitution it was said that any amendment of that Act should be grounded on a substantive motion And so now he would say that if the Real Property Act were to be repealed, it should be done in a straightforward manner, for if they negatived those items they would virtually repeal that Act (No, no) He could not see how the Registrar's department was to be carried on without officers, though he did not say it was necessary to retain every officer in the list, but if they took away the heads of departments, which they would do by reducing the salaries below a certain amount, they were virtually repealing the Act of the Legislature of last session, and in doing that he was certain the country would be against them For although there was some disappointment felt with regard to the extent to which the community had availed itself of the Act, if any proposition were carried in the House that day, the effect of which would tend to damage or impede the Act, there would be a loud and long cry of dissatisfaction heard throughout the country He felt as strongly on the subject as he had ever done The Act might require amendment, and if so, it would be better, instead of forcing it on in an imperfect condition, that Mr Torrens should say in a straightforward manner in what respects it required amendment, for though they might have to pay a high price for it, they had no objection to pay a high price for a good article It was said it was the landed proprietors who would receive a large proportion of the benefits of the Act, but who were the landed proprietors? They were not only the owners of square miles and preliminary sections, but the owners of little allotments, who grew a few cabbages in their gardens, and to whom these plots of ground were as dear as the great tracts of the capitalist, to whom this Bill would prove an equal benefit (No no) The hon member for Encounter Bay might cry "no, no," which did not surprise him, but had he cried "yes, yes," he (Mr Barrow) would have been startled (laughter), but that hon member's negative had simply confirmed his (Mr Barrow's) views (Laughter) He would say, give the Act a fair trial, but it could not have one if they removed the officers who were essential for carrying it out It was said they were acting on a false principle, as they were devoting the public money to advance private interests, but they were not always clear from that charge in voting, as it was only that afternoon that they had heard the argument used that it was advisable to spend money in boring for water on our runs It was true that the hon member for Victoria said that the stockholders would willingly refund the money, but he had not entered into a bond (though the hon member's word was as good as his bond) to that effect But the question was not would the money be refunded, but would the Government take security beforehand that it should be repaid? He believed not, and yet they had voted money for a particular interest that day (No, no) That was his (Mr Barrow's) opinion and hon gentlemen would, of course, hold theirs With respect to a remark that the House would have to reconsider another item it had passed, he had felt at the time that they were acting too hastily, as he had said on the previous day, after they had been discussing other matters irrelevant to the business before the House He would now like to know whether it was necessary to have a Deputy-Registrar and three clerks There were eleven people engaged besides the office-keeper and messenger, and if this was the case, to what extent would they be reinforced when the business was doubled or quadrupled, as it was likely to be He made these remarks to elicit explanation but he must express a hope that the House would not put any obstacles in the way of an Act which the voice of the country and the Legislature demanded, and which they should not now indirectly repeal

Mr BURFORD expressed his delight at the speech of the hon the Attorney-General He felt it his duty to reply to the insinuation against Mr Torrens to the effect that he had so much spare time to write to the newspapers, but he was under the absolute necessity of doing so to enlighten the lawyers (Great laughter) It was part of his duty as Lands Title Commissioner One hon gentleman voted against the item because more money would be asked for next time, but he hoped to see the Bill require a greater number of officers than were yet appointed The hon member concluded some brief observations by expressing a resolution to support the motion

Mr BAGOT was glad to observe a different temper on the part of the hon member who had just spoken, from that which he had exhibited on former occasions He was glad that he had heard no charges of "shuffling cards," or "mysteries," which required unravelling He (Mr Bagot) did not intend to offer many observations, at the same time having remarked the feelings of certain gentlemen in that House as regarded the passing of the Land Registration Act in the former Parliament, he observed a very different temper now from what then prevailed At that time gentlemen of the legal profession could not speak on the question without interested motives being imputed to them With regard to what the Attorney-General had said, there could be no doubt that the carrying out of that measure involved a large outlay of public money It had been said, that as there seemed to be some doubts as to whether the measure would work well, they ought to have brought in an amended measure He did not think the present Act a practicable measure, but he felt with the Attorney-General that there would be considerable difficulty in taking that course When the Bill was first introduced into that House, hon members appeared unanimous in carrying the measure—not a part of the Bill, but the Bill itself and therefore, he felt that the Attorney-General must have considerable difficulty in introducing any amendments, and it was his (Mr Bagot's) intention, to give him his support At the same time, he thought the salaries excessive The Commissioner of Public Works, whose duties as a working member of the Government, were very arduous, had only £700 a-year—(an hon member £800) No doubt his responsibilities were very great It was absolutely necessary for him to attend closely to his duties especially during the sitting of Parliament, but if £800 a-year was considered sufficient for his salary, when he looked at what the Registrar-General had done in former years, and what he was likely to do in future, it was not too much to say that his work ought to be at least as heavy as the Commissioner of Public Works He, therefore, thought that £800 a-year would be sufficient However, he would not stand on that He would not be the person to propose any amendment of that motion, because it was well known that he was politically opposed to the Registrar-General of Lands and Titles, and, therefore, he should support the larger salary rather than the smaller With regard to the hon member for the city, he had spoken something about *caveat emptor* He (Mr Bagot) inclined to think the caveats of

some other person must have annoyed him. That hon. gentleman seemed to have imagined that the legal profession could not look upon the measure apart from their private interests. Now, if they had looked altogether to their private interests, would they have allowed that Bill to pass without any opposition whatever? He (Mr. Bagot) repeated what he had before said, that every one of the amendments that were worth anything emanated from members of the profession. The Attorney-General himself suggested many, and no doubt intended to have proposed some others; but neither he nor any other legal practitioners were listened to. No doubt the House thought Mr. Burford's amendments were much better than those of the Attorney-General, who was frequently obliged to sit in that House and amuse himself by reading a newspaper, while the discussions relative to that measure were proceeding. He (Mr. Bagot) might say, on his own behalf, and on that of the legal profession, that they were in favor of a registration of titles, but they wished to see that measure carried out safely, both to proprietors and purchasers of land. He wished to see the property in the country placed on such a footing that no man's property would be liable to be swept away at the dictum of one man; and he also wished to see the registration of titles carried out in such a manner as to be beneficial to the country. On every occasion on which this Bill had been mentioned in the House it had been spoken of as a means of transferring land by registration of title. The registration of titles and the transfer of land by registration had been spoken of as synonymous terms. He considered it would be the greatest blessing to the country if land could be transferred by endorsement in the same way as the transfer of a bill of exchange. But to rush into the other extreme, and allow one individual, however talented, to deal with the real property of the country, without other control than his own will, would be found to be a curse to the country instead of a blessing. He would call attention to the fact that the Attorney-General for Ireland had brought a Bill into the British Parliament to continue the Encumbered Estates Act, but did he by that Bill attempt to place the property of the country in the hands of one individual? No; on the contrary he placed it under the control of the highest legal talent he could discover on the Bench; and care was taken that the occupier of every property proposed to be placed under the provisions of that Act should have due notice, which must be served upon him personally, in order that he might have an opportunity of coming forward and objecting to the estate being dealt with by the Court. With regard to the hon. member for the city's (Mr. Burford's) remark that other colonies were only waiting to see the working of the Act here that they might adopt it, he (Mr. Bagot) had seen an article in the *Argus* respecting that Bill, in which it was stated that they intended in Melbourne to bring in a Bill for the registration of titles, but that they would not carry out the plan which had been adopted in South Australia; that they would not throw away the assistance of the lawyers, but that, with their assistance, they would endeavour to obtain a good and practical measure. He was glad, however, that the hon. member for the city (Mr. Burford) had come round a little, for he hoped among the members of the profession there were some men of respectability. He would, before concluding, say a word respecting what had fallen from the hon. member for East Torrens as to the country paying the expense of the transfers of land. The hon. member had said that it was the same as paying for boring for water on runs. Now it was not the same. The proposition was that borings should be made on the public lands for the purpose of enhancing the value of those lands, and of enabling stock to feed on them, which they could not now run over for want of water. That was very different from the country paying salaries for doing that for which individuals ought to pay. The boring for water, if successful, would bring money into the Treasury, and the parties to whom that land was let would be obliged to enter into a bond with two securities that they would pay the expense. But in the case of the Registration of Titles, the salaries must be paid by the Government. It was necessary that Government should provide the means for carrying out the system of registration of titles, for the country had spoken in favor of it, and registration of titles they would have, and he trusted the Attorney-General would turn his attention to the Bill, so that it might be rendered as perfect as possible.

The Treasurer thought they had enjoyed a singular advantage in having had the assistance of a member of that House, now absent from his seat. The hon. member for the city seemed to represent the Registrar-General of Lands Titles, and appeared to speak with authority on all matters connected with that Act. He seemed to have been behind the scenes. Some remarks had been made in reference to the working of the Act. It had been denominated a benefit to all classes of the community. No doubt the Act had taken from the legal profession a large amount of profits, which had been transferred partly to landholders on the one side, and to the public at large on the other side. He would not offer an opinion as to whether that principle was right or wrong. He would only say it was a principle on which the Legislature had been acting for years past. They had not hesitated to take away the profits of those who were carrying on the roads by the introduction of railways, because the railway system was thought to be beneficial to the country at large; and therefore he thought they had a right to interfere with the profits of the profession—that the House had a right to step in for the benefit of the community. But the Act under consideration, whilst it still took away from the profession, or was was supposed to do so, a large amount of profit, transferred that profit, partly into the Public Treasury and partly into the pockets of those who deal in land, because, by its operation, the expenses connected with transfers of land were reduced. There was not on the Estimates anything to show that fees had been received from registration of land titles; but there would be good profits under the new process. And it was to be presumed, when it was in full operation an amount would be received by the Treasury, not only sufficient to cover the costs of its working but also to add to the Revenue. He expected the Commissioner would be able to give some idea of the probable receipts from that source. He could form no idea at present, but before the session closed, he would have some data to go upon. With regard to the amount of the salaries to be paid to those gentlemen who had undertaken the task of carrying the Act into operation, he could only say that the House should enable the Executive to carry it out. Those gentlemen were the Registrar-General and the solicitors of the establishment. Whether those salaries were too large or otherwise, he thought depended upon the circumstances connected with the position of the parties. He could improve upon nothing that had been said on that subject by his hon. friend the Attorney-General. He had explained completely, and most clearly, the position in which the Government was placed, and the motives under which the Government acted; and he thought the House must be convinced that no other course could have been taken, and that no lower salaries than those named could have been placed on the Estimates. He considered the House bound in a measure to give its support to the Government on this matter. There was only one point of detail to which he would allude, and that because a question was asked by one of the speakers. That question was as to the necessity of having three clerks in that office. An hon. member wished to know whether subordinates were required. The Government had now to consider that matter in conjunction with the Registrar-General, and every attention had been given to arrive at a correct conclusion, and it was considered not safe to attempt to work with a less staff, lest the establishment should be found insufficient, and thus impediments be placed in the way of its working. The hon. member for the city had spoken of dividing the office, but he had not spoken without authority. He thought the House would agree to the course which had been taken by the Government. He hoped there would be no opposition to the amount on the Estimates, and as the amendment had not been seconded he presumed there would be none. Such discussion was no doubt necessary and useful in a matter of so much importance, because it was obligatory to fix permanently those salaries which otherwise would have to be discussed over again when the general Estimates were brought before the House.

Mr. Milne could almost have believed he had been listening to a debate on the second reading of the Real Property Bill. He thought that it would be much better for the opponents of the Bill to allow its operation to be fairly tried. If they were so well satisfied that the Bill would not effect the great benefits that its friends believed, let them give it a fair chance, and allow the salaries to be voted, so that the working of the Act might exhibit its defects. He believed the amount of salaries proposed, particularly the three first items, reasonable and fair. It was possible some other items might be curtailed, but on account of the great benefit which he believed the country would derive from the working of that Act, he was not disposed to throw impediments in the way. With regard to the objection that those salaries were to be paid from the general revenue of the colony, he thought that course quite legitimate. It was adopted whenever it was necessary for the public good. Similar arguments might be used in regard to the working of the Post-Office as those which had been urged in opposition to that course. But that was considered a department from which no revenue ought to be derived, as it was a national benefit, and consequently the colonists were content to allow the necessary funds for its support to be drawn from the general revenue. It was impossible to say that the measure would work at first, but give it twelve months and its effects would be seen.

Mr. Hart supported the salaries proposed, for he thought it necessary that the Act should have a fair trial. He thought that the working of the Act could not be seen for the next six months, for now there was no data by which to judge. In that time a report would probably be prepared of the amendments necessary to be made. There was no wonder the Bill was not brought into more general operation, as there were doubts thrown out as to its working, and those doubts would continue until some amendments were made in the Bill itself. Therefore it was unreasonable to expect the Bill to be made use of until it was amended. The best thing the Government could do would be to instruct the legal gentlemen to prepare a report of what amendments were necessary. With reference to the remarks of the last speaker, that this Act should be self-supporting as well as the Post Office, he would say that the hon. member was in error. If it was an understanding that the expense of the transfer of land should be in part, or wholly, borne by the General Revenue, every person in that House would resist such a motion. He felt however, that for a certain period of time, it must be so supported, for it was impossible it could support itself,

as some time must elapse before the fees would equal the amount of salaries. If the Act did not work as it had been expected, it might possibly be necessary to reduce the salaries. If the work were less than was expected it might be considered that a smaller amount would be sufficient; but in the meantime he thought the salaries not too high for the duties to be performed, especially as great care would be required in considering the amendments necessary to be made. It had been said that that Act was likely to be adopted in other colonies; he did not think that, in its present shape, that would be the case, although its leading principles would probably be adopted. Bills differing from it very materially in reference to details would be introduced into them, and with regard to our own Act, the sooner the necessary amendments were made the better for the country.

Mr PEAKE would support the salaries proposed. As the hon member for Light (Mr Bagot) had addressed him (Mr Peake), he would answer him. (The Chairman called the hon gentleman to order.) The hon member for Light (Mr Bagot) had accomplished much, for he had shown himself a convert to the principle of conveying real property by registration. He (Mr Peake) was glad that the Encumbered Estates Bill in Ireland had been alluded to. The principle of that measure had been really and truly the transfer of real estate by registration, and to that principle, therefore, Mr Whiteside, who was now conducting through the House of Commons a bill to render that measure permanent, was a convert. In carrying out that Bill Judges were appointed who had to decide upon the questions brought before them in open Court. Well, that plan he thought might be adopted here. The hon member for Barossa had remarked that the Attorney-General had great doubts as to the working of the Act—that he had rushed into the subject, and the effect was to destroy that which had been so recently done. He (Mr Peake) gave the learned advocate credit for greater prudence than to do that, and he took the expression of his doubts as an earnest of his intention to carry out Law Reform truly and faithfully. The hon member for Light (Mr Bagot) had entered into an indignant protest against landed proprietors reaping advantage at the expense of the rest of the community, but who were the rest? The landed proprietors formed nearly two-thirds of the population, and perhaps there was no British colony so deeply interested in the success of the measure as South Australia. There were very few measures adopted in which public money was not necessary to be expended to some extent, and against which some class might not stand up and say, "Such a class has an excess of benefit in consequence of this measure," and therefore they ought to bear the expense. Was reform to be stopped by such untenable arguments as these? If so, they might shut up their Post Offices, because merchants and large landholders, and rich men received a greater number of letters and newspapers carried by post than the poorer classes. He was sorry to observe hon members carried away by such shallow arguments. A great deal had been said about the sum 5,174*l* being put down for the working of the department. Amongst other items he observed 625*l* for furniture and rent of office. In his humble judgment that looked like incautious expenditure of the public money. Had the present Registration Office been adapted to the working of the new Property Bill, a large portion of that amount would perhaps have been saved, and he attached blame to the Executive in consequence. Then there was a sum in the Registration vote of last year of something like 1,889*l* 11s. Now if the matter had been well considered, the two offices could have worked more in unison with each other, and a portion of the sum set down for rent saved. He thought a portion of expense might have been saved by the two offices, being amalgamated, or by working coincidently; but as the property of the country gradually came under the operation of the Real Property Act, the labour would be diminished in the old Registration Offices, and consequently the number of clerks might be reduced in a corresponding degree. He did not therefore, look upon the item under consideration, as anything to which the House should take exception. There would be an increasing revenue drawn from the Lands Titles Office, but it could not be expected to be immediately productive. He had heard it stated to-night that £1,000 a-year was too much for the Registrar-General. He believed that that gentleman had a pension of £300 or £400 a-year, under the Crown, of course, on receiving office, he would give up that pension as was the custom, and, therefore, virtually the House would only give him £600 a-year, and he thought it not too much, considering he occupied a judicial position. He had no fear of the ultimate result of the measure, and supposing it imperfect, it was not the first imperfect Act that had been passed, nor the first imperfect Act that had been amended by the Attorney-General, and he knew that the attention of the Registrar of Lands Titles had been called to the amendments necessary. He should vote for the sum on the Estimates.

Mr LINDSAY would confine himself to a few observations on the objection which had been made with reference to the expense of the working of the Act. It had been said that the expenses fell only on one class of the community, whereas he (Mr Lindsay) contended that it fell on all. The same objection might be raised to the Insolvency Court, the operations in which applied chiefly to the mercantile interests. Again the expense of the Crown Lands Commission seemed to apply chiefly to the squatting interests, and therefore it ought not to fall upon the general revenue. The same might be said of the Telegraph, but all being for the benefit of the community those expenses were not objected to. He should not object to a reduction in salaries, if all salaries were reduced. If it was considered that no gentleman at the head of a department should receive more than £500, £600, or £800 a-year, he would agree to reduce the salary of the Registrar of Lands Titles, but until that was done he should support the vote.

Mr BAGOT rose to explain. The hon member for Barossa (Mr Bakewell) had misrepresented him in one thing. For his part, he had also expressed a wish to have a Registration of Titles, but that did not imply the transfer of land by registration.

Mr NEALES would vote for these items as they stood. He believed the measure to be an imperfect one, and one that would not satisfy the public. This was his view of the Bill as it passed through the House, and it was so still. But the people approved it, and he would not oppose any difficulties in the working of it. The projector of the Bill said he knew 500 or 1,000 people who would place their property under that Act. Two months had passed since it came into operation and he believed only 50 or 60 had done so. He had on different occasions prophesied the failure of certain measures, and lived to see his prophecies verified. He should see it in this case, without the Bill was amended. He hoped the projector would not force the defects of the Bill on them, but would bring forward real amendments.

Mr DUFFIELD observed that many members appeared to have a strong objection to the Real Property Act, but it was not so much whether it was good or bad, but whether the House ought to vote the amount or not. Hon members thought it wrong to tax the community for the landed portion of the country. But that had been the practice in this country for some years. He found that 1889*l* 11s was passed for Registration last year, and he believed it was applied to the same purpose that this money was wanted for.

The ATTORNEY-GENERAL thought it necessary to state, on the part of the Government, that he considered it extremely important not to introduce amendments into a measure until its defect were apparent through experience. He condemned hasty Legislation, and in reference to the remarks as to outlay in furniture, said had the course been adopted which had been recommended of using the same building for the two offices, the Government might easily have expended 3000*l* or 4000*l*. He thought they were more likely to work harmoniously when separated.

Mr MILDRED had been a supporter of the Bill, for he thought it likely to benefit South Australia. He considered the course taken by legal gentlemen in the House as calculated to impede the working of the Act. It was not possible it could work well when such continual doubts were expressed. The Attorney-General ought clearly and distinctly to say whether it could be made a workable measure or not.

The ATTORNEY-GENERAL was quite sure that the House would see that he ought not to commit himself to an opinion.

Mr STRANGWAYS saw, by the Estimates, that there was £1,000 a-year for the Registrar General, and £400 for the Deputy Registrar-General, who would by the Act have the same duties to perform. He thought, therefore, the salary which was enough for one would be enough for the other also. He would withdraw his amendment.

Mr REYNOLDS moved that the salary of the Registrar-General for the six months be 400*l* instead of 500*l* as proposed. The office required no legal attainments, and he did not see any reason why the Registrar-General should be rated at a higher amount than either the Commissioner of Crown Lands or the Commissioner of Public Works.

A division then took place, with the following result:—

AYES, 9—Messrs Bakewell, Barrow, Dunn, Hawker, Hughes, Mildred, Strangways, Townsend, Reynolds (teller).

NOES, 15—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, and Messrs Bagot, Burford, Cole, Duffield, Hart, Harvey, Lindsay, MacDermott, Milne, Peake, Waik, and the Treasurer, (teller).

Mr TOWNSEND wished to know whether Mr Belt had, according to the terms stated by the Government, given up all private practice, for he had heard to the contrary.

Mr LINDSAY considered it the duty of the Government to ascertain that.

Mr HUGHES asked for some intimation as to the tenure of office, and whether if the Bill was found unworkable, the officers would be discharged?

The ATTORNEY-GENERAL read an extract from the Act, intimating that those gentlemen held office during the pleasure of the Government, and during good behaviour.

Mr BAGOT considered the Government had done their duty in the appointments they had made. He thought Mr Belt cheap at the money.

Mr BARROW recommended postponing the further consideration of the present item until the Government had made the necessary inquiries. There was nothing inconsistent in a solicitor being remunerated more highly than the Registrar-General, as the latter need not be a professional man. But it was certainly essential to know whether whether Mr Belt had private practice.

Mr PEAKE thought it unfair to ask a man to relinquish

private practice until the House had agreed to the terms proposed

Mr REYNOLDS thought the assurance on the part of the Government that private practice should not be allowed ought to be deemed sufficient

The ATTORNEY-GENERAL requested to be allowed to amend the Estimates by inserting on the face of them in reference to that office, "Without fees or private practice"

The CHAIRMAN then put the amendment, which was carried

Mr REYNOLDS asked if it was necessary with the present work to have a Deputy Registrar-General

The ATTORNEY-GENERAL said that the Government had agreed to appoint a Registrar-General, as they were informed it was necessary

Mr REYNOLDS could not see the necessity, and wished to reduce the number of clerks if they could not dispense with the Deputy-Registrar

Mr HUGHES thought it necessary to have a person of great practical ability associated with Mr Torrens, as should that gentleman commit blunders the House would have to pay £3,000 or £4,000

In reply to a question whether the Government would undertake that the salaries should be for six months only,

The ATTORNEY-GENERAL said the House was voting it only for that time, and that afterwards when the general Estimates came on the matter might be discussed again, but the salaries would appear on the Estimates for the first six months of next year

The CHAIRMAN put the motion, which was carried

On the motion of the TREASURER the House resumed

The CHAIRMAN reported progress and obtained leave to sit on Thursday

THURSDAY, SEPTEMBER 9

The SPEAKER took the chair at ten minutes past one o clock

MR JOHN HINDMARSH

Mr NEALES presented a petition from Mr John Hindmarsh, praying that the circumstances attending the appropriation by the Government of the petitioner's land might be enquired into, and such remedy granted to the petitioner as the House might see fit The petition was read, by which it appeared that Mr Hindmarsh was the owner of a section of land at Encounter Bay and that the Government had erected a wharf upon it They had offered to refer the case to arbitration, but upon terms which the petitioner was unable to agree to, and as he stated he had in fact no remedy at law Mr Neales gave notice that on Friday, the 17th instant, he should move the petition be printed

COLONIAL DEFENCES

Mr GLYDE, observing a despatch from the Secretary of State, upon the subject of colonial defences, on the table of the House, begged to ask the Commissioner of Public Works how soon the Government intended to take action upon it

The COMMISSIONER OF PUBLIC WORKS would be glad if the hon member would give notice of the question, as he was not at that moment in a position to answer it

PORT WILLUNGA

Mr LINDSAY was desirous of asking a question of the Commissioner of Public Works, which that hon gentleman would probably be prepared to answer without notice It was whether surveys had been made in accordance with the resolution of the House at the end of last session, in reference to a railway to Port Willunga

The COMMISSIONER OF PUBLIC WORKS said that a survey had been made, and was in the hands of the Railway Commissioners, who had also some other surveys which had not yet reached him, but as soon as he received them, and had sufficient time to devote some little attention to them, he would lay them upon the table of the House

Mr LINDSAY said there were also surveys which had been determined upon, he believed, at the early part of last session, in reference to the extension of the Goolwa Railway to Victor Harbour and Rosetta Cove Had they been proceeded with?

The COMMISSIONER OF PUBLIC WORKS was not in a position to answer the question

CUSTOMS LAWS AMENDMENT BILL

The TREASURER stated that by mistake he had left this Bill at his office, but had sent for it, in the interim the Attorney-General was prepared to proceed with notices standing in his name

CONFIRMATION OF REGISTRATIONS BILL

Upon the motion of the ATTORNEY-GENERAL this Bill was read a third time and passed

BILLS OF EXCHANGE BILL

The ATTORNEY-GENERAL moved for leave to introduce a Bill to facilitate the remedies on bills of exchange and promissory notes, by the prevention of frivolous and fictitious defences to actions thereon Hon members were aware that according to the present state of the law, upon an action being brought against the acceptor of a bill of exchange, or the maker of a promissory note, he was only able to appear or to defend the action by an affidavit that he had good grounds for a defence The experience of the mercantile community in reference to the present law was, he thought he might say, so far as the law went, that it had worked beneficially and satisfactorily, but it was, at the same time, felt by many persons that the remedy which the present law afforded against frivolous and vexatious defences, was incomplete in two respects In the first place it only applied to the acceptor of a bill of exchange, and to the maker of a promissory note, it did not apply to the party who had passed it, and had obtained value for it, namely, the endorser It was incomplete because, if, from the statement in the affidavit it should appear that there really was a defence, the summary remedy was put an end to, and the plaintiff was not only subjected to the cost of bringing an action in the Supreme Court, but was subjected to a delay of perhaps three or four months between the period of the bill arriving at maturity and obtaining a verdict In England this had been so severely felt that about three sessions ago, steps were taken to remedy the law in this respect by making the principle which had been recognised in the local legislature applicable to all persons who were parties to the bill or promissory note The whole of these parties, or any of them, were liable to be sued, and the making a defence was rendered impossible, unless a Judge were satisfied there were some grounds of defence which the party ought to be allowed to allege His attention had been directed to the English Act almost so soon as it had been passed, but as they already had a law with somewhat similar provisions he did not feel disposed to introduce new measures until he had ascertained how the new law worked in England The universal feeling amongst the mercantile community in England was, that the law had effected a great and salutary improvement, and the Chief Justice, Sir Charles Cooper, who had just returned from England, bore testimony to the great benefits which had resulted from it Fortified by the experience of that great mercantile community in reference to this measure, he thought the time had arrived when it was his duty to propose a similar measure for the consideration of the Legislature of this colony The object of the Act was, that any person who passed a bill of exchange or promissory note should be precluded from defending an action brought for the recovery of the amount unless he could shew to the satisfaction of a Judge that he had reasonable grounds for defending it If for instance he could shew that he had not received any value for the instrument, or if as an endorser he could shew that no notice had been given, or if he could shew indeed any ground which the law recognised as a defence, he would be allowed to plead, but he would not be allowed as at present merely to enter an appearance for the purpose of gaining time, and put the holder of the bill to the necessity of incurring the costs consequent upon an action in the Supreme Court He thought the House would see that the bill was sound in principle, as the person who had authenticated the bill and had obtained value for it, should not be able to put the holder to such expense and delay as at present The bill was substantially identical with the Act in England, and he moved that leave be given him to introduce such a measure

Mr STRANGWAYS, before the question was put, wished to ask the Attorney-General whether there was any provision in the new Bill in reference to the plaintiff's costs He understood that in England if a plaintiff proceeded under the Act which had been referred to that he could not recover costs

Mr GLYDE wanted to ask the hon gentleman another question He had understood the Attorney-General to state that this Bill was merely a copy of the English Act, and, if so, he would ask were they not already subject to that Act?

Mr BAKER should support the Bill, which he believed would be found of great advantage to the mercantile community It might be remembered that some sessions ago, when a Bill was brought forward for amending the practice of the Supreme Court, he brought this question forward, and even wished an extension of the principle to all cases, but at that time the Attorney-General did not think it prudent to accede to the proposition He was now disposed to go further than the present Bill, and extend the principle which it contained to all actions where a writ of summons had issued showing what were the precise grounds of the action He did not think that in such cases there should be any defence, unless good grounds could be shown At present there were a great number of cases before the Supreme Court, and he would venture to say that in a very great number of them either the record would be withdrawn, or judgment would be entered up by consent, shewing that there was really no substantial defence, and that the parties merely sought to gain time If the principle of the Bill were good as applied to bills of exchange, he could not see why it should not be equally good in all cases where the plaintiff explained the whole case He could not see any difference If the creditor were bound to pay within a certain time in one case, he could not see why he should not be bound to in the other where the case was not of such a nature as to require the intervention of a jury to determine the damages

The ATTORNEY-GENERAL stated, in reply to the hon member for Encounter Bay, that the present Bill did provide that the plaintiff should recover costs that was the costs endorsed on the writ, or such further costs as were incurred which would have to be taxed by the Master He thought

the hon member must be under some misapprehension in reference to the English Act as if the Act were even so framed that the plaintiff could not recover costs, it had subsequently undergone amendments, as there was an express provision in the Act upon the point alluded to, which provision had been copied into the Bill which he now sought to introduce In reference to the question of the hon member for East Torrens he might state that no English statute in which this colony was not expressly named had any operation in South Australia If the hon member for Light would introduce a measure such as he had described, extending the principles of the Bill, he (the Attorney-General) should be happy to give it his best consideration, but there appeared to him a substantial difference between the class of cases which this Bill sought to provide for, and those which had been alluded to by the hon member for Light If a person endorsed a bill of exchange and obtained money for it he gave every person who took the bill a right to rely upon his credit that it would be paid when it became due, and unless he could satisfy the Court that he had substantial grounds of defence he should not be allowed to defend the action brought for the recovery of the bill But in reference to a person who bought goods it appeared to him that the case was widely different, there might be a number of circumstances which rendered it desirable that he should be allowed to enter a defence He mentioned this as a reason that he had not introduced such a provision in the present Bill, but it was possible that upon further reflection he might be disposed to support such a measure as that which had been referred to by the hon member for Light

Mr NEALES thought the suggestion which had been thrown out by the honorable member for Light a most valuable one He thought it most desirable that the Bill introduced by the Attorney-General should extend not merely to bills of exchange and promissory notes, but to all transactions Under the existing law upon a defendant being sued for a small amount, he might make a demand for a far larger amount—a perfectly fictitious transaction—and this constituted a defence He referred to an instance which occurred a short time since, where a party upon being sued for 300*l* made a demand upon the plaintiff for between 4,000*l* and 5,000*l*, although no transaction to that extent had taken place between the parties That was a state of things which required correction Establishing a defence by a cross-action, was a perfect fallacy, which the sooner they got rid of the better

The COMMISSIONER OF PUBLIC WORKS considered that there was very considerable force in what had been urged by the hon member for Light He would remind the House that vexatious defences to actions were punished with very great severity in the Insolvent Court, and some such provision as had been alluded to might perhaps be introduced with great benefit at a future period, but in the meantime it would be thought better to pass the Bill as it stood, that they might see how it worked

Leave having been granted, the Bill was read a first time and ordered to be printed, the second reading being made an Order of the Day for Thursday next

CUSTOMS LAWS

The TREASURER asked leave to introduce a Bill to amend the laws of the Customs in certain particulars The Bill was very short, and the amendments very trifling, but trifling as they might appear in print, he believed they would be found of great importance to the commercial community It was at the instance of the commercial community, as represented by the Chamber of Commerce, that the Bill had been introduced The amendments related to the 20th clause of the Customs Act of 1854 That clause prescribed a certain time for entries inwards of all goods It prescribed that fourteen days should be allowed for vessels over 200 tons, and seven days if the ship were 200 tons or under This long delay had been found to operate very injuriously, and the Bill which he now asked leave to introduce provided that goods by coasting vessels and intercolonial steamers should be landed or discharged within 54 hours, and those of all other vessels within four days Another clause related to the definition of the coast line, which it was desirable should be thoroughly understood Two lines for instance might be taken as the coast line, that at low water and that at high watermark, but in this Bill it was proposed that high watermark should be taken Amendments were proposed in the 28th clause of the Coasting Act, which related to goods damaged on the voyage The 28th clause provided that there should be an abatement of duties in proportion to the damage received upon proof being made to the Collector, that the damage had accrued after the goods had been shipped and before they had been landed, but the new Bill went a little further and provided that the abatement should refer to goods which received damage before leaving the wharf at the port of entry Another clause related to the landing of fresh meat or vegetables before or after Customs' hours Permission was given by the Bill to intercolonial traders to land fruit, vegetables, or fresh meat, at any time, whether before or after Customs' hours, subject, however, to such regulations as the Custom-House authorities might think fit to impose This clause was represented as being very necessary, and he believed would be found very useful He asked leave to introduce the Bill

The COMMISSIONER OF PUBLIC WORKS seconded the motion

Mr PEAKE was very glad that one step had been taken towards amending the Customs' regulations of the colony He was not previously aware what the contemplated alterations were, but from what he had been able to gather from the statement of the Treasurer, he believed they would be found beneficial and useful He hoped this might be regarded as the first step towards the abolition of the Custom-House altogether (Hear, hear) He trusted that before long they would open their eyes to a different policy altogether, and seek to derive the necessary revenue from some other source, thus relieving commerce from the trammels by which it was surrounded and confined, and establishing a better system of legislation.

Leave having been granted, the Bill was ordered to be printed, and the second reading was made an Order for the day for Thursday next

SUPPLEMENTARY ESTIMATES

The House went into Committee upon the Supplementary Estimates when

Mr BAGOT asked whether it would be in order to move the recommittal of any particular item without notice?

The CHAIRMAN said it would not be in order to do so until the report had been brought up

The following items were then proposed —

Establishments under direction of the Treasurer

Extra clerical assistance, four months, £40

Mr TOWNSEND suggested that the Treasurer should give a brief explanation of each item as it was read, as this would not only tend to shorten discussion, but prevent sums being voted under erroneous impressions

The TREASURER would be happy at all times to give the House every information in his power In reference to the particular item which had been proposed, he might remark that there were times during the meeting of that House when the press of business in the Treasury was very great, and it was impossible in his absence that the business could be got through It was absolutely requisite at such times that there should be temporary assistance It would not answer to place an additional amount of labor upon each clerk or upon any particular one, as it was requisite that the clerical labor should be done within a certain time, and it was therefore proposed to take a vote equivalent to a clerk of the third class for a third of the year

Mr REYNOLDS said the Treasurer had a Secretary, and there were a number of clerks in the office He was quite sure that the department was not overworked, and should vote against the proposed 40*l* for additional clerical assistance, as he could not see the necessity for it

The vote was assented to

"One Landing Waiter, third class, raised to second class, (voted 200*l*) 40*l*"

The TREASURER said, in reference to this item, that when the Estimates were passed last year, there were two Custom-house officers who now appeared upon the Estimates for an increase, who were passed by in mistake, and were not included in the classification in which they ought to have been placed under the principle sanctioned by the House With regard to other items, he would remark, with regard to Port Elliot, Encounter Bay, it had been found necessary either to allow the Sub-Collector of Customs house-rent, or to build him a house, and it would be remembered that this particular appointment had been made upon the address of the House itself Last year an address was presented by that House asking for the appointment of an officer to collect the duties on the River Murray, and the officer who had been appointed to perform that duty when required, had also been appointed Collector of Customs at Encounter Bay In reference to Goolwa the same reasons presented themselves, it was necessary either to build a house for the Collector, or to purchase one for him The same remark also applied to Onkaparinga and Willunga

Mr REYNOLDS begged to ask the Treasurer whether the Sub-Collector of Customs at Goolwa did not hold another appointment?

The TREASURER said the gentleman alluded to did not hold another appointment, nor had he any other duties to perform Perhaps the hon gentleman was referring to two appointments which were formerly held by one gentleman, namely, the appointments of Harbor-Master and Collector of Customs, but those two duties had been found incompatible, and the officer now only received the salary of £150 for Harbor-Master The salary as Sub-Collector of Customs was not now drawn by him The offices were now held separately, but in consequence of the injustice which had accrued to the Harbour-Master it was now proposed to raise his salary to £200, which would still be less by £50 than he had received during the previous year when he held the two offices.

Mr REYNOLDS thought the hon. gentleman had misunderstood him His remarks had reference to the Sub-Collector at Goolwa, not Port Elliot, a person named Taylor, who, when he (Mr Reynolds) was in office, applied for an appointment in connection with the Public Works Department He wished to know if he had received that appointment?

The TREASURER had misunderstood the remarks of the hon member He believed that the Deputy Collector of Customs

at Goolwa did hold two appointments, as he was Warehouse-keeper to the Railway Department He also received higher pay, in consequence of the duties which he had to perform in having to supervise the other Collector of Customs

Mr REYNOLDS wished to know what salary this gentleman received as Warehouse-keeper, and what as Sub-Collector?

Mr STRANGWAYS wished to know why the reduction of the Harbour Master's salary at Port Elliot had been made without any notification to that officer by the Government A number of officers residing in the interior were in the habit of having their salaries paid into one of the banks in town, and this gentleman having no notification to the contrary, thought that his usual amount of salary had been paid in, but did not discover that his salary had been reduced to £150 for three or four months, when the discovery was made, in consequence of his sending in his bank book to be made up He hoped the Treasurer would be able to give some explanation of this circumstance, although it occurred prior to that hon gentleman taking office

The TREASURER said he was not in a position to fully explain the circumstance referred to He was not enabled to state whether notice of the reduction in salary had been given or not, but as the salary had only been voted for a year it was not considered at the termination of that period that the officer was entitled to hold both offices

Dr WARK asked whether this gentleman had his full salary voted to him last session or whether part had been taken away?

The TREASURER reminded the House that they were not then discussing any salary connected with the Harbor Department, but he was still prepared to answer the question Last year the Harbor-Master at Port Elliot held two offices, Sub-Collector of Customs and Deputy Harbor-Master, and during the passing of the Estimates through the House the salary of Harbor-Master was reduced to 150*l* At the commencement of the present year this officer only retained the office of Harbor-Master, the reason being that he was not considered fit to carry out the duties connected with the Customs As a seaman he was excellent, and consequently well adapted for Harbor Master, but as an accountant he was not considered sufficiently good for Collector of Customs On further reference to the question asked by the hon member for East Torrens as to the two offices held by the Deputy Collector of Customs at Goolwa, he had been just informed by the Commissioner of Public Works that the gentleman only held one office, having resigned that in connection with the Public Works Department

Mr STRANGWAYS asked if the Deputy Harbor Master at Port Elliot had not for a considerable time filled the office of Collector of Customs The division of these offices cost the country an extra £100 a year If this gentleman had filled the office for some years, he must surely know something about accounts

The TREASURER said the officer had been drawing a salary for an almost nominal office, but the trifling duties which he had to perform he performed them very inefficiently His accounts were full of errors, and the office since the commencement of the present year was for some time in abeyance, till the House asked for the appointment of a Collector of Customs at the Murray, and then the office of Deputy Collector of Customs at Port Elliot was filled up, the party undertaking to perform the duties at the Murray when required

Dr WARK considered it something extraordinary that the Treasurer should tell them that a gentleman was receiving a salary for merely nominal duties It was well known that the gentleman had held the two offices at Port Elliot for a number of years and there had been no complaint against him The public had a right to know why he was displaced, he was a steady man, and a good scholar, perfectly competent to perform the duties Two offices had now been created instead of one, and the salaries were so trifling that he apprehended it would be difficult to get competent parties to accept them Why not combine the two offices? The statement of the Treasurer required explanation, and the conduct of the Government appeared to him most extraordinary

The ATTORNEY-GENERAL thought the hon gentleman who had last addressed the House could not have heard, or certainly had not understood the statement of the Treasurer The question originally asked, he understood was whether the Harbor-Master at Port Elliot did not originally hold the office of Collector of Customs in connection with that of Harbor-Master, and why he no longer held it? The answer was that at one time that officer did hold the two offices alluded to, but that the manner in which he had discharged the duties of Collector of Customs was so unsatisfactory that it was not considered desirable he should hold it any longer The Government were blamed for abolishing that office ("No, no") It was quite clear they were, and if hon members had paid attention to the debate they would have known they were They were blamed for abolishing the office, because by so doing they reduced the emoluments of the Harbor-Master, but they now proposed to remedy that by giving him an increase of salary But for the address of that House, the office of Collector of Customs at Port Elliot would never have been filled up It was never the intention of the Government to fill it up, but a resolution was passed by the House, asking for the appointment of an officer to collect the duties on the River Murray, and in order to comply with the wishes of the House, the Government filled up the office of Collector of Customs at Port Elliot, that officer being also appointed to collect the duties at the Murray The Government had no desire to create a new office, but they merely wished to comply with the wishes of the House Instead of appointing a Collector of Customs at Port Elliot, and a Collector of Customs at the Murray, they combined the two offices If it were asked why they did not allow the Harbor-Master at Port Elliot to have the appointment, the answer was obvious, that the duties of the Harbor-Master required him to be at the Port for the purpose of boarding steamers and other vessels, and performing the duties in connection with his appointment as Harbor-Master If the hon member who had last spoken had heard and understood the Treasurer he would have seen that the Government had been actuated by a desire not to increase a department or to make a fresh office, but to save expense and meet the wishes of the House

Mr BAGOT suggested that if the hon member (Dr Wark) thought the officer who had been referred to had been dismissed without sufficient cause he had better move for a Select Committee to enquire into the matter

Mr TOWNSEND asked if the duties of that officer had increased so much as to render it necessary to pay £40 additional

Mr HUGHES had understood that that officer was to reside at the Goolwa The object of the members of that House in appointing that officer was to do away with the complaints which had been made by the neighbouring colonies that parties trading on the Murray had to take their steamers down to Goolwa to be cleared And seeing that this colony paid about £900 for collecting the revenue he would wish to know if those officers were directed to proceed to any point of the river where the steamers might conveniently be cleared

Mr PEAKE thought there was a screw loose somewhere—(laughter)—in that business of Port Elliot, because, as far as he recollected the resolution of the House, the station was to be fixed on the frontier so as to meet the views of the neighbouring colonies, to collect the duties as necessity arose from vessels passing up the Murray As well as he could recollect the resolution of that House was to the effect that the Collector of Customs on the Murray should be placed as nearly as possible to the Victorian frontier, in order to carry out the views distinctly expressed by it, and, therefore he thought the House was right in asking whether those ideas had been carried into effect, The Sub-Collector at Port Elliot and Encounter Bay had got for a house, £18 10s , and another at Goolwa, £40 He thought there must be two or three collectors down there Surely there was no occasion for those two officers Those matters looked strange, and he thought that some enquiry ought to be made He thought also, as an economical arrangement, that the Superintendent of Port Elliot Tramway might also act as Collector of Customs, as he had plenty of spare time to fulfil all the duties necessary If he could fulfil these duties at Port Elliot, Goolwa, and Encounter Bay, it would be a great saving, and would justify a small addition to his salary He (Mr Peake) hoped the House would consider these suggestions before voting those salaries

The TREASURER was rather puzzled what to say, for he was blamed on the one side for not making an appointment, and on the other side for making one, because the traffic was so small

Mr PEAKE rose to order He did not say that the traffic was so small as not to require an officer, but that an officer should be appointed to carry out the wish of the Council

The TREASURER said the hon member had mistaken the terms of the address The address recommended that an officer should be stationed below the North-West Bend of the Murray (hear, hear), and the Government in carrying out that memorandum, had nothing ulterior in view They had saved 64*l* 10s 4d in the salary of the Sub-Collector at Port Elliot, by leaving that office vacant for a time, and they now proposed to fill it at a cost, for the remainder of the year of 18*l* 10s Thus there would be a saving of 46*l* In doing this they were desirous of fulfilling the wish of the House as expressed in the resolution alluded to Should vessels go below the North-West Bend the officer would go and clear them. He could not be sent up without a house to live in, and there was not one to put him in This question had been mixed up with that of the appointment of Harbor Master, but when the House turned to the next item it would be found that the Government had effected a saving It was true that they had increased the salary of one person by 80*l* , but by the arrangements which had been made, there had been saved in this department 46*l*

Dr WARK considered the whole affair required explanation He wanted to know whether the Murray was the place named, as under that term appeared to be included Goolwa, Encounter Bay, and Port Elliot The sea would be considered the River Murray next (Laughter) The Murray was clearly understood to be the place where an officer should be placed and the stationing another officer elsewhere was clearly a multiplication of offices Those gentlemen have to go two or three hundred miles in order to grant proper certificates to vessels That was not the way to do business The Government acted contrary to the spirit of the resolution of the House, and appointed a person as

Sub-Collector at Port Elliot, whose duties were acknowledged to be merely nominal

Mr Hay said, that when instructions were given to appoint an officer on the Murray he took an interest in it, believing that every facility should be given to shipping goods up the Murray, and could not agree with the last speaker in the observations he had made He thought the Government had taken a wise course in affording facilities for the clearing of vessels, and having appointed officers for that purpose the House ought to vote the salaries He contended the course adopted by the Government was right so far

Mr Peake said Port Elliot, Goolwa, and Encounter Bay were at a considerable distance below the North-West Bend of the Murray, and if hon gentlemen in that House considered the explanations given sufficient, he considered it was a very Hibernian way of carrying the vote (Laughter) If the House approved it, however, it was well He considered the course adverse to the views of the neighbouring colony The resolution of that House had been especially supported by those gentlemen who were in favor of a Federation of the Colonies (No, no) They said it must be done, and they supported it with their voice, unless he was very oblivious respecting it (Laughter) If hon gentlemen would take the trouble to read the debates of that House, they would be convinced that members advocating the Federation of the Colonies had advised that course to be taken as soon as possible, for the purpose of preventing smuggling up the Murray

Mr Neales thought that the most sensible observations had been made by Mr Hay For his part, he (Mr Neales) was not in favour of Colonial Federation Those who blamed the Government were wrong, however much they might think their intentions right He believed the resolution as carried out, would effect the saving stated by the Treasurer, and he thought there were other impediments in and about the Murray besides the snags (Laughter)

The question was then put, and carried

The next item was £80, coast and harbour service

Mr Strangways asked if the Harbor Master was to have good service pay ?

Mr Hughes asked whether any arrangement had been made for shifting the buoys as necessity arose, for he had been credibly informed that the buoys instead of warning vessels off the sandbanks were mere decoys

The Treasurer imagined the hon member (Mr Hughes) coming more lately from school than himself (the Treasurer), was probably better acquainted with the difference between a buoy and a decoy than he was (Laughter) The Harbor-Master had brought the matter under his notice, and had received full authority to remove the buoys whenever the necessity arose, and with regard to Encounter Bay he had previously stated exactly the position of the Harbor-Master He had formerly held two offices, that of Harbor-Master, and also that of Sub-Collector of Customs In the Estimates for 1858 the salary voted was 120*l* and for the Sub-Collector of Customs, 150*l* Those two items together made 270*l* a-year, which would have been his salary had he held those two offices The hon member would find in the Supplementary Estimates the salary of the Harbor-Master stated at 120*l* Good service pay had nothing to do with salaries That was an amount given to persons who had remained long in the service, or who were supposed to be more efficient than others in the discharge of their duties It was not a salary attached to office Had the Harbor-Master held these two offices his salary would have been 270*l* a-year, but it was found he could not be useful to the public by holding these two offices, and he (the Treasurer) asked the House to sanction the arrangement the Government had made, which was that he would receive his salary of 200*l* a-year as Harbor Master, and 80*l* as placed on the Supplementary Estimates

The item was carried

The next items were, commission to Agent for South Australia in England, 200*l*, and contingencies, 50*l*

Mr Hughes asked the Government whether securities had been given for the amount of money under the control of the Agent, and whether that gentleman was instructed to transmit a periodical report of his transactions He considered the department a most important one, and that some explanation should be given as to what security was held, as very large sums were sometimes intrusted to him—sometimes as much as 54,000*l*

Mr Burford asked whether the Agent was to receive a commission on transactions in addition to his salary, and whether this colony paid the passage of the gentleman who had just now been appointed ? (Great laughter)

The Treasurer would answer the last question first The gentleman lately appointed had resided in England some years, and therefore there was no passage to pay The name of the gentleman was Walters The instructions given to him had been carefully considered He (the Treasurer) agreed with hon members that it was most important they should be placed before the House, but it was less necessary as the Government had received no intimation of his (the Agent's) having entered upon his duties It had been requested that he should go to the Colonial Office and enter into the necessary bond upon which he was immediately to enter upon his duties He accordingly had presented himself and given the required security, but the Government had not received official notice of his appointment In the meantime his salary was unpaid and the former agent had continued to act His accounts and balances were all examined, and care had been taken to secure the balances, as far as he was concerned He (the Treasurer) would observe that the salary of the new Agent had thus been saved altogether, and the old Agent had thus been remunerated, under a former arrangement, by a commission on certain sums of money which he had paid on account of the colony Every quarter a special account was sent of every thing on which commission was charged, and those accounts were audited in this colony

Mr Burford had imagined that the Immigration Department was under consideration

Mr Cole asked, with reference to the General Agent, whether he was responsible for the quality and condition of goods sent to the colony He was led to ask the question in consequence of the loss to the colony on the Glenelg Jetty When he thought of that he scarcely knew how to coin a word to express his feelings in regard to the gross neglect apparent respecting it If this country were to be burdened with the consequences of such neglect, he could not conceive that the Agent had a right to commission on such transactions

The Treasurer would be happy to give every information The very purpose of appointing an agent in England was to secure the shipment of goods of good quality, and to see them properly shipped The change that had been made was to prevent the abuses formerly prevalent The Government had altogether a new balance-sheet, and a new agent, who was a gentleman of extensive experience, and completely under the control of the Executive, and he (the Treasurer) trusted the business would be ably carried out

Mr Cole asked if he was to understand that the Agent would be responsible ?

Mr Peake said we had turned over a new leaf, and got a new balance-sheet, but he thought we ought not to have a report like the present With respect to the Glenelg Jetty, an immense loss to the colony had accrued from the bad quality of the materials used in its construction He thought it a serious question when 30,000*l* or 40,000*l* were paid for inferior workmanship, under the supervision of a paid agent Those were points to which the House should give every attention, and should be glad if such things were avoided in future

Mr Strangways considered it ought to be the last time that the colony should pay a salary to a general agent He thought those things were managed better in Melbourne It was only a short time ago that a mercantile firm in Melbourne paid a large sum to Government for the privilege of furnishing that colony with goods at cost prices He thought the plan might be adopted in this colony

The item was agreed to

Office of Commissioner of Public Works—The next item was for professional assistance and incidental expenses, £125

Passed

Colonial Architect—Occasional assistance and sundries, £330

Passed

Observatory and Telegraph—On the item 1,021*l* 6s 8d being proposed,

Mr Strangways asked if the promise made to the Observer and Inspector of Telegraphs had been fulfilled ?

The Treasurer stated that Mr Todd had made no complaint of the arrangements not having been carried out He had not even asked for an increase of salary, though his duties had been increased owing to an increase of business consequent upon opening the intercolonial line He (the Treasurer) had made enquiries and was not aware of any cause of complaint

Mr Strangways stated that Mr Todd had not mentioned the matter to him, they were only reports which he (Mr Strangways) had heard outside the House

Mr Bagot asked if any provision had been made for the extension of the electric telegraph to Gawler Town and Kapunda, as there was no provision made on the Supplementary Estimates for it

The Commissioner of Public Works stated that the telegraph to Kapunda had been delayed some time unavoidably, but that tenders were now asked for by the Government for the necessary posts

Mr Reynolds, in reference to Mr Todd, said that, although he had not complained of his salary, he had good reason to complain, as he had only 500*l* a year, and considering the duties that gentleman had to perform, it seemed a small sum If certain officers had 1,000*l* voted to them, we could not refuse to give him more than 500*l*, and he (Mr Reynolds) trusted the Government would take the matter into consideration in the Estimates for 1859, for he considered the work justly entitled to a higher remuneration than 500*l* a year Not to pay persons well who are so well qualified for the office, rendered it possible that we might lose them

The Commissioner of Public Works was glad to hear so graceful a compliment paid to the Superintendent of Telegraphs The hours of attendance necessary in that office were hardly known in any other office in the colony The Government would favourably consider the hon member's suggestion

Mr Lindsay had gone to the office at various hours, and had always found Mr Todd at his post

Mr Hay stated that £300 had been voted when the Estimates were brought forward for incidental expenses, and now

£300 more were asked for He wished to know why such a large amount was found necessary?

The COMMISSIONER OF PUBLIC WORKS said it was in consequence of the expenses connected with the Intercolonial Telegraph, and could assure the House that every economy had been used

The amount was voted

The items for Good Service Pay and the Superannuation Fund were voted

The items of 47*l* 2s 10d for police paddocks and outstations, and of 4*l* 13s 6d for the new store at Goolwa, were severally agreed to

The next item was 300*l* for a new cellar, plastering, and a galvanized iron verandah for Government House

Mr HUGHES asked if the House was ever to know the expense of the Government House The expenses of furnishing it were a dreadful sinking of money He thought it better to adopt some general plan on which the Government should act respecting it

Mr BURFORD would like to know what the Government House would cost He thought such a statement would be a very interesting document for the House to have before them Such expenses might be very well to add to the comforts of a few, but the community had to bear the burden of them

Mr REYNOLDS said the sum of £300 was voted for a cellar, and it was found £300 was not sufficient for the purpose, and that £300 more would be required to finish it He thought £150 would be sufficient, and that the House ought not to vote more than was required, otherwise it would all go (Laughter)

Mr NEALES thought they were treating the affair in the style of a District Council They were giving £3 500 merely to put that building up, and then doubling the amount It was perfectly frightful There was £2,000 for furniture, and £1,900 more asked for There was another thing, however, connected with that furniture He thought it right that if such things could be supplied by the merchants in Adelaide they ought to have the preference, but in that instance, a Melbourne merchant had asked for and obtained the order and taken the commission in one shape or other If the Government could tell him when they were likely to stop, he might be inclined to be rather liberal, with the Government residence They had men of high standing in the colony, and unless there was a clear and unmistakeable profit in passing by them they ought to be preferred in supplying the goods required

Mr HART was afraid that it would be found, on enquiry, that a large portion of that 1,900*l* had already been spent, and, therefore, the House was too late to protest against that expenditure (Oh oh) He considered the credit of the colony must be upheld, and would wish the Treasurer to point out the exact sums he wished to carry, for he should not like to strike the whole sum out

The ATTORNEY-GENERAL believed it to be a fact that a considerable portion of the expense had been incurred, but in justice to himself and colleagues he ought to say that that expenditure had been incurred under a former Government and not under the present He believed the whole expenditure had been incurred previous to the inauguration of responsible government He was bound to say, however, that the orders sent out were limited to £2,000 for furniture, but in fulfilling those orders the expense had risen to £3900 With regard to the 1900*l* the whole of it was required to pay for goods already received, and which were in the Government House That was the only order which had not been given to persons not connected with the colony and he (the Attorney-General) sympathised with Mr Neales, when he said that those orders should be executed by persons residing in the colony, unless some public saving should render another course advisable, He thought the Government ought to furnish the House with the fullest explanation, and should such be desired, they would lay every thing fully before it

Mr HUGHES hoped the Government would lay the information before the House They (the members) were there to sanction proper expenditure, and he thought they were of no use in that respect if they only had to vote money to pay for expenses already incurred He thought the case too serious to be passed over without further explanation, he thought it as serious a case as that of the Glenelg Jetty

Mr PEAKE thought the House was in a fix about that money It appeared very plain that instead of 3,300*l* being spent, 3,620*l* more must be voted 690*l* were spent on Glenelg Cottage, including the cellar, and, as he gathered from the Treasurer the money was spent and the House had nothing to do but to pay the bill There was, however, one item for painting the Government House, including the garden, 150*l* He wished to know if that had been spent, because, if not, it might as well be saved He would be willing to vote a liberal sum towards the residence of the representative of the Queen but he was not willing to trespass so much on the colonial funds as was now asked, and he thought that item might be struck out

The COMMISSIONER OF PUBLIC WORKS stated that it appeared necessary to have a verandah round Government House, and that they had looked closely into the item and he believed that sum, £300, would be required He believed that true economy would be carried out best by external painting as it was necessary for the preservation of the materials, and that, therefore, he hoped the remarks of the member for Burra and Clare would not induce hon members to refuse the vote The Government were not responsible for the orders that had been given and to which allusions had been made The case was similar to that of Glenelg Jetty, the expenses having been incurred under irresponsible government, and it was not likely to take place again

Mr TOWNSEND hoped the vote for that money would be delayed until full information was given to the House Mr Hart had said the expenditure had been incurred and must be provided for, if so what was the use of their meeting

Mr HART said the last speaker had misunderstood him He did not say the House had no power to say whether the money should be paid or not They were there to say whether they would pay it or not, but supposing that House refused to pay the amount, the question arose on whom the charge would fall They would have to go back to the question respecting the goods in the Government House It was not a question whether the goods were wanted or not, for the goods were in the Government House, but they were only required to pay for those that had been received He thought great extravagance had been exhibited

Mr COLE begged to correct a mistake In speaking on that vote he had said there had been voted 3,000*l*, and the House was asked to vote so much more, but they had nothing to do with the last item He considered the Government responsible for the over charges The House had nothing to do with them

The ATTORNEY-GENERAL said that hon members spoke as if the House had last year sanctioned 3000*l* Now 3000*l* was voted in 1856, and no addition had been made since the introduction of responsible government When he became a member of the Administration he expected that responsibility to fall upon him which Mr Cole was desirous to fix upon the Executive, but he thought that gentleman's sense of fairness would show him that it was unreasonable to fix the responsibility of ordering goods upon persons who were not in office when they were ordered, and object to the vote when payment was asked for them He thought hon gentlemen might delay voting on the furniture until information was laid before the House

Mr BURFORD thought since the matter was an accomplished fact, the House ought to steer clear of repudiation He was not willing to incur the imputation of repudiating debts, and although the Attorney-General expressed his willingness to delay those items, he saw no good purpose in withholding the vote

The TREASURER was in the Government at the time the order was given The money was voted in 1856, and when the first order was sent home, he wrote, under direction, to the agent, requesting him to buy furniture to the extent of 1,000*l*, the real vote being for 2 000*l* for furniture and decorations Finding that sum insufficient the limit was afterwards extended to to 1,500*l* They considered that they were thus keeping within bounds Certain things were ordered according to an estimate of value, but the invoices amounted to more than was expected, and rendered it necessary to place the sum under consideration on the Supplementary Estimates There would be nothing reserved out of it for the whole amount was expended

Mr TOWNSEND thought it would be better not to pass the vote

Mr HUGHES and Mr BAGOT made several remarks condemnatory of the expense

Mr HAY trusted the suggestion of the Attorney-General would be adopted He had gone through the items from the cellar downwards—(great laughter)—and he thought explanation was required

Mr REYNOLDS could see no object in postponing the vote

The COMMISSIONER OF PUBLIC WORKS explained that in order to finish the cellar, above 200*l* were required, and therefore it would not be safe to ask less than 300*l*

Mr YOUNG made some remarks which the Chairman ruled to be out of order, as he (Mr Young) was speaking to items not under consideration

Mr YOUNG bowed to the opinion of the Chairman, but suggested that other matters had been discussed

Mr BAGOT, with all deference, thought that Public Works were under consideration, and therefore other items might be commented on

The CHAIRMAN said hon members would bear in mind the question under discussion was Government House, 300*l*

Mr BAGOT thought it impossible to discuss the particular item without reference to other items on the Estimates

The ATTORNEY-GENERAL said the hon member for Noarlunga would have been in order had he proceeded as he began Any hon member would be justified in contrasting the item under discussion with any other in the Estimates, but not in discussing the propriety of voting for one not then under consideration

The CHAIRMAN said the hon member had not been comparing sums, but discussing one not then before the House

Mr DUTTON would support the item The Government had effected many savings in other directions

Mr PEAKE thought by postponing the vote, they might possibly get some of the money back He did not misapprehend the nature of responsibility, but the present members of the Government were responsible to the House, although the successors of those who were appointed under another system

The TREASURER said that after hearing the various reasons

brought forward, and perceiving the general desire of the House to have these items reserved for further consideration, he would propose to reserve them, and he had no doubt that the explanation which he would lay before the House would show the necessity of the vote

The various items relating to Government House and Cottage were then postponed

On the next item, New Powder Magazine, 250*l* —

Mr HUGHES inquired where the building was situate He understood the Trinity Board had recommended a hulk, and that now a most extraordinary structure had been put up for that purpose

The COMMISSIONER OF PUBLIC WORKS said, this extraordinary building, as the hon member called it, was a very well designed powder magazine situate at the North Arm, which would have the effect of removing a grievance of which the people of the Port had long complained The reason the sum of 250*l* was required, was, that contracts had been taken for the building, and it was found that the 2,000*l* previously voted was insufficient

Mr REYNOLDS, seeing that the Chamber of Commerce had made remarks depreciatory of the Government in this matter, and supposing that these gentlemen were to rule the Government in all matters connected with the country, would say a few words on this subject An hon member had said that the Trinity Board were desirous of having a hulk for storing powder During his (Mr Reynolds's) term of office he had endeavored to procure a hulk, and had visited Port Adelaide for that purpose, and had consulted the Trinity Board as to where one could be obtained and where the best place would be to moor it They then fixed on a site at the North Arm, as one near the Port would not answer A brig was recommended to him but the sum demanded for her by her owner was so far beyond what the Government considered they were justified in paying that they were under the necessity of building the present magazine It was a peculiar structure, and had been approved of by the Surveyor-General and the Trinity Board

Mr COLE hoped it would not be deemed presumptuous in him to offer an opinion, but he understood that the magazine was a wooden building (he heard from the Commissioner of Public Works), lined within with iron The building at high water stood some three feet above the sea, so that any person moved by malice might go under it and produce an explosion of the whole affair If this was a specimen of a powder magazine, he was at a loss to find words to express what he thought of it The idea of a wooden building, which would not be allowed to be erected in Adelaide, being considered sufficient for a powder magazine was absurd

The COMMISSIONER OF PUBLIC WORKS differed from the hon member entirely The plan of the building was that generally adopted in Europe at present, as it had been found better to make magazines lighter than they were formerly, as it was well known that the more powder was confined the greater was its power of explosion, and the ignition of powder was so easy a matter that even with a stone or iron building any one who desired to cause an explosion might accomplish it The building was slated outside, and plastered inside and had he believed, been approved of by every one who saw it He himself had some experience in gunpowder, and he considered the building an admirable one

The item was passed

The next two items were passed without discussion, as follows —Alterations and repairs to public buildings generally, 1,500*l* alteration to Port Elliot Police Station, 55*l*

On the next item, painting, papering, and decorating Government House, 400*l*,

Mr REYNOLDS said before this item was postponed he must state that he could not understand how it was that when he retired from office, according to the statement of the Colonial Architect there was a balance of 400*l* or rather a saving to that amount, on this item, and now there was 400*l* the other way All the painting was finished at the time he retired to

The COMMISSIONER OF PUBLIC WORKS could only say that the Government would lay the fullest information on the subject before the House

The item was then postponed

The next item, Additions to Military Barracks, Dry Creek, 320*l*, was agreed to without discussion

On the next item, Verandah to Custom-House, Port Adelaide, 50*l*,

Mr REYNOLDS asked whether this sum was already expended

The COMMISSIONER OF PUBLIC WORKS believed it was

Mr REYNOLDS believed that the present Collector of Customs at the Port had undertaken the responsibility of erecting the verandah to this Government building without having any authority for doing so and the House was now asked to vote money for an unauthorised expenditure made by a Government officer He stated this that the House might express its opinion on the subject

The COMMISSIONER OF PUBLIC WORKS knew what that opinion would be, and he quite agreed that it was not justifiable in a Government officer to expend money on a Government building without authority for doing so At the same time he thought such a case would not occur again

Mr HUGHES would like to know why the amount should not be stopped The verandah was in the Collector's private garden and not for public use, and he believed it was built by the same officer who had built the Blanche without having any authority for doing so

The COMMISSIONER OF PUBLIC WORKS said if the hon member had listened to his reply to the question of the hon member (Mr Reynolds) he would know that this money was already expended

Mr TOWNSEND understood that the money had been spent without authority, and, in ordinary business, the practice was to make a person pay himself for any expenditure he made without authority He thought the Hon the Commissioner of Public Works must see that if a public officer went out of his way to build a verandah and a skiff he should be made pay for them

Mr HUGHES understood that the gentleman spent the money himself, and he now asked the Government to refund it He thought it should be stopped

Dr WARK moved that the item be struck out

Mr REYNOLDS must come to the rescue of the Hon the Commissioner of Public Works He believed this item would have been brought forward if he had retained office, but he had never promised to pay it He merely meant to take the sense of the House upon the subject, but the principle was so objectionable, that he thought some one should be made an example of

Mr STRANGWAYS enquired whether the sum had been applied for

The COMMISSIONER OF PUBLIC WORKS was anxious to give every information and was sorry if he had failed to convey it The money was expended before he took office, and he had already stated in reply to the question of the hon member for Sturt that he did not approve of an officer spending money without authority The sum was brought before the House in the ordinary way, but if the House persisted in making an example they would have the honor and glory of getting the verandah for nothing He believed that some good would be done by the discussion, and that nothing of the kind would occur again

Mr MILNE thought the House should not consider whether the verandah was wanting or not, but whether an officer should be allowed to expend money on public buildings without authority

Mr SCAMMELL thought they had begun at the wrong end There was an item for the painting and papering of Government House, and several others which were spent without authority, and he thought the parties who had expended these should be held responsible

The SPEAKER ruled that the hon member was out of order in reverting to this subject

Mr BURFORD had no doubt that when the Collector at the Port spent this money he felt that he could afford to do so, but he took the chance of getting it back from the Government (Laughter) He thought they should expunge the item

The item was then put and negatived without a division

The next item was wall round Police Station and Post-Office, Port Adelaide 215*l* 3s 10*d*

The COMMISSIONER OF PUBLIC WORKS said this vote was rendered necessary in consequence of the fire at the Port

The vote was agreed to

The next item, Fencing Frome Bridge-road, on river bank, 140*l*, was agreed to without remark

On the next item, Additions and Alterations to Parliament Houses 1,500*l*

Mr HUGHES wished to know if this was for the completion of the Houses or were they to have an annual vote During the last session it was proposed to have new Parliament Houses with a view to enlarged accommodation It was proposed to apply a large sum for the erection of a Mechanics' Institution, and as the Parliament Houses was not adapted to the use of the hon members he thought it would not be wise to go on spending money for the purpose of making it what it was not when it was built Would it not be well to convert the present Houses into a Public Library and Institute, and commence the erection of new Parliament Houses

The COMMISSIONER OF PUBLIC WORKS replied that this sum was for the repairs, additions, and very great improvements, of which hon members were at present deriving the benefit These improvements had been executed under very careful supervision, and in making them the House had been aided by the valuable advice of the Hon the Speaker The sum had been already expended

The motion was then agreed to

On the next item, New Colonial Store, £1,550,

Mr NEALES would like to know what this store was for, as it was a very short time since they voted that there should be no Colonial Storekeeper He believed that for the interest on this money, at less than 6 per cent they could store all the goods of the Government in the best store in Port Adelaide The Government must be going to turn general merchants (Laughter) The Exchange which he built cost only 1 200*l*, and what did they want of an immense store, with he supposed steeple roofs like the Horse-police Barracks (Laughter) A very small expenditure on the old Colonial Store would answer all the purposes (no, no), but the fact was the Government wanted to create a new establishment They had nearly got rid of the old store, and now they were about to begin on a new one and asked for 1,550*l* without having either a plan or estimate If they voted this they would find next year in the same column a sum of 1,650*l*, and would be

told coolly that the building came to a little more than then was expected

The Commissioner of Public Works said they were not beginning with a new store, for they had passed a vote a few days since for 60l. rent of a store, and the interest of 1 550l at the usual Government rate of 6 per cent would be only 93l The cost was estimated at the rate at which the work could now be done, and there was no danger of any further requisition beyond 1,550l, as he hoped and trusted there would be a saving on the present vote At the same time he did not consider it safe to ask for less, as this was the estimate of the Colonial Architect The building might, however, cost less, as was the case with the Salisbury Court-House, and many other buildings on which there had been a saving The building was intended to be erected near the Police Barracks, North-terrace, and would be a two-storied building, as it was represented, and he believed it was true that a two-storied building was necessary for a Government store, the lower story being a place where packages could be opened and placed upon the floor, and the upper story one in which unpacked goods could be placed on shelves

Mr Reynolds hoped the House would vote a sum for a colonial store, for the suggestion of the hon member (Mr Neales) could not be entertained for a moment The mere going down there for stationery would occupy a number of messengers He hoped the House would vote a sum, whether it was 1,550l or not, for this very desirable object They wanted a store for the large quantities of stationery which arrived here, but not for surplus stores, for he thought they were not worth keeping The neighbourhood of the barracks was, he thought, as good a site as could be chosen It was at first thought to put the building in Victoria-square, but there was not room for one of sufficient size. He hoped if it was placed near the barracks as much money would not be expended on a common store as had been laid out in the decoration of the other buildings in that neighbourhood This 1,550l seemed a large sum, and he thought a very good store might be had for 1,000l

Mr Peake said if the store was to be on the North-terrace near the Police Barracks the objection taken to the old store that it would require a number of messengers to go to it applied also to this one. His first objection was that it was not to be in a proper place, and next he thought the Government could hire a good store in Adelaide, for they were unfortunately unoccupied, for the interest on 1,550l, and the capital would be useful for something else A very good use for the present store would be to put it up to auction sale

Mr Duffield said, whenever the Colonial Store or Storekeeper were mentioned, they heard of stationery He thought it would be better to take tenders for stationery, instead of getting it out from England, and paying £1,550 for a store and the salary of a storekeeper, and he did not know whether anything else would follow On the next page he found a sum of £1,500 for stationery Unless Government wanted the store for some other purpose, it would be better to advertise for stationery to be delivered at the Government Offices, like all other goods, and then it would be procured cheaper

The Commissioner of Public Works said no better reasons could be urged in favor of the store than those of the hon member for Sturt, who was an excellent economist, and who had looked closely into the matter He thought that hon. member's testimony would have been sufficient without any remarks from him There were other things included in the word "stationery" There was a Government Printing Office here, where an immense amount of paper was used, and there was much also consumed in the other offices. As he had said, it was necessary to rent a store in Gresham-street, and make that the Government depot, but it was well known that the Government did not insure their goods, and on this account a store in the city was not considered quite safe There was also a yard required for many things

Mr Dunn had accepted a tender lately for building a store of 80 feet by 40, and of the best materials, for 843l, and it had three windows and five doors He therefore thought 1,500l was too large a sum

At the suggestion of Mr Burford, the motion was here amended by the addition of the words "and enclosure wall"

Mr Reynolds moved that the sum be reduced to 800l

The amendment was lost

Mr Peake moved that the item be struck out

The Speaker ruled that this was not an amendment The hon member's course would be to vote against the motion when it was put

Mr Milne moved that the sum be 1000l

Mr Hughes enquired whether the wall round the building was to be of stone.

The Commissioner of Public Works replied in the affirmative

Mr Hughes would under these circumstances vote for the original motion

After some slight discussion the amendment was put and carried by a majority of six, the numbers being as follows —

Ayes, 17 —Messrs Cole, Duffield, Dunn, Glyde, Hallett, Hawker, Lindsay, Mildred, Milne (teller), Neales, Peake, Reynolds, Scammell, Strangways, Townsend, Dr Wark, Mr Young

Noes, 9 —The Attorney-General, The Treasurer, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Bakewell, Burford, Hay, Hughes, MacDermott

The two next items were agreed to without remark, as follows —Addition to Telegraph Stations, at Mount Gambier and Robe Town, 930l, enclosing sheds at Lunatic Asylum, 140l.

On the next item, New Registry Offices, 4,000l.

Mr Hawker moved that the item be struck out After what they had heard on the previous day that the Bill was only to be allowed to exist on sufferance for one year—No, no) The Attorney-General had said that he would not interfere with it for a year—(no, no)—and, therefore, he thought this motion premature He had frequently gone to see a gentleman at the office, and he never found any one there on business—(laughter)—and, therefore, he thought there was room enough for the business to be done at present.

Mr Strangways would oppose the vote, as the Estimates would be on the table in five or six weeks, and by that time the House would have more information respecting the Act

Mr Reynolds had listened with great interest to the remarks of the hon member (Mr Bagot) on the subject of internal communication, and regretted to see so small a sum for this purpose The Land Fund was likely to be soon exhausted, and they should devote all they could to roads, bridges, railways, and tramways, and the general communications of the country, rather than to costly buildings From the Supplementary Estimates they might strike off £24,000, which, if devoted to the communications of the colony, would be of great benefit

Mr Neales, as he had said on the previous day, had no objection to give fair play to the Bill, but thought the new and old Registration Offices should be combined, and addition made to the old office The new one would then be an uncalled-for extravagance.

Mr Dunn would support the amendment He was not often in the office, but he had been there on that day, and amongst other things Mr Torrens told him that it took one clerk constantly to run from one office to the other But this was better than putting up a costly building

The Commissioner of Public Works appealed to the legal members to point out the inconveniences of the old office The Government was now paying more than the interest on £4,000 for the new office, and considerable room was occupied in the Supreme Court by papers which should all be under one roof

Mr Strangways said as it was the intention to combine the new and old Registration Offices, he would alter the mode of giving his vote. (No, and hear) He was also told that the room now occupied was wanted at the Supreme Court It would be real economy, as they were paying the interest of the money in rent for the new Registry-Office, to vote the sum at once

Mr Mildred—Though a friend to the Act, had felt some hesitation as to his vote until he heard the explanation, He hoped there would be a suitable room for the books and papers, for if a fire were to take place, the consequences would be most disastrous

Mr Bakewell hoped the old system of registration and the new would both be done away with, for he did not know which had done most to prevent a cheap mode of conveyance from being introduced He should oppose the motion, because it was voting money not for a community but for a class The Registrar might boast of his cheap conveyancing whilst his offices and salaries were paid for by Government He could well give conveyances for two guineas, but he (Mr Bakewell) wondered he did not do it for nothing, and then the farce would be complete But they were doing this for the rich class, and the time might come when the poor people in want of employment would ask what was done with the money, and it would be a strong argument for them that the Legislature had voted it away for the benefit of the wealthy

The Treasurer would say, with respect to postponing the item until the Estimates were before the House, that when the Government found they had money in hands which they wished to lay out they made a selection of such works as were most immediately required, and they had chosen this one The building was necessary, and must be put up shortly whether the Act failed or not, for if it failed it should be amended, and some Act would take its place for which a building would be required If the House thought the money could be more wisely expended on a building of more pressing necessity the Government would yield

Mr Strangways said the hon member's argument was that they should put up a building because in four or five years they might have use for it (No, no)

Mr Peake, in reply to the hon member for Barossa, said that if landowners got their conveyances cheap under the new Act, the Government could exact fees from them, and they would have to pay for the useful action of the measure

Mr Hay thought as large an amount as possible should be given to the Road Board He knew the difficulties of travelling on the road, but people also felt the difficulty of the old system of conveyancing, which pressed heavily upon them The hon member for Barossa had said this Act was only for the wealthy, but most of the people were landowners, and the small holders often paid more for their conveyances than the owners of large sections, and therefore this matter was of more consequence to the small holders

The Attorney-General thought the Legislature was not wrong in providing a building to carry out this Act success-

fully He protested against the statement that the present measure was intended for the benefit of one class He objected to many parts of the Act, but he always felt that its object was one in which every one had a direct, an indirect, or a prospective interest It was a feature which distinguished this colony favorably from all the others, that the proportion of landowners was greater, and that there was no man of common prudence and industry who had not a right to believe that he would be an owner of land before he died, and therefore there was no one who was not interested in a cheap and expeditious system of conveyancing The present system was devised, not for a class, but for the community, and if it carried out its object, it would be a benefit to the community It was not fair to distinguish between the landowners and the rest of the community

Mr BAKEWELL was opposed to Mr Torrens's Bill, because it was opposed, in every essential particular, to the Report of the Real Property Commission (Oh, oh!)

Mr TOWNSEND would rather vote the 4,000*l* for roads and bridges

The House then divided, when there appeared—

AYES, 14—The Attorney General, the Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Burfield, Cole, Duffield, Hay, Lindsay, Macdermott, Milne, Peake, Scammell and Dr Wark

NOES, 10—Messrs Bagot, Bakewell, Dunn, Glyde, Hughes, Mildred, Reynolds, Strangways, Townsend, and Young

The original motion was therefore carried

The House then resumed, and the Chairman having reported progress, obtained leave to sit again this day

The House rose at 10 minutes past 5

FRIDAY, SEPTEMBER 10

The SPEAKER took the chair at 5 minutes past 1 o'clock

Mr BAGOT presented a petition from the inhabitants of the surrounding country, praying for the extension of the Northern Line of Railway to Kapunda He also presented several petitions having the same prayer, and one especially, to which were attached 1,153 names The other petitions, conjointly, were signed by about 180 persons He begged also to mention that he had a petition embodying the same plea, but that was written in German, and to ask whether he was in order in presenting a petition to the same effect, signed in pencil by about 450 persons

The SPEAKER considered that a petition, signed or written in pencil, could not be received, as, from the nature of the material with which it was written, it could not be considered an enduring document

PAPERS

The COMMISSIONER OF PUBLIC WORKS laid various papers on the table

The COMMISSIONER OF CROWN LANDS laid a map of Mr Parry's exploration on the table

MONEY ORDERS

Mr PEAKE rose, pursuant to notice, to propose the motion standing in his name—

"That, in the opinion of this House, the introduction into the General Post Office of this province of a Money Order Office—for the transmission of small sums of money, not exceeding five pounds in any one order—is urgently called for, and that an address be presented to His Excellency the Governor-in-Chief, praying him to have placed on the Estimates the sum necessary for the establishment of such Money Order Office in the General Post Office, Adelaide, with branch offices at Port Adelaide, Gawler Town, Clare, the Burra, Kapunda, Mount Barker, Strathalbyn, the Goolwa, Willunga, and Guichen Bay—at this latter port for transmission by seaboard only"

He had had the honor of bringing forward a similar motion to that of which he had just given notice, during the last session of Parliament The system of money orders which he wished to introduce was one of the modern improvements which had been introduced into other countries, as a consequence of the introduction of Railways and the Electric Telegraph The last time he brought forward the motion some honorable members appeared to think that the Banks would give all the necessary facilities for the transmission of small sums of money to the adjacent colonies and to England, and consequently that the money-order system was not needed In answer to that he would refer hon members to the state of things existing in England, and to the amounts transmitted through that branch of the public service—the money order department there Above eleven millions were sent in that manner in 1856, and the net revenue derived from it was £21,000 He did not consider the banking arrangements here sufficient No doubt the plan would entail an addition to the expenses of the Post Office, but yet it partook of the character of a reproductive work and he thought that scarcely any addition to its expenses would arise from the transmission of sums to the adjacent colonies or to Great Britain He trusted the House would take action on the matter, and put the Executive in possession of their views for the purpose of the system being introduced into the colony In order to relieve the minds of hon members of all doubts respecting the money order office paying, he thought it would be well to increase the premium on small sums of money passing through the office. In England the rate was 3s on all sums of £2, and 6d from £2 to £5 He thought that might easily be increased, in the first instance, to 6d on £2 and under and 1s from £2 to £5 He believed that many persons had no possible means of sending small sums of money through the bank in country districts He considered it would be a great convenience also to persons in Adelaide receiving remittances from the country, and he thought, seeing it was a scheme which had produced such beneficial results at home, it ought to be adopted in order that this colony might reap all the advantages possible from the Post Office establishment

Mr COLES seconded the motion

Mr STRANGWAYS would propose as an amendment that after the words "Willunga and Guichen Bay," be inserted "and such other places as might be deemed necessary"

The motion was put and carried

The House resolved itself into Committee

The COMMISSIONER OF PUBLIC WORKS said, it was quite practicable to introduce the money order system into the Electric Telegraph Department, and thought it would conduce very much to the income of that department The Surveyor of Telegraphs was quite convinced he could carry out the plan, and was anxious to try it, and the Government would have no objection that that should be added to the motion It was a financial question, and if any unforeseen difficulties occurred the nature of the difficulties would be submitted to the House

Mr DUNN would move that the amount of money transmitted by the money order system be 10*l* He thought 5*l* in England would go as far as 10*l* here, and he should propose therefore, the amount being fixed at 10*l*, instead of 5*l*

Mr MILNE hoped that if this motion were carried the Government would not go to any serious expense If it could be carried out at a moderate expense he could not see any objection

Mr BAGOT hoped that before the motion was passed the Government would make enquiries as to its practicability If the money order system were introduced it would increase expenses At present they were asked to vote in the dark, and he thought enquiries should be made in order that the House should have some guide as to the expense He thought it would be a great advantage to the colony unless it increased too much the expense of the Post Office Establishment There was great difficulty in transmitting small sums now, and many persons used postage stamps for that purpose He, himself, had an accumulation of postage stamps which he would be glad to get rid of

The ATTORNEY-GENERAL said, to make enquiry as to the probable expense would be the duty of the Government, and they would only request His Excellency to place such a sum on the Estimates as might be required to carry out the plan But as this resolution, if carried, only assumed that some action had been taken, the House would not be committed to any particular course. There could be no reasonable objection to its being part of the system if it could be carried out at a reasonable cost The Government would take the earliest means of obtaining information on the subject, and would lay it fully before the House

Mr PEAKE, with reference to what the member for Mount Barker (Mr Dunn) had proposed, said he should not like to adopt that suggestion for the following reason, that it would not be advisable to increase more than could be avoided the expenses of that department, and as the extension of the amount to 10*l* would have that effect, he thought it inexpedient He thought the proposal of the Commissioner of Public Works, to extend the operations of the system to the telegraph, would be an advantage His object had been to bring the matter under the notice of the House, and to move it into action, and, therefore, he should leave it with the Executive after the House had expressed its opinion, and he trusted they would bring it into substantial action when they brought the next Estimates under the notice of the House

Carried

The CHAIRMAN reported progress

The House resumed, the report was brought up and adopted.

WATER SUPPLY AND DRAINAGE

The COMMISSIONER OF PUBLIC WORKS had to ask leave of the House to introduce "A Bill intituled an Act to amend and consolidate the Acts providing for the Water Supply and Drainage for the City of Adelaide" He might state that the Bill had been very carefully prepared, and had received considerable attention from the late Commissioner of Public Works, and from himself It had been submitted to the revision of the Attorney-General, and some alterations had been submitted by the Waterworks Commission, which would prevent his laying the Bill upon the table immediately, if he had leave to introduce it Every member would be acquainted with the Waterworks Act passed during the last session of the old Legislature In it several defects had been discovered and it was to remedy those and to introduce a scale of charges, which, while they gave to every person in the city good water at a low rate, did not press unequally upon the consumers It was not an amendment of the old law but an entirely new Act He, therefore, asked leave to introduce it

The ATTORNEY-GENERAL rose to second the motion of

the Commissioner of Public Works, and would only state that at the time the original Act was passed very strong objections were raised, especially on the part of the trading community of Adelaide, as to the unfairness of the principle of rating then adopted. In the original Bill it was proposed to levy a rate in proportion to the size and value of the property. But it was felt to affect very seriously the value of buildings used for purposes of trade only, where the consumption of water was the least. The Government gave a pledge that the subject should be considered, so that before the Act came into operation they might be prepared with an amended scheme, and the rate proportioned as closely as possible to the quantity consumed; and should it appear that there had been defects in the proposed system, they would be amended. He trusted the scheme to be proposed would receive the careful consideration of the House.

Leave was given.

ERECTION OF COURT-HOUSE AT WOODSIDE

Mr MILNE, understanding that the Commissioner of Public Works had laid on the table of the House papers referring to his first question, would content himself with asking why the erection of the Court-House at Woodside was not being proceeded with?

The COMMISSIONER OF PUBLIC WORKS stated that tenders had been called for last Tuesday for the work alluded to, and he believed they would shortly be received.

Mr TOWNSEND asked if the site was decided on?

The COMMISSIONER OF PUBLIC WORKS said it had been agreed to.

MR BABBAGE

Mr HUGHES wished for a return showing the distance Mr Babbage had travelled into a previously unknown country.

The COMMISSIONER OF CROWN LANDS had laid a map on the table showing the track of Mr Babbage.

Mr HUGHES had looked at the track as described in the map, but could trace no country there not previously known.

RAILWAY MANAGEMENT

Mr PEAKE asked the Hon the Commissioner of Public Works (Mr Blyth) whether an Engineer was employed by the late Commissioner of Public Works (Mr Reynolds) to inspect the locomotive engines in use on the South Australian Railways, the name of the Engineer so appointed, and what remuneration (if any) was paid for such report, and whether the Hon the Commissioner of Public Works (Mr Blyth) will lay such report on the table, with any correspondence of the Railway Commissioners or their Engineer relating thereto, and also the contingent on the motion standing in his name, No 6 for Friday, 10th September, whether the Surveyor-General is not the Inspector-General of Railways, and, if so, whether he had been requested to report upon the locomotive engines in use on the South Australian Railways, or had been consulted on the subject, and, if so, on whose authority another officer was employed and paid.

The COMMISSIONER OF PUBLIC WORKS stated, in reply, that Messrs Ingram and Co, were employed to inspect the locomotives on the South Australian Railways by the late Commissioner of Public Works. The examination was 52*l* 10s. He would lay the papers on the table and any correspondence on the subject. With regard to the contingent question, he might say the Inspector-General of Railways was also Surveyor-General. The Surveyor-General was a Captain in the Royal Engineers.

PENSION TO MRS PETRIE

Mr HALLETT asked leave to amend the motion standing in his name, and to add the words "not exceeding 100*l* per annum."

Mr PEAKE seconded the motion.

Leave was given.

The House resolved itself into Committee.

Mr HALLETT in moving the resolution which stood in his name, read extracts from several letters respecting Mrs Petrie. He said he did not feel it necessary to eulogize Captain Flinders, for the colony had paid a tribute to him in naming several streets, houses and districts after him. It was well known that he was taken prisoner by the French, suffered much both in body and mind, and no doubt his death was hastened in consequence. The Legislature of New South Wales, had granted Mrs Petrie a pension. He (Mr Hallett) had referred to the volume of debates of the Legislature of New South Wales in the library, and found that it was in 1853, and it was followed by a similar vote of the Legislature of Victoria. He urged upon this Government to follow that course on account of her narrow circumstances, rendering it impossible for her suitably to educate her child.

The TREASURER wished to know what amount was granted in New South Wales.

Mr HALLETT said that the Government of New South Wales gave her £100.

Mr HART seconded the motion.

Mr MILNE would be better pleased if a sum of money were given at once rather than a pension.

Mr BAGOT quite agreed with Mr Milne. He should be willing to present Mrs Petrie with £500, but objected to the principle of burdening the Estimates with a pension list, which would have a tendency to increase.

Mr BURFORD could not agree to the motion. He was sorry his views did not coincide with the advocates of these humane propositions. He did not approve of annuities, and had no doubt that while engaged in these explorations, Captain Flinders was well remunerated by the British Government. If this were granted, there would be nothing to prevent some descendant of Captain Cook's from receiving similar consideration. He must therefore vote against it.

Mr NEALES thought that in trying to prove his case, the mover had proved too much. Mrs Petrie was in receipt of about as much as the half-pay of a major in the army. He thought this was not a case in which the public money should be given away. He thought the discovery of South Australia was made almost as much by the French as by the English, as they met together at Encounter Bay. Mrs Petrie was in receipt of 200*l* a year, and though her husband was in delicate health, as he was a professional man, no doubt he was able to add something to that. He was not inclined to accede to the proposition.

The question was put, and the Chairman said the noes had it, and a division being demanded, there appeared for the motion—

AYES, 7.—Messrs Bagot, Hallett, Hart, Hawker, Hay, Lindsay, and Peake.

NOES, 20.—The Attorney-General, the Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Andrews, Burford, Cole, Duffield, Dunn, Glyde, Harvey, Hughes, McDermott, Mildred, Milne, Neales, Reynolds, Strangways, Townsend, and Young.

Motion accordingly lost.

The CHAIRMAN to report, and the House resumed.

Mr BAGOT moved—

"That there be laid on the table of this House an approximate return of the number of acres of sold land at a distance not exceeding 15 miles on each side of a proposed line of railway from Section 112, through the Valley of the Gilbert, to the Burra."

And also—

"That there be laid on the table of this House an approximate return of the number of acres of sold land at a distance not exceeding 15 miles on each side of a proposed line of railway from Section 112, Hundred of Light, to the proposed terminus near Kapunda, and on to the Burra."

He (Mr Bagot) moved for those returns with reference to the returns moved for by the hon member for Victoria. In that district a return was made of the unsold land, but he wished to know what number of acres were sold.

Mr HAWKER would second the motion, for he wished every information to be given to the House. He had advocated the line through the Valley of the Gilbert, because he thought it was the best line for traffic to the North.

Agreed to.

Mr NEALE'S moved—

"That the petition of John Thompson, coal-miner, presented on 8th September, be printed."

"That the petition of the 250 inhabitants of Adelaide, respecting the petition of John Thompson, coal miner, be printed."

Agreed to.

POSTPONEMENT OF SUPPLEMENTARY ESTIMATES

The TREASURER, before the Speaker left the chair, would ask that the further consideration of the Supplementary Estimates should be deferred until the Government were able to lay before the House all the information that was required in reference to the Government House and furniture. He therefore moved for the leave of the House to take the Supplementary Estimates into consideration, on Thursday next. In reply to a question respecting the nature of the returns to be given, he said they would consist of the cost of Government House, distinguishing the amount expended each year, with particulars of furniture and decorations for five years, distinguishing the expenditure for each year.

The ATTORNEY-GENERAL intimated that the Government were desirous to give every information.

Mr HUGHES suggested that the five years should be struck out, that the House might know the whole of the cost.

The ATTORNEY-GENERAL thought it would be found among the records of the House. There were returns of the expenditure in the Government House to 1851, so it would save the necessity of going further back.

MILITIA

Mr REYNOLDS, with the permission of the House, would ask the Attorney-General if he was in a position to answer the question previously put to him in regard to the Militia Bill.

The ATTORNEY-GENERAL.—The question is not on the motion paper.

Mr REYNOLDS only wished to know if the Bill was still in operation, and whether under its provisions a militia force could be organised.

[Mr BAGOT, during the time the Attorney-General was referring to the Act, stated that some remarks made by Mr Burford had been attributed to him in one of the papers, a compliment which he had no desire to appropriate.]

The ATTORNEY-GENERAL said the Militia Bill was still in force, and could be brought into operation at any moment by notice being given according to the last clause, which enabled the Governor to bring it into operation when necessity arose.

Mr STRANGWAYS, by permission, asked the Treasurer the question, which had lapsed, and which was on the motion

paper, namely, whether the Returning Officers had been paid their charges in connection with the late registrations and preparation of the rolls, if not, the reason of the delay, and also whether any misunderstanding existed between the Returning Officers and the Government as to the mode in which their bills should be counted, with reference to the number of figures which composed a word, and whether the Returning Officers were not led to believe from a circular addressed to them by the Returning Officer of the province, that if their accounts were forwarded, made out according to the form he enclosed, the Government would order the payment The accounts had been, he understood rendered as requested, but the question was, whether the statements rendered in figures should be counted as if they were rendered in words

The ATTORNEY-GENERAL believed there was a misunderstanding between the Returning Officers and the Government with regard to those charges, but was unable to say how it had risen He was not aware that the accounts were sent in, according to any form forwarded by the Registrar There was no desire on the part of the Government to give less than a fair remuneration for the labor performed In regard to the first question, the last clause of the Electoral Act provided a certain scale of charges for the remuneration of certain officers of sixpence a folio of 72 words for copying Had they charged that no objection would have arisen, but they had also charged for copying the Electoral Lists at that rate, and they charged each figure as a word The words of the Act are, "they shall receive remuneration according to the schedule and no other" Those were the express words of the Act Had the sum voted for the expenses incurred been insufficient, and had a fair charge been made, the Government would have been justified in entertaining it, relying on the House to do the small act of justice of voting the amount, but when the Government were asked to pay for every copy prepared in that way—when the amount was estimated not according to the express letter of the Act, the Government doubted whether they were justified in sanctioning such an item, and the amount remained unpaid

THE MUNICIPAL CORPORATION

The ATTORNEY-GENERAL laid upon the table, in accordance with the provisions of the Corporation Act, a return showing the receipts and expenditure of the Corporation of the City of Adelaide, to the 31st December, 1857

NEW STANDING ORDERS

Upon the motion of the ATTORNEY-GENERAL the House resolved itself into Committee for the consideration of the New Standing Orders The hon gentleman suggested that the marginal note only should be read by the Clerk, and the Chairman, in reply to a remark made by Mr Burford, stated that he had marked all those clauses which were mere transcripts of regulations in force in the House of Commons

Some doubt having been expressed whether the mere reading of the marginal note would afford sufficient information to the House as to the intent of the clauses

The ATTORNEY-GENERAL said he was quite prepared to adopt any plan which it was thought would economise time It was probable that hon members had made themselves tolerably well acquainted with the new Standing Orders, and he thought they might even pass a whole chapter at once, omitting those clauses upon which any difference of opinion existed

Mr STRANGWAYS, before proceeding with the Standing Orders, wished to ask the Attorney-General whether it would not be better that a Bill should be introduced defining the powers of the Legislature, or of that House He apprehended that the Standing Orders were founded to a great extent upon those of the Imperial Parliament, but it had been decided by the Privy Council that the privileges of the Imperial Parliament did not attach by analogy to the local Legislatures If the Standing Orders were passed as they at present stood, the House would find that they had adopted many which they had no power whatever to enforce

The ATTORNEY-GENERAL had been looking for the English Act, under which that Legislature was constituted, but unfortunately it was not upon the table of the House, or he could have shewn the hon member that Standing Orders passed by that House, and receiving the assent of the Government, became law Whatever privileges the House chose to give themselves, if they received the assent of the Legislature and the Governor, they became law, but it would be well, after the Standing Orders had been passed, to pass an Act for the purpose of removing all doubts as to the privileges which they claimed The Government intended so soon as the Standing Orders were passed, to introduce a Bill for the purpose he had stated

It was determined that the marginal note only should be read, and the various clauses were passed without comment, up to clause 12 in the second chapter, the marginal note of which was "Decision between two candidates for the Speakership,' and the clause itself as follows —

"The question shall then be put by the Clerk, that the member first proposed 'do take the chair of this House as Speaker,' and if the question be resolved in the affirmative, the member shall be conducted to the chair, but, if in the negative, the question shall then be put by the Clerk, that the member next proposed, 'do take the chair of this House as Speaker,' and, if it be resolved in the affirmative, that member shall be conducted to the chair"

Mr NEALES remarked that it appeared to him by this clause, if there were three candidates a poll could be demanded, but if there were only two, the decision would be *viva voce* In any other matter it was competent for any member to call for a division, but in reference to the Speakership it appeared, for instance that if A were declared by the Clerk to be duly elected, there was no power for the friends of B, another candidate, to call for a division

The CHAIRMAN said this was provided for

The ATTORNEY-GENERAL considered if there were any doubt upon the point it would be as well to make it clear He apprehended that the meaning was, that the matter should be decided according to the rules of the House If it did not say that it could only be determined by the apparent preponderance of ayes and noes, that is, that no division could be called for, the obvious meaning was that the question should be decided as all other questions were, by the rules of the House

Mr NEALES thought that by implication the difficulty did arise under the 13th clause

Mr MILNE said that in the one case, even if there were a division, it would be in the ordinary way, whilst the 13th clause appeared rather to contemplate the course adopted in the appointment of a Select Committee, partaking to some extent of the nature of a ballot The difficulty he thought would be got over by excluding the 12th clause altogether, and introducing in the 13th clause in the first line—"in the event of there being more than *one* member" instead of two as at present

Mr PEAKE considered there was a great deal of force in the observations of Mr Milne It was very desirable he considered, when a difference of opinion existed as to the merits of gentlemen who were candidates for the Speakership, that hon gentlemen should be allowed to vote by ballot He was very much inclined to support the hon member's view

The TREASURER apprehended the meaning of the clauses as they at present stood was, that where there were only two candidates, the question would be determined in the usual way by the predominance of the ayes over the noes but if a division were called for, he saw no objection to the ballot being then resorted to, so that members would not be compelled to arrange themselves on one side or the other When there were three or more candidates, it appeared to him there was no alternative but to have recourse to the ballot, as if the question were to be determined by the ayes and noes, it was clear that the Speaker would have to put the question several times over

The COMMISSIONER OF PUBLIC WORKS wished that the suggestion of Mr Milne would meet with the concurrence of the House, as it would simply affirm that the election of Speaker would be by ballot The general feeling of the House was, he thought, in favor of such a course

Mr GLYDE pointed out that if the suggestions of Mr Milne were to be adopted, it would be necessary to make an alteration in the 11th clause

The CHAIRMAN said that both the 11th and 12th clauses had been copied from Orders of the House of Commons

The ATTORNEY-GENERAL thought that all the House should look at was that such a Standing Order was adopted as would ensure the election of Speaker by the free vote of that House Perhaps it would be as well, as it appeared to be the general feeling of the House, that the 11th clause should be altered so that the first line should read "if two or more members," instead of as at present —

"If two members be proposed as Speaker, a motion shall be made and seconded, regarding each such member 'That Mr —— do take the chair of this House as Speaker,' and each member, so proposed, shall address himself to the House"

The clause was ultimately altered so as to read in the commencement "if more than one member," and in this form was carried, the 12th clause being struck out

Some discussion took place upon the 13th clause, as follows —

"In the event of there being more than two members proposed and seconded as Speaker, each member of the House shall deliver to the Clerk, in writing, the name of the candidate whom he considers the most fit and proper to be Speaker of the House, and the candidate who has the greatest number of votes shall be the Speaker, provided he has also an absolute majority of the votes of the members present, but if no candidate has such absolute majority, the name of the candidate having the smallest number of votes shall be withdrawn, and a fresh ballot shall take place, and this shall be done as often as necessary, until one candidate is declared to be elected as Speaker by such absolute majority"

Mr REYNOLDS thought that where there were two candidates the ballot should be adopted

The ATTORNEY-GENERAL moved that the clause commence "In the event of there being more than one member," and that the words "between two or more candidates," be introduced in a future portion of the clause

The clause, as amended, was agreed to, and subsequent clauses up to 18, which provided that "A member returned at other than a general election should be introduced to the House by two members"

Mr GLYDE did not consider it advisable in so small a House that such a regulation should exist It was quite pos-

sible that an unpopular man might be elected, and that he could not find two members out of the 35 disposed to introduce him, and consequently he would be unable to sit.

Mr NEALES remarked that when Mr Wilks was returned for the second time for Middlesex, two very brave men brought him in, and in the House of Commons, there being 650 members, there was of course less difficulty in finding two members to undertake the task than in so small a body as that House. This was one of the instances in which he thought it undesirable to follow the practice of the House of Commons.

Mr REYNOLDS thought if this clause were not adopted the House might be placed in a very awkward position, as a person might walk in who was unknown to any hon. member, and represent that he had been duly elected, though such might not prove to be the case. He certainly thought there should be some introduction.

Mr GLYDE suggested that an introduction by the Clerk of the House should be sufficient.

Mr BURFORD thought as it was a mere formal matter that the Sergeant-at-Arms would be the better party.

The TREASURER said that, in the first instance, he had felt at a loss to determine why a party having been duly elected by a constituency should require an introduction by any one. He imagined there could be no other motive than to identify the individual. Such was the custom in the House of Commons, where, of course, from the number of members, there was greater difficulty in the identity than in a small assemblage. It was possible that a stranger, bearing the same name, perhaps, as the successful candidate named in the writ, might introduce himself, and to guard against this he would move that an introduction by one member be sufficient.

The clause as amended was agreed to.

Clause 19 provided that members seated upon petition need not be introduced.

Mr GLYDE asked why this provision was made.

The CHAIRMAN said it was the rule of the House of Commons.

Mr GLYDE objected to the rule of the House of Commons being followed in this instance. It was just as necessary that members seated upon petition should be introduced as others.

The CHAIRMAN explained that it was considered when members were seated upon petition that they had already appeared before the House.

The ATTORNEY GENERAL thought the fact of the rule having been found necessary in the House of Commons, was a *primâ facie* reason for its adoption here till some ground had been shown for it not being adapted to the local Legislature. He did not say that they were bound to adopt all the regulations of the House of Commons.

Clauses to 28 inclusive were passed.

Clause 29 provided—

"The Chair shall be taken on every day fixed for the meeting of the House, as soon after the time appointed as a quorum shall be present, but if, at the expiration of a quarter of an hour after that time, there be not a quorum, the Speaker shall declare the House adjourned to the next sitting day, or, if the Speaker should also be absent, the House will stand adjourned to the next sitting day, the names of the members present, in either case, being entered in the Journals."

Mr PEAKE considered the latitude of a quarter of an hour insufficient. It was known that most of the members had a good deal of private business to attend to, and he thought it would be tieing them up too tightly to compel them to attend within 15 minutes of an hour.

Mr STRANGWAYS moved that half-an-hour's grace be allowed.

The ATTORNEY-GENERAL said his feeling was that the House should meet at some fixed hour, that the Speaker should then take the chair, and if there were not the requisite number of members present the Speaker should immediately adjourn. If the position of hon. members were such from having notices of motion on the paper or other circumstances as involved them in the necessity of attending the House, they run the risk of losing a large amount of time. He had frequently attended the House at the appointed hour of meeting and had waited for 20 or 25 minutes in a state of uncertainty as to whether a House would be formed or not. Whatever time were fixed for meeting there should be as brief a period as possible before the chair was taken, and the House adjourned if there were not a sufficient number of members present.

The clause as originally proposed was passed.

In reference to a subsequent clause, relative to the appointment of tellers, the CHAIRMAN, *in reply to Mr Strangways*, stated that the tellers were appointed either by the Speaker or the Chairman of Committees, upon a division being called for.

The TREASURER thought the House had inadvertently passed the 31st clause, which was as follows:—

"When the attendance of the House in the Council Chamber has been desired, the House, on its return, will proceed with business, although less than a quorum be present, until notice be taken thereof."

The House might not be required to attend at the Council Chamber but at Government House, as the Governor could require their attendance anywhere. He moved an alteration of the clause, so that the wording be "when required by the Governor."

The amendment was assented to.

Mr GLYDE wished to amend the clause, which was so worded that it was possible hon. members who were punctual in their attendance might be required to stop in the House all night, and during the next day. (Laughter.) The clause was as follows:—

"A member having entered the Chamber after the time appointed for the meeting of the Assembly shall not be permitted to withdraw prior to a House being formed and the Speaker taking the chair."

The CHAIRMAN said if there was not a sufficient number of members present to constitute a House, there would of course be an adjournment, and then all who were present would be at liberty to depart.

Mr GLYDE denied that any such construction could be placed upon the clause as it at present stood. It distinctly stated that no member would be permitted to withdraw prior to a House being formed, and the Speaker taking the chair.

The CHAIRMAN said there was the same rule in the House of Commons and that no difficulty arose in practice.

Mr STRANGWAYS could not see why the rule of the House of Commons should be followed in this particularly, as there a very small proportion of the entire number constituted a quorum, but here the case was different. In the House of Commons, cases had been known in which members had been locked up for several hours.

The CHAIRMAN said the hon. member was in error. It was impossible for members to be detained more than a quarter of an hour. In the House of Commons at a quarter to four o'clock, the time fixed for the meeting of the House, the Speaker went to prayers and if there were not a House at 4 o'clock, an immediate adjournment took place.

The clause as proposed, and the intervening clauses, up to 42 were passed.

The 42nd clause provided:—"Every member shall attend the service of the House, unless leave of absence be given to him by the House."

Mr BURFORD asked what was meant by the "service of the House?"

The CHAIRMAN—The sittings of course.

Mr STRANGWAYS moved that the whole of the clauses from 43 to 47 be struck out, the subject to which they related being provided for in the Constitution Act. They were as follows:—

43. "No member, during the session, shall absent himself for more than fourteen days at a time, without an express leave of absence from the House, and any member wilfully infringing this order shall be held guilty of contempt."

44. "Leave of absence may be given by the House to any member, for any sufficient cause, to be stated to the House."

45. "Notice shall be given of a motion for giving leave of absence to any member, stating the cause and period of absence."

46. "A member shall be excused from service in the House, or on any Committee, so long as he has leave of absence."

47. "Any member having leave of absence, shall forfeit the same by attending the service of the House before the expiration of such leave."

The CHAIRMAN said the Constitution Act related merely to an absence of two months by which he vacated his seat, but these clauses related to less periods.

The COMMISSIONER OF PUBLIC WORKS thought 14 days rather short notice, 30 days would, he thought, be better. Two months under the Constitution Act involved loss of seat, but a more serious matter was involved in the present clause, as members were guilty of contempt. He suggested 21 days instead of 14.

Mr REYNOLDS was in favour of the proposition to extend the time, as hon. members might inadvertently be guilty of contempt, and would be handed over to the Sergeant-at-Arms.

Mr STRANGWAYS moved that the clauses be struck out, as they had really no power to enforce their provisions until an Act had been passed by both Houses of Legislature and had received His Excellency's assent.

Twenty-one days were inserted in clause 43, instead of 14.

The TREASURER suggested that there should be another amendment by which a member would receive notice that unless he attended on such-and-such a day, he would be deemed guilty of contempt.

The ATTORNEY-GENERAL remarked that if the hon. member, Mr Strangways, questioned the power of the House to make and enforce these Standing Orders, he had merely to refer to the Constitution Act, by which it would be seen that Standing Orders passed by that House had the force of law when assented to by the Governor.

Mr STRANGWAYS apprehended that that House had no right by a Standing Order to affect the liberty of the subject. The only way that could be done, was by an Act passed by both branches of the Legislature, and assented to by the Governor. If the clauses were passed, the House would be unable to enforce them, for the Privy Council had decided that the privileges of the Imperial Parliament did not attach by analogy to local Legislatures.

The clauses referred to, and subsequent clauses to 55, inclusive, were passed as printed.

Clause 56 provided that members should be entitled to retain the seats occupied by them at the time of the Speaker taking the chair at the commencement of the session.

Mr MILNE would like some alteration in the clause, which led to a regular scramble for the best seats. Because some parties did not happen to be present at the opening of Parlia-

ment, they lost the seats which they had previously occupied. He moved as an amendment that "Parliament" be substituted for "Session," which at all events would make the scramble less frequent.

Mr. REYNOLDS supported the proposition, which he believed was in accordance with a regulation during the existence of the old Legislature. He was not aware that there were always scrambles for seats, for he thought he occupied the same which he had held for two sessions.

The TREASURER thought the clause would do very well, as it was because the amendment would only have the effect of making the scramble once in three years instead of every session. He did not think that the loss of an accustomed seat was likely in every instance to result from the absence of a member at the opening of Parliament.

Mr. BURFORD thought it better to let the clause remain as it was, as it would secure a good attendance of members at the opening of Parliament.

Mr. NEALES was decidedly in favor of the proposed amendment, substituting Parliament for Session. The effect of the clause as it at present stood would be that in the scramble the most powerful men would get the best seats.

The ATTORNEY-GENERAL said there was one advantage in the proposed arrangement that the old members would, by seniority, get into the first places, and it was not undesirable that they should attain such a distinction.

Mr. HAWKER wished to know when it was intended to take action upon this clause.

The CHAIRMAN said not till after the present Parliament.

The clause was amended by the insertion of "Parliament" for "Session," also the succeeding clause.

Clause 63 provided that no member should read any newspaper, book, or letter, in his place unless in addressing the House.

Mr. NEALES strongly opposed this clause, remarking that it appeared to him it would have the effect of preventing hon. members getting the information which they required in addressing the House. There were many members of that House whose other avocations would not permit them to devote their whole time to legislation, and to say that they should not have a paper of any kind to consult when in the House appeared to him to be shutting up the schoolmaster altogether. He had no objection that the matter should be left to the discretion of the Speaker, who would, of course, prevent hon. members from drawing caricatures or reading song-books—(laughter)—but it would be very hard to say that they should not read up for the purpose of assisting them in addressing the House. He did not say that a member should be permitted to sit down and read three volumes of the last novel, but this resolution or standing order would actually prevent a person from reading "May" in the House.

The CHAIRMAN said that at the discretion of the Speaker an hon. member was allowed to read a paper when addressing the House.

Mr. NEALES thought it desirable that members should be allowed to read newspapers at all times.

Mr. STRANGWAYS said if there was no intention of acting upon the clause he would move that it be struck out.

Mr. PEAKE moved that the clause be struck out. It was said that hon. members should not be allowed to refer to books for the purpose of information. There were other things certainly more objectionable—such as eating biscuits and taking luncheon in the House. It was much more reasonable that mental refreshment should be going on than the refreshment in which some hon. members indulged.

Mr. HAWKER supported the striking out of the clause. As the previous speaker had said mental refreshment was occasionally very much needed in that House. On the previous day an hon. member addressed the House seven times on the same subject, and after that a new novel, or even an old one, would have been acceptable mental refreshment. (Laughter.)

The CHAIRMAN said it was a rule of the House of Commons that no member should read any newspaper, book, or paper in his place unless in addressing the chair.

Mr. NEALES considered this was a case which the rule of the House of Commons did not apply. There members could go to the library and refresh their memories for any motion which was about to be brought forward. It was notorious that in the House of Commons there were whippers in for both sides, and there was no fear of a question being passed over during the absence of any hon. member who took an interest in it, but here, if a member absented himself for a few moments, the question in which he was interested might be disposed of.

The clause was struck out.

The 64th clause referred to the admission of members of Council and other strangers below the bar of the House.

Mr. GLYDE asked if it was intended that no strangers should be admitted except by the Speaker's order. On interesting occasions many might be desirous of obtaining admission to the interior of the building.

The CHAIRMAN said that upon such occasions, if the House wished, space would be reserved.

The ATTORNEY-GENERAL considered that the House belonged to the Legislature, and that the House had a perfect right to carry their wishes upon the subject into effect.

The clause was carried, also the subsequent clauses of the chapter.

The clauses of the succeeding chapter, relating to the arrest of members and others for contempt, being read,

Mr. STRANGWAYS moved that the whole of the clauses be struck out, as it was clear, if they were carried, the House had no power to enforce them. If such clauses were introduced, they might witness such scenes in the House as had been witnessed in the Legislature of Van Diemen's Land.

Mr. BURFORD apprehended that to carry out the views of the hon. member for Encounter Bay it would be necessary to strike out the first clause of the Standing Orders relative to following the custom of the House of Commons.

Mr. NEALES remarked that that clause was qualified by the insertion of the words "so far as applicable." The case of Dr. Hampden showed that they had no such power as that mentioned in the clauses under discussion, and it would be bringing the House into contempt to pass clauses which they had no power to enforce. The point might be tested by the very first witness who was summoned to attend; he might say that he wouldn't, and he needn't if he didn't like. He hoped the House would keep within the scope of their powers, as the papers in the case of Hampden had actually been laid upon the table of the House as a caution to them.

Mr. BURFORD did not consider the case of Hampden a parallel one. In that case he believed the Legislature wished to interfere with a department under the Imperial Government, and with which they could not interfere. (No, no.)

The ATTORNEY-GENERAL regretted very much that the decision of the Privy Council in Hampden's case had not been printed, as he thought it would clearly show that the House could exercise the privileges which it claimed by these clauses. Whilst the House had a perfect right to take steps to prevent any interference with its proceedings, it had no right to treat as contempt what did not affect the proceedings of the House in the absence of any special law giving that power. The clauses under discussion referred to matters affecting members of the House, or the conduct of strangers within the walls of the House. The House had no right as in the case in Van Diemen's Land referred to, to send a summons to a distance and treat as guilty of contempt the party disobeying it.

Mr. STRANGWAYS contended that in the decision of the Privy Council it was distinctly stated that the privileges of Imperial Parliament did not apply to colonial Parliaments. The clauses which they were called upon to adopt were founded upon the privileges of the Imperial Parliament; but it was quite clear, if they did not possess those privileges, they could not possess the power. The Attorney-General had entirely omitted this portion of the decision of the Privy Council.

The ATTORNEY-GENERAL said the essential part of the decision of the Privy Council was that local legislatures did not possess adjudication upon cases of contempt committed out of doors. It was admitted that if the contempt had been committed within the walls of the House so as to affect its proceedings, the House would have power to deal with the contempt. It was idle to argue from the decision of the Judicial Committee that the House did not possess those powers which any Court of Judicature possessed to ensure the ordinary mode of procedure within its walls. Neither that nor other legislatures could be disturbed in what was necessary to secure the orderly conduct of its business. If, for instance, any stranger were to interrupt the proceedings of the House it would be quite competent for the Speaker to order him into custody, and the seizure would be upheld by the Supreme Court and the Privy Council. In the case of Hampden, the Legislature depended on the privileges of the House in the absence of any laws. The Legislature of Van Diemen's Land claimed the privileges inherent in the Imperial Parliament, and the Privy Council decided that it was not so, but the Constitution Act of this colony enabled the House to make Standing Orders for the ordinary conduct of its business. It was distinctly stated that such Standing Orders, upon being assented to by the Governor, should have the force of laws. The decision of the Privy Council had no bearing whatever upon the Standing Orders, but the power conferred by the Constitution Act was to be exercised by the concurrence of the Governor and Legislature.

Mr. MILNE said the object of summoning Dr. Hampden before the Legislature of Van Diemen's Land was to make enquiries from him relative to the management of the Convict Department—a department exclusively under the control of the Imperial Parliament, and which the Legislature of Van Diemen's Land had no control over.

Mr. NEALES must persist in thinking and stating, notwithstanding all that had fallen from the Attorney-General, that the 72nd clause referred to precisely such cases as Hampden's. Hampden refused to attend and it appeared there was no law to compel him. He could not place upon the Constitution Act the construction which the Attorney-General had. He could not understand from that Act that the House could make Standing Orders to have the force of law upon receiving the assent of the Governor. If so, it was clear they could legislate without the other House. The 72nd clause never could be carried out. Summons a witness, let him refuse to attend, and the House could not compel him.

The ATTORNEY-GENERAL said Hampden's case arose from the Legislature of Van Diemen's Land assuming that they possessed the powers of the House of Commons. The Legislature of that colony did not say that they possessed power to

make Standing Orders, but the mere fact of their being constituted a Legislative Council conferred upon them the powers and functions of the Imperial Government He had always claimed the right of enforcing the Standing Orders which were adopted by the House and assented to by the Governor

Mr STRANGWAYS contended that the Constitution Act conferred upon them the power of making Standing Orders for special purposes and special purposes only They had no power whatever to introduce any penal clauses, but merely such as were essential for the regulation of business The House had no power to deal with cases of contempt, except as any other body would, by giving the aggressor into custody, and allowing him to be dealt with by the police The hon member concluded by reading the clause in the Constitution Act relating to the power of the House to frame Standing Orders

Mr BURFORD would be sorry to have recourse to the machinery of the Police Court, to punish either members or strangers If they had not power to frame regulations for their protection in conducting the business of the House, he considered that they ought to have, and that they should be enabled to hand offenders into the custody of the Sergeant-at-Arms, or some other official He had heard no sufficient argument against the clause in question

Mr REYNOLDS said that whatever power they might have to make the regulation, they would find some difficulty in carrying it out, as they required some times to summon members of the other branch of the Legislature, and had these hon members when called on refused to come, they would be guilty of a contempt, and hence a great practical difficulty would arise. There was no necessity for such a clause, and therefore he should oppose the motion

The CHAIRMAN stated that when it was desired to examine members of the other House, a message was sent asking leave of the House to examine them

The ATTORNEY-GENERAL said the hon member had properly spoken of these as the Standing Orders of that House and not as he had supposed of the Legislature generally He apologised to the House for having fallen into this misapprehension (Laughter) He had thought these Orders were for the regulation of the business of Parliament, and he quite agreed with the hon member (Mr Strangways) that they had no power in the matter

Mr REYNOLDS was glad that the hon the Attorney-General had been enlightened upon this matter, as from the lucid manner in which that hon member had argued upon it, he (Mr Reynolds) was disposed to go with him

The ATTORNEY-GENERAL trusted hon members would admit that he never pressed his views when he found that he was in the wrong He always admitted his error

Mr NEALES thanked the hon the Attorney-General for his very satisfactory statement on the subject

Clause 72, constituting the refusal by a witness to attend a contempt of the House, was struck out

On chapter 77 —"Fees for arrest and commitment"—

Mr MILDRED asked how the fees payable to the Sergeant-at-Arms were to be appropriated, would they go to that officer?

The CHAIRMAN replied only the £2 a day for sustenance

An hon member—Does that include wine? (Laughter)

Mr MILDRED considered the fee too high Hon members if taken into custody might pay it, but some poor stranger might misconduct himself who would be unable to pay

Mr REYNOLDS enquired what would become of the fees?

The CHAIRMAN replied they would go to the revenue

Mr REYNOLDS—Then they would not be for the enjoyment of hon members (Laughter)

Mr PEAKE thought it better the sum should remain A man would want to spend that much for he would feel rather solitary If he (Mr Peake) were shut up, he should spend that much on the Sergeant-at-Arms and himself (Laughter) He would like the consolation of having to spend it (Laughter)

The CHAIRMAN said the Sergeant-at-Arms would have to provide bedding and other requisites

Mr NEALES said it would be making the Sergeant-at-Arms a lodging-housekeeper He moved that the sum be 1l

The amendment was put and lost, and the original motion was then agreed to

Mr STRANGWAYS said he had moved that the whole chapter (clauses 70 to 78) be struck out

The CHAIRMAN said the House had affirmed it

Mr STRANGWAYS had had no opportunity of calling for a division

The CHAIRMAN said the hon member had allowed the time to pass

Clauses 79 to 84 inclusive were agreed to

On clause 85, "Every petition to be signed by the persons themselves,"

Mr MILDRED moved the addition of the words "or by his or their agent or solicitor duly authorized" His object was to enable this to be done by power of attorney, on behalf of persons absent from the country

Mr GLYDE thought this would be met by the agent or solicitor petitioning for the party

The CHAIRMAN thought this would be a very curious power of attorney

Mr MILDRED—There might be a power of attorney given for the express purpose

The CHAIRMAN thought that, when such a circumstance arose, it could be specially provided for

Mr NEALES thought that, when a person was absent from the country, a power of attorney to sign for that person should be admitted as sufficient He would suggest the addition of the words, "or his or their agent or solicitor, in cases of incapacity, sickness, or absence"

Mr MILDRED would ask the opinion of the Attorney-General on that point

The TREASURER (in the absence of the Attorney-General) said that hon member would not be long absent, and he would reply on his return, if the House wished to defer the clause, but he thought the matter was not of sufficient importance

The clause was then agreed to without amendment

Clause 86 was agreed to

On clause 87,

Mr STRANGWAYS moved that the words "breach of privileges of the House" be struck out, inasmuch as the House had no privileges

Amendment agreed to, and clause struck out accordingly

Clauses 88 to 92 inclusive were agreed to

On clause 93—"Applications respecting money must be recommended by the Crown,"

Mr NEALES would do away with this clause altogether It was all very well at home, where there were numbers of members by whom petitions would be presented for persons having grievances, but here it would have the effect of preventing justice being done One-third of the petitions at least, and one-half the important petitions presented to the House, would be shut out by retaining this clause He hoped not only that the clause would be removed, but that something would be inserted in its place, to the effect that the House would not be bound by the rules of the House of Commons, which in this matter he was very sure were not applicable to this country

Mr PEAKE coincided with the idea of the hon member, and believed that the clause should be struck out There was no question on which the people had not a right to petition There was a right inherent in the subject to approach the Crown on any matter on which he might have a grievance, and he had also a perfect right to approach that House on any subject on which he might feel himself aggrieved

Mr STRANGWAYS was also of opinion that the clause should be struck out, as it was unnecessary He would add nothing to what had already been said, as the old Standing Orders and the new were the same on this point Under the old Standing Orders, a petition on any subject might be presented, and they would continue to be, in spite of the new Orders

The CHAIRMAN said the Order was taken word for word from No 320 of the Orders of the House of Commons, although the practice hitherto had not been in accordance with it, as no copy of the Standing Orders of the House of Commons had until a few months back been in the colony

Mr MILDRED hoped they would not have Standing Orders which did not apply to the country, and this did not, and was opposed to the views of the House

Mr GLYDE asked the hon the Speaker whether if the Standing Order was struck out, he would consider himself bound to reject money petitions?

The CHAIRMAN replied that the Speaker would be bound by the decision of the House that the rule of the House of Commons was not applicable to this country

Mr TOWNSEND was glad to hear the ruling on this clause, and thought it should be embodied in the Standing Orders, that any petition might be presented which was respectfully worded

Clause struck out

Clauses 94 to 121 were agreed to without amendments

On clause 121,

"A reply shall be allowed to a member who has made a substantive motion to the House, or moved the second reading of a Bill, but not to any member who has moved an Order of the Day (not being the second reading of a Bill), an amendment, or instruction to a Committee"

Mr HAY was of opinion that the words 'not being a second reading of a Bill'' should be struck out If for instance a notice of motion were postponed and made an Order of the Day, the hon member in whose name it stood would be deprived of his right of reply

The CHAIRMAN said, that though made an Order of the Day it would still be the motion of that hon member, and, therefore, he would not be affected in the way referred to

Mr STRANGWAYS moved, "that all the words after the word 'Bill' in the third line (before the word 'but') be struck out"

The CHAIRMAN said the clause was in accordance with the practice of the House of Commons

Mr HAY thought if a rule of the House of Commons were not properly understood, the House had better dispense with it No member who moved an amendment or an instruction to a Committee should be allowed a reply, as it would be a waste of time

Mr GLYDE did not see why a member moving a third reading should be deprived of the right of reply They had had one instance in a most important Bill in which this had been the case, he meant Mr Torrens's Bill, and they might have others

The CHAIRMAN said that in making this rule they had been guided by the same motive as the House of Commons—to

limit discussions and waste of time in speaking more than was required

Mr GLYDE would be happy to be guided by the House of Commons, but the debate on a third reading might be the most important, for a Bill might be so altered in Committee as to be quite different from what it was originally

Mr YOUNG was understood to support the right of reply, but was very indistinctly heard

The ATTORNEY GENERAL thought the hon member's remarks most disinterested, for nobody could accuse him of any anxiety to speak—(a laugh)—but it was more important to limit the debates than to afford hon members an opportunity of saying in reply what they could say in their opening speeches Another reason for the clause was that it was very frequently the case that hon members in introducing a matter to the House, left out a great deal of what they intended to say, thinking that as they would have the right of reply, it would be a good plan to have the last word when it could not be answered (Laughter)

Amendment put and lost, and clause agreed to

Clauses 122 to 127 inclusive, were agreed to without amendment

On clause 128, "no member shall use Her Majesty's name irreverenntly in debate,"

An hon member suggested the addition of the words "or Her representative"

The CHAIRMAN thought it unnecessary

The ATTORNEY-GENERAL said that in England it was held that the name of Her Majesty should not be used to influence a debate

Mr MILNE thought it better to substitute the word "sovereign"

Mr NEALES wished to know whether the words "Her Majesty" were used in the time of George the Third

The CHAIRMAN read the clause from the Standing Orders in which the words "Her Majesty" were used

Mr MILNE moved as an amendment the substitution of the word "Sovereign"

The TREASURER said they should not contemplate the death of Her Majesty, but if such an event occurred they could easily amend the Standing Orders

The original clause was then agreed to

Clause 129 to 358 were passed without amendment

On clause 359, "members may speak more than once to the same question"

Mr HAWKER that after the word "once" the words "but not more than twice except in explanation" be inserted He was not long in the House, but from the specimens he had had of the discursive habits of some gentlemen, moved instead of having a short session as they had been promised, the whole twelve months would not be sufficient On the previous day one gentleman had spoken seven times and another six times, and if this system were to be permitted the whole time of the House would be monopolised by some four or five gentlemen He thought if hon gentlemen could not concentrate their ideas into one speech, when they were not limited in the time that speech should occupy, they had better not speak at all At present, the ideas of some hon members were like the tracings of a spider crawling over a wall, and marking it in a very indefinite manner If his amendment were carried, these hon gentlemen might try to concentrate their ideas, and give the House the benefit of them in a shorter time

The TREASURER said that although much time might be wasted under the present system, the rule proposed by the hon gentleman would be very injudicious indeed In conducting the Estimates, for instance, through Committee, the officer in charge of them for the time would frequently be required to give information upon new points which arose in the discusssion, and, if the House adopted the amendment this object would be defeated

Mr PEAKE opposed the amendment, though he could not but admire the ingenious description of the hon member (Mr Hawker) of the spider crawling over the wall and marking it in a very indefinite manner indeed A discussion in Committee should be more like a conversation than a regular debate. It was necessary that members should speak more than once If the remarks of the hon member for Victoria as to the time wasted applied, it was rather to the debates of the House In future they must begin to study the views of the hon member for Victoria, who was evidently a critic, but he (Mr Peake) could not go with that hon member in destroying the real object of Committees of the whole House, which should be for conversational rather than for speech-making

The ATTORNEY-GENERAL asked whether the proposal would not tend to increase in a greater proportion the speeches in length rather than to shorten them in frequency

The amendment was permitted to lapse and the clause was agreed to

Clauses 360 to 377 inclusive were passed without amendment

On clause 378—

The TREASURER said that this and the two following clauses would require further consideration He therefore moved that they be struck out with a view of being introduced in a Bill of Privileges

Mr STRANGWAYS asked whether it was the intention of the Government to introduce such a Bill, for even if these Standing Orders were adopted he thought it desirable that they should not be carried into effect until a Bill of Privileges were passed, as there were many of the Orders which the House had no power to enforce

The ATTORNEY-GENERAL thought it desirable not to insert anything in these Standing Orders which it was not competent for the House to carry out, although the old Orders went as far beyond the powers of the House as the new ones, and as yet they had been productive of no inconvenience But they might give Committees the power of calling for books or witnesses, though they would not attempt to enforce such demands against persons unwilling to comply with them He would leave this power to the Committees

The three clauses were then struck out

Clauses 379 to 386 inclusive were agreed to, the word "law" being substituted for "statute" in the latter

Clause 387 was struck out

Clause 389, "Evidence of proceedings not to be given elsewhere"

The ATTORNEY-GENERAL said this clause should be struck out, for they had no power to prevent a person attending a court of justice and giving evidence on any matter on which the Judge thought he should be questioned

Mr STRANGWAYS asked whether, in the case of a false and malicious statement being made by witness, he would be entitled to protection

The ATTORNEY-GENERAL imagined that a witness could not be proceeded against for anything said in answer to a question put by that House, any more than for an answer given in a court of justice, for the answer was supposed to be given under compulsion It was necessary if there was any doubt as to the existence of such protection—and he had no doubt himself—that the House should protect, as far as lay in its power, every witness who might come before it There was a possibility of a person being charged with giving evidence before the House of a false and malicious nature, an evidence which was itself false and malicious, and the House should protect its witnesses against this

Clauses 390 and 391 agreed to without amendment

Clause 392 struck out

The remaining clauses (ending at 399) were agreed to without amendment

Mr PEAKE enquired if it was competent for him to revert to chapter 14, and ask the House to insert an additional clause He was absent from the House when the chapter was passed, or he would have called attention to a slight omission which it was desirable to amend It was desirable that no amendment should be allowed on the third reading of a Bill unless notice was given of it It was injudicious to have amendments made after a Bill had gone through Committee without notice, though twice or three times during the last session such amendments had been introduced

The CHAIRMAN said the hon member was under a misapprehension, no amendment could be made on the third reading The course was that the Bill should be recommitted

The ATTORNEY-GENERAL said the hon member would see by referring to No 270 that this case was provided for

JOINT STANDING ORDERS

The Committee then proceeded with the Joint Standing Orders, which (27 in number) were agreed to without amendment.

The House resumed, and the Chairman brought up the report of the Committee

The ATTORNEY-GENERAL moved that the report be printed and then it would be competent for any hon member to move that any clause be recommitted

The motion was agreed to

The House resolved itself into Committee

Mr HART thought the 144th clause should be struck out altogether in the first place, because the rules of the House of Commons were taken as rules for the House

The CHAIRMAN said that clause 174 of the House of Commons, was the same as this one, No 168, was the rule the hon member referred to

Mr STRANGWAYS wished that time should be given to reconsider this clause, as he wished to move that the whole chapter be struck out, until the Bill of Privileges was brought in

Mr HART said the difference between the new clause and that of the House of Commons was, that by the former the Speaker was to call a member by name and then censure him, whereas in the House of Commons the Speaker called upon the House to say whether the member was out of order The new clause gave a power to the Speaker which he for one would not like to sit under, for although he had the greatest dependence on the hon the Speaker, he considered it too much power to confer upon him to enable him, without the sanction of the House, or without calling on the House to say whether a member was in order or not, to call down upon that member the censure of the House

The CHAIRMAN said that the rule in question was copied word for word from the Standing Order of the House of Commons, and reminded the House that whatever the ruling of the Speaker might be, a member might appeal against it to the House, and he had known that to be done in the former Council

The ATTORNEY-GENERAL said the clause authorised the Speaker to call upon a member by name, but the censure was not called down by that, but by the conduct of the disorderly

member, and unless a person misconducting himself and thus called upon were to meet with censure, he could see very little use in having a Speaker at all

Mr GLYDE supported the clause, though he did not read it like the Attorney-General, for he thought the words "every such member" meant every member so called on, and not every member so misconducting himself

The subject then dropped

Mr TOWNSEND said that after what had passed it was quite time that a Bill was introduced to define the privileges of the House

The ATTORNEY-GENERAL said that, as he had already stated, it was the intention of the Government to introduce such a Bill but he had previously taken a different view of the Standing Orders, thinking that they might first be adopted and that then the Bill should be introduced

The House again resumed, and the consideration of the report was made an order of the day for Tuesday

The House rose at 10 minutes to 5 o'clock

LEGISLATIVE COUNCIL

TUESDAY, SEPTEMBER 14

Present—The Hon the President, the Hon the Chief Secretary, the Hon the Surveyor-General, Hon Messrs O'Halloran, Davenport, Forster, Captain Scott Hall, Ayers, Everard, Morphett, Bagot, Davies and A Scott

DEFENCES OF THE COLONY

The Hon Major O'HALLORAN observing that some documents relative to the defences of the colony had been laid upon the table of the House, wished to ascertain whether the Ministry intended to initiate measures to carry out the recommendation of the Sub-Committee of the Executive Council The answer which he received would determine him as to giving notice of motion on the subject He wished to know what sum the Ministry proposed to place on the Estimates for the defence of the colony

The Hon the CHIEF SECRETARY could not state from memory the exact sum, but would give the information which was required at an early opportunity Upon the sum proposed being sanctioned by the House of Assembly measures would be immediately taken to carry out the recommendations of the Committee

MR BABBAGE'S PARTY

The Hon Captain HALL wished to ask the Chief Secretary a question arising from rumours which had obtained ground out of doors to the effect that Mr Babbage's exploring party had been broken up, that the men had deserted, and were in confinement either at Mount Remarkable or Port Augusta. He wished to know whether the Government were in possession of any information upon the subject

The Hon the CHIEF SECRETARY had no information whatever upon the subject. The Government were not in possession of any information to lead them to supppose that anything such as the hon gentleman had referred to had taken place

MESSAGE FROM THE HOUSE OF ASSEMBLY

The PRESIDENT announced that since the last meeting he had received a message from the House of Assembly intimating that they had passed a Bill to establish the validity of certain registrations, and that they desired the concurrence of the Legislative Council

Upon the motion of the CHIEF SECRETARY, the Bill was read a first time and the second reading made an Order of the Day for Tuesday next

EXPLORATION

The Hon the CHIEF SECRETARY laid upon the table reports connected with the exploration of the northern interior

DIVORCE AND MATRIMONIAL CAUSES BILL

The Hon the CHIEF SECRETARY remarked that after the explanation which he gave the House when he obtained permission to introduce this measure he did not deem it necessary to occupy the time of the House with any further explanation, and he would therefore at once move that the Bill be read a second time

The Hon Mr AYERS seconded the motion which was carried, and upon the motion of the CHIEF SECRETARY the House resolved itself into a Committee of the whole for the consideration of the Bill

The preamble was postponed Also, the first clause determining the period at which the Bill should come into operation

Clause 2, giving the Supreme Court jurisdiction over causes matrimonial, was passed as printed

Clause 3, providing that no decree for divorce *a mensa et thoro* should be made after the passing of the Bill but that a judicial separation should be substituted, was passed as printed

Clause 4 providing that a sentence of judicial separation might be obtained by husband or wife for adultery, was passed as printed

Clause 5, providing that application for restitution of conjugal rights or judicial separation might be made by husband or wife by petition to the Supreme Court, was passed as printed

Clause 6, providing that a wife deserted by her husband may apply to a Special Magistrate, or Court, or Judge, was passed as printed

Clause 7 provided that the Court should act on the principles of the Ecclesiastical Courts, upon the CHIEF SECRETARY moving that it stand as printed,

The Hon Mr AYERS drew the attention of hon gentlemen to the fact that the words "said Court" rendered the meaning rather ambiguous There could be no doubt in his mind that the Supreme Court was meant, but the clause which immediately preceded it, the 6th clause, providing that certain acts were to be done at the Local Court of Full Jurisdiction, he certainly considered that the term "said Court" was not sufficiently clear

The Hon the CHIEF SECRETARY said the clause was an exact transcript of one in the English Act

The Hon Mr AYERS said it was the introduction of the term "the Local Court of Full Jurisdiction," in the previous clause which made the difficulty In nearly every subsequent clause the expression "said Court" was made use of, and this would seem to imply that the Local Court was intended, although there could be no doubt the Supreme Court was really meant, and if the clauses were permitted to remain as they were, some confusion was likely to arise

The Hon the CHIEF SECRETARY suggested, as the hon gentleman had apparently studied the clause, that he should move an amendment upon it, for the purpose of getting over the difficulty which he had pointed out

The Hon Mr AYERS thought that the introduction of the word "Supreme" before "Court," would get over the difficulty

The Hon Mr MORPHETT was quite content that such alteration should be made, but would point out that if it were it would be necessary that a similar alteration should be made in all the subsequent clauses in which the term "said Court" was used

The Hon the CHAIRMAN did not think it would be necessary to make the alterations in the subsequent clauses If the term "Supreme Court" were introduced in this clause, "said Court," in subsequent clauses, would clearly apply to the Supreme Court

The Hon C DAVIES suggested the introduction of a special clause, providing that where no specific Court was mentioned, the Supreme Court should be meant

The Hon the CHAIRMAN approved of this suggestion, which would prevent an alteration in a great number of clauses

The Hon Mr AYERS was willing to withdraw his amendment—that is, the introduction of the word "Supreme," and substitute a clause at the end of the Bill

The Hon the CHAIRMAN suggested that the amendment should remain also, and the clause, as amended, was passed

Clause 8, providing that a decree of separation, obtained during the absence of husband or wife, may be reversed, was passed as printed

Upon clause 9 being read, providing that the Court may direct payment of alimony to wife or to her trustee,

The Hon A FORSTER called the attention of the Chief Secretary to the fact that unless this payment of alimony was secured in some way it might be very contingent The husband might be subject to a decree to pay the money, and this would be enforced so long as he had property, but when he ceased to be possessed of any the wife would cease to receive her allowance He suggested to the Chief Secretary whether it would not be desirable to reserve this clause to see if some alteration could not be made to enable the Court decreeing alimony to secure it upon the husband's property This important point involved in fact the chief principle of the Bill, that the wife should receive support in case she obtained a divorce As the clause at present stood he feared that in very many cases the wife would be deprived of alimony

The Hon Captain HALL thought the object which the hon gentleman sought to attain might easily be attained by the introduction of a few words in the clause He would suggest the insertion of the words, "in order to secure the payment thereof," which he thought would meet the views of the Hon Mr Forster

The Hon Mr MORPHETT call the attention of the Chief Secretary and of the House to the fact that the words which it was proposed to introduce were not in the English Act The clause before the House was an exact transcript of a clause in the English Act, and when they considered the great amount of legal and legislative ability which had been brought to bear upon the English Act, and that it had been so recently introduced, it would be well, he thought, not at present to make a difference, but to adhere as closely as possible to the Act of the Imperial Parliament The clause, as it at present stood, gave power to the Court to impose any terms or restrictions which the Court might deem expedient, and this, he thought, gave them full power He could not see that the Court were barred from making any order they pleased

The Hon A FORSTER was quite sure that this clause had received very careful attention from high legal authorities, but as he had not had an opportunity of ascertaining what the views of those authorities were, nor any opportunity of consulting them, he merely suggested that there might be some better arrangement for guarding the alimony due to the wife by the decree of the Court If the hon gentleman who introduced the Bill before the House would decisively state that it

was the intention and meaning of the Act that the Court should guard the alimony as he had suggested, he should be perfectly satisfied but he might mention to the House that he had the opinion of legal gentlemen to the effect that such would *not* be the effect of the clause under discussion, that no such power was in fact vested in the Court, but notwithstanding that opinion, if the hon gentleman who had charge of the Bill would state that such was its intention, he should at once bow The reason that he had called attention to the clause was, that it was supposed by persons who should be able to give an opinion upon the subject, that the amount granted to the wife by the Court was not secured by the Court, and that they had no power to secure it He was not desirous of making any unnecessary alteration in the Imperial Act

The Hon S DAVENPORT believed that this clause was an exact copy of a clause in the English Act, but he perceived that a new Act was proposed to be introduced in the Imperial Parliament, to correct some informalities in the original Act, and he rather thought that a copy of the new Act which it was proposed to introduce was in the colony It was quite probable that the new Act might have reference to the reconstruction of this very clause, and it was quite possible that before the next meeting of the House he might have an opportunity of seeing the new Act He would therefore suggest that the clause should be postponed

The Hon the CHIEF SECRETARY said that all the information which the Government had upon the subject was embodied in the despatch No 33, in which there was certainly no allusion to any amended Imperial Act No doubt the clause under discussion had been been well considered and discussed in all its bearings in the Imperial Parliament He agreed with the hon Mr Morphett that the words of the clause giving the Court power to impose any terms and restrictions they might deem expedient, included all the power that the Court could desire He thought at present it would be very unadvisable to interfere with the wording of the Act of the Imperial Parliament

The Hon Captain HALL admitted it was silly to attempt to "gild refined gold," or "paint the lily" but he contended it was entirely within the province of that House to attempt to render more clear any proviso introduced in an English Act He thought it would be much better that the words which had been proposed should be introduced, so that the real intent and meaning of the clause would be rendered intelligible to every reader of common sense He considered that when alimony was decreed it should be secured upon the husband's estate, or that some restraint should be placed upon his person, and no doubt this was the meaning of the clause, but in order to make it self-evident, he would also move the insertion of the words "for securing payment of such alimony"

The Hon Dr EVERARD seconded the amendment

The Hon Captain BAGOT thought the insertion of these words would have the effect of narrowing rather than extending the powers of the Court Their powers, it seemed to him, would be narrowed to the mere payment of the alimony

The CHAIRMAN suggested the words "or otherwise"

The Hon the CHIEF SECRETARY thought it better to postpone the clause, in order that the opinion of the law officers of the Crown might be obtained as to the effect of the proposed alterations

The clause was accordingly postponed

Clauses 10 and 11, providing that in case of judicial separation, the wife shall be considered a *femme sole* with respect to property she may acquire, and also for the purposes of contract and suing were passed as printed

Clause 12 provided that upon adultery of wife, or incest, &c, of husband, a petition for dissolution of marriage might be presented

The Hon Captain HALL asked if this clause were a transcript of a clause in the English Act? It appeared to him that the clause had a one-sided bearing merely relating to the wife. There was no provision for adultery committed by the husband

The Hon the CHIEF SECRETARY said it referred to both, though under different circumstances

The CHAIRMAN referred to the 20th line, and the Hon Captain HALL having admitted he was mistaken, the clause was passed as printed

Clauses 13 to 16 providing that an adulterer shall be a co-respondent to a petition, that the cause may be tried by a Jury, that the Court shall be satisfied of the absence of collusion, that the Court may dismiss the petition, and, that the Court may pronounce decree for dissolving marriage, were passed as printed, without discussion

Clause 17 provided that the Court might direct the husband to secure alimony to the wife

The Hon the CHIEF SECRETARY presumed this would meet the objection which had been raised in an early stage of the Bill

The clause was passed as printed

Clause 18 provided that a husband may claim damages from adulterer

The Hon Dr DAVIES wished to know how it was that upon a petition going forth a Jury were to be called upon to assess damages, when it was distinctly stated in the the 38th clause that after the Act had come into operation there should be no action in South Australia maintainable for criminal conversation,

The CHAIRMAN said that although no action could be brought the damages would be assessed

The clause was passed as printed

Clauses 19 to 22, giving the Court power to order the adulterer to pay costs, to make orders as to the custody of children, to try questions of fact, and to reduce questions to writing to be tried by a sworn jury, were passed as printed without comment

Clause 23, relating to bills of exceptions, special verdicts, and special cases, was upon the application of the Chief-Secretary, postponed

Clause 24, giving the Court power to direct issues to try any fact, was passed as printed

Clause 25, relating to affidavits in support of petition, was passed as printed, but the Hon C DAVIES remarked in reference to certain terms which it contained, that although the Act was intended to supersede previous Acts, there was no explanation in it relative to certain terms which were used, such as nullity of marriage and jactitation of marriage He thought it would be much better that these terms should be defined in contradistinction from the terms previously in use

The Hon the CHIEF SECRETARY remarked that the Bill would again be considered in Committee

Clauses 26 to 34—Providing for service of *petition*, examination of petitioner, adjournment, giving power to the Court to order settlement of property for benefit of innocent party, and children of marriage, defining the mode of taking evidence, giving power to the Court to issue commission or give orders for the examination of witnesses abroad, or unable to attend, regulating costs, enforcing orders and decrees, and giving the Court power to make rules, &c, for precedence, and to alter them from time to time, were passed as printed without discussion

Clause 35 provided that the Court should have full power to regulate the scale of fees

The Hon Dr DAVIES wished to ask the Chief Secretary what guarantee in the face of such a clause as this they had of the beneficial working of this Act A subsequent clause provided that the rules and regulations should be laid before Parliament before they were adopted, but he wanted to know whether the Parliament would have any control over the fees, otherwise they might be made so excessive that the Act would be abortive In the Consistory Court of London the lowest cost of an application, such as was contemplated by this Act, even where there was no opposition, was 120*l* or 130*l*, and if there was opposition the cost was 200*l* or 300*l*, and sometimes 1000*l*, whilst in Scotland the cost was only 20*l* The House should have some guarantee that the fees would be reasonable, otherwise the Act would be a nullity

The Hon the CHIEF SECRETARY said the House would have an opportunity of expressing its opinion upon this point when the regulations were laid before Parliament They would then be enabled to determine what the fees should be The hon gentleman would observe there was a clause enabling poor persons to sue *in forma pauperis*

The clause was then passed as printed

Clause 36, providing an appeal from the decision of the Supreme Court, was, upon the application of the Chief Secretary, postponed

Clause 37, relating to liberty to parties to marry again but providing that no officiating minister was compelled to marry them, was passed as printed

The Hon Captain HALL observed that there was provision for an appeal in this case, although clause 36, which more particularly referred to appeals, had been postponed

The Hon the CHIEF SECRETARY had no intention of striking out the 36th clause, but merely wished to alter its form

Clause 38, providing that after the passing of the Act no action for criminal conversation should be maintainable in South Australia, was passed as printed

Clause 39 providing that the rules, &c, in connection with the Act, should be laid before Parliament was amended by the insertion of the word "calendar" before month

The Hon Captain BAGOT pointed out that this clause provided that the rules and regulations should be laid before Parliament, but it did not at all follow that the Parliament had anything to do with them when they were laid there The 35th clause gave the Court power to fix and regulate the scale of fees and the 39th provided that the rules should be laid before Parliament, but did not state that Parliament had any power to alter or reject those rules or any of them

The Hon the CHIEF SECRETARY said the fact of the rules being laid before Parliament was for the express purpose of enabling Parliament to come to some resolution respecting them

The Hon H AYERS moved an additional clause to the effect that in the construction of the Act, the term "Court" unless otherwise explained, should mean the Supreme Court of this province

Carried

The Hon H AYERS moved the addition of another clause, remarking, that for the purpose of convenience it was necessary to have a general title to Acts He therefore moved that this Act be cited as the Divorce and Matrimonial Act

The CHAIRMAN thought that question had best be considered when the title of the Act was under consideration

The Hon Mr MORPHETT thought it would be necessary to introduce "Matrimonial causes" on the title of the Act

The Hon H AYERS adopted the suggestion, but ultimately

withdrew the proposition with the view of introducing it when the Bill was again under consideration in Committee

Upon the motion of the CHIEF SECRETARY, the CHAIRMAN then reported progress, and the House resumed, when leave was given to the Committee to sit again on Tuesday next, till which day the House adjourned

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HOUSE OF ASSEMBLY

TUESDAY, SEPTEMBER 14

The SPEAKER took the chair at 5 minutes past 1 o'clock

NEW MEMBERS

The SPEAKER announced the return of the writs, declaring David Shannon, Esq, duly elected for the district of Light, and Edward McEllister, Esq, for the district of Burra and Clare

The two hon gentlemen took the oath and their seats

PETITION

Mr BAGOT presented a petition from 200 proprietors of land and property at Kapunda and its vicinity, being inhabitants thereof, stating their willingness to give the necessary space of land, either gratuitously or at a fair valuation, for the purpose of carrying out the portion of the railway within the township of Kapunda

PAPERS

Various papers were laid upon the table.

MR BABBAGE

Mr HAWKER wished to ask the Commissioner of Crown Lands, without notice, whether he had received any information that Mr Babbage was now at Mount Remarkable, and that having failed to carry out the objects of his exploration, he had placed the whole of his party in charge of the police

The COMMISSIONER OF CROWN LANDS could not give any authentic information on the subject He had been told that such was the case, but did not know whether it was correct or not

GAWLER LINE TO KAPUNDA

Mr BAGOT begged to propose the motion standing in his name—"That the petitions respecting the extension of the Gawler Railway to Kapunda, signed by 1313 persons, be printed "

Granted

COLONIAL DEFENCES

Mr GLYDE asked the Commissioner of Public Works the question standing in his name, namely, how soon the Government intended to take action upon the despatches and reports upon our Colonial Defences

The COMMISSIONER OF PUBLIC WORKS said that the Government had already taken some action on the subject of the despatches laid on the table, and that when the Estimates for 1859 were before the House the question would be placed more fully before them.

RAILWAY EXTENSION

The COMMISSIONER OF PUBLIC WORKS laid upon the table a plan accompanied by a memorandum of the comparative advantages of the extension of the railway to Kapunda and the Valley of the Gilbert

Mr REYNOLDS asked if it was a working plan

The COMMISSIONER OF PUBLIC WORKS said it exactly corresponded with the former plans submitted to the House

Mr REYNOLDS said those plans were not working plans

The COMMISSIONER OF PUBLIC WORKS had followed the precedent previously adopted

Mr REYNOLDS said, in passing the Bill for the extension of the Railway last session, all the stations were placed on Government land but now he found they were not to be placed on Government land He considered that the using of Section 70 for station purposes was contrary to the provisions of that Bill

STANDING ORDERS IN RELATION TO RAILWAYS

Mr STRANGWAYS enquired if there were any Standing Orders in regard to railways in this colony, similar to the Standing Orders of the House of Commons in England He believed that there the plans and specifications were obliged to be laid on the table of the House, but, that here, if any member wished to inspect the plans, he must go to the Surveyor-General's office

The SPEAKER said that the rule of that House in regard to private Bills was defined by two Acts of the late Council, and was the same as that of the House of Commons, but that railways here being public undertakings, there were no Standing Orders applicable to them

KAPUNDA RAILWAY BILL

The COMMISSIONER OF PUBLIC WORKS would have risen with great diffidence to submit the motion standing in his name to the House, had it been the first action that had been taken on the subject of railway extension, but it had already engaged the attention of the Legislature He believed, both in the House and out of it, the general feeling was in favor of a gradual extension of the railway system, and the House had arrived at that conclusion after considerable and careful enquiry The duty of every member in moving the second reading of a Bill was to state the principles of that Bill The principle of that Bill was precisely the principle of the Bill for the extension of the Gawler Town Railway to Section 112 The same plan was followed as was adopted at the commencement of public works of that nature, of providing one third of the necessary amount from the general revenue, and borrowing two-thirds from the money market of England He need not enlarge on the direct and indirect benefits of railway communication after so much had been said and written on the subject He took it for granted that it was admitted on all hands, but it was possible there might be objections to the Bill The form of the Bill might be objected to by some hon members, because of the reference in the title to certain powers granted to the Railway Commissioners, but a Bill was prepared and in the hands of the Government printer, and he thought it would be before the House in a fortnight, which would probably meet that objection But there was another question to which his attention had been called by petitions presented to the House, and by articles in the daily papers He alluded to the question of route That question might be referred to in the discussion about to commence The Government last session referred a Bill for the extension of the Railway to Gawler Town and Kapunda to a Select Committee It received careful enquiry at the hands of several hon members of that House, and they unanimously agreed to extend the Gawler Town Railway to Kapunda He regretted that plan was not in the hands of hon members, because they would then have been sufficiently convinced that that was the best line that could be adopted He was on that enquiry, and he believed when the difficult gradients between Gawler Town and Section 112 were known, it would be seen that it was not advisable to extend it to that section The gradients on the Kapunda line were far more favorable than on the other, and it was also two to three miles shorter So much had been said, so much had been laid before both Houses of Parliament on the subject, and so much evidence had been given by the engineers under the Surveyor-General, and by the leading engineers of the colony respecting it, that as he would have another opportunity of combating any arguments that might be used on the other side, he would leave it in the hands of the House It was for the interests of the country that the Gawler Town Railway should be speedily put forward He considered that the line in question fell back on a good country and that it was required for the interest of the settlers, and seeking those objects, he felt that that line must be selected as the best He therefore relied on the support of the House He felt fortified by the names of those who had petitioned, and would conclude by moving the second reading of the Kapunda Railway Bill

Mr HAWKER begged to move an amendment, which he would first read and then speak to it He moved—

"That this Bill be referred to a Select Committee to report thereon, with power to call for books and documents, and to summon witnesses "

He gave the House to understand that as far as the question of railways might be under notice he was not interested personally, because no matter which line was chosen, the nearest point to his property in the north was the point of junction Although he represented a district—the *ultima thule* of Burra and Clare—all petitions were sent thence to him to present, and the members for Burra and Clare were requested to support them He took great interest in the question before the House, because he thought, in initiating the main trunk railways of the colony, it was necessary not merely to look at the present moment, nor where the largest amount of traffic was to be realised, but they ought to look a little into the future He utterly denied that the Kapunda and Light Line was the best line for the Northern Railway traffic The interest now existing should not be everything, for they ought also to look to 10 or 20 years hence in order to make a line likely to be of benefit to the colony The Surveyor-General had made a return of the unsold land on each side of the railway It was perfectly absurd It was necessary to look far beyond 15 miles On one side they found an outlying country on to the Murray Plains, and on the other side the Eastern Plains, where he believed the agriculture of the colony could not be extended They had the evidence of the hon member for Barossa (Mr Duffield) that for two years no rain had fallen on the eastern plains of the Murray He contended that that was not an agricultural country But he did not call the line a main trunk line to the north, but a railway to the Kapunda Mine There was an agricultural population on that line, it was true, but not equal by far to that on the other line Should hon members say it was not the case, let them look at the flour-mills on the Valley of the Gilbert line—let them look at Mr Masters's beautiful mill, another at Auburn, another at Penwortham, and a fine mill at Clare—all steam mills—and also at the meeting which had been held at Mintaro for laying the foundation stone of another mill What other evidence was wanted to show the agricultural wants of the community? The question had never been freely discussed when the Bill was passed last session He thought it would be more beneficial to the colony that the line to Kapunda should be knocked on the head, and that fresh contracts should be asked for the Valley of the Gilbert line He believed this plan was for the benefit of the farmers in that district No doubt great good had resulted from the discovery of the Kapunda Mine, and the manner in which the Hon Captain Bagot had

worked it reflected great credit upon him, but one point had been altogether forgotten, namely, that which affected the agricultural population, and the cost of taking their produce to market. He would compare the cost of about a ton of wool and ore and wheat. The carriage on each he would estimate at 3l. But the wool and the ore were each worth about 100l., on which the carriage was 3 per cent. but estimating the wheat worth 15l., the carriage was 20 per cent. What they had to look at was where the largest amount of produce came from, and how it could be most cheaply got to market. He considered the line he advocated was the most beneficial for the interests of the colony, and thought it necessary when an enormous sum of public money was spent, that it should be spent not with reference to the present time only, but with a view to what would be most beneficial at a future time. We could not afford to spend so much money on railways if they were not in the best direction, for if a mistake were made in one line, we could not afford to make another. He considered also that information was wanted on the subject. Many members were in the dark as to the relative values of the two lines, and in moving the amendment he had not been asking too much. He was only asking for evidence in order to be able to form a fair and honest opinion. The hon. member for Kapunda mine, presented a petition signed by 600 landholders, but he thought the House ought to wait until opinion could be expressed before they proceeded to legislate. He contended it was not fair to the northern portion of the Valley of the Gilbert, and he thought if hon. members would go up and look at the country they would be satisfied. What was there to the right of the line? Next to nothing. There was one large run of 30 miles long, and outside that line there were plains which could never be cultivated. On the other side were the dews and rains of Heaven and a fertile soil. He considered that in making a great trunk line, the interest of the public ought not to be sacrificed to that of individuals, who now alone could reap the benefit.

Mr. MCELLISTER thought the line should be carried by the Valley of the Gilbert. He seconded the amendment.

Mr. BAGOT wished that it had not fallen to him to continue the discussion as he was suffering from severe hoarseness, but he could not hear the speeches made by hon. members without saying a few words in reply. The hon. member for Victoria (Mr. Hawker) had made a statement, on which no doubt he relied implicitly as a statement of facts. It became him when he made use of such statements to be correct, but it would be seen that the hon. member had not got up his case so well as he might have done. The principle which the hon. member for Victoria wished to act upon in the extension of the railway system of the country was that we should not look so much to the present time—to the men who had invested their money in the land, and paid their money into the Treasury—but to those who might do so 20 years hence. But he (Mr. Bagot) thought the principle on which to construct railways was that they should endeavor to benefit those districts where the largest amount of land had been bought. In consequence of that a railway through such a district would pay better than a railway extended to a wilderness, and the House ought to deal with the question on that principle. It should not extend the railway to a thin sparse population, and leave out that district where there was a large population and a large amount of land purchased, merely for the purpose of selling land. That principle had never before been advocated in that House. The same principle should be adopted with regard to railways as to the main lines of roads, in which it was assumed that the route should be for the benefit of those who had produce to take to market. He thought it the duty of the Government to bring forward such measures as they thought likely, if not to give an immediate return for the large expenditure necessary, at least to present a prospect of reproductiveness. He wished to extend the railway to the north, because an enormous quantity of land had been sold, and settlers were there who for 3, 4, 5, or 6 months in the year were not able to bring their produce to the market, and who were thus deprived of the benefit which agriculturists on main lines of road enjoyed. The hon. member for Victoria (Mr. Hawker) had entered into a statement respecting the Kapunda mine. He regretted he (Mr. Bagot) had no interest in it, but matters should not be judged by the personal interests of members. He had heard that the hon. member, however, represented the squatters in that House, and he (Mr. Bagot) thought probably the motion for a Select Committee might be the mode adopted by the representative of the squatters for shelving the Bill altogether—(no, no)—and if that measure were not carried, he thought it probable that railway extension might be thrown over. (No.) Hon. members said "no," he said "yes," for if this measure were referred to a Select Committee—if the evidence before them and before the House was to be gone over again, the probability was that it would be too late in the session to get the Bill brought forward again. There were hon. members in that House who would be glad of the opportunity of cooking all railway extension for a considerable time. Last year the House passed the Bill for extending the railway from Gawler Town to Kapunda. That was passed after a most careful and searching investigation by a Committee, in which there were members of all shades of opinions, including himself, and the member for the Burra and Clare (Mr. Peake), but he thought they must look at the question in reference to the neighboring colonies, in which large sums of money were being spent for extending railway communication. If they did not proceed with those extensions other colonies would have the start of them, and he considered that the House ought to agree to the necessity of doing something. He trusted the House would consider the question, and not allow the representative of the squatters to throw the Bill overboard. The member for Victoria (Mr. Hawker) said he did not know the reason why the memorials in regard to that question came down to him. He (Mr. Bagot) would not for a moment think that the gentlemen who signed that petition had not confidence in the member for Burra and Clare, but no doubt they looked upon the member for Victoria as the representative of the squatting interest, and probably thinking that the railway from Section 112 to Kapunda, if it were put off to another year, some chance might turn up to give greater excuse for delay, and that then might be more readily heard. [Mr. Hawker—"No, no"—You are wrong."] He looked upon the House as pledged by the vote of last year to extend the railway to Kapunda, because the second reading of the Bill was carried by a large majority, and the present Bill must be considered a mere continuation of it. The House passed that Bill deliberately, and when the Railway Bill was thrown out by the Upper House they came forward and, almost to a man, urged the Government to bring in the Bill again, for the purpose of extending the railway from Gawler Town to Kapunda. The House having thus twice pledged itself to the Bill, it would not be treating the country and those parties who had purchased immense tracts of land with fairness and justice, were it not now to adopt the Bill. Railway communication should be first given to those districts which were great centres of population and where large investments had been made in land, and at some future time it might be extended to other portions of the country where the land was sold, but he protested against the doctrine that railway extension should be for the purpose of enabling the Government to sell land.

Mr. MILNE felt disappointed that every proposition made by the Government to extend railways had been in reference to the extension of the system to the north. It was his wish that the Government would express their intention with regard to other portions of the colony. He was a great advocate for railways, and was as well convinced of their benefit as any member of the House. He was thoroughly convinced of the advantage, but he objected to their being monopolized. The general revenue of the colony was pledged for the purpose of extending railways, and it was only fair that every part of the colony when the system could be carried out should participate in the benefit. He was satisfied those works would be reproductive and that the Government ought to take up the question as a whole, and give the advantage of that system to all quarters of the colony. He would oppose the second reading of the Bill unless the Government would state whether or not it was their intention to extend the benefits of railway communication to other parts of the colony.

Mr. GLYDE intended to support the amendment. He did not think that he could be said to be interested in the measure, and he did not think that the new members of the House had had an opportunity of gaining sufficient information on the subject. Those who were in the House when first the Bill passed might be possessed of that information and might have pledged themselves to the completion of the line. For his part he was not in the House at that time. It was possible that if a Select Committee sat and reported they might decide in favor of the line to Kapunda but he wished to see that Committee appointed. There was one thing which appeared a remarkable oversight on the part of the Government. They had distinctly stated that when that Bill was proposed, one-third of the cost should be charged on the revenue, but on that Bill before him it was proposed to raise £50,000 by loan, and only to advance £20,000 from the revenue. It appeared to be rather an unnecessary step on the part of the Government and for that reason he certainly could not support the Bill in its present form, and if the resolution was agreed to he would move an amendment when it went into Committee. He must support the amendment for a Select Committee.

Mr. NEALES hoped hon. members would not take the trouble to disclaim interested motives. He considered that if this measure were not carried the Government would be breaking faith with the public. (No, no, hear, hear.) If new members were to have the question opened up again, there need only be a succession of new members to keep the matter in abeyance for ever. If they were ignorant on this subject, they must go to the Blue Books, where they would find all the information they needed. The opinion last session was in favour of the line to Kapunda, not to 112 only. He objected to the principle enunciated in the amendment, that we ought to legislate for those who might or might not exist twenty years hence. If a railway were made to the North there would be no excuse for not adopting the Kapunda line. He had no particular objections to a Select Committee, but he would undertake to get up a better case for starting afresh at Adelaide to go to the north than could be made out for extending the line to the Valley of the Gilbert, from Gawler or Section 112.

Mr. SHANNON had no intention when he entered the House of taking part in the discussion, but he was acquainted with

the country, and with the proposed line of railway, and therefore could give an opinion upon it His (Mr Shannon's) impression with regard to railways was, first—that they should be laid out so as to accommodate the greatest number of individuals and secondly, with a view to the greatest amount of revenue to be derived from them in proportion to the cost of construction He thought the line proposed effected those objects He thought there were better methods of estimating the necessities of a neighborhood than that of *counting the mills* That was not the reasoning he should consider conclusive, he would take the population of the district and its productive capabilities The proposed line passed through a good country, not only immediately adjacent to it, but on the east of the line there was not a mile of scrub for 25 miles, and all the intervening country was valuable for agriculture He would only refer to the land sales of last Thursday, and hon members would see the prices of land east and north-east of Kapunda, some of it fetched £2 per acre The quality of the soil was good—in fact, second to none in the colony and some near the proposed line of railway had been settled for some considerable time, and every day presented an increase of the capabilities of the land in that direction Reference had been made to the Kapunda mine The amount expended annually in wages was 40,000*l* and the mines were very rich He thought, therefore, the Government ought to be supported in this measure, especially as the question had been discussed last session He hoped hon members would think well before they altered their views, and that they would not do so without good reasons He considered the question best understood from the Engineer's reports He trusted, therefore, the proposition of the Government would be carried

The Attorney-General felt some difficulty in addressing the House because ever since he had had the honor of being connected with the Government, he did not wish to appear to oppose himself to enquiry when statements were made that there was not sufficient information, where public interests were at stake And although he felt no hesitation in voting for the second reading of the Bill, and believed that every honorable member present in that House during the discussion of last session who had read the report of the Committee could form no other conclusion than that the line proposed by the Government, was the line that must ultimately be adopted, he did not like to oppose himself and say to others that inquiry was not needed The Government attached great importance to carrying out the railway system, and when they introduced that motion, they did not expect to meet with a formal opposition, because it had been already before that branch of the Legislature If the House wished, by the appointment of a committee, for further information, he would not oppose himself to it Having said this he would refer to the arguments used in support of the motion for a committee of enquiry He need not refer to the strange proposal of the member for Victoria that that House should legislate not for the present, but so completely for the future, that it should look twenty years forward to the population that might be and construct railways without return for them He thought it would be wise and more economical for those in the colony twenty years hence to make another railway through the district through which the hon member proposes the railway should go than that the House should legislate on such grounds That plan would ignore the population now in existence, and he himself should shrink from adopting it There was a report on the table in accordance with a motion by the member for Burra and Clare (Mr Peake), showing that the quantity of unsold land within fifteen miles of each side of the proposed line was within a trifle the same When then they found that there were 120,000 acres more of unsold land in the proposed line by the Valley of the Gilbert, what did that prove, but that on the other side there were 120,000 acres more land purchased, and in possession of parties who had paid their money into the Treasury, and who had a right to be considered sooner than those who might never be He only thought it necessary to refer to one other topic, and that was the subject suggested by the hon member for Onkaparinga (Mr Milne), who said that he thought hitherto all railways had been carried towards the north and he thought there should be something done for the south In that he cordially agreed, but in reference to that particular railway the Government was placed in a position that would render them liable to a charge of breach of faith were it not completed Hon members would remember that when that Railway Bill was passed through that House and rejected by the Upper House, it was distinctly announced by the Government, and acquiesced in by the House, that a measure precisely similar should be introduced to complete the railway to Kapunda That Bill, when rejected by the other branch of the Legislature, could not be again introduced that session, but the Government felt distinctly that they were expected to introduce that Bill, and had they not done so they would have been liable to a charge of breach of faith They were fully aware of the importance of railways to the south, and from Strathalbyn to Goolwa He believed though the traffic was not at present sufficient to justify the expense of a locomotive, a tramway would be an advantageous thing The Government would be prepared to receive favorably any scheme for that purpose, if there was any reasonable prospect of its being self-supporting They had taken no action in the matter this year, for they felt it their duty to complete the line to Kapunda as was promised, but should the present Ministry remain in office, the next work would be to give to the South-East districts railway communication He would support the second reading but would not object to the reference of the Bill to a Select Committee if it was the wish of the House

Mr Lindsay said the Hon the Commissioner of Public Works had stated in his speech that it was desirable to extend the railway system, and as he (Mr Lindsay) had been an advocate of the extension of railways over the colonies when that hon member was the advocate of, what in colonial phraseology were termed tramways, but which were in reality nothing more than badly designed railways only fit for horse-traffic he was glad to find that the hon member had been converted into so strong a supporter of the railway system He thought more information was required on the subject before the House (Hear, hear) During the last session there had been a discussion on the subject, and it was then stated by the supporters of the Kapunda line that the question of future route would not be affected by going to the 112th Section, but it appeared now that having carried the line so far, the House was told it must be carried on to Kapunda It appeared that the Government having made a mistake in going so far were to continue their mistake by going farther They had not had any proper report from the Government as to where the line was to stop or where it was to go to Eight years ago Sir Henry Young had proposed that a line of railway should be surveyed from Willunga to the Burra, and if that line had been carried out they need not now be squabbling as to whether they should go a mile or two on one side or the other of the line, as they would have their principal line made and a general idea of what their railway system should be when completed The views of the hon member for Victoria had been attempted to be controverted when he said that they ought to look to the future as well as to the present (Oh, oh) But he (Mr Lindsay) could not see anything to ridicule in that Had they looked merely to the present ten years ago when he was in favor of the commencement of railways, they would have made a system for the South alone, for at that time the population was settled in the South, but they should consider what the country would be in a few years, and not adopt a system which would be applicable only for a few years but one which should be useful for ever, in order that people might not hereafter say that it was a mistake to construct a line in such a place If the people of the North were prepared to pay too dearly for their whistle in this matter he could have no objection to their doing so for he was satisfied that in due time the people of the South would be considered, and he had no fear of their claims not being admitted But he neither approved of the general system adopted by the Government, nor of the details, and he was of opinion that more information was wanted Estimates for the Strathalbyn and Goolwa line varied from 18,000*l* to 26,000*l* He could not sit down without referring to some particular points in the Bill In all other countries but this, railways carried goods cheaper than they were conveyed on common roads, but here the rule was reversed for carriage on the railways was doubled From Willunga passengers were carried in conveyances quite as luxurious as a railway carriage, for 2d and 4-10ths per mile, whilst on the railways the maximum charge was 4d per mile In Belgium they charged less more than 1d for the first-class, and in America the same Believing that more information was wanted upon this subject he should without at all opposing the Bill, support the motion for referring it to a Select Committee, not with any desire to shelve the Bill or delay the works, but in order that the railway, if carried out should be on the best principle which could be devised He should make a few further remarks on our railway bills He did not know by whom they were drawn, but they seemed to him the greatest mass of absurdities conceivable He found in the Bill a clause which he believed was taken from the Liverpool and Manchester Railway Act, enacting that any persons or corporation running their own carriages or locomotives on the line, could do so on paying 70 per cent of the tolls To have this clause in a Government Railway Bill was a very curious mode of legislating, to say the least of it, and he thought that such a clause should be expunged from any railway bill in the present day He found also that the 10th clause referred to railway-crossings Whether there were any other but level crossings on the contemplated line he did not know, but there did seem to be a desire on the part of our engineers to make every crossing on the level if possible, thereby rendering necessary expensive gates and gate-keepers Perhaps, in making these remarks, he was going beyond what he should say, as he was referring to clauses which would come under discussion at the proper time He should say no more, but would vote for the Select Committee, not with a view to prevent the extension of railways, but with the view of obtaining such an enquiry as would prove a benefit to the country

Mr Barrow trusted that if they were to have a Select Committee on the Bill, there would be no attempt made to discuss the clauses on the present occasion, whether in support of the views of the hon member who had just sat down, or in opposition to them He would go with the hon member for Victoria in favor of the appointment of a committee, though not with entire satisfaction to himself, and he should

certainly vote against the amendment if he thought it would have the effect of shelving the question before the House They must have railways, and he thought in saying that he might add that they must have railways to the North At the same time he agreed with the hon member for Onkaparinga that they should do something for the southern districts but they could not make railroads in all directions, and for the present they must be content to make them towards the North Whether they were to adopt the line by the Gilbert or that by Kapunda was the question now before them, and he thought that, though there was much information to be had on the subject from the Blue Books in the library of the House, such information might not be altogether reliable He had seen statements in official documents, and had seen these statements afterwards refuted, and he saw no reason for placing implicit reliance in Blue Books One story was good until another was told, and if, as had been represented, the arguments in favor of the Kapunda line were so overwhelming that there was no chance of making head against them, then he apprehended they need not have much delay in committee, for in such a case, he presumed, they would come to a unanimous and a speedy conclusion The hon member for the Sturt had said in the commencement of the discussion that the Government land should be rendered available for stations, instead of purchasing private lands for the purpose, and the hon member had also spoken of the necessity of having working plans and drawings These topics had been only touched upon, but sufficient had been said to warrant the House in referring the Bill to a Select Committee, and they would be further justified in doing this, as the Government was inclined to give way on the point He would not insinuate the slightest censure against the Government for bringing in the Bill in its present form, inasmuch as from what had taken place last session, he considered them bound to do so But was it because the principle of a Bill had been approved of in one session that they were to be bound by it in another? For if so, they might as well at once move the House into Committee of the whole on the various clauses, as the principle was already affirmed Every Bill in such circumstances should be introduced *de novo*, and they should discuss this Bill as if it had never come before the House previously If in a former session a public work was left in such a state that no party was pleased with it, they must necessarily open up the whole question again, both in principle and in details As to what the hon the Attorney-General had said with respect to the quantities of unsold lands upon one of the proposed routes, proving the quantity of sold land upon the other it was a *non sequitur* The report did not speak of a strip of land 15 miles wide throughout, for if so, the comparison between the sold and unsold lands would apply, but the report spoke of lands sold "within a distance not exceeding 15 miles" Scrub or mountain ranges might approach the line within a breadth of three or four miles, and the distance still be "within" 15 miles He did not therefore see how the figures would establish the principle laid down Upon that point, as well as upon some others, he wished for more information, and should therefore support the motion for enquiry He hoped it would not be considered necessary to bring witnesses from all parts of the country, as there probably was sufficient documentary evidence already collected, provided there was time to go into it He thought they were bound to have a railway, and one in a northerly direction, but they should also have a view to the probable increase of population, and on this point the Committee might require some information He should therefore vote for the Select Committee if the question should come to a division, which he thought would not be the case but he should vote against the amendment in a minority, however small, if he thought that its effect would be to shelve the question now before the House

MR REYNOLDS said there seemed to be a very important omission in the Bill, and that it did not tally with the Bill of last year, to extend the Railway to Kapunda He was surprised that hon members had not adverted to that circumstance The Bill which the Government introduced last year for the line to Kapunda asked for power to raise a sum of 180,000*l* The next Bill asked for 120,000*l*, while the present Bill asked for 80,000*l*

The COMMISSIONER OF PUBLIC WORKS said the matter referred to was a mistake The amount asked was 40,000*l* The 60,000*l* in the Bill was a mistake The whole sum asked for was 80,000*l*

MR REYNOLDS had thought the Bill was to be depended on, but the Engineer he found had made a mistake, and he (Mr Reynolds) was not surprised at it But finding that the plans and estimates were not as they ought to be, and that those laid before a former committee were not as they ought to be, he hoped at least that those laid before the Committee which the Government on this occasion conceded so gracefully, would be as they ought to be He was glad the Government conceded the Committee, for if they had not done so they might be left in a minority, and there was nothing the hon members disliked so much as to be in a minority upon any subject He would count heads and noses to any amount to avoid it, and so he should be very sorry to see them in such a position He had never seen so complaisant a Government, for they would do anything the House might tell them, only don't let them be in a minority With respect to the Bill before the House, it would be exceedingly inconsistent for him, having been a member of the previous Select Committee, to oppose the Government on this question But he must confess notwithstanding what had been said by hon members with respect to obtaining additional information on this subject, that he had obtained some additional information and was possessed of a little more light on the subject and that if the question came before the House now as it did at that time, he would vote for the route by the Gilbert, but having now got up as far as the 112th section, it was a question whether they could retrace their steps

MR PEAKE supported the motion for a Committee, and in doing so was anxious to explain that he by no means fell in with the views of the hon member for Light (Mr Bagot), that those who did so did it with a view of shelving the Bill Ever since he had been a member of that House he had advocated railway extension under much more unfavorable circumstances than the present His chief reason for wishing the question referred to a Committee was, that the House might have more detailed and correct information The House had expressed a wish for a survey by the Valley of the Gilbert, with a continuation to the Burra, and the head of the Executive had promised that this survey would be made During the recess the hon gentlemen on the Treasury benches seemed to have been slumbering at their posts, so that the surveys were not made, and the meagre information furnished was that contained in the report of Mr Hargraves now before the House He would, for a moment, call attention to this most elaborate report and to the extraordinary plan laid on the table with it, to guide the House in coming to a conclusion on a point like that now before it The whole plan consisted of a couple of red lines without plans or sections [The hon member here read one or two brief extracts from the report.] That he presumed was the survey which the Executive laid on the table in reply to the address from that House asking for surveys of the two routes by the Valley of the Gilbert and Kapunda He thought he was justified in saying that they could not give their consent to the extension to Kapunda on such information as that Some hon members wished to lead the House to this vote because they had already got to the 112th section, but was it because they had made a mistake in going to the 112th section that they were to go 10 miles further in the same direction and still making the same mistake? He would be prepared to go even further than was proposed if the engineers had properly certified and sent in plans and sections showing that this was the best route which could be taken The House of Commons would never entertain such a document as that now on the table as a reply to such an address as had been adopted by the House When the Legislature was about to vote money in this way for the public accommodation they required the most accurate information, with plans and sections and certificates from a person properly qualified to inspect them They were not considering the question of a line to Kapunda, but that of a main line to the Murray, and the House should require accurate information as to which was the most economical and best line for the purpose He disclaimed all personal or local motives in giving his vote on the matter, and he would throw back on the hon member for Light (Mr Bagot) any such insinuations that hon member had made use of and trusted he would never hear any such imputations indulged in again

MR BAGOT—I said nothing of the kind

MR PEAKE said if hon members would refer to the debates of last session, they would find that the advocates of the Kapunda line told the House that if they went to the 112th section they could then go either to Kapunda or the Gilbert (Hear hear, and No) That was the argument which had been used in the House, and that was the understanding on which he (Mr Peake) had voted for the Bill In proof that such was the case he would point out that the House had asked surveys to be made, in order to ascertain whether a line to Kapunda or one to the Gilbert would be preferable, and therefore he considered it an idle argument to tell hon members that because they had supported the previous Bill they must support the present measure On the 16th January, 1857, the head of the Survey Department, in speaking of the northern extension, laid it down as a leading advantage of the Kapunda line that it would open up an accessible roadway to the mines in the north, and afford an opportunity of an extension from the Burra into 120 miles of country not yet occupied or known But he would remind the House that at that time none of the new discoveries in the west had been made, which had been brought to their knowledge since The mines and settlements had been going westwards, and mineral discoveries were being made in that direction, so that it might turn out in a little time that the traffic in the west would exceed any likely to arise in Kapunda, and that was another reason why they should not go on with the line until they were satisfied that the route to the north was the right one If his supposition that the north-western traffic was likely to increase were correct, then it would be of immense importance that the main line should be in that direction with branches to Mount Remarkable and elsewhere Hon members who knew anything of the country (and the hon the Speaker would bear him out in this) knew that they must go westward in order to find an opportunity of an extension beyond the Burra, for there was a splendid leading country there which

admitted of easy extensions being made In Mr Hargreaves report, that gentleman stated that he had given in a report recommending a line the Gilbert, and that his reason for doing so was, that it afforded economical and good gradients, and that the line was also short That was the evidence had been given before him (Mr Peake) on the committee of which he was a member, and he apprehended that at that time Mr Hargreaves had made a proper survey of the country with his level in hand [The hon. member here quoted one or two passages from the evidence of Mr Hargreaves] There was one point he would refer to It was to express a hope that the House would in future take a decided course as to the amount of information which it required before voting money for public works, as it would not do to be led on, first to Section 112, and next to be led on a little further in the same direction, because they had gone to 112 This was not the line of policy which the country would expect from the House, and it was a line which the House would have reason to regret having taken The House should not be asked to consent to any roads, railways, or public works until the plans and estimates were laid on the table so that hon members might know precisely the nature of the works on which the money was to be expended

MESSAGE FROM HIS EXCELLENCY

At this stage of the proceedings a message from His Excellency was announced

The SPEAKER announced the receipt of two messages from His Excellency, one acknowledging the receipt of an address from the Assembly, praying that a sum of money might be placed on the Estimates to defray the cost of boring artesian wells, and the other acknowledging the receipt of an address praying for copies of certain papers relating to the Marriage Bill and the Real Property Act His Excellency announced that he would cause both these prayers to be complied with

The TREASURER moved that the addresses be printed

Agreed to

RAILWAY DEBATE RESUMED

Mr HART thought that on an occasion of that kind the more information they had the better, but he confessed that, seeing that the House had passed in the early part of last session a Bill authorising the extension to Kapunda, he could not see how the hon member for the Burra and Clare could complain of their having gone to Section 112 The fact was, that on being stopped from going the whole distance, they had done the next best thing, they went halfway He (Mr Hart) felt that the submitting of this matter to a Select Committee would delay the work very considerably indeed (No, no) Hon members might say "no," but he thought it clear that if the report of the Committee should be in favor of the route by the Gilbert instead of that by Kapunda, the Government must introduce an entirely new Bill The present Bill would not be the one they passed, but another under a different title, and coming forward in an entirely different shape The whole question of the expense would have to be considered, and if the Select Committee should say that the Gilbert route was the best, there would be a very considerable delay indeed He did not intend to go into the question of the two lines, for he had not sufficient knowledge on that subject, but he would say, in answer to some remarks of the hon member for Encounter Bay, with reference to tramways and railways that if that hon member looked at the papers he would find that in the year 1857 the Gawler Town line had made no revenue, that there had been no profit The present question was whether the railway to Kapunda was wanted, for if the Valley of the Gilbert route was taken, Kapunda would be without a railroad at all He would call the attention of the House to one great reason why railways might now be extended in this colony beyond what twelve months since it would have been prudent to attempt This was the altered rate at which we could borrow money It was of great moment whether we borrowed money at 6 per cent or at 5 per cent, for we might extend our railway much more at the latter price than at the former Thus, for instance, if our bonds for £100 sold for £111, on which we paid 6 per cent annual interest, we were actually paying less than 5½ per cent, seeing that £6 2s would be the interest on that sum But as we received now £111 and had only to pay back 100*l*, and, supposing the bonds to be payable 22 years hence, the 11*l* would furnish a sinking fund of one half per cent, this clearly showing that we were actual borrowers at less than 5 per cent He was glad to hear the manner in which the Attorney-General had referred to the Strathalbyn Tramway, which he believed would do a great deal of good He thought that where a railway, owing to the smallness of the traffic, would not pay, a tramway might, and, in fact, the Goolwa Tramway proved this, for it could be clearly shown that locomotive traction could not be employed there advantageously, and yet there was a clear profit of 2,000*l* a year on the present line, a fact which quite upset the arguments of the hon member for Encounter Bay He would suggest to the hon the Treasurer that, as we are now getting money at 5 per cent, the correspondence showing that fact would be of interest He hoped the principle would be adhered to in this Bill of paying out of the general revenue one-third of the cost of the work as the principal had enabled us to borrow money at 5 per cent

The TREASURER was surprised at the argument used by the hon member for the Burra He could scarcely call to mind at first whether that hon gentleman was a member of the Committee of last year, but thought he was laboring under some misapprehension in supposing so until he referred to the minutes and found he was Yet the hon gentleman now wanted information, though it seemed rather late in the day When the hon member spoke of good country being discovered to the westward, he (the hon Treasurer) presumed he, meant country north of Port Augusta, but Port Augusta was the outlet for all traffic from that country, and none of it would ever find its way to the railway, either by the Gilbert or Kapunda But a railway passing near the Burra, would form an outlet for a large tract of country, which he apprehended would then prove available and valuable In fact it would be the outlet of all the interior lands on the north east, for the country could not be approached by water either from the Murray or the Gulf The reasons why the line was adopted had been very carefully examined by the Government when the Bill was introduced last year, and he had heard nothing that day to alter that opinion [The hon member here read an extract from a report of the Surveyor-General's in favour of the line, as compared with eight others] When the matter came before the committee, there was no dissentient against the Bill If they adopted a different route now from that of last year it would only show that the route then adopted was agreed to without due consideration, which he believed was not the case He could understand why new members asked for information but not why old ones should do so He thought the Government were right in allowing enquiry, and had no doubt the enquiry would show that the proper course had been recommended He agreed with the hon member for Light Towers that we could not have a railway in every direction and railways were not like ordinary roads where small sums might be spent here and there advantageously, but must be completed to a certain extent before they were at all available The hon gentleman concluded some further remarks by expressing his conviction that the Government were justified in the course they had pursued both in introducing the Bill and in submitting to further enquiry

Mr TOWNSEND said that the Government could not do less than introduce this Bill He believed the Bill of last session for the extension to Section 112, was one introduced to meet the difficulty of introducing the same Bill twice in one session, and he thought that after the report of the Committee which had sat for, he believed, 18 days, the extension to 112 should be carried out He was surprised at the remark of the hon member (Mr Peake), as that hon gentleman was on the Committee, the report of which he would now read [The hon member here read the report] He found the hon member was present at the meetings and had taken evidence, yet he had never entered his protest against the report, though there were two protests from Mr Whitehouse and Mr Reynolds respecting the Lattice Gully He thought the Government was open to the charge of neglect for not having completed the line either to Section 112 One argument in favor of the extension was, that there were a number of skilled labourers in the colony whom it was necessary to keep here, yet after the Bill was passed months were allowed to roll on before Government proceeded with the works He hoped if the present Bill was passed, the line, whether by the Gilbert or Kapunda, would be proceeded with at once The hon member for Victoria was surprised at his having been entrusted with all the petitions in favour of the Gilbert route, but he (Mr Townsend) thought the reason was that no other hon gentleman would venture to make the statement that we should not take a railway where it was wanted, but where it would be wanted in 10 or 20 years, and that whilst we were making the lines with borrowed money He hoped the champion of the squatters would make a wiser statement on the next occasion that he addressed the House The Attorney-General had stated that if a well-digested scheme for railways to the south were brought forward he would support it, but whose duty was it to get the information? Were hon gentlemen to sit on the Government benches and merely follow the decisions of the House? This Government, by proxy, would be a very easy thing indeed He would vote for going into Committee, but with the understanding that it was to give information to hon members who were not in the House last session and not from any desire to shelve the Bill He hoped that it would be a positive instruction to the Committee that a number of days should be given them to report in, for as this was a short session, some hon members might make the enquiry a means of shelving the Bill With regard to the line going to Kapunda, he would only say that railways to be productive must go to the centres of population, where was not only a goods but likewise a passenger traffic, and a likelihood of bonds being repaid He would vote for the Committee, not that he wanted information, for he had read every scrap of information which he could procure on the subject He hoped the Government would turn their attention to the south as well as to the north, for, as the hon member (Mr Barrow) had said, "We must have railways, and we must take them to the north, so he would say we must have railways and we must have them to the south

Mr BAGOT did not think he should incur the charge of

presumption if he opposed the hon gentlemen who asked for a committee, for though these hon members had jumped in one after another, they need not conclude that therefore they had all the strength on their side, and there might still be as many in favor of the second reading To him it seemed extraordinary that there should be a desire on the part of any hon members to resuscitate the immense amount of information and discussion elicited by the committees last session He sat there to do business, and he was persuaded they could not throw time away more than by having a select committee on this subject Some hon gentlemen had told the House that day that they knew the country east, west, north and south, and the position of the proposed lines, and he thought those who, like himself, did not possess that knowledge, having the testimony of the other hon gentleman, ought to be abundantly satisfied Allusion had been made to the immense supplies of agricultural produce, wool, and minerals, but the produce of the two staples of the country—ore and grain—was largely produced on the Kapunda line, and it was their duty to construct lines of railways in the directions in which most of these staples were raised, He thought it most extraordinary that any gentleman should think of legislating for ten or twenty years hence The least that could be said against going into committee was, that it would entail delay, and delay would entail hurry but this would be very satisfactory to those who opposed going on with the Bill now The Government seemed to have a peculiar facility for giving way, but he would much rather they would take their stand somewhere and then he should know how to act

Mr STRANGWAYS thought the only argument against the Committee was that the Bill would not bear the light The Bill was passed last session, and yet there were no working plans or estimates prepared, nor had anything been done for months, although the Government had said that unless something were done, the skilled labor would leave the colony They allowed it to do so, and he supposed would allow it to do so again He viewed the question, not as one between the Valley of the Gilbert and Kapunda, but as to what should be the grand trunk line of railway Mines, mills, and everything else should be provided for by branch lines It was from overlooking this fact in England that the immense expenditure in railways had been incurred The hon member proceeded to advocate a system of tramways, which could be converted by a moderate outlay into locomotive railways

Mr YOUNG spoke in favor of the Select Committee He supported the Bill of last session, not as the best that could be made, but as the best they could get Since then fresh facts had been elicited, and he thought the Committee desirable. He did not want to prevent the extension of the railway or to retard the progress of the colony, but to prevent the undue expenditure of money in one part of the colony at the expense of another

Mr HAY also supported the amendment, believing that the requisitions of the address of the House had not been complied with and proper information furnished He objected to the report and the slight tracing which accompanied it, and observed that any person acquainted with the country must say that the Surveyor looked through glasses very different from what could have been anticipated, when he found that in a quarter of a mile the line crossed the River Light four times Although the line through the Valley of the Gilbert might be more expensive, he thought the advantage of going to the east rather than to the west of Gawler would compensate for the expense He believed if they proceeded from section 112, direct across the Light, although it should cost £5,000 a-mile more for two or three miles it would be better Mr Bagot had said that he would take the country which was more settled now, and that he would not look forward It was true that about Kapunda the most settled country was to the North But this was on account of the mines and the large amount of money laid out there, which caused people to settle on inferior land The speaker, in reply to an observation of Mr Bagot's, eulogised highly the country in the neighborhood of the Gilbert, where he stated all the Crown lands put up for sale had been sold, and that more would be purchased if it was put in the market

Mr DUFFIELD thought that the whole question was settled last session, but he now thought the committee had not gone as far into the matter as they ought He had voted for the former bill, which appeared much the same as the present one, but after what he had heard he would wish the matter referred to a committee He thought they should have a northern railway, and the only question was where it should join the Kapunda line, which must be now carried out

Mr HARVEY voted for the amendment, though he should be sorry that the important district of Kapunda should be without a railway He thought the petition of 600 inhabitants of the Valley of the Gilbert should be taken into consideration, as they were all persons holding land, and the petitions from Kapunda were not of the same character, as amongst the miners and general population such things could be easily got up

Dr WARK thought more information was requisite Had Mr Hargrave's plan been a working plan, they would not then be so much in the dark He hoped railways would be taken east as well as north

Mr COLE thought it well they had not proceeded with the line to Kapunda, as they would have found it a great mistake He cordially supported the amendment, but not to shelve the question

The COMMISSIONER OF PUBLIC WORKS briefly replied The hon gentleman was not afraid of a Select Committee, if the subject were fully discussed He admitted that the demand, as coming from new members, was a reasonable one He concluded by eulogising the railway works of this colony, which were complimented by every visitor who travelled upon them

Mr GLYDE moved the insertion of the words "and that the Committee report to the House within 21 days"

Agreed to

The amendment was then put and carried, and the following hon members were appointed on the Committee —The Commissioner of Public Works, Messrs, Barrow, Bagot, Glyde, Milne, Peake, and the mover (Mr Hawker)

The other business was postponed to Thursday following, and the House rose

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WEDNESDAY, SEPTEMBER 15, 1858

The SPEAKER took the chair at three minutes past 1 o'clock

SOUTH AUSTRALIAN INSTITUTE

Mr TOWNSEND presented a petition from the Oakbank, Mechanics' Institute, expressing satisfaction at observing that the sum of £4,000, had been placed on the Estimates for the erection of a South Australian Institute in Adelaide, setting forth that the absence of a commodious reading-room was severely felt by parties from the country visiting the metropolis, and expressing a belief that if the objects contemplated by the proposed vote were carried out, a great number of the country institutes would seek to become incorporated with the town institution

Mr GLYDE presented similar petitions from the East Torrens Institute, the Munno Para West, the Glenelg, the Sturt, and the Hindmarsh, District Library Institutes

Mr PEAKE presented a similar petition from the members and friends of the Burra Institute praying that the sum of £4,000 might be expended as proposed This petition was signed by nearly 300 persons There were some additional paragraphs which, upon the motion of Mr Peake, were read They set forth the great importance of having a museum erected without delay, and expressed an opinion that if a suitable building were erected, most, if not all, the existing country institutes would seek to become incorporated with the parent society, and thus that they would be enabled to achieve more than they could possibly now in their isolated condition The petitioners stated that they observed £250 had been placed on the Estimates for the Burra Institute, and prayed that there might be a grant for a resident librarian It was stated, that in no part of the colony was the necessity for adult education so severely felt as at the Burra Two adult private schools were represented as being liberally supported,

GAWLER TOWN

Mr DUFFIELD presented a petition from the Mayor and Corporation of Gawler Town, signed by the Mayor on behalf of the civic body The prayer of the petition was that the House would recommend His Excellency to place a sum on the Estimates to assist the Corporation in making the main-road through Gawler Town When the Corporation was called into existence the Central Road Board gave up the charge of the main-road and the petition stated that the Corporation were not aware at the time that the charge of the road would devolve upon them Upwards of £1,000 were required for the formation and repair of the road, and the Corporation had no funds It was stated that this case formed an exceptional one, in consequence of the very large amount of traffic upon the road

RAILWAY TO KAPUNDA

Mr HAWKER presented a petition (which he stated was very similar to the one which he had previously presented) from the inhabitants of Glenlaro and neighborhood in favor of the fullest examination in reference to the line of railway to Kapunda The petition was referred to the Select Committee appointed in reference to this question

GAWLER TOWN RAILWAY

Mr PEAKE presented a petition from 300 of the most respectable and influential settlers on the main line of road by the Valley of the Gilbert in reference to the line of railway affecting that locality It was referred to the Select Committee upon the Gawler Town Railway

MR BABBAGE

Mr BURFORD wished to ask the Commissioner of Public Works a question which that hon gentleman would probably have no objection to answer without notice He had been informed that the hon gentleman had been honored by a personal visit from Mr Babbage, and he wished to know if such were the case

The COMMISSIONER OF PUBLIC WORKS said that he had been sitting all the morning in that House upon a Select Committee, and that he had not received a visit from Mr Babbage.

Mr PEAKE begged to ask the Commissioner of Crown Lands if he had been honored with a visit from the Northern Exploration party?

The COMMISSIONER OF CROWN LANDS had not had that pleasure

THE IMPOUNDING BILL.

Mr MILNE wished to put a question without notice to the Commissioner of Public Works He wished to know whether copies of the Impounding Act had been furnished to the Chairmen of the various District Councils, as he had received a letter from one of the Chairmen, dated the 11th inst., in which he stated that he had not received a copy of the Bill

The COMMISSIONER OF CROWN LANDS said the hon member would perhaps allow him to answer the question, as it was connected with his department Since the Impounding Act had been laid upon the table of the House, he had received a great many suggestions for its improvement, and in consequence a considerable number of alterations in the original Bill had had been determined upon The Bill was being reprinted, and a copy of the new Bill would be sent to the Chairman of every District Council

HARBOR TRUSTEES

Mr PEAKE, in accordance with notice of motion, asked the hon the Commissioner of Public Works why there had not been furnished a report from the Harbor Trustees, to June 23, 1858 similar to that sent in by other public Boards He was induced to ask the question because it appeared to him something exceptional that all other public bodies should be requested to report to the Commissioner of Public Works, and that exception should be made, or rather a liberty taken by the Harbor Trustees in not sending in a similar report

The COMMISSIONER OF PUBLIC WORKS thought the hon member had put this notice on the paper by mistake, as although there was no report from the Harbor-Trustees to June 23, there was one to June 30, which was embodied in a report which had been presented to the House, that being the date fixed by the department over which he presided to which reports should be rendered

Mr PEAKE—I had not received it at the time

The SPEAKER—Order

Mr PEAKE—May I explain?

The SPEAKER—The hon member has already explained

THE GLENELG JETTY

Mr PEAKE asked the Commissioner of Public Works who was responsible for the imperfect state of the structure and bad quality of the material used in the construction of the Glenelg Jetty (see report laid on the table of the House), and whether action had been taken to bring such responsibility to bear on the parties liable? He asked the question because he thought the time had come when the House should set its face against the acceptance of a report such as that which had been laid upon the table of the House The House would not be doing its duty, were it to allow it to pass without comment It was impossible that they could be silent when such a monstrous act of public injury had been committed, such as was detailed in that report He would ask the Commissioner of Public Works to relieve him from any intention of casting an imputation upon himself, or upon his department, he had no such motive, but it did appear monstrous that a public work involving an expenditure of 20,000*l*, 30,000*l*, or 40,000*l*, upon approaching completion should be found by the officer who had inspected it, in such a state as had been described in the report which had been presented to that House On referring to that report it would be seen that there had been greatly increased expenditure in connection with the Glenelg Jetty, in consequence of the bad quality of the materials used in its construction If the public were to be defrauded in so monstrous a way, and the House were not to adopt energetic measures to put a stop to and punish such frauds when attempted, the public would lose all confidence in that House as a guardian of the public interests He hoped that the Commissioner of Public Works, in addition to affording the required information, would be enabled to state that some plan would be adopted for the purpose of preventing similar frauds for the future He should like to ask distinctly whether any action had been taken in that direction?

The COMMISSIONER OF PUBLIC WORKS stated that the full particulars in connection with the Glenelg Jetty and breakwater had not yet been developed, but steps were being taken to examine those portions of the breakwater which had not yet been looked at, in order that they might get at the whole truth, and when this had been done, he would give the case his most careful consideration, and ascertain who was responsible, and whether it would be advisable to take any proceedings in the matter

DISTRICT COUNCILS

Mr PEAKE moved—

"That, in the opinion of this House, a great saving in the collection and expenditure of District Council rates could be effected if the rates were collected by, and works executed under, the supervision of officers retained in the service of several adjoining districts, and who should be required to devote the whole of their time to the service"

He had been induced to table this motion from reading the official report, which stated the receipts and expenditure of Corporations and District Councils, which had been laid upon the table by the Commissioner of Public Works He begged to disclaim at once any wish whatever to interfere with the rights, powers, or privileges of District Councils He did not wish to interfere with their right to deal with the money which they collected from their fellow-colonists, and to expend it as they thought best, but it should be remembered that that House gave them the powers by which they expended that money, and the Executive called them into existence It was the duty of the House to see that the system which had been established was suited to the public interest, and was acting in a manner best calculated to promote it His opinion was that the present constitution of District Councils did not tend to promote to the greatest possible degree the interest of those for whose benefit those Councils were called into existence He found by the return which had been laid upon the table of the House that 43 District Councils had expended a sum of £26,335, and that the sum expended in salaries to officers had been £4,631 In some cases nearly all that had been collected from the ratepayers had gone to pay the officers of the Council This certainly appeared anything but an economical arrangement, and he would put it to the House whether it was not time for them to take action in the matter, when they found that the Corporation had expended £28,851 with salaries for officers, &c. only £2,816, or only about half the amount which had been expended by the District Councils He could not see the necessity for District Councils saddling themselves and the ratepayers with such an enormous expenditure as £4,631 It was a wild lavish, and thoughtless expenditure of the funds of the ratepayers, and it was such wild and thoughtless expenditure that he was desirous of checking That House was called upon to vote sums in aid of District Councils, and were bound to see that those bodies were so organised that the votes would not be wasted It was their duty to check such altogether out-of-the way establishments and expenditure to carry out such small ends He found by the return to which he had alluded that there were 10 District Councils within a very small area—Aldinga, Clarendon, Echunga, Macclesfield, and six others They abutted upon each other The 10 Councils expended £916 upon salaries, and expended only £7,500 upon works Any hon member upon looking at these figures must see that there was great want of economy and proper management in the District Councils He did not find fault with the District Councils, but he did with the District Councils Act There was a different plan altogether in the home country At home they would never dream of appointing in ten districts such as he had named ten collectors or ten inspectors, but one man would do the business of the whole ten more effectually, and at less than half the cost He thought the Executive should take action, and endeavour to improve the organisation of the District Councils That House was asked to vote money in aid of these Councils, and it was perfectly legitimate that they should require those bodies to be economically managed, and that their funds should be skilfully applied What was required was, a different system of organisation amongst District Councils, and a more skilful application of the money which was entrusted to them to expend In travelling through the country no one could fail to observe the absurd waste of which the District Councils were guilty, merely because they did not know how most judiciously to apply the money It was not their fault but their misfortune (Laughter) They did not know how to expend the money, and the consequence was, they wasted it (Hear, hear) Seeing things in this state, he hoped there would be such an expression of opinion on the part of the House as would induce the Executive to take action in the matter, so that when the House voted money in aid of the District Councils, they might have some guarantee that it would be judiciously applied and not frittered away in idle and useless expenditure

Mr SCAMMELL regretted that he could not go with the hon member of this resolution on the present occasion, however, much pleasure it might give to him at any time to be able to support any proposition emanating from so fertile a brain (Hear, hear) On a former occasion the hon mover had suggested that the District Councils should be made accountable to a public officer—he believed the Commissioner of Public Works, who, having a seat in that House, would be accountable to that House At that time he (Mr Scammell) reminded the hon mover that the District Councils Act had passed, and that the Councils were directly responsible to the ratepayers, and to them only The members of the District Council only took office for a short time, and the abuses to which the hon member had alluded could not be carried to any great extent The hon member's motion after all was merely a repetition of the idea which he had formerly brought forward, it was centralization on a smaller scale If the hon member had asked by his motion that no district containing less than a certain number of inhabitants should have a District Council, he should have been inclined to go with him, but when the hon member came to that House with recommendations based purely upon theory, for the hon member had not had an opportunity of observing the working of District Councils —it would do him good to become chairman of a District Council, as he would then know some of the difficulties which District Councils had to encounter—he felt bound to oppose the motion, as he did not think it would in any way act as a remedy for those evils which had been alluded to With reference for instance to the ten District Councils which had been alluded to by the hon member, in which 15 per cent. of

the amount contributed by the ratepayers had been expended upon salaries, the hon. member recommended those Councils to club together and to have but one set of officers between them. Why, those ten District Councils embraced the area of at least 600 square miles, and what unfortunate clerk would undertake to superintend the number of petty works which daily required to be undertaken, extending over an area of not less than 600 square miles. The hon. member having displayed a disposition for theory, he would put this case:—Suppose the hon. member were jointly with his neighbour Smith to employ a man-servant. The first time the hon. member rang for his boots, they would, in all probability, not be forthcoming, John being engaged in cleaning Mr. Smith's horse, and when the little Peakes required a drive out, he would, in all probability, have no servant to drive them, John having gone to drive Mr. Smith's car home. (Laughter.) That was precisely the position in which the District Councils would be placed if only one set of officers were employed for several, and no chairman could ever hold office if he were compelled to employ servants with the surrounding districts. The effect of such a system would be that the interests of smaller districts would be rendered subservient to the larger; they would never know where their servants were employed, or where the work was done. The ultimate effect would be that the servants would be the masters. The question was beset with these difficulties and many others which had not occurred to him, but which would probably present themselves to others. But he would ask what weight would a resolution of this kind have if carried. He and the hon. member for Noarlunga, and the hon. Commissioner of Public Works, would not be disinclined to receive lessons in this way upon this or any other subject which the hon. mover knew nothing practically about, but what would be the feelings of each District Council throughout the province? Many of the members of such Councils might not participate in the willingness to learn which he and other hon. members possessed. The statement made by the hon. mover in reference to the receipts and expenditure might be correct, but it should be remembered that the District Council year did not commence at one uniform period, and it might so happen that all the payment might be in one half-year and the expenditure in another. This and many other circumstances, should induce them to pause before relying on the statement in reference to the application of funds which had been made. If there had been any real extravagance on the part of the District Councils, he deplored it as much as the hon. mover could, but that House having deputed the power of self-government to the District Councils, had no right inconsiderately to step in, and by this resolution take from them the pledges which they had previously conferred. If he thought the resolution would be carried, he should certainly move the previous question; in fact, under the circumstances, he begged to move the former question.

Mr. DUFFIELD was happy to second the proposition of the hon. member for West Torrens, because it appeared to him that the proposition of the hon. member for the Burra was so perfectly ridiculous that he was quite surprised to find the hon. member had thought it necessary to bring it forward. If the hon. member had added two or three words to the motion, he would have made it complete—that is, if he had added that the officers should devote the whole of their time to each of the District Councils. (Laughter.) He really felt that there was no necessity to enter at any length upon the question the last speaker having so fully shown the absurdity of the motion. A few days ago he had asked a question in reference to the amount of rates collected by a District Council and the grant in aid, and he then found, that the District Councils did not send in their returns at the same period, there was no regularity, and under these circumstances the returns were of very little use. He hoped the members of the Administration would take steps to compel the District Council to send in their returns at some given time, so that the House and the country might know what the District Councils were really doing. The returns before the House gave a very indefinite clue, and until the returns were sent in as he had suggested, they would not be able to arrive at a correct conclusion upon the point. He found that three District Councils had not made any rate at all, and what object there could be in calling these into existence, he was at a loss to conceive. The District Council of Clare had collected £241 4s. 6d., and had expended £224 14s. 3d. in expenses and salaries. Of what service that District Council had been to the district, he was at a loss to conceive, but if the £241 4s. 6d. which had been collected had gone into the Treasury, some good might have resulted. As it was the whole amount had been pocketed for salaries and expenses. By a late decision in the Supreme Court it appeared that the non-making of a rate invalidated a District Council. Such was the case in reference to Talunga and another. It was the duty of Government to inquire, and if it were found that any had become extinct, they should take steps to resuscitate them, so that the residents might know in what position they were placed. It was very necessary that returns should be forwarded regularly to enable them to ascertain what was done by the District Councils. The Government should not advance any more money to District Councils till they gave full information.

The COMMISSIONER OF PUBLIC WORKS, in common with previous speakers, felt that he could not vote with the hon. member for the Burra, but he thought he could have supported the hon. member if his motion had read —"In the opinion of this House it is undesirable to multiply small District Councils." (Hear, hear.) It appeared to him that was the only way to meet the evil. He regretted that the table which had been laid before the House was not more comprehensive, but hon. members could not imagine the trouble which was imposed upon the office over which he presided in order to obtain it. A new District Council Act would, however, be laid before the House before the adjournment. It was in a forward state, and he hoped on an early day to give notice of his intention to introduce it. He hoped that the House would then be enabled to decide some means to remedy the evil which had been complained of by the hon. member for the Burra. He was a friend to District Councils; he had worked with them, and to some extent for them, and was willing to do so for the future. One evil of the District Councils appeared to him to be their fondness for law, but for this there was a very summary remedy. The great good that the District Councils had done, that they designed to do, and that they were willing to do, must, he thought, be apparent to every one who travelled through the length and breadth of South Australia. He hoped there would be an amendment upon the motion of the hon. member for Clare, to the effect that it was not desirable to perpetuate small District Councils.

Mr. WARK thought the question was assuming a magnitude which it was not entitled to. Previous speakers had wandered from the point, which had been put clearly and specifically in the first instance, but subsequent speakers had ripped up and talked about everything connected with District Councils. They had heard from a member of the Government that it was intended to introduce a Bill to amend the present District Councils Act, and he therefore hoped that hon. members would leave the discussion of the whole question till that time came. He was sorry that the hon. member for the Burra had brought forward so ill-advised, ill-considered a motion, which he considered the House should at once negative. He should go with the hon. member, Mr. Scammell, and vote for the previous question. If this motion were carried into effect, it would have a most debasing, repressing effect upon the District Councils; it would render them a nullity, and they were little enough already. (Laughter.) Every one appeared to feel at liberty to come forward and bully them. (Renewed laughter.) He had borne the brunt of the battle and could assure the House that people were prepared to come forward and give the District Councils quite trouble enough without this motion. He believed that a late vote of the Assembly, limiting the expenditure of funds to the work actually done, would have the effect in many instances of inducing the Councils to superintend their own works, which were generally of such a character that they could be so superintended.

Mr. MILDRED should vote for the previous question. The more opposition which was manifested to the management of the local affairs of a district being entrusted to the residents of that district or their representatives, the more offensive it would be. There was a great deal of trouble connected with District Councils, and he wished those who complained of the manner in which those bodies had managed their affairs had, like him, had experience of their management, when they would be enabled to speak of their practical working. There could be no doubt that District Councils in South Australia had done a great deal of good; it was evident that they had, and he believed they would continue to do good, and ultimately, perhaps, they would supersede Boards which were under no control, and whose expenditure was lavish. He believed that the items which had been alluded to were exceptions to the general rule. The only objection which he had was, that in some instances there had been an expenditure of money for a particular purpose instead of the improvement of the district. The remedy after all was in the hands of the ratepayers, as the Council might be removed from office if they did not apply the money which came into their hands to the best purpose. In some instances large districts had been found unmanageable, and applications had been made to the Government to divide them into smaller, and these smaller ones had been worked more advantageously and cheaply. The district in which he resided was formerly one, but was now subdivided into three or four and it had been found that the cost of management had gradually decreased.

Mr. PEAKE said it was his intention to withdraw the motion, but he wished to explain in few words a misapprehension which appeared to exist in reference to the course which he had taken. He could not have imagined that the hon. member for East Torrens (Mr. Scammell) would have proved so sensitive upon the point. It appeared that the hon. member thought that instead of assisting him in his deliberations, he (Mr. Peake) had contemplated an attack upon him. If the hon. member were Chairman of a District Council, he could assure him that so far from wishing to embarrass him in connection with the body over which he presided, his only object was to assist him. He thought it would be seen that he had not been so unreasonable after all in bringing forward this motion, for admitting, as had been stated that the ten districts to which he had alluded as each having a District Council, did contain 600 square miles, he had seen as large a district at home, with excellent roads and bridges, which was looked after by one

officer, at a salary of £300 or £400 a year, but here, to expend £7,000, it appeared it was necessary to incur officers' salaries to the extent of £900. Under these circumstances, his proposition was not so unreasonable, and he begged to assure the sensitive gentleman from Hindmarsh, that he perfectly misunderstood him, and he trusted that the hon gentleman at the next meeting at Hindmarsh would not convey the impression which he had taken up so suddenly. He was glad to find that an amended District Council Act was to be introduced, as he apprehended it would be admitted it was undesirable to perpetuate the present system. The Commissioner of Public Works had alluded to the amount of money expended in law, and in some cases this amounted to one-third, and in others to the whole of the rate collected. It was not merely the money obtained from the ratepayers, which was injudiciously expended, but the Councils came to that House for grants in aid. He had, however, attained the object which he had in view by calling attention to the subject, and was glad to find they were to have an amended District Councils Act.

The previous question was carried.

TESTIMONIAL TO MR RIDLEY

Mr HAY moved that the Speaker leave the Chair, and that the House resolve itself into a Committee of the whole to consider the motion of which he had given notice.

Seconded by Mr HART, and agreed to.

In Committee.

Mr HAY submitted the following motion:—

"That an Address be presented to His Excellency the Governor-in-Chief, requesting that the sum of £500 may be placed on the Supplementary Estimates of 1858, to provide a suitable testimonial to be presented to Mr John Ridley, as a recognition of the great benefit this colony has derived from the use of the reaping and thrashing machine invented by him, and which is now so generally in use here."

He (Mr Hay) scarcely thought it necessary to state the benefits this colony had derived from the use of that invention. Any colonist of half a dozen years' standing would acknowledge that to the agriculturists and consumers of agricultural produce, the machine had been of such use that farming operations could not have been carried on without it. As far as he recollected, when the idea first struck Mr Ridley it was in the year 1841, when, as compared with the population, the extent of ground under cultivation was so large that there were not reapers sufficient to take down the crops, and as a last resource the Colonial Chaplain and a large number of gentlemen volunteered to go out harvesting. That arrangement was looked upon by the farmer as utterly worthless. Mr Ridley and some gentlemen, of whom some were then present in the House, met, and having consulted together, offered a premium for the invention of such a machine as would enable the colonists at less cost to secure their crops. They met many times, but Mr Ridley had got an idea somewhere respecting his present invention. He employed a number of workmen—machinists, blacksmiths, and carpenters, at his own expense found both labour and materials, and after repeated trials, repeated alterations, and great expense, produced a machine which was found to serve the purpose. Mr Ridley had stated to him when he (Mr Hay) asked him why he had not tried to reap some benefit from his invention, that his great object was to benefit the colony, and therefore he would present the colonists with his invention, and he did so. When the machine first came into operation a few farmers appreciated it, but on the part of many there was a great prejudice against it, but those who appreciated its worth thought that some testimonial should be if possible given to him. He (Mr Hay) believed that between sixty and seventy pounds were collected for that purpose, but Mr Ridley stated that whatever sum was received by him on those grounds he would present to the Mechanics' Institute, and accordingly it was given by him to that institution either in money or books. In 1851, most persons would know that, notwithstanding the greater portion of the male population was withdrawn from the colony, very little land was thrown out of cultivation. In fact many farmers, in full confidence of getting in their crops, went, after seed time, to the goldfields for a few months, and came back, knowing that, although there were no laborers they could fall back on the machine, one workman by its aid being able to reap the produce of 50, 60, or 100 acres during the season. In the years 1852 and 1853, many persons whose crops were early took them off by the aid of the machines, and then sold them to those whose crops were late. As a proof of the way in which the machines were now appreciated, the number made during the last three years was from three to four hundred, and he (Mr Hay) believed that it was owing to its introduction that the great extent of country was purchased north of Adelaide. By the use of that invention the colonists of South Australia could compete in any market in the world. We had in the colony two acres under crop for every inhabitant in the colony, and it was utterly impossible that that crop could have been reaped by human toil. In the year 1857, by a return of Council, Paper No 16, it appeared that £800,000 value of agricultural produce was exported, which facts proved the large amount of saving to colonists effected by that machine, and considering the great advantage the colony had derived from the invention, it was only due that some mark of respect should be given to the inventor. He (Mr Hay) would not press that the sum voted should be £500. In fact he did not wish that it should be presented in money at all. Perhaps a smaller sum would do to obtain something to signify the respect in which Mr Ridley was held in the colony. Let it be a present such as would be grateful to his feelings and to those of his family. It might be objected to as a precedent, but there was one instance already on record in the testimonial voted to Captain Cradell, and he wished there were many such precedents with as good cause as there was for presenting a testimonial to Mr Ridley. Premiums were offered for the discovery of gold and coal. Mr Ridley's invention had been of as great benefit to the colony as the discovery of either one or the other, because it enabled them to export produce. He hoped the House would look upon the matter favorably, and allow the sum of £500 to be passed. He did not know that it would be necessary to spend it all if a suitable article could be had at a less cost, but he trusted that the motion would be agreed to.

Mr MILDRED bore testimony to all that had been said by the hon member who had just spoken. He had been mixed up with Mr Ridley in attempting to obtain drawings and models of machines, and it was thought fair and just that all such meetings as were then held should contribute to the first introduction of machinery to agricultural purposes. For that end a small subscription was entered into at one of the meetings convened, and it was at one of them that Mr Ridley conceived the idea of adapting a machine which had been used in the time of *Julius Cæsar, and a drawing of which could be seen in "Loudon's Encyclopædia of Agriculture,"* to reaping purposes. He should be glad if a testimonial were presented showing the estimation in which Mr Ridley was held but he (Mr Mildred) doubted if it were right to notice a thing that had taken place so long ago as 14 or 15 years. He was willing to subscribe to such testimonial, and thought that plan preferable to a vote of the House. He should be pleased to acknowledge the gratitude of the colonists to Mr Ridley, yet he could not conscientiously support £500 being expended in that way.

Mr DUNN wished Mr Ridley well, but hoped that the hon member for Gumeracha (Mr Hay) would not succeed in his motion. He believed that in 1843, Dr Browne first suggested taking the crop by machinery, with some little modification of the model lying on the table. He (Mr Ridley) and others laid their heads together to devise such a plan, but while that was going forward the harvest came on, and the invention was not carried out. In 1844, the idea struck Mr Ridley, and that machine, invented by him, was the first one made, and all praise was due to him for his untiring efforts to carry out the invention. At the same time, it should be borne in mind that the invention was the foundation of his fortune, for he made his own, and bought fields of corn, and he reaped great benefit from it. He (Mr Dunn) had always thought that Mr Ridley would have reaped great advantage from taking out a patent, and if a small model were made, and presented to him, he would be glad to subscribe, but he thought for a gentleman deriving such advantages as he had from the invention, 500*l* was too much.

Mr HART was rather astonished at what had fallen from the last speaker. He (Mr Hart) had believed that no part of Mr Ridley's fortune was gained by the use of that machine. Had he desired to make a fortune by it, he would have taken out a patent. He did not do it, but threw it open to the colony, and even supposing he had made a large fortune, the benefit to the colony was not lessened. It would be as just to say that no credit was due to Dr Jenner for the discovery of the advantages of vaccination because during the time he was carrying out the discovery he was reaping benefit from his practice. No question the agricultural pre-eminence of South Australia was almost entirely owing to Mr Ridley's invention. It was one that suited the wants of the colony, and had enabled it to produce corn cheaper than any of the neighboring colonies. He was astonished at the member for Mount Barker, and the only excuse he could find for his observations was that he was living in a district where the machine was not used, and thus did not know how it had benefited the colony. (Oh, oh.) However, he thought £200 or £250 would attain the object, for Mr Ridley did not require money from that House at all. (Hear, hear.) He thought, however, that gentleman would like to possess something that he might hand to his children—showing the benefit he had conferred on the colony. It had been said that Mr Ridley, not being known in England, was not considered eligible as a member of Agricultural Societies, and a vote of that House would evince the estimation in which he was held by his fellow-colonists. He with others turned out to harvest with Mr Giles, and he (Mr Hart) thought that had it not been for the invention by Mr Ridley, agriculture could not have been pursued in the colony. It was all very well for the hon member to say Mr Brown first conceived the notion, but did he bring it into practice? No, he felt there was something wanting. He found agriculture a loss and gave it up and took to pasturing. The fair conclusion was that Dr Brown did not bring his views to a practical result. It was suggested that it should be a smaller sum than £500. He (Mr Hart) thought £500 too much, and hoped the hon member for Gumeracha would reduce it, and that the House would then vote for it.

Mr BURFORD hoped for a different result. He looked upon it as another attempt to foist upon the country a system of

pensions £500 in the colonial value of money was £50 per annum That was the shape in which to look at it He gave hon members great credit for being under the influence of benevolent feelings He admired, but thought that to indulge them in that way would be an injury to themselves and the public out of doors From what he knew of Mr Ridley he believed his feelings would be totally against such a step He was too sensitive and would shrink from that sort of thing He (Mr Burford) thought it was not a legitimate question for that Assembly to entertain If reward was needed it should come from those who were benefitted by the invention, and those were the farmers and millers Let them club together and show their esteem for the man He had no doubt Mr Ridley did well by the invention He had a large workshop and men were employed, and full prices for his work, and if he did not do well by it, it was strange, He had had his reward times without number in the expression of grateful feeling at public dinners and other colonial meetings, and he thought there was no need to add to expresssions of that kind any material guarantee Since the introduction of responsible government, they had invariably lifted up their voices against anything of the kind Only that day he had heard another very similar proposal If these things were submitted to, there was no knowing how far they would go As to the suggestion that Mr Ridley might be above taking money, and might like a testimonial in another form, that House could only vote money, and could not decree a candelabra to be made, or anything of the kind He considered the reward was in the act, and the good man had his reward in his own conscience He should oppose the motion

Mr SHANNON rose amidst loud cries of "divide" He cordially supported the motion, because he believed that Mr Ridley had never received sufficient acknowledgment for his services to the colony. In his (Mr Shannon's) opinion had it not been for that invention, this colony could never have occupied its present position in reference to agriculture He could state that now, without other assistance than that machine, one man could reap 200 or 250 acres per annum Two men were not required. (Divide.) He thought Mr Ridley had been one of the greatest benefactors the colony had had Had it not been for his invention the exports of agricultural produce would not have reached £100,000 annually Objections had been raised to granting that testimonial at the expense of the country, but farmers alone had not been benefitted All the community had shared in the blessing either directly or indirectly For these reasons he should support the motion

The House divided, when there appeared for the motion—

AYES, 8—The Commissioner of Public Works Messrs Hart, Hawker, Hughes, Lindsay, Milne, Shannon, Hay (Teller)

NOES, 19—The Treasurer, The Commissioner of Crown Lands, Messrs Barrow, Burford, Cole, Duffield, Dunn, Glyde, Harvey, Lindsay, MacDermott, McEllister, Neales, Peake, Scammell, Strangways, Townsend, Wark, Mildred (Teller)

The motion was accordingly lost.

The House resumed

The SPEAKER reported progress

Mr Reynolds was called but did not appear

SUPERANNUATION

Mr HUGHES moved that there be laid on the table of this House a return showing the names of those officers who have, and those who have not taken advantage of a resolution of this House passed during the last session, authorizing the Government to repay to subscribers to the Superannuation Fund the amount of their subscriptions with 10 per cent interest added In moving for that return he might say his reason was that hon members were aware that an alteration was made in the Superannuation Fund, and the Government had given notice of their intentions to bring in a Bill to establish retiring allowances It was, therefore, a point of great importance

Mr REYNOLDS (who came in while Mr Hughes was speaking) seconded the motion He wished to state that the reason why he had not answered the call of the House was, that he had been locked out

The SPEAKER said under those circumstances he did not doubt that the House would allow him to proceed with his motion

Agreed to

RAILWAY MANAGEMENT

Mr REYNOLDS asked permission to amend the motion of which he had given notice, by inserting the words "commencement of" after the words "from the," in the latter clause of it It would then read, "from the commencement of the year 1856"

Leave given

Mr REYNOLDS then moved the consideration of paper No 20, with a view of a Select Committee of the House being appointed to enquire into the entire management of the South Australian Railways, from the commencement of the year 1856 to the present date His object was that the House should express an opinion on the matters referred to He wished at an earlier part of the session to have taken in some action the matter, and had not the Government presented the House with the correspondence now referred to, he should have moved for the production of that correspondence The Government had saved him the trouble In bringing forward the motion, notice of which he had given some time since, about the anomaly of a Commissioner of Railways being also the Engineer, he could have wished to have given some information respecting the matters between his late colleagues and himself, but, as he had been anticipated, he was saved the trouble of addressing the House on that point Again he had endeavoured to introduce a responsible Board in connection with a responsible Ministry, and next morning the Government introduced a Bill, which he had the honor to submit to them in December last, and as they were so ready to adopt his policy, there was very little for him to do He did not blame the Government for anticipating him —far otherwise—they had paid a great compliment to him There was no intention on his part to act discourteously towards the House He was sure that the House excused him for being on that side instead of the other, and he was quite sure the House would as readily excuse the Government as himself The Government by laying the correspondence that had taken place between them before the House had shown that the Ministerial explanation was his own explanation In making use of that correspondence, he would not take a vote of want of confidence in the present Ministry far otherwise, and he did not intend to ask the House for a vote of censure on the Government No, he wished to give the House an opportunity of expressing an opinion on the transactions between his late colleagues and himself From what he knew the House might be satisfied with the proceedings of the present Government He knew nothing to the contrary, excepting what had been said in that House The question amounted to this—Are we living under responsible Government or are we not? They might shirk it if they pleased, but it came to this Was the Commissioner of Public Works responsible to that House for the action of the Railway Boards, or was he not? He forgot himself Under responsible Government He understood, in joining his late colleagues, he was joining them under a system of responsible Government, and considered himself to be held responsible to the House for the duties that devolved upon him, and for the action of those Boards, said to be under his control and management And in taking office under a responsible Government, he supposed he might have been seriously mistaken However, he determined as far as he could to make those Boards placed under him, responsible He took office with that intention, and with the intention of overhauling those establishments as far as was in his power He believed he had at the time the sympathy of his colleagues, and of that House in that determination He believed that the House held him responsible for what was done by those Boards, and that being the case the House must deem his position a difficult one In the first place he had a Board to deal with that was elected He had another that the Attorney General said was as responsible to the Government as the Commissioner of Public Works was to that House He had to do with a Board called the Harbor Trust, that was not responsible to the Government They could not remove a member of it without reference to that House Then there were two other Boards appointed by, and said to be responsible to, the Government, but so constituted by Acts of Council, and become so irresponsible that unless the Commissioner of Public Works took a decided step, they would become irresponsible These were some of the difficulties attached to the office of Commissioner of Public Works, but he had wished to do his duty in working out responsible Government while he held office His predecessor had been but a short time in office He did not mean the gentleman who was only three days in office—he referred to Mr Davenport He failed to bring those Boards under responsible Government, but he (Mr Reynolds) did not hesitate to undertake the task, and his late colleagues if they did him justice, would have said he had not neglected his departments There was no want of vigour in him. If he had committed an error at all it was that having been so much accustomed to work, he had attended too much to details, and by that means got himself into a broil Had he been satisfied with taking things for granted, he might have gone on as smoothly and comfortably as any man, and might at that time he believed have been by the side of the Attorney-General. He would advert to the correspondence itself There were three matters to which he wished to draw the attention of the House, and to which he presumed there would be some reference made by those who thought differently from him There was the question of his not having consulted with his colleagues That was in the correspondence, and he presumed some charges would be made against him for not consulting them before he took action in that matter As to that, his reply was on record He was anxious to consult his late colleagues whenever they gave him the opportunity. But there were no regulations binding him to consult them on matters of any kind connected with the department under his charge There was no understood obligation for him to consult them In the month of April, it appeared that the Government agreed to some regulations that should bind its members in case of dispute with heads of departments under them. These were to the effect that if a dispute arose between a responsible Minister and the head of a department under his control, the Minister should consult the Chief Secretary, and if they agreed in opinion the Minister should take action, but if not, it was for the Government to consider it He was glad that hon members remembered those words Suppose the Commissioner of Public Works had a dispute with the

head of a department under his control, and he consulted the Chief Secretary Should there not be an arrangement to the effect that if the Chief Secretary had any dispute with a subordinate, he should consult the combined members of the Executive? Oh! there was no objection to that But when the document reached him (Mr Reynolds), he found that the Chief Secretary was not bound to consult any one Now, if those regulations were binding, they were only binding as a whole, and he was not bound by those regulations unless the whole of those conditions were inserted There was one other point to which he wished to draw the attention of the House, namely that up to the time when those regulations were adopted, the Chief Secretary was not the Premier—not the recognised Premier of the Government The Attorney-General had been considered the Premier up to that time, but from the very day that those regulations were agreed to, the Attorney-General ceased to be the leading minister, and became a mere tool to another man, whom he (Mr Reynolds) as he had said before, would never acknowledge as a leader When they agreed to certain regulations, it was understood clearly that if they were to consult the Chief Secretary, the Chief Secretary should be somewhere to be consulted, but if during one whole month, when he (Mr Reynolds) wished to see him, he was enjoying himself in the sea breezes at Goolwa, and if when he actually went a dozen times to consult the Commissioners of Crown Lands on questions that had arisen between the Railway Commissioners and himself, that gentleman was so busy in looking after emigration ships and land, that he could not find time, and the only member he could find was the Treasurer, with whom he consulted on all matters except the last what could he do? He was called upon to decide on matters requiring immediate action On the 5th May, he found Commissioner Colley waiting at the Public Works Office, to speak with him on matters of account The question of trucking then occurred to him He (Mr Reynolds) found the contract was up on the 1st of June He asked what they intended to do Oh, they were intending to renew the contract for 12 months He said he hoped they had not committed themselves to that and was told they were not committed That very day a Railway Commissioner told him the contract was not closed and that they could retrace their steps, they went and renewed the contract He must advert to one matter referring to the Attorney-General, for it might be said when he could not find the Chief Secretary he knew where the Attorney-General lived, but that gentleman must remember also that about that time he was also enjoying the sea breezes about Lake Goolwa, and very properly so too He himself would have gone, could he have spared time He would like to have enjoyed the hospitality of its excellent chief, but he did not No doubt he (Mr Reynolds) might have written to him, but he would tell the House why he did not He could not forget that the question between the Railway Commissioners and himself was a legal question, and that if the Commissioners acted legally, they would have consulted their legal adviser But who was he? The Attorney-General Was it fair to him that he should go and consult their adviser, who was advising against the Government? That was precisely the position in which he was placed Did any one dispute that the Attorney-General was the legal adviser of the Commissioners? He would refer to Council Paper 59, 18th December, 1857, in which the Secretary of the Board referred the Commissioner of Public Works "to our counsel's opinion as to the power of dismissing them," and that was signed "R D Hanson, Attorney-General" He did not consider it fair to consult him under those circumstances Besides, if the regulations had any force, although the letter in question did not reach him until after action had been taken, he was not bound to consult the Attorney-General, but only the Chief Secretary, and had he agreed with him, he (Mr Reynolds) could have taken action, and therefore there was no point in that remark It might be objected to the correspondence that the tone of the letters was not such as it ought to have been Now from the time of taking office to that of leaving it, he had great practical difficulties to deal with in the Railway Department The Attorney-General the other day spoke of there being no practical difficulties arising out of the fact of the Engineer being at the same time a Commissioner He (Mr Reynolds) was the best judge of that Who could state these difficulties so well as a man who had charge of those departments for eight months? But from the time of his taking office to that of his leaving it, it was one continued opposition to his opinions He had the Engineer, William Hanson, Commissioner William Hanson—William Hanson—everything, William Hanson while in office, William Hanson when out of office It was William Hanson from the beginning to the end of the chapter, and that involved very many practical difficulties He was one of the Board—he was consulted on the correspondence on the rolling stock, and if the Commissioner of Public Works found it necessary to remonstrate with the Commissioner, William Hanson, the Commissioner William Hanson referred that document to William Hanson, Engineer and William Hanson, Chief Commissioner, sent a reply to the Commissioner of Public Works William Hanson, Engineer, was not remonstrated with by William Hanson, Chief Commissioner, and told "you have not done your duty" He (William Hanson) would not lecture himself Some hon members might think that had he consulted the Chief Secretary, the tone of that correspondence would have been different, that it would have been more placid, more softened, more everything that was amiable, but he thought they made a great mistake For once in his life he had consulted with the Chief Secretary in regard to that correspondence, and he would state what that hon gentleman said in regard to the Waterworks He said it was such an impudent production from the Waterworks Commissioner, that "he would not stand it" He (Mr Reynolds) did not stand it He said "it will not do for you to argue with subordinates" He (Mr Reynolds) did not argue with subordinates He said "tell them so and so" He (Mr Reynolds) did tell them so and so, and merely acted according to the directions of the Chief Secretary But the Waterworks Commissioners did not behave like the Railway Commissioners They behaved like gentlemen. He hoped when the Attorney-General referred to his remarks again, as he had done in that letter, he would also lecture the Chief Secretary himself, because what was objectionable in one case was objectionable in the other Now he would ask, was it right of him to recommend the dismissal of the Railway Commissioners? He would beg attention to two points in relation to that In the first place there was gross neglect of duty, and he thought that sufficient ground for dismissal He trusted the House would refer to a few facts in matters that arose in the sitting of the Railway Committee in June and July last He wished them to refer to Mr Hanson's evidence. He said, in answer to a question, on 17th June, 1857, as to what rolling-stock was required, he wanted two more engines and eighty more trucks, which were required for 'present work,' and that they would require from £18,000 to £20,000 for the trucks, and £9,000 for the engines In answer to question 229, he said they were wanted for the Gawler Town Line, and in Mr Fuller's evidence (question 1,029), he stated that there were 300 tons of goods on the platform that could not be taken down for want of sufficient trucks In answer to 1,118 and 1,120, to the effect of how they would carry the traffic arising between the Port and the north, it was replied that new trucks would be provided if they got the money He would now refer to the Council Paper dated 18th July, 1857, where it was stated "a great increase of goods traffic on the Port Line, to the amount of £40,000 per annum more than was expected, rendered an increase of stock necessary to the extent of 80 waggons and two engines" That was signed "W Hanson" It was stated that they had already paid £400 or £500 for damage to wheat which would not have arisen had they had proper trucks Those facts were before them, and the House would see from the correspondence laid on the table that day that they, the Railway Commissioners, dallied to the last moment He had an immense deal of trouble with the Commissioners to get them to advertise for tenders for those waggon bodies They were anxious to construct them on their own establishment The correspondence showed they wanted eighty trucks He (Mr Reynolds) said "construct as many as you can in the Railway Sheds and advertise for bodies" So that they had instructions to begin at once. He need not dwell further on it, there had been miserable delay It was perfectly inexcusable If eighteen years' experience in the management of railways had not resulted better than that, save him (Mr Reynolds) from eighteen years' experience Then they were making models—why did they not make 40 models Models after eighteen years' experience, and two years' here! Then they found tarpaulins would not do and they must have covered waggons The model was made—why did they not make 40 models? He believed that ever since June, 1857, 50 trucks had not been finished That was the celebrated management of the Railway Department The Attorney-General said something was due to the excellent management of the Railway Department He gave honor to whom honor was due, but the management of that railway was a disgrace to those who pretended to know anything about the matter Was he justified then, when these gentlemen did nothing after getting the money in the month of November, when they did nothing beyond making two models up to the 12th of February, when they advertised for tenders Was he not justified, and would not the House consider him so in recommending that these gentlemen should be dismissed? (Hear, hear) The next point he would refer to was not merely the neglect of duty, though that one he considered sufficient ground for his resignation He meant an anomaly which had since been removed by the pressure from without, but which his late colleagues were not prepared to remove whilst he was acting with them He (Mr Reynolds) merely recommended that the Commissioners of Railways should be dismissed, and that the Engineer should confine himself to his proper duties, and be responsible to the Government as the members of the Ministry were responsible to that House, whereas under the present system he was neither responsible to the House nor to the Government He objected to having a servant of the Commissioners the master of the Commissioners For who was to exercise a control over the Engineer if he was wrong—not that he would say that that gentleman did wrong—there was no inuendo there, but if he did wrong, who would presume to make a complaint? To whom should he present it? Why, to the man against whom the complaint was laid Was not that an abuse? (Hear, hear) But he need not urge it further, it carried conviction with itself, and did it not show the disorder which existed? There might be many complaints against the Engineer, but

people would be afraid to prefer them, for the reply would be, "Send him about his business" Another point was, who was to check the Engineer, since he was the Chief Commissioner? There was no check to control over the Engineer Thus there was anomaly, abuse, and neglect of duty, and likewise resistance to proper control Under such circumstances, he would ask was he not right in calling upon the Commissioners to make their business public by calling for tenders for their working models, and the carriage of goods (Hear, hear) And if so what right had the Commissioners to resist his requisition? They resisted the Commissioner of Public Works, though the contract they had taken was not binding and could therefore be recalled But they said "no one else can carry out the contract" Why, was not that the reason they should advertise, in order to show the public that they were prepared for competition? If they were tied up to Mr Fuller, the sooner the public knew that Mr Fuller was the governor of the line, and the only party who could carry out the contract the better The sooner they knew of the evil arising out of such a circumstance, the sooner would they have competition But so long as the public knew that the Commissioners gave Mr Fuller the contract, and that there was no disposition to give others a chance of asking "will you give me the opportunity of tendering?" so long there would be no competition There was another point—it related to a question of law Was it right to lease the tolls without the consent of the Government? Upon this point his (Mr Reynolds's) mind was made up His colleagues had enlightened him on the matter They affirmed that the Commissioners were in error, and, therefore, there had been, in point of law, a neglect of duty, which, in addition to the abuses and the anomalous position he held, justified him in asking his colleagues to dismiss these gentlemen He pictured himself coming into that House at the commencement of the session, after yielding to the hon gentlemen opposite, seeing that he could not help his position, and that it must be so under the Act, and then hearing an hon gentleman in the House asking from that (the Opposition) side, "Did Mr Fuller get the contract, and did the Commissioners neglect so and so?" "Yes" And what action do the Government mean to take?" "Nothing" Would not hon members say, if he made such replies, that he deserved the censure of the House (Yes, and hear, hear) Yes, he should, and if he (Mr Reynolds) were to hear such replies, he should say to the hon member making them, that he would do his best to oust him from office Hon members would say they could not help it, that the Board had rights and privileges, but who appointed them? The Government—and who were the Government, but the responsible Ministers? Yet these gentlemen refused to remove the Commissioners, and why? Because they did not like it What would the House say to him if he made such a reply? Would hon members say, because you did not like to remove them, therefore they have the confidence of the House He should not consider himself worthy the confidence of the House if he had not recommended the removal of these gentlemen Well the resistance of these gentlemen brought on a crisis Either the Commissioners must go to the wall, or he (Mr Reynolds) must There was no other alternative When he recommended action in the matter, and his colleagues would not endorse his recommendation, the only alternative left him was to resign his position His colleagues said they would not carry out his suggestion, but they concurred in the abuse of having the Engineer likewise holding the office of Chief Commissioner What more did they say? That they did not wish needlessly to lower the position of the Commissioner of Public Works They did not mind lowering him, but not needlessly But would it really lower him? Undoubtedly it would, and he (Mr Reynolds) would say it was unwise on the part of his colleagues to place him in such a position, and they could have no respect for him personally when they spoke in this manner It was what he might say to his servant But this reply had one use It caused him to make up his mind He could not act in such a way, having any regard for his office as Commissioner of Public Works, as to ask the Railway Commissioners to reconsider their determination He valued his position too much to do that and if he had acted otherwise he should have left his hon friend opposite (the Commissioner of Public Works) a dishonoured office as a legacy, so he resigned his position, and left his hon friend to pursue that course which he (Mr Reynolds) could not follow It was a matter of opinion whether he should have resigned, but in his own opinion he was not precipitate He had never performed any act in his life with more deliberation, and there was none to which he could now look back with greater satisfaction There was another point Ought he to have sent a copy of his letter to the Executive to the Railway Commissioners? Perhaps he was to blame there They might blame him for the act but not for the motive, for he thought he was bound to send a copy of the charges to the gentlemen against whom he made them (Hear, hear) And now having done with what was personal between his colleagues and himself, he would come to the matter before the House, and ask for a Committee to examine into the whole railway department from 1856 to the present time He would give a few of the reasons which induced him to ask the House to sanction this motion He believed that the acts of the Commissioners had shown either great neglect or incompetence, he did not care which, and so long as the correspondence now lying on the table was there, he thought the House would not be satisfied until an enquiry into the whole management of our railway was made It seemed the practice to do everything six months after date When he first came into office, he asked for the half-yearly return to the end of 1857, but up to the commencement of June it did not come, and there was very little in it after all Then three days after the passing of the Bill for the railway extension to the 112th section, he asked the Chief Commissioner to call on him, and he (Mr Reynolds) then asked that gentleman whether he could go on with the works, and he said "yes, immediately," and that the skilled laborers whom we had trained would be available, but in the middle of February his (Mr Reynolds's) attention was called to the fact that nothing had been done, and it was necessary to write to the Chief Commissioner to go on with the work The hon the Commissioner of Public Works said in reply to his (Mr Reynolds's) letter, that since he (Mr Reynolds) left the Ministry, reasons had been assigned by the Chief Commissioner for his conduct which were very satisfactory, but he did not think so, and he believed other hon members would not think so There was another important item, one of the most serious in a Government department, the accounts It was true that the questions he had asked referred to the accounts of 1856, but these were not satisfactory, and though the present Commissioner would not be answerable for them, they involved large amounts, and were admitted to be open to great risk and uncertainty, and this showed that they were not proper accounts It was true the Commissioner was not responsible for them, but the Engineer had something to do with them, and should have kept better accounts than those which were admitted to be subject to risk and great uncertainty When the amount involved was £30,000, he would on that ground alone, if there were no other, ask for an enquiry For a very considerable time after 1856 this system had remained in operation The report on the rolling stock did not make matters much better, for it showed that there was no management or enquiry into the state of things He wanted an enquiry into this, for he thought it might show much more than risk or uncertainty There were many rumours abroad of a damaging character, and to allay these a Committee was necessary As to persons having interests in contracts, or having contracts themselves these were points which required looking into It was only the other day a matter came before him as Commissioner of Public Works, which he had left as a legacy to his hon friend (the Commissioner of Public Works) to enquire into It was a statement that the Assistant Engineer had an interest in a contract He believed an inquiry had been made into this, the result of which would be laid on the table, but he thought they might have had some other parties than the Commissioners to inquire into it The rumours were common, and he thought the Commissioners themselves should, long before the Government called upon them to do so, have instituted an inquiry instead of waiting until they were forced into it Another case had also come under his notice There were now 100 or 150 bags of flour and bran unaccounted for belonging to a firm in Gawler Town, and the Commissioners had a claim against the owner, in reference to which they did not appear in a very honorable position, for having got the parties to pay over some money in order to bring the case within the jurisdiction of the Local Court, they then shirked the matter completely As there was a question of upwards of £100 between the Commissioners and the firm, this was a matter of some moment, and as the difference between the claim of the firm and that of the Government was some £30 or £40, he would ask, was that nothing? If this were the case of a man of business, would he not inquire into it? Let hon members look at the copy of the contract, lying on the table, and they could not understand it The hon the Treasurer himself had admitted that he could not, and that if he was called on to arbitrate between the parties, he could not do it He did not know whether the accounts were in the same state still Many things he supposed were understood, but it did not show great skill or management in drawing up a contract There was another matter in the correspondence which he thought showed that the Railway Commissioners were not very particular in selecting the men employed in the railway service Hon members would perceive a reference to a Superintendent of the carriage department, named Snell, who was dismissed without any reason being assigned The reason privately assigned to Snell himself, or the reason which Snell gave to him, was one which he would not like to repeat in the House, but he was sure of this, that the qualifications required in a servant of the railway were such that he (Mr Reynolds) would rather not have them Another person was taken on in Snell's place, who had been dismissed some time before for insolence and drunkenness, and this person had the control of money to pay the men This man, when he came back, it was found had committed bigamy, and then he bolted, though under what circumstances he (Mr Reynolds) did not know Snell had assured him that during the time he was superintendent in the carriage department he never on a Saturday could get correct accounts from the accountant, and that he had got from £1 to £6 over and above what he should receive, and that he had to walk after the clerk to return the money That would show that there was no proper management But when the Commissioners themselves were said to be dealing with matters of an improper kind what could be ex-

pected? He would not deal in innuendoes, but would come out with a plain statement, and challenge the hon the Attorney-General to deny it One tradesman in Adelaide had been told by one of the Commissioners in Adelaide after the tenders for tarpaulins were called for, to send in a tender, not in the Commissioner's name, but in his own, and the tradesman sent one in, and got his commission This would tell its own tale He should now ask in the terms of his motion, that a Select Committee be appointed The hon member concluded by reading the motion

Mr STRANGWAYS seconded the motion without remark

The ATTORNEY-GENERAL most cordially supported the motion He confessed he could wish that a great many matters in the speech of the hon member had not found a place there He confessed for himself he had been pained by what appeared to him an exhibition of feeling and a violation of confidence on the part of the hon gentleman It appeared to him almost a matter of impossibility that that hon gentleman could expect any person whatever to act with him in a public capacity and rely with confidence upon his discretion and secrecy (Oh, oh) He merely spoke of the impression made upon his mind when the hon member spoke of conversations between himself and members of the Government with whom he had conversations of moment on matters not before that House When the hon member repeated these conversations it was a violation of confidence, and he (the Attorney-General) thought it impossible that he could expect any person to act with him, relying upon his discretion or secrecy He only spoke of the impression made upon himself, but if hon members thought that conduct such as that was to be approved of, they might hold the hon member justified in all he had said on the matter He did not intend to refer further to that *part of the subject* and he should pass over very briefly the greater number of the topics touched upon by the hon member, because if that hon gentleman intended that the House should act in this matter, he did not bring it forward in a way in which it could be fairly tested The hon member had brought forward a motion which he must know well the Government would accede to (Laughter, and hear, hear) He said so because the Government never refused a Committee of enquiry in a matter of this sort—(hear, hear)—and ever since he had been connected with the Government, neither himself nor his colleagues had ever opposed a motion for the production of papers or for an enquiry into any matter of public interest (Hear, hear) The hon member had brought forward something which would give him the opportunity of making a speech, but leading to no result, but upon which he (the Attorney-General) would hold himself excused from touching at any length until there was some substantial motion before the House If the honorable member was desirous of having the conduct of the Government inquired into, or his own conduct as Commissioner of Public Works, and all he had done in that capacity, or anything in relation to the members of Government, they were quite prepared to meet him and fearless of the result He said this because he saw no advantage in referring to matters not affecting the question before the House The hon member asked in the early part of his speech if the Commissioner of Public Works was responsible for certain things, and he (the Attorney-General) answered emphatically—"No" No individual member of the Administration as such was responsible The Government, as a Government, was responsible, and as a Government it must act, but no individual member could act for himself, and if he acted without consulting his colleagues, they were not responsible for his acts The Government, as a whole, was responsible for what every member in his public character might do or sanction, but the individual member had no such responsibility for the acts of his colleagues It was in this respect that the idea of responsible Government was not like that of the system of *chefs de bureau*, each of whom were concerned with his own department, but a responsible Ministry was, or was supposed to be, connected and acting in concert and was not responsible individually, but collectively Finding that this was so, he was opposed to the opinion which the hon gentleman had expressed, and, therefore, he did not wonder that they had got into a position which made their acting together impracticable, and if the hon member thought himself individually responsible he did not wonder at his taking the course which he had followed The hon member had referred to his being unable to see the members of the Government As to the hon the Chief Secretary, he could not see that hon gentleman inasmuch as he was at the Goolwa He (the Attorney-General) believed that he was away on one occasion from Thursday to Thursday, but with that exception there was no week during which he was not three or four days at his office, and at his residence in town But as it happened the time during which he was away was not the time at which the hon gentleman wanted to see him The first letter was dated the 5th of May, and it was on the 15th or 16th April that he returned from the Goolwa There was another matter in the hon gentleman's speech at which he felt more regret than anger The hon member joined the Administration which he (the Attorney-General) helped to form, knowing that he (the Attorney-General) was the legal adviser of the Railway Board, and from the time the learned gentleman took office until he left the Ministry, or until the present moment, he (the Attorney-General) had never heard the hon member make any complaint or objection arising out of that circumstance Nothing was said or written, as far as he was aware of, which could lead to the idea that the hon member felt himself fettered in his communications with him (the Attorney-General) by the position which he held He thought he had a right to expect that if the hon member felt that he could not consult with him as Attorney-General, because he was consulting counsel to the Railway Board, that some reference would be made to the fact, so that he might have the opportunity of deciding whether it would be more convenient to him to remain the standing counsel of the Board or have the opportunity of communicating with the hon member He would go further and say that no person had a right to believe that his giving an opinion on a mere matter of law should prevent him from giving an opinion not as a matter of law but on a matter of policy He must express his surprise that if the hon gentleman held such an opinion of him (the Attorney-General) as was implied that he should act with, or under him, as a member of the Ministry, or under him as the head of the Cabinet He had asked the hon member to join the Administration, and he did so from October for eight or nine months, and all the while he appeared to have had such an opinion of him (the Attorney-General) that he could not consult with him on the most important matters affecting his department, because he (the Attorney-General) was counsel to the Railway Board He could only say that he did not feel himself incompetent as a member of the Government to decide on any question connected with that Board, and if the hon member thought there was anything incompatible in the double relation, he was not acting fairly to him (the Attorney-General) or the Government in not calling attention to the fact The hon *gentleman had referred to a statement made to him by one of the* Commissioners of the Railway, and with regard to that he could only say, it would be inquired into and he had no doubt the inquiry would be ample, but he (the Attorney-General) would hesitate to pronounce a condemnation on any person resting merely on the recollection of the hon gentleman as to conversations between himself and somebody else The Commissioners would be furnished with all requisite powers for such an investigation The hon member had also spoken of a Commissioner receiving commission on a contract If so that Commissioner should not retain his office He did not know whether the knowledge came to the hon member while he was in office He never communicated it to the Government, but if he had obtained the information since he could not be surprised that the Government did not act upon a matter which the hon member himself was not acquainted with It was the same with regard to the anomaly of the Engineer-in-Chief being the President of the Commission, for until recently there had never been any complaints on that subject, either from the hon member or anybody else The hon member was Commissioner of Public Works from October to June, and during all that time the Government had not heard a word either as to the great practical inconvenience, or the gross anomalies of which he now complained On the 21st May, the hon member called attention to this, but not as a recommendation which he called on Government to consider, but as the result of something else which he wanted to coerce the Government to do He did not bring it under the notice of the Government and say, "I find from experience the inconvenience of this," but as part of what they were to do after removing all the Commissioners Perhaps the Engineer should not be the Chief Commissioner but merely Engineer, but up to that period there had been no complaint It had already been stated that a letter had been laid on the table from the Chief Commissioner, in which he expressed what he (the Attorney-General) considered a very natural wish, that as the duties of the office were heavy, and there was no additional remuneration, he would be happy to resign If the hon member as a part of the Government responsible to that House for the conduct of his department had made a recommendation respecting anything in his department, there was nothing in the conduct of his colleagues which could lead him to think that it would not be discussed in a spirit of conciliation As to all the amusing pictures which the hon member had drawn of the Chief Commissioner engaged in superintending his own acts, except in the letter of the 21st May, there was no mention whatever of them With regard to the other matters affecting the position of the late Commissioner of Public Works, the Government had no intimation of the hon gentleman's views It the Government had acted in any way so as to deserve in the estimation of the hon member the censure of the House, let him bring forward a motion which would enable the House to pronounce its decision one way or the other, and he (the Attorney-General) was not afraid of the result, but until this was done it was needless and premature to discuss the present question

Mr HUGHES was glad the hon gentleman did not oppose the motion He was not surprised at it however, as he should be surprised when the Government opposed anything likely to be carried by a majority against them (A laugh) He did not think the hon member for the Sturt had derogated from his position, he should hold by the course he had taken in this matter We were in the inauguration of responsible Government here, and as long as we had not a class of men who could devote their time to legislation without caring for the emoluments of office, we could not watch too closely any changes which took place in the Government The hon

HOUSE OF ASSEMBLY

THURSDAY, SEPTEMBER 16

The SPEAKER took the chair at one o'clock

SOUTH AUSTRALIAN INSTITUTE

Mr BAGOT presented a petition from a number of the friends and members of the Committee of the Unley Institute, praying that the sum of £4,000 which had been placed upon the Supplementary Estimates for the erection of a suitable building in Adelaide for the South Australian Institute, might be assented to by the House.

The SPEAKER remarked that there were several petitions to the same effect lying upon the table of the House, and it would be unnecessary to read each petition

Mr GLYDE presented a petition from 1,023 persons, friends and members of the South Australian Institute, praying that the sum of £4 000 referred to might be assented to Mr Glyde presented a similar petition from the members of the Salisbury Institute

Mr DUFFIELD presented a petition signed by 98 persons, members and friends of the Gawler Institute, the prayer being similar to that of the preceding

MAGILL INSTITUTE

Mr WARK presented a petition from the office-bearers of the Magill Mechanics' Institute, which was received and read by the Clerk of the House. It was to the effect that £225 had been collected by the Committee of Management, and that a grant in aid to the extent of £50 had been received from the Government The amount expended had been £300 The Committee were most anxious to finish the reading-room in order that classes for evening instruction might be formed, but they had not sufficient funds for the purpose, and prayed that a sum might be placed on the Estimates to aid them in this emergency

SOUTH AUSTRALIAN INSTITUTE

Mr BARROW presented a petition signed by 42 persons, members and friends of the Norwood and Stepney Institute, praying that the sum of 4,000*l* placed on the Supplementary Estimates for the erection of a suitable building for the South Australian Institute might be assented to by the House

CENTRAL ROAD BOARD

Mr MILNE gave notice that on the following day he should move an address be presented to his Excellency, praying that an additional sum of 10,000*l* might be placed on the Estimates for expenditure by the Central Road Board

GOVERNMENT HOUSE

Mr NEALES wished to place upon the Notice Paper the notice which had stood in his name on the previous day, but which lapsed in consequence of his absence He was not desirous however, of unnecessarily burdening the Notice Papers Seeing the Commissioner of Crown Lands and the Commissioner of Public Works present and with whose departments he apprehended the matter was connected, if they would give him a public assurance that the information which he required should be forthcoming, he should be perfectly satisfied Mr Neales's motion was as follows —

"That there be laid on the table of this House the following returns, viz —

"A return of the whole cost of the Government House, and the offices attached thereto within the Government Domain, from the first erection (1839 40) to the present date, distinguishing the amount expended each year

"2 A similar return respecting the Government cottage at Glenelg

"3 A similar return respecting the cottage at Government Farm

"4 A return of the cost of furniture, decorations, and other incidental expenses of Government House, within the domain, for the last 19 years, distinguishing the cost of each year Also, to produce the invoices, bills of parcels, and other necessary vouchers of the amounts referred to in the Estimates and Supplementary Estimates of 1857-1858, to enable the House to judge as to the absolute value received for such expenditure "

The TREASURER thought he had given an implied assurance that these returns should be prepared, and that was the reason that the hon member had not pressed his motion on the previous day Instructions had been given to prepare the returns alluded to

STANDING ORDERS

The SPEAKER (as Chairman of the Standing Orders Committee) brought up the report of that Committee, which was read by the Clerk The Committee, after referring to the decision of the Privy Council in the case of Dr Hampden of Van Diemen s Land, recommended that an Act be passed giving to the House of Assembly similar powers to those enjoyed by the House of Commons

Upon the motion of the Commissioner of Public Works the report was ordered to be printed

POSTAL COMMUNICATION

The ATTORNEY-GENERAL laid on the table of the House copy of despatch from His Excellency the Governor in-Chief to the Secretary of State for the colonies on the subject of Postal Communication, which was ordered to be printed

DR HAMPTON S CASE

The ATTORNEY-GENERAL laid on the table copy of the report and decision of the Privy Council in the case of Fenton *ats* Dr Hampton, and moved that the same be printed

Carried

MR BABBAGE

The COMMISSIONER of CROWN LANDS said that he had just received some despatches from Mr Babbage which he was desirous should be read by the Clerk of the House, as, no doubt, hon members were desirous of obtaining as early information as possible in reference to the exploration with which Mr Babbage was connected

The SPEAKER remarked that the despatches could be read if the House desired it after the preliminary business had been disposed of

THE RAILWAY DEBATE

The COMMISSIONER of CROWN LANDS claimed the indulgence of the House whilst he made a short statement which he had been desirous of making at the close of the debate on the previous day upon the Railway Question, but in reference to the House he did not then insist upon his right He now asked permission because he thought it most desirable that there should be a distinct understanding in reference to ministerial actions

The SPEAKER said that the hon gentleman was not at liberty to allude to the debate of the previous day, except for the purpose of personal explanation

The COMMISSIONER OF CROWN LANDS said the statement which he was desirous of making, partook of the character alluded to by the hon the Speaker

Mr REYNOLDS wished to know whether the statement was in reference to anything in which the hon gentleman had been misunderstood

The COMMISSIONER OF CROWN LANDS was surprised that the hon member for the Sturt should cast any impediments in the way, as he (the Commissioner of Crown Lands) might have insisted upon his right to address the House on the previous day, but refrained from doing so in deference to the House.

The SPEAKER said the hon gentleman would be quite in order in making a personal explanation, no matter whether the necessity arose from remarks which had fallen from the hon gentleman himself or from any one else

The COMMISSIONER OF CROWN LANDS said the explanation which he was desirous of making, was personal to himself as one of the Ministry It would be remembered that a portion of the debate related to the Council Paper, No 20, and he would draw the attention of the House to a letter written by the hon member for the Sturt, dated 8th June, in which he stated that he had been especially desirous of consulting his colleagues, but their continued absence rendered it impossible, and that he ultimately gave up the chase after his colleagues, and acted upon his own responsibility The hon gentleman (Mr Reynolds) also stated that he called upon the Commissioner of Crown Lands at least a dozen times, but never found him at home He confessed he was taken by surprise by that statement, and he begged to state that he had since made enquiries of the secretary and clerk in his office as to whether it was within their recollection that the hon member for the Sturt had, during the whole year, called at his (the Commissioner of Crown Lands) twelve times Both of those gentlemen stated that they had no recollection of the hon gentleman having called more than once or twice and upon asking them if the hon gentleman when he called left any message to the effect that he wanted to see the Commissioner of Crown Lands, they stated distinctly that the hon gentleman left no message of the kind, but merely looked in, and upon ascertaining that the Commissioner of Crown Lands was not within left immediately Since he had held the office of Commissioner of Crown Lands, which was nearly twelve months, he begged to state that he had been absent from town only on two occasions, the first occasion being in the early part of January (when, for his own recreation, he was absent for a week, and the second, from the 28th April to the 4th May, when he was absent upon business connected with his department With the exception of those two periods he had not been absent for a single day, but day after day had attended to the current business of his department With respect to the hon the Chief Secretary he was enabled to state that gentleman was in town, and at his office

The SPEAKER thought the hon gentleman was not at liberty to refer to other members of the Ministry His observations must be confined to himself

The COMMISSIONER OF CROWN LANDS presumed he would be allowed to state that he attended a Cabinet meeting on the 18th May Hon members would be kind enough to remember that a Cabinet meeting was held on 18th May, and——

The SPEAKER did not think this arose from the statement of the previous day He must request the hon gentleman to resume his seat [The Commissioner of Crown Lands did so] He understood that the hon gentleman wished to explain away the statement of the hon member for the Sturt, that he called twelve times at the office of the Commissioner of Crown Lands and could not find him The hon gentleman must confine himself to that

The COMMISSIONER OF CROWN LANDS would defer to that opinion He merely wished to shew that the hon member for the Sturt had an opportunity of consulting his colleagues

Mr Reynolds remarked that notwithstanding what had fallen from the Commissioner of Crown Lands, he adhered to the statement which he had previously made Nothing the hon gentleman had said had altered his opinion

PARLIAMENTARY PAPERS

Mr Hawker, on behalf of the hon member for Light, wished to know if the regulations in reference to papers of the Legislative Council would be the same as last session

The Speaker said yes, that hon members would receive such papers upon application to the Clerk of the Council

RAILWAY STATIONS

Mr Milne begged to put the question of which he had given notice—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) the reasons which have induced the Railway Commissioners to accept the offer made by the owner of Section 70, of a part of that section for the purpose of a railway station If the reasons are of an engineering character, what amount of outlay would have been necessary to make part of the adjoining Government land equally suitable for a station?"

He might state as a reason for asking the question, that although he was not acquainted with the locality, he had been informed that the Railway at the point referred to took a considerable curve to the eastward, and that where it was most eastward was upon Government land, consequently it was more suitable for a station, being calculated to secure the traffic from Sheaoak Log But at Section 70 the sweep of the curve was more westward, and if the station were made there the traffic from Sheaoak Log would probably go into Gawler Town It had been stated that the owner of Section 70 had given the land gratuitously which was required for a station, and, of course, this was very generous, but it must be perfectly well-known that the owner calculated upon laying out the remainder of the section as a township, and in consequence of the station being erected there would receive a greatly enhanced value for the remainder of the property That was his reason for putting the latter part of the question as to whether there were any engineering difficulties which had induced the acceptance of a portion of Section 70

The Commissioner of Public Works said that the reasons which had induced the Railway Commissioners to accept the offer made by the owner of Section 70 were of an engineering character The levels at the spot where they proposed to put the station were 1 in 1273, whilst at the other spot they were 1 in 101 The expense to bring the Government land upon an equally eligible footing would be £1,200 or £1 500, the earthwork would cost more, the station would cost more, and the crossing of the north road would cost more

LANDS TITLE OFFICE

Mr Strangways begged to call the attention of hon members and the Government to a communication which had been addressed to him relative to the new Lands Titles Office. It had been represented to him that that office had been converted into an office for the transaction of business by private solicitors The hon member read the letter, which was signed Alfred Atkinson, and detailed circumstances within his own knowledge which induced the conclusion that public employes connected with the department were engaged in conducting business for private individuals in a way not warranted by law He would hand the letter to the hon the Attorney-General, who would probably enquire into the matter, and communicate the result of his enquiries to the House upon an early day

The Attorney-General said, if the hon member would hand him the letter, he would take care that such enquiries should be made as would prepare him to answer any questions upon the subject which the hon member might place upon the notice paper He would communicate with the Registrar-General who would no doubt be enabled to explain the matter satisfactorily

MR. BABBAGE

The Commissioner of Crown Lands said that although he was desirous that the despatches to which he had previously alluded as being received from Mr Babbage should be read by the Clerk of the House, he did not wish to lay them on the table, as they would then become the property of the House He wished to hand them to the newspapers that day for publication

The Clerk of the House read the despatches

Mr Strangways asked the Commissioner of Crown Lands what action he had taken upon these despatches, since it appeared quite clear that Mr Gregory and Mr Babbage could do nothing but quarrel

The Commissioner of Crown Lands said that these despatches had reached him so short a time before coming to the House that he had not had any time to consult his colleagues or take action in the matter

UNCLAIMED GOLD

The Treasurer stated he was prepared to give information which he had promised the previous day in reference to the unclaimed gold which had been sold under an Act of Council The gold had been sold under an Act of Council, and the amount deposited in the Treasury He found the amount which it had realized was £482 1s 4d

BILLS OF EXCHANGE BILL

The Attorney General on rising to move the second reading of the "Bill to Facilitate the Recovery of Bills of Exchange and Promissory Notes and prevent frivolous and vexatious defences thereto," said, that he did not know it was necessary on that occasion to state anything in addition to what he had addressed to the House, when he obtained leave to introduce this Bill He had then fully explained the objects and scope of the Bill, and since that period hon members had had the Bill before them, and would be enabled to form their opinions upon the manner in which it was proposed to effect the object in view Hon members would perhaps be able to suggest objections which he might be enabled to meet in reply, but perhaps it would be more advantageous that the discussion should take place in committee In deference to the opinion of some hon members, he proposed, when in committee, to suggest an amendment to the effect that the existing law should be repealed, it being more convenient that there should be one law only applicable to the subject. He should have no objection whatever to propose that amendment The hon member for Light had suggested another amendment, to which he (the Attorney-General) had as he had promised when he first obtained leave to introduce this Bill, and when the suggestion was made by the hon member for Light, given very careful consideration, the result of which had been not only a determination not to introduce it in the present measure, but as at present advised he should feel bound to oppose such a proposition The effect would be to place every person who bought goods in the same position as though he had given a warrant of attorney for them Goods might be purchased under so many circumstances which might render it desirable that the purchaser should be allowed to plead It was not similar to a case in which a person gave a bill of exchange, as by so doing he fixed the time of payment himself If such a suggestion as that of the hon member for Light were acted on, a person who bought a coat to-day would to-morrow be liable to be sued for it, in fact, parties who purchased goods would be placed precisely in the same position as though they had given a warrant of attorney for them, payable immediately, and execution might issue at once He mentioned that, as one of the consequences which would result from the suggestion of the hon member for Light, and which induced him not to introduce such a provision in the present measure It was possible, however, that he might support some modification of the suggestion, but in the sweeping way in which it was proposed, making the principle of this measure applicable to all cases, he must oppose it He had promised to give the suggestion of the hon member careful consideration, and had done so He had partially given the reasons which induced him to come to the conclusion which he had

Mr Strangways, before the question was put, wished to call the attention of the House to an answer which the Attorney General gave him when he asked the hon gentleman if this Act were similar to the English Act He (Mr Strangways) then stated, that under the English Act, plaintiffs could not in all cases obtain their costs, and the Attorney-General said the Act was similar to the English Act, but it was an error to suppose that under that Act plaintiffs were unable to obtain their costs Seeing several members present he begged to call their attention to the latter part of the first clause That clause related only to cases in which the plaintiff signed judgment in case of default by the defendant, and if they referred to Schedule A, applicable to this clause, it would be seen that, by the endorsement, if the principal and interest were paid to the plaintiff, proceedings would be stayed That was a copy of the English Act, and he was aware that under that endorsement the decision of the English Judges had been that, if the defendant paid the principal and interest to the plaintiff or his attorney, in terms of the endorsement, he could get no costs At first this might appear a hardship but it had been argued that the defendant should have some slight advantage in return for those which were taken from him The Judges in England had decided that the plaintiff in such cases was not entitled to costs, and he presumed the Attorney-General would now see that such was the case under the present Act.

Mr Neales said as to the observations made by the hon member for Light, there was one great advantage he had passed over The effect of the Bill would be that the term of credit would be absolutely known at the time it was given, and not when the writ was served Parties would buy at three months' credit, and the writ would be served on not paying for the goods at the term specified A small tradesman sells goods to be paid for at Christmas and he might be utterly ruined by not being paid until the following June. He thought it would do away with those disgraceful practices of not keeping to the terms of credit He hoped the Attorney-General would think better of it, with regard to limiting or terminating the credit

Mr Bakewell thought the Bill would be exceedingly beneficial It lessened legal expenses and came with the great recommendation of having been in successful operation for three years The question was, could it be extended so as to place cheques as well as bills of exchange and promissory notes on the same footing He did not see why a personal cheque should not be under the same law as a bill of exchange, and in all cases the defendant should not be allowed a fictitious defence to an action He bowed with great submission

to the Attorney-General, but agreed with the hon member for Light He thought it might be beneficial to extend the time within which an action might be brought to a longer period than six months and all those cases in which a man could not swear he had a good defence to action, prompt judgment should follow The law as it then stood enabled the holder of a promissory note to sue, but parties not suing within six months, would be deprived of that advantage, their remedy being lessened instead of being promoted by that Bill He thought it would be desirable to strike out the words "six months" altogether, when the Bill went into Committee

The ATTORNEY-GENERAL would only say a few words With regard to the suggestions made by the member for Encounter Bay, English experience would not tend to the conclusion that the Bill would have the effect he supposed, but it would be very easy to alter that by altering the endorsement so as to include the costs as well as the debt With regard to what had been said by the member for Barossa, his impression was that no actions should lie against endorsers A summary remedy should not be applied unless the party formally took action upon it He would rather leave that to a new law applicable to endorsers only, With regard to persons being bound to pay a sum of money at a specified time, the same reasons which would induce the Legislature to pass that Act, would induce them to pass an Act applicable to the cases mentioned With regard to claims for goods, if any person chose to raise the defence that the goods were charged at more than he conceived they were worth, no Court would shut him out from defence In all cases where the amount was fixed, he would be prepared to support a motion for preventing frivolous defences to bills of exchange and promissory notes He would move that the Speaker do now leave the Chair, and the House resolve itself into a Committee of the whole, for the purpose of taking the Bill into consideration

In Committee

The preamble was postponed

Clauses 1 and 2 were carried

On Clause 3 being put, several amendments were proposed with a view to limiting the amount of debts to which the provisions of the Bill would extend

It was ultimately carried as printed

The remaining clauses were carried, with one or two verbal alterations

The schedules were adopted

The House resumed

The SPEAKER reported progress, and obtained leave to sit again that day week

CUSTOMS AMENDMENT BILL

The TREASURER rose to propose the second reading of the Customs Amendment Bill It was only a very short one, and had been introduced chiefly to remedy certain defects in the present laws, which were attended with inconvenience and loss to the revenue The 11th and 15th clauses had reference to the powers the Customs had at certain distances from the coast The Bill pointed out that the line above high-water mark was to be considered the boundary of the coast The 20th clause gave a certain time for the perfecting the entry of goods That time was 14 days, except in some cases, and seven days in others The amendment proposed was to limit that time with respect to coasting vessels and colonial steamers to 24 hours, and in regard to other vessels to four days after arrival He thought no argument could be sustained against those amendments being adopted The 20th clause of the Customs Act especially required amendment At present, an allowance was made on goods damaged on the voyage which had not paid duty, of a certain amount of duty in proportion to the damage sustained, but the time during which the goods might have received damage was at present limited to the arrival of the vessel and not to the landing of the goods It was proposed to extend the time to the landing of the goods on the wharf, so that the damage sustained at the ship's side after the landing of the goods might be allowed for in the reduction of the Customs duties The last clause gave facilities for parties to bring fresh meat, fresh fish, fresh fruit or vegetables from the neighbouring colonies, and to land them free from the interruptions from the Customs which applied to other goods, the only restrictions being that they should be landed under certain regulations to prevent landing dutiable articles

Mr HUGHES wished to call attention to an important omission The Act proposed generally to alter the Customs' Laws In the instructions from from His Excellency, which had been laid on the table, the 10th paragraph expressed that the Governor was not to sanction any provisions which should be foreign to the title of the Act, and no Act could be repealed by general words It was important to call attention to that, as he thought it desirable that some regular system should be adopted in altering laws There were only two Customs Laws in force, and two clauses of those laws were to be altered, but they were not stated in the proposed Act He thought that omission ought not to exist He therefore called attention to it

Mr HAY intended to support the Bill He thought in the second clause the penalty attached for not entering goods was out of place He had spoken to several parties connected with shipping and landing goods and that was their opinion The present system was a great inconvenience But some parties, when they wanted to tranship did not enter their goods until the last day allowed, while others who had sold their goods wanted them landed immediately The provisions of the Act were required, but he wished to strike out the penalty named in the second clause

Mr TOWNSEND said persons were compelled by the intercolonial steamers to enter goods within 24 hours, and from other vessels within four days, and he thought some clause should be inserted to compel captains and owners of vessels to discharge within that time When goods were scarce, buyers desired to have them delivered in 10 or 12 or 14 days, but now they frequently could not get them for four or five weeks

Mr HART feared the time would have to be extended for the discharge of goods beyond that mentioned in the Act That clause was merely to compel owners of goods to enter them, but it was hardly possible that they could be landed in four days He would ask whether the clauses were in accordance with the views of the Chamber of Commerce He could not from memory say what the desire of that body was, but he thought it would be well, before taking the Bill into Committee, to ascertain the views of the Chamber of Commerce respecting it

The COMMISSIONER OF PUBLIC WORKS supported the second reading of the Bill He distinctly remembered when he was Chairman of the Chamber of Commerce the matter being brought before them by some parties who had on board a vessel a quantity of coals and who were grieved because so long a time had elapsed before they were delivered He also had felt annoyed when he was an importer of goods at such delays, and he hoped the Chamber of Commerce would suggest a clause to meet the difficulty There ought to be some limit to the time during which a ship should retain goods on board, probably a notice of 7 or 14 days, compelling the agents to deliver the goods within that period, would meet the case

Mr STRANGWAYS thought the instructions were very distinct, that a Bill should not be altered in general words He considered the Attorney General ought shortly meet the difficulty in the preamble by stating the contents and titles of the Acts that would be affected He saw by Clause 5 that the coast line would be high-water mark, and he expected the Customs authorities would have no jurisdiction beyond it He thought therefore the Bill would facilitate smuggling A Customs officer could not interfere with goods beyond that mark, and a smuggler placing himself and goods beyond that imaginary line would be safe, although almost within reach of the officer The term, too, was indefinite, for highwater mark was constantly changing

The ATTORNEY-GENERAL said the picture drawn so graphically by the hon gentleman of a smuggler defying a Custom-House officer, was purely imaginary, because the jurisdiction of the Government extended one league beyond the coast-line There had been a difficulty in determining what the coast-line should be—whether it should be high-water mark, or low water mark, and it was decided by the Harbor Master, the late Collector of Customs, and the Chamber of Commerce that high-water mark should be taken as the coast line The power of the Customs extended a league beyond that With regard to the other point he had known so many instances in which Acts of that sort had been sanctioned by the Legislature and confirmed by Her Majesty, that he did not think it necessary to do what had been proposed but had no objection to insert what particular sections of the Act would be affected by it

The question was then put and carried

In Committee

The preamble was postponed

The first clause passed without debate

The penalty was struck out of the second clause

An amendment was introduced into the third clause, to the effect that if any damage were received by goods on the voyage, and before their removal from the wharf, an abatement of duty should be made on such goods proportionate to the damage sustained, provided the goods had not lain an unreasonable time on the wharf, and that such claim was made within seven days of their removal

Amendment carried

The fourth clause to include was passed with a verbal amendment

The House resumed

The SPEAKER reported progress and obtained leave to sit on Tuesday 21st

WASTE LANDS ACT

The COMMISSIONER OF CROWN LANDS moved for leave to introduce a Bill to amend the Waste Lands Act The Bill provided that the waste lands should not be alienated except by way of sale introduced some clauses respecting annual leases and leases for 14 years

The COMMISSIONER OF PUBLIC WORKS seconded

Leave having been given, the Bill was laid on the table and read a first time

The second reading was appointed for Tuesday 21st

SUPPLEMENTARY ESTIMATES

The TREASURER moved that the Speaker leave the chair, and that the House resolve itself into Committee to consider the Supplementary Estimates

INSTRUCTIONS TO COMMITTEE OF SUPPLY

Mr REYNOLDS, before the Speaker left the chair, begged to move the contingent motion standing in his name, and asked leave to insert after the word "buildings" "or public works"

Leave was granted

Mr REYNOLDS then moved that it be an instruction to the Committee not to agree to vote for the erection of new buildings or public works, the plans and estimates for which have not been laid on the table for the information of the House It appeared to him very desirable that the House should have plans and estimates before them in order to know the style of the buildings and public works that were sanctioned It would give the House an opportunity of expressing an opinion respecting them before they were executed It would also tend to facilitate the erection of such buildings and the construction of such works, for it was well-known that sums of money had been voted for such purposes, and months had elapsed before the works had been commenced If the House sanctioned the erection of such buildings as the Registry Office and Mechanics' Institute, they ought to know the kind of building they were sanctioning He considered the staircase of the Registry Office an eyesore, and whoever designed it was not a good designer He thought also that the carrying that motion would keep public officers up to the mark, as members would have an opportunity of passing their opinions upon the plans before they sanctioned a vote

Mr PEAKE seconded the motion, because he coincided with it to a certain extent, and thought it would have the effect stated by the mover, of obtaining some espionage over the works for which money was voted He thought the scrutiny to which those plans would be subjected would have good effect on the officers of the Government But he hoped the House would not resolve itself into an Architectural Committee, for he never knew any good result from Building Committees He thought also it would effect some good for the House to have before them detailed plans and sections of their railways, and then, instead of going from Gawler Town to some bit of a place, there would be a great railway scheme of main line It would have a tendency to do away with one part of the country being opposed to another, and would show that the country had been thoroughly examined and surveyed for the purpose

Mr STRANGWAYS supported the motion, because he thought that the present system was to put down large sums of money on the Estimates for buildings and public works, and then contract the plans in order to spend the money By the plan proposed they would compel the Commissioner of Public Works to lay on the table of the House plans and estimates before they were asked to vote

The COMMISSIONER OF PUBLIC WORKS hoped the House would consider before they passed a resolution of that kind, particularly in its amended form, for all new buildings and public works would be then included The erection of a wall round a gaol, the Electric Telegraph, plans o bridges, gates, waterworks, would have to come before the House He considered that it would militate much against the progress of those works The Government were willing to lay on the table of the House any tables or estimates asked for, but to resolve that no building should be proceeded with unless plans were laid on the table, would militate against public business With regard to what had been stated by the member for Encounter Bay (Mr Strangways), he could assure the House that in the Department of the Colonial Architect very laborious calculations were made to arrive at the cost of large works, but to pass such a resolution would cause great waste of labor, and time, and public money

Mr HUGHES, though agreeing to a certain extent with the Commissioner of Public Works, thought that when the House was asked for a vote for a building they should be informed whether that sum would finish the building It was not likely that the House would be asked to vote for a wall round a gaol, but when asked to vote £1,000 for a Registry Office, and £1500 for a Colonial Store, he thought they ought to know how the money was to be expended He thought there was a great deal of ornament, which was not required in that store The Commissioner of Public Works might have given the information, but did not, and therefore the only plan was to initiate the principle, that when large works were undertaken, some better information than had hitherto been afforded, should be given

Mr LINDSAY said the remarks made by the Commissioner of Public Works induced him to support the motion (Laughter) In all cases when large sums of money were required for roads, plans, and sections should be given before the money was voted As a proof some lines of road on which large sums had been expended had better have been abandoned Resolutions to enquire into the working of the Central Road Board deserved the support of every member of the House He did not blame the Road Board They had done their best under the circumstances, but it was impossible to make some of the bad lines of road into good ones The House required information in order that attempts of an unpracticable nature might be avoided

Mr BARROW thought the motion included much more than the hon member for the Sturt intended when he submitted it to the House He (Mr Barrow) should therefore move an amendment He moved that all the words after the word "been" be struck out, with a view to inserting the words "previously prepared" That would dispense with the plans and estimates being laid on the table With regard to the Mechanics' Institute, when a sum of £4,000 was put upon the Estimates, the House should know whether it was to be a first, second, third, or fourth instalment, or whether it was merely a lump sum put down at random, and whether the plans were prepared, and in the office of the Commissioner of Public Works If the House was satisfied that the plans were so prepared, it would be sufficient, but it was not intended in the case of all small works that plans and estimates should be laid on the table

Mr COLE said if the hon mover would confine his resolution to the department of the Colonial Architect and the railway department, he would support it, but at present it included too much

Dr WARK would support the motion, though he hardly thought it was intended to include the Central Road Board The hon the Commissioner of Public Works spoke of every operation of the Board being first passed through the House, but the Board acted under an Act of Parliament, and, therefore, a resolution of the House would not affect it If they wanted a warning let them look at the Glenelg Jetty and see how, from a small beginning, when it was a place which the hon the Commissioner of Crown Lands used to call "a fishing village," it had come to swallow up an immense amount of money They had now before them a lot of blind estimates and nothing to guide them Plans and estimates would save them from much reckless expenditure and great discontent He saw nothing against the motion, and everything in its favor

Mr GLYDE agreed in the motion, but could not go the entire length of it There was considerable weight in the objection of the hon the Commissioner of Public Works He would propose after the word "vote" to insert the words "involving an expenditure of not more than £500" He objected to confining the motion to the Colonial Architect's department, as it would be invidious

Mr COLE would support the motion if it was confined to the Colonial Architect's department, the Railway department, and the Waterworks

Mr NEALES seconded the motion of the hon member for East Torrens All the difficulties arose from the House voting sums which they were led to believe sufficient, and then finding them not nearly so The motion confining the resolution to £500 would have another effect, for instead of hurrying on buildings without the concurrence of the House, and then asking for the money, they would have the plans and estimates produced It was not necessary that every item of £500 should be the subject of a fight, for the money would be more freely voted if the plans and estimates were furnished

Mr REYNOLDS, if no hon gentleman was about to speak, would make one or two remarks

The TREASURER enquired whether the hon member was replying, as he wished to say a few words He agreed in the expediency of the House possessing information before a sum was voted, but not in the instruction to the Committee now before the House The discussion would be taken by the Government as an indication of the wish of the House that no vote should be taken unless Government were prepared with plans and estimates, so that when any building vote was under discussion, the Government would be prepared to afford the fullest information respecting it, or, at the request of one or more members, to lay the plans and estimates on the table If he supported either motion it would be that of the hon member for East Torrens (Mr Barrow)

The ATTORNEY-GENERAL asked whether an instruction to a Committee limited the power of the Committee

The SPEAKER ruled that would be the effect of the form in which the instruction was worded

The ATTORNEY-GENERAL felt bound to oppose the motion, as it would have the effect of causing the House to fetter itself The vote for the Registration Offices, for instance, might come on for consideration just before the conclusion of the labours of the Committee, and it might then be impossible to get plans and estimates prepared, though the Committee was satisfied to vote the money provided plans and estimates were laid before them previous to the passing of the Appropriation Act He agreed in the object of the hon member for the Sturt, but he was not aware of any instance in which plans and estimates had been asked for and not produced He also objected to the House limiting its own action, which it would do by limiting that of a Committee of the whole He would suggest in place of the words "that it be an instruction to the Committee" the insertion of the words "that in the opinion of this House it is not expedient"

Mr REYNOLDS would agree to this but the proposal of the hon member for East Torrens (Mr Barrow) would not meet the case, as the House would want the plans before them to form an opinion from He thought it sufficient to limit the motion to the Colonial Architect's Department He did not touch the Railway Department, as that would come under the Bill which authorised the construction of a Board of Works

Mr HART enquired whether the hon member was speaking in reply

The SPEAKER replied in the affirmative

Mr REYNOLDS, if the House would allow him, would modify his motion in the words suggested by the Attorney-General

Mr HART rose to order The House had been taken by surprise, for when the Attorney-General asked the hon

member for Sturt a question, and that that hon member commenced making some remarks in reply the House did not understand that he was replying except to the question of the hon the Attorney-General

The SPEAKER thought the hon member was speaking in reply as previously, when the hon the Treasurer asked whether the hon gentleman was doing so, the hon gentleman resumed his seat

Mr REYNOLDS had risen to reply in consequence of not seeing any other member about to address the House He regretted that the hon member for the Port (Mr Hart) had lost his opportunity of addressing the House

The SPEAKER said he would put the motion of Mr Glyde first, as, in the event of its being negatived, that of Mr Barrow could be put subsequently

The amendment of Mr Glyde was then put and negatived without a division

The House divided upon the amendment of Mr Barrow, which was carried by a majority of 2

The ATTORNEY-GENERAL rose to move as an amendment on the contingent motion,

"That in the opinion of the House it is inexpedient that the Committee should agree to any vote for the erection of new buildings the plans and estimates for which were not previously prepared "

The SPEAKER ruled that the hon member could not bring forward this amendment, as it proposed to omit all the former part of the original motion which had been already carried on Mr Barrow s amendment

The ATTORNEY GENERAL was quite prepared to act in accordance with the spirit of the resolution but he objected to the House in one form having its hands tied—that when the Speaker sat in one chair they should not have the same liberty as when he sat in another He would therefore, be compelled to vote against the resolution, as it sought to limit the power of the House.

The SPEAKER suggested a way of escaping the difficulty If the House negatived the resolution, that of the hon the Attorney-General could be moved as a fresh instruction to the Committee

The motion was then put and negatived without a division

The ATTORNEY-GENERAL again rose to propose his amendment as a substantive motion

Mr MILNE rose to order He understood there was nothing before the House

The SPEAKER said the question before the House was the Order of the Day for going into Committee on the Supplementary Estimates, and he believed an hon member was preparing an instruction which he intended to move

The ATTORNEY GENERAL read his resolution as follows —

"That in the opinion of this House, it is inexpedient that the Committee should agree to any vote for the erection of new buildings involving an expenditure of more than 1,000*l*, for which plans and estimates were not prepared and ready for inspection if required "

Mr MILNE remarked that this was not an instruction to a Committee

The SPEAKER said it was put into his hands as such, and he would now put it to the House

Mr REYNOLDS would move an amendment

Mr HART rose to order He agreed with the hon member for Gumeracha He thought it out of order, without having given notice, to move an instruction to a Committee The hon the Speaker would of course decide, but that was his (Mr Hart's) opinion

Mr BURFORD said it had been accepted as an amendment on what had gone before it (No no) He understood the hon the Speaker to say that if Mr Reynolds's motion was negatived, this could be put to the House

Mr STRANGWAYS read Standing Order No 40, and contended that under that the hon the Attorney General was clearly out out of order

Mr REYNOLDS said that the motion could have been entertained if the question previously put had been "that all the words after the word 'that' be omitted " He thought the House had been taken by surprise, and he had been taken by surprise, in consequence of the hon the Speaker having omitted to put the question in this way He bowed with all respect to the hon the Speaker, but he thought that hon gentleman had made an oversight

The SPEAKER said he had no power to put the motion in the shape suggested He could not find anything in the Standing Orders of the House of Commons to prevent an instruction to a Committee being put without notice, there was, however, one rule to which he would call the attention of the House It was that no instructions should be given to a Committee to do what it had already the power of doing The motion was therefore unnecessary

SUPPLY

The House went into Committee on the Supplementary Estimates for the year 1858

The following items were agreed to without discussion — New wall round Adelaide gaol, £38 5s Drain pipes and water-closets for public buildings, £300

On the item, Military Barracks, Robe Town £150

Mr MILNE enquired whether the money had been expended He thought the military were withdrawn from that quarter

The COMMISSIONER OF PUBLIC WORKS said a portion of the money had been spent, but the building was not to be used as a Military Barrack, but as a Custom House

Mr REYNOLDS was sorry to see more money spent on the miserable building He did not see what the £150 was wanted for He should like some more information

The TREASURER said the building was no longer required for a barrack, but for a Custom House, and as it was necessary to lodge the Custom's officer, and have an office for him, it was proposed to convert the building into a suitable residence by adding a room and executing some repairs If they built a new Custom House they would require a larger sum

Mr REYNOLDS said there was a cottage called the officers' quarters He presumed that would be at the service of the officer, as the military were withdrawn

The TREASURER said that was the building intended as a residence for the officer, and that it would be necessary to add a room to it

Mr HAWKER admired the patriotism of the hon member for the Sturt, for the moment a sum of money for a country district was proposed that hon member jumped up to oppose it If there was a vote proposed for a large building in Adelaide, it was agreed to, but the smallest sum for a country district was opposed He conceived this to be a legitimate work, and would support it

The vote was then agreed to

The following votes were agreed to without discussion — Police Station Port Augusta, 128*l* 0s 11d , shed for drying wood at Lunatic Asylum, 44*l* 12s , fire-bell, Police Station, Adelaide, 28*l*

On the next item, residence and office for Sub-Collector of Customs Rivoli Bay, 500*l*

Mr REYNOLDS asked for an explanation of this vote.

The TREASURER said the object of the Government was to establish a Custom-House at Rivoli Bay, as a very numerously signed memorial had been received from the residents of that district seeking to have Rivoli Bay proclaimed a port, a request which the Government were inclined to accede to, but they could not do so without establishing a Custom, House By giving facilities to the settlers in that district for obtaining supplies from Adelaide, they would save the Customs duties on goods which were now brought from Portland The reason there was nothing on the Estimates for the officer s salary was, that as the Custom-House at Wakefield was abandoned, the money voted for that could be transferred when the general Estimates came under consideration

Mr HART thought a Custom-House would be of little value, except to pick up the stray mariners who might be knocking about there It would be well to have plans of Rivoli Bay, in order to see whether it was a place where there were facilities for vessels to anchor A Government vessel, the Yatala, had gone on shore there the other day , and no doubt there would shortly be a sum of money to pay for her repairs, and if a Government vessel with all her anchors and cables could not ride out a breeze of wind in Rivoli Bay, it was not a place where a Custom House could be established with advantage There should be evidence before the House, showing where goods were likely to be landed , as to the officer from Wakefield, he might be sent to the Murray, or somewhere else

Mr REYNOLDS could not agree with the hon member though he had a high respect for his opinion He differed from the hon member in consequence of the statements made to him by persons who had been resident at Rivoli Bay for years The Yatala's going ashore was no proof that the place was not fit for a Custom House, for vessels were lost in Guichen Bay, and were we not to have a Custom House or a jetty there on that account ? The settlers were anxious to have a port established at Rivoli, for there was a good road to it in summer and winter The place should have been properly surveyed before, and the Government were right in bringing forward the vote though it was premature It would be seen that he defended the vote to some extent, and did that show that the strictures which the hon member for Victoria had passed upon him were justifiable ? On the last occasion that the Estimates were before the House, did he not object to the proposed large expenditure in and around Adelaide, and urged that more money should be spent in the interior It was very unjust for the hon member for Victoria to cast such reflections upon him

Mr BARROW was not opposed to the item, but thought that when they opened new ports they should not appear for the first time on the Estimates, but the House should first consider whether the proposed places were suitable It was as important to select the situation of a port, before voting money for a Custom-house, as to select the route of a railway before buying rolling stock With regard to the running ashore of the Yatala at Rivoli Bay, he would ask the hon the Treasurer whether the Yatala had not been got off

The TREASURER replied that the Government had learned by telegraph that the Yatala had been got off without damage, and that all the goods were safely landed He agreed with the hon member for Sturt, that the fact of the Yatala's going ashore was no reason that Rivoli should not be proclaimed a port Whilst they were building the jetty at Guichen Bay, a large vessel was lost there , and in all harbors, not being rivers vessels would go ashore It was something in favor of Rivoli that the Yatala, though she went on shore, was not broken to pieces It showed there was some safety there even in the most extreme circumstances In reply to the

hon member he would say that the only way of opening the subject of a new port for discussion, was putting a sum upon the Estimates, and that was the object in the present instance The late Harbor-Master had surveyed Rivoli Bay, and though not a good harbor, it was sufficiently convenient to be opened for the accommodation of the settlers The present Harbor-Master had also visited the place

Mr Hawker begged to assure the hon member for the Sturt that he had no desire to make any personal reflections His remarks had been made in consequence of what he had seen in the papers, by which it certainly appeared that even small votes were objected to for country districts, though much larger ones were sanctioned for Adelaide and the Port With respect to the proposed vote of 500*l* for Rivoli Bay, he admitted there was a difficulty in getting as much information as they wished, but if they looked along the coast and saw the large number of jetties which had been erected for the convenience of Adelaide, and what little accommodation had been provided for the settlers in the interior, it would be even better that they should give them an indifferent port, than that there should be no port at all Guichen Bay was a long distance from Mount Gambier, and it was the wish of the settlers at Mount Gambier that this port, Rivoli Bay, should be opened They had not asked for a road, being perfectly satisfied with the natural road, if they could only get the port He was aware that a large quantity of goods were sent from the Port Phillip district in consequence of the absence of the accommodation they now asked for These goods amounted to probably 20,000*l* a year, and the whole of them would, in all probability, be purchased in Adelaide if there were the means of landing them, and better means of internal communication Independently of the goods he had named, there were others to the extent of £4,000 a-year in the shape of dutiable goods These amounts were totally lost to the colony, and went into the pockets of Victoria They could not expect all ports to be as safe as Port Adelaide, in which the hon member for the Port took such interest, but they must be content to take what they could get It was his intention shortly to move for a sum for the survey of the line between Mount Gambier and Guichen Bay, but as the amount now asked for was so small he trusted the House would vote it

Captain Hart said, the hon gentleman who had just sat down appeared to forget that he had given Guichen Bay his warm support for many years, he looked upon it as the proper port The very fact of people from Mount Gambier being satisfied with the natural road to go to Guichen Bay rather than to Rivoli Bay, when the road between Rivoli Bay and Mount Gambier was much better, was sufficient proof that there was something the matter with Rivoli Bay Several vessels had been lost at Rivoli Bay, and when one hon gentleman said a large vessel at anchor went ashore at Guichen Bay,he was misinformed, the fact being that the cause of her going ashore was that she missed stays in going into harbor There was not a port south of Port Adelaide which was equal to Guichen Bay, therefore it was an absurdity to compare the one with the other Before the vote was assented to there should be proof that Rivoli Bay was a port where vessels could anchor He might not object to the vote if it were shown that it was a proper place, but he objected in the first instance to vote £500, as if it were afterwards found that Rivoli Bay was not a fit place for a port, the people would think themselves ill-used, because the money was not expended The first thing to ascertain was, what anchorage there was there No doubt the pilot who was in charge of the Yatala would be able to afford the information People landed goods at Guichen Bay years before it was a port, and they were also in the habit of going to Rivoli Bay, till they found it was not a place fit for vessels to go to It was clear that the Treasurer could not give them the necessary information, namely, whether it was a safe place or not, and in the absence of that information he felt bound to oppose the the vote He had several allotments at Rivoli Bay, and those who had land there would, no doubt, like to see a township springing up, but the mere fact of voting £500 would not cause a township to spring up, and, under the circumstances, he trusted the Treasurer would withdraw the vote

Mr Strangways said that, until the hon member for the Port rose the last time, he had some idea of opposing the vote, but as the hon member had stated that ships had been in the habit of going to Rivoli Bay for a considerable time, he should support the vote He believed the Yatala did not go ashore at Rivoli Bay, but somewhere near it, but the fact of her going ashore was no argument against Rivoli Bay He congratulated the hon member for the Port upon having discovered that there was a second port fit for ships to anchor at, as till latterly he believed that there was no fitting place but Port Adelaide (Laughter)

Mr Neales should support the vote as it appeared upon the Estimates, as he could not imagine such an acute man as the hon member for the Port buying allotments in a place not likely to prove a thriving township (Laughter) He should certainly act upon the judgment of the hon member for the Port and vote for the erection of a Custom House where the land had been sold At the last sale allotments in Grey Town were put up and successfully sold There was a general wish that facilities should be afforded for landing goods at Rivoli Bay Guichen Bay did not protect us from Portland supplying that neighborhood and he thought they should see if they could not get some of that trade If they looked down the coast, it would be found that no facilities had yet been afforded to the neighborhood, and if there were any anchorage they were bound to encourage trade there It was called for by the neighborhood, and there was no defence for resisting such a vote He agreed with the hon member for Victoria, and he cared not how widely it was made known, although he was aware that it had rendered him rather unpopular in the City, that there was a tendency to expend money round the town, and not for useful purposes in the districts His view was that a fair proportion of the funds at their command should be given to the country The country was the mainstay to the town, and should be first looked to, otherwise it would be like making a shop when they had no goods to put in it

Mr Milne should vote against the motion, not because he objected to such expenditure being made for the benefit of the settlers of the district—indeed he should be prepared to vote a much higher sum when the Government made out a good case, but no sufficient case had been made out The preliminary step should be a survey of the harbour They could not induce vessels to go there merely by building a Custom-House or erecting a wharf, they must show that the anchorage was safe

Mr Hay would also be compelled to vote against the motion It was true that £500 might build a Custom House, but if this were voted, the next they would be asked for would be £5 000 for a jetty Before such a sum was voted, the House should be in possession of plans and surveys They had that day heard a good deal about plans and specifications of buildings before voting the necessary funds, and the same remarks would apply to jetties Any one going to Yankalilla would see the folly of indiscriminately laying out money for shipping goods from the coast Hardly any one used the jetty he had alluded to, and it would have been much better if the money had been laid out in making roads Instead of having two inferior ports, it would be better in the first instance to ascertain which was likely to prove the best and then to expend money in making good approaches as well as a port

Mr Scammell said the hon member for Onkaparinga had stated that the plans and surveys of the harbor should be laid before the House but he was informed that surveys of the coast had been made in the early part of the present year, and that a chart which would be a guide to mariners was in course of preparation If so it would probably be in the power of the Chief Secretary to state whether Rivoli Bay was amongst the harbors which had been surveyed, and a chart of which he had heard it was intended to lay before the House

The Attorney-General, in reply to the remarks of the hon member, was not aware whether the plans were in course of preparation, but he was authorized to state that the late Harbor-Master had reported that Rivoli Bay was suitable for the purpose, a place at which it was desirable, so far as the capabilities of a harbor were concerned, that a Custom House should be erected He would briefly allude to the reasons which had influenced the Government in proposing this vote One of the main objects for which Governments existed was that they should propose such expenditure as would lead to the development of the trade of a country, and facilitate the proceedings of settlers in various parts The Government were guided not by their independent judgment, but by those who would be directly affected by the expenditure which the Government proposed, and when a large number of respectable and wealthy settlers of Mount Gambier, who had contributed a very large sum to the public revenue by the purchase of land, asked for this vote—when they stated that they would be very much benefitted by being enabled to ship goods from Rivoli Bay—and when they stated, moreover, that they were supplied from a foreign port, and that the amount which they now contributed to the revenue of a neighboring colony would, if the proposed work were undertaken, go to swell the revenue of the colony, the plain duty of the Government was to take the course which they were now taking, and to initiate a vote so as to enable the House to express an opinion upon the subject He had no doubt, notwithstanding the opinion of particular members, that the House would sanction this expenditure, for it was not merely a question whether one place was a little better or a little worse than another, it was not a question whether in a few years there would be a tramway from Mount Gambier to Guichen Bay, but the question was whether the settlers in the neighborhood of Rivoli Bay, who had contributed so largely to the revenue, should have the advantage contemplated by this vote

Mr Lindsay should support the vote for the reasons which had been urged by the hon member for Victoria Rivoli Bay might be a dangerous place, but if there were no safe place they must make use of a dangerous one He believed that the distance between Guichen Bay and Rivoli Bay was 100 miles, at all events, it was something very considerable, and he apprehended that Rivoli Bay was not more dangerous than many other of the landing-places round the coast It had been stated by one hon member that the jetty at Yankalilla was useless, but the fact was in the first instance it was placed too near the mouth of the river, and was no sooner erected than it was washed down but he believed it had been erected on a different spot Rivoli Bay geographically belonged to Victoria, and he

should be happy to make it over to that colony (Oh! oh) He did not mean to say without some consideration, but the boundaries fixed by the British Parliament were most absurd Geographically some portion of Victoria belonged to this colony

The CHAIRMAN reminded the hon member that he was travelling out of the question before the House

Mr WARK would support the motion and thought the Government were entitled to the thanks of the House and the country for bringing it forward If Rivoli Bay were not so good as Guichen Bay, it was a good deal nearer for the settlers, and that was a consideration He believed the harbour at Rivoli Bay would prove as safe as the other The road to Guichen Bay was, during some seasons, a perfect swamp, whilst the road to Rivoli Bay was one of the best natural roads in the colony

The CHAIRMAN put the question, and the vote was agreed to

The TREASURER said that in asking for the next vote he did not know whether the House would consider it necessary to have plans and specifications before them It was "For the erection of Police Barracks and Court-House at Goolwa, £1,000"

Mr REYNOLDS thought it certainly desirable that plans and estimates of the proposed buildings should be before the House There was no necessity for such a building at Goolwa The residents there did not ask for it, and on that score alone he should oppose the vote

Mr STRANGWAYS supported the vote Goolwa was a rapidly improving place, the population was rapidly increasing, and there was no police protection nearer than Port Elliot, which was seven miles off He wished, however, to ask the Treasurer whether he deemed it necessary to expend more on the erection of such buildings than was expended at Port Elliot, where, he believed, such buildings had been erected for a much smaller sum He wished to know whether the proposed amount included the purchase of land, or whether it was proposed that the buildings should be erected upon a Government reserve

The COMMISSIONER OF PUBLIC WORKS said the plans and estimates of the proposed buildings, if not absolutely completed, were in a very forward state He believed he should be enabled to lay plans upon the table in a very few hours The Government felt that a Local Court being held at Goolwa in the large room of a public-house, was not a proper place at which to hold it Where a Local Court was held, the Government felt they were bound to provide a proper place It was not respectable to hold the sittings in the long room of a public-house It was not a proper place in which to administer justice No land would be required, as it was proposed to erect the buildings upon a Government reserve A sum of money had already been voted for a Custom-House at Goolwa, but the erection of that building had been stayed pending this vote

Mr PEAKE asked if the police barracks were intended for the accommodation of the horses connected with the tramway, which were at present deplorably lodged As they were providing accommodation for policemen he thought they might at the same time look to these poor horses (Laughter)

The COMMISSIONER OF PUBLIC WORKS said it was intended to erect the customary buildings Lock-ups would be attached to the buildings and some other little accommodations for the troopers, (Laughter)

Mr DUNN would oppose the motion principally from having read in the papers of that morning that there was a considerable falling off in the traffic upon the tramway He should have no objection to expend the amount proposed upon the Murray Mouth

Captain HART reminded the hon member that Goolwa was the port of the Murray Mouth

Mr HUGHES must oppose the vote One of the best Court-Houses in the country was at Port Elliot, and there was a tramway which was a great convenience to parties travelling There was a Court-House also on the other side of Strathalbyn, so that the neighbourhood possessed much greater facilities than were possessed by many others It had been stated by the hon the Commissioner of Public Works that a Local Court was now held at Goolwa, but he would like to know how many cases were tried there It was admitted that the traffic was falling off at Goolwa He did not agree with the hon member who said that Goolwa was the port of the Murray Mouth It was impossible to say where would ultimately be the port of the Murray Mouth It would be altogether premature to vote 1,000*l* for the purpose for which it was now asked, and he hoped the item would be postponed

Mr STRANGWAYS repeated that there was no police protection at Goolwa, and hoped, at all events, that the vote for the construction of Police-Barracks would be assented to

Mr REYNOLDS visited the district a short time ago, and had looked at the public buildings He came to the conclusion that the buildings now asked for were not required, but there was one building which he thought was much wanted The horses engaged on the tramway were miserably housed, in fact, it was disgraceful to the Government that they should be the owners of such a miserable place If the Government had brought forward a proposition to erect a proper stable, they would have done something for Goolwa A Court-House at Port Elliot was ample for Goolwa and Port Elliot too

The CHAIRMAN put the question, and the vote was negatived

On the motion of the TREASURER, the Chairman reported progress, and obtained leave to sit again on the following day

STANDING ORDERS

The consideration of the report of the Committee upon the Standing Orders was made an order of the day for the following day, and the House adjourned at fifteen minutes past five o clock

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FRIDAY, SEPTEMBER 17

The SPEAKER took the chair shortly after 1 o'clock

SOUTH AUSTRALIAN INSTITUTE

Mr GLYDE and Mr REYNOLDS presented petitions praying the House to assent to the proposed grant of £4,000 for the South Australian Institute

Mr REYNOLDS intimated that although he presented the petition, he held himself at perfect liberty to deal with the proposed vote of £4,000 when it came under discussion

KANGAROO ISLAND

Mr MILDRED moved—

"That there be laid upon the table of this House the information asked for on the 19th May, 1857, relating to Kangaroo Island"

It would be remembered that a considerable time since he asked for information relative to Kangaroo Island, and at the time he asked a subject of great interest to the country, relative to postal communication, was being discussed It was desirable that hon members should be thoroughly acquainted with the capabilities of the place as a rendezvous for ocean steamers Since then a subject of a still more interesting character in connection with our defences had been brought by the English Government under the notice of His Excellency the Governor and it was most desirable that attention should be directed to it It must be apparent to every one acquainted with the coast that the best defence would be to place upon Kangaroo Island means to prevent any foreign power from entering our gulfs He regretted that so much time had elapsed between the question being asked and the time when it was probable that the information would be obtained He was under the impression that 10 or 12 days would have been sufficient time to obtain the information which he required, but a period of more than 12 months had elapsed, and still the information had not been given He begged to ask the Commissioner of Public Works when it was probable that he would be able to give the information The hon member looked at the ministerial benches, which were empty, and remarked that none of the Ministry appeared to be in their places

Mr PEAKE asked if it was usual to proceed with business when none of the Ministry were present

At this moment the Commissioner of Public Works, who had left the House only a few moments, re-entered, and was immediately followed by the Treasurer

The COMMISSIONER OF PUBLIC WORKS said that the information asked for should be laid on the table of the House

The TREASURER could not allow this question to pass silently An address had been forwarded to the proper officer, the naval officer of the colony, directing him to prepare the necessary charts, and to complete a full survey of the points indicated, also a report as to the other points, such as the nature of the interior of Kangaroo Island He was in possession of the reports, but not of the charts, which were being lithographed, and he had delayed the presentation of the reports in order that he might present the charts with them He hoped in the course of a few weeks he should be enabled to do so

TRAMWAY FROM WILLUNGA

Mr MILDRED moved—"That there be laid upon the table of this House the report of the Surveyors on the line for a proposed tramway from the township of Willunga to the sea" It would be remembered that he had the honor of submitting a motion for the proposed tramway to the consideration of the House, and as he believed that surveys had been taken he was desirous that the report should be laid before the House

The COMMISSIONER OF PUBLIC WORKS said it would perhaps meet the views of the hon member if he at once laid the report upon the table In doing so he would take the opportunity of remarking that his absence a short time previously arose from having been suddenly called from the House upon urgent business He was only absent for a few minutes, and it was not often that he was from his seat during the sittings of the House He begged to lay upon the table estimate of the receipts and expenditure of tramway from Willunga to Port Willunga, with plans and Surveyor s report

Ordered to be printed

THE PORT ROAD

Captain HART in making the motion standing in his name, would call the attention of the House to the fact that the Central Road Board itself had on several occasions, stated that it was absolutely essential something should be done to the Port-road On the Supplementary Estimates he observed that the sum of £1000 had been put down for this work, but the amount was altogether so inadequate to the requirements of the road, that he begged to move the House go into Committee for the purpose of considering the motion standing in his name —

"That an Address be presented to His Excellency the

Governor-in-Chief requesting him to place on the Supplementary Estimates for 1858, the further sum of £2,000, in addition to the £1,000 already placed thereon, for the repair of the Port Road."

The House having resolved itself into Committee, Captain HART said that the Central Road Board came to a resolution some time since, and laid down the principle that where a line of road was parallel to a line of railway they could not expend any public money upon it, but he would call the attention of the House to the fact that the Port road was in very many respects different from any other road in the colony, as three or four main lines of road came into it at various points There was the North-road, for instance between Alberton and the Port, and although the Central Road Board had made good the road so far as the North-road, it was impassable from there to the Port itself, and thus the portion which they had actually repaired was rendered valueless upon the principle that the strength of a cable was only equal to the weakest part He need not argue the matter in any long address to that House, as he was quite sure that throughout the length and breadth of the colony there had been more complaints relative to the Port-road than any other work which had been neglected, he was going to say, by the Central Road Board He would not go further into the question than to state that even now there was more traffic upon the road than upon nine-tenths of the main lines of road in the colony At the first shower the road was rendered literally impassable, and under such circumstances he begged to move that the sum of £1,000 placed on the Estimates for its repair be increased to £3,000

Mr COLE, in seconding the motion, hoped that the House would consider the merits of this question If the sum asked for this road during a previous session had been granted, there would have been no necessity for the present application The amount then asked for would have been found ample but since that period the road had become in a deplorable condition As it appeared from the correspondence relative to the railway, which had been laid on the table of the House, that the whole of the traffic upon the line had been granted to Fuller and Co, it would be fuller justice (a laugh) to other parties that the Port-road should be made available in order that the public might not be subjected to a monopoly by Fuller and Co (Laughter)

The COMMISSIONER of PUBLIC WORKS thought the House would bear him out in the statement that the act complained of in reference to the Port-road was not the act of the Central Road Board, but the deliberate act of that House He hoped the House would consider the question in connection with the other roads of the colony, and the numerous demands there were for public works of this nature Admitting the great importance of communication between the Port and Adelaide, he had yet to learn there was any necessity for keeping up this means of communication The one mode, he alluded to the railway, was the most perfect the colony could afford, and the main road, he would remark, was the widest in the colony If it were right in principle to vote the sum asked for, he contended that the hon mover had committed an error in not asking enough, for he had ascertained that it would take £10,000 to place the Port-road in repair (No, no) He repeated the statement He had ascertained from Mr Macaulay, one of the best engineers and most careful surveyors in connection with the Central Road Board, that it would cost the sum he had named Mr Macaulay had on several occasions been asked in reference to this matter and had invariably stated that the cost would be from £9,000 to £10,000 Another objection to the motion appeared to him to be that this would not be a final settlement of the question If the House were to vote a certain sum and hear no more of the Port-road, it would be a different thing, and he for one should feel disposed to consider the proposition but he hoped the House in considering this question would consider the whole question of roads The House had been asked to make a railway and maintain it, and having done so, they were now asked to make a metal-road running parallel with that railway and maintain it also It was obvious to him that if the present motion were carried, the sum voted would prove only a portion of a very much larger amount

Mr WARK should vote against the motion He considered that the Central Road Board had acted most wisely in coming to the resolution not to maintain any main lines of road running parallel with railways It was all very well for the Port people who had got the very best communication that could be made between the Port and Adelaide, to come forward and speak of the difficulties to which they were subjected in consequence of the state of the Port road, but as the Commissioner of Public Works had said, the whole question must be considered, and in what position were many of the residents of the interior placed with quagmires to go through, and every difficulty to overcome before they could get on a metalled road at all One reason which prompted him to vote against the motion was that if the sum were granted it would not be a final settlement of the matter, but it would merely be an instalment of a very much larger sum He quite agreed with the Commissioner of Public Works that a sum of £10,000 would be required to place the road in an efficient state of repair It appeared to him monstrous that after constructing a line of railway at enormous expense parties should come forward and ask the Government and that House to maintain a main line of road alongside the railway The resolution arrived at by the Central Road Board not to maintain such lines was he contended wise and just, and he wished the House would uphold them in it

Mr HUGHES differed altogether with the line of argument which had been pursued both by the last speaker and the Commissioner of Public Works The hon the Commissioner of Public Works had stated that a sum of £10,000 would be required to complete the work, and that the amount now asked for was merely an instalment of that sum, but he (Mr Hughes) did not believe that anything like the sum named would be required He was aware that Mr Macaulay had made some such statement as that which the hon gentleman had attributed to him, but it should be remembered that statement was made before the facilities which at present existed of delivering stone by railway at the various places at which it was required, and at a very low rate, existed (No, no) The hon gentleman laid great stress upon the argument that because a railway had been constructed, a main line of road should not be maintained, but so long as the Government professed to provide from the revenue for the wants of the colony, they were as much bound to attend to that road as to any other It would be unjust to ask the residents upon the line of road to pay the cost of its maintenance, when a considerable portion of the traffic belonged to the south of Adelaide It had been ascertained that such serious injury resulted from loading and unloading goods despatched by the railway that notwithstanding the construction of that railway a considerable portion of the traffic, indeed he might say, the traffic to a very great extent still went along the road It would actually depopulate the district if the inhabitants were compelled to keep the road in repair It was very well to say that the line of railway was parallel with the road, but that railway was not constructed so much for the purpose of connecting the Port with Adelaide as of connecting the Port with the distant interior It was not because the road happened to run parallel with the railway that the House should come to a resolution they would not maintain the road It was quite obvious that the road was required Any one could convince himself of this who would take the trouble to go down it, and not merely form his opinion from riding down in a first-class carriage, as probably the Commissioner of Public Works had done There had been no regular proposition made that roads parallel with railways should be utterly neglected by the Government simply because they were parallel He believed that the Central Road Board had determined, only on the previous day, to complete the main line, the Grand Junction-road, and he would ask was not that parallel with a railway, If that very road were made a great deal of additional traffic would come upon the Port-road He admitted that the question might be a difficult one, but it was a most unfair thing to leave the Port-road in the state in which it had been for several weeks past, and refuse it a fair share of justice Hon members had probably not had an opportunity lately of seeing the fearful state which the road was in, especially from the causeway to the Port It was an absolute mockery to call it a road He did not advocate the claims of any particular district, but the interests of the colony The traffic of the colony demanded that it should be put in repair If the maintenance of the road were to be thrown upon the district, let the Government metal it first, and, after placing it in a tolerable state of repair, allow the inhabitants to put such a toll upon it as would be sufficient to enable them to keep it in repair

Mr MACDERMOTT said, if the vote now asked for would be a final settlement of the question, he would be disposed to give it his favorable consideration, but it was clear to him that it would not be, and he considered it unwise that the Government should recognise the principle of maintaining main lines running parallel with railways To recognise such a principle would be almost equivalent to sanctioning two parallel lines of railway Already there was a vote upon the Estimates of £1,000 for this road, a sum which he should not oppose, thinking the Port-road was perhaps entitled to this sum in consequence of some branch roads coming into it. In its present form he must oppose the motion

Mr BAGOT begged to move an amendment, inserting after "Port-road," the words, "and then the road to be handed over by the Central Road Board to the District Councils through which it runs" That amendment, he thought, would carry out the views of the previous speaker If the hon mover of the motion would adopt this amendment he should be happy to give it his support, but if not he should feel bound to oppose the motion He thought it would be a wise principle to adopt, that where main lines of road ran parallel with railways they should be first put into something like repair, and then handed over to the District Councils of the districts in which they were situated

Mr REYNOLDS said that the course which he intended to take was that which he took when he was on the other side of the House His views had not at all altered with regard to the principle which he considered it the duty of the House to affirm He was opposed to the motion before the House, because, having gone to great expense in constructing a railway, he thought they were bound to do everything in their power to make it pay He did not see how the House could make any distinction between the Port road and the road to Gawler Town if they once recognised the principle of maintaining main lines which ran parallel with railways If the motion before the House were carried, in order to act fairly to all parts of the country, they would not only

have to construct and maintain railways, but main lines of road also It was quite clear, however, that the country could not afford both He was quite sure that they would have to husband their resources, in order to do all in their power for the outlying districts He was sorry the hon member for Victoria was not in his place, to hear his views upon this point, and to advance his own Whether this were regarded as a financial question or not, he should feel bound to oppose the vote on principle A very large sum of money had been expended upon the construction of a railway, and now to maintain a line of road running parallel with it, appeared to him to be monstrous The hon member, Mr Hughes, had said that the railway had been constructed for the purpose of connecting the Port with the distant interior and not for the purpose of connecting the Port with Adelaide, but if it were so, what did they want with stations and station-men at Woodville, Alberton, Bowden, &c? Why not abolish them? (Hear, hear) It the hon member thought they could be dispensed with, no doubt a great saving could be effected, and the amount so saved might be devoted to the repair of the Port road He was glad that the argument had not been revived about the materials for the Gawler railway breaking up the Port-road, as he felt assured that argument would not hold water On the grounds he had stated, he felt bound to oppose the motion

Mr LINDSAY, though opposed to the hon member who had last spoken, was still actuated entirely by principle Whilst the present system was in force, he could not see why the Port-road should not have its share, but he admitted his belief that the system was bad, and that the sooner they had a new Road Act the better So long as the system lasted, he certainly considered that the Port-road should have a fair share expended upon it There were two roads to Port Adelaide, and he could not help thinking the one to the North Arm, which was the best part of the harbour would have been sufficient, but there was a large population at the South Australian Company's Port, and their interests should be considered With regard to the proposition to hand the roads over to the District Councils, that might be all very well and it might be expedient to hand over many other roads besides the Port but there was a peculiarity about the Port-road as its direction could not be altered, whilst it might be found very desirable to alter the direction of other roads The Port road was as well where it was as though it were more direct He should support the motion, and had made the explanation which he had because he thought his vote on this occasion might be considered inconsistent with votes which he had previously given

Mr SCAMMELL said with regard to the vexed question of the Port-road, it would be in the recollection of hon members that during the discussion upon the question last year, or at the commencement of the present one, he had in his possession a communication which he exhibited, from Mr Macaulay, the Surveyor of the Central Road Board, to the effect that £3,600 would be an ample amount to repair the Port-road He called the attention of the House to the statement which had been made by the Commissioner of Public Works, a statement which had been made, he did not hesitate to say, to prevent the vote of the House that day, and a statement which had no foundation in fact

The COMMISSIONER OF PUBLIC WORKS asked if this language was quite Parliamentary?

The SPEAKER said the hon member was not in order in stating that another hon member had made a statement knowing it to have no foundation in fact

Mr SCAMMELL had no wish to make use of any language offensive to any member of that House, still less to the Commissioner of Public Works, but he believed the statement which had been made by the hon gentleman had been made for the purpose of preventing the vote now asked for It was monstrous to say that £10 000 would be required for the purpose of completing the road, when the Central Road Board, notwithstanding their monstrously extravagant system of expenditure, made £2,900 do half the road If £2,900 were sufficient to do half the road, why should the Commissioner of Public Works come forward and say, that £10,000 would be required to do the other half? He believed this was so monstrous a fallacy, that hon members would see through it, and that it had been made for no other purpose than to prevent the vote being carried He hoped, however, that it would have no such effect He published a letter in the *Register*, which he had received from Mr Macaulay, stating that £3,600 would be sufficient He presumed that this calculation was based upon the scale of charges for cartage and stone that had been paid by the Central Road Board for the first half of the work The stone which had been laid on by the Central Road Board cost 15s a yard, if not more, but there was nearly half a mile of the road which was within the boundary of the Port Corporation and under the control of that body That portion had got into a state nearly as bad, or quite, as the other portions, but under the management of the Corporation the metal was laid upon the road at a cost of only 6s 9d per yard That was a statement which parties belonging to the Corporation were prepared to vouch for The portion repaired or made by the Corporation cost 6s 9d per yard, that undertaken by the Central Road Board cost 15s per yard, and in both cases the stone was laid down broken What difference would that make in the sum total which would be required? He unfortunately, was occasionally under the necessity of using the Port-road and could conscientiously state that he never passed along it on horseback or in a wheeled vehicle without trembling for the insurance office in which his life was insured (Laughter) Having got down to the Port, fortunately without breaking a spring or his horse's knees, he went on to a road recently made by the Central Road Board at great expense, upon which there was no traffic, and when he got to the end he could go no further He was merely out for fresh air and resolved to follow the road up to see where it led to He did follow it up, driving along a beautiful road as smooth as the floor of that House, with an embankment made with shells He began to think that His Excellency had been getting a marine residence built of which he had heard nothing, the whole line was so like a gentleman's drive He drove on a long distance and at last found that it led nowhere (Laughter) There was no traffic, no population at the extremity The tracks indicated that the only carts which had ever passed over it had been those engaged in carting shells from the beach to ornament the embankment Upon consulting the Estimates he found an explanation of this, as it appeared that upwards of 8,000*l* had been expended upon the North Arm-road, and a further sum was asked for With reference to those items they suggested the question, what rule governed the House in the expenditure of money upon roads The revenue was derived from the people, and if main roads were not to be kept up where an abundant population existed and where the exigencies of commerce and traffic required they should be kept up, where should main roads be made at all? If where there was a considerable population and a township the main line of road was to be obliterated, where were main lines to be maintained? The principle was clearly not good which formed a main line where there was no population and no traffic, and sought to obliterate one which had been formed at great expense, where there was great traffic, and a moderate expenditure only was required to keep it in repair To recur to that portion which had been repaired by the Port Corporation, he was informed that up to the time the Central Road Board knocked off two men, who were employed at the cost of about £4 a week in filling up the holes in the causeway, it remained in a good state of repair, but it was now dangerous to life and limb to pass over it Some time ago an engineer in the employment of the Central Road Board stated that £14,000 would be required to place the road in a good state of repair, but this statement and the statement which had been made that day, that £10,000 would be required, he believed had been made merely for the purpose of preventing the vote of the House that day As regarded the principle which was involved, if the Central Road Board had affirmed the principle that main lines running parallel with railways should not be maintained, the Commissioner of Public Works, as a member of that Board, should have objected to the expenditure of a *single farthing* Yet £1 000 had actually been placed upon the Estimates Why should £1,000 be asked for, but that the Central Road Board found that they had passed an impracticable resolution Although that resolution had been tacitly assented to by the House, it had received no support by action and until it had, no resolution of the kind could be carried out Some hon members had said that if this were a final settlement of the question, they might be disposed to support it, but how could the question be finally settled until the Government introduced an amended Road Act It was for the Government to take the initiative, and by passing such a bill remove all difficulty He particularly wished to impress upon the House that the portion of the road which had been formed by the Port Corporation had cost less than half the amount which that portion had had cost which had been undertaken by the Central Road Board He believed that a road could be supported in several ways The public feeling, perhaps, was generally in favor of tolls, but it would be unfair to charge a toll upon a road in such a state as the Port-road was at present He should like to have been the mover of the resolution, as he should then have had an opportunity of replying to remarks which would no doubt be made by various speakers, but he begged the House to remember what he had stated in reference to Mr Macaulay's estimate for the road which he had had in his possession, and which was only £3,600

The TREASURER thought the remark of the last speaker in reference to being more concerned for the interests of an insurance company than for his own life, afforded an instance of the weight which should be attached to the majority of his statements In reference to the alleged statement of Mr Macaulay, which differed so widely from that of the Commissioner of Public Works it was clear to him that some facts or conditions must have been withheld In the absence of those facts he should assume that the statement of the Commissioner of Public Works was entitled to at least as much reliance as that of the hon gentleman who had just sat down He could not see any distinction in principle between maintaining the Port-road and the Gawler-road If they maintained the one they must maintain the other It had been said that the traffic on the Port-road was not that of the district, and consequently that it was most unfair the district should suffer, but the same remark would apply to many, and indeed almost all other roads Did not the District Councils make roads for the traffic of other districts to pass through? The Government, in this instance, had introduced a special vote upon what he held was a great and

true principle, namely, that they would contribute £1,000 towards the Port-road if the inhabitants could contribute an equal amount, and till an Act passed the Legislature enabling them to transfer the management of the road, they would take charge of it. It was only the inhabitants of the frontages who had occasion to use the road. Occasionally a medical gentleman might have occasion to travel the road after nightfall. (Oh, oh.) With the facilities which the District Council of Hindmarsh appeared to possess, and the economical manner in which it had been stated they were enabled to complete works, they would probably be enabled to complete the road with the amount which the Government proposed to place at their disposal.

Mr HAWKER felt bound to oppose the motion though admitting that the hon. member for West Torrens had put a very fair case before the House. He should have been happy to support the motion if there had been no railway to the Port; but £200,000 having been expended upon that work, it was too much to ask the House for this additional sum for the old Port-road. An enormous number of roads were required for the country districts. Agriculture was the mainstay of the colony, and it was absolutely essential that roads in the country districts should be formed to enable the agriculturists to bring their produce to market. He opposed the vote upon the same principle that he should feel bound to oppose many others—not because the works contemplated were not desirable, but because the money was more urgently required for the construction of works in the country districts.

Mr BURFORD had gathered from the remarks of some of the previous speakers that this was to be regarded as an annual vote. ("No, no.") He could not agree with spending money upon main lines running parallel with railways. During last session the House tacitly adopted that principle. With respect to tolls, there again a principle was involved, and he felt assured that the greater portion of the public were opposed to such a system, therefore it was not likely that the House would sanction it. If there were any exception to the general rule it certainly was in the case of the Port-road. He did not consider that the Gawler Town road, or any other road was a parallel case. If an exception were to be made he should be in favor of the amendment which had been proposed in reference to the Port-road, but certainly not in any other instance in which roads ran parallel to railways.

Mr DUNN said it was perfectly understood that when the railway was in working order there was no more money to be spent on the roads. An hon. member mentioned that life and limb were in danger on the Port-road. He was reading the paper that morning, and saw that on a road on which the Central Road Board had spent a large sum of money a cart had capsized in the middle of it, and a poor woman consequently killed. Money had been diverted from the interior of the country and had been spent somewhere else. He considered it objectionable to apply so much money in the neighbourhood of the town, while country districts were suffering from want of roads. Within a trifle it required nearly all the rates collected in two roads districts to maintain one line of road—not to make the road, but purely to keep it in repair for other districts to pass over. He should oppose the motion.

Mr STRANGWAYS must oppose the motion, for if that was passed applications of a similar kind would be made from all parts of the colony. The question of roads ought to be considered as a whole, and not merely as a part. A good deal had been said by those who intended to vote against the motion on the ground that it was unnecessary to have a road parallel with a railroad. He could not go with that idea, for the experience of all countries proved that macadamised roads could not be dispensed with. He should oppose the motion, for he thought public works, repairs, and every thing connected with the roads, ought to be considered as a whole, and not in detached parts.

Mr BARROW questioned the assertion that we ought not to construct lines of road parallel to lines of railway. He thought, however, assuming it as a rule that the Port was an exception to that rule, that it would not be difficult to shew that it was an exception. The Treasurer had shewn that the traffic of other districts passed on the Port-road. The same might be said of other districts. But to what extent was that argument to be carried? The outside district had not, of course, to make a road for any other district to pass over, as there was no district beyond it. The district next to the outside would be traversed by the outside district only. The next but one to the outside would have the traffic of the two outside districts in addition to its own, and so on until you arrive at the central one, which would have the concentrated traffic of all the districts in the colony passing over its roads. With regard to handing over that road to the District Councils, he (Mr Barrow) could not forget that the Commissioner of Public Works had just told the House that the road would cost 10,000*l* to repair it. Now to make a present of that road to the District Councils would be similar to the present of the white elephant, of which they had heard so much out of doors—it would be a ruinous gift. The District Council of Hindmarsh collected £900 a-year in rates and in the year 1857 about £976. How was it possible with that amount of rates to maintain that road in repair? And with regard to a voluntary rate, he doubted whether a voluntary rate would result in raising half as much. Suppose the amendment carried, and the road were handed over to the District Councils to whom would they hand over the Port-road? It was a mistake to suppose that the Port-road, in its entire length, ran within the boundaries of District Councils. A great portion of it would neither come within the limits of Corporation or Council, it was, in fact, in no man's land, and therefore, unless special provision was made for maintaining it in repair, it could not be kept in order, because it belonged to the Central Road Board, or to no one. He thought, however, that it was most unreasonable that the Central Road Board should be expected, as a rule, to keep roads in repair, as well as make them. He must also differ from hon. members who thought that the construction of a railway superseded, in all cases, the necessity of a common road. The Port-road was the first road that a stranger saw as he entered the colony, and it would be a disgrace to them all if that road were to be left to be a bog-hole in winter, and a dust-hole in summer. A stranger would form but a poor idea of the colony. He would say, *let the railway stand on its merits or fall by its demerits* as the case might be (hear, hear), but do not shut up the Port-road in order to force the traffic upon the railway. The House had been told when Government announced that they intended to carry a line of railway in a certain direction, that they ought to keep faith with the public. Ought not the Government to keep faith with the public in regard to the Port-road, and take care that that road should not become impassable? The member for West Torrens had graphically told the House of the perils of travelling on that road, and during that description, he (Mr Barrow) could not help thinking that if that hon. member felt fear on such occasions, how much more reason had other persons, for if such an accident did unfortunately happen, medical assistance would not be so near to most of them as to him. (Laughter.) He certainly thought the road ought to be once more repaired by the Government and that special provision ought to be made for its subsequent maintenance out of other funds. He must also express a hope that in voting for public works, those distinctions between town and country would be avoided, and that the best might be done for both. He was sure that when country items were brought forward he should support them, but he thought while we ought not to overlook the claims of the country, we must not neglect the roads nearest the centre. He would vote for the motion with the distinct understanding that no further sum of money should be asked for to repair the Port-road.

Mr MCELLISTER would oppose the motion, as he thought that it would be unfair to outlying districts to spend so much near town.

Mr PEAKE said that the outer districts must of necessity travel over roads made by the more central districts, and on whom would the expense fall but on the poor District Councils. The hon. gentleman (Mr Barrow) said he would vote a sum of money because it was necessary that the Port-road should be kept in repair having now been declared a main road. But that line was made at a large outlay, alongside of one of the most perfect roads that could be made. He thought it would be most improvident to vote any money for the purpose until the Executive and the House had come to some sort of conclusion as to what course ought to be pursued. In regard to the observation that, permitting the Port-road to go out of repair, for want of a vote of that House, would be a breach of faith, he would say, that the public had no right to grumble in that case, because they had a perfect road on the railway, and keeping that in repair, they were not bound to maintain the less perfect one. Suppose by the vote of that House the road was put in repair, what then? What were they to do then? If the hon. member for East Torrens (Mr Barrow) with his clear perception, could not point out a course, what were they to do? A beautiful description had been given of a branch from the Port-road leading Heaven knew where. The inhabitants of Hindmarsh were thus doubly blessed, for they had the means both of traffic and pleasure; but he would not neglect the country for the sake of the Port. He would vote against the motion.

Mr NEALES said the last speaker wondered when their wants would cease; for his part he hoped that while the port remained a port they would never cease, as the commerce of the colony increased, so would the necessity increase to keep up the Port-road. They had a printed document from the Surveyor General as to what money was necessary to complete the road. Three thousand pounds was all that was necessary to repair the road. They were not about to ask £10,000 for peculiar purposes. He was sorry to say the returns of the Railway were decreasing, but they had it and must make the best of it. He would not, however, like to see such an expensive establishment kept up merely because we had a railroad, if the traffic would not pay; and he would not agree to shut up the Port-road in order to make the railway profitable. He thought the Port-road a special case, and that it should be regarded by the Government, but he would not go for keeping it in repair in perpetuity. He thought if the Government were inclined to put that road into the hands of trustees, a company could be formed in London who would engage to carry it on at one quarter the present cost. Faith had not been kept with the Port-road people, for the railway was not a parallel line. He considered that the beautiful road which had been spoken of was a most unnecessary one. 20,000*l* had been spent on it, and it would not return 2d. in 50 years. It was impossible for the railway to do the work of the Port road.

He was astonished to find the member for Victoria (Mr Hawker) voting against the motion, for it was quite a country question, and as a country question, he (Mr Neales) looked at it If the Government found the railway would not pay, the best way was to make the Port-road a tramway and see if the traffic could not be carried on at one-third of the present cost Other roads might as had been said, make similar demands but no other road had such just claims

Mr Hart asked whether, if the railway had been constructed by a private company, the Port-road would have been repaired? When first it was projected, it was projected by a private company Would the House have neglected that road then? (No) He thought if not then it was not fair that the district should suffer because a powerful Government had done that which individuals were otherwise prepared to have done It was neither a Port question nor a district question Several lines of road from the south ran into the Port-road, and bridges had been erected at considerable expense to facilitate the traffic, which could not all be carried by rail There were not stations nor facilities afforded for that There was no goods traffic from Woodville and Alberton, and from Bowden only at stated times Several agricultural districts in the south were injured by having to go round, in consequence of the bad state of the roads, in order to get their goods upon the line And the north was equally interested Three or four lines from the north came into the Port-road If the Port road passed into the hands of Commissioners appointed by those districts, they would put on a tramway which would completely shut up the Port-road The traffic could now be done by bullock drays and carters, who could compete with the railway, and with nominal power on a tramway, it would be done at half the cost He would be willing to adopt the amendment of the hon member, that the district would not require to call upon the House again, but this was an exceptional case, and he thought the road ought to be put in perfect repair before handing it over to the District Councils

The Commissioner of Public Works stated that he had sent up to the Road Board Office, and had received information that Mr Macaulay had mentioned at a Board meeting, that a sum of 10,000*l* was necessary for repairing the Port-road He had not made a written statement

Mr Andrews could nearly endorse the opinions of the last two members who had spoken Railways, he thought, might be useful for transporting troops to the place where they were wanted in case of an attack by an enemy, but since it was possible an enemy might have possession of them before resistance could be made, roads were necessary for our defence, as by them only could cannon and material be, under such circumstances, conveyed

Mr Glyde, before the question was put, asked the Commissioner of Public Works if means were provided for goods traffic, to be taken on the railway at Woodville Station

The Commissioner of Public Works—There are

Captain Hart could say most expressly there were not

On the amendment being put, the House divided, when there appeared —

Ayes, 13—Messrs Andrews, Barrow Bagot Burford, Cole, Glyde, Hallett, Harvey, Hughes, Lindsay, Neales, Scammel, and Hart, (teller)

Noes 17 —Dutton, Finniss Duffield, Dunn, Hawker, Hay, McDermott, McEllister, Mildred, Milne, Peake, Reynolds, Strangways, Townsend, Waterhouse, Young, and Blyth (teller)

The amendment was therefore lost

The motion was then put and negatived without a division

The House resumed

The Speaker reported progress

MR SOLOMON'S RETURN

The Speaker announced that he had received a return of the writ announcing the election of Mr Solomon as member for the City of Adelaide

IMPOUNDING ACT

The Commissioner of Crown Lands stated that he had received from various parties who had had experience in the working of the Impounding Acts, valuable suggestions which had induced him to ask leave to withdraw the Bill then before the House, and to substitute another which he would then lay upon the table for the consideration of hon members He would ask another week before they took it into consideration He moved the Bill be read a first time and printed

Carried

Bill read a first time

The Commissioner of Crown Lands moved that the Bill just read be an Order of the Day for Thursday next

Carried

MR BABBAGE

Mr Peake moved—

"That, in the opinion of this House, the exigencies of the public service do not require a second head of the Survey Department of this province, and that it be an instruction of this House to recall Mr Babbage from his northern explorations, since it appears that gentleman is virtually drawing his salary as chief of a surveying party, for which he was not equipped or employed "

He felt some embarrassment in going further into that motion, lest he should be thought to reflect on Mr Babbage, and because it appeared to attach some little blame to the Commissioner of Crown Lands A great sum of money had been expended, and it did not appear to him that the exploring party had proceeded above 70 or 80 miles from Port Augusta towards the north He gathered his ideas from the despatches The country paid £800 a year to the Surveyor-General, and he (Mr Peake) thought it sufficient It appeared to him that if that gentleman's staff was not sufficient it could be increased as the surveys to be undertaken required, and therefore another Surveyor-General was not wanted at £1,000 a year He regretted to bring the charges forward that he was making, but the credit of the colony required it It appeared from papers laid on the table that Mr Gregory, who had just returned, had been despatched to assist Mr Babbage, to retrieve the fortune of the day, but the survey was in a regular mess There was something very unsatisfactory in the whole thing, and he did not see any other way to act than to bring the whole party back again

Mr Strangways moved as an amendment—

"That in the opinion of this House the despatch addressed by the Hon Commissioner of Crown Lands and Immigration to Mr Babbage is highly unsatisfactory, inasmuch as the said despatch, whilst recognizing the proof of incapacity exhibited by that gentleman as leader of the exploring party, omits to recall him from that responsible position "

He would refer to the correspondence before the House which had been laid on the table, particularly to Council Paper 25 The paper referred to was Mr Babbage's offer to the Government to conduct the exploring party He (Mr Strangways) thought it, in plain English, an offer on the part of Mr Babbage, while a member of that House, to sell himself to the Government He would also refer to the acceptance of Mr Babbage's services as contained in the reply of the Commissioner of Crown Lands He (Mr Strangways), considered that, in plain English, an admission of the willingness of the Commissioner of Crown Lands to purchase Mr Babbage, if he could obtain money to do so The circumstances fully considered were creditable neither to Mr Babbage nor to the Government In reference to the instructions given to Mr Babbage, he could not say that he had deviated from them, but he thought there was no reason to suppose even now that there would not be a repetition of the same conduct in Mr Babbage which the Government had condemned, and the fact of sending Mr Gregory, who had been a successful explorer in another district, must result in a quarrel between them He thought the best course would be to recall Mr Babbage, and perhaps Major Warburton, who had long experience, might be entrusted with the necessary dispatches and with such instructions as the Government might deem necessary for further proceedings

Mr Neales could not but remark how very brave people generally were when the objects of attack were distant from them He thought neither the motion nor the amendment would have been introduced into the House had Mr Babbage been present (Cries of "Oh, oh") He thought it an unfair proceeding to condemn a person who had not opportunity of reply, and though they condemned Mr Babbage as leader of the party, he had yet to learn where they could find a better As for Mr Gregory, they did not know him yet He had never been entrusted with a party, and there was a difference between being a leader and the second in command Mr Babbage ought to have dared public censure at the beginning He should not have left Port Augusta till the proper season had arrived It was not fair to come to that House with an *ex parte* statement, and try to get Mr Babbage suspended He (Mr Neales) had never lauded him as some had done, but he was not going to kick him because he had not, at present, succeeded It was ungenerous to indulge in such attacks, Babbage had been where poor Coulthard perished, and now that he had found permanent water —(No no) Well, Mr Burt and Mr Swinden said it was ("No, no," from Commissioner of Crown Lands) He hoped the House would not pass such a censure on an absentee If he did not succeed in a month or two he ought to be recalled, and then they might hear his explanation

Mr Hughes had listened with much attention to the remarks which had been made, and he agreed it was not right to attack an absent man, although he thought there was no occasion for some of the observations that had been offered He did not think the member for Encounter Bay altogether wrong, but considered the discussion justifiable, because the first communication from Mr Babbage was on the 17th October Sums were placed on the Estimates on the 3rd December and Mr Babbage went off on the 17th December He (Mr Hughes) considered the Government were not altogether free from blame He thought Mr Babbage had a fair case from the tenor of his instructions As for the expenses of the expedition, it was impossible to ascertain what that was from the papers before the House Paper 36 offered no explanations, neither stating the number of men employed, nor their salaries He thought Mr Babbage gave indications of unfitness for the conduct of the expedition before starting, and he (Mr Hughes) concluded, therefore, that there must have been some motive, which had not been expressed on the part of the Government, when they entrusted him with it Ten fitter men could have been found, and if the Government had asked for tenders for transporting him (Mr Babbage) a reasonable distance for a given sum 500*l* would have transported him 20 times the distance yet gone He had never been 80 miles from Thompson's station

There was no hitherto unknown interior into which he had penetrated He had shown industry in one respect—in that of writing despatches It really was dreadful to go through them, when there was so little wheat after sifting away the chaff There could be no doubt that either from want of experience, or from want of previous training, Mr Babbage was not adapted for the office of leader and it was, therefore, an error to continue him in command Let the Government place it in the hands of a better man A person of the name of Parry laid before the Government an account of discoveries he had made, and at an expense which was a mere bagatelle compared with the costs of Mr Babbage's expedition—he meant compared with what was known to have been spent—for they were in the dark concerning the actual cost He must say he (Mr Hughes) looked over the last despatches with regret There could be but one feeling with regard to the miserable results of that expedition, to which not only the inhabitants of this colony, but those of the neighboring colonies and of England looked forward to with such interest He thought the House had shown great forbearance with the Government in the matter and he considered it their duty to stop any further waste of public money He thought there were good grounds for that The Commissioner of Crown Lands sent certain instructions to Mr Babbage with reference to Mr Gregory, and Mr Babbage had the coolness to say he disapproved of those instructions, and it was probable that Mr Gregory might soon be sent back to town if Mr Babbage continued in command of the expedition Mr Babbage could not complain of the comments made on his conduct, for he was a public man and they were not attacks on his private character His public conduct was public property, and hon members were justified in passing unbiassed opinions on that conduct He (Mr Hughes) thought the Government deserved censure in the matter, and that Mr Babbage would come out fully with regard to those instructions He (Mr Hughes) must say that had the Government laid their hands on the first man they met with for conducting the expedition, they might have done far better, but they could not have done worse than they had done

Mr Hawker, as a member who had some little experience of the bush, might not be considered presumptuous in speaking on this subject He agreed with much that had been said by the hon member for the Port, but not with all Neither could he support the motion of the hon member Mr Peake, for in such a form it would hardly meet the case Neither could he support the motion of the hon member for Moreton Bay (Mr Strangways), because he did not hold that any blame attached to the hon the Commissioner of Crown Lands (Mr Dutton), such as was sought to be cast upon him by the contingent motion The fault was that, when the House moved an amount for a north-west exploration, it was the wish, not only of the House, but of the citizens of Adelaide, that Mr Babbage should take charge of that expedition He (Mr Hawker) from his own knowledge of the country and of Mr Babbage did not think that gentleman the best person for the post, but the general opinion was such ("No, no") He (Mr Hawker) said it was the opinion, and if Mr Babbage had been successful no blame would be attached to the hon the Commissioner of Crown Lands for appointing that gentleman, and it was not fair now to censure him for having yielded to the opinion of the public as to the instructions given to Mr Babbage, although there was a little vagueness in one of them, still a person going to explore the north-west interior of the continent should never think of going to the south-west into a country which had been already explored and actually south of the parallel of Port Augusta No practical bushman would make such a mistake, and it was useless to say that in this he was misled by his instructions He (Mr Hawker) only judged Mr Babbage from his own writings, and would be the last to attack an absent man, but when certain events were recorded in Mr Babbage's own handwriting, he (Mr Hawker) like the rest of the public, could not but form his own opinion If he said he was disappointed at the results of the expedition, it would not be true, though he did not think it would have been quite so unsatisfactory As far as personal courage and perseverance went he believed that Mr Babbage was as well qualified as any man in the colony, but he was deficient in judgment In this respect we could not have a better man than Mr Gregory He (Mr Hawker) had spent some time with that gentleman, and there was a calm courage and deliberation about him which constituted the most valuable qualities of an explorer Mr Babbage might have mistaken his own powers and thought that he was competent to take charge of an exploring party, but there could be no doubt now that he was not qualified for that purpose Even the speech he made previous to starting was sufficient to show that, although able to go into matters of detail, he was not capable of undertaking anything on a great scale, and he (Mr Hawker) believed he had expended his energies upon details, and mistaken the object for which he was sent out by the House As regarded the expenditure, when an expedition was voted, hon members and the public generally expressed a wish to explore the colony, and for this purpose it was impossible to put down a fixed sum as would be done for other objects, but there was one matter on which the hon the Commissioner of Crown Lands consulted him (Mr Hawker), namely, as to the sending out of the packhorses with the view of giving Mr Babbage an opportunity of regaining any credit he might have lost by being unable to penetrate the interior with his drays He (Mr Hawker) said he would give Mr Babbage every chance of recovering his reputation, and that he would vote in the House for the money required for the additional party Had Mr Babbage carried out the spirit of his instructions Mr Gregory and his packhorses would have been of the greatest assistance, for they might have enabled the party to penetrate a hundred miles further, even though it were a flying visit into the interior But when Mr Gregory got up he found that Mr Babbage had been a long time away from the camp and the party were getting alarmed about him, having probably found out what all bushmen know before, that Mr Babbage could not travel even a short distance in the bush without losing himself In consequence of this everything seemed to be now at cross purposes, and no doubt Mr Gregory had since been pursuing Mr Babbage's tracks to see if he could find him The House and the public would be wasting money if they kept the party out any longer The best of the season was already lost, and he was not arrogating too much to himself in asserting that in October the northern country would be drier than the country around Adelaide in January He did not think Mr Babbage a fit person to send out on a chance of discovering anything, but if the geography of the country allowed Mr Gregory to make a flying run, with strict instructions to come back before the water failed he might accomplish something He (Mr Hawker) could not blame the hon the Commissioner of Crown Lands or the Government, because as they had done what they were called upon by the public to do, the public must bear the blame, as well as the Ministry

The Commissioner of Crown Lands said the House could easily understand that no one could regret more than he did the unfortunate results hitherto shown for the large outlay of money on this expedition He regretted it on many grounds, first, for Mr Babbage's sake, because he would much rather see that gentleman come back crowned with laurels after making important discoveries, and then he could not forget himself, because he had incurred a very considerable amount of responsibility in carrying out the details of the expedition, and he now saw that he was to be included in a sort of vote of censure arising from the expedition, the arrangements of which had been entrusted to him He hoped the House would take a just view of the case and not pass a vote of censure upon him which he had not merited He hoped hon members would consider that he had taken every imaginable pains for the purpose of affording Mr Babbage the means of making his exploration successful, and that if the exploration was not successful there was no reason why the censure of the House should fall upon him He would remind hon members that during last year a good deal of interest had been excited in the colony by the valuable discoveries made near Lake Torrens, and that previously to that Mr Babbage had been out and had displayed considerable energy and perseverance in following up the Blanchewater River, and in making discoveries in a country not previously known The choice of Mr Babbage as a leader was made on account of the energy he had shown in these explorations in the same neighborhood, coupled with the fact of his being a scientific man He maintained that these circumstances fully justified the Government in recommending that gentleman for the appointment, The appointment met with the approval not only of the House, but with, he might almost say the unanimous approval of the public If there was censure expressed on any one at that time, it was on him (the Commissioner of Crown Lands), because it was thought the party was not large enough A few weeks before Mr Babbage left complaints were made that he (the Commissioner of Crown Lands) was allowing that gentleman to go into the interior with a party not sufficiently large enough to attain his object, but experience proved satisfactorily to his mind that the party was sufficiently large A successful party arrived here from Moreton Bay, through a most arid and impracticable country, which party was not larger than that of Mr Babbage, and that was a fact which not alone justified him, but which must likewise prevail with the House and the country at large He would not seriously answer the remarks of the hon member for Encounter Bay about Mr Babbage having sold himself to the Government, and the Government having bought Mr Babbage (Laughter) This could not have been meant seriously but as the hon member had a good deal of fun in his disposition, he (the Commissioner of Crown Lands) had no objection to the hon member enlivening the debates with a little of it He would therefore not take these remarks seriously, nor he was sure would the House do so As to the instructions, he submitted that they would not bear the construction that Mr Babbage was to waste time by following the course which he had pursued, and which had led to such unfortunate results It was thought that as the expedition could not travel with any great quickness that it would be well, whilst going into the interior, that a portion of the party might be well employed in surveying and mapping out the country The despatches did not for a moment contemplate that Mr Babbage was to carry his surveys to the south, but pursue them as far as circumstances would permit northwards But would any hon gentleman dream of his following Lake Gairdner to the south and into a country which we knew all about before, and then proceeding to Lake Gillies,

the object of which, he (the Commissioner of Crown Lands) could never understand, and next going to Port Augusta. As to his going down to Lake Gairdner he (the Commissioner of Crown Lands) should have tried to put the best construction upon that movement, but as to his going to Lake Gillies and Port Augusta and spending a week there, he was still without any explanation of that proceeding, though he had had despatches of later date than Mr Babbage's arrival at Port Augusta. He thought these circumstances sufficiently warranted him in writing the despatch which he had sent, censuring Mr Babbage for the manner in which he was performing his duty. The instructions could not have been laid before the House last session, as they were not ready prior to the prorogation, but they were published immediately after being sent to Mr Babbage and he (the Commissioner of Crown Lands) had never heard any objections raised against them until that day. He had never heard it said that they did not embody the object of the expedition, as it had been agreed upon last session. The very fact of his having taken upon himself the responsibility of incurring the additional outlay of sending up Mr Gregory and his horses showed how anxious he was that Mr Babbage should have every fair play. He did so thinking that they would not only enable Mr Babbage to accomplish something useful and beneficial to the country, but that for himself he might gain laurels and make a name for his expedition. He had shown in every possible way friendly feelings towards Mr Babbage, and he sincerely regretted that his efforts had been rendered nugatory by conduct which under the most favorable construction he must call injudicious. It might be said that Mr Gregory was not justified in breaking up the party, but he trusted hon members would recollect how Mr Gregory was circumstanced. In the first place he had great experience, for it was a great mistake to think he was a "new chum" explorer. He (the Commissioner of Crown Lands) had made himself acquainted with all Mr Gregory's qualifications and had ascertained that he had not done the experience of his last journey from Moreton Bay but he had also large experience in West Australia where the country was similar to that described in the despatches of Mr Babbage, a country of salt lake and sand and scrub of the identical nature of the country in which he now was. He was also convinced that Mr Gregory was a man upon whose judgment he could rely in proceeding through a difficult country, because he and his brother nearly lost their lives amongst the salt lakes of Western Australia, and that circumstance had made him cautious, so that whilst he would do all in his power to advance the expedition, he would not allow the party entrusted to him to rush into too great dangers. When Mr Gregory arrived at the camp on the Elizabeth he found Mr Babbage absent. What should he do? His first idea was to find a permanent waterhole, for which he proposed to examine Lake Campbell, but he ascertained from the other members of the party that considerable anxiety and alarm was felt on account of Mr Babbage's absence. There was at present in Adelaide a person who was formerly the second in command, a man named Harris, and he (the Commissioner of Crown Lands) spent all that morning examining him on all points connected with this question. From the information thus obtained he could see nothing to blame in the course which Mr Gregory adopted. If Mr Babbage had been at the camp he would not have been justified in acting so, but as he was not all the responsibility fell on Mr Gregory. He (the Commissioner of Crown Lands) had asked Harris for information as to the sending back the 12 horses, about which subject Mr Gregory's letter did not contain clear information. Mr Gregory was not a man given to writing long despatches, he (Mr Gregory) had told him before starting, that he must not expect long letters from him, so he did not wonder at his letter being less explicit than might have been desired. Harris's answer to that question, which was taken down in writing was, that Mr Gregory thought the season was too far advanced for slow travelling by means of drays, and that as the water in the Elizabeth was not considered permanent by Mr Gregory, (which opinion was confirmed by Harris), he thought that all that could be done at this season was to make a rapid examination of the country by means of packhorses. That, as Mr Gregory considered the party would have to retreat to the settled districts before the full heat of the summer set in, he thought it best to send back the superfluous drays, and the most valuable of the draught horses, (which were not suited for rapid movements carrying packs), and so place them in safety. He (the Commissioner of Crown Lands) considered therefore that Mr Gregory was justified in taking that step in the absence of the leader of the party, who had then been gone 27 days, having taken provisions for only 14 days. Mr Gregory on the day after writing his official despatch, wrote him a private note, stating that he had given up his intention of proceeding to Lake Campbell, and was going to search for Mr Babbage, if he did not return by the 3rd September, fearing that some accident had happened to him and Warriner. It was, therefore, a great pity that Mr Babbage was not within reach of his camp when Mr Gregory arrived, as through his long absence the whole exploration had been disorganised.

Mr HUGHES asked whether Harris had informed Mr Babbage at Mount Remarkable, of that reason for sending back the horses.

The COMMISSIONER OF CROWN LANDS said he had given the exact answer. He took down in Harris's own words the answers and they were signed by Harris himself. The first question now was as to the permanency of the fresh water for, if it was not permanent, it would be madness to allow the party to remain out in the summer, and the weight of evidence was that the water could not be relied on. True, Mr Babbage spoke of having heard from the blacks of water to the north, but the Government had no evidence of such being the case. Instead of coming southwards, Mr Babbage would have been more usefully employed if he had gone farther north and visited Lake Campbell, which he did not do, or proceeded in search of the waters respecting which he got information from the blacks, and this also he neglected to do. On such a rigmarole statement as was to be derived from a blackfellow, which neither Mr Babbage or any one else could understand, were they to risk the safety of the party in a country where they were not sure of having even one permanent waterhole to fall back upon. Between the Elizabeth and Thompson's there was not one drop of water—nothing but 100 miles of sand and scrub. Even now, at the very best time of the year, Mr Gregory did not find a drop of permanent water going up, nor did Mr Harris in coming down, so that even if the party got back to the Elizabeth in the full summer heat in crossing this 100 miles the whole of them might be lost. As to the permanence of the water, by measurement and by calculating the evaporation, it might be judged whether it would last for a particular time. He thought Mr Gregory was as well, if not better, capable of judging as Mr Babbage on the subject, and Mr Gregory said the water was not permanent. As to the statement of Messrs Burtt and Swindon taking up cattle, that was not the case. Harris said that at one time Mr Swindon said he would take up cattle, but on meeting Harris a few days since, and ascertaining the state of the water, he came to the conclusion that he would not do so. The hon gentleman concluded by announcing that it was the intention of the Government to recall Mr Babbage at once.

Mr HART was rather disappointed that the Government did not stand up for Mr Babbage. As a Government servant, the Government should give that gentleman fair play, and an opportunity of stating the reasons for the course he adopted. He was sorry they did not stand up to defend their absent servant, whom they had chosen as the best man for his position. Even the hon members who spoke against Mr Babbage said he might yet justify himself by his instructions, and if so, they should wait until he had the opportunity of doing so. If Mr Babbage was to be recalled, it would meet with general approbation, but looking at the lateness of the season, and the difficulties he had met with it was a great pity to pass a censure upon him, and turn every point against him, when there was not one to stand up in his defence, and say he might have reasons for what he had done. It was all very well to say Mr Gregory had better judgment than Mr Babbage, but who could say he had? There was no reason Mr Babbage, as the leader of the party, should give way to the second in command, and Mr Gregory showed to his mind, that he did not possess the great essential of a second in command, in not knowing how to obey. Mr Gregory acted in opposition to the orders of Mr Babbage, and what right had he to do so? Was it because his opinion was different from that of the leader of the party? It would be seen that in this Mr Gregory acted with precipitation. Before sending the horses back he should have waited until Mr Babbage came up. It was said he was fearful that Mr Babbage might lose himself, but there was not a better bushman in all the colonies than the man Mr Babbage had with him. Mr Gregory himself had not so fully the confidence of the country as Warriner had. They feared Mr Babbage was lost because he was away thirty days, as if he had not been away longer before. That was no reason why his orders should be countermanded by his second in command, who knew nothing of his views. Until there was a very strong expression of opinion out of doors, and after the motion before the House was placed on the notice paper there was nothing in the correspondence showing that the hon the Commissioner of Crown Lands found fault with Mr Babbage, it was only done in the last letter. On the 9th of this month the letter was sent in which the disappointment and censure of the Commissioner of Crown Lands were expressed, and that letter was put on the table of the House before it could reach the man it was written to. He did not consider that fair or just, and if he was the leader of the expedition, and received that letter, he would not wait to be recalled, but would come back at once. He would ask, if that letter which was published in the newspapers should come into the hands of the cook, would the man obey him afterwards? There was a great want of judgment in laying that letter on the table of the House unasked. He trusted the hon member would withdraw his motion, and allow the Government to act as they thought best either by recalling Mr Babbage, and so give him an opportunity of defending himself, or enable him to carry out the work for which he was appointed.

Mr BARROW hoped the hon members would withdraw the motion and also the amendment. He had thought of moving the previous question, and unless both the motion and amendment were withdrawn, he would do so. It was premature to censure Mr Babbage, whilst it was impossible to say what explanation he might be able to give, but at the same time he felt much disappointed for in common with

many others he had expected great things from the expedition For although, as the hon member for Victoria had said, Mr Babbage was not a first-rate bushman, he had persons with him who could make up the deficiency, and with Mr Babbage at their head every requisite seemed combined He believed with the hon member for Victoria, that now that the winter rains were nearly over, the attempt to carry forward the expedition in summer should be abandoned, though if Mr Gregory could make the flying run spoken of, or even if Mr Babbage could stay four or five weeks longer in the interior it might compensate in some degree for the large expenditure incurred He must remark that when the expedition was voted, the House besought the Ministry not to be stingy, and if the Ministry had been penurious and that Mr Babbage complained that he could not prosecute his exploration in consequence, the Government would have been severely censured He must also excuse the Government on another score It was said they were slow in expressing dissatisfaction, as they were, but the service in which the expedition was engaged was such that it would be rash in the Government to interpose. It was easy to say the Government should keep in order every department under their control, but the exploration of the interior was entirely different from the Customs or Registrar-General's departments The Government did not know what was to be done, and it was therefore impossible to stimulate the tardy, which might be necessary under the circumstances He made this hypothesis on the same ground as he asked the House not to censure Mr Babbage when they had not heard that gentleman He thought the discussion would do good, for the public were dissatisfied with the expedition, and it was impossible the present state of things *could be allowed to go on* If Mr Babbage was surrounded with difficulties which he could not get through northwards, let him break through then south, and come home He could not see the way to condemn a man in the bush, because he did not know how he should act there If these rash censures were to be passed on men engaged in perilous enterprises we would not get men to engage in them Rejoicing in that discussion, regretting its necessity, and hoping that no more expenditure whatever would be incurred, he would suggest that the motion and amendment be withdrawn

Mr BAGOT, if he did not think it right to say a few words in defence of an absent man, would not have spoken Every Government officer was open to criticism, but he should not be attacked when he had not the means of defending himself The motion would also be a vote of censure on the Government, and as he did not wish to censure them he could not support it One of the most unfortunate things for Mr Babbage was the arrival of Gregory's party, for if it had not been proved by that expedition that pack-horses could be used instead of drays, the question would not have been opened up, but people now naturally enough said of Mr Babbage's equipment—"This is not the equipment with which he should have set out" But it should be remembered that there never had been an expedition fitted out like Mr Gregory's before, and, therefore, Mr Babbage could not be blamed on this point He did not defend Mr Babbage for going to Port Augusta, but his instructions justified him in going very far south

Mr TOWNSEND did not censure the Government either for sending out the expedition, or for sending Mr Babbage in charge of it, as this was done in accordance with the public wish, but since Mr Babbage had shown his incompetency as an explorer, the Government did well to recall him He regarded the sending up of Mr Gregory as unwise, for when a successful man joined one apparently unsuccessful, they were certain to quarrel The present expedition had cost £4321 6s 3d, and if the Government recalled Mr Babbage, the wisest thing they could do was to pause before sending out another expedition The better plan would be to offer a sum of say £5,000 to any person who would survey and map the country around Lake Torrens, and then they would get men of talent and perseverance to perform the work satisfactorily

The TREASURER thought the censure sought to be passed upon the Government would be unjust, and he was unbiassed upon the matter, not having been in the Government when Mr Babbage was despatched The hon member briefly recapitulated the circumstances under which Mr Babbage was despatched The surveying and mapping of the country was subsidiary to the exploration of the country, as Mr Babbage could not fail to see by his instructions He sincerely trusted and hoped Mr Babbage would justify himself He considered Mr Gregory quite justified in the manner in which he had acted

Mr REYNOLDS rose amidst loud cries of "Divide, divide" He was very glad that the hon movers of the motion and amendments had agreed to withdraw them He thought the remarks which had fallen from the opposite side of the House clearly shewed that Mr Babbage was not entitled to the large amount of blame which had been bestowed upon him, that there were in fact more grounds for censuring the Commissioner of Crown Lands than Mr Babbage The pitiful cries for mercy from the opposite side shewed that those hon gentlemen were entitled to more censure than Mr Babbage, they admitted in fact they deserved more censure than Mr Babbage He had hoped that the Government would have treated Mr Babbage with far more leniency, seeing the leniency with which they had treated other heads of departments, and that Mr Babbage was far away and could not defend himself, and seeing that by their antecedents they had so much consideration for other parties He had hoped that the Government would at least have taken an independent step in this matter, but what did they do? What had the Commissioner of Crown Lands done? No sooner was a notice of motion tabled in reference to Mr Babbage, than all at once the hon gentleman found that Mr Babbage was not carrying out his instructions Up to the period at which the hon member for Burra and Clare tabled his motion no such discovery was made, but the moment the notice of the hon member for Burra and Clare was tabled the hon gentleman opened his eyes, and in his seat—that seat which he had occupied nearly twelve months—when the hon member for the Burra had thrown some light upon the subject, and not till then, the hon gentleman discovered that Mr Babbage had not carried out his instructions Having ascertained the public feeling, and finding so many were disposed to censure the manner in which the expedition had been conducted, they recalled Mr Babbage for the purpose of relieving themselves from odium Such conduct was really contemptible, and he sincerely trusted that those hon gentlemen for the future would shew a little more determination to entitle them to hold and retain their seats and obtain the confidence of the country by manly and straightforward conduct But that confidence could never be secured by the shilly-shally course which they had pursued in this instance

Mr STRANGWAYS asked and obtained leave to withdraw his amendment

Mr PEAKE, in deference to the oft-repeated expressions of the wishes of the House, asked leave to withdraw the motion, but he would ask hon members to carefully look at it and say whether it contained anything personally offensive to Mr Babbage The hon member for the City had charged him with not having pluck to tackle Mr Babbage if he had been in that House, and had insinuated that the motion would not have been brought forward had Mr Babbage, once the member for Encounter Bay, still held a seat in that House He hoped he should never be afraid to do his duty in that House, or that when he was he should walk out of it Nothing had been further from his wishes than to wound the feelings or reputation of Mr Babbage. He merely wished to affirm the principle that they did not require two Surveyors-General If an explorer was wanted let him go and explore, but not as a Surveyor-General He had so worded his motion that it could not be construed into a personal attack upon the gentleman who had had the misfortune to mislead the expedition He wished to put his sentiments on record for he disdained to attack an absent man Allusions had been made by the hon and gallant Capt Hart——

The SPEAKER said the hon member was out of order in thus personally addressing members It was customary to speak of hon members as the members for the places which they represented

Mr PEAKE said the hon member for the Port had said that Mr Gregory was to blame, but the despatch of August 29 showed that this was not the case Mr Gregory found that in the course of a short time he would be compelled to abandon the whole of his equipments, the chief of the party was gone sailing elsewhere and how could the hon member for the Port say, under such circumstances, that Mr Gregory acted wrongly? If Nelson had not disobeyed orders Copenhagen would never have been taken, and he admired men who had sufficient discrimination to know when to disobey orders No doubt the patience of the House was exhausted, but before he sat down he could not help alluding to a suspicion which had previously existed on his mind, but which, since the debate, had become positive conviction The Government found a pea was in the gun, and he might have been instrumental in putting it there himself, the Government found since they came into the House that there was some powder behind the pea, and then it was that they pulled the trigger themselves His object was gained, and he begged to withdraw his amendment His object had merely been to stop this expedition before greater misfortune arose in connection with it

Leave was granted, and the amendment was withdrawn

GOOLWA RAILWAY

The COMMISSIONER OF PUBLIC WORKS laid upon the table papers in connection with the extension of the Goolwa Railway

SUPPLEMENTARY ESTIMATES —STANDING ORDERS

The further consideration in Committee of the Supplementary Estimates and Standing Orders was postponed till Tuesday following

The remaining business upon the paper was also postponed

House adjourned at 20 minutes past 5 o'clock

LEGISLATIVE COUNCIL

TUESDAY, SEPTEMBER 21

The PRESIDENT took the chair at 2 o'clock

THE STEAM DREDGE

The Hon Mr BAKER asked the Hon the Chief Secretary, with leave of the House, where the steam dredge, which was procured for the purpose of deepening the bars, was at present employed

The Hon the CHIEF SECRETARY said in reply, that the steam dredge was imported for the purpose of deepening the bar and the harbor It was engaged, he believed, during the last summer in deepening the outer bar, which had been accomplished to the extent of from 3 to 4 feet Where it was employed at that moment he could not tell

THE LATE COMMISSIONER OF PUBLIC WORKS

The Hon Mr FORSTER asked the Chief Secretary whether the statement made by the late Commissioner of Public Works, as to his having desired to consult with his colleagues, and his not being able to accomplish it from the fact of their being absent from their office, was in accordance with truth

The Hon the CHIEF SECRETARY would prefer that the hon gentleman should give notice of motion on the subject

The Hon Mr FORSTER accordingly gave notice of motion to repeat the question this day

PUBLIC EXECUTIONS

The Hon the CHIEF SECRETARY rose, pursuant to notice, and moved for permission to introduce a Bill to regulate Public Executions in South Australia The objects of the Bill were simply these —To provide for the carrying out of capital punishment within the walls of the gaol, instead of as at present as a spectacle for the multitude The effect of public executions tended to demoralize and had no beneficial result as an example The Bill provided for the identity of the executed criminal and the prisoner being amply established, the Sheriff, Gaoler, and other officers would be present, certificates would be given by the witnesses, and an inquest would be ultimately held A similar law was in force in all the other Australian colonies He asked permission of the House to introduce the Bill

Leave was granted, and the Bill was read a first time, and the second reading made an Order of the Day for Tuesday the 28th September

NATURALIZATION OF FOREIGNERS

The Hon Mr FORSTER asked the Chief Secretary, pursuant to notice—

"Is a foreigner, naturalized in South Australia, such naturalization having received the assent of Her Majesty, a subject of the British Crown in all parts of Her Majesty's dominions? And, should such foreigner (being, say—of German origin), revisit the country of his birth, could he there be divested, against his will, of his rights as a British subject? Or, supposing him to have been guilty of some political offence which had not been atoned for, could a State prosecution be instituted or revived against him, seeing he had renounced his former allegiance, and become the subject of a new power?"

He asked the question because it had been represented to him by several Germans of respectability, that the idea was prevalent, that when once a foreigner had been naturalized in this colony, letters of naturalization were not required to be again taken out in another British province Cases had occurred in which the taking out of letters of naturalization had to be repeated What he wished to know, however, was that in the case of persons who had left German States, say from political disputes, and had taken the oath of allegiance in this colony—what would be the state of the law in their own country with respect to them in case of their return He would put the question in this way —First, was a foreigner having taken out letters of naturalization in one part of the British dependencies, franked to any other portions of the British dependencies, and secondly on his having declared his allegiance to this country would he be looked upon in his own country as a British subject

The Hon the CHIEF SECRETARY said, that this was a matter affecting the prerogative of the Crown, and not merely the Government of Australia, that it was quite clear that a person once having taken the oath of allegiance was a British subject in the whole of the British empire, though his rights would be modified for the time by the law of the country in which he lived He could give no opinion, however, as to the effect of the laws of a foreign State, involved in the latter part of the question

The Hon Mr FOSTER was extremely obliged for the information, although he did not express himself as altogether satisfied with it It merely occurred to him that the law officers of the Crown might be in a position to answer such a question

DEFENCE OF THE COLONY

In Committee

The Hon Captain BAGOT moved the House into Committee for the consideration of the motion standing in his name, viz, —

"That a respectful address be presented to His Excellency the Governor-in-Chief, praying him to direct that some measure be submitted to Parliament to provide for the enrolment, organization, and arming of the male population of the province, as a salutary and necessary means of providing for the defence of the country from predatory attacks, such as may be expected from any maritime power at war with England"

The hon gentleman would ask hon members to consider the position in which the colony would be placed in the case of any hostile invasion Conjecture their position in the event of a war between England and France, and the case of a French frigate landing 300 or 400 men for the purpose of appropriating the small amount of gold which they had in their Banks Could hon members say they were in any position to defend themselves True, they had a few soldiers and police, and the latter would no doubt gallop about and display a great deal of energy It was also true that they had two Acts in their Statute-Books—one providing for the arming of any portion of the people who volunteered their services, while the payment which was made for such services was such as completely to establish the title of volunteerism as a misnomer They were just as much volunteers as the tailor who made their coats and the gardener who tilled their ground, and were paid for it The payment to privates under that Act was 6s per day, and eight or ten shillings to officers The other Act provided for the formation of a militia He deemed that unsuitable The volunteers to be raised under the Act he had referred to, numbered 850, and would cost a large sum of money, how could they meet the exigencies of a militia? They would have to take one man in twenty-eight out of the province, to form a force of 2,000 men, but in what proportion would that be to that of England There, in 1853, he found that the proportion was one in one hundred and seven, in the French army it was one in seventy-four in Russia it was one in fifty, and here it was proposed to take one in twenty eight He maintained that a proper army for this colony was the arming of the whole population The principle which he would wish to introduce, was adopted in America, and there they were ready to defend themselves from aggression The hon gentleman spoke of Switzerland as an example of the way in which an armed force could be maintained There, every male after the age of 17, was enrolled, and the population was far from wealthy There was no hesitation there in providing themselves with arms in a moment In the villages of Switzerland he had been a witness to the young men practising their arms, contending for prizes, and endeavouring to show which were the best marksmen The same principle here, without the system of a militia, would produce the same results The advantage which would result from their being prepared, would be that it would deter the enemy from approaching The burglar never attacked the house of a man whom he knew kept loaded pistols by his bedside He had submitted the motion now before them to elicit the views of the Government

The Hon Major O'HALLORAN approved very highly of the sentiments just expressed, and hoped the vote of that House would be so unanimous as to induce the Government to take immediate steps It would enable him to withdraw the motion which stood in his name The hon gentleman referred to the despatch of His Excellency on the subject, as having hit the "right nail upon the right head" With respect to the substitution in the report before the House of the military for infantry, he disagreed He thought some of each would be better The three last paragraphs of the report he confessed were to the purpose One thing he regretted, that in the formation of that report competent witnesses had not been examined, for instance, such as Captain Lipson and others Much information might have been elicited from these gentlemen For instance, he should have liked very much to have put this question, "Whether two steamers filled with volunteers could not run alongside and board a frigate, and take her, on her approach to our harbour?" With respect to the evidence given by the commandant, he would say it was chary He (the commandant) was an old soldier, and his remarks amounted to nothing He had touched merely upon matters of detail And yet he was a man of experience, and he should very much like to have his opinion For this and other reasons the report did not carry that weight with it which it otherwise would have done He differed in many points from it One of those was, it was too full of details What he wanted was a small compact force With respect to the proposed charge of £5 for the Minie rifles, he dissented from it He would distribute the rifles free, and then leave the recipients to their own resources for any further expense A company of artillerymen, a company of infantry, and a reserve of 200 militia, would, he thought, be an efficient protection Certainly a squadron might appear, but then it was very probable a British squadron would follow after He would mention in the report that the police had been omitted, who amounted in all to 175 There was another thing from which great good might be derived, that was, that Captain Brewer, the Surveyor-General, and two or three other experienced nautical men, should form themselves into a Board for the purpose of examining the coast and harbor According to the Estimates for 1857, the cost of 625 volunteers was 5,100*l*, while the estimate for 100 militiamen was only 2,000*l*, or 200 men of the line could be sustained at the same cost

The Hon the SURVEYOR-GENERAL had some knowledge of defences, and he would say that notwithstanding the last speaker had found fault with the report, yet that more or less it had met with the approbation of that hon gentleman As to the omission of any mention being made of the police in that report, he would say it was purely a mistake He concurred in thinking they would be of great use against the enemy He would mention that the report was divided into four heads The first was "The organization of a volunteer force," secondly, "The substitution of artillery for

infantry," thirdly, "The erection of defences" and fourthly, "The employment of steam gunboats" The attention of the Committee had been particularly directed to a volunteer force, and it was manifest that a militia would be more effectual, though there would be considerable difficulty in the case of an invasion in moving them *about* The view of the Committee was, that the population bordering upon the seacoast would be the readiest defenders of the coast For this and other reasons they had thought that volunteer or regular troops would be desirable The small amount of remuneration was not considered as pay, but as a return for the wear and tear of clothes Some comparison had been made of the expense of supporting the volunteers and Her Majesty's troops He would say, however, that that was an unfair comparison, as in addition to other expenses Her Majesty's troops required housing, which the volunteers did not With respect to the recommendation of artillery in preference to infantry which fact had been commented upon, he would say that the infantry never acquired that knowledge of guns which was requisite, whereas the artillery needed the same drill as the infantry The Committee had, therefore, made this choice because the artillery could be employed in both services If they had only one choice he thought the Government would be better served by employing artillery

The Hon MAJOR O'HALLORAN asked the Chief Secretary what sum was likely to be placed on the Estimates to carry out the proposed defences of the colony

The Hon the CHIEF SECRETARY said if the hon member referred to the report he would find that the amount which it was proposed to expend was £7,421

The Hon the SURVEYOR-GENERAL said he would add another remark to what he had previously said, and that was as to the Committee not having taken evidence from men of experience in the matters under debate He wished to inform the Council that such evidence had been previously taken on similar reports and the Committee had not deemed it necessary on this occasion to go through the same evidence again

The Hon Mr BAKER agreed as to the advisability of doing something He thought the chief source of danger was from privateers He could conceive that the landing of a small privateer force would be the occasion of great danger in our present defenceless state A short time ago he recollected a number of gentlemen had equipped themselves and formed themselves into a body of horse at their own expense, but he regretted to say that cold water had been thrown upon their undertaking, and that their efforts had been discouraged It was to such efforts as these, however, that the hon gentleman would look in an emergency The Surveyor General had said they should look to the inhabitants of the coast to defend themselves, but he would remind them that with the exception of the Port and Holdfast Bay, the population was not sufficient for that purpose But a few horsemen properly armed might be readily brought to the coast in case of an emergency There was a class of persons, too, to which he belonged, who though they were not prepared to go and shoulder the musket, would, if properly mounted and armed, prove a most effectual means of defence If they were not in a position to fight, they could run away—(a laugh)—and even in the last extremity if they became invisible to the enemy, it would clearly show them that they had not been exterminated He would be bound that with fifty men such as he had described, they would be able to stop a force of 200 invaders But everything was done by discretion He certainly could not see what good would be derived from standing in the neighborhood of the sand hills, and firing upon the frigates (A laugh) They had already had one review on the race-course, and he believed that out of the whole of the corps to which he belonged, every gentleman but one was able to maintain his seat in the saddle with credit to himself That was more, however, than could be said of another gallant company (A laugh)

The Hon Major O'HALLORAN would the hon gentleman state the name of the horseman who was thrown (Laughter)

The Hon Mr BAKER referred to no one in particular He was speaking of the corps to which he belonged, as a specimen of good training (A laugh) If the remnant of that corps at present existed it would be prudent to encourage it He hoped that that branch of the service would not be neglected On a former occasion all that was asked was that Mr Tolmer should train them, he being then the only practical gentleman in the colony

The Hon Major O'HALLORAN quite concurred as to the usefulness of calvalry He asked the hon the Surveyor-General what quantity of shot and shell (if any) they had in their possession Cannons without ammunition were useless He thought that the sum proposed was very inefficient, as restricting them to a certain quantity of gunpowder, he on the contrary would rather give it them to waste in practice, and that was the way in which they might become good marksmen

The Hon Mr BAKER mentioned the circumstance of there being Minie rifles amongst the police They had been placed in their custody for practice, but that arrangement it appeared had been recently countermanded

The Hon Capt BAGOT was not in this colony in 1854, but it was quite clear that the attempt then made was to make soldiers That was a mistake They could not expect persons to leave their occupations to play at soldiers, What they wanted was an armed population They all knew very well the value of the Guerilla in Spain They had caused more support to the British arms than was thought Then, again, as an evidence of what untrained men could do, there was Bunker's Hill where pitchforks were the principal weapons in use They must not attempt to drill the people They would not submit It must be their own act to use the arms as they pleased If there was an alarm every man would seize his pitchfork or matchlock, as he thought fit, and do good service They could from behind houses or any other shelter oppose a most formidable, even though irregular, resistance If there was to be any interference with them, it would only be in the appointment of officers As to enrolling 625 men at 6s per day, it would cost nearly £100,000 a year With respect to their defence from armed vessels, that must rest with Great Britain He fully agreed with the Surveyor-General in artillery being the best brand of the service to be employed, inasmuch as a man with two trades was better than one with one only The artilleryman was a foot soldier as well With regard to our defences with great guns, he admitted something ought be done to prevent a bombardment of the Port He would only place arms in the hands of residents He would not, of course, trust them to persons who were here to-day and gone to-morrow

The Hon Major O'HALLORAN explained with respect to a former statement of his

The Hon Captain BAGOT thought it was not then object to make soldiers, but to place the farmer in a position to turn out and defend himself He was an old soldier, and had a proper respect for discipline, but an army was not necessary in this case

The Hon Captain HALL thought the hon member wanted to arm men with weapons which they did not know how to use He should not like to stand in front of such a regiment He thought it was wise in the Government to take steps, but he did not conceive the danger to be great It was principally interruption to our commerce which was to be feared He thought the House should recommend that South Australia be made a naval station

The Hon Captain BAGOT reiterated again, in answer to the Hon Captain Hall, his belief that they did not want soldiers, or the drill of "ready—present—fire" And as to giving weapons to inexperienced men, he would say that no man who could bring down a snipe would be in fear of shooting his front rank man

The Hon CHIEF SECRETARY said that Switzerland met no counterpart here There, they were soldiers by profession The inhabitants of Australia were of the industrious classes rather It was the plain duty of the Government however to devise such defences as were necessary, and to enable them to meet the attacks of a privateer He believed that the sum stated in the report would be required, viz, 6,000*l*. to 7,000*l*, and that it would be well laid out

The motion was then put and carried The House resumed The Chairman reported, and the report was adopted

ASSOCIATIONS INCORPORATION BILL

This Bill was read a second time, on the motion of the Hon Captain BAGOT and committed

The first eight clauses were passed with merely verbal alterations

In the ninth clause, providing for affidavits to be made before a Justice of the Peace, the words "Justice of the Peace" were substituted by those of "Special Magistrate"

The three last clauses were passed with verbal alteration

The Schedules from A to F were passed with slight amendments

In the preamble, the words "Legislative Council and House of Assembly" were substituted for the words "Parliament" It was passed with another slight amendment

The House resumed, the Bill was reported with the amendments The report was adopted and the third reading was made an Order of the Day for Wednesday (this day)

CONFIRMATION OF REGISTRATION BILL

This Bill was read a second time and committed The only clause in the Bill and the preamble were agreed to with one or two verbal amendments

The House resumed The Bill was reported with the amendments The report was adopted, and the third reading was made an Order of the Day for Wednesday

DIVORCE AND MATRIMONIAL CAUSES BILL

In the 9th Clause "Court may direct payment of alimony to wife or her trustee An amendment was made in this clause compelling the husband to give security for alimony

In the 10th Clause "Judicial Separation"—

The Hon CAPTAIN HALL asked whether judicial separation would enable the parties to marry again He was not satisfied as to whether a judicial separation was equal to a divorce

The Hon the CHIEF SECRETARY said that a decree of judicial separation was equal to a decree of divorce *a mensa et thoro* by the Ecclesiastical Court of England The parties therefore were not in a position to marry again

The Hon Capt BAGOT said that from provisions of the Bill it appeared that the power of carrying it into effect would be conveyed to the Supreme Court It was not clear but that one Judge could exercise powers which it would be better should be restrained to the full Court

The Hon the CHIEF SECRETARY explained that in the English Court one judge had the power of determining,

although there was an appeal afterwards allowed Here the appeal would be to the Governor in Council

After considerable discussion the clause in question was postponed for further consideration

The 12th clause was recommitted

The Hon Captain HALL thought it was a one-sided clause He thought there should be no partialities What was wrong in one sex must be so also in the other They should not make one law for the man and one for the woman The commandment made no such difference Certainly the enlightened Legislature of another country had passed a law similar to that before the Council, but they might strike out a course for themselves, and by maintaining the "rights of women," they would not be retrograding in the scale of civilization

The Hon Captain SCOTT proposed to insert the word "adultery" before "incestuous adultery"

The Hon the CHIEF SECRETARY read a passage from a recent despatch, to prove that if there were any material alteration made in the Bill, as not being in harmony with the English Act, it would have the effect of invalidating it

The Hon Mr FORSTER, on moral grounds, approved of the suggested alteration But rather than the Bill should be jeopardized, he would like the clause to be postponed The social effect of adultery in a wife was also greater than it would be in a husband

The Hon Captain HALL said that he understood the Bill only provided for judicial separation, but not for divorce (No, no)

The Hon Mr MORPHETT hoped the Council would take the same view as he did, and oppose the alteration of the clause It was precisely the same as that passed by the English Parliament The only fear was that they might be making Divorce too easy if they agreed to the amendment proposed The object of the Bill was to bring the matter out of the Ecclesiastical Court into the Civil Court

The Hon Mr FORSTER would vote for the clause remaining as it was If it were postponed, however, he would give the matter further consideration

The Hon A SCOTT said the clause as it stood was an instance of the stronger party against the weaker It intimated that the wife should do no wrong, but that the husband should be allowed greater indulgence (A laugh) A slight laxity of morals would be all The hon gentleman concluded with the hope that the clause would be remodelled

The Hon Mr AYERS said that morally, the duties of husband and wife were the same, but the present question was whether they should pass an Act similar to the English Act or not There was so much jealousy maintained at home with regard to any alteration in our Marriage Act, that he thought it would be only putting the Bill in jeopardy to amend the clause under discussion

The Hon Dr DAVIES would support the clause as it stood

The Hon Capt HALL said some of the speakers seemed to think that half a loaf was better than no bread Rather than lose the benefit of the Bill he should withdraw his opposition

After some further discussion the clause was passed as printed

The House resumed, the Chairman reported progress, and leave was given to sit again next day, Wednesday

The House then adjourned

HOUSE OF ASSEMBLY

Tuesday, September 21

The SPEAKER took the chair shortly after one o clock

MOUNT BARKER

The SPEAKER announced that he had received a return to the writ issued for the election of a member to represent the district of Mount Barker, and that Wm Rogers, Esq., had been duly elected

NEW MEMBERS

J M SOLOMON, Esq, the newly-elected member for the City, was introduced by Messrs Reynolds and Townsend, and took the oaths and his seat

W M ROGERS, Esq, the newly-elected member for Mount Barker, was introduced by Messrs Hay and Milne, and took the oaths and his seat

NURIOOTPA

Mr BAGOT presented a petition from a number of the inhabitants of Nuriootpa and the adjacent districts, praying that a station might be constructed between Gawler Town and Section 112, on a block of land adjoining the crossing-place at the North-road and upon Crown land The petition was read and stated that the petitioners had heard it was intended to place a station near the Gawler end of the railway, but that this would prevent the settlers at Shea oak Log and other places availing themselves of the railway

SOUTH AUSTRALIAN INSTITUTE

Mr DUFFIELD presented a petition from 44 members and friends of the Angaston Institute, praying the House to assent to the proposed vote of £4000 for the South Australian Institute.

SOUTH-EASTERN DISTRICT

Mr HAWKER presented a petition from a number of landholders, settlers, farmers, and householders in the township of Mount Gambier, and others in the South-Eastern District, in all upwards of 200 persons, requesting the House to take immediate steps to cause the necessary surveys to be made, and a tramway to be constructed between Mount Gambier and Guichen Bay The bush road was represented as being bad in summer, and perfectly impassable in winter The country through which it was desirable the tramway should pass was represented as being unsold and well stocked with timber, requisite in the construction of the work The petitioners pointed out the great increase in the value of land which would arise from the construction of this work, and referred to the tramway which had been constructed between Port Adelaide and Goolwa

TANUNDA

Mr BAKEWELL presented a petition from upwards of 150 inhabitants of Tanunda and the neighborhood, praying that a road from Lyndoch Valley to Nuriootpa via Tanunda might be declared a main road, and that a sufficient sum might be placed on the Estimates for its maintenance

THE ABORIGINES

Mr MILNE presented a petition from the Aborigines Friends' Association, praying that an address might be presented to His Excellency the Governor, requesting that a sum of money might be placed on the Estimates to assist the Association in establishing an institution at Goolwa, for instructing and otherwise advancing the physical, moral, and spiritual condition of the aborigines The hon member gave notice that on the following day he should move the petition be printed.

SOUTH AUSTRALIAN RAILWAY

The COMMISSIONER OF PUBLIC WORKS laid upon the table a letter from the South Australian Railway Commissioners, containing reports and evidence taken in two enquiries which had been instituted at the request of the Commissioner of Public Works

The documents were referred to the Committee upon Railways

Mr STRANGWAYS was desirous that they should be printed

The SPEAKER remarked that if they were it would be impossible they could be placed before the Committee during the current week

WELLINGTON FERRY

Mr WARK, with the permission of the House, put the question in his name out of its turn—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) if any resolution has been come to by Government regarding Wellington Ferry, with a view to relieve the inhabitants and others of the ferry dues, and also if Government has obtained estimates of the cost of a pontoon bridge there"

He was induced to put the question, because last session a petition was presented from a number of the inhabitants of Wellington and other places, complaining of the ferry dues, and during the discussion which ensued, the then Commissioner of Public Works, Mr Reynolds, stated that he believed that the Government ferry dues were a grievance and that they would take the subject into consideration if a motion in reference thereto were withdrawn In consequence of that assurance, a motion which he (Mr Wark) had brought forward was withdrawn He was aware that the late Commissioner of Public Works had paid great attention to the subject and had devised a plan which he had intended to bring forward during the present session, but he had retired from office He was aware that gentlemen had drawn the attention of the Government to the possibility and cost of erecting a pontoon bridge, and he should like to elicit the views of the Government upon the point.

The COMMISSIONER OF PUBLIC WORKS stated that the Government had carefully considered the subject and a report had been obtained from the Colonial Architect, who estimated the cost of a pontoon bridge at 12 000*l* (A loud whistle in the gallery) The Colonial Architect thought that at a more shallow point a fixed bridge might be erected for the same amount

The SPEAKER here interrupted the hon gentleman, and stated that some one in the Stranger s Gallery had whistled Such conduct was most irregular, and if it were repeated, he should certainly direct the gallery to be cleared

The COMMISSIONER OF PUBLIC WORKS concluded by stating that the Government considered they should get some further information upon the subject before taking any steps, particularly as there was a pontoon bridge at Echuca A further report upon the subject had been directed to be obtained The question of tolls had been carefully considered and would be determined in connection with the road question

GOVERNMENT HOUSE

The TREASURER, before proceeding with the Orders of the Day, wished to lay upon the table of the House some information which he had promised in reference to the cost of Government buildings The return which had been moved for by the hon member for the City (Mr Neales) commenced at the year 1850 as he had not yet been able to obtain the requisite information anterior to that period, but it was in

course of preparation. It would, however, take some time to prepare, as the records of that time were not easily accessible. In support of a part of this return, and also of the vote on the Supplementary Estimates for Government House, he begged to place in the hands of the Clerk of the House for inspection by hon. members, accounts and vouchers relating to the various items. The returns were ordered to be printed.

BOARD OF WORKS.

The Commissioner of Public Works, pursuant to notice, moved:—

"That he have leave to introduce 'A Bill intituled an Act to vest the powers, functions, immunities, duties, obligations, and rights of the Central Board of Main Roads, of the South Australian Railway Commissioners, and of the Waterworks and Drainage Commissioners, respectively, in a Board of Works, and also to include therein the management of Electric and Magnetic Telegraphs in South Australia.'"

The provisions of the Bill would be found extremely simple and productive of considerable economy. The Bill would produce direct responsibility on the part of those who were at present Managers of Roads, Railways, Waterworks, and Telegraphs. The Bill was not of very great length, but had been anxiously looked for, and would be perused with interest. He believed it would be found fully adapted to the wants of the country and the wishes of hon. members. It provided for the appointment of a Manager of Roads, a Manager of Railways, a Manager of Waterworks, and a Manager of Telegraphs. These four combined would constitute a Board of Works, the Commissioner of Public Works acting as Chairman of the Board. Thus direct responsibility would be obtained in reference to the four parties connected with these four great undertakings. He moved that he have leave to introduce the Bill.

Mr. Strangways wished, before the question was put, to call the attention of the House to a pledge given the other day by the hon. the Attorney-General in reference to a motion which was brought forward, or rather to prevent the hon. member for the Sturt from bringing forward a motion. The pledge given by the hon. the Attorney-General was to the effect that the Government intended to introduce a Public Works Bill, and to bring under it all the great public works in the colony. Some public works were it was true brought under the Bill which the Commissioner of Public Works now asked leave to introduce; for instance Boards connected with Roads, Railways, Water Supply, and Telegraphs, were brought under its provisions; but there was another Board which was not, although it was a Board in which was vested the expenditure of large sums of money; and if the reports which had been laid upon the table of the House, and rumours which were current were to be believed, it was the most mismanaged in the colony. Yet that Board had been excluded from the operations of the Bill, which it was now sought to introduce. That Board was the Harbor Trust. Why was that left out? He found by the Act of 1854, that W. Younghusband, Esq. was appointed trustee; and he was sure that any one who would take the trouble to go down to Port Adelaide, or to examine the papers which had been laid before the House in connection with the Harbor Trust, would find that there had been most prodigal expenditure. A very large sum had been expended upon Princes' Wharf, and he would ask, were the public benefited by such expenditure? No; but the Chief Secretary, and those who were interested with him, were the parties who were benefited. He would not refer to any further mismanagemet on the part of this Board, but he would draw the attention of the House to the Act which defined the duties of the gentlemen constituting that Trust. It would be seen that their duty was to deepen the inner and outer bar, and to deepen the harbour to Princes' Wharf. If they had confined themselves to that, they would no doubt have acted to the satisfaction of the public, but they had not done so. They had not expended the public money for the public benefit, but merely for the purpose of benefiting their own private properties. If inquiries were instituted, he believed it would be found that a large portion of the 100,000*l*. which they were authorized to expend, at least three-fourths of it had been spent by the Harbor Trustees in the improvement of their own property. The Commissioner of Public Works, in asking leave to introduce the Bill, had been very careful indeed to omit all mention of the Harbor Trust, thinking probably as four other Boards were mentioned that the Harbor Trust might escape notice. He was utterly at a loss to imagine why the hon. gentleman had made such omission. After the express declaration of the Attorney-General that the Government intended to bring in a Bill, bringing all great public works under a Board of Works, he was at a loss to conceive why the Harbor Trust had been omitted. Perhaps the hon. gentleman thought that a Board which was only entrusted with the expenditure of 100,000*l*. was too unimportant to be included in the Board of Works; but he was of opinion that 100,000*l*. was a sufficiently large sum to this colony to warrant the operations of the Board being carefully looked into. He believed that the object of establishing the new Board was only to give the Government additional patronage. Charges of jobbery and corruption had been preferred against various Boards, and he believed there would be a probability under the new Board of jobbery and corruption existing to a far greater extent than hitherto. Under the circumstances which he had stated, he felt that he had no alternative but to move the previous question. He did so upon the ground that the time had come when the House should express its opinion of the shuffling, time-serving, cringing policy of the present Ministry, and upon the ground that the Government had not carried out the pledge made through the Attorney-General, that all public works should be included in the Bill.

Mr. Wark felt bound to second the motion, because the Government had not redeemed the pledge which it had made through the Attorney-General. There could be no doubt that a good deal of corruption had taken place in connection with various Boards, and therefore there was the greater necessity for bringing them all under one head, so that they might all be rendered responsible. He believed that a large proportion of the money which had been expended at the Port had been for private purposes. The object in passing the Act under which the Harbor Trustees were appointed was to enable vessels to enter and leave the Port in safety. Why, after the pledge which had been given by the Attorney-General, that all public works should be included in the Bill, was the Harbor Trust excluded? The House, as had been stated by the previous speaker, had distinctly been given to understand that all would be included. It was high time that there was responsibility in connection with the Harbor Trust as well as with other Boards, and he could not but consider it a gross breach of faith that this Trust had been omitted. It was very well for the Harbor Trust to exist so long as the public paid the money; but still he contended it was the duty of that House, as the representatives of the country, to see that in the expenditure of the money entrusted to the Harbor Trust the public interests were studied, and not merely those of private individuals. They were bound to see that the money was fairly and honorably expended, and that there was no jobbery or corruption in its appropriation. The fact of leaving out this Harbor Trust from the Bill was sufficient proof to him that they must look to themselves and not to the Ministry to effect an improvement.

Mr. Burford should support the previous question. He was sorry there should be any feeling of antagonism, but that antagonism attached to what he considered a dereliction of duty. There were two or three important points which the House had been led to believe would be taken up during the recess and vigorously acted upon. For instance, there was Distillation, also the Constitution Act. (Question, Question.)

The Speaker said the hon. member must confine his observations to the Bill which the hon. the Commissioner of Public Works had asked leave to introduce.

Mr. Burford must then considerably shorten the observations which he had intended to make. In addition to the Harbour Trust there was another Board which he considered should have been included in the Bill, and that was the Trinity Board. It might be pleaded that as that Board was altogether of a maritime character, it should not be under the supervision of the Commissioner of Public Works, but the same argument might be brought forward in reference to the management of roads, railways, water supply, or telegraphs, the Boards in connection with which were included in the Bill. He would suggest the appointment of a Manager, or, as was the case at home, a Master of the Trinity Board, who would be under the Commissioner of Public Works. Finding that he was compelled to confine his observations to this Bill, he would not prolong his remarks, but merely conclude by stating that he was wofully disappointed, not at what the Government had done, but what they had failed to do.

Mr. Solomon felt bound to support the previous question upon the principle that while it was necessary to exercise supervision over one Board, it was quite necessary that there should be equal supervision over the remainder. There should be no exception to the general rule. (Hear, hear.) A principle had been enunciated, and had met with general approval, that all Boards should be subject to a power, which power should itself be subject to the control of that House. For that reason, without going into the question of what had been done previously by the Trinity Board, or whether they had acted rightly or wrongly, he should support the previous question, considering it absolutely necessary that every Board should be subject to the Commissioner of Public Works, and through him to the control of that House. (Hear, hear.)

Mr. Reynolds could not allow this matter to pass without some remarks regarding the omission in this Bill of that important Board known as the Harbor Trust. On previous occasions he had drawn the attention of the House to a Bill introduced last session, and in that Bill the Harbor Trust was included, and that he believed was the reason which induced certain members of the other House to throw it out. He would also draw attention to the fact that of the six hon. gentlemen who voted against that Bill, three were members of the Harbor Trust. That, to his mind, was a most injudicious vote on the part of those gentlemen. He was extremely sorry to find that the Government on this occasion had allowed their judgment and conduct to be guided by such an Act. There could really be no solid substantial reason for excluding the Harbor Trust any more than there could be for excluding the Central Road Board, the Railway or Waterworks Commissioners, or the Manager of the Electric Telegraphs. He would direct the attention of the House to a document which was lying he believed in the office of the Commissioner of Public Works. The Commissioner of Public Works

at the commencement of the present year obtained a report from the Harbor Trustees of the quantity of silt raised in the harbor and where it was raised By this return it appeared that from the commencement of the Harbor Trust to the end of 1857, they had raised 220,000 tons of silt and upwards, and it became very interesting to know from what portion of the harbor this was raised He found that of the 220,000 tons of silt raised in the harbor of Port Adelaide, nearly one half had been raised round a little nook known as Princes' Wharf A chart was forwarded to the Commissioner of Public Works indicating the spots by letters from which the silt had been raised, and he repeated that of 220,000 tons of silt raised, nearly one-half had been raised from around Princes' Wharf He could not forget that two or three gentlemen who were members of the Harbor Trust, were deeply interested in Princes' Wharf When remonstrated with for spending so much money upon this particular spot—for there certainly appeared a little favoritism in the matter—the reason that they assigned was that there was deep water there Now there was not such deep water in other parts of the harbor, and it certainly occurred to him that to have done their duty the Harbor Trustees should have deepened the water in the fair way of the channel, that they should have deepened the inner and outer bar The Ordinance itself, under which they were constituted, stated they should have done this [The hon member quoted at some length from the Ordinance] Instead of doing what they ought to, it appeared that they had done nothing to the inner bar, but shortly after the commencement of their duties proceeded to deepen the waters around the Princes Wharf That was a clear violation of their trust They commenced, in fact, at the tail, instead of at the head He would ask the Government upon what principle they excluded the Harbor Trust when they placed Railways, Roads, Waterworks, and Telegraphs under the provisions of this Bill Was it because members of this Trust were appointed by the Legislature? Did it follow that they therefore became more responsible to the Legislature or to that House? It could not be said so Were they more responsible than the Commissioners of Waterworks, or the Railway Commissioners, or the members of the Central Road Board? Not a member of the Harbor Trust could be removed except by a vote of that House, and although they might be called upon to lay plans and specification before that House before they could expend the money, still the Central Road Board was subject to precisely the same provisions That Board could not obtain the money unless it first produced a plan showing the proposed appropriation of the money As this provision then equally affected the Central Road Board, what reason could be assigned for the omission of the Harbour Trust? It might, perhaps, be said, that it was necessary to have maritime men in the Board, but if so, how was it that they found the Government recently appointing a gentleman a member of the Board who was not a maritime man (No, no) Be that as it might, the time had arrived when they should place all Boards under proper control, and he was pleased to find the sense of the House was in favour of placing the Harbor Trust in the same category as other Boards

Mr HUGHES thought that he should vote for the previous question, not because he considered that those Boards should not be placed under the management of the Commissioner of Public Works, but because he thought there had been a dereliction of duty on the part of the Government in introducing a Bill without giving explanations of their intentions With regard to the Harbor Trust, he thought the Bill should not have been laid before the House in the manner in which they introduced it He could not go altogether with the remarks made in reference to the course pursued by the Harbor Trust in their operations He thought first the outer harbor should have been deepened, then the inner harbor, and then the port He thought those works should all be sanctioned by the Government before they were undertaken He did not think the Harbor Trust open to the imputations that had been thrown upon them If there were any fault, it was that of the Government of the day in authorising the expenditure The Harbor Trust found that they had no machinery in the colony with which they could deepen the bar, but that the dredge they had was sufficiently powerful to deepen the outer harbor It was found that a limestone stratum existed, and Sir Henry Young, who went down and superintended the experiments, found that with the machinery then at their command the stratum cou'd not be acted upon without very great expense, and it was necessary to wait for the new dredge before it could be removed But still, the revenue of the country was pledged for the £100,000, to be expended by that Trust, and therefore he could not see why the Government should have omitted to include it in the Bill There was also another Board, and that was the Trinity Board It consisted of two Wardens, appointed by the Government, and the other three were named by the Legislative Council He thought the Government might have taken some step in regard to them He thought probably that if the Executive found, in dealing with this Bill, that it did not give satisfaction, they might probably bring in a better, and that then it would not be so long delayed as to render it too late in the session to pass it when it was introduced He would wish also that the Minister of Public Works should explain what he meant by providing for the management of the Electric Telegraphs—was Mr Todd inefficient? He (Mr Hughes) thought if the House were to agree to a Bill brought in by the Government, it ought to have full explanation on all those points, but as the explanation had not been as satisfactory as it ought to have been, he would vote for the previous question

The TREASURER said that the mover of the previous question based his argument for that amendment, in the alleged mismanagement of the Harbor Trust Board, and stated that they had not done their duty in a proper manner Now the Board, before they commenced operations, submitted estimates and specifications to the Government, and stated how they considered their operations should be carried on before they were furnished with money The hon member for Sturt found in the exports laid before the Commissioner of Public Works, that a large quantity of silt had been removed from a point which he called a nook in the neighbourhood of Princes' Wharf It was found on examination that that part of the harbor required to be deepened The subject was long under discussion in the Parliament which passed that Bill, and the Act stated very clearly where the money was to be spent It said the Trust shall expend the moneys received by them in deepening the inner bar and also the fair way channel to an equal depth, and deepen the water opposite Princes' Wharf, so that their operations were expressly directed by the Act They were to work in the neighbourhood of Princes' Wharf In that part of the harbor there was the greatest quantity of mud, and it required the use of the dredge There were 19 feet of water opposite Princes' Wharf, in the inner channel, and it seemed to have been the object of Parliament in passing that Bill to widen that channel for it could not require deepening, and as the channel would be widened there more than elsewhere, a greater quantity of silt was removed At all events the member for the Port had exonerated the Board from mismanagement as to the places where they expended their funds The Board had had inefficient machinery, but it was unfair to charge them on that account, and to infer, consequently, that they had been guilty of mismanagement There was everything in the Act to justify them in the course they had taken, and nothing in the circumstances which did not justify them The hon member for Sturt had said, was there anything whatever in that Act which placed them further from the control of the Government than any other Trust He (the Treasurer) had referred to a clause which showed that they were more more completely under the control of the Government than any other Board, for it referred very specially and particularly to the expenditure of money It required that the Government should not sanction the payment of money until the Trust had informed them how they intended to appropriate it, by laying before them the plans and specifications He considered that much more stringent than the Road Act, which only required a statement of the portion of the roads of the country they intended to repair

Captain HART remarked, in reference to what had been said with regard to the mismanagement of the Harbor Trust, he thought a considerable want of knowledge on the subject had been displayed, yet, notwithstanding, it had been pretty generally admitted that the Harbor Trust had been well conducted He thought that if the names of the members of that Board were examined, it would be found that the preponderance of interest would be found in the lower part of the Port, and not the higher The operations which had been carried out, had been found necessary, in order to accommodate the largest ships coming into the Port of Adelaide, and to keep them afloat at all times of the tide in 18 or 19 feet water That was now the case, and it would be seen that great advantages had thus been gained That accommodation could not have been given lower down, for the limestone crust did not admit of so great a depth The General Hewitt, drawing 17½ feet of water was kept afloat at all times On reference to the names of the Harbour Trust Board, they would find Mr Collinson, Captain Douglas, Mr Tapley, Capt Hall, and Mr Malcolm, and the only one of those gentlemen interested at Princes Wharf was Mr Collinson In reference to the inner port there had been difficulties in clearing the impediments away, but there was a sufficient sum set on one side for the purpose of deepening the inner port, and it was only at certain times and by certain machinery, that that work could be done He believed the inner bar was to be immediately cleared away But notwithstanding all that labor, he saw no reason why the Harbor Trust should not be placed under the control of the Commissioner of Public Works

Mr LINDSAY said that the arguments which had been used were beside the question The question was not whether the Harbor Trust had done their work ill or well, but simply whether they should be responsible to the Public Works Office or not The Bill appeared to contemplate some improvement, inasmuch as it proposed to amalgamate five Boards into one, but he could see no reason why the Bill should not reduce all Boards of Trust under one control It seemed to him that all the various Boards ought to be included, and for that reason he must vote for the previous question, with a view to the Government bringing in another Bill more likely to be satisfactory

Mr GLYDE would vote against the previous question, and thought the opposition manifested was particularly ill-timed He could not see why the hon member for Sturt should wish to pass that amendment If the Commissioner of Public Works was allowed to bring in that Bill, he (Mr Glyde) sup-

posed reasons would be given for the course taken, and then, if better reasons were not given for not including the Harbor Trust than he had yet known, he would vote for an amendment including them in the Bill. He thought it not then the proper time to oppose bringing in that Bill, for it was usually understood that it was merely a matter of form, and it was therefore hardly correct to oppose it.

Mr. Neales considered that there was a wide difference in the views of those gentlemen who attacked the Harbor Trust, and those who defended it. The difference was that those who attacked them knew nothing about the matter, while those who had supported them were well informed on the subject. The question, however, was not whether 22,000 tons of silt was removed or 220,000 from any particular spot, and less from another, but whether it was necessary to raise it in any particular spot and not in another. It was better to raise it from the ground opposite Princes' Wharf, even had 10 times the money been expended than was actually spent. Mr. Geo. Green had shown that it was necessary to deepen the water there to afford facilities for shipping, and that the higher up operations were carried on the more economical it would be. It had been proved that at first the machinery was not sufficiently powerful to effect the purpose, and they had had to wait until the large dredge came out. He thought, therefore, that those hon. members who had condemned the Harbor Trust were ignorant on the subject. He (Mr. Neales) did not like to hear those remarks regarding personal interest which were so frequently made. He believed the members of the Trust had faithfully fulfilled their duties, and considered such implications discreditable to members making them, and so offensive that they would eventually drive all "gentlemen" out of the House, which some seemed to wish.

The Attorney-General would vote against the previous question. He could not, however, agree with those hon. gentlemen who said that there was no argument used by hon. members opposite in bringing in that amendment, because it had been said that the Government were cringing, time-serving, and truckling. Now, the weight of such arguments differed according to the different constructions of the individuals using them, and according to the different views they took of the conduct of the Government. Therefore, to say there were no arguments at all was not fair. He agreed with the hon. member for Encounter Bay (Mr. Lindsay) that hon. members had mistaken the question. They objected to the Bill on the ground, whether the Harbor Trust had been well or ill conducted. The question was whether the House would refuse the Government leave to bring in the Bill proposed by the Commissioner of Public Works or not—whether the House should refuse the Government that power because a certain Trust was not included in it. But the opposition had supported their argument by charges on the members of that Trust, involving imputations of malversation, and of fraudulently spending public money and of truckling to private interests. He felt it impossible therefore not to say a few words in defence of that body. He would observe, that those members when that body was first constituted never said one word against the manner in which that Trust was imposed, and he (the Attorney-General) could not allow those charges to be made without a word of reply, even although it was to a certain extent departing from the question. He thought it perhaps sufficient to say that he would not include among those who made those remarks the hon. member for the City, Mr. Solomon, because he did not say anything against the Harbor Trust; but still, some gentlemen spoke in very strong terms of blame as to the manner in which the proceedings of the Harbor Trust were carried out. The people at the Port, the merchants, the wharf owners—in fact, the whole population were interested in the manner in which that expenditure was carried out, yet nothing had been said by the hon. members for Sturt or the member for Encounter Bay, but an approval of the manner in which that Trust had been executed. The late Commissioner of Public Works (Mr. Reynolds) had expressed his disapproval of the appropriation of the funds of that Trust. He (the Attorney-General) did not attach so much importance to his negative opinion as to the affirmation of those who had so much better opportunity of understanding the subject. He (the Attorney-General) did not think it necessary to do more than refer to the sanction which the proceedings of the Harbor Trust had received from all parties affected by that expenditure. He would now say a word or two in regard to other portions of the question. The hon. member who introduced the amendment had stated that his opinion of the conduct of the Government and he thought it quite right that every member of that House should have an opportunity of stating his opinion, but he might say that while he (the Attorney-General) would not be influenced by any fur expression of his approval of that House if principle was involved, and he felt that he was right in the course he had adopted. He had always felt that it was the part of the Executive to carry out those measures which were for the good of the country, and which the representatives of the people might adopt. It might refer to his conduct while a member of an administration not responsible to the House. There were questions in that day on which the Government differed from the elective members. He had always thought those members on questions of general policy had a right to express opinions, and he did not consider that that House had called him to occupy the position he then held as the head of the Administration, to oppose himself directly to anything in which the House differed from him, when it was not a question of principle but merely of detail. Every person forming a member of an administration, if he would carry on responsible government, must know that to oppose every proposition not emanating from the Government dogmatically, would be detrimental to an extent of which those persons who had not been in office could form little idea. He was therefore surprised to hear the hon. member for Sturt and another hon. member speak as they did, for they had been in office, and therefore knew its difficulties. If he (the Attorney-General) was satisfied that the opinion of the House was in favor of a particular line of policy, and that the House was content to trust him with carrying out its views, unless some distinct principle were involved in it, he should consider it his duty to retain his place in the House, and to carry out the wishes of the majority of that House. It might be called truckling and time serving, or anything else, but he did not arrogate to himself the part of a dictator, and never desired to exert any influence in the House, except by those arguments which he intended to be convincing to hon. members; but so long as he had reason to believe that the majority of the House was willing to instruct him, as one of the members of the Government, he was contented to carry out the wishes of the House, and to act upon the principles on which he had hitherto acted, and on which he should continue to act. With regard to a strong Government, it was possible they might have been in the unfortunate position of some other of the unfortunate Australian colonies; they might have had to discuss the question of State Grants, and have been in such a position that members would have to forget all their opinions except that principal one, on which it was considered expedient to unite. In that case, they should have a Government that was a strong Government, and there would also be a strong and united opposition; but so long as there were no questions at issue, except questions of detail, every member of the House must feel that it was impossible for a Government to stand unless it was prepared to sacrifice points of detail to the majority of its supporters. It was a condition necessary to be acted upon in order to carry out the measures adopted by hon. members. He should not ask hon. members for their votes when their opinions were opposed to his, but he had a right to expect them to speak and discuss the questions that came before them in the same candid spirit.

Mr. Burford rose to order. He had been stopped for not keeping to the subject, and he thought the Attorney-General was travelling out of it.

The Speaker ruled that the Attorney-General was in order.

The Attorney-General said, had he been permitted, he would have finished in less time than was required by the hon. member to interrupt him. The remarks he had offered were consequent upon the line of argument adopted by those who moved the previous question. He (the Attorney-General) had said enough to show the principle on which he had always acted, and while, on the one hand, he would not be induced to abandon a matter of principle in deference to any opinion of the House, he was not disposed to assert his opinion in matters of detail in opposition to a majority of its members.

Mr. Peake would oppose the previous question on that occasion, and in doing so would suggest an amendment to the Commissioner of Public Works, in the title.

The Speaker stated it was not competent for the hon. member to introduce an amendment, when the previous question was moved.

Mr. Peake merely intended it as a suggestion, and believed he was in order in offering it. The suggestion was, that after the word "works," there should be added "the Port Adelaide Harbor Trust and Trinity Board." He believed that suggestion was more in order than the amendment of the hon. member (Mr. Strangways). On referring to "May's Parliamentary Practice," he found it necessary that any member introducing a Bill into the House should explain the object of the Bill, and that the proper time for any lengthened debate was not on the first reading. As he found that provision had not been made in that Bill for including that Trust, he would give notice of his intention to move the insertion of those words. When the House of Commons found it necessary to alter the title of a Bill, if the Government refused, that Bill had to be brought forward by another Ministry. He was not going to say whether the Harbor Trust and Trinity Board had well or ill conducted their affairs—neither would he enter into recriminations of that Board or the Government—but would simply take the course he had adopted, because he believed all Trusts should be placed under officers responsible to the House, and he would refuse to take action in respect to those Boards, without including the Harbor Trust. The Attorney-General said he did not wish to be a dictator. He (Mr. Peake) did not believe the Attorney-General wished to be a dictator for his policy since he had been at the head of the Government and he had called himself the Head—had been anything rather than that of a dictator. His policy had been so mild that it could hardly be said to be any policy at all. The Government could be hardly got to define their ideas, and therefore he (Mr. Peake) agreed that the hon. and learned member was not a dictator by any means. He had said another thing, namely, that the duty of the Government was to carry out the will of the House, excepting on some tremendous question. Such a one

was not likely to arise unless the House brought the Government to a point so as to make them declare their policy, and possibly that would be one of those occasions

Mr DUFFIELD said that until the Attorney-General rose he had intended to support the amendment, and was not sure that he should be justified in departing from that resolution He had hoped that the Treasurer would have given some reason why the Government had omitted to include the Harbor Trust in that Bill, but was disappointed He (Mr Duffield) would not blame the Harbour Trust for what they had done, but he thought that as strong a case might be made out against them as against some Boards included in that Bill He did not refer to the conduct of the Boards therefore, but to the principle The hon the Treasurer said that the Board had to place plans and estimates before the Government before money was granted to them, but if the money was refused, what was the consequence? The public works would be standing still He did not understand the Treasurer to say in such case the members of the Board were to go about their business, and that some other persons would be put in their places, indeed the Government had no power to do this, consequently the public works would stand still The inference he drew from the speech of the Attorney-General was, that if the House wished to include those trusts, the Government would not object, and consequently the previous question would not be carried, and the matter would be allowed to slip quietly by The course he should take would depend on the explanation of the Commissioner of Public Works

Mr TOWNSEND would not say one word against the Harbor Trust, for he considered its members had performed their duty The simple question was, that the Government had asked leave to bring in a Bill to amalgamate certain Boards, they had omitted one, and that, in consequence, they ought to have given the House a distinctive and positive reason for it They might have stated, when including all other Boards, why they omitted that one He had heard no arguments in favor of that omission from the Government. His opinion was that the Government should have a policy of his own, and should carefully consider the measures it introduced The Government ought not to sit and watch what was done in that House and after finding the temper of the House, do something so calm as to elude a proper expression of the feeling of the House. That course might arise because the Government did not like work, or because they have at their head a gentleman whose intellect is so clear as to enable them to meet every temporary difficulty When he (Mr Townsend) entered that House his desire was to give his full support to the Government, but that Government had watched and had always gone according to the feeling of the House Was it necessary to include the Harbor Trust in the Bill, why not included? The Attorney-General had intimated he would not retort, but he thought the Attorney General would not assume that hon gentlemen were biassed in making passing remarks when they simply stated facts One hon gentleman in saying that 22,000 tons of silt had been removed, merely stated a fact, and did not intend to charge the gentlemen who were on the Harbor Trust He should support the "previous question," and hoped it would teach the Government what he thought ought to be their policy He thought it necessary that the Government in bringing in all Bills should state pretty distinctly their motives to the House, and not wait when they had their Bill on the table for the opinion of the House, because they were not dictators

Mr DUNN hoped the hon member who moved the previous question would ask leave to withdraw his amendment He (Mr Dunn) thought the Harbor Trust had done its duty, but thought it strange that while other Boards were proposed to be united under one head, that Trust should be left out It took seven years to get the Central Road Board into working order, and he believed the country at large was perfectly satisfied with its proceedings, yet it was brought under the Bill The Attorney-General distinctly said all other Boards except the Harbour Trust ought to be under responsible officers and he (Mr Dunn) thought it strange one having the control of so much money should have been left out

Mr BARROW also hoped the amendment would be withdrawn with the understanding that the Harbor Trust should be included in the Bill If that was promised there would be no necessity for the carrying of the previous question He regretted that discussions should arise censuring the general policy of the Government, when no resolution was on the table involving that policy He would be prepared to take part in a vote of want of confidence or "no confidence" in the Government but would not be a party to censuring them indirectly, because public business by such a course would be greatly retarded, and the House would be placed in a false position by supporting in office those whom it denounced as unfit to hold it With respect to such expressions as "clinging" and "time-serving," if the Government deserved those appellations the House ought to bring the question to issue at once by a vote of want of confidence (Loud cheers from the Government.) If the Harbor Trust were included in the Bill he should support the Commissioner of Public Works, if not he should support the previous question

Mr BAGOT wished the previous question to be withdrawn and the Bill allowed to be read There would be an opportunity to offer any remarks on the second reading of the Bill, as to whether it was advisable to include the Harbor Trust or not in that particular Bill He thought there was something to be said in favour of not including it in that Bill and in bringing it forward in some measure with the Trinity Board With regard to the observations made by the Attorney-General on Responsible Government, every member of the old Council, before that measure was introduced, looked upon him as anxious for any change that would give to the country complete responsible Government He (Mr Bagot) believed the country was indebted to the Attorney-General for so large a share as they possessed, and regretted to hear what had fallen from him that day He could not understand the Attorney-General when he said that because there was no great question before the House, it was not necessary that the Government should do more than yield to its wishes He (Mr Bagot) could not see how that was consonant with the idea of responsible Government It appeared to him that it was the duty of Ministers to take care that their measures should be such as to render them willing to stake their existence on their success, that they ought to look out of doors and see what was wanted and although in minor details they might sometimes give way, still, if necessary, the Ministers of the country should say, "we have well considered the matter, and do not look to any support in that House arising from popular favor" They ought not to say they had no policy, because there was no great question before them A Minister under responsible Government ought always to have a policy If they had not one it would be well to go back to the consideration of a proposition in a former House, that in their opinion it would be better for hon members in a Government not responsible, should be allowed always to remain in office, and never retire in any case, and that that should be the form of Government, and not that of responsible Government But he knew the Attorney-General too well not to think he was still as much in favor of responsible Government as before

Mr MCELLISTER would oppose the previous question He thought it sufficient to say he would support that which he considered for the public benefit He believed the present Government as likely as any other to carry on the business of the country

Mr HAY rose to support the introduction of the Bill, although he believed to include the Harbor Trust would be a decided improvement, and could not see why it had not been done, except on the grounds that it might endanger the passing of that Bill through the other House It had that effect last session and if that were again to be the effect, he would like it introduced as a separate Bill It was high time they had a Board of Works instead of Water Commissioners and Railway Commissioners, and that Board ought to be responsible He could not agree with the hon member for Light, that the Government ought to stake its existence in any such question as that It was a strange doctrine to come from that quarter, that a minister should introduce a Bill, and unless the House passed it as introduced, the Government should leave those benches He could not endorse such a doctrine In England, if Her Majesty's Ministers failed to carry their measures, the Government gave up office, and the seats they occupied would be taken by their opponents, but, he should be sorry to see the Government here act on that principle He would support the motion to include the Harbor Trust, and hoped the Government would not throw any impediment in the way

The ATTORNEY-GENERAL rose to explain The hon member for Light omitted one condition which he (the Attorney-General) had stated as necessary to his continuance in office, which was so long as he retained the confidence of that House he would not resign—as soon as that confidence was withdrawn he would resign

The COMMISSIONER OF PUBLIC WORKS said that, as long as he had had the honor to occupy a seat in the Legislature, he had never heard a motion of such a simple character met in such a spirit as the present one He had heard some hon members speak of it as if it was a motion for the second reading of a Bill, and other hon members spoke of it as a motion for a first reading, whereas it was nothing of the kind, but merely a motion for leave to introduce a Bill It was not customary, although he regretted that he had not entered more fully into the nature of this measure, but it was not customary to do so at that early stage He should have entered into a much fuller explanation if he had been moving a second reading, a position which he hoped to occupy yet, but in the meantime he would remind the House that this was no new measure, but one which had been under the consideration of the Government for a good while past, and he could appeal to one hon member at least who knew that it was not a new measure It was considered better that the Harbor Board and that both should be rendered responsible to should be amalgamated with the Trinity Board, the House It was never his wish to perpetuate the Harbor Board, but, on the contrary, to make all the Boards responsible to that House This, he understood, was also the view of the hon member, Mr Burford, who had said in his speech on the address, in reply to His Excellency's Speech, that there was a distinction between the Harbor Trust and the other Boards The affairs of the Railway Board or the Water Commission, or the Electric Telegraph, might be managed in the city of Adelaide, but it was not so easy to manage the affairs of the Harbor Trust away from the Port He had never said that he would prop up the irresponsibility of the Harbor Trust, and it mattered little to him, as he was

not trimming or shuffling, or seeking to secure his position in the Elysian fields of office but his only wish was to introduce the responsibility of the Harbor Trust in connection with the Trinity Board There was no matter of principle involved, but merely differences on points of detail, as to the Telegraph Department, there was no intention to interfere with the gentleman now at the head of that department, but merely to alter the title of an officer who had conducted that department with the highest credit to himself and advantage to the country It appeared to him that the whole question was, whether the House would allow the Government to make a move in what was acknowledged to be the right direction or not The House said and the Government said that the course proposed was one which was called for throughout the length and breadth of the land, that, in fact, these irresponsible Boards should no longer be permitted to exist and if after that they affirmed the previous question, there could be but one solution to it

Mr STRANGWAYS withdrew his amendment

In reply to an enquiry by Mr PEAKE—

The COMMISSIONER OF PUBLIC WORKS said it was the intention of the Government to proceeed with the Bill, leaving hon members the power to alter the preamble or any other part in Committee

The Bill was then read a first time, and ordered to be printed and the second reading was made an Order of the Day for Tuesday next

CUSTOMS ACT AMENDMENT BILL

The TREASURER moved that the House go into Committee upon the Bill, and the Speaker left the Chair accordingly

Mr BAGOT wished to move the insertion of a clause repealing the clause in the Customs Act of 1854, imposing a duty on corn sacks Sacks for wool and ore were admitted free, and certainly the agricultural population of the country required as much fostering care as those connected with mining or wool growing

The ATTORNEY-GENERAL pointed out that the Bill before the House would not be the proper one in which to insert such a clause, as it was not a Bill imposing duties but merely providing for the collection of duties previously imposed If the hon member would give notice of his intention to introduce a Bill for the purpose he had mentioned, he (the Attorney-General would be prepared to receive it favorably

Mr HART thought, as this was a Bill to amend the Customs Act, it would come properly within its scope to remove what was generally felt as a grievance.

Mr WARK was also of opinion that the proposed amendment should come under this Bill

Mr NEALES would support a Bill for this purpose if the hon member (Mr Bagot) introduced one, but did not think that the proper place to introduce such a clause

The TREASURER said the Government were not at all unfavorable to the object proposed by the hon member for the Light, but the Bill before the House would be a most inconvenient place to introduce such an amendment, inasmuch as it had reference to the Customs department generally, and had nothing to do with the tariff

Mr BURFORD would go with the Government, believing that if they admitted a charge in that one item, they might have to bring in the whole tariff, which would have a very curious effect

Mr BAGOT under the circumstances would withdraw his notice, but would on the following day give notice that he would move that an address be presented, praying that His Excellency would cause a Bill to be laid upon the table, repealing the duty on cornsacks

The preamble and title of the Bill were then passed without amendment

The House having resumed, the Bill was reported, the report adopted, and the third reading made an Order of the Day for Thursday

WASTE LANDS ACT AMENDMENT BILL

The COMMISSIONER OF CROWN LANDS moved the second reading of this Bill When he asked for leave to introduce it he explained that its primary object was to remove some difficulties which had arisen under two clauses of the Waste Lands Act of last session It was found that an injustice would be committed against the leaseholders under the Crown, holding for one year, if these runs were put up to auction, inasmuch as the lands comprised in the annual lease were taken from the land comprised in the fourteen years' leases, and it was only just that some conditions should be imposed as to the mode of alienating them There were 1,400 leases issued for the year, and they yielded a revenue of 700*l* per annum The Government took the opportunity of introducing a Bill to amend the Waste Lands Act of last session, in order to remedy the inconveniences of which he had spoken He did not propose to take the Bill through Committee that day, as he understood one hon member proposed to introduce a clause which was not yet quite prepared In the event of the Bill being read a second time he should go into Committee *pro forma*, and postpone its further consideration to a future day

Mr HAY said it occurred to him that if they passed that Bill it would be a retrograde step, for he found that the first clause conferred an advantage upon the holders of leases or rather upon the graziers, whilst it took an advantage away from the *bona fide* purchaser of land, the man who was pushing his farming into the interior of the country, and whose advantages should be rather extended than curtailed The first clause provided that when hundreds were proclaimed, the holders of leases should still retain possession of the commonage of the land held under their former lease Now, he maintained that when explorers pushed out into the country so as to justify the Government in proclaiming hundreds, and when the land began to be settled, it was full time that the commonage should be the property of the settlers who purchased land, and not of those who occupied it merely as a sheep-walk The land in many proclaimed hundreds was still occupied only as sheep runs, and a great many settlers where he was a few days previously in the Hundred of Light, complained to him that there were flocks of sheep running right up to their boundaries, so that they had some trouble in keeping them out of their land If the Government were to adopt some such plan as that when a hundred was proclaimed after there were 20, 30, or 50 sections sold, they would allow the holder of, say 50 or 100 acres, the right of commonage for 16 or 20 head of cattle, it would be a good arrangement Instead of allowing the leaseholders unlimited commonage, an estimate should be made of what quantity of stock the commonage of the hundred could carry after appropriating a sufficient amount for the purchaser and if after that there were sufficient pasturage for, say 500 head, let that be put up to auction, and let the highest bidder have it This system might be very easily so arranged that the last purchaser would lose the right of commonage, as the land was brought under settlement, but he must oppose any attempt to tie up the lands to the old lessees There were many hundreds which, if this system were carried out, instead of being let at 20s a square mile, would let at £40 and £50, and therefore to pass this Bill would be throwing away many thousands of pounds which might be brought into the Treasury He thought the hon the Commissioner of Crown Lands must have overlooked the great duty which the Government owed the country in making the most of the public lands He had no desire to interfere with the rights of the graziers or squatters, whichever they might be called, but when the bona fide settlers came upon the land, it was high time for the squatters to give way, He had heard many complaints lately that South Australia was importing dairy produce, such as cheese and butter, and he contended that if the principle of that Bill were carried out, it would do away almost altogether with the dairy farming of the colony He found that in the last clause power was reserved to the Government to apportion the number of cattle to be kept on the various hundreds, but that should be settled by the clause in the Bill estimating the proportion of stock at an uniform rate, and pasturage for a given number of cattle should be given to the holder of 100 acres or so, in order that the bona fide occupier of the public lands might not be swallowed up by the leaseholders The Government should give every encouragement to the dairy farmers for this colony was far behind, and Victoria very far indeed, in this respect, when they looked at the immense amount of money being sent to England and America for dairy produce He thought the object ought to be to declare a much larger quantity of land than at present in hundreds, and to give the bona fide settlers the right to run their cattle on the unpurchased land

Mr STRANGWAYS though the hon member for Gumeracha mistook the effect of the Bill At present, the squatter having a 14 years' lease, on the land being proclaimed a Hundred, would forfeit his lease The effect of the present Bill would only be to put the lessees of the land in the same position as they held prior to the passing of the Waste Lands Act of last Session There appeared to be some slight conflict between the fourth clause and the first, but this he presumed would be removed in Committee

Mr LINDSAY was not present when the hon member for Gumeracha made his opening remarks, but he read the clause in the same way as that hon member There would be no advantage in a person buying a section of land if he only got the use of the 80 acres which he purchased Unless the clause could be modified, he should go with the member for Gumeracha

Mr HAWKER thought the hon members who had last spoken were under a mistake, as under the present regulations when a hundred was taken from a squatter, the first proceeding was to set apart commonage at the ordinary rate for the cattle of the hundred, of one head of large or five of small cattle for five acres He would give every purchaser a right of commonage for a fair proportion of small cattle

Dr WARK said the Bill was merely intended to restore the order of things which had worked so well for a long time He would not take away the right of commonage, but it would be a hard case if a man discovered a run at a distance which was not required for cultivation, that it should be proclaimed a hundred, and that he should be compelled to compete for it at public auction

Mr NEALES thought they should allow the Bill to be read a second time, but when the proper time came it would not be right to allow the squatter unlimited power as to the quantity of stock he should put on the land He should only be allowed to run his cattle in a fair proportion to the amount of sold land, but if the leases were left open the squatter might put on such a quantity of stock that the right of pasturage would be worth nothing

Mr McELLISTER expressed his intention of supporting the views of the hon member for Gumeracha (Mr Hay)

Mr DUFFIELD supported the second reading Some hon gentlemen were, he thought, not quite clear as to what the former practice was, but he thought it very fair and reasonable, and he believed hon members would agree with him in thinking so When runs were wanted for public purposes, six months notice was given to give up possession, and then the land was surveyed, and at a fixed time the Government allowed for every five acres of purchased land a right to depasture on the waste lands within the hundred one large or five small cattle Then supposing that at the expiration of the year, which was reckoned at the end of June, there was a large extent of the run upon which there were no cattle grazing, the Government were accustomed to grant annual leases to the individuals who previously held the runs He thought the system had worked well

The House then divided on the motion, that the Bill be read a second time, when there appeared —

AYES, 21—The Treasurer, the Attorney-General, the Commissioner of Crown Lands (teller), the Commissioner of Public Works, Messrs Bakewell, Barrow, Duffield, Dunn, Glyde, Hallett, Hart, Hawker Hughes, Macdermott, Mildred, Neales, Peake, Reynolds, Strangways, Solomon, and Dr Wark

NOES, 6 —Messrs Hay (teller), Lindsay, McEllister, Milne, Rogers, and Townsend,

Majority for the second reading, 15

The House then went into Committee on the Bill

The preamble was postponed

On clause 1—

Mr LINDSAY hoped the hon the Commissioner of Crown Lands would postpone the further consideration of the Bill for a few days, in order to allow the measure to be more closely looked into If the clause were passed he believed it would do more to raise a cry against the squatters—and with justice—than was ever raised before The clause stated that settlers were to run no more stock than they had purchased land for, unless they went to the original leaseholder and made terms with him, It did not seem to him that the object for which the hundreds were declared could be carried out at all, if the clause were passed The object of the hundreds was to have the land settled by farmers and not by squatters It would be better that no hundreds should be proclaimed at all, than that this clause should pass

Mr BARROW hoped the hon the Commissioner of Crown Lands would give some information to the House on this point, as he did not understand the clause as preventing the purchaser of a section from having any right of commonage whatever But to some hon members it did not seem clear whether the purchaser of a section had a right of pasturage outside his own boundary or not He (Mr Barrow) was of opinion that, whilst we should not proclaim hundreds in order to drive squatters out of them, still we should give all facility to purchasers of land and bona fide settlers It was not, however the question of the squatter against the agriculturist which they were now called upon to discuss, as there would be a much better opportunity of going into that subject when the Assessment Bill was before the House

The COMMISSIONER OF CROWN LANDS said the hon member for Encounter Bay was quite right in supposing that the hundreds were proclaimed for the benefit of the agriculturists, and it was for that purpose he desired to see them proclaimed As Commissioner of Crown Lands, he had taken a large slice out of his brother s run in order to proclaim it, thinking it would be a desirable place for agricultural settlement One head of great cattle and six of small (which were considered equivalent to six large) to every five acres of Crown land was the proportion allowed, but if this was not considered sufficient, it would be very easy to alter the proportion This was the proportion which had been allowed for years, and he had never heard any great complaints on the subject He hoped hon members would not oppose the clause, as it was not intended to confer any new privileges but only to keep faith with the leaseholders

Mr MILNE agreed most cordially with the proposition of the hon member for Gumeracha, believing that if they renewed annually to squatters the tenure of their leases within hundreds, they would neutralise the right of pasturage altogether, as the squatter had no limit set to the amount of stock he might keep The squatters had already caused much bad feeling against themselves amongst the agriculturists because they would not retreat in proper time, but if they studied the interests of the agriculturists a little more, they would not incur the odium they had provoked

Mr HART said the hon member for Onkaparinga had not made a very strong case, for it was not likely that a squatter with an annual lease would put more cattle on his run than it could carry, including those of the persons who had a right of commonage. In many hundreds there was not a section sold, as for instance on the Murray, where there were hundreds of miles of country, without a single section sold Yet, if they were to take the proposition of the hon member for Onkaparinga, any person purchasing an 80 acre section in one of these runs, would have the same right of pasturage as the man who took up the country originally The right of pasturage was declared by the regulations to be confined to a certain number of cattle to each 80 acres, and he thought this a fair and wise arrangement, which did not require alteration in the Bill before the House To say that because in certain portions of the country, hundreds were proclaimed, the whole country should be thrown open, was unjust In a few years the leases of the first occupiers of the land would have expired, and there would be no time to make alterations *The effect of the alteration proposed by the hon member for* Gumeracha would be a strong opposition to the proclaiming of hundreds at all, and thus a system, which had proved valuable in opening up the country, and in affording facilities for the obtaining of land, would be in all probability discontinued The proposed change would not prove a benefit to the agriculturist, and it would ruin at one fell swoop, those who in the absence of any better right had a right to the land

Mr STRANGWAYS agreed with the hon member for the Port, that one effect of the proposed alteration would be to cause a grand scramble, in which the first in the field would get the whole hundred It would not benefit the agriculturist, but would end in the transfer of the large runs from one to another of the wealthy squatters

The TREASURER thought the clause as it stood would carry out the objects of hon members The only objection to it seemed to be, that the squatter who held portions of a hundred on an annual lease, would put on it a greater proportion of cattle than it could carry, and thereby damage the purchasers of the neighboring land, but he thought that was not likely to occur at all, as the squatter would not put cattle there to starve, and as to their trespassing on purchased land, there was the impounding law It would be unfair that the squatter should be subject to the competition of the landholder, after having been subjected to competition before, as the first competition was supposed to settle the value of the pasturage

Mr NEALES would suggest to the hon member for Gumeracha another point That hon member struggled for the rights of the agriculturists, contending that when they went out into the country, they should receive some greater advantages than when they were in the settled districts But the struggle would not be between the landholder coming in and the squatter going out, but between squatter and squatter, and the advantage would be with whoever had the longest purse. If he were a squatter himself, he would not respect the rights of the people more than the law compelled him, and neither would the squatters do so As to the regulation that there should be one head of large and six of small cattle he wished to know whether that was in the the wording of the Act

The COMMISSIONER OF CROWN LANDS replied that it was fixed by proclamation

Mr NEALES—Then the Governor could increase it to 2 and 12, as being merely an order of the Governor, it was elastic The proposal of the hon member for Gumeracha would not benefit the agriculturist in the way in which the hon member wished, for the wealthy squatter would not allow the small farmer to outbid him Another result would be, that there would be an indisposition on the part of the Government to interfere with the squatters

The COMMISSIONER OF CROWN LANDS said these rights of the leaseholders had now been in existence since March, 1853 They had worked well, and he was not aware that the amount of cattle allowed in proportion to the purchased land had ever been complained of

Mr HUGHES said there was a vagueness in the clause, which compelled him to vote against it

Mr MILNE did not consider that the present state of the law imposed any hardship That portion which was proclaimed a hundred was put up to auction He should like, however, to see the law so modified that when a place was proclaimed a hundred, it should be subdivided into smaller runs, and thus prevent the squatter from exercising that power which the hon member for the City seemed to dread He was aware that squatters had been in the habit of annoying their agricultural neighbors, by eating them out, as it was termed (Laughter) He should like to see the Government adopt such measures as would remedy this evil

Mr HAY pointed out that under the proposed regulations a man who purchased 100 acres of land and had got 50 head of cattle must sell 30 of them before he could go away How any member of that House could say that this would be an improvement upon the present system, he was at a loss to conceive Many persons bought land for the express purpose of obtaining the runs, but now they would derive no advantage whatever, and it would be placing a power in the hands of the squatter, which he had certainly never expected to see introduced This would in fact be altering the whole system of dealing with Crown Lands

Mr LINDSAY said the hon member, Mr Hughes, had referred to the regulations of 1853, but the Act under which the lands were now leased was only passed last session, and it seemed to him doubtful whether the rights under the old Act were not virtually defeated by the Act of last session With regard to the rights of the squatters he should be sorry to infringe upon their rights unjustly, but they were supposed to possess a great many which they really did not An immense amount of pasturage had been promised to purchasers of preliminary sections, but this had never been granted though he believed those parties could enforce it if they liked

CAPTAIN HART said the debate had taken altogether a different turn, and it was not now what would be the advan-

tage of purchasers of 80 acre sections, but whether by one stroke of the pen they should say that there shall be no squatting licenses within the hundreds It was quite clear than if the clause objected to were to be done away with every man's run must be put up yearly to auction The question after all was this—did the hon member for Gumeracha desire that the law should be altered or not As the law at present stood the squatter within the hundreds had certain rights which he understood the hon member for Gumeracha wished to do away with Instead of the clause under discussion altering the law, it merely confirmed it as it was at present They certainly should not alter a law to the detriment of the squatters without affording them opportunities of being heard at the bar of the House, or by petition to shew what their rights were The hon member evidently wished to change the law to the disadvantage of the squatter, but as the Bill did not affect the question as it existed at that moment, he did not see how he could make out a valid objection unless he brought in a bill to alter the present law

Mr PEAKE had every wish to consider the just rights of the squatters, and to protect the onward march of the agriculturists but he should like to take action gradually The policy hitherto was that as the squatters receded the agriculturists advanced When a hundred was declared, or a portion of a hundred, and only a little was sold or alienated, it would be impolitic and unwise virtually to confiscate the squatter's run by breaking his lease and declaring that portion of his run a hundred He did not see what advantage the community would derive from such a course, but it might perhaps meet the views of hon members if all the words after "assessments" in the sixth line were struck out down to the word "without" Very many he knew had suffered severe inconvenience and loss from sheep and cattle belonging to adjoining runs depasturing upon these lands, and it would be well to adopt such a plan as would enable the Executive to put a stop to this

The ATTORNEY-GENERAL rose merely for the purpose of explanation, and not to take part in the discussion of the main question The reason that the words which had been objected to had been introduced was to limit the power of the Government, so that they could not grant these lands for a longer term than the original lease No person had a right, moral or equitable, to a longer term than the original lease specified, and it was to prevent this term being extended that the words had been introduced

Mr NEALES thought the hon member for Onkaparinga had not seen one predicament which his system would place them in The hon member proposed that the land should be put up in various lots, but if this were to be the case agriculturists could by combination take the finest run in the colony The hon member was going to overturn the whole squatting interest of the country He did not wish to quote the extreme case of the Murray, which Sir Henry Young declared a hundred, and wanted to sell ten acre blocks to parties who would go and disturb the squatters The hon member proposed to divide the run into small lots to enable the dairy farmers to come and purchase, but he did not think that the House were prepared to break faith with the squatters in that way If they treated the squatters with such indignities, they would find when the main question came on as to the fair proportion of the public burdens which the squatter should bear, sympathy would be turned in a directly contrary way to that which it had been If they acted with injustice in reserving more rights to the agriculturists than they were entitled to, when they came to the large claim upon the squatter, they would not obtain it

Mr MILNE remarked that the Hundred of the Murray was an exceptional case No other hundred was laid out in so ridiculous a manner

Mr MACDERMOTT considered that so long as the purchasers of land enjoyed the right of depasturing stock within the Hundred they had nothing to complain of, as they enjoyed all they purchased but it would be acting unjustly to deprive the squatter of the commonage for which he held a lease, and he hoped the House would not listen to such a proposition The Bill did not alter the law, but merely retained it as it was at present, there was no reason to alter it

The COMMISSIONER OF CROWN LANDS was about to propose an addition to the clause which had been sketched out by the Attorney General, and would, he thought, meet all reasonable views If the propositions of the hon member for Gumeracha were carried out to the full extent, it appeared to him the squatters might at once tear their leases into shreds, as they would not be worth the paper on which they were written The addition which he wished to propose was, "provided that any such leases shall be subject to the rights of commonage to purchased land within the hundred, subject to such regulations as may be issued from time to time"

Mr HAY thought at that late hour it would be much better that the clause should be postponed, as if the clause were passed as it stood, even with the addition which was proposed, it would place the holder of a lease in direct antagonism to the owner of purchased land It was ridiculous to say that the leases of the squatters were endangered, as no attempt was made to meddle with land beyond the Hundreds He could not conceive how hon members could adopt a policy which could confirm leases at 1l a square mile, and then say that they would sell so many lots in the vicinity There were large quantities of land in the neighborhood of Gawler and elsewhere, which were worth £20 a square mile, and would fetch it if put up to-morrow It would pay a party holding the lease to run up the section which he was holding He had never read the Bill till that day, and the moment he read the clause in question it struck him as absurd It would place the holder of a lease in direct antagonism to the purchaser, but if there were common age for a hundred head of cattle beyond what was wanted for the purchased land, he had no objection to such commonage being put up to auction, as this would not be any injustice to the squatter, with whom he would be the last to interfere beyond the hundreds Before this clause was passed they should give every farmer in the colony a right to be heard at the bar of the House, or by petition in support of his rights

Mr MILNE moved that the debate be adjourned

The COMMISSIONER OF CROWN LANDS said that the Government had no wish whatever to press the Bill or any particular clause, through the House hurriedly, and he would therefore ask the Chairman to report progress He hoped hon members would look at this question in its true light, for it was a very important one, and from the manner in which the hon member for Gumeracha had put it, he now saw it in a more important light than he had ever viewed it before He had never had any doubt as to the course which the Legislature should pursue in dealing with this question, and certainly could not agree with the hon member for Gumeracha, whose proposition, if carried into effect during the currency of the leases, would be a breach of faith to the leaseholders of the Crown The Government had the power to declare hundreds in different parts under a clause in the leases as necessities required If the proposition of the hon member for Gumeracha were carried out to the full extent, any Government which might succeed the present one might, by a simple proclamation, cut up all the waste lands of the colony, and the leases of the squatters would not be worth the paper on which they were written He could not look upon such a proposition, if carried out, in any other light than a breach of faith The Government now deprived the squatters of large portions of land as necessities arose, large portions were sold to meet the public requirements, and it would, he thought, be unjust to do more

The CHAIRMAN then reported progress and obtained leave to sit again on Tuesday

CITY AND PORT RAILWAY

The COMMISSIONER of PUBLIC WORKS laid upon the table a return showing the number of rails which had been renewed upon the City and Port Railway

Ordered to be printed

SUPPLEMENTARY ESTIMATES

Upon the motion of the Treasurer, the further consideration of the Supplementary Estimates was postponed till Thursday

STANDING ORDERS

Upon the motion of the COMMISSIONER of PUBLIC WORKS the consideration of the report of the Committee upon Standing Orders was postponed till Tuesday next

The House adjourned at five minutes past 5 o clock till 1 o'clock on the following day

LEGISLATIVE COUNCIL

WEDNESDAY, SEPTEMBER 22

The PRESIDENT took the chair at 2 o'clock

The PRESIDENT informed the House that in pursuance of a motion by Captain Bagot, and adopted by that House, Sept 21, he had forwarded an address to His Excellency the Governor, praying him to take the necessary steps towards arming the male population of the colony, for the purpose of defence against foreign invasion

NEWSPAPER REPORTS

The Hon Captain BAGOT said that before they proceeded with the regular business of the House he would, with permission, call attention to some mistakes which had been made in the report of his speech in the *Advertiser* of this day In the first place he was made to say, that in the case of "a French frigate landing 3,000 or 4,000 men," &c, when the number stated by him was from 300 to 400 And further down in the debate he was made to say that "a man with two heads was better than one with one only" (Laughter) Hon members would at once perceive that he had made use of no such expression If the reports simply ended were they began he should not have cared about it, but when the members of that House had it from common report that these reports would be lodged in the archives of the colony, he thought it was only becoming in them that they should be correctly printed

The Hon the CHIEF SECRETARY said the hon member had the opportunity given to him of correcting the report for the Hansard if he wished

THE STEAM DREDGE

The Hon Mr AYERS wished for a reply from the Chief Secretary in reference to the question about the steam-dredge, which had been mooted the previous day, and to which the Chief Secretary had promised to reply

The Hon the CHIEF SECRETARY replied that the steam-dredge was at present employed in deepening the Harbour of Port Adelaide, commencing at the lower part, which it would deepen to 200 feet, increasing to 300 feet where the ships were moored in the stream

CONGRATULATORY ADDRESS TO HER MAJESTY

The Hon Mr AYERS moved, pursuant to notice—

"That an Address be presented to his Excellency the Governor in-Chief, accompanied by a copy of the congratulatory Address of this Council to Her Majesty the Queen on the Marriage of Her Royal Highness the Princess Royal of England with his Royal Highness Prince Frederick William of Prussia and by a copy of the Resolution of this Council deputing to the Honourable John Baker, the presentation of such Address to Her Majesty on behalf of this Council, and praying that His Excellency will be pleased to forward such copies to Her Majesty's Principal Secretary of State for the Colonies, with an intimation that the Address to Her Majesty has been placed in the hands of the Honorable John Baker for presentation, pursuant to the aforesaid resolution"

The object of this motion was to give effect to a previously expressed resolution of that House His wish now was that His Excellency the Governor should be requested to co-operate

The Hon Mr FORSTER seconded the motion, which was carried unanimously

THE LATE COMMISSIONER OF PUBLIC WORKS

The Hon Mr FORSTER, pursuant to notice, asked the Chief Secretary whether the following statement made by the late Commissioner of Public Works (Mr Reynolds), in his communication to him, under date of the 8th June, 1858, be correct —'That he was specially desirous of consulting his colleagues on the subject of his dispute with the Railway Commissioners, but that, unfortunately, their continued absence from Adelaide prevented him In fact, after visiting office after office, and finding no one, he gave up the chase after his colleagues, and acted upon his own responsibility The hon gentleman deemed it due to the Hon the Chief Secretary, and to the country, that the question should be put, so that an explanation might be made as to whether the charges made by the late Commissioner of Public Works had any foundation in fact, or otherwise

The Hon the CHIEF SECRETARY said, in reply, that on referring to the records in his office, he found that during the month of May he had been in town from the 4th to the 7th, and from the 12th to the 31st inclusive, during which time he was attending to the duties of his department The hon Mr Forster would see on adverting to the correspondence to which he alluded, that those letters in which Mr Reynolds was specially desirous of consulting his colleagues, were dated the 5th, 10th, 11th, 14th, 17th, 21st May During the time this correspondence was pending, he had had at least one interview with Mr Reynolds on matters of Government business, but no allusion was ever made by that gentleman to the circumstance that grave differences existed between himself and the Railway Commissioners A Cabinet Council was held on the 18th May, at which, although Mr Reynolds was present, no mention was made relative to the matter in dispute Therefore Mr Reynolds, in making the statement in the letter quoted by the Hon Mr Forster, "that he had had no opportunity of consulting the Chief Secretary on the subject of his despatch with the Railway Commissioners, in consequence of his continued absence from home,' made a statement which was not merely at variance with fact, but the opposite of truth Having answered the question of the hon Mr Forster, he would, with the permission of the House, only further observe that whenever he was succeeded in the arduous and responsible office which he then held, and he cared not personally how soon that ceased, his successor would find that the business of the country had been carefully attended to, that no arrears existed, but that every matter had been at once looked into, and disposed of without delay, and he would say fearlessly that he had discharged to the best of his ability, faithfully and diligently his duty to the public of this colony

ASSOCIATIONS INCORPORATION BILL

On the motion of the Hon Mr BAGOT, seconded by the Hon Mr AYERS, this Bill was read a third time and passed with instructions that it should be forwarded to the House of Assembly, desiring the concurrence of that House in the measure

CONFIRMATION OF REGISTRATION BILL

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time, and passed, with instructions that it should be forwarded to the House of Assembly, desiring the concurrence of that House in the measure

DIVORCE AND MATRIMONIAL CAUSES BILL

In Committee

The CHIEF SECRETARY said that to meet the previously expressed views of the House, he would consent, in the 12th line of the 5th clause, to the words "or any Judge" being struck out

The words in question were consequently omitted and the clause was passed as amended

Clause 36 "Appeal"

On the motion of the Hon the CHIEF SECRETARY, the last six words of this clause, viz, "of the province of South Australia," were struck out, and the following substituted for them —"Which court may affirm, alter, or reverse such decision, in whole or in part, or dismiss the appeal, as may be just"

Clause passed as amended

The Hon the CHIEF SECRETARY submitted an additional clause (41) to be placed at the end of the Bill, viz —'That this Act be cited as a Matrimonial Causes Act'

Clause passed

In the 6th line of the preamble the words "by and with" were struck out The preamble was passed as amended

The House resumed

The PRESIDENT reported the Bill with the amendments, the report was adopted, and the third reading was made an Order of the Day for Tuesday next

NEWSPAPER REPORTS

The Hon Mr BAKER would, before the House adjourned, call attention to the inaccurate way in which the reports of that House were being prepared He especially alluded to the report of his speech in the House the day previously The hon gentleman did not describe wherein the inaccuracy occurred, but proceeded to criticize the arrangement made for reporting the debates in Parliament, to which said that hon gentleman "I have not assented" He questioned the right of members to take from, add to, or otherwise alter their speeches, without some competent authority to say what was correct

The Council then adjourned

HOUSE OF ASSEMBLY

WEDNESDAY, SEPTEMBER 22

The SPEAKER took the chair shortly after 1 o'clock

RAILWAY EXTENSION

Mr PEAKE presented a petition from nearly 200 landholders of the Hundred of Upper Wakefield, praying for consideration in reference to railway extension by the Valley of the Gilbert The petitioners were stated to represent the owners of between 30,000 and 40,000 acres of land in the locality referred to

THE UNEMPLOYED

Mr SOLOMON presented a petition from 326 working men out of employment, praying the House to commence reproductive works without delay for the purpose of affording them employment

THE TELEGRAPH

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return which had been moved for by the hon member, Mr Barrow, shewing the number of messages transmitted by the telegraph, together with a letter from the Inspector explanatory of the return

The return was ordered to be printed

POSTAL COMMUNICATION

The ATTORNEY-GENERAL laid upon the table the report of the naval officer of the province upon the subject of the expense and delay consequent upon the Ocean Mail Steamers calling at Port Adelaide upon their outward route As it was intended that this communication should be forwarded to the Governments of the various Australian colonies, it was desirable that it should be put upon the table of the House

It was ordered to be printed

Mr BAGOT asked the Attorney-General if the return was in reply to a question which he had placed upon the notice paper for that day, as follows —

"That he will ask the Hon the Treasurer (Mr Finniss) whether any steps have been taken with respect to the contract for the conveyance of the mails between England and this country, and will move—'That an address be presented to His Excellency the Governor-in-Chief, requesting him to lay any papers and despatches relating thereto on the table of the House'"

The ATTORNEY GENERAL said that last Friday he laid upon the table of the House a despatch from His Excellency the Governor-in-Chief, upon the subject The paper which he had just laid upon the table completed the information which the Government were in a position to give at present If they had any more in their possession they would be happy to afford it

SWAN RIVER

The ATTORNEY-GENERAL remarked that he observed the following notice of motion upon the paper, and seeing that the hon member who had given it (Mr Duffield) was present, he would at once reply to it It was as follows —

"That it appearing from the police reports of the 11th and 12th August last, that John Smith *alias* Phil Dixon a convicted felon, had been sent to this colony free by the Western Australian Government, he will ask the Hon the Attorney-General (Mr Hanson) if the Government have taken or intend to take any steps to inquire into the circumstances which led to this step on the the part of that Government,

and will move that all papers or despatches on this subject be laid upon the table of this House."

A letter had been written calling the attention of the Government of Swan River to the subject, and requesting such information as would enable the members of the Government to satisfy the Legislature. It was a subject which could not fail to attract the attention of the Legislature. The hon. gentleman laid the despatch to the Government of Swan River, with the enclosure, upon the table, and the despatch was ordered to be printed.

POSTAL COMMUNICATION

Mr. BARROW asked the Attorney-General if he could give an answer to the question which stood in his name upon the paper on the previous day:—

"That he will ask the Honorable the Attorney-General (Mr. Hanson) whether any correspondence has passed between this Government and the Government of the Mauritius, relative to steam postal communication, in accordance with an Address of the House to that effect agreed to on the 14th May last, and whether any reply has been received."

The ATTORNEY-GENERAL said a despatch had been written to the Government of Mauritius, to which replies had been received, and that further action had been deferred till it had been ascertained what steps would be taken in reference to ocean steamers calling at Kangaroo Island. In the meantime information which would form the basis of an arrangement had been obtained from the Government of the Mauritius.

CUSTOMS RETURNS

The TREASURER laid upon the table Customs returns showing the imports and exports, immigration, ships inwards and outwards, &c., to the 30th June last.

SUPERANNUATION FUND

The TREASURER laid upon the table returns in compliance with a resolution of the House respecting repayments in connection with the Superannuation Fund.

LEVEL CROSSINGS

Mr. COLE wished to ask the Attorney-General a question in reference to a Bill which the hon. gentleman had promised to bring forward in reference to level crossings. At the close of last session he (Mr. Cole) as the Chairman of a Select Committee, brought up a report, which was not adopted, upon the understanding that the Attorney-General would bring in a Bill upon the subject, of a general nature, and not merely applicable to Bowden.

The ATTORNEY-GENERAL said the Government intended to bring in a Bill to carry out that object.

FREE DISTILLATION

Mr. TOWNSEND rose to move—

"That, in the opinion of this House, all restrictions on the free exercise of distillation should be abolished."

In bringing forward that motion, he begged to assure the Government that he was not actuated by any feeling of hostility to them, and, indeed, he and other hon. members wished it to be understood that they did not represent an opposition merely because they sat on that side of the House. It was well known that free distillation had long been a growing question in the colony. The great body of the agricultural population had year after year demanded a release from all restriction upon distillation, and they were led to believe from what transpired during last session, that it was not the intention of the Government to introduce a Bill upon the subject during the present session. From the character of individual members of the Government, and the tone of the debates that session, they were fully justified in entertaining the hope that a Bill removing all restrictions would have been introduced during the early part of the present session. The Bill introduced by Dr. Wark was regarded only as a temporary measure. It would not, he thought, be denied that the public were led to expect a Bill, and when the Address to His Excellency came on for discussion he regretted to find the question of distillation passed over in a way which he had certainly not expected at the hands of the present Government. He had not moved any amendment on that occasion, but rather preferred to place a notice upon the paper as it now appeared, because he wished to ascertain the feelings of the members of the Government upon this question. He did not wish to embarrass them, but from their individual character, the pledges they had given, and the speeches they had made, he had a right to expect the Government would have been prepared to deal with this question and to settle it. The opponents of the measure said that persons who were in favour of free distillation must go for free trade entirely. He for one did go for free trade entirely, and should be quite prepared to take part in providing for the revenue. He would remind the Government of the course they pursued last session, when Mr. Waterhouse, the member for East Torrens, brought forward his motion. Mr. Blyth was so strongly in favor of free distillation that he passed severe strictures upon the Committee who brought up their report upon the subject, and stated that their report would have been different if it had been brought up as originally proposed, but that the report which recommended the repeal of all restrictions had been withdrawn. The hon. gentleman denied at that time that drunkenness would be increased by a removal of all restrictions upon distillation, drunkenness depending upon the natural disposition. The hon. gentleman urged that the vine took more kindly to this soil than any other, as some gentlemen do to the Government benches, and that the falling off in the vine in other countries showed that this colony was favorable. In conclusion the hon. gentleman declared that he believed a removal of all restrictions would benefit the social and moral condition of the colony. After that he (Mr. Townsend) believed he should have the support of the Commissioner of Public Works. It was evident from what took place last session that if Mr. Waterhouse's motion had been proceeded with as originally intended, there would have been a large majority in its favor. The Government of the day consented, through Mr. Torrens, the then Treasurer, to it, but it was suggested to the hon. member for East Torrens that he should withdraw his motion, and substitute one from the Treasury benches. He was aware that the gentlemen forming the present Ministry were not bound by the acts of a former Government, only so far as they were individually responsible, but he had yet to learn that gentlemen, upon accepting office, were bound to forget their past opinions and take to entirely new notions. The amendment of the Government was to the effect that it was expedient to pass an Act removing all restrictions upon distillation, and to raise a revenue by a duty on other imported articles instead of spirits. He would now appeal to the Attorney-General, and to the Treasurer of the day, Mr. Finniss, and ask them if they were sincere when they asked the House to affirm that resolution. They distinctly stated that the time had arrived when there should be free distillation, they distinctly stated that the revenue should be made up by imposing a duty upon other articles than spirits, and he would ask them whether the existing Act was not regarded merely as a step in the right direction, and which was accepted because it was nearly the end of the session. He fully expected that when the Government came forward with their policy it would have been found to include free distillation. Even afterwards he thought that the Government might not have thought of it—that their views were unchanged, and they would bring it forward at a future period. He did not like when the Address was proposed to move an amendment, considering that Address as merely of a formal character, a mere echo of the speech. He asked the Government of the day to affirm the resolution which he now brought forward, and as individuals to affirm the resolutions which as part of a former Government they asked the House to assent to. He watched with great anxiety the course which the Attorney-General and the Treasurer would pursue in reference to this question, for he had yet to learn that the morality of statesmen was so low that they would affirm a principle in one Government which they would shrink from the responsibility of doing in another. It had been said by some of the opponents of free distillation that it would disappoint those who sought to bring it into operation, and that it would not do the good which was anticipated. What he wished was that they should leave trade alone and unfettered. If free distillation were found not to pay, persons would not take advantage of the law. Some again said that free distillation might pay, but that the revenue would suffer. He was in favor of lowering the duty upon spirits 1s. per gallon per year, so that there would merely be a gradual diminution of the revenue, whilst free distillation would allow the resources of the colony to be developed. But he contended it was not their duty to suggest a remedy to meet the grievance consequent upon a falling off in the revenue. The doctor had not been called in, he had not got his fee, and it was time to ask what was to be done when those who were favourable to this measure had the honor and responsibility of office. (Laughter.) He did not think that it would be difficult to point out the course which should be pursued to raise the deficiency which would be caused. He did not believe that the revenue would suffer, but if it did, there were ways of raising it. He believed that £12,000 might be raised from sheep, and that an extra amount might be obtained from tobacco and tea. There might be a property or income tax, but that was no part of his province that day. He had only to ask the Commissioner of Public Works, the Attorney-General, and the Treasurer to be true to their past sentiments, and to deal with the present motion which the colony demanded and which the people sooner or later would have. Every election which took place showed the deep interest which the colonists took in this question, and the views which they entertained upon it. The question was asked of every gentleman who had lately appeared before a constituency, "Will you support free distillation?" and in every instance a distinct or implied pledge to do so had been given. In all parts of the colony meetings had been held, lecturers were going forth agitating the subject, and the people were unanimously in favor of leaving trade free to work out a proper and natural result. He was prepared to go the whole length for free trade. He had only one other remark, and that was in reference to the subject of drunkenness. It had on a former occasion been urged by the hon. member (Mr. Cole), that free distillation would increase drunkenness, but he did not think that such a result was to be anticipated, for there was not more drunkenness in France than in England. He believed that drunkenness was the result of the habits of the individual, and would not be at all affected

by the price of the liquor He repeated that he had merely put this motion on the paper for the purpose of ascertaining the feelings of the House He had not even asked for a seconder, but simply placed it before the House, leaving the House to deal with it as it might prefer When the subject had been ventilated, he should probably have occasion to make a few remarks

Mr BURFORD, in seconding the motion, stated that his doing so was not a matter of arrangement, although it was well known that his mind had long been exercised upon the subject The subject was so vast in character, that nothing less than an entire revolution in the Governmental policy was involved He was perfectly satisfied that if this question were carried in the affirmative, the Government would be placed in an awful fix (Laughter) It was clear that a revenue must be provided in the place of that which would be lost, and the amount was so large as to justify the Ministry in regarding the question with feelings of dread, not to say hatred But they must risk those difficulties which naturally occurred in onward progress in political economy The Ministry were chosen to a highly honorable position, and just in proportion to the difficulties which they had to contend with, and as they overcame them, was their honor increased It had been said by some that it was not for the Ministry, by virtue of their appointment, to work out a system in detail in a case of this kind but for the Legislature. He did not stick upon that point, but let them all go at it, one and all, and endeavor to overcome the difficulty He had said that the question involved the whole Government policy It had been said that they should seek to confer the greatest good upon the greatest number So long as there was a vast disproportion between the possessions of one man and the possessions of another—and this could be traced to the mode in which the revenue was raised—they were bound to look at the question as it effected the population at large, that is, the population at large should become equal participators in the benefits of a Government It was undoubted that in every country upon the face of the earth, there were many possessed of a great amount of unnecessary wealth, and many in a state of abject poverty

The SPEAKER reminded the hon member that the question under discussion was not one of the general policy of a Government. The hon member must confine himself to the question before the House

Mr GLYDE asked whether under the 10th Standing Order the House were not bound to go into Committee before discussing this question.

The SPEAKER did not think it necessary, as the question did not directly affect the revenue

Mr BURFORD thought it necessary he should show that if the revenue failed it would be necessary to supply the deficiency, and if it were necessary in order to support his arguments that he should refer to the ends of a Government he thought he would not be out of order, but he submitted to the Speaker's ruling He could not but think it particularly unfortunate, however, that by adhering to rules of this kind members were prevented from uttering their views, as this question affected not only our own but other communities Anything which the Legislature did stood forth as an example, but if hon members were to be so confined in their remarks, he for one should feel utterly crippled and be compelled to sit down without saying a great deal that he had intended Whatever tended to injure the produce of the soil was injurious Whatever prevented those who raised that produce from doing the best they could with it was injurious The question arose, if they did away with all restrictions, how was the revenue which would probably be lost to be supplied He had given the question some attention, and had come to the conclusion that the proper course would be to allow trade to go entirely free, and to raise a revenue by an income and a property tax combined These questions naturally arose out of the discussion of the subject of distillation

The SPEAKER again reminded the hon member that he was out of order

Mr BURFORD would then turn to the Ministry and ask them to undertake the task and see how a revenue could be raised leaving trade free

The SPEAKER told the hon member it was customary to address the Speaker

Mr BURFORD thanked the hon the Speaker He would appeal to the Government to devise a scheme to raise a revenue in such a way that the colony would not be impeded in raising any of its products Under such a system there would soon be a yeomanry, small proprietors it was true, but who would contribute to the wealth of the land, and although large property holders and monied men might have their incomes lessened in consequence, the colony would be greatly benefitted The land would be thrown open and every man would have a fair path before him to travel It was very desirable that a Select Committee should be appointed to consider the whole question and take into consideration the whole system of taxation The evidence which would be elicited by such a Committee would be of great value

Mr GLYDE had listened with great attention to the remarks which had fallen from the previous speakers, and had heard nothing which had altered the opinions with which he came to the House He should vote against the motion in its present shape for various reasons He must protest against the course pursued by the hon member for Onkaparinga in asking the House to affirm a bare proposition involving such grave loss to the revenue, particularly as the hon member stood up and stated that he was not prepared to state how the gap was to be filled up The hon member appeared to take the course which had been pursued by Mr Waterhouse last session, and said "I know how but I won't tell you" He (Mr Glyde) had on that occasion remonstrated with Mr Waterhouse upon such a course, and now that he was a member of that House he remonstrated still more strongly No member he contended had a right to bring forward such a proposition involving such a large loss of revenue, unless he were prepared to shew how the gap was to be filled up The hon mover had thrown out some loose hints that it could be done by a duty upon tobacco or tea, which he (Mr Glyde) should certainly oppose The seconder of the motion thought that the deficiency could be supplied by a mixture of a property and income tax, but they all knew that this had been found objectionable in England He should certainly feel bound to oppose such a tax without further investigation Another reason for opposing the motion was that he very much doubted whether the mover could point out a less objectionable system of taxation than that which at present prevailed The Treasurer stated last year, when the question was under discussion, that free distillation would involve a loss to the country of 50,000*l*, and he very much doubted if it could be pointed out how to raise this sum in a less objectionable way Another objection which he had to the motion was, that if it were carried it would unquestionably complicate the question of intercolonial tariffs No doubt if the resolution were passed the duty of the Government would be to bring in a Bill to do away with all restrictions on distillation, or to resign their office. If such a Bill were brought in and passed the neighboring colonies would alter their tariff It would be a simple thing to smuggle by the way of the Murray, and if this colony were to admit spirits duty free, Victoria in self-defence, would most probably put an import duty upon flour, which would seriously affect the interests of this colony He believed that if the price of spirits were reduced there would be an increase of drunkenness (No, no) No doubt many would dispute that point, and refer to France, where drunkenness was not more common than in England He did not believe that in 30 years hence drunkenness would be more common in this colony than it was before the restrictions upon distillation were repealed, but when the nobbler was first reduced to half-price he had no doubt there would be a great increase of drunkenness amongst those recently arrived from England, and who had been accustomed to look upon a nobbler as a luxury Another objection which he had to the motion was, that he joined issue with the hon mover when he stated that the people of the colony, as a whole, were anxious for free distillation He disputed the assertion, and had taken some pains to arrive at a correct conclusion as to the opinion of the great mass of the people. He had been told that if he opposed this motion he would never again have an opportunity of standing for East Torrens, but he took the same ground which he did at the time of his election, and opposed free distillation He had made many enquiries amongst his constituents as to how they would like him to vote upon this question irrespectively of his own opinions, and only one had told him that they would like him to support the motion He referred particularly to the district of East Torrens, because it was well known that it was a district particularly interested in vine growing One gentleman who formerly opposed him, stated that he was perfectly satisfied with Mr Waik's Bill and wanted no more On the previous day he had obtained some information from a gentleman well known (Dr Kelly) who had informed him that he was perfectly satisfied with Dr Waik's Bill He mentioned these circumstances to shew that he had some grounds for denying that the country at large cared about the matter at all He did not say that Dr Waik's Bill was not capable of amendment, but he did not believe that the country generally would endorse the proposition, that all restriction should be abolished He did not know who would take part in the discussion, but he could not understand how gentlemen who voted for the address could support this motion The Governor very cleverly passed over the question, and the gentlemen who prepared the address had passed over it very cleverly also Now, as the address was unanimously passed, it appeared to him that those gentlemen who voted for this motion would place themselves in a very curious position They should at the time the address was moved have proposed an amendment if they objected to the ministerial policy Although one gentleman grumbled at the time the address was moved he had not the moral courage to move an amendment He had no objection to the appointment of a Select Committee, and he might remark that theoretically he went as far in favor of direct taxation as any hon member, in fact, if possible, he would do away with fiscal taxation He saw financial difficulties in the way, and for the other reasons which he had assigned he felt bound to oppose the motion

The ATTORNEY-GENERAL rose partly because he wished to correct what he thought a misapprehension on the part of the hon member who spoke last, and partly because he wished to state something with regard to personal matters He had always understood that the object of a reply to the opening speech of His Excellency, as the representative of Her Majesty, was that the House should treat respectfully the topics

touched upon in it, without hon members committing themselves or the House to disputed points (Hear, hear) It had been his object, and that of the other members of the Committee who formed that answer to the address, to glide—(a laugh)—over those matters, so as to enable the members of that House to vote in favour of that address without compromising themselves in regard to the opinions expressed With regard to the personal matter, the hon member who brought forward the motion admitted that if a member of the Government acquiesced in the measures of that Government in regard to any particular question, he was not bound, as a Minister, in his course of action when not a member of that Government When he (the Attorney-General) addressed his constituents prior to his election, he stated his views on the subject before them It appeared to him that viewing the mode of taxation for the purpose of ascertaining the best source of revenue, there was nothing from which a revenue could be more advantageously derived than from a duty on imported spirits, and if there were no other considerations than the incidence of taxation, and the way in which a tax should be so laid as to be the least burdensome to the people, he should be of that opinion still He said that, for the purpose of clearing himself from the imputation of departing from his expressed intentions, which had been thrown upon him by one hon member during the debate During the last session it was intended to have introduced a measure for the purpose of enabling the vinegrowers to make the most of their vineyards, but the matter was taken up by Dr Wark, who prepared a Bill which he (the Attorney General) believed had given considerable satisfaction With regard to any other practical injurious operation of the present law—with regard to gardeners who were compelled to throw peaches and other fruit away—he thought they ought to be included under the same principle, and the Government would be prepared to sanction any proposition, by whomsoever introduced, to give the same advantage as was conferred upon owners of vineyards So far as that was concerned, that was the position taken by the Government, and therefore there was in that nothing inconsistent with his opinion as an individual, and the course taken by the Government during the present session He was quite willing to admit that the question involved wider consideration than at first appeared It was not merely the question of the incidence of taxation but there was a wider view necessary to be taken with regard to that mode of taxation—which was the best, and also with regard to the possible operation of those laws in preventing the development of the resources of the colony But the Government would be unwilling to agree to such a motion as that now proposed It was a mere naked abstract proposition to say that a certain regulation which produces a large amount of revenue should be done away with, when nothing else was proposed to be substituted in its stead It would not do for that House to affirm an abstract proposition of that sort, though it would be wise to inquire what would be the effect of removing the impediments to free distillation, what effect it would have on the revenue, and also what improvements might be made in the mode of collecting the revenue, and how to replace the loss that the doing away of such a source of revenue would involve He would himself have moved an amendment on the motion of the hon member, to the effect that a Select Committee should be appointed for the purpose of inquiring into the whole question involved, were it not that he would in that case be compelled to sit upon the Committee That, however, was the course which the Government would recommend, and the amendment would be moved by his hon friend the Treasurer on the motion of the hon member for Onkaparinga The Government had to look at the way in which any change in our fiscal system would operate upon the people, when it was considered that large sums were involved in the change Instead of persons paying their quota to the revenue by driblets so small that they were hardly conscious they were paying at all, when it was considered that the duty on spirits was levied on a mere luxury, and that to lay it on tea and sugar instead would be taxing the necessaries of every family in the colony, he thought the result of the inquiry by a Committee might differ from that anticipated by the hon member for Onkaparinga If that Committee were appointed he was anxious that persons independent of office, and persons of all shades of opinion, should have their place there If they should be prepared to recommend the abolition of the restrictions on distillation, and if they presented a reasonable scheme for raising a revenue to meet the consequent loss, the Government would be prepared to carry it out, but the Government were not prepared to support an abstract proposition of the nature of the resolution before the House The Government must oppose such a resolution, as it gave no information as to the financial effects of such an arrangement He believed that the more enquiry was made, the more clearly would any advantages likely to result from the abolition of restriction in distillation appear, and the more clearly would doubts be removed, and, therefore, he hardly anticipated any opposition to a proposal so reasonable as that of referring the scheme to a Committee, who would report not only with regard to the abstract question, but also with regard to the changes necessary to meet the diminished income, so that our credit might be sustained The Government would, in that Committee, be prepared to suggest various alternative propositions by which that object might be accomplished They had no desire to shrink from that duty The Government were prepared to lay alternative schemes before that Committee as to whether the revenue should be raised by direct taxation or by a duty on articles of consumption, but the Government were desirous to ascertain the feelings of the House on a matter of that sort, and those could be best ascertained by an expression of opinion when the report of that Committee should be laid before them The Government were therefore prepared to support an amendment such as he had suggested, with the promise that if passed by the House, they (the Government) were not prepared to act on any motion opposed to the spirit of free trade. (Hear, hear)

The TREASURER *rose to propose the resolution that the hon* the Attorney-General had suggested, and with him to oppose the motion before the House The amendment that he would propose was, "To strike out all the words after 'that,' and insert the following —'the whole question of the taxation of the colony be referred to a Select Committee with a view of determining the best means of maintaining unimpaired the revenue of the colony if it be decided to remove all restrictions on distillation'" He believed that the course which had been pointed out by the Attorney-General was one which would meet with the support of the House, for he did not think that any of its members desired to force their opinions upon the House or the Government, but to give effect to what they believed to be for the welfare of the country on the subject. The question had assumed great importance, it had been taken up in almost every session of late years, and perhaps there was no fitter time for bringing it to a conclusion than the present session Last year much time was lost through changes in the Administration and other matters connected with the question of Responsible Government Those were passed away, and during the present session hon members could address themselves to business He considered that although the question before them was proper to be discussed by the House, it was scarcely incumbent upon the Government to take it up, unless they were pressed to do so by the House It had been asked why he, as an individual, member of the Government, did not bring forward the views adopted last year by the member for East Torrens (Mr Waterhouse) His answer was clear and satisfactory as to the course he (the Treasurer) adopted It would be remembered that when he addressed his constituents he made no statement to them which he did not carry out last year He told them he could not advocate free distillation nor change the mode of collecting the revenue from imported spirits to any other source, because he believed that there was no other source of revenue from which 60,000*l* could be so readily and equitably drawn He believed there were no very great disadvantages attending the producing interests in taxes so levied which were not counterbalanced by the advantages of that mode of collecting a revenue If wrong he should be glad to be benefitted by the opinions of others who might be advanced in their knowledge of that question, and he thought that benefit would be gained by the appointment of a Select Committee. Should it be shown that the duty now levied on spirits ought to be transferred elsewhere he should be glad to be convinced that he was wrong, and to give his assistance to remove all difficulties in the way of a complete revision of our existing system He went into the House last year to carry out the views of the Government of which he was the head at that time They opposed a motion similar to that then before the House, but they found there was a strong party in the House (hear, hear), and the Government assented to an amendment by the hon member for East Torrens, namely, that a Bill should be introduced to remove all restrictions on produce, and that the revenue should be made up by duties on other articles of Customs He acquiesced in that It was not his own proposition, but had he remained in the Government he should have felt himself bound by that resolution, and should undoubtedly have brought forward a Bill founded upon it The circumstances were different now, and he was no longer bound by the conditions of that resolution The Government of the present day are only responsible for their own course of conduct, and the Attorney-General had stated his reasons for adopting the course he had taken He (the Treasurer) should not discuss the question so fully as he should have done had there been no Committee to follow, but would merely point out certain courses of action, one of which it appeared to him the Committee would have to agree to He thought it clear that if spirits were allowed to be freely made in South Australia, and sold free of duty, the loss would be nine-tenths of the revenue on imports If, however, the duty on imported spirits were maintained—a principle which he thought the Government could not consider—it would keep the prices of spirits the same as at present, and it would enable the colonial producer to produce spirits so as to compete with imported spirits, but under both systems the same price would be paid by the consumer, and in both cases there would be equal loss to the revenue It would not be necessary to take off all duty It would only be necessary to put the distiller on an equality with the importer A duty of 3s a gallon would place the colonial producer on a par with the importer, because the producer had to contend with high prices of grain and labor in the colony, and with a superior imported

article So that it would be many years before he could produce an article equal to that imported He thought the loss would probably be £50,000 under either system One way of making up the loss would be by increasing the duty on several or all articles on the tariff, and the other that which was recommended by the Council last year Otherwise it might be made up by direct taxation, by an income tax, or partly in one way and partly in another But the safest course to take was to make such enquiries as would satisfy hon members which was best Were the Government to come provided with any scheme, it would have to be referred to a Select Committee, and therefore it was better at once to make the enquiry He believed a small duty was necessary to equalize the position of the colonial producer and the importer He believed spirits manufactured from grain cost 4s 8d a gallon, from sugar 4s 6d a gallon, and imported spirits only 3s a gallon If, therefore, a small duty were not imposed on imported spirits, the colonial produce could not compete with the importer It had been suggested by some hon members that distillation from sugar should be prohibited by severe penal enactments He thought that would be unwise, because an excise supervision would then be necessary, and he thought that, to a certain extent, grain distillation would have to be placed on a level with distillation from sugar Those, however were matters for enquiry If, on the suggestion of the mover, the duty were reduced 1s a year, it would merely throw the diminished duty into the pockets of the dealer It would not reduce the cost to the consumer, for 1s a gallon would amount to considerably less than one farthing on a glass of spirits He thought therefore it would be necessary to decide upon some permanent system and reduce it to such a scale as would produce equality between the producer and the importer

Mr Bagot would make a few observations on the motion In the abstract proposition he agreed, but he thought much more must be added to it before the House could be called to vote for it He went with the Attorney-General in his ideas on Free Trade, and had rather have restricted distillation as at present than protective duties He could not go with the hon member for East Torrens in his anticipations of difficulties arising were the proposition carried The idea of complications with other colonies ought not to be entertained, We ought to look to our interests in trade in the same way as we did in shipping Phil Dixon back to Swan River, not caring whether the Government there was offended or not There was no fear of complicating our relations with other colonies The Attorney-General seemed to think that the revenue on spirits was the best source of revenue He (Mr Bagot) considered that too an abstract proposition Suppose circumstances should occur rendering that revenue injurious to the colony, it would not then be the best source of revenue He did not think the House should deal with those abstract propositions, neither did he think the member anticipated such difficulty in carrying the House with him as he had experienced He (Mr Bagot) thought that the collateral questions could not be separated from the motion He did not think much loss to the revenue would arise from free distillation He imagined that the loss, if any, would be very gradual indeed for very few people would drink colonial-made spirits when they could get spirits from home He thought the appointment of a Select Committee the best course the House could take He also thought in addition to the vine-growers and gardeners, there was one large class whose interests ought to be considered, and if free distillation could be shown to be an advantage to them, it was the duty of the House to look to their interests That great class was the farmers That was the class from whom the greatest amount of revenue was raised, and they were therefore entitled to every consideration He was not surprised that the House was not larger on that occasion, for the subject had not been fully brought out in the form of the resolution, which left out the the great questions connected with it He thought the hon member must see that he could not carry out a motion of that nature without the assistance of the Government, and he believed that the hon gentleman was not quite prepared to take his own seat on the Treasury benches (Laughter) The hon gentleman should take care that he does not resemble the man who made himself wings, but going too near the sun the wax of which they were composed melted, and they fell from his shoulders (Laughter) If the House approved the proposition, it would be the duty of the Government to retire, and that hon member must then take their place He apprehended he was not prepared to do that, and therefore would not object to a Select Committee

Mr Mildred would like to have ascertained the opinions of the House, as to the propriety of removing the restrictions on distillation, before voting for the amendment, for it that opinion were given the duties of the Committee would be circumscribed Although on all occasions in which the independence of the people was concerned he had opposed the Government, he had no desire to place them in an "awful fix" He looked upon them as the expression of the views of that House, and that House as representing the opinions of the people He thought constant change of Ministers an evil, and so long as Ministers were desirous to carry out the views of that House, it was better that they should remain than to be constantly changing He did not think that any imputations ought to be thrown upon members of that House in regard to their votes on the address He would now say a few words on the proposition before them He believed that a majority both in the House and in the country were in favor of the removal of the restrictions on distillation As one practically engaged in wine growing, he was prepared to say that the present Bill was useless, and would strongly urge upon the Government that a Bill should be introduced to relieve the vine-growers from present restrictions As the present regulations stood, the refuse, which would have been distilled, was either thrown away or introduced into the wine, which should only be made from the pure juice of the grape He had some wine five years old, without any acid whatever in it If new taxes were imposed on one part of the community, it ought to be with the intention of removing some tax preventing our onward progress Now it was proposed either directly or indirectly to tax the flock-masters, the amount so gained would enable the Government to relieve other classes But no portion of the population of South Australia were suffering so much depression as the agriculturists, and that tax might be applied to relieving them He was of opinion that free-trade principles would soon determine whether free distillation was successful or not If an individual found distillation was not remunerative, he would not repeat it often, but on the other hand if an article could be produced that would give satisfaction, it would be far better to make our own wine and spirits than to pay for their introduction, for, if 60,000*l* in duty were annually received, it was clear that a large sum must be annually sent out of the colony which might have been turned to profitable account in it It was admitted that we had the material to give as good wine as any in the world and he did not see why the brandy should be inferior As to a sliding scale of duties, and the best plan of meeting any temporary difficulties let them come before the House and let them reason calmly and quietly on the subject of direct and indirect taxation He believed that for the laboring classes, indirect taxation was the least felt, but if the way could be seen to direct taxation, let them adopt it, and where any source of industry was likely to be developed, if relief could be extended to them, let it be given He should support the amendment for a Select Committee

Mr Barrow considered the question before the House of the very greatest importance, and when he recollected how much time had been occupied in discussing questions of far less moment, he thought that it required long and careful consideration in order to give a conscientious and judicious vote Various opinions had been expressed on the subject and his hon colleague, the member for East Torrens, had made it an election question But he (Mr Barrow) must join issue with him respecting his statement of the opinions of the electors of East Torrens on the subject He (Mr Barrow) believed that he knew those opinions as well as that hon member, who was elected by a constituency almost disfranchised (Laughter) Though having a majority, that hon member polled less than 70 votes He (Mr Barrow) had also made it an election question and had been returned in the same district as a free distillation candidate He referred to those elections in order to obviate the supposition that the electors of East Torrens were opposed to free distilling An hon member had asked for an expression of opinion by that House But was it desired to elicit that opinion by resolution or by the general tenor of the speeches delivered? If the former, he thought it the better course to affirm the resolution of the hon member for Onkaparinga, for it simply declared the expediency of free distillation, but he (Mr Barrow) was unable to separate that question from the collateral questions surrounding it (Hear, hear) If it were desirable to have free distillation, it was desirable to know the cost of it (Hear, hear) He would act on the principle of the Yorkshireman, who, at a Peace Society's meeting, said he would like peace with Russia but would not like to pay threehalfpence for one pennyworth of it (Hear, hear, and laughter) The question could not be considered by itself—it must include many highly important collateral ones, and therefore he was in favor of a Select Committee, whose enquiries should embrace the whole theory of taxation

The Speaker called the attention of the hon member to the hour—3 o'clock

Mr Barrow moved the suspension of the Standing Orders Carried

Mr Barrow resumed—The colony was not only expending its own revenue, but was borrowing money of English capitalists, and therefore the greatest possible care should be taken to place on a sound basis our financial arrangements, for if loss to the revenue occurred on the one hand, it must be replaced by other measures He would abide by Free Trade principles—(hear, hear) and was not satisfied with the sliding scales of the hon mover At least 50 per cent of the import duty should be struck off the first year, and the rest by quicker stages than proposed by that gentleman He admitted that it was the duty of Government to prepare measures, but it was also the privilege of members of the House to introduce them when the opening speech of His Excellency came before them He (Mr Barrow) was disappointed that so slight reference had been made to the subject of Free Distillation, and when he moved the adoption of the reply he singled out that paragraph as one to which he took exception He believed that "the liberal construction" of

that Act, spoken of in the Address of His Excellency, would make every distiller his own bonded storekeeper without giving free distillation to the community. It neither satisfied the distiller nor protected the revenue. He would not be drawn away from the real question before the House in order to embarrass the Government. He might be allowed to say that some hon. gentlemen seemed never so happy as when they discovered the Government were likely to be placed in a "fix"—(laughter)—and when they could manage to interweave remarks about a "cringing, truckling, time-serving Government." But those gentlemen should reflect that it might be their happy or unhappy fate to sit on the Government benches, and what had they then to expect from those whom they now almost daily attacked? The House had heard of the probable effect of free distillation on the people of Victoria, and of the probable adoption of a duty on flour in consequence. The Government of Victoria might indeed place Custom-Houses on the Murray for the prevention of smuggling, but no Ministry would be tolerated in Victoria who placed a tax on the people's bread. (Hear.) But whatever changes were made in fiscal arrangements, he hoped no extra duties would be imposed on tea and sugar. He trusted that the question would be enquired into by a Select Committee as a whole, and with that view he should support its appointment, but not with a view of shelving the question, for he believed if the people of South Australia were polled the next day the majority of their votes would be in favour of free distillation.

Mr. Neales would support the amendment for referring the matter to a Select Committee; but if he did not, he would not go with the mover of the resolution in saying that all restrictions should be removed. He would rather say that the present restrictions should be modified, as he could not come round to the view that all these restrictions should be abolished until he ascertained how their abolition would affect other interests. The action of the House in the matter should be consistent with good legislation. They must either gradually diminish the Customs duties to nothing, as was done in the the case of Corn Laws, or they must remove gradually all restrictions upon distillation. But he was not in favor of either taking off the whole of the duty or of allowing every man with a tin pot to make whisky. This was the French mode of legislation, either nothing or a revolution; but he would advocate a more moderate way of settling the question. He would not even pledge himself to it as a principle, for the question was, whether it was a principle at all? In his opinion it was nothing but a matter of detail relating to the revenue of the country. He hoped, as the last speaker had said, that the Committee would be a bona fide one, to go into the whole question, and come up with such a report as would satisfy all moderate men that they were not going to remove a large and paying portion of the revenue until they could show some fair way of supplying the deficiency. He believed the results of free distillation would disappoint those who were in favor of it; and with respect to the Bill of the hon. member for the Murray (Dr. Wark), he considered it a miserable measure. It might be a move in the right direction; but like some kinds of vegetation, it must be watched for a long time before one could see it coming up. In fact, it was a snail's move. (Laughter.) He would say to the hon. members who would be on the Committee, as he might not be there himself, that they would find one great difficulty to deal with which was not touched upon. If they were to admit sugar at low duties, they would have all the spirits made from sugar. If Mauritius sugar could be had at £14 a ton, distillers here could manufacture spirits from it at 10d. a gallon; so that if they consulted the interests of the tea drinker they would find that he would have to pay a higher price for the sugar he consumed; and if they wanted to have spirits made from wheat, oats, and barley, they must put a high duty upon sugar.

Mr. Strangways thought the Committee should have definite instruction, which it had not at present. Otherwise it it would have a general enquiry, a general report, and nothing done. He could not support the motion of the hon. member for Onkaparinga, though he was in favor of free distillation. Free distillation should be the consequence and not the cause of free trade. If the restrictions on free distillation were abolished he felt confident the results would not equal the anticipations of the hon. member for Onkaparinga, for to distil spirits was a very difficult matter, and in this colony the distillers would have to produce a superior article at a less price than it could be imported for from foreign countries. The hon. member for the City had pointed out that the farmer would derive no benefit from free distillation in consequence of the facility of distillation from sugar, but in the course of a little time the cultivation of the vine would be a most important productive interest in the colony, as the vine plants were nearly destroyed in many of the European countries, and the annual experience of our farmers had shown that we could produce good and wholesome wines at low prices. He confidently believed that the export of wine would in a few years be a most important item in our trade. With respect to one matter which had been alluded to, he thought it the duty of the Government to devise measures of the sort now proposed, and if not he could not see the use of a Government at all. If the House was to devise measures, pass them into laws, and carry them into effect, a Government would be of no use. When a Government had devised a scheme to the purpose, it was quite time to apply to a Select Committee. He should therefore move the previous question.

Mr. Milne said, if the motion was, that all restrictions on free trade should be removed, he would support it. It was said that if the whole colony were polled, the result would be an unanimous decision in favor of free distillation, but he could not shut his eyes to the fact that those farmers who were most clamorous for free distillation wish for it in regard to the products of this colony, at the same time that they wished the present import duties kept up. That he considered going backwards in legislation. Another way of meeting the question was to give free distillation and put a tax upon tea and sugar; but he was against that also, and if the farmer who were most clamorous for free distillation, found that it was only in this way they could obtain it, they too would be dead against free distillation. He would say "Sweep away our present tariff, and then let us have free distillation," and with this view he would support the amendment. He could not help alluding to a remark of the hon. member for East Torrens, in reference to the duty of the Government. That hon. member said the independent members of the House ought to consider it a great privilege that they could introduce measures themselves. He must say it was rather a hardship that hon. members were not provided with means to enable them to do so; for at present, if a member felt it necessary to legislate upon any subject which the Government did not think proper to introduce, he was obliged to go to a lawyer, and have a bill drawn at his own expense.

Mr. Barrow rose to explain. What he said was, that he did not wish hon. members to denude themselves of the privilege of introducing Bills; but he had also alluded with regret to the fact that, in the speech of His Excellency, there was no promise made to deal with the question of distillation. He meant to intimate that it was the duty of Government to introduce a measure, but it was the privilege of members to introduce them also.

Mr. Cole was surprised that the hon. member for Onkaparinga should seek by a mere resolution to destroy a revenue of £50,000 a year. He had heard that hon. gentleman denouncing the folly of legislating by resolution, and now he was doing so himself. He believed that by the adoption of this resolution a great evil would be inflicted upon the colony, for, notwithstanding the observations of hon. members that the cheapening of spirits would not bring about such a result, he believed that it would increase drunkenness. ("No, no.") He believed such would be the case, and he would give one instance of it in the case of Sweden. That country at one time stood high in the scale of Christianity and morality, and that was when distillation was prevented or nearly so. But such was the liberal spirit introduced into the country that distillation was made general; and what was the result? In a few years Sweden became debased. Crimes previously almost unknown made their appearance, and sickness increased. He firmly believed that by allowing distillation we would increase vice and immorality. He also opposed the resolution on the ground that it would inflict a gross injustice on a large portion of the community—the thousands who drank little or no spirits. Should these persons be taxed for the class who indulged in spirits? A few days since hon. members exclaimed against class legislation, and what would this be but legislating for the wine-growers, farmers, and gardeners? The hon. member for East Torrens said, that if South Australia were polled man for man the majority would be found in favor of free distillation, but he begged to differ from that hon. member. It was his province to attend public meetings, and he recollected at one in the district which he represented the question of distillation came up, and the people almost to a man said they wished for free distillation. But he (Mr. Cole) said he had another question to put, and he asked them, "Are you for free distillation if your tobacco and tea and sugar are to be taxed for it?" and the cry was "No." He believed if that question was put the majority of South Australia would be found against free distillation; though it had been made a stalking-horse for hon. members to trot upon. But were the constituencies to be deluded by such a sham, when a Select Committee proved that free distillation would not produce the benefits expected from it? He believed the Committee (which he would vote for) would show that the revenue raised from spirits could not be supplied in any other way without the imposition of taxes which the people would not submit to. One hon. member had spoken of Phil. Dixon, and said that the better way would be to drive out such men, and he quite concurred in this observation. But "Alcohol" was quite as dangerous a character, and as deserving of banishment. He cordially supported the amendment, and as cordially opposed the original motion.

Mr. Dunn said the House had been occupied during the last session upon this question, and the object was then said to be to enable the farmers to convert their grain and produce into beer and spirits; but from his practical knowledge he asserted that if the farmers could bring their grain into the distilleries, it would not pay at the present prices of labor. We could get spirit made from sugar, according to the hon. member for the city, or even doubling the price stated by that hon. member, for less than one half the price we could produce it from grain in the ordinary way. To a great extent also this motion would affect the other colonies, and would therefore require serious consideration, and on this account he would support the amendment.

Mr. Solomon would also support the amendment though

he would make bold to say that he did not disapprove of the resolution before the House but he considered the matter of such importance that he agreed with hon members who had spoken before him, that it required the gravest consideration in Committee It was not a subject which should be viewed as an isolated question, for there were other matters of a similar character connected with it which required consideration at the same time The whole tariff should be considered, and then they would see where to put on duties and where to take them off He concurred in a remark of the hon member, Mr Neales, that the Bill of last session for the relief of the vine-growers did not give them relief and that it was in point of fact a sham He would bear the hon member out in this by calling attention to the only clause of the Bill which appeared to give relief to the vine growers but which did the very contrary [The hon member here read the fifth clause of the Bill] This was merely shutting out the grower from exporting his goods from the colony unless he paid duty (No, no) He contended it was, for there was no drawback allowed As for putting the amount of duty which they took off colonial exports, or the deficiency caused by remitting these duties as a duty on tea and sugar, he trusted the Legislature would never commit so great an injustice against those who did not drink spirits The proper source to go to for taxes was the origin of all wealth, property They should not tax what a man eat or drank, or the clothing he required He trusted the Committee would be prepared to recommend that the whole of the taxes and revenue should be taken from the true source of wealth, the landed property of the colony

Mr Hay had been taken by surprise at finding the hon member (Mr Solomon) propose that all the revenue should be raised from one source alone from the original source of wealth—the landed property of the colony

Mr Solomon explained He had said property, not landed property

Mr Hay would appeal to any member of the House as to whether he had repeated the words as the hon member spoke them (Hear, hear) He was surprised to hear any hon member take such a one-sided view of the mode of raising the revenue of the colony, but he was prepared to give the hon member (Mr Solomon) the benefit of the mistake, and to suppose that he had said from property generally But the hon member and other hon members had put forward a proposition that the Custom House should be done away with and that all the revenue should be derived from internal sources That would be placing a direct tax on our own productions, and allowing foreigners to introduce theirs free of all taxation If we did away with the Custom-House the revenue must be raised from those engaged in producing articles, either for home consumption or for exportation from the colony The vine-growers, who were benefiting the colony by raising articles of export, were to be taxed to raise revenue for the general purposes of the colony, but the vine growers of New South Wales or of France were to be allowed to make as much wine as they liked to bring it into the colony, and sell it at a profit of 50 or 100 per cent , whilst our own growers were prohibited from these advantages There was no more legitimate source of taxation than imports, and if we did away with duties on them we must raise our revenue from the producers of the colony Who else was there to tax except the owners of large properties, and an income-tax in England was found a most objectionable mode of raising revenue The hon member (Mr Cole) had said that those who did not consume spirits ought not to be taxed for those who did, but if they looked at the case as it stood at present it was the consumers of spirits who were taxed for those who did not consume them

Mr Cole explained What he said was, that it would be unjust that the large portion of the community who did not consume spirits or wine should be made to pay in the shape of the duties proposed to be raised upon tea and sugar

Mr Hay said the hon member had repeated the words just as he (Mr Hay) understood them, but those who asked that the restrictions on distillation should be abolished did not ask that the duties should be imposed on other articles They were willing to pay their share of the public burthens with the rest of the community, but they asked that whilst they were growing grain or produce they might be allowed to do so like those engaged in growing wool or raising copper from the bowels of the earth, without restriction It was not a question of raising revenue from spirits or other articles, but of raising it from colonial productions or imports It would be better that the distillation law should be repealed altogether, and that the revenue be raised from such articles as were generally used in the colony It was not fair that the revenue should be raised from articles consumed only by one class If they could find an article of luxury they might tax it, but even if a duty were to be put on sugar or tea, it would be better than on articles which could be raised in the colony It was said they should not put a tax on the poor man's tea or sugar , but they were doing so by restricting the demand for labor, so that hundreds who might now be employed in vine-growing and in various occupations connected with distilling, were at present out of employment He was still more in favor of the Select Committee when he found from the Customs returns that between 4,000*l* and 5,000*l* was raised from the duty on corn sacks, whilst wool bags and ore bags came in free

MESSAGE FROM HIS EXCELLENCY

At this stage of the proceedings a message was announced from His Excellency the Governor, and the messenger was introduced

The Speaker announced that His Excellency had sent down a Bill entitled "A Bill to provide for Assessment on Stock "

The Attorney-General moved that the Bill be read a first time but following out the suggestion of the hon member, Mr Barrow, he thought that as this Bill, although a public measure, affected private interests, it would be only fair to allow the class whom it affected an opportunity of being heard in reference to it before a Select Committee He should therefore, on the day for which the second reading should be made an Order of the Day, move that the Bill be referred to a Select Committee He now moved that the Bill be read a first time and that the second reading be an Order of the Day for that day week

The motion was agreed to

DEBATE ON DISTILLATION (Resumed)

Mr Rogers supported the amendment, feeling certain the Committee would find means of raising any deficiency in the revenue A great deal had been said about this deficiency, but they should devise means for extending our trade and commerce, not merely for home consumption, but in order that we might become sellers instead of buyers He quite agreed with the hon member for Onkaparinga that the restrictions on distillation should be removed

Mr Hart would rather have something definite to lay before a Committee, when they appointed one The amendment was not such as he liked to see It said "if it be decided,' but it was not decided, and so he could not see how they were to refer it to the Committee He would approve of the course taken by the mover of the resolution if that hon gentleman had made a statement that the measure was to be passed upon free trade principles Then he could go with the resolution, but the hon member had not said anything of the kind He believed that many hon members knew that it would be only losing time to appoint the Committee if it was proposed to act upon free trade principles, as the agriculturist would take no advantage of the measure, for it would be impossible for them without protection to distil spirits from the produce of their farms, and therefore they would not attempt it Hon members spoke of distilling for exportation, but what protection would be required for that purpose Practical men knew that without protection, free distillation was a humbug and a delusion The hon member for Gumeracha said that imports were the proper sources of taxation, and he agreed with that hon gentleman If we were to have free distillation on free trade principles, he would support it He would be quite willing to tax French brandy at 10 per cent , but not higher nor would he tax that or any other article to give protection to our agriculturists Although our brewers paid no duty, they brewed from imported malt and sugar, paying duty upon them There was not one bushel of home-grown malt used in a dozen barrels of our beer , and there were three bags of sugar used for every bushel of malt That showed that we were not in a position to compete with countries which had articles which were of no use except for distillation for from the refuse of sugar beer could be made for 10d to 1s per gallon Could the agriculturist distil from the produce of his farm in South Australia on such terms as these? We had a very small protective duty on wine—only 10 per cent —and yet the people here could compete with foreigners in wine, because it was an article which our peculiar soil and climate produced better than almost any country in the world He believed that we would shortly produce not only as much wine as we could consume but also a large quantity for other markets, and these facts proved that the position of the agriculturist was not such as the hon mover of the resolution would make it appear If we had free distillation on free trade principles, we need not provide for the tariff for more than a year or two, for there would be no distillation, and so we could go back to the old system If we had free distillation, we should put duties on the articles consumed by the poor man, with seven or eight children, and who could not afford to drink grog He should either put a duty on tea or sugar, for it was £60,000 we had to raise , and we could not do with less revenue than we had at present, taking into account what we owe and what we require to borrow He believed the majority of the House, if in favor of free distillation at all, were in favor of it on free trade principles

Mr Young supported the original motion, though he would not consider himself warranted in doing so, but that the matter had been so fully discussed on previous occasions He thought the Government should lay a measure on the table, or offer some excuse for not doing so

Mr Reynolds (having just entered the House, and having heard the amendment read aloud by the Clerk) said this was a most important question and one upon which, if the Government ever had a policy, they should have one As to free distillation, his views had not undergone the least change His own opinions on the matter would probably be more in accordance with those of the hon member for West Torrens (Mr Cole) than with those of any other hon gentleman , but he should not give expression to his private views, as he felt that he should look upon this question more as a political

economist than as a temperance advocate or a temperance man (Laughter) The subject had been warmly debated during the last session, the discussion lasting through three days All the pros and cons had been advanced, and the House solemnly came to a decision upon the subject Yet they did not find the Government dealing with the matter in accordance with the decision of the House No, they came down there hoping the House would assist them in their difficulty, because they were not capable of dealing with it themselves (Laughter from the Ministerial benches) The hon the Attorney-General moved—(Cries of "The Treasurer," and laughter)—Well, the hon the Treasurer moved, and the hon the Attorney-General endorsed it, that the Government were unfit to deal with this question The hon the Treasurer moved this amendment, and perhaps there was no fitter person, as that hon member had asked him (Mr Reynolds) to assist him in a plan of taxation, as he was not competent himself to prepare it But after the House had come to a solemn conclusion as to what they should do in this matter, they found the Government setting at defiance the resolution of the House, and after the long recess of seven months asking for a Select Committee to assist them What would be thought of a Chancellor of the Exchequer in England acting in this manner? Would the Ministry to which he belonged last three days? He could not imagine why, but they were it seemed to tolerate everything the present Ministry did Either the House had done wrong last session, or the Government had not gone far enough on this occasion When Dr Wark's Bill was brought in, it was understood to be a temporary measure, and it was also understood that the Government would do something more, but it appeared now that the Government were too idle or too indifferent to do what they were paid for Yet nothing was to disturb these hon gentlemen in their seats (Loud laughter from the Attorney-General) The hon the Attorney-General might laugh and he (Mr Reynolds) could not but admire the hon gentleman's tactics, as he had always done When the question of the Select Committee became a substantive motion, he hoped some hon member would move the previous question

Mr HARVEY thought we should have free distillation as far as possible, but the time was not come when we could have it to the extent the hon member for Onkaparinga desired He also thought it the duty of the Government to take up a question of this kind The principle of the Act of last session was much better than such a sweeping measure as that now proposed He was not willing to risk £60,000 by voting for the motion but the Select Committee would shelve the question He would rather vote for the previous question

The COMMISSIONER OF PUBLIC WORKS would be very happy to assist in the amendment of Dr Wark's Bill, when the evils of that measure were clearly known but he was not one of those who either in Dr Wark's Bill, or in the Constitution Act, or any other measure, was desirous of making amendments until he knew where they were required A reference had been made by the hon member for Onkaparinga to certain statements of his as reported in the *Register* and *Observer* He might take exception to that report, as the reports were very much condensed at the time (and he thought that hon members should have a faithful record of their speeches), but he did not take exception to the report referred to On looking over it, he believed it represented fairly what he said, but there was nothing inconsistent with that speech in his supporting the motion for a Select Committee He believed that nothing could be more easy than to reform the tariff It should be referred to a Select Committee, and if it was, such an absurdity as that of the cornsacks and wool bags would not be allowed to exist, a matter which he thought every hon member would agree with him should be abolished He hoped the enquiry would be a searching one, and he believed every member of the Committee, the House, and the country, would benefit by its labors

Mr SHANNON had no objection to the appointment of a Select Committee, thinking it advisable that the House should have all the information which it was in their power to obtain upon a question of such magnitude, before they finally decided upon it At the same time if he had any idea that referring the matter to a Select Committee would have the effect of shelving it, he should certainly oppose such a course He was of opinion that the distillation laws required great modification He did not say abolish all the restriction, but he was of opinion that some modification would materially benefit the colony at large He believed it would be most injurious to allow every person who wished to distil, the privilege of so doing, but the restrictions which he would propose upon distillers would be that they should be licensed, though not too heavily Under the present system, large sums were taken from the colony to its detriment for supplies which might readily be raised here It would be decidedly impolitic to cast any obstacles in the way of turning to the best account anything which the colony could produce By doing so, they would injure the producers of grain, and compel the colonists to obtain their supplies from a foreign market Vast sums of money were sent away annually for the importation of spirits, and he believed this amount could be very materially reduced He did not believe that the course which he suggested would lead to intemperance At the present time almost every person who wished to indulge in strong drinks could do so, but if they were rendered cheaper, it would be considered disgraceful for any person to be seen in a state of intoxication It might now be said by some that it was a mark of respect to be seen drunk, in consequence of the amount which it was requisite to expend to reduce a man to a state of inebriety (Laughter) He had a better opinion of the community than to suppose that by cheapening the price of spirits intoxication would be rendered more prevalent Brewers were allowed to carry on their operations without any material restrictions, and the colony had never suffered by this indulgence being allowed He thought that distillers should be placed on the same footing as brewers except that he would not allow them to distil from sugar unless it were grown in the colony The principal objection to the motion appeared to be the loss of revenue which would arise, but if the present import duties on spirits were continued the loss would not be very severely felt This might be called protection, but it was protection from without, and not merely the protection of one class at the expense of another The more producers there were the better for the colony, and the more each man produced the better it was for the colony He believed the loss to the revenue would not be material for years to come, but supposing that the revenue should fall something short, a very equitable mode might be devised of meeting the difficulty, namely, from the fund devoted to the purposes of immigration, without in any way interfering with the best interests of the colony

Mr TOWNSEND briefly replied in justification of having brought forward the motion He wished the hon member for the Light had been in his place, that hon gentleman having taunted him with having travelled too near the sun—too near the Government benches, but he begged to state that was not the case He once saw the hon member for the Light on the Government benches looking so truly miserable, that if he (Mr Townsend) had ever had any wish to occupy such a position, the sight of the hon member would certainly have done away with it (Laughter) The hon member said something about the sweets of office, but that he had never tasted them, and he certainly looked as if he never had (Laughter) Last session they had three days' discussion upon the question of distillation, and the Attorney-General and the Treasurer brought forward a resolution in which they embodied the resolution of Mr Waterhouse, with the addition that it should take effect after it had been proclaimed in the *Government Gazette* The hon gentlemen now said that they did that because they saw that a majority of the House were in favour of such a proposition Did he understand (addressing the Ministerial benches) that the morality of statesmen was so low

The SPEAKER—The hon member will address the members of the Government through the Speaker

Mr TOWNSEND would then address the hon gentlemen through the Speaker He would address the Commissioner of Public Works and ask if the morality of statesmen was so low that the Commissioner of Public Works, the Attorney-General, and the Treasurer would do one thing one session and not another? (Laughter from the Government benches) When they solemnly assented to the resolution of the previous session did they believe it? If they did, why not give effect to it last session, and if they did not it was clear they had assented to what they did not believe simply to keep their places He would leave the hon member (Mr Glyde) with one remark That hon member had stated that Dr Kelly thought Dr Wark's Bill would meet all requirements Now, he believed that Dr Wark's Bill would meet the requirements of the large vinegrowers, but not of the bulk of the agriculturists He was at a loss to imagine how hon members would vote for referring the matter to a Select Committee, without first affirming the resolution in favor of free distillation He should divide the House upon the free distillation point, and of course the Select Committee could then determine how the revenue should be made up In reference to the address to His Excellency, in reply to His Excellency's speech, he certainly understood the Attorney-General to state, when the address was before the House, that it would be a graceful act to His Excellency to pass it without comment, as it was a mere echo of the speech, He did not understand that the address committed those who voted for it to any principle

The SPEAKER was about to put the amendment, when

Mr PEAKE rose for the purpose of proposing an addition to the amendment, in the following words —"But that, in the opinion of this House, it is the duty of the Ministry to prepare a scheme of finance calculated to maintain unimpaired the revenue of this colony in case of free distillation being allowed, and that such scheme be submitted by the Government to the above-named Committee. He wished to place on record his ideas of the responsibility of the Executive of every responsible Government He did not believe that any question involving such serious consequence was ever submitted to a Select Committee When Sir Robert Peel proposed the abolition of the corn laws or the abrogation of the navigation laws, which so vitally affected the question of finance, did he propose to refer the questions to a Select Committee of the House of Commons? Did he propose to bundle a lot of papers and statistics over to a Committee and say, make the best of them The sooner the House declared its opinion of such a course of action the better The whole

question of taxation would have to be considered by the Committee, and the result he had no hesitation in saying would be that the Chairman after making numerous ineffectual attempts to get the Committee together would have to come to that House and say that he could get them to do nothing He could not allow the Committee to be appointed without requiring the Government, so far as he was personally concerned to take action, and lay a scheme before the Committee, who would then have some definite course indicated, but he did not think the Committee should be appointed without instructions from that House to the Executive, such as he had indicated in the addition to the amendment which he had proposed He had been taunted with indulging in abstract principles and propositions, but in the course of the debate even the Attorney-General had been driven to the use of the term "abstract proposition" in reference to the motion It was an abstract proposition, a truism from which there would be no dissentient, if all the circumstances of the colony were favorable to free distillation The hon mover, in introducing the motion, stated that he thought there should be free trade throughout, yet, at the very commencement, he invoked the demon protection in the shape of an eight shilling duty It was to be a graduated protection, and he supposed would be swept away some time or other He hoped the colony of South Australia would never shelter itself behind the rotten old wall of protection The day unquestionably must come when free distillation must be granted They would so surely be obliged to adopt that system for the purpose of saving the agriculturists, as they had been to adopt boiling down for the purpose of saving sheepfarmers and stockholders It would be absolutely essential to adopt it for the purpose of finding a vent for the surplus produce of their vineyards and cornfields, and a prudent Parliament would endeavor to anticipate this by making all proper fiscal arrangements before the evil day came He did not care whether free distillation would pay or not but he contended it was the duty of the Government to prepare for the future Let the Government prepare some financial scheme, so that the minds of the Committee might be directed to some particular policy upon which they could improve, and report to that House upon a question which was second in importance to none

Mr HUGHES seconded the amendment amidst cries of "Divide, divide"

Mr Peake's amendment, or addition to the amendment of the Treasurer, was carried, and a Committee was appointed consisting of Messrs Barrow, Burford, Blyth, Townsend, Milne, and the Treasurer, to report that day three weeks

INCORPORATED INSTITUTIONS BILL

The SPEAKER announced that he had received from the Legislative Council "The Incorporated Institutions Bill" as passed by the Council, who desired the concurrence of the Assembly

On the motion of the ATTORNEY GENERAL, the Bill was read a first time, and the second reading was made an Order of the Day for 30th instant

THE REGISTRATIONS BILL

The SPEAKER announced that the Legislative Council had returned this Bill with amendments

Upon the motion of the ATTORNEY-GENERAL it was resolved that the amendments should be taken into consideration on Tuesday next

MONTHLY STEAM POSTAL COMMUNICATION

The Attorney-General laid on the table additional papers relative to monthly steam postal communication, being copies of despatches from and to His Excellency the Governor, the Governments of the neighbouring colonies, &c

Ordered to be printed

THE ESTIMATES

The TREASURER having ascertained that it was the wish of hon members that the Estimates should be brought under notice at an early period on the following day gave notice that he would then move the first three notices on the paper be not considered till after 4 and 5

ORDERS OF THE DAY

On the motion of Mr MILDRED, the Orders of the Day were postponed till Friday next

COLONIAL DEFENCES

On the motion of the COMMISSIONER OF PUBLIC WORKS, the notice of motion in the name of Captain Hart, was postponed till the following day —

"That a Select Committee be appointed to take evidence and report on the question of Colonial Defences, and that the papers now on the table upon that important subject be referred to such Committee"

EAST TORRENS DISTRICT COUNCIL

The motion in the name of Mr MILDRED was postponed till the 29th instant —

"That a copy of all correspondence between the Government and the East Torrens District Council be laid upon the table of this House"

THE TELEGRAPH

The papers asked for in the following notice of motion by Mr BARROW, had been laid upon the table by the Attorney-General in the early part of the day —

"That there be laid on the table of this House a return of the number of messages respectively received at and despatched from the Adelaide Station of the South Australian and Victorian Telegraph, during the first six weeks of its operation—distinguishing official messages, press messages and ordinary messages, with a statement of the amounts of money received or receivable on account of such messages respectively"

RAILWAY STATION

Mr MILNE amended the motion standing in his name —

"That, in the opinion of this House, it is desirable to afford increased facilities to the country settlers and more particularly to those in the neighborhood of the Sheaoak Log, by placing the Railway Station on the Government land instead of on section 70, as now proposed, and that a Government township should be laid out there, in order to cover the extra cost in constructing the railway, caused by such alteration of the site of the station"

The substitution was "That the petition from the inhabitants of Nuriootpa and the surrounding districts in reference to the site of a railway station between Gawler Town and Section 112, be referred to the Committee upon Railway Management, with instructions to report upon the site most conducive to the public interests"

Carried

CONVEYANCE OF MAILS

The ATTORNEY-GENERAL said he had in the early part of the day laid on the table the information asked for in the following notice by Mr Bagot —

"That he will ask the Hon the Treasurer (Mr Finniss) whether any steps have been taken with respect to the contract for the conveyance of the mails between England and this country, and will move—'That an address be presented to His Excellency the Governor-in-Chief, requesting him to lay any papers and despatches relating thereto on the table of the House.'"

ABORIGINES

Upon the motion of Mr MILNE, the petition presented by him from the Aborigines' Friends' Committee was ordered to be printed

ABORIGINAL RESERVES

Mr MILNE moved—

"That there be laid on the table of this House a return showing the amount of revenue received by Government from Aboriginal Reserves during the last three years, ending June 30, 1858, also, the amount expended on account of the aborigines during the same period"

Carried

LANDS TITLES OFFICE

Mr STRANGWAYS brought forward the notice in his name—

"That he will ask the Honorable the Attorney General (Mr Hanson) whether he has made any enquiry as to whether or not the private law business of any individual has been transacted in the Lands Titles Registration Office at the public expense, and the result of such enquiry? Whether the solicitors to that establishment have yet retired from their private practice, and, if not, when they will be required to do so?"

The Attorney-General had made enquiries and had been informed that no private law business had been conducted in the Lands Titles Office at the public expense He was not aware whether the solicitors connected with the department had yet retired from their private practice, but they would be compelled to do so as soon as the House had agreed to their salaries

MOUNT GAMBIER

On the motion of Mr HAWKER, the petition presented by him from the settlers in the neighborhood of Mount Gambier, Penola, &c, was ordered to be printed

WESTERN AUSTRALIA

The ATTORNEY-GENERAL stated that the following question on the Notice-Paper in the name of Mr Duffield, had been answered in the early part of the day —

"That it appearing from the police reports of the 11th and 12th August last, that John Smith *alias* Phil Dixon, a convicted felon, had been sent to this colony free by the Western Australian Government, he will ask the Hon the Attorney-General (Mr Hanson) if the Government have taken, or intend to take, any steps to inquire into the circumstances which led to this step on the part of that Government, and will move that all papers or despatches on this subject be laid upon the table of this House"

The House adjourned at 25 minutes past 5 o'clock till 1 o'clock on the following day

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THURSDAY, SEPTEMBER 23

The SPEAKER took the chair shortly after 1 o'clock

KAPUNDA RAILROAD

The COMMISSIONER OF PUBLIC WORKS, as Chairman of the Committee upon the Kapunda Railway Bill, brought up the report of the Committee, with minutes of evidence, &c The Committee stated that they had gone carefully through the evidence, and had given very careful consideration to the Gawler Town Railway Extension Bill, which they approved,

They recommended, however, that there be no further extension beyond that in the Bill before Parliament until after there had been a careful survey, and that any extension from Kapunda northward should be by the Valley of the Gilbert

The report was ordered to be printed, and the map which accompanied it lithographed

LANDS TITLES OFFICE

Mr Strangways gave notice that on the following day he should ask the the Attorney-General whether he had made any enquiries into the circumstances mentioned in a letter signed "Alfred Atkinson," which he had handed the hon gentleman, relative to the transaction of private business at the Lands Titles Office

PRIVILEGE

Mr Reynolds wished before the business of the day was called on, to ask the hon the Speaker a question upon a matter of privilege He wished to know whether the privileges of that House would permit him to refer to what had taken place in the other, or Upper House—a statement having been made by the Chief Secretary in the other branch of the Legislature reflecting upon his (Mr Reynolds's) veracity He wished to know if he was at liberty to enter into an explanation upon the subject

The Speaker said the hon member was not at liberty to enter into an explanation, the only occasions upon which hon members were at liberty to refer to what had taken place in the other House, being when reports of Committees had been published Reference might then be made to them, although the reports of such Committees had not been communicated to the Lower House

Mr Reynolds asked if the hon the Speaker could direct him how he should meet the allegations?

The Speaker could not, and the matter dropped

THE AGENT GENERAL

The Treasurer laid upon the table copy of correspondence relative to the appointment of an Agent-General in England He stated when the Estimates were being discussed that he would lay this correspondence on the table of the House It contained instructions to the new Agent General, and when the next mail arrived he expected to hear that the appointment of the Agent-General had been completed, that is, that the necessary steps to complete the appointment had been taken in England As soon as he had intelligence to this effect he would lay it upon the table of the House The instructions which he now placed upon the table were supplementary to those which he had previously laid before the House, and they were now completed

They were ordered to be printed

SUPPLEMENTARY ESTIMATES

The Treasurer had intimated on the previous day that he would move the postponement of the first three Orders of the Day, in order that the Supplementary Estimates might be considered With respect to the Bills of Exchange Bill, he begged to move its postponement till Thursday next

Carried

DISTRICT COUNCILS BILL

Upon the motion of the Commissioner of Public Works, the consideration of this Bill was postponed till Thursday next

CUSTOMS ACT AMENDMENT BILL

Upon the motion of the Treasurer, this Bill was read a third time and passed

Mr Strangways was desirous of moving an amendment upon this Bill, but was informed that he was too late

SUPPLEMENTARY ESTIMATES

The Treasurer reminded the House that they had proceeded through the public works items so far as that of 4,000*l* for the South Australian Institute, reserving several items in reference to the Government House and furniture. He proposed in the first instance to discuss the item of 4,000*l* for the South Australian Institute, and then to ask the House to complete the public works department by recurring to those items which had been postponed He begged to move the item "South Australian Institute (first instalment), 4,000*l*

Mr Milne would like to ask the Government whether they had taken into consideration the propriety of devoting the building in which they were then assembled to the purposes of an Institute, and erecting new Houses of Parliament

The Commissioner of Public Works stated in reply to the hon member that the Government had taken the question into consideration but found that the building had cost a good deal more than one which would accommodate the South Australian Institute, and the erection of new Houses of Parliament would, of course, involve a very large expenditure It would be well for the information of some hon members that he should give the history of this vote The Governors of the South Australian Institute applied to the Government to introduce a Bill to enable them to borrow 4,000*l* for the purpose of erecting an Institute The Government felt that to introduce such a Bill would be pledging their credit for a small amount, and thought that they might effect the object in view by placing a sum upon the Estimates for the amount or nearly the amount required He might mention that the whole sum which would be required would, he believed be 5000*l*, certainly not more This would explain the remark which appeared against the item "first instalment" The Government had no objection to those words being struck out The building would be subject to the approval of the Governors of the Institute, and he need hardly remind the House of the great number of petitions which had been presented on behalf of this vote, which involved not merely a city or a county question, but a national one, and he, therefore, hoped the House would assent to the vote

Mr Reynolds hoped the Government would postpone this item, as it appeared that no plans or estimates had been prepared, and nothing would be gained by passing it at the present time In fact a great deal might be lost He should feel bound to oppose the vote unless the Government would consent to postpone it until the plans and estimates were on the table of the House The House really did not know what they would be voting, what kind of building would be erected, or in fact anything about the matter It would be much better, under such circumstances, that it should remain in abeyance until the House had something before them to guide them, in addition to which it had been determined that no money for public buildings should be voted until plans and specifications had been prepared, and had been laid before the House If the item were postponed, it would probably cause the Colonial Architect to be a little more alive, they would very quickly have the plans and estimates prepared, and then the Government would be enabled to go to work at once If the money were voted at that moment without any plans or estimates, it was quite possible that it might be 12 months before the work was commenced ("No, no," from the Commissioner of Public Works) He was quite sure that if the hon gentleman really wished the Institute to have a building, he could not do better than support the proposition that they should have plans and specifications before the money was voted, and know what sort of a building they were going to have It was very unwise of the Government to bring forward this vote without plans and estimates, after the time which they had had to prepare them

Dr Wark should vote against this item even though he stood alone He did not want to discourage such institutions, but on the contrary he would encourage every institution which was for the advancement of education either for the young or old, but he must oppose giving away £4,000 in so blind a manner as that which was now proposed He thought the discussion which took place the other day would effectually have prevented the Government from bringing forward such items without plans and estimates He never dreamt that the Government would dare to pursue such a course, after the sense of the House had been so fully taken, as to bring forward this or any other item for a public building without plans and estimates When once the Government got in the edge of the wedge, they took care to drive it home tight It was time the House paused, and if the Ministry would not receive the hints which had been given them in reference to the expenditure of the public funds, the members of that House should oblige them to receive them As for this particular item of £4,000 for the erection of an Institute in this city, he should have no objection to support the item if the citizens would do as they had always done in similar cases, and act in a corresponding spirit of liberality It was said that this Institute was for adults, but for the youth, whose education was of paramount importance, the people had to help themselves And why not in this case also? It was monstrous that here, in the centre of the colony, where people could best afford to maintain such an Institute, the House should be asked to vote a blind £4,000 as an instalment, although it had not been shown that the people had done anything towards the work themselves. Could they do nothing? Were they always to be in leading-strings? Why not subscribe a certain sum, and then ask the House to contribute a similar amount? When they had done that it would be high time to consider the question A few days ago it would be remembered that he presented a petition from the Magill Mechanics' Institute, praying that the amount granted to them might be supplemented, but in that case he shewed that the people had subscribed £225, and that the only sum they had received from Government had been £50 In such cases there were good grounds for coming to that House for relief, but there were none where the people had subscribed nothing Let the people of Adelaide take a manly stand, and only ask for a similar amount to that which they subscribed The people of Adelaide were in a position to help themselves, and let them do so The country people were widely scattered, and could not have the benefit of these noble institutions, yet they were compelled to subscribe towards them before they could get assistance from the Government The principle which he had advocated was introduced in the District Councils Act, and he could not see why it should not be made applicable to such cases as the present Let the amount voted to that House be in accordance with the sum subscribed by the people That principle should be extended to the centre as well as to the circumference, and he believed it to be a libel upon the citizens of Adelaide to say that they would not contribute

Mr Peake wished to ask the Government where the building was to be erected. He thought it most desirable that the House should have the plans and estimates before them, before they voted the money With respect to these institu-

tions, and the formation of public libraries and museums, he thought they were the best landmarks of modern civilisation, and he should support them But it had been stated that the building in which they were assembled was to be given over to the South Australian Institute That had been distinctly understood under a former Ministry, and he consequently felt some hesitation in reference to this vote, because if that building were to be handed over to the Institute it would be folly to expend £4,000 upon a new building He heard that White's room was not sufficiently large for the Institute, and if so, what earthly use would there be in voting £4,000 for such a room as could be erected for that sum, as he was informed that White's room cost £10,000 (No, no) If it were intended that there should merely be the four walls, without museum or any appurtenances, they would certainly have a building which would be a credit to South Australia, as square as a brick, and not quite so upright (Laughter) As the House had already intimated that the building in which they were assembled, would be handed over to the Institute, he really thought that the Institute mighht wait, or that rooms might be rented for it until the new Houses of Parliament had been erected He believed that action would have to be taken in reference to the new Houses of Parliament, for he felt that the dignity of the other branch of the Legislature must be hurt by being closeted in such a miserable little place as it was at present. The present building would prove a most valuable and useful place for an Institute, but was scarcely adequate for the Houses of Parliament The public would, he was assured, be served by a postponement of the vote, and he did not think that science would suffer by the delay

Mr Lindsay did not like to see the thin end of the wedge got in, and would prefer, before voting this amount, to see plans and specifications of the building which it was proposed to erect If they voted the first instalment, it was impossible to say what further sums they might be called upon to vote He would suggest that the item should either be postponed or struck out altogether

The Treasurer perceived that many members hesitated about passing this vote, and was sorry that it was so, because the desire of the Government was to proceed as early as possible with the building He was quite sure that those hon members who were at present opposed to the vote would ultimately be in favor of it The opposition at present appeared to arise from the absence of plans and specifications rather than to the principle of the vote He had no desire that the House should press the vote on the present occasion seeing that there would be an opportunity when the other Estimates were brought forward of placing it on them He would ask the House to be allowed to withdraw the vote and in the interim would see that plans and specifications were prepared

The Chairman stated that the vote should be struck out of the Supplementary Estimates and be introduced in those for the current year

This course was pursued, the motion that the vote be struck out being carried

Mr Neales believed the House was quite determined that there should be an Institute, and that the building should contain the necessary accommodation It would be much more advisable that the vote should be struck out of the Supplementary Estimates, and that it should be placed on the Estimates for the current year This would not at all impede the building, as the necessary plans and specifications could be proceeded with There was an objection to vote even a sum of £100 in a blind way, that is without plans and specifications

Mr Mildred was not aware that the wish of the Treasurer had been to strike out the item He (Mr Mildred) had wished to add the words "pending plans and specifications being prepared" He would rather see that course adopted, as it was desirable it should be recorded that when sufficient information had been given the House would vote a sum sufficient to carry out this national undertaking He did not look upon this question in the light of the hon member for the Murray They were not going to appropriate money specially for the benefit of the people of Adelaide, but for the whole colony, by collecting literature, models of machinery, philosophical apparatus, &c It was a national institution, and not merely one for the city He need hardly refer to the feeling manifested by the people, as out of the fifteen institutions in the country fourteen had petitioned the House to carry out this measure, which had been so long in abeyance, but in favor of which the feeling of the country had been so strongly shown He hoped if there could be that there would be some arrangement by which the item would be allowed to stand upon the Estimates, and subject to the approval of the House when plans and specifications had been prepared Allusions had been made to the want of support on the part of the public, but he need merely refer to the number of subscribers and to the number of books of which the Institute could boast, which were not merely for the use of the residents of the city, but were disseminated far and wide As the representatives of the people he was deeply anxious that they should pursue such a course as would meet the wishes of the public

Mr Milne would be sorry if the Government were to understand that the opposition was merely in consequence of the absence of plans and specifications He wished the Government would reconsider the question feeling quite sure that the sum of £5,000 which had been alluded to would be found only adequate for the Institution alone, that is for the reading-room and library, but to provide a museum, a much larger and more expensive building would be required. Although that House cost more than £5,000 he thought they ought to look forward to the time when the new Houses of Parliament would be erected The most prudent course would he believed be to postpone the item and allow the Institution to wait for a time

Mr Glyde, as one of the Governors of the South Australian Institute, would offer a few remarks He hoped the Treasurer would not withdraw the item, but merely postpone it for the production of plans The Governors of the South Australian Institute, finding the accommodations which they possessed entirely inadequate, although £500 a year had been voted by the Legislature for a suitable building, but they found it quite impossible to find any building which had the accommodations they required They made temporary arrangements with the landlord of the building in which the Institute was at present held, and secured three small rooms, but still they had no room for the books, and were obliged to decline many offers of specimens, &c, in connection with natural history, which would have gone far to establish a National Museum The Governors of the Institute in such circumstances felt that they would be failing in their duty if they did not apply to the Government to assist them in obtaining better accommodation It was suggested at first that a Bill should be introduced to enable the Governors to raise £4,000 on bonds, but it was thought unadvisable to introduce a Bill for so small an amount and the Government consented to put the sum under discussion upon the Estimates That item now came before him as one of the representatives of the people, and he saw no reason that he should not support it He thought the city was entitled to such a building as it was posed to erect. There were 16 country institutes, or rather one had died a natural death, and 14 out of 15 had petitioned the House to assent to the vote Each petition was accompanied by a memorial from the Secretary of the Institution, stating that a very much larger number of signatures could have been obtained had there been more time These memorials were signed by all classes and conditions of men With regard to the proposition that the buildings in which they were then assembled should be handed over to the South Australian Institute, he was afraid that hon members had not calculated the time during which the South Australian Institute must suffer, independently of which he doubted if the buildings were at all eligible for the South Australian Institute The largest room in the building was that in which they were assembled, but it was certainly not large enough for the requirements of the Institution He questioned if it would hold more than 200 persons, but the Institute required a building which would hold at least 1,000 The soirees and lectures in connection with the Institution were remarkably well attended On the previous night there were between 800 and 900 persons present, and that was not more than an average attendance The Governors of the Institution had had under consideration whether they should ask a sufficient sum for the erection of a large room, or whether they should be content to hire White's rooms for their entertainment It was absolutely essential that they should have a library for the preservation of books and a reading-room, because the library in connection with the Institution was a circulating library, consequently it would not do to have the library and reading-room in one, and they required a large room for a museum, with three or four smaller rooms for class-rooms and committees It was their intention when they had got a suitable building to establish classes for the improvement and further education of children of a larger growth The hon member for the Murray had said that the people of Adelaide had not supported this Institution, and that, therefore, the Government should not but there were upwards of 600 subscribers who contributed £1 per annum each, and the number of volumes approached 9,000 The number of readers averaged 40 or 50 and even at present there were not sufficient accommodations for them, so that he hoped the House would not hesitate in passing the vote of £4 000 He believed with the Commissioner of Public Works that £5 000 would be sufficient

Mr Strangways was glad that the vote had been withdrawn or struck out or he should have opposed it The hon member for East Torrens had stated that the country institutions would derive great benefit from the passing of this vote, and if the hon member as a Governor of the South Australian Institute, could have pointed out how the country institutions would have benefited there would have been a much larger claim on the country members to support the present vote But nothing of the kind had been shown A sum of £4,000 had been voted for a Registry-Office which it had been stated would be utterly useless for several years

Mr Hughes rose to ask if there was any question before the House

The Chairman said there was not, the item had been struck out

GOVERNMENT HOUSE

The Treasurer reminded the House that some items relating to Government-House and furniture for that building had been postponed but since that time returns had been prepared to enable hon members to understand the expenditure

which had been incurred over a series of years. Vouchers had also been placed before the House—in fact every information had been offered which it was in the power of the Government to give. He would ask the House to enable him to close the votes for public works by proceeding with the items which had been postponed, the first of which was "Painting, papering and decorating Government House, £1000."

The TREASURER explained that this item had been already expended, and the work paid for.

Mr PEAKE wished to know whether the returns to 2nd September, 1858, embraced this item. Was the money expended?

The TREASURER said the returns before the House shewed the amount actually expended, but not the amount of liabilities incurred. The amount incurred was included in this vote. In reference to another item, he might also remark that an order had been sent for furniture, the plan of the rooms had been sent home, and the plans and descriptions of the furniture required. Nearly all the furniture had arrived, but it had not been paid for. Some portion of the furniture had not arrived, and the Government could not estimate the cost of it because they had not yet got the invoice; they had merely made a rough estimate.

Mr HUGHES wished the hon. gentleman to explain whether the sum asked for had been actually expended, or whether the amount asked for was a reserve fund to meet invoices which might arrive. He really did not understand what was included in the paper No. 55, which had been laid before the House. He regretted that no returns had been laid upon the table of the House showing the expenditure upon Government House previous to 1850, because as hon. members were aware Government House was built long anterior to 1850, and he regretted that the information which had been asked for in reference to its cost had not been placed before hon. members. It was true that some vouchers had been placed before the House, but how could hon. members examine them and hit upon the precise document they required? A great principle was involved in the present vote, and as there was really no information before the House, for no information had been given, in reference to the plans of furniture, or as to whether the quantity ordered had been limited to the vote of the House. He thought the whole question should be referred to a Select Committee to report upon. The House was really in no better position, so far as information was concerned, than when the question was last before it. The House should assert its functions, and rigidly examine the various items.

Mr REYNOLDS was sorry to trouble the House, but he understood the item under discussion to be for painting and decorating Government House. In June last he was aware that 600*l.* out of the 1,000*l.* had been expended. He wished to know how it was that the Government now asked for 400*l.* more.

The COMMISSIONER OF PUBLIC WORKS said that the amount expended through the Colonial Architect's department was 716*l.*, but that did not include the cost of paper-hangings and other small items.

Mr REYNOLDS wished to know if he was to understand that the cost of the paper from England was to be deducted from the amount for decorations.

The COMMISSIONER OF PUBLIC WORKS said that independent of paper-hangings, cornices, and a number of smaller items which the hon. member would have been aware of if he had been recently engaged in the building line, were included in this vote.

Mr REYNOLDS thought the House should be in possession of the full particulars.

The TREASURER said the hon. member might be whenever he thought proper, as the particulars were upon the table of the House.

Mr SHANNON condemned the practice of the Government expending money and then asking the House to pay it. He believed that during the last four years Government House and Cottage cost £17,000. The House should interfere to prevent unauthorised expenditure. Without opposing the motion he should certainly on any future occasion oppose votes for money which had been expended without authority.

The item was then agreed to.

The next item was £1,900, for furniture for Government House.

Mr NEALES said the cost of Government House and furniture was £17,000, and that £15,000 of that had been spent during the last four years. He considered that rate of expenditure must be stopped. The previous expenditure from 1850 had been very light, but if such extravagance were continued it would be no use asking money for Institutes. Next somebody would want to cover Adelaide and turn it into a sanitorium for Indian invalids.

Mr PEAKE observed that £2,000 had already been voted for furniture, and that to ask for double the amount was too much to expend on furniture for any department. But much as he condemned the extravagance he would have willingly voted that amount to render comfortable the abode of Her Majesty's representative had the money been spent in the colony. He thought there was neither wisdom, policy, nor prudence in giving those contracts to strangers.

Mr LINDSAY had no doubt the item would be voted, but he still did not see that the House was bound to vote that amount. If it was voted it would be more an act of liberality than otherwise, for although a former Legislature had obtained a vote to be expended in a certain way, it appeared that nearly double the amount had been expended. The House was not, therefore, bound to carry out unauthorised expenditure.

The TREASURER wished to say a few words as to the conduct of the Government. The hon. member for Burra and Clare had said he would have voted more money had the furniture been all obtained in the colony. Now, considerably more than half the amount was actually spent in the colony. The cost of moving the furniture, and fixing the decorations, and of papering, had been actually spent in the colony. But many of the articles of furniture were such as could not have been obtained here, such as mirrors and curtains. But he (the Treasurer) could not altogether subscribe to the doctrine that money should be spent in the colony when the articles could be got elsewhere at a cheaper rate. He thought even that the hon. member would not purchase stores, nor clothes, nor even a house in the colony, if he could import those things cheaper. Goods ought to be bought in the cheapest market. In regard to the great increase in the expenditure above the vote of the House, he would state that £15,000 were voted by a former Assembly. A Committee sat to decide on the expenditure, and they decided on the sum of £9,000 as the lowest sum that could be estimated for the enlargement of Government House. Having built the house, they were bound to furnish it, and the Legislature voted £3,000 for that purpose, but did not specify the articles on which that money was to be spent, and when the orders were sent home the exact cost could not be ascertained. Hence the amount of the vote had been exceeded. He would further inform the House that the firm who supplied the goods had charged no commission on the transaction. (Hear, and laughter.) Hon. members said "hear, hear." He could only say he had looked over the accounts, and he could discover no charge for commission.

Mr PEAKE thought that the Government had not gone to the cheapest market for the furniture, or the cost could not have so far exceeded the amount of the vote. Had they consulted a colonial cabinetmaker, he could have told them within a few shillings what it would have cost. As all the invoices were not to hand after the £1,900 was voted, the House could not know whether that would be the end of the expenditure or not.

The COMMISSIONER OF PUBLIC WORKS could assure hon. members that, after these votes were passed, they would hear no more of the matter, for neither that Government nor any future one would be unmindful of the debate that had occurred in regard to that item. Perhaps some hon. members who had families might have ordered furniture from England, and have found that the cost was not precisely what had been estimated. A difference of freight would cause a considerable difference on the cost, for freight was no inconsiderable item on furniture. Packages, too, amounted to a heavy sum. The Government had given every information on the matter before the House, and could assure hon. members that every care had been taken.

Mr BURFORD could not understand how there could have been an estimate in the case. How was it possible that they could expend £2,000 and require £1,900 more if an estimate had first been obtained? It was a contradiction in terms. He apprehended, if the truth were known, a *carte blanche* had been sent to some illustrious house in the cabinet line, and general instructions given to suit the furniture to the room considering it was to be occupied by Her Majesty's representative.

Mr STRANGWAYS said the Commissioner of Public Works had said that every care had been taken by the Government. Now he thought if the item before the House was a specimen of their care the sooner they became careless the better. He could not understand whether the total £3,900 had been actually spent or whether it was to include invoices received and invoices expected. He wished the Treasurer to state distinctly how the matter stood.

Mr HUGHES considered the question before the House was whether they should sanction unauthorized expenditure. £2,000 had been expended on Government House, but no statement had been made of the nature of the order sent home—whether it was a *carte blanche* nor if the amount of expenditure was limited. He thought that the House should act on principle, and if the House authorised that expense, in the absence of further information, they must go back and pay £50 for that verandah at Port Adelaide. That verandah was necessary to keep out the sun from the windows. The Government assured the gentleman who put it up they would put the sum on the Estimates, and they ought to have defended it. He (Mr Hughes) maintained that the House ought to act on principle, and as they refused to vote that £50 they should refuse every claim for unauthorised expenditure.

Mr DUFFIELD would oppose that vote on the same ground that he opposed the vote for the verandah. He opposed it simply because the expenditure was not authorized. If 2,000*l.* were voted, and the following session it had to be supplemented by 1,900*l.*, the expenditure of the country would not be governed by the votes in Parliament, and eventually the whole revenue might be absorbed by Supplementary Estimates.

Mr SOLOMON felt much disposed to find fault with the Government for ordering goods and applying afterward

for payment for them. There was one question in reference to the matter which had not been touched upon. It did not appear that the Government applied to colonial manufacturers for an estimate of cost, and therefore they might easily have forgotten many items, such as freight and charges, necessary to be taken into consideration on furniture imported from England. Those items amounted to a considerable per centage on first cost. With regard to what had fallen from the Treasurer respecting there being no commission charged, there were more ways of obtaining a profit on orders entrusted to English houses than a direct charge of commission, and it might have been, therefore, more advantageous had a fair commission been paid. If the Treasurer would answer the question as to whether the amount asked for would cover the whole expenditure, he should feel disposed to vote for the item, but until then he (Mr Solomon) should withhold his vote.

The TREASURER had no difficulty in answering the question. The amount now asked would not only cover the payments made, but the expenditure incurred. He had taken care to estimate for a sufficient sum in that instance, so that the Government would not have occasion to come before the House again on the subject. He would take that opportunity—because the Government had been rather roughly handled by hon. members in their remarks, and treated as though they (the Government) were personally responsible—of saying that not one single member of the existing Government had been consulted in ordering the expenditure on Government furniture. It had been entirely the act of a former Government, and they (the present Government) were obliged to ask for that vote to sustain the credit of the colony.

Mr STRANGWAYS asked if the whole amount had been expended. He thought there might be a balance unexpended.

The COMMISSIONER OF PUBLIC WORKS would say in reply to the remarks of the hon. member for the Port (Mr Hughes) that the Government did defend the vote for 50*l* for the verandah, both by their speeches and their votes. He would be glad if an opportunity were given to the House to reconsider their vote. (Hear, hear, from Mr Hughes.)

The TREASURER said nearly £800 had been expended out of that £1,900 asked for. The invoices were expected to make up the remainder.

The item was put and agreed to.

Additions to Military Barracks, £320.

Agreed to.

Painting Government House, £450.

Agreed to.

On the item cellar, ashpit, and general repairs to Government Cottage, Glenelg, £250 being proposed,

Mr HUGHES said it was clearly understood by the House and the country that there should only be two residences provided for His Excellency the Governor-in-Chief—Government House and the Farm. But they (the House) were now called upon to vote money for further additions. If the House went on preparing places of residence for the Governor, they would be next asked to increase his salary on account of his increased expenses.

On the question being put, the House divided, when there appeared for the vote—

Ayes, 22—Messrs Dutton, Blyth, Bagot, Barrow, Hallett, Hart, Harvey, Hawker, Hay, Lindsay, MacDermott, McEllister, Mildred, Milne, Neales, Peake, Reynolds, Rogers, Shannon, Solomon, Strangways, and Finniss (Teller).

Noes, 5—Messrs Burford, Duffield, Dunn, Hughes, and Glyde (Teller).

Majority in favor of the vote, 17.

Mr HUGHES begged to ask the Chairman if he would be in order in moving that the £50 refused by the House for a verandah to the Custom House, Port Adelaide, should be considered.

The CHAIRMAN decided it would not be in order.

ROADS, STREETS, BRIDGES, &c.

The next item was North Arm road, £136 16s 1d.

Agreed to.

On the item, £8,000, including £1,000 conditionally for Port-road, being put,

Mr HART enquired what the condition was?

The TREASURER stated that it was proposed to appropriate that sum to the Port-road on condition that an equal amount was contributed by the District Councils.

Mr HART asked under whose guidance and superintendence the money would be laid out?

Mr STRANGWAYS proposed that the word "conditionally" be struck out.

Mr SOLOMON seconded the proposition.

The TREASURER had no objection to its being struck out, as many members appeared to think something ought to be done to the Port road.

Mr MILNE thought the House had sufficiently expressed its opinion on that subject a few days ago.

Mr MILDRED thought it would be better that the road should remain.

Mr HART could not understand what could be effected with £1,000 when the Government said the other day that £3,000 was of no use. However, as the smallest sum would be thankfully received for repairs of that road, he should vote for it.

Mr MILDRED thought if 70 feet of the road were sold it would be a good thing. A road 60 feet wide would meet all the purposes and claims of those persons who reside on the Port-road.

Mr HUGHES thought Mr Mildred proposed to sell the most useful part of the Port-road. That thousand pounds would go a long way towards putting the causeway in a sufficient state of repair, and if that were done it would do away, in a great degree, with the complaints that were made. He hoped it would be accepted.

Mr LINDSAY wished the item struck out altogether. He thought the expenditure of the Central Road Board was unsatisfactory, but of £8000 proposed to be spent £1000 was for the Southern Districts. He opposed the vote with good reason. It was proposed to spend £1000 on Willunga Hill, and rather than spend it there he would vote for the money being thrown into St Vincent's Gulf, for the gradients were so miserable that a good road could not be made, and unless a new line were laid out. He would move that the Estimate for £8,000 be withdrawn until the Road Act was passed.

Mr STRANGWAYS would oppose the item being struck out, as the whole staff would have to be discharged, and everything brought to a stand still. He would support the vote for the item if the word "conditionally" were struck out.

Mr NEALES would support the vote as amended by striking out the word "conditionally," because it would give a small portion of what was required for the Port road. When the vote for the Central Road Board came on he should say more.

The COMMISSIONER OF PUBLIC WORKS would simply state that the expenditure had been carefully considered, and that the cutting at Willunga was exceedingly necessary. The necessity of making that road had been long urged on the Board, and it would materially improve the South road.

Mr BAGOT would move that the sum to be voted should be £10,000 instead of £8000, in order that the north might derive some advantage from the expenditure.

The amendment was put and negatived.

The vote then passed.

The next item, repairs to road through Flinders Range, £500, was passed as printed.

On the item, Onkaparinga tunnel extension, £450, being proposed,

Mr PEAKE asked for some explanation. He understood the tunnel was a kind of dust-hole, and when it was opened it was certain to be filled up again with dust.

The COMMISSIONER OF PUBLIC WORKS was happy to state that that sum was required for preventing the draught that had hitherto taken place in the tunnel. The plans proposed to be carried out would keep open the tunnel and enable passengers to use the road.

Mr NEALES would sooner take the personal guarantee of the hon. member who spoke last than the guarantee of the Government. He (Mr Neales) was perfectly satisfied that the plans proposed would not keep sand out of the tunnel.

Mr HALLETT called attention to the manner in which the work had been carried out. They had made a jetty, then a tunnel, and then a little piece required to be added. During last session he called on a friend of his—a merchant, down there, and was told it was no use going to see the tunnel, for he could not find it. He thought it probable the tunnel might remain open two or three hours, and then block up again. Unless the Commissioner of Public Works could guarantee that the vote would be final, he would oppose the item.

The COMMISSIONER OF PUBLIC WORKS could not give his own guarantee. The Colonial Architect had been sent down, and he stated that the sum would be sufficient to keep the tunnel in repair.

Mr MILDRED hoped that, after spending £7,000 or £8,000 in giving facilities to trade, the vote of the House would not render that outlay useless. He hoped and trusted, after having laid out so much, the House would vote enough to extend the bridge across the Onkaparinga.

Mr HUGHES asked how far the £450 would extend the tunnel; for, if the jetty were to be made available, the tunnel should be extended. He hoped the amount would be voted, in order to make the jetty available.

Mr MILNE having visited the place considered that if the tunnel were opened, it would be impossible to make it available extensively unless a road were made across the swamp, and a bridge were thrown across the Onkaparinga. It would only be available for traffic on the north side; but the Port should be made available as a place of shipment by completing those large and extensive works.

Mr PEAKE thought the present another expedient to get a little vote, in order to get a little more afterwards. He thought it was so unsatisfactory a way of voting public money, that he should refuse to vote it until he saw a report from an engineer with regard to the desirability of completing the work. He would not consent to go on step by step until a large outlay had taken place, and then found to be useless. From all he had heard he thought it plain enough the tunnel was nothing but a dust hole, and he thought it was never likely to be anything more.

Mr LINDSAY had visited the place as well as some of the hon. members who had spoken previously, although he could not give any credit to the Government Engineers for the manner in which they had performed their part of the work. But there was no other way of making the jetty available but by extending the tunnel; without this the jetty would be all but useless. The question was, were they to allow the 7,000*l*

which had been already expended to be thrown away, or by this small additional expenditure to be rendered available The tunnel could not, of course, be carried further than the river, and if it were carried so far it must remain open, as the sand would then blow through into the water But he did not think it would be necessary to carry the tunnel as far as the river, as all the dust came from the inland side

Mr HUGHES trusted the House would assent to the item To hear the discussion one might think that it was some amateur who had been cutting a tunnel in the sand without any definite design He (Mr Hughes) had seen the port of Onkaparinga, and he confidently believed that it was likely to be one of the best ports in the colony between this and Cape Jervis The great fault seemed to be in the not having a proper design for the approach to the jetty, but in his opinion it would be impossible to take a load of wheat over the sand hills without making a tunnel He quite agreed that if that port was to be developed to the full extent it was capable of, a bridge must cross the river thus saving the long cartage of goods by Noarlunga He trusted the House would not refuse to vote this small sum

Mr MILDRED held in his hand a document signed by the owners of 23,000 acres of land in the neighborhood, all of whom would ship their produce from the port in question, if they had only reasonable facilities for doing so The mill at Onkaparinga was now in full working order

The item was agreed to

The next item was Willunga jetty extension, of £204 1s 2d

Mr REYNOLDS enquired whether it was the intention of the Government to improve the roadway

The COMMISSIONER OF PUBLIC WORKS said he had heard no complaints on the subject

Mr MILDRED said that the roadway was nearly impassable He had seen drays within the last two months up to the axles in it The road was requisite to meet the immediate wants of those persons shipping from Willunga He also wished for some information respecting the tramway

The COMMISSIONER OF PUBLIC WORKS said the plans of the tramway were lying on the table, but they were not yet printed

The item was agreed to

On the next item, Port Adelaide Bridge £1 850,

Mr REYNOLDS wished for some information on this point He believed a sum of £3,000 had already been voted, and that £1,500 had been subscribed by the inhabitants He also understood that tenders had been taken for the construction of the bridge for £1,500 He wished to know whether the £1,500 subscribed had been paid over to the Government

The TREASURER said the Government had already received £1,000 out of the £1,500 which had been subscribed This £1,000 had been paid into the Treasury The Government in reality asked for only £850

Mr REYNOLDS observed that the £1,000 did not appear on the other side of the account

The TREASURER said if the hon member referred to the Supplementary Estimates of last year he would find this sum under the head of "Reimbursements in Aid"

Mr REYNOLDS begged the hon member's pardon for having overlooked this His object was to enquire whether the Government intended to spend the £850 without reference to the previous vote and subscription

The COMMISSIONER OF PUBLIC WORKS said that £350 was required for extra works, and £500 had been promised by the subscribers, and he trusted this sum would at a future time appear under the heading of reimbursements in aid

Mr STRANGWAYS asked what was proposed to be done in reference to the wharf frontage The bridge was below the wharf, and would cut off all communication with the river above It was said to be a drawbridge, but he believed it was about as creditable a construction as the Waterworks weir, that it was of such a description that when open it could not be shut, and when shut it could not be opened (Laughter) He believed also that the Government, in constructing the bridge, had violated the law, as they had no power to interfere with navigable waters except by authority from the Legislature

Captain HART said that the sum of 1,000*l* referred to had been subscribed two years ago He would call attention to the fact that 45,000*l* worth of land had been sold in this neighbourhood within the past five years The vote had been taken as long since as June, 1855, when an address was voted by that House for a sum of 3,000*l*, provided 1,000*l* were lodged with the Government by the inhabitants of the neighbourhood The answer was favourable, and the 1,000*l* was sent in in the early part of November, but the Government did nothing in the matter, and the next year an address was voted in which the House requested the Government to take means for having the former address complied with He thought the action of the Government in respect to this bridge would prevent private individuals, in future from subscribing for such purposes, as it had prevented the work from being carried out The bridge was now a standing joke to the people of the Port, and it would never be of any use. In an engineering point of view it was the greatest piece of humbug ever perpetrated by any Government He need only point out to the House that the piles were placed only two abreast, and that there was a space of twenty four feet from each two to the next two He need not ask whether a bridge so constructed, would be capable of bearing a traffic consisting for the most part of heavy building materials He thought the House would agree that in this respect a great mistake had been committed But even in this style there was no chance of the bridge being completed as up to the present moment nothing had been done beyond driving the piles At the same time a vote was taken for the North Arm-road, for which nothing was subscribed, and that was completed, and not merely completed, but a wharf built at the end of it, with two approaches which fenced in a great portion of the land in section G With respect to the bridge, the matter was thought of such little consequence that instead of taking it to a public road it was taken to private land, which he believed belonged to the Registrar-General—(a laugh)—or at least that officer had it in trust for some one, and the Government would probably have to take this land out of the owner's hands, and come to the House to ask for compensation though what amount of compensation he could not say He firmly believed there never was so great a grievance as this brought before the House There was a traffic where the bridge was placed There were some 400 to 500 people daily passed across there in boats at 6d each He had already said that the people paid up £1,000, but it should be remembered that this was two years ago, and as the interest on this sum would be £200, he might say they had contributed £1,200 already towards this undertaking Yet there was no more chance of the work being completed now than when they paid the money

Mr MILDRED said that of all the ill-contrived and badly-constructed undertakings in South Australia he did not know another like the one under discussion, but the question now was whether the people higher up than this bridge were to be deprived of the right of traffic It was originally understood that it was a drawbridge which was to be placed there which could be passed by vessels It was the general opinion of persons acquainted with the spot that the bridge was put in the wrong place, and he believed that hon members would be convinced after what they had heard that it was in the wrong style His own opinion was that the less additional money they spent on such an undertaking the better

Mr NEALES hoped this would be a lesson to people that if they did not put their hands in their own pockets their wants would be sooner attended to The people a little further down, who did not put their hands in their pockets, got £28,000 for the North Arm road, while the money was quite thrown away, yet there would be thousands upon thousands wanted for the Port as the business would go on increasing and the wants of the place would be also increasing He quite agreed with hon members in thinking the bridge a miserable affair, and he heard the best plan would be to convert it into a foot-bridge, for if a loaded dray were put upon it there would be a spill in the middle of the stream

Mr PEAKE thought the people of the Port had been very shamefully and disgracefully treated He was sorry the hon member (Mr Neales) had found it necessary to make such strong remarks as he had used, but they were called for by the conduct of the Government in this matter It was really monstrous, and the manner in which it was said that the work was being carried out was more monstrous still He hoped such occurrences as this, constantly arising where works were imperfectly performed, would cause the hon the Commissioner of Public Works to introduce radical reforms into his department

Mr HAY, after the remarks of the hon member Mr Hart, was inclined to oppose the vote, as it appeared that, as far as the bridge was constructed, the money was completely thrown away The hon member Mr Neales said the better plan would be to convert the bridge into a foot-bridge, and he agreed in this opinion There should be plans and estimates prepared and a sufficient sum voted for the completion of a bridge in continuation of the Port-road It would be far better if the House had voted £8,000 or £10 000 at once for a swing bridge in continuation of that road

The COMMISSIONER OF PUBLIC WORKS, before the vote was put would make a brief explanation in reply to statements made by various hon members The address of the House had pointed out the most suitable site for the bridge, and perhaps there was nobody better acquainted with the feelings and wants of the people of the Port than the hon member Mr Hart, yet he (the Commissioner of Public Works) did not understand that hon member to say that he considered the site objectionable He thought he had explained that it was to be a drawbridge, and that it would admit of ships passing through The vote for this work appeared on the Supplementary Estimates of last year, and the plans were prepared by one of his predecessors The sum of 1,000*l* was paid in, as stated by the hon member for the Port, previously Tenders were called for and some of them accepted and bonds were taken to a sufficient amount for the due performance of the works The contractors sent to Van Diemen's Land for timber, as some was wanted of very large size, and they could not get a vessel with a porthole sufficiently large to take it in This had caused a delay in the works With regard to going upon private property whoever was responsible for that error would be held responsible The contracts had been taken and the Government now came to the House for a sufficient sum to carry on the works, and he hoped the House would grant it

Mr SOLOMON would support the vote in consequence of the explanation of the hon the Commissioner of Public Works of the Government having entered into contracts to carry out the works With respect to the

suggestion of the hon. member for Gumeracha (Mr. Hay) that the bridge should be turned into a foot-bridge, he could not concur in it, for if they were to do so it would be an evident breach of faith with the persons who subscribed the 1,000*l.* for a bridge adapted to the traffic of vehicles. If only a foot-bridge were made these persons could come with a good case and ask the House to give them back the 1,000*l.*, and, therefore, he should support the motion.

The item was then agreed to.

The next two items were agreed to without discussion, as follows:—Cape Borda Lighthouse, 1,000*l.*; completion of main line of intercolonial telegraph, 2,300*l.*

On the next item, telegraph from Adelaide to Goolwa, through Mount Barker, Macclesfield, and Strathalbyn, 5,000*l.*

In reply to Mr. REYNOLDS,

The COMMISSIONER OF PUBLIC WORKS said that the average cost of the telegraph lines was 60*l.* per mile, but this would probably not come to so much; it would certainly not exceed the amount asked for.

Mr. MILNE would move as an amendment the insertion before the words "Mount Barker" of the words "Woodside, Nairne." By running the line through these places they would afford facilities of communication to a much larger population, and as the cost was so moderate he thought these facilities ought to be given. The result of not adopting his suggestion would be, that the House would be asked before long for branches to the localities he had mentioned; and it would be cheaper to include them in the main line.

The COMMISSIONER OF PUBLIC WORKS said the Government could have no possible objection to any line which would not defeat the object of the vote. The object of going to the Government was twofold—first, because on account of the Goolwa tramway, and next because of the great traffic through to the Murray. The intercolonial line could also be worked better when there was less demand upon it within the colony.

Mr. DUNN proposed that Port Milang be also inserted, and read the substance of a petition from a number of the inhabitants of that locality setting forth the claims of the district.

Dr. WARK also thought that the claims of Milang should not be ignored. He would wish to see a line defined, along which the telegraph should pass; but as the expense was so small, perhaps it would be better to go on at once.

Mr. NEALES thought that if Nairne was to be considered in going to Mount Barker they should go to Carrington, which was only about 14 miles out of the way. There was a considerable population in and about Carrington now, and it was quite as much entitled to communication as the other places which had been mentioned.

Mr. HUGHES did not rise to take part in the game of "grab" which hon. members were playing, but to urge upon the Hon. the Commissioner of Public Works whether it was desirable to extend the telegraph from Strathalbyn to the Goolwa at present, as parties at these points could easily communicate, and it was not proposed to have intermediate stations. The question of water communication would be shortly brought before the House, and he was by no means certain that the tramway would be assented to.

Mr. STRANGWAYS agreed with the hon. member for the Port, that this question could not be decided until the question of the tramway was decided. He thought when that question came before the House he would be able to point out the best line, and that the telegraph should go along that line.

Mr. LINDSAY thought we were putting the cart before the horse in constructing telegraphs until we knew where our main lines of railway were to be. He suggested that the item should be withdrawn.

Mr. ROGERS supported the proposition for including Milang in the line of telegraph.

Mr. SCAMMELL thought it was not desirable to have several lines of telegraph from the metropolis in the same direction, nor should the revenue be called upon to connect every hamlet adjacent to it by lines of telegraph, whilst postal communication was kept up at a great cost. With this view he would propose to strike out the words from "Goolwa down to "Strathalbyn."

Mr. MILNE's amendment was then put and carried by a majority of seven, the members being as follows:—

AYES, 17—The Commissioner of Public Works, the Treasurer, Messrs. Hart, Glyde, Wark, MacDermott, Neales, Hawker, Rogers, Strangways, M'Ellister, Shannon, Bagot, Milne, Hallet, Peake, and Duffield.

NOES, 10—Messrs. Hughes, Solomon, Bakewell, Reynolds, Mildred, Dunn, Hay, Cole, Scammell, and Lindsay.

The line through Nairne and Woodside was therefore adopted.

"Telegraph Extension to Kooringa, 6,000*l.*"

Mr. REYNOLDS was opposed to the vote, as they had no decided information at present as to the probable route of the railway.

The COMMISSIONER OF PUBLIC WORKS made some remarks in favor of the proposed vote for the extension to Kooringa.

Mr. HAY said that after the last vote which had been made for the extension of the telegraph to Woodside and other places, it would certainly be impolitic and unjust of that House to ignore the extension to Kooringa. He would suggest however, that the extension of the telegraph to Glenelg should also be considered. The posts for such a line were already at their service, through the intercolonial telegraph. There was the Jetty at Glenelg, and the probability of vessels touching there, and by telegraphic communication, they would be able to have instant communication with the Bay. He felt assured that the number of messages to Glenelg would be triple the number of those from any other station. There were always a large number of persons at Glenelg during the summer season, and telegraphic communication with Adelaide would be looked upon as a benefit, and would be productive as he felt assured, of profit to the country. He begged to suggest the adoption of the road to Glenelg as a place where telegraphic communication should be extended.

Mr. STRANGWAYS should not have objected to the extension to Glenelg if it had been placed as a separate vote, but he could not see what it had to do with the extension to Kooringa. (A laugh.)

Mr. BAKEWELL thought that the inhabitants of Tanunda had a perfect right to have telegraphic communication established with that township as well as any other of the districts which had been favored. It was a rising place, and there was a large population in the district which would conduce to the line being a paying one. He moved as an amendment that Tanunda be added to the other places for telegraphic extension.

The CHAIRMAN said the hon. member could not make an amendment of that nature. A separate sum would be required to be placed on the Estimates.

Mr. HAWKER suggested that the item on the Supplementary Estimates for the Telegraph to Kooringa should be altered to "a Telegraph Extension to Kooringa via Riverton." By adopting that course the telegraph would be carried by the probable line of railway to the north.

Mr. BAGOT thought as they had voted for the extension of telegraphs to the east, the towns in the north should also be considered; especially as railway extension in that direction would be carried on at the rate of 20 to 25 miles per year. He advocated the extension of telegraphs wherever they would pay.

Mr. DUFFIELD would support the extension of the telegraph to Kooringa by way of Riverton. The Commissioner of Public Works had stated that the expense of constructing telegraph lines was 60*l.* per mile. That would make the cost of the extension 3,000*l.* He saw however that the sum on the Estimates was no less than 6,000*l.*—(a Voice—"Stations!")—and as to stations, he thought the expense already gone to in this respect was extravagant. He found upon enquiry that as to the persons who were required to work the telegraph instruments that a lad had only to have a week or two's practice and he became able to take complete charge of the instrument. He thought expenses might be reduced in the country by the telegraph wires being connected with the Post-Office of the particular neighbourhood where it was required, or with a shop or store.

The TREASURER thought the views of the hon. member for Victoria might be met in another way—that was, by substituting for "Riverton" "Telegraph by way of the probable line of railway to Kooringa."

Mr. HAWKER could not see that this suggestion would accomplish his object. Who was to define which was the probable line to Kooringa? It would only tend to keep the question in abeyance altogether. He mentioned Riverton because it was on the direct line from Kapunda to Clare. He declined to assent to the amendment of the Treasurer.

The TREASURER said the hon. member had misunderstood him. He could not see any prospect of delay, as had been anticipated. As a principle, they must not leave the formation of telegraphs until lines of railway had been commenced.

Mr. BARROW thought that, whilst they were contending for schemes of roads, schemes of railway, and other "schemes," they might as well contend for schemes of telegraph, or they would otherwise be placed in some embarrassment. There had been propositions for telegraph extension to various places, Glenelg included, and no doubt the next request would be for an extension to Brighton, and then to O'Halloran Hill. (A laugh.) In fact, it was difficult to tell what small township or village would not consider itself entitled to the extension. However much telegraphic extension, bit by bit, might be the hobby of some hon. members, he should like to see some general scheme propounded. Telegraph extension was no doubt very beneficial, but they should remember they had roads to make. He did not wish to discourage telegraphic extension to central points, but they should recollect that with the amount voted year by year for telegraphs they might have constructed some miles of road. If the extension of telegraphs was carried to excess, they might, indeed, have lines of wire from all kinds of remote places, and might be informed by this means that somewhere far away a load of wheat was bogged. But of what use would be that information? (Hear.) Would it not be much better to make good roads, and so get the wheat instead of the telegraphic announcement that the dray was bogged? (Hear, hear.) But he would not oppose central lines. As they had one to the south and were to have another to the east, the inhabitants of the north ought to be placed in a similar position.

Mr. NEALES disputed the assertion that many miles of road could be made at the present cost of telegraphic communication, and suggested that inches would have more

appropriately expressed the number. He was favorable to telegraphic extension generally.

The Chairman put the amendment of Mr. Hawker, which was agreed to, and he was about to put the item as amended, when

Mr. Hay complained of the amendment which he had made in favor of Glenelg not being also put to the House.

The Chairman ruled that to do so would have been irregular.

The item was passed as amended.

The House resumed.

The Chairman reported progress, and leave was given to sit again on Thursday next.

IMPOUNDING ACT AMENDMENT BILL.

The further consideration of this Bill was made an Order of the Day for Tuesday next.

COLONIAL DEFENCES.

Captain Hart, in order to meet the wish of the House, proposed that the notice of motion standing in his name, viz., "That a Select Committee be appointed to take evidence and report on the question of Colonial Defences, and that the papers now on the table upon that important subject be referred to such Committee," should be postponed, and made an Order of the Day for Tuesday next, which was accordingly agreed to.

THE UNEMPLOYED.

Mr. Solomon rose to ask the Honorable the Commissioner of Public Works (Mr. Blyth) the following question:—"Do the Government intend to take any steps to give immediate employment to the large number of laborers at present seeking employment in the City and at the Port; and, if so, the nature of such employment, and the wages they intend to offer?" He did not know whether he should be in order to give his reasons for putting the question standing in his name. (The Speaker, "Yes, but briefly.") He would be brief. His reasons were, that he was satisfied that a large number of persons were out of employment; and although he was as adverse as any one to the interference of the Government in the employment of labour to the disadvantage of the private capitalist, yet he thought that this was a case in which it was bound to step in, and assist the starving poor. He was fully convinced of the poverty which existed, as he had made personal visits of inspection to respectable working men, and had found them without chairs to sit on, or beds to lie on, and these cases were not few. It might possibly be pointed out that there was a Destitute Board to assist the poor, but respectable men did not come to that colony to be dependent upon charity. They had workhouses enough at home, nor did they wish to have their names proclaimed in the light of Government paupers because they happened to apply for a loaf of bread. He hoped some means would be taken to give employment to the poor in the cases which he had mentioned.

The Commissioner of Public Works replied that when able-bodied men applied to the Destitute Board for relief they were sent to work at the Botanical Gardens, at wages of 3s. 6d. per day, which sum was equivalent to the purchase of three days' rations for one adult, and it was considered better that an opportunity should be afforded such applicants of earning subsistence by their own labor rather than that they should become the mere recipients of Government relief. That the number of applications for such employment, from the 21st August, amounted to 46. That, so soon as the Government were made aware of the circumstance that employment could not be obtained by able-bodied labourers from private individuals they immediately made arrangements with the Railway Commissioners to employ men at wages something below the current rates, and that up to this moment all who had made application for work had obtained it, numbering 36 altogether. That the Government would hasten forward all public works—(hear, hear)—immediately on the votes for such being agreed to on the Supplementary Estimates. The hon. gentlemen stated in addition to his reply that it had been ascertained that several of the parties applying for relief were not in destitute circumstances but were possessed of property. The total number at the present moment employed were—Botanical Gardens, 20; Railway, 36; making in all, 56.

PRIMOGENITURE AND STATUTE OF LIMITATIONS.

Mr. Peake rose to ask the hon. the Attorney-General (Mr. Hanson) if it was his intention to proceed this session with his Bill for the abolition of the Law of Primogeniture and shortening the duration of the Statute of Limitations.

The Attorney-General answered that it was the intention of the Government to introduce a Bill in which would be contained a clause abolishing the law of primogeniture, and the shortening of the duration of the Statute of Limitations.

The House then adjourned.

Friday, September 24.

The Speaker took the chair shortly after 1 o'clock.

RAILWAY TO PORT ELLIOT.

Mr. Rogers presented a petition numerously signed from the inhabitants of Strathalbyn and the adjoining districts praying for the construction of a railway from Strathalbyn to Port Elliot and Goolwa.

NORTHERN EXTENSION OF RAILWAY.

Mr. Peake presented a memorial from a deputation from the north, signed by 12 gentlemen, representing 625 petitioners, whose memorial was presented a few days back, praying the House to take into consideration the northern extension of railways.

MRS. ELIZABETH SMILLIE.

Mr. Milne presented a petition from Elizabeth Smillie and others, praying the House to allow the introduction of a Bill to remove all doubts in reference to the title of certain lands.

SOUTH AUSTRALIAN INSTITUTE.

Mr. Lindsay presented a petition, which he had just received by post, in favour of the grant of £4,000 for the South Australian Institute.

THE ADELAIDE RAILWAY.

The Commissioner of Public Works laid upon the table two tracings shewing the arrangements in reference to the rails at the Adelaide Station; also, for the woolsheds, allusion to which appeared upon the Estimates.

RAILWAY NORTHWARDS.

Mr. Peake, in bringing forward the motion in his name—"That the report of Mr. Hargraves on the country for a proposed line of railway northwards, through the Valley of the Gilbert, as laid on the table by the Hon. the Commissioner of Public Works (Mr. Blyth) on the 27th August, is not in accordance with the Address of this House to His Excellency the Governor-in-Chief, of the 16th December last, requesting that surveys should be made for a line of railway from Section 112 to the Burra, by the respective lines of the Gilbert and Light, accompanied by estimates of the probable cost per mile and length of each such lines of railway; and that it is expedient that such surveys be immediately undertaken and the estimates laid before this House, in accordance with the promise contained in His Excellency's reply of the 6th January last to the address of this House on the subject"—slightly amended it so as to include such surveys as would place the House in possession of the fullest information in reference to the comparative cost and merits of lines by the Gilbert and the Valley of the Light. He brought forward this motion not with the idea of attaching blame to any particular person, but to call attention to a mistake in reference to surveys of lines of roads and railways. The surveys did not look far enough in advance, and were pulled by the people of Kapunda in one direction, until they were pulled by some one else in another. Since he had placed the motion upon the paper, he had been a member of the Committee sitting upon the Northern Extension Railway, and had been struck still more forcibly with the mistaken policy which had been pursued. If he had not placed this notice on the paper, he should certainly have placed on record a minute of his dissent from the Committee. He should have expressed his regret that neither the Chief Engineer nor Mr. Hargraves were enabled to afford more information with respect to a railway by the Valley of the Gilbert. It appeared to the Committee that after reaching Kapunda, the sold lands ran most decidedly to the westward. Both Mr. Hargraves and Mr. Hanson had been called upon by the Committee to state the feasibility of having a railway from Kapunda *via* Taylor's Flagstaff, to the Valley of the Gilbert, and both of those gentlemen stated that they could not give any positive information upon the subject. If the country had been properly examined, the Chief Engineer would have been enabled to state whether there was an available route *via* Taylor's Flagstaff. When in Committee the engineers were questioned generally, and all agreed that too much care could not be taken in surveys before laying down a railway. Last year he sat on a Committee relative to a railway to Kapunda, and it was then considered that if there were railway extension from the North to the Murray it must probably go by Kapunda, and that was his reason for saying that extension should be from Gawler Town to Kapunda. Since then, however, there had been several schemes to extend communication to the Murray direct and indirect, and these had taken them by surprise, shewing the imperfect examination of the country. He believed that a careful survey would shew northern extension would be by the Valley of the Gilbert. That survey had not yet been made. He asked the Chief Engineer, who admitted that he could not lay the survey before the Committee as it had been so imperfectly made, in fact the line, instead of having been chained, had merely been stepped. He believed that the line to Kapunda would pay for making, whether it were the main line or merely a branch, and the line by the Valley of the Gilbert would be far more economical when constructed. Any one inspecting the plan must be struck with the heavy working gradients to Kapunda; there was a gradient up of 700 feet and down of 400. He would remind the House that the parties resident at the Valley of the Gilbert, and Wakefield who had petitioned for the survey of that line, were the proprietors of 100,000 acres of land.

Mr. Lindsay seconded.

Mr. McEllister supported the motion, thinking it only just to the Valley of the Gilbert that the line should be properly surveyed before any conclusion was arrived at.

Mr. Mildred moved an addition to the motion to the effect that a similar survey and estimate be made from Gawler Town

to a line by the way of the Valley of the Gilbert, so far as Forrester's The hon member read the report which had been laid before the House upon this question, and remarked that although there might be considerable apparent loss sustained in the first instance, perhaps 12,000*l* or 13,000*l*, double that amount would be saved if they retraced their steps and started from the railway at Gawler Town, where they would not have gradients 700 feet up and 400 feet down to encounter, racking the rolling stock to pieces

Mr PEAKE approved the addit on proposed

Mr DUFFIELD supported the motion before the House the more readily since the addition had been made to it From a full knowledge of the country north of Gawler Town he was firmly convinced that the best line was by the Valley of the Gilbert He was desirous of obtaining more information, as he found that the map which had been laid upon the table of the House was not correct He did not know who was to blame, but any one having the slightest knowledge of the country must know that Ayliffe's public-house, which by the map appeared to be on the south side of the Light River, was in fact on the north side And then again, on the map Forrester's public-house was placed on the east side of the main road, though in fact it was on the west No doubt there were many errors of the same kind

The COMMISSIONER OF PUBLIC WORKS thought it was hardly fair to those hon. members who had not had an opportunity of reading the Minutes of Evidence which had been given before the Committee of which he had the honor of being the Chairman, to make such constant allusions to the evidence. The evidence was very nearly printed and would shortly be laid before the house, when hon members would know a good deal more about the matter than at present. This much he might say, that if gradients were the only question, they must start not from Gawler Town merely, but from a point nearer Adelaide. The question of railways did not, however, merely involve gradients, and he would ask hon members carefully to read the evidence and on Tuesday next they would have an opportunity of going into the question He had no objection to surveys, but he would remind the House that surveys were not cheap things He did not wish, however, because his own mind was perfectly clear upon the point, to withhold any information which could be afforded

Mr NEALES wished to ask the Commissioner of Crown Lands one question —Was there any estimate as to the cost of the survey? He should like to know whether the cost would be £4,000 or £10,000?

The COMMISSIONER OF PUBLIC WORKS said that the two surveys to the Murray, which had been ordered last session, cost £2,300

Mr LINDSAY supported the motion, thinking that generally money expended upon surveys was well expended The cost of surveying was infinitesimal compared with the cost of the line The Port and Gawler line cost £15,000 or £16,000 per mile, and if, in the construction of a long line, they could reduce the cost only to the extent of £200 or £300, the saving would considerably more than pay the cost of the survey The question of gradients was a most important point in the construction of railways, and careful surveys should be undertaken before lines were determined upon

Dr WARK considered that the greater portion of the information which was asked for should have been laid upon the table of the House when the Railway Bill was introduced It was essential the House should have the fullest information before it to enable it to determine the relative merits of the two lines

The motion as amended was carried

TRAMWAY TO PORT ELLIOT

Mr STRANGWAYS, in reference to the motion in his name—"That an Address be presented to His Excellency the Governor-in-Chief, requesting that His Excellency will take such steps as may be necessary to authorize the construction of, and to construct a tramway to connect Strathalbyn with the Port Elliot and Goolwa Tramway"—expressed a desire to amend it so that it should convey a request to His Excellency to cause a Bill to be introduced during the present session.

The ATTORNEY-GENERAL pointed out there would be some difficulty in this course, as, before a Bill was introduced, the proper preliminary steps would have to be taken—proper surveys must be undertaken, and the necessary notice served upon parties on the line

Mr STRANGWAYS would amend his motion

The SPEAKER suggested that the hon member should amend the motion to the affect that a sum of money be placed on the Estimates for the construction of the work

Mr BAGOT thought it would be better to adopt the suggestion of the Attorney-General The House could not be bound to construct a railway till they knew the expense

The ATTORNEY-GENERAL imagined that the Government would hardly be disposed to place a sum on the Estimates for the purpose, although they might be prepared to place some portion He presumed it would be deemed expedient to raise some portion by loan He suggested that the motion should read, that an address be presented to His Excellency, requesting His Excellency forthwith to take such steps as would authorise the introduction of a Bill

Mr STRANGWAYS was not aware that it was necessary to authorise His Excellency to introduce a Bill He had just been reminded that two surveys—one public and one private—had been undertaken

After some conversation as to the precise form which the motion should assume, the following was stated by the Attorney-General to be unobjectionable, and such as would enable the Government to take action —"That an Address be presented to His Excellency the Governor-in-Chief, requesting that His Excellency will take such steps as may be necessary to authorise the construction of a tramway to connect Strathalbyn with the Port Elliot and Goolwa tramway"

Mr STRANGWAYS said that the declaration made by the Attorney-General would obviate the necessity of his making many observations Various points for the terminus of the tramway or railway had been advocated, but he thought that though by making the terminus at Milang would shorten the distance to twelve miles in length, and the line was free from engineering difficulties, yet when the produce of the South got there it would still have to be shipped either at the Murray mouth, or at Port Elliot, or at the Goolwa The mouth of the Murray could hardly be said to have been rendered perfectly navigable, for during the last year a vessel was lost there, and during the present season a vessel had been nearly lost, and was only saved by the sacrifice of anchors and chains Another proposition was to make a line by Rankine's ferry That was almost as favorable with regard to engineering advantages, as Milang and the shoals near the crossing of the Finniss would be avoided But it was open to the same objections regarding the mouth of the Murray as the other As for the line from Strathalbyn to Goolwa, there were certainly three places which presented engineering difficulties Persons in private life had gone to the expense of surveys and estimates of the cost of construction The person who made the survey found that by far the largest portion of the line was level, with the exception of three places alluded to, and the gradients were hardly worth mentioning At the crossing of the Finniss there were two inclines of 1 in 40, which would cause an extra cutting The plans were placed in the Library for examination Two surveys had been made by the Government surveyors, one of the surveyors found that a better line could be taken than the one he was instructed to survey That was surveyed, and it was an open question which of the two Government lines was the best As to the comparative cost of railways and tramways, a line of railway to be worked by locomotive power would cost 17 000*l* to 18,000*l* a mile, while a tramway of iron could be laid down suitable for animal power at 3,000*l* a mile He thought if a line were constructed to take off a macadamized road the heavy traffic, very little money would be required for the repair of the road He would not then allude to the probable traffic Mr Abernethy made a survey of the mouth of the Murray, and reported that it would cost £29,000 to deepen the channel of the river He (Mr Strangways) thought such works should not be constructed haphazard He did not believe £29 000 would be sufficient. He did not believe that in the world there was so large a river as the Murray with so small an outlet It was nothing but the rush of the waters of the Murray that kept the mouth clear With regard to the method of raising the money, the Attorney-General had stated that the Government proposed appropriating one-third of the necessary amount out of the revenue, and to obtain the rest on loan If they waited for rails from England 13 months would be required to obtain them, but as there was then a great amount of unemployed labour, he wished the works to be commenced immediately With regard to the cost, he would submit a report prepared by the Surveyor of the line, who offered to construct one with wooden rails at an expense of £26,654 5s, and to lay down iron rails for £42,029 5s, they would also undertake for that sum to keep the line in repair for twelve months, but those rails being only estimated at 35 lbs weight to the yard stronger would be required, and the probable cost would be £55,000 He thought that amount would be more than sufficient That sum would include rolling stock and the necessary stations He thought another advantage would be, that the same Superintendent would overlook both lines, and thus save a portion of the cost of two establishments He would therefore move "That an address be presented to His Excellency the Governor-in-Chief, requesting His Excellency forthwith to take such steps as may be necessary to authorize the construction of, and to construct a tramway to connect Strathalbyn with the Port Elliot and Goolwa tramway"

Mr DUNN would say very little It was well known aht the outlay either by Rankine's Ferry or the crossing of the Finniss must be heavy—that however should be left to the engineers He hoped the money would be laid out on the best line, as his object would be to give the greatest amount of good to the district at large, and not to benefit merely individuals He would second the motion

Mr HUGHES hoped the House would not too quickly assent to the proposition before it He did not think a line of tramway from Strathalbyn to Goolwa the best line The only reason given by the mover was that it would only require one traffic Superintendent He thought that unworthy of consideration The line ought to lead to the best shipping place in the district, and from his knowledge of the country he believed a line from Strathalbyn to Goolwa would not be the best, not even in an engineering point of view The line had to cross three rivers The first was the Finniss, which the hon member passed over quicker

than an engineer would take a line across as the banks were excessively steep A few miles further on was the Black Swamp, and then Currency Creek, which last was very little easier to cross than the Finniss Now, the object of crossing them was merely to get into the Goolwa channel But there was a better line from Strathalbyn to the mouth of the Finniss That line ran through Government land all the way, which he believed had been reserved with the view of constructing a rail or tramway By that route the shoals on the lake were also avoided There were other objections to taking it to Port Elliot, for people ought to be able to avail themselves of the sea mouth of the Murray as well as the river traffic If they took it to Milang the waters of the lake might be so low as not to permit passing Rankine's Ferry whereas if the communication was made to the mouth of the Finniss it would obviate the difficulty He simply spoke from personal knowledge of the country, as no engineer had been appointed to survey it He was convinced that in every point of view, shortness, utility, economy, prospective and immediate substantial benefits combined to render the line to the mouth of the Finniss the best The hon member had expressed doubts of the sea mouth of the Murray being navigable, and said he had ridden across the reputed mouths of two rivers, that hon member could not ride across the mouth of the Murray The navigation of that river was a settled fact In a report of the Goolwa tramway, it was stated that traffic was deficient on account of the facility with which shipping went in and out of the Murray He thought, therefore, the hon member was biassed by some circumstance not before the House The Attorney-General had stated that that line should be the next undertaken by the Government but he (Mr Hughes) hoped the House would look at it on its broad merits, as he did, and that the question would be so altered that the House would have on the table proper engineering information before they approached it He wished the House not to pledge itself before more reliable information was before it

The TREASURER had no objection to the House pledging itself to the line of tramway asked for by the mover of the resolution, because he believed it to be the best line. He would support any proposition of the kind so long as it did not go beyond the revenue of the country With regard to the best terminus, in deciding that the object of railways should be considered It was not merely to convey the produce of one town to the nearest port, but to open up the country, and to give access to the greatest amount of available land The hon member for Port Adelaide had said the object of the line was to enable the inhabitants of the district to avail themselves of navigation by sea, but taking their produce to the Finniss would not give that advantage It would not give all the advantages stated by the hon member, and, as far as regarded the accommodation of Strathalbyn only, he thought short lines should never be formed without the ulterior object of connecting them at some future time The proposed line from Strathalbyn to Goolwa would form a line not only connecting that place with the sea, but with the capital, and hereafter it would form part of a line to the southern districts and become the southern main line at some future time by a passsge made through the range The passage of the range might be made near the gorges of the Sturt, and be connected with the main south line. Eventually it would open up the Mount Barker district, and would give to all that country the advantage not only of shipping at the mouth of the Finniss, but in sea-going vessels at a southern port He should support the motion before the House

Mr PEAKE agreed with the hon member for Encounter Bay as to the desirability of giving the South-Eastern District a roadway to take their produce to market, but would propose to amend it by striking out the words after "connect" in the third line, and substitute "to connect the South-Eastern Districts with any line to the Murray or any main trunk line which the Engineer and that House approved" If that line were made, it would form a part of a line connecting the City of Adelaide But the motion was too indefinite, and he hoped the House would put a stop to such projects He thought the Treasurer would agree with him that it would be very desirable to have the opinion of the Chief Engineer as to how far that tramway could be made workable to connect the North with the South There was no doubt the South-Eastern Districts required a road like that He was not going to enter into the comparative merits of Milang with Goolwa, but should be satisfied by the Government having a survey made

Mr MILNE could not allow the resolution to pass without remark He regretted to hear that Ministers had determined in favor of the Goolwa, for he had been over the country in that direction from Strathalbyn to Milang, thence to the mouth of the Finniss, and thence to Goolwa He thought it desirable to carry the line to the Finniss Before Government took any steps in the matter the country should be thoroughly investigated Two lines of railway had been surveyed, and lithographed copies lay on the table of the House last session Was that all that could be known about the line from Strathalbyn to Goolwa? He thought that the motion should be for an address to His Excellency, requesting him to cause the country between Strathalbyn and the mouth of the Finniss to be surveyed with a view of testing the practicability of constructing a railway or tramway between those places

Mr REYNOLDS was surprised that the motion before the House should have been introduced by the hon member for Encounter Bay, as the plans and estimates were not before them (Hear) Until further information reached him, he (Mr Reynolds) was in favor of the Government scheme, but now he was inclined to think the mouth of the Finniss or Milang was preferable to extending it to Goolwa That line was surveyed some year or two ago — What was it to cost?—180,000*l* —and that not for a main line, but for 19¼ or 20 miles He did not think a line that length worth the money The line to the mouth of the Finniss or to Milang from Strathalbyn would be preferable to the line proposed On the route to Goolwa three-fourths of the soil was barren and sandy, but there was scarcely a section from Strathalbyn to Milang but what could be made available for agriculture The line to the Goolwa, however, might be the best, but in the absence of information he could not say He thought, taking the line across the rivers and the Black Swamp, would cost as much as carrying the line from Strathalbyn to Milang He knew that Captain Cadell rather preferred Milang to Goolwa, and others interested in the steamers were in favor of a tramay, to Milang Three considerations weighed with him in preferring that route it was 8 miles shorter, less expensive and more easy to construct The gradients were better, there were no engineering difficulties, and there was already a traffic existing on the line to Goolwa He should oppose the motion unless evidence were given that it was the best line

Mr NEALES would be better satisfied were the mover to alter his motion and substitute the terms "from Strathalbyn to the sea-board," that would leave it an open question as to route If he would alter it to that effect it would do away with all opposition He thought it might be referred to a Select Committee The advantages of a tramway would then be understood, and by adopting those terms it would leave the Government free to take the line to Rosetta Head, Port Elliot, Victor Harbor, or elsewhere With the evidence at present before him he was rather in favor of the proposed line, but he wanted more evidence If the hon mover would add those words it would remove all opposition, if not, he would not vote for the motion

Mr BARROW trusted the advice of the last speaker would be followed He (Mr Barrow) had received a letter, strongly advocating the Milang route It contained nine paragraphs, each of which comprised on an average four or five arguments in favor of the line by Milang Those arguments were so weighty and demonstrative, that his only doubt of their conclusiveness arose from the fact that the letter was from a landowner at Milang (Great laughter) But the hon member for Sturt had so completely corroborated the arguments of that letter that he (Mr Barrow) would almost have been compelled to believe them if it had not been possible that that hon member might have had a duplicate of his (Mr Barrow's) letter (Laughter) He was informed that Captain Cadell had entered into a contract to carry 1,200 tons of freight at 15s a ton up from Milang With regard to the three difficult crossings, he (Mr Barrow) was informed that estimates had been made showing that to cross those difficult places would cost £9,000 Whenever the question of tramway extension from Strathalbyn to the sea-board was fairly considered, it would be, in common with all questions of the same nature, referred to a Select Committee (Hear, from Commissioner of Public Works) If the hon member for Encounter Bay would consent to alter his motion as suggested, he would in all probability carry the House with him

Mr ROGERS hoped the member for Encounter Bay would refer his resolution as desired He would wish to remind hon members that three memorials had been presented that morning in reference to the question before the House, and he thought it strange if the inhabitants of those districts did not know the places that best suited their wants As to expense it was not the only question The question was what would be the advantage of the tramway when it was constructed The inhabitants of those districts wished to ship their produce by the sea-board He was glad that the Government at last were enlisted in favor of the south-eastern districts, as for many years their wants had not been attended to, and they had to drag their produce to Adelaide by an expensive process when they wished to realize upon it He hoped the House would take their wants into consideration Farmers in the north could forward their produce to Adelaide at 4d a bushel 60 miles south of the city, favored with water-carriage, the cost was 5d per bushel, but the farmers of Strathalbyn had to pay 15d per bushel (Question, and hear) 50,000*l* would construct the line between Strathalbyn and the Goolwa, which, at 5¼ per cent would cost in interest 2,750*l* 200,000 bushels of wheat, and about 3,000 tons of ore, would be carried on it He thought that the traffic in a very few years would fully pay for the cost of the work

The ATTORNEY-GENERAL rose to correct a mistake of the hon member for the Port as to certain language that hon member had attributed to him What he had said was, that when the Government had fulfilled their promises to the northern settlers by making the railway to Kapunda, they would feel that the next work which would claim their consideration was that necessary for connecting the south-eastern districts with the sea, and affording the settlers in those districts the most advantageous means for conveying their produce to market He did not pretend to offer any opinion as to the claims of the lines now before the House,

as he did not possess sufficient engineering knowledge, but in all matters affecting local interests, he thought that the opinions of those immediately interested afforded a good guide—though they should not preclude a more strict enquiry—but they were a good guide for foreseeing and providing for the results of such an enquiry With regard to the substantial motion before the House, undoubtedly all the south-eastern district asked for would be met by the amendment of the hon member, Mr Neales, namely, the most efficient and economical mode of bringing their produce to the sea From all that he had heard he concurred with the hon member who introduced the motion, and he believed the enquiry would show that the line proposed by that hon gentleman was the best, but he had no desire to prejudge the question If the hon member would amend his motion he would support it

Mr STRANGWAYS would adopt the amendment of the hon member Mr Neales, (hear, hear), and would reply to some observations which had been made The hon member (Mr Hughes) had said he was well acquainted with the country in the neighbourhood, and that he considered the line to the mouth of the Finniss was the best He had some doubt as to whether the hon member had any idea of the country to be traversed by the lines The hon member also said that the navigation of the Murray mouth was settled, and he (Mr Strangways) agreed that it was a settled thing It had settled many things, and would probably settle many more He would be glad to see it navigable, but a mere statement would not make it so Another hon member said that all the country from Strathalbyn to Milang was good, but if that statement were reversed, it would be nearer the fact The hon member for the Burra and Clare, as usual, had moved an amendment He said, "as usual," for there was scarcely a question during the session on which that hon member did not move an amendment (Laughter) The hon member, Mr Reynolds, said he had changed his views on this question Perhaps in changing his seat he had changed his views (A laugh) That hon member accused him (Mr Strangways) with changing his mind in bringing forward this motion without plans and estimates But there were plans in the Library for any hon member who chose to look at them, and he had read a statement of the cost of the line, so that he considered this charge neither fair nor in any way called for It was true the Chief Inspector, Mr Hamilton, had two years since calculated that the line would cost £180,000, but the House had had experience enough of that gentleman to know that whether his calculations were above or below the mark, was a matter of accident He did not know who the landowner was who had been alluded to by the hon member (Mr Barrow), but he knew of one gentleman who, when he had a steamer built at Port Adelaide, was so satisfied of the navigability of the Murray mouth that he carted her overland to Milang (A laugh)

The amendment of Mr Peake was then (in the absence of the hon gentleman) put and lost, the original motion, amended according to the suggestion of Mr Neales, being agreed to

PORT ADELAIDE

Mr HUGHES moved—

"That the petition of the Town Council of Port Adelaide be taken into consideration, and that an Address be presented to His Excellency the Governor-in-Chief, requesting that he will take the steps necessary for vesting the North-parade, at Port Adelaide, in the Corporation of that place, in trust as and for a parade or open place of recreation for the inhabitants of the said municipality"

The petition having been read by the Clerk,

Mr HUGHES asked the House to assent to the prayer of the petitioners He should state that when the Corporation of Port Adelaide communicated with him, and asked whether he would support a petition to the Government, he advised them to present it, and offered to accompany them to the Chief Secretary to explain their views, and aid in carrying them out It was in that way his name had been placed in the petition Attention was first called to this matter at the time of the fire in Port Adelaide, when the Corporation found they had no right to interfere with the part used for storing building materials, as it was outside their boundary It was a place quite covered with heaps of rubbish The Corporation thought they should have power to regulate it, as the land had been set apart for the people at the Port, as the squares of the city had been set apart for the people of Adelaide There was a line of railway running along it, but that the Corporation would not interfere with It was also urged that the Government had gone to an expense in forming it by depositing silt there, but that was done as much for the advantage of the Harbor Trust as for the people of Port Adelaide The inhabitants were never consulted as to the expenditure incurred in this way, and he hoped as the Government had spent large sums on the city they would not object on such a ground to handing over this piece of land to the Port Corporation The cost of the work done by the Government was, he believed £9,000, and that was nothing as compared with the sums spent in North and South Adelaide alone

Mr MILDRED seconded the motion He did so upon strong grounds as it was well known that in the early days of the settlement of the Port, this land was set aside, not as a Government reserve, but as a reserve for the use of the people of the Port If there was one thing to be complained of more than another in the matter, it was, that the Government should allow the temporary sheds which had been up on the ground to remain there, as it was always understood that when private enterprise supplied sufficient storage accommodation, they would be removed Neither the Government nor the people would experience any inconvenience from this land being handed over to the Corporation of the Port The Government had no claim upon the place beyond the money which they had expended on it

Mr BURFORD was rather taken aback by the motion, as when the locality was under the notice of the House before he understood that it was intended that an income was to be derived from it

The COMMISSIONER OF PUBLIC WORKS said there was very great force in the remarks of the hon member respecting the sheds They were found to be very dangerous, as the risk of fire was greatly increased by them He had directed the attention of the Chamber of Commerce to the matter, and a representation was made by that body to the Government, to which they would give every attention, so that he hoped the danger would soon be removed He must oppose the motion of the hon member for the Port, as the subject should have been introduced in the shape of a Bill

Mr LINDSAY was surprised that such a motion should be considered necessary He could not understand how the North-parade, originally a public reserve, could be under any pretence put to any other purpose He himself had laid it out from the design of Governor Gawler, who was the Resident Commissioner, with full power to deal with the land Col Gawler's sketch had marked on it the letters, he believed, "P R," which he understood to be "public reserve" The Government had no right to encroach upon it It was quite different from a Government reserve, such as that on which the Custom-House was built How it could become anything else than a public reserve he could not understand, and why an Act of Parliament should be necessary to convey it was still more beyond his comprehension

Mr STRANGWAYS thought after what had been said by the last speaker, that the motion was superfluous, for under the Act by which the Municipality was formed, this public reserve would like the public streets be vested in the Corporation If the place was not within the Municipality, it should be ascertained whether any other persons had claims upon it, for he thought it quite possible such might be the case

Mr NEALES hoped the hon member would withdraw his motion, as the observations of the hon member who spoke last would bring forward fresh claimants The original sketch of Governor Gawler went for very little, as the question was not what Governor Gawler put in his sketch, but what the authorities afterwards put on their maps He was informed the land was a Government, not a public reserve, and that the present North-parade was not the North-parade of Governor Gawler, but consisted of land made at the expense of the public There had been a discussion on the point, and it was then decided that the land should be made for the purpose of being let The land was, in the meantime, better in the hands of the Government than in those of the Corporation He thought it was to be used as a wharf, or he should never have voted such a sum of money for making one of the most beautiful wharves in the colony in order that it might be converted into a public promenade To talk of it as the parade of Governor Gawler was ridiculous, as it had been made within the memory of the youngest member of the House As to the excrescences upon it--the sheds--he was satisfied with the assurance of the hon the Commissioner of Public Works, and he hoped that hon gentleman would lose no time in having them removed

Mr MILDRED, in explanation, said what he had stated was that the land known as the public reserve was a public reserve, and that all the land fronting it was sold, subject to the condition of its being so

Mr PEAKE was very much inclined to leave the land to the Government, as he was rather afraid of corporations It was only the other day the Adelaide Corporation evinced a desire to cut up the City squares (Oh! oh!) The hon member for Encounter Bay had told them of the sketch marked P R, but whether that meant Prize Ring, or not, he could not say It reminded him of the mark on the post mentioned in the "Pickwick Papers," which the Pickwick Club found out meant 'Bill Stump, his mark" (Laughter)

Mr SCAMMELL was surprised to hear the hon member for Encounter Bay say that there was no evidence that this was a public reserve No evidence in the absence of maps could be so conclusive as that of the Surveyor engaged in marking the place out, and there was also the evidence of one of the original purchasers of land in the locality He believed the maps showed this to be a public reserve, and as to the cost of making the parade, it was made with silt from the harbor, which, if not laid there, would entail a very considerable outlay to carry it elsewhere It was said by an hon member that the Port Corporation had done nothing, but they had a very small amount of funds They had not, like the Adelaide Corporation, a large income from other sources, but they had expended the money judiciously It was necessary that some authority should be exercised over the North Parade

Mr HUGHES, in reply, said, with regard to what had been said by the hon member, Mr Neales that that hon member would ascertain by the maps at the Surveyor-General s office

that the North Parade was very similar to that originally laid out It was true the silt was put there, but was that any reason why the inhabitants should be deprived of their reserve The total cost of making the parade was 9,180*l*, and he considered it quite unworthy of hon members representing the City, on which such large sums had been spent, to propose that, on this account, the only public land in the Municipality should be withheld from the people He only regretted that the inhabitants of the Port were not represented better in the House (hear, hear, and laughter), and that he had not received the support he was entitled to in this matter As to a Bill being required, was it because he was the representative of Port Adelaide that he was to draw up all the Bills required for that locality? The Government said that a Bill was necessary, and he maintained that the Government should draw one up It was in order to elicit the opinion of the House that he moved in the matter, in order that the Government might then act upon that opinion

On a division the motion was lost, by a majority of 10

AYES, 7—Messrs Cole, Hay, Lindsay, McEllister, Mildred, Rogers, and Hughes (teller)

NOES, 17—The Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Bagot, Burford, Duffield, Glyde, Hallett, MacDermott, Milne, Neales, Peake, Rogers, Strangways, Townsend, Young, and the Treasurer (teller)

ONKAPARINGA BRIDGE.

MR MILDRED asked "if it is the intention of the Government to appropriate out of the unexpended balance in hand a sufficient sum for extending the bridge across the Onkaparinga?"

From recent returns it appeared that about 360,000 bushels of wheat could be shipped from the Jetty at Onkaparinga It had been decided that Onkaparinga was second to no other port except Adelaide He was familiar with all the ports from Streaky Bay to Cape Northumberland Those 360,000 bushels of wheat, worth 90,000*l*, were the produce of 24,000 acres of land, in the hands of an agricultural population, who were prepared to subscribe in aid if the Government executed this work It was very hard that they should pay 4,000*l* a year for bringing their wheat to Adelaide when they could ship it for 1000*l* from Onkaparinga In 1857, notwithstanding all difficulties, ten vessels laden with produce sailed from Onkaparinga, and there was never an instance known of a vessel which visited the port having sustained an injury The sum now asked for was only 1,600*l* or 2,000*l*

The TREASURER replied that the Government had taken this matter into consideration, and had resolved before the question was asked to place on the Estimates a sum which with subscriptions promised from the neighbourhood, would construct a bridge, the cost of which would be 1,600*l*

JOHN HINDMARSH.

Mr NEALES moved that the petition of John Hindmarsh be printed

Agreed to

MESSRS O HALLORAN AND BREWER'S PETITION

Mr HUGHES moved pursuant to notice—

"That the petition of Messrs O Halloran and Brewer be taken into consideration, and that an Address be presented to His Excellency the Governor-in-Chief, requesting that he will take the steps necessary for complying with the prayer of the petitioners"

The hon gentleman said the petitioners were amongst the earliest settlers in this colony, and as military officers in Her Majesty s forces, were entitled, under certain regulations which then existed, to grants of land The colony, however, having subsequently become a Crown colony, these grants were nullified through the petitioners not having made their claim in sufficient time The object of the petition now was redress, and it involved a payment of 550*l* in liquidation of an equitable claim The land which the petitioners had then a just claim upon was now invested in the revenue of the colony

Mr MACDERMOTT seconded the motion

The TREASURER would not argue the question, but would explain the nature of the claim made by the petitioners At the time South Australia was founded, all officers in the army who relinquished the service, had a grant of land made to them in proportion to their position and length of service, but when South Australia was established under a special Act, it dispossessed the Home Government of the power to make these grants, or the recipients of them from exercising them Persons holding them, however, could have made them available in other colonies In 1841 the Waste Lands Act was passed, and the power was restored to make any such grants available in South Australia as well as in other colonies The petitioners, however, did not come under this regulation having left the service during the period of about three years when the Crown was dispossessed of the power of conferring these grants, and were consequently now appealing for redress

Mr HAWKER said if it were a general principle or precedent which was going to be affirmed, he should certainly oppose the motion The case before them was an exceptional one however The gentlemen in question had done much good for the colony, and should not be exempted from the benefits which had been awarded to others in the same position The petitioners had borne the "burden and heat of the day," and were entitled to reward (Laughter) He was not stating what he did not understand He was a colonist of 20 years' standing, and knew from experience the difficulties and burdens which had to be encountered in the early history of the colony He thought the House might stretch a little in this case, and bear out the spirit with which the grants were made.

Mr PEAKE remarked that the fate of the gentlemen in question, who were spoken of as having borne the burden and heat of the day, had not set in night but in affluence He thought they should not come to that House and make such a claim, when they had no definite assurance when they started for this colony, that their claim would be satisfied. The Queen of England had made over the lands of this colony to the colonists, and—— (Divide, divide)

The SPEAKER said it was not in order for any one to cry "divide" when a member was speaking

The SPEAKER put the motion, which was negatived without a division

COST OF RAILWAY SURVEYS

Mr PEAKE, pursuant to notice, moved—

"That there be laid on the table of this House a return, showing the amount paid to the Surveyors of the several lines of railway ordered by this House during its last session, specifying the cost of each separately and in detail, with the plans, sections, and reports of such Surveyors."

He asked the question in consequence of having heard of the costly nature of these surveys He had had an interview with the Commissioner of Public Works, however, since, and he was satisfied that the necessary information would be given

The COMMISSIONER OF PUBLIC WORKS said that there would be some difficulty in producing the plans, as they were lodged in the office of the Railway, but that hon members would there have an opportunity of inspecting them

Mr COLE asked whether the details of the cost, if not the plans, could be laid on the table?

The COMMISSIONER OF PUBLIC WORKS replied in the affirmative.

The motion was carried, with the omission of the words, "plans and sections"

VOTE TO THE CENTRAL ROAD BOARD

Mr MILNE, preparatory to moving the House into Committee for consideration of the motion standing in his name viz —"That an Address be presented to His Excellency the Governor-in-Chief, requesting that an additional sum of £10,000 be placed on the Supplementary Estimates for expenditure by the Central Road Board," would state that at the last meeting of the Central Road Board, the urgent applications for works to be proceeded with were so numerous as to compel the Board to seek a further vote from the Government. He was so satisfied that he would carry the feelings of the House with him, that he would not enter at any length into the subject, but would state that the urgent claims from all parts of the colony, north, south and east, would render it impossible for the Board to grapple with the necessities of the case without further aid The voting of the sum asked would give increased employment to the labouring men at a time when it was most wanted

The House then went into Committee

Mr MILNE would be very glad if the Government would give him encouragement to make the amount 20,000*l* instead of 10,000*l*, or he would be glad to see some hon member move an amendment to that effect He would like, however, to retain his motion to fall back upon in case of the amendment being unsuccessful

Mr McELLISTER moved as an amendment that the sum 10,000*l* be struck out and 20,000*l* be substituted in its place

The CHAIRMAN then put the original motion, which was negatived The amendment for 20,000*l* was next put and carried

The item in the amended form was about to be put by the Chairman, when

The TREASURER rose and said he should be as pleased as any one to see the wishes of the House carried out, though if an amount were voted he would be inclined to support the smaller sum He would remind them that on the Estimates for the ensuing year there was a sum of 70,000*l* to the Central Road Board, which was as much as could be spared If the vote of 20,000*l* was made now it would reduce the amount they were to receive next year to 50,000*l* If it were deemed advisable to spend the 20,000*l* now they must not be disappointed next year in finding the sum on the Estimates reduced so much

Mr LINDSAY warned the House to weigh the matter well before they pledged themselves to a vote involving such an amount

Mr SOLOMON supported the amendment, for he felt to support this would put him in a position to withdraw a succeeding motion standing in his name They had been told by the Treasurer that he objected to the vote of £20,000, as it would reduce the sum available for next year's works, but he thought that the present moment was the best time to spend the money, instead of delaying it till the winter months He gave his vote under the impression that he was doing his duty to his constituency

Mr HAWKER supported the amendment, because out of the £8,000 voted to the Central Board on the last occasion not one penny of it had been spent in the north The north

had been entirely ignored in proportion to the amount of land which had been purchased there In agreeing to the amendment they were meeting a just demand upon the House, and it would be far better than any other chimerical ideas of the employment of labour which had been mooted, not only would it confer a benefit on the country, but it would do so also on the town It was unskilled labour that could not find employment, and that was just the description of labour they could employ upon the roads

Mr SCAMMELL was not induced to oppose the motion upon broad grounds but he would suggest that it should be understood that a certain portion of the money should be spent on the Port road, which would give employment to numbers of persons, who required it, at the Port and intermediate places If this were not agreed to he certainly should refuse his support to the vote

Mr TOWNSEND cordially supported the amendment The Central Road Board, he was assured, gave general satisfaction which he attributed to its members being elective He would leave the matter, consequently, entirely in their own hands and would not stipulate in what direction the money should be spent He would however, mention a bad piece of road—(a laugh)—which existed on the way to Nairne which might require the attention of the Board It was a happy coincidence in the want of roads simultaneously with the want of employment

Mr STRANGWAYS opposed the motion, because they had been told by the Commissioner of Public Works that the Central Road Board had still a considerable sum of money to spend before January next, and he would not consent to the policy of thus anticipating next year s revenue

The COMMISSIONER OF PUBLIC WORKS said the usual plan adopted by the Central Road Board was to put a statement before the House, showing how they intended to spend any vote of money, and when this was done the House would be in a position to judge of the expediency of their plans or not He thought the smaller sum would have been ample for their wants for the reason that the Central Road Board could not set men to work at a moment s notice Plans had to be prepared and tenders to be called for therefore the sum of £10,000 would probably be all that would be required before the next vote was made He would however, confer with the Board as to the best plan to spending whatever amount was placed at their disposal

Mr HAY supported the amendment, as they could not have a more suitable time for spending their money It would draw the labor out of the city by giving employment on the roads With respect to what had fallen from hon members as to bad roads he could multiply instances were it any use, but he wished the Board would set to in earnest and they then would perhaps hear very few of such complaints in future

Mr DUNN supported the amendment as he believed there was a great deal of labor out of employment and the Central Road Board were now in such good working order that it would be a pity to lose the opportunity

Mr DUFFIELD said there was a time when he had to defend the Central Road Board in that House from attack, but so unanimously had the feeling been in favor of the Board that day, that there was no necessity for him to say a word in their defence The hon member for Encounter Bay had referred to a sum of 8000*l* which had lately been placed at the disposal of the Board If that hon member referred to Council Paper 37, he would find that a great portion of that if not expended had been anticipated In anticipation of receiving that amount, the Board had called for tenders for very urgent works, which he believed had very nearly absorbed it

Mr STRANGWAYS explained that he did not state the Board had the money but that such an amount had been voted

Mr DUFFIELD would refer to a remark made by the member for Victoria, who said that nothing had been expended in the improvement of the north As the representative of a portion of the northern district, he could not allow that remark to pass That gentleman would find that a greater number of miles of road had been made to the north than in any other direction From public records he found there had been 38 miles of road made to the north, 35 to the south, and 36 to the south east, showing the north had not been completely ignored, as that hon gentleman had stated It was only within the last seven years that the north had become an agricultural district, but still it had a full share of the money entrusted to the Central Road Board He confessed he did not feel that entire satisfaction which he would have felt if the smaller sum had been voted They might be taking too quick a step (No, no) He hoped when the Treasurer came to look into the Estimates he would find sufficient to provide for the full vote next year perhaps £100 000, instead of £70,000 He thought the Board would be fully justified in taking immediate steps to supply the demand for labor

Mr HAWKER explained that he never said there had been no improvements in the north, but that nothing had been done to improve the roads north of the Light

Mr DUFFIELD said the words used by that hon member as he had understood them, were that the north had been entirely ignored

Mr PEAKE thought that they were playing at "ducks and drakes" with the public money and they were going on by such jumps and starts that, when the amendment of £20,000 was made on the £10 000, he was just preparing to make another amendment for £50,000 ("Divide")

Mr REYNOLDS suggested that in this vote they might introduce a sum—say £1 000—to be disposed of in repairing the Port-road He did not know whether any hon gentleman had proposed it, therefore it was only a suggestion on his part

The item as amended for £20 000 was then put and carried

The House resumed, and the report was brought up and adopted

RESIGNATION OF MR HUGHES

The SPEAKER announced that he had received a communication from J B Hughes Esq, resigning his seat as representative in the House of Assembly for the Port

Upon the motion of the ATTORNEY GENERAL, it was resolved that a writ be issued for the election of a member for Port Adelaide, in the room of Mr Hughes

MAGILL INSTITUTE

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the motion standing in the name of Mr WARK, "That the petition of the office-bearers of Magill Institute be printed," was carried

HOSPITAL AT THE PORT

Upon the motion of Mr SCAMMELL the House went into Committee for the consideration of the following notice of motion standing in his name —

"That an Address be presented to His Excellency the Governor-in Chief, requesting him to place on the Supplementary Estimates for 1858 the sum of £500, for the purpose of establishing and defraying the expenses of a Casualty Hospital at Port Adelaide, for one year"

The hon gentleman remarked that the necessity which existed for such an institution must be apparent to everyone It was suggested that £100 per annum might suffice for rent, another £100 for male and female attendants, and that the remaining £300 would suffice for other purposes in connection with the institution

Mr COLE seconded the motion which was carried, and the House resumed

Several notices of motion were postponed, and the House adjourned at a quarter-past 5 o'clock

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LEGISLATIVE COUNCIL

TUESDAY, SEPTEMBER 28

The PRESIDENT took the chair at two o'clock

ADDRESS TO HER MAJESTY

The PRESIDENT announced that in pursuance of a resolution of the Council he had presented Address No 3 to His Excellency the Governor-in Chief, being a copy of the congratulatory address to Her Majesty adopted by the Council upon the occasion of the marriage of the Princess Royal with Prince Frederick William of Prussia The President also announced that he had presented to His Excellency copy of the resolution adopted by the Council to the effect that the hon John Baker be entrusted with the presentation of the address to Her Majesty and praying that His Excellency would be pleased to forward to the Secretary of State for the Colonies intimation that the address had been placed in the hands of the Hon John Baker for presentation

RAILWAY FROM STRATHALBYN

The Hon A FORSTER presented a petition signed by 385 persons, residents of Strathalbyn, Onkaparinga, Macclesfield, Bremer and Alexandrina, praying for the establishment of a railway from Strathalbyn to Port Elliot and the Goolwa A similar petition was presented to the House of Assembly a few days since

The petition was received, read, and ordered to be printed

EXECUTIONS REGULATION BILL

Upon the motion of the Hon the CHIEF SECRETARY, seconded by the Hon A FORSTER the Executions Regulations Bill was postponed till after the consideration of the Divorce and Matrimonial Causes Bill in order that the last-mentioned Bill might be transmitted to the House of Assembly

DIVORCE AND MATRIMONIAL CAUSES BILL

The Hon the PRESIDENT certified that the Bill was a true copy of that which had been passed by the House, and upon the motion of the Hon the CHIEF SECRETARY seconded by the hon Mr MORPHETT, the Bill was read a third time and passed, the Clerk of the House being directed to convey the Bill to the House of Assembly with an intimation that the Council had passed it, and desired the concurrence of the House of Assembly

EXECUTIONS REGULATION BILL

The CHIEF SECRETARY said that, after the explanation which he gave to the House at the time he obtained leave to introduce this Bill, it was not his intention to take up the time of the House with any further observations in moving its second reading The Council had, no doubt, well considered the measure and, he believed, would agree with him, that such a measure was necessary He therefore begged to move that the Bill be read a second time

The Hon Major O'HALLORAN seconded the motion, which was carried, and the House went into Committee upon it

Upon the first clause being read,

The Hon J MORPHETT wished to suggest an alteration He thought there was a little surplusage in the clause It stated that after the passing of this Act, so and so should be done Now of course the Bill could not come into operation till after it had passed His principal object, however, in rising was to call the attention of the Chief Secretary to the fact, that during the last session the Council passed an Act, which was in accordance with an Act of the Imperial Parliament, fixing a specific time at which all Acts should come into operation unless there were some special reason for their coming into operation at some other time It was a short Act, and one which he had the honor of introducing, and merely provided that where there was no special provision as to the time at which Acts should come into operation they should come into operation from the day of passing thereof At present there was a doubt and uncertainty as to when an Act came into operation unless some specific time were mentioned The old Parliamentary rule was that Acts should come into operation from the first day of the session on which they were passed, but this was found so very inconvenient that a short Act was passed, the object being to provide that all Acts should come into operation from the day of passing No day was mentioned in the present Act as that upon which it should come into operation, and he thought the Chief Secretary would find it much more convenient that a short Act should be introduced into Parliament, defining the time at which all Acts should come into operation, and thus prevent the necessity of inserting a clause in each Act to determine at what time it should come into operation He hoped the hon gentleman would assure the Council that it was his intention to introduce such a Bill during the present session

The Hon the CHIEF SECRETARY thought the utility of such a measure must be undoubted It was his intention to add a clause to the Bill giving it effect from the 1st January, 1859

The first two clauses were then passed

Upon the third clause being read,

The Hon A FORSTER said that he did not know what the operation of this clause would be in reference to persons witnessing executions By the clause as it at present stood it appeared to him that persons within the walls of the gaol must remain there till the sentence upon the criminal had been carried out Supposing a reprieve to arrive would these persons be liberated?

The Hon the CHIEF SECRETARY said that if a reprieve arrived the previous sentence would of course be done away with, and there would be no necessity for persons to remain

Clauses 4 and 5 were passed

The Hon A FORSTER suggested an amendment in the 6th clause with regard to the publicity to be given to capital punishments There was a provision in the Bill to the effect that the certificate and declaration should be published three times in the South Australian *Government Gazette*, but he questioned whether that was sufficient It was of the utmost importance that the greatest publicity should be given, and he would therefore move the insertion after *Government Gazette*, of the words "or in any one or more of the newspapers of the province"

An hon member suggested that the publication should take place in the whole of the newspapers of the province

The Hon A FORSTER said his object was not to incur larger expense than was necessary in giving the requisite publicity, but he would certainly suggest that due publicity should be secured

The Hon J MORPHETT did not see the force of the hon gentleman's argument, unless, indeed, he was prepared to go so far as to say that all the notices in the *South Australian Government Gazette* should be inserted also in the *Register* and *Advertiser* Did the hon gentleman mean to say that the *Gazette* was nothing, and that all the impoundings, insolvency, and other notices should also be inserted in the public journals? So long as it was not necessary that a certain class of notices should be inserted in any other paper than the *Gazette*, he could not see the necessity of making an exception with respect to the notices under this Bill He could not see why this particular class of notices should be taken out of the category The proposition of the hon gentleman involved further expense to the country, and expenses accumulated fast enough He did not think the hon gentleman had made out a case There had been nothing shown to convince him that it was necessary to provide for the publication of these notices in a daily paper Every guarantee was taken for the requisite publicity by the attendance of certain officers at the executions—men of standing and character and there was a further guarantee in the admission of a certain number of independent persons, all of whom were required to sign a certificate to the effect that the law had been carried into operation in a proper way, until the hon gentleman could show some particular reason that exception should be made in reference to this class of notices, he should oppose the insertion of the words suggested

The Hon Captain HALL was in favor of the insertion of the words which had been suggested by the Hon Mr Forster because the general public would really be left in ignorance of the fate of criminals if the publication were confined to the *Government Gazette*, so few being in the habit of seeing or reading the notices in that publication He recollected that in the Chamber of Commerce, when the Insolvent Law was under consideration, one of the suggestions made was, that the notices should be published in the daily papers Of course, there was no desire to prevent the notices from appearing in the *Government Gazette*, but the general public seldom saw that publication, and the consequence was that advantage was taken by parties declaring immediately after the publication of the *Gazette*, and the public were not aware of the circumstance The expenses consequent upon adopting the suggestion of the Hon Mr Forster would not be great, and the public would, he believed, be much better satisfied if the notices were published in the daily papers as well as in the *Government Gazette*

The Hon Captain BAGOT thought the Government would go far enough in securing the publication of the notices in the *Government Gazette*, because a publication in the *Gazette* would be a sufficient record, and would be at all times accessible He thought that the Government, having completed the punishment, ought not to go further, or to push the matter beyond that, because it would, in fact, be punishing the persons connected with the individual who had suffered If the notices were published in the daily journals, the notification that such and such unfortunate men had suffered would be spread throughout the world, and how grievous would this be to the parties connected with the criminal How painful would it be for them to take up a newspaper and find it announced that a relative had been hanged on such and such a day He thought the publication ought not to extend further than the *Gazette*

The Hon A FORSTER said that the Hon Mr Morphett had said that no case had been made out to shew that the notices should be inserted in the daily papers as well as in the *Government Gazette* He (Mr Forster) did not attempt to make out a case, nor did he expect to be called upon to do so, but believing the matter of considerable public importance, he had suggested that the notices should be published through a channel which would best secure their publicity The Hon Mr Morphett had said that the impounding notices and insolvency notices, &c, were merely published in the *Government Gazette*, and that there was no reason that exception should be taken in reference to notices under this Bill, but the hon gentleman had not stated that the impounding, insolvency, and other notices were published gratuitously in the columns of the newspapers published in the colony, and that they thus obtained publicity If it were not so the Government would lose immense sums every year through publishing land sales, &c, in so obscure a periodical as the *Government Gazette* He would suggest that there should be an alteration in the whole of these cases A new Impounding Act was before the Parliament, and no doubt it would be thought desirable that the notices, instead of being passed through the *Gazette*, should be passed through the public journals There was no reason why the newspapers should publish these notices gratuitously when they were paid for in the *Government Gazette*. The hon Captain Bagot had suggested that it would be sufficient punishment to the relatives of the sufferers that official notification of the catastrophe should be published in the *Government Gazette*, and had urged that if the notifications were published in the newspapers they would be circulated through the world, and that innocent parties would thereby be injured, but merely sanctioning their publication in the *Gazette* would not prevent them from getting into the public newspapers The notices would as certainly be published in the newspapers as though their publication were sanctioned by the Government He considered it due to the community, quite irrespectively of any advantage to the proprietors of the newspapers that the widest possible publicity should be given to these matters With regard to land sales and other matters, he was quite sure that not only would the Government not lose but they would gain largely by adopting this suggestion If the newspapers were to come to the resolution of suppressing the notices which appeared in the *Government Gazette*, he was satisfied that the colony would suffer very largely In order to test the feeling of the House, he would move that after the words *Government Gazette*, the following words be added, and "in one or more newspapers of the province"

The Hon Captain BAGOT said he had never expected that the newspapers would be prevented from publishing the notices, so far from that, he had throughout felt quite sure that they would find their way into the newspapers, but the Government ought not, he thought, to be called upon to pay for what it was not necessary should be published through that channel

The motion of Mr Forster was lost

The Hon the CHIEF SECRETARY moved the insertion of a clause giving effect to the Act from 1st January, 1859

The clause was agreed to

The Hon A FORSTER thought there was a practical difficulty in the third clause, and he should be glad if the hon the Chief Secretary would consider it before he took the Bill out of Committee It appeared to him that as the clause was at present worded, all the persons assembled to witness the execution must sign the certificate before they left the walls of the gaol

The Hon the CHIEF SECRETARY considered there was no difficulty in the way, as if a reprieve arrived, which the Hon

Mr Forster had previously suggested, of course they would not be called upon to state that the sentence had been carried into effect according to law

The Hon A. FORSTER considered it very undesirable that the clause should be so worded as to admit of a variety of interpretations

The Hon Mr MORPHETT drew the attention of the Chief Secretary to the wording of the schedule B which contained the expression "convicted before the Supreme Court held in Adelaide." Other portions of the Act contemplated the execution of criminals at other places than at Adelaide, and it might also be assumed their trial elsewhere was contemplated. There was no special provision that the trial should take place in Adelaide, and when there were Circuit Courts, the trial might take place at Mount Remarkable or Guichen Bay, or a long way from Adelaide. In that case the schedule as at present worded would not be applicable

The Hon the CHIEF SECRETARY thought it possible that criminals might be sent to Guichen Bay, or Mount Remarkable, or Port Lincoln, to be hung as examples to others, and he consequently had no objection to the alteration suggested by the Hon Mr Morphett

The Hon Captain BAGOT pointed out that the first clause contained the expression "Supreme Court of said province." The Supreme Court might sit anywhere.

Some verbal amendments having been made, the CHAIRMAN reported the Bill to the House, the House resumed, the report was adopted, and the third reading was made an order of the day for Tuesday next

THE CUSTOMS LAW AMENDMENT BILL

The PRESIDENT announced that he had received "the Customs Law Amendment Bill," as recently passed by the House of Assembly, and that the Assembly desired the concurrence of the Council therein. The Bill was, upon the motion of the Chief Secretary read a first time, and the second reading made an order of the day for Tuesday next, till which day the House adjourned

HOUSE OF ASSEMBLY

TUESDAY SEPTEMBER 28

The SPEAKER took the chair at ten minutes past one o clock

CITY WATERWORKS

Mr NEALES presented a petition from the Mayor and Corporation of the City of Adelaide, praying the House to make provision for the additional expense of laying the mains along each side of the street, instead of, as at present, excepting three streets only, in the centre

PETITIONS

Mr BAKEWELL presented a petition from John Finley Duff, with respect to certain grievances in connection with his ownership of the Anna Dixon, in which vessel a loss of £639 11s had been incurred by the petitioner, in consequence of the interference of this Government in depriving him of a Lascar crew, and compelling him to supply their place with a European one, at an increased expense

The petition was received and read

THE RIVER WEIR

Mr MILDRED asked the Commissioner of Public Works whether he would have any objection to lay the papers on the table relating to the Board of Enquiry on the River Weir

The COMMISSIONER OF PUBLIC WORKS, in anticipation of the question being put, had brought down all the papers referring to the enquiry up to the present hour. Amongst them would be found answers to certain queries which had been put by the Commissioners to the Board. The papers were laid upon the table and were subsequently ordered to be printed

Mr REYNOLDS thought that as the documents were important they should be read to the House

The Report was accordingly read

WATER SUPPLY AND DRAINAGE ACT

The COMMISSIONER OF PUBLIC WORKS laid upon the table a Bill to amend and consolidate the Act relating to the Water Supply and Drainage of the City of Adelaide. The Bill was, on the motion of the Commissioner of Public Works, read a first time, and the second reading was made an Order of the Day for Thursday, the 14th October

PAPERS LAID ON THE TABLE

The COMMISSIONER OF PUBLIC WORKS laid several papers on the table, amongst which was a return of the expenditure of the Port Adelaide Harbor Trust

RAILWAY MANAGEMENT COMMITTEE

Mr REYNOLDS moved that as there was a vacancy in the Railway Committee, it should be filled up

A ballot was accordingly taken, and Mr Hawker was declared elected

KAPUNDA RAILWAY BILL

The COMMISSIONER OF PUBLIC WORKS asked the Speaker why the evidence which had been taken on the Kapunda Railway Bill was not on the files of hon members

The SPEAKER said that some of the professional evidence had not been returned by the witnesses to whom it was sent for correction, and that the report had not therefore been received from the Government Printing-office

Mr REYNOLDS asked the Commissioner of Public Works whether the Commissioners of the Railway had been authorised by the Government to provide the plant for the northern extension, and, if so, under what authority they (the Government) had done so?

THE COMMISSIONER OF PUBLIC WORKS would prefer that the hon member should give regular notice on the subject

BOARD OF WORKS BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, expressed himself willing that the Harbor Trust should be included amongst the Boards to be incorporated under the control of the Board of Public Works. He moved the second reading of the Bill simply on the broad principle of bringing all the Boards under the immediate control of the Commissioner of Public Works, and therefore, directly, under the control of the people of South Australia. In speaking for himself he assured the House that he did not shrink from performing the greatly increased duties which would devolve upon him. The second point he would urge in connection with this memorial, was the greatly increased economy which would result from it. He had carefully gone into calculations, and the saving, at the least, would amount, he believed, to 3,000*l* per annum if the Bill became law. It would ill become him to say anything against any of the Boards at present existing, against one of which certain charges had been made, but he would say that those charges were, in his opinion unfounded in fact perfectly uncalled for, and not susceptible of proof. The principle now sought to be adopted was a part of the Responsible Government under which they lived, and it was a step in the right direction. With respect to the action of the House on the Bill, he would not contend against details so long as the broad principles of the Bill were carried out. The third point which recommended it was, that the salaries of the various officers of the Board would be placed on the Estimates, and come under the review of the House. He would recapitulate the three heads of the Bill. First, there was the broad principle of bringing all the Boards under the control of the Commissioner of Public Works, secondly, the great saving of 3,000*l* per annum that would be effected, and thirdly, the salaries paid under the various Boards would then be brought under the control of that House. He moved the second reading of the Bill,

Mr STRANGWAYS hardly knew what course to take with respect to this Bill, whether to support it or otherwise, as the Commissioner of Public Works had said he was ready to withdraw it, or alter and modify it. He had great objection to the proposed Board as suggested by the Bill, as they would have to abolish Boards partially responsible, and substitute one totally irresponsible. Or if the Board were to be responsible a fresh Board would have to be appointed with every change of Ministry. The Board would be irresponsible because the Commissioner of Public Works could always be outvoted, and jobbing transactions could be carried on to the same extent as under the present system. He disapproved of the entire abolition of the Central Road Board, and suggested that a Council, composed of persons elected by District Councils, should be constituted as a Board of advice to the Commissioner, who would find their local knowledge of great service. This Board or Council would not have either responsibility or power, theoretically speaking, but in practice it was probable the Commissioners would, as a rule, always act upon their advice. He objected to the Bill as the principle of it—which, however, the Commissioner of Public Works had described as a Bill without a principle—appeared to place more patronage in the hands of the Government. The hon Commissioner of Public Works had stated that he felt almost inclined to follow the course he had adopted in the Impounding Act, and to withdraw the Bill. He (Mr Stringways) hoped he would do so, for he was quite confident that by the time the Bill had passed through Committee there would be so little of it left that the Hon Commissioner of Public Works would fail to recognise it. He (Mr Stringways) could not see how the present Bill could operate to prevent jobbery. He thought charges of that description would be as likely to be made as before. He considered it only another attempt to increase the patronage of the Government. He would not advocate the entire abolition of the Road Board. He thought the scheme not an economical scheme, and that the Commissioner when appointed would have great power but little if any responsibility, and therefore he would move as an amendment that the Bill be read a second time that day six months

Mr HAWKER rose to second the amendment, not because he did not entirely approve of the principle of Responsible Government, but he did not like to see it carried out in the way proposed by that Bill. He thought there could be no satisfaction in abolishing a number of Boards and then appointing another instead. He thought all officers of departments should be responsible to their respective heads, but that complete responsibility could not be obtained by the appointment of four Commissioners. He could not see the object of it. How could those gentlemen gain information as to the works to be carried out in each other's departments? He thought the public interests, with the exception of carrying

out roads, would be far better consulted by making each of those gentlemen directly responsible to the Commissioner of Public Works or the Commissioner of Crown Lands, without any intervening Board. If there were less expense under the proposed measure, there would be great loss of time to the community. If the Engineer of Railways were not competent, he did not see how they were to make him competent by placing a Board between him and the Commissioner of Public Works. He (Mr. Hawker) thought, with a slight modification of the Central Road Board, our roads would be carried out in an excellent manner, and that it would be difficult to appoint a Board to carry them out better than the present one. There were certainly some isolated cases in which it was asserted that they had not carried out their trusts for the benefit of the colony, but he thought—looking north, south, and east (as there was no west)—it would be difficult to carry out in a better manner the improvements that had been effected. With that single exception, he considered it would be better for the interests of the colony that the heads of departments should be made directly responsible to a responsible Ministry without the intervention of a Board of all, for he wished that every difficulty should be removed, so that if a department were responsible it should be rendered completely so.

Mr. REYNOLDS would not be able to go with the hon. member for Encounter Bay, because he thought the Government were moving in a right direction, and although he could not go entirely with them, he could go a great way with them. He felt gratified to find that the Government were disposed to carry out the line of policy dictated by that side of the House. ("No, no," from the Commissioner of Public Works.) The Commissioner of Public Works said "no." How then was it that the intention to place those Boards under Responsible Government was not included in the Governor's address and made a part of the Ministerial programme? The fact was they got additional light from some part of that House. They saw it would not do to blink the question of responsible Boards, and all at once they appeared to find a Bill somewhere, and they brought it forward intimating that the matter had been under the consideration of the Government many months. He thought it was the Bill he had the honor to submit to the Government in December last, modified but not very much improved. He had submitted it to his late colleagues, because they were not in favor of the Bill of last session, which, however, he (Mr. Reynolds) thought was a better system. He had tried to consult his colleagues on the 18th of May last on that very question and several others, but was unable to do so. On that date, according to the Commissioner of Crown Lands, the Cabinet met. He (Mr. Reynolds) was present on that day. He wished to consult his colleagues on railway and Waterworks matters, but in consequence of their meetings being so few and far between the Commissioner of Public Works could scarcely get a word in edgeways. He must make one or two statements in explanation of the course he took on the question of asking leave to introduce the Bill. He had made certain statements with reference to the Harbor Trust. Had the Commissioner of Public Works intimated his intentions with regard to that Trust, those observations would never have been made; still the facts remain that nearly half the silt raised in Port Adelaide was raised in one locality. In the early part of May he (Mr. Reynolds) wanted to consult his colleagues in the matter then before the House. On the 4th May he could not find the Chief Secretary, and on the 6th May he could not find him, nor could he meet with him from the 7th to the 12th May. On the 11th, he (Mr. Reynolds) wanted particularly to meet with him, but could not, and between the 14th and 17th he was also unable to find him. Having said thus much, he must, in the next place, congratulate the Government on their bringing forward the Bill, and hoped they would not allow it to be shelved, and that the hon. member for Encounter Bay would not meet with support in that House. It was a move in the right direction. They had better have three Commissioners than 12, but he thought they might do without Commissioners. The Colonial Architect's was an important department, and it came in direct contact with the Commissioner of Public Works, and he did not see why the other departments should not do the same. He thought it necessary to have a manager of railways, in order to carry the system out, but he did not see why the Engineer of Waterworks should not be the Executive Officer of the Waterworks, and the same with respect to the Harbor Trusts and Roads. He would not agree with the hon. member for Encounter Bay with regard to the roads. He knew the Central Road Board was now popular, but it had not always been so. It might be that popular men were now on that Board who were determined to act openly, and consequently they received public approbation, but suppose they were changed at some future time, the Board might not be so popular then as now. Therefore the argument of the hon. member could not be allowed to tell on the House. That hon. member said that he could not see how one man could manage the roads because he might not have local knowledge; but the Road Surveyors would have local knowledge, and he (Mr. Reynolds) supposed the Road Board took advice from the Surveyors, who reported to the head of the department as to the nature of the plans and estimates laid before them. He quite agreed with the Commissioner of Public Works that the plan would save 2,000*l.* or 3,000*l.* a-year. Had he said 5,000*l.* it would have been nearer the truth. (Hear, from the Commissioner of Public Works.) He (Mr. Reynolds) could see no reason why the Telegraph should be under the control of a Commissioner. He thought it a pity to change the title of the present Superintendent. He had rather keep him under that title, as they would know him as an excellent officer under it, while under the title of Commissioner they might lose sight of him. He (Mr. Reynolds) should leave himself at liberty to move, when that amendment was disposed of, that the Bill introduced last session should be substituted for the one then before the House.

Mr. BURFORD hoped the House would not, with respect to that Bill, think of negativing the principle of direct responsibility. He should be sorry if the amendment of the hon. member for Encounter Bay met with any considerable support in the House, for he was willing to think that they were all impressed with the necessity of supporting the principle of direct responsibility in all Public Works. He thought the hon. member rather contradicted himself when speaking of the principle of placing all management under one head. He spoke in favor of the Bill of last Session, the tendency of that Bill was quite in the direction of management under one head, and then afterwards he objected to the first efforts now being made to render that responsibility a matter of fact. As to the question of salaries there was no force in the observation of the hon. member that there would be no saving on that head, for the number of individuals now engaged must be greater than would be likely to occur under one Commissioner of each Board. With regard to the observations by the hon. member for Victoria, he remarked that there was nothing to be gained under that Bill, but he (Mr. Burford) could see nothing likely to be lost, and he fancied that all the various officers would continue the same, and he thought that there might be a mutual consultation of the various individuals, though they might not be of any particular department; and that in all probability would be quite sufficient to justify the House in embracing the project of the Government. He thought it possible that the disinclination hitherto manifested on the part of the Boards to render their accounts to the Government would be done away with. With regard to the Central Road Board, it was justly remarked by the hon. member for Sturt, there is at present no guarantee for the future, that there should not be persons appointed who might be obnoxious to the public. For his part he wished direct responsibility to be introduced, and therefore he would support the second reading of the Bill.

Mr. MILNE wished before a vote was taken on the amendment, or for the second reading of the Bill, that some information should be given in relation to it. He wished to know what the manner of voting would be at the Board, and whether a vote of the Board was binding on the Commissioner of Public Works, or whether it was merely a Board of Advice. He also wished to know if the press would be admitted to its deliberations, for he looked upon that as a matter of the highest importance. If the answers of the Government were, that the press should be excluded, he should vote against the second reading, for he considered there was no better safe-guard for integrity than the publicity given to proceedings through the press. If the Board was, as it were, the workshop in which measures were prepared for public benefit, then, if the press were admitted, the matters would be influenced to a certain extent by public opinion, for if sufficient time were given for the consideration of the projects contemplated, they would be well ventilated, and all necessary information would be obtained. That system would have a tendency to prevent a repetition of errors into which they had at times fallen from imperfect information. If publicity had been given, or public deputations received, those errors would not have been committed. He considered it of the utmost importance that the Board should be open to the press. ("Hear," from the Commissioner of Public Works.)

The TREASURER considered that there was very little dissent from the principle of the Bill. True, some seemed inclined to set it aside altogether, because it did not exactly meet their expectations. Others considered it a move in the right direction, and would gain all they could on a point of so much importance. The great principle of that Bill was, that the various Boards in the colony, some of which were independent of the Government, and others only partially dependent, should be brought under direct responsibility. He was one who maintained that it was desirable that the House should have complete control over the various public undertakings through responsible Ministers, and not as now, that indirect control obtained by letting members of Boards hold office until removed by a vote of that House. And when it was considered that no member could be removed except by a vote of that House, it amounted to absolute permanency of office, for there must be a resolution agreed to by both Houses before he could be removed; and therefore there were some officers absolutely irresponsible to that House. It would therefore be a great gain to bring all Boards under the direct control of the House. It had been said that the power of the Commissioner of Public Works was not brought to bear so directly on the Commissioners as on the heads of departments. After full consideration, the Government did not altogether approve of the system introduced last year. They thought the officers would be less liable to political influences under the proposed system, than if they were under the direct control of the Commissioner of

Public Works. Under the present Bill, in any change of administration, public works would go pretty much as under the former administration. They would not be affected by the change. He thought that was one advantage of working by Boards. The hon. member for Encounter Bay had said he was not satisfied with the improvement proposed, and he wanted some Board of his own—in fact, he wanted to throw that Bill overboard altogether. If the hon. member wished to have the Bill of last session, throwing that Bill out altogether, was not the way to obtain it. There was nothing in the Bill before the House to prevent hon. members shaping it so as to secure the influence of a majority of that House. If the control proposed was not direct enough, it was in the power of that House to make it so. The hon. member for Encounter Bay said there must be some sinister object sought to be gained by creating those offices, whereas the patronage of the Government would be limited. The hon. member had quite mistaken the scope and tendency of the Bill. Then, as to salaries, the House would fix them. The Bill merely provides that they shall be paid, it does not fix the amount. The remark of the hon. member could not be justified by any provision of that Bill. The control of the Government over the Boards would be complete, because the Regulations would have to be framed in the Executive Council on the report and recommendation of the Commissioner of Public Works. There would also be regulations in reference to the audit of accounts, and thus one of the faults of the existing system would be done away with. At present the several Boards felt annoyed at the interference of the Auditor General, sometimes they carried out the Acts which constituted them in defiance of the Government. He considered it a good plan to allow the press to be present on most occasions, but there were certain times when for the public benefit publicity ought to be avoided. Therefore it was not advisable to introduce any clause making such publicity a part of that Bill. In reference to what had been said by the hon. member for Sturt, respecting the Council meeting of the 18th of May, he thought there was some unfairness in the way of putting it. Had the Attorney-General been in the House, he would have been able to reply to the remark better than he (the Treasurer) could, but one thing struck him in reference to that complaint. The hon. member on that day attended a Cabinet meeting with a bundle of papers, containing reference to various matters that he wished to bring before his colleagues. Now, the usual plan of working at those meetings was to give some intimation when such matters were about to be brought forward. If a question was about to be put it was put in writing, and the Chief Secretary was requested to name an early day on which the matters might be taken into consideration. If such a course were not followed, it would be impossible to carry on a Government, supposing that every member was anxious that his own particular questions should have the precedence.

Mr. LINDSAY had listened to the arguments of the various hon. members who had addressed the House, and felt some doubt as to how he should vote. He was not quite satisfied with the Bill, and was not prepared to go the whole hog against it. He considered that that Bill would not bring all the various Boards under the direct control of the Government. Under the first clause, the Board constituted would be irresponsible. With regard to saving £3,000, he thought that very well, but the object of the Bill should be to fix responsibility somewhere, but as the Board was constituted, it was fixed nowhere. The Central Road Board had expended £59,702 16s. on a road, the permanent plan of which was not decided on, for he thought it probable there would be a deviation of three or four miles. (The Speaker intimated that the hon. gentleman was out of order.) He agreed with the hon. Treasurer that the Bill was a move in the right direction, but it required considerable alteration, and some addition might be made to it with great advantage. The 6th clause empowered the Government to make certain regulations—but they ought not to legislate in that roundabout way. The Government in such a Bill as that should have given power to carry out whatever was wanted. He should hold himself open to vote as he thought proper. He was not prepared to reject the Bill, but he considered that it might be made more generally palatable.

Mr. PEAKE endorsed most emphatically the principle of reducing all Boards under the complete control of the Commissioner of Public Works. He regarded it as an essential part of the system of the Government under which they were living and legislating. He believed it impossible to uphold the present system. Irresponsible Boards could not be allowed to co-exist with their present institutions. The system of carrying out public works, and the management of public works, must be made to square with the system of responsible Government. The Commissioner of Public Works proposed to abolish existing Boards, and he was sorry to find, to construct another Board. Having knocked down one lot, he had hoped no other would be built up. There was laid on the table of the House last session a small Bill of only one clause, and though its provisions did not comprise the Central Road Board, it might have comprised every Board in the colony. Were it carried out a great public saving would be effected. It also had simplicity to recommend it. The Commissioner of Public Works was under a mistake in the constitution of the present Bill, and he was tampering with his own authority. In the first clause in all meetings three members were to form a quorum. Now, if the Commissioner of Public Works should be outvoted or absent from that meeting he (Mr. Peake) could not see how he could take the responsibility of those acts. He believed that a person who possessed a good, firm, strong will was worth a good many wills drawn here and there by private interests and personal considerations. The House could always take the Commissioner to task if he did not do his duty, and he (Mr. Peake) had no objection to give that full power to which he (the Commissioner) was entitled, and therefore he did not like the form in which the change in the public service was to be carried out. He could not agree with the hon. member for Encounter Bay (Mr. Strangways). He had suggested that there should be a Council of main roads, but he (Mr. Peake) had too much respect for the Central Road Board to fall into that notion. Such a Council would be very like a building committee, of which he had an instinctive horror. He would endorse the principle of making all Public Works Boards in the colony responsible to the Commissioner of Public Works.

Mr. COLE did not rise to support the bill or to oppose it. He was willing to give the Ministry, and especially the hon. the Commissioner of Public Works, every credit for aiming at the public good, but he feared the mode proposed in the Bill would not attain that object. A celebrated writer, he believed Sidney Smith, had said that Boards were frequently used as blinds for covering up many unsightly things; and now it appeared that the hon. the Commissioner of Public Works had endeavoured to make a convenient box by dovetailing a number of them together for that purpose. He feared that this box would prove like Pandora's, and that the result of the attempt would be evil. He considered the best plan to be that of abolishing all the Boards, and that as hon. members placed confidence in the present Hon. Commissioner of Public Works, they should leave in his hands the whole management of the department. It would be better to have one such officer in charge of the entire management than that he should come in second hand with the possible disadvantage of being outvoted, and thereby rendered responsible for what he did not really approve of. He preferred the Bill of the last session.

MESSAGE FROM THE COUNCIL.

A message was at this period brought in from the Legislative Council transmitting a copy of the Matrimonial Causes and Divorce Bill.

The ATTORNEY-GENERAL moved that the Bill be read a first time, and in order that hon. members might have full time for consideration of the measure, moved that the second reading be made an order of the day for Thursday.

DEBATE RESUMED.

Mr. NEALES was anxious to make some observations on the construction of the new Board, as he was certain it would never work well. It appeared to him that the Commissioners were to be the heads of the present departments, and if that were to be the case, it would resolve itself into this—That the Superintendent of Telegraphs would vote with the Superintendent of the Harbor Trust, and *vice versa*. There would be a combination amongst the departments, in order that each might be put in possession of as much money as possible. If they were to have Boards which would be at all independent, the fewer they were in number the better. Three Commissioners and a Chairman would be a reasonable number for the Board now proposed. As to the Chairman in such a Board, he could not be outvoted if he attended to his duty, as he would have a double vote, and the old Boards with all their faults would be better than the plan now proposed. As to the saving of 3,000*l.* a-year, one act done by the Board might sweep away three times 3,000*l.* He was inclined to entrust the whole responsibility to the Commissioner of Public Works but he felt that no one Commissioner could undertake the work. It was admitted in another colony, where even with the Board they were obliged to nominate a Deputy-Chairman for the Board of Public Works. But he was satisfied the composition of the Board must not be confined to the heads of departments. No Board would ever work so and in the event of a new Commissioner of Public Works coming into office, all these gentlemen would combine against him until he found himself in a regular hornet's nest. If they represented in the new Board every Board which they were going to destroy, there would be six members, and in that case the Chairman might as well stop away. He was still wedded to the notion that the Harbor Trust was improperly brought under this Bill. It should go with the Trinity Board. He did not say it should be under the Commissioner of Public Works, but it should be dealt with differently from other Boards. He believed it was at present under the Treasurer, and whoever was placed at the head of it should be assisted by a Board such as was now proposed.

Mr. MILDRED would support the second reading, but thought he should reserve his opinion on some clauses. He believed the Bill to be a move in the right direction, and that it would lead to the removal of some incubuses now existing in the State. It was better to put the axe at once to the root of the tree. He did not pay much attention to what had been said as to the Commissioner of Public Works being overworked. It was the interest of that hon. gentleman to have control over all the public works, and he (Mr. Mildred) had never heard the hon. member complain of

having too much work. The general complaint was that he had not latitude enough, and that in consequence he could not get all the information which he would require to present to the House respecting the works under his control. With regard to what had been said of the appointment of a deputy chairman in Victoria, the hon. member (Mr. Neales) had fallen into a mistake as the Commissioner of Public Works there was Commissioner of Land also, and therefore a great deal more work fell upon him than on our Commissioner of Works and Commissioner of Land and Immigration. He believed the Trinity Board had hitherto carried out everything done by the Harbor Board. The Harbor Trust had large sums of money at its disposal, but the outlay was or should be managed by the Trinity Board.

Dr. Wark would vote for the second reading and had much pleasure in having the opportunity of supporting the Government. He considered this a movement in the right direction, but the Boards, if the House was about to meddle with them at all, should be swept away, in order that the public business should be properly conducted under the Commissioner of Public Works. That hon. gentleman had not complained of his work, but, on the contrary, was anxious that this very onerous duty should also be imposed upon him, and by all means let it so devolve on him. He did not think the proposed Board of Works would answer. In the first place, though each of the members might be adapted to his position, it did not follow that each would be adapted to the position of every other member. It might so happen that a Commissioner of one department, who understood clearly what he was about, would be swamped by gentlemen who, though up to their own work, were not conversant with the department of the gentleman of whom he had first spoken. The Commissioner of Public Works, himself, was only one individual, and might be outvoted on every occasion. He must therefore bring every member of the Board under his control. He must mould them to his own views or he must discharge them. The Commissioner might then be called to account by the House, but there were always some differences of opinion in cases of the kind. There were some points upon which men would conscientiously differ, and if on a point of that kind the Commissioner should be outvoted he could not in that House support the proposition on which he had been beaten. The thing was absurd, ridiculous, and unworkable.

Mr. Duffield could hardly understand how gentlemen who were ready to knock down the existing Boards could consent to build up one more objectionable still. He agreed with every hon. member who said that all the public works should be placed, under the control of the Commissioner of Public Works, and that he alone should be responsible for them, and if a Bill embodying that principle were introduced, he would support it, provided it were not coupled with the objectionable provisions of the present measure. Had the Government reintroduced the Bill of last session with the addition of one or two points omitted in that Bill, he would support it. He did not wish to vote with the hon. member for Encounter Bay. If they affirmed the principle of the Bill they must appoint a Board of some description, and he presumed they should appoint the heads of departments under the Commissioner of Public Works as such a Board. They would then have several servants—he used the word with all possible respect—who held offices at the will of the Administration, or as he might say at the will of the Commissioner of Public Works sitting with that hon. gentleman to decide what works were to be carried on. That plan was not better than the old system. He could not support the second reading unless there were some modification of the Bill. The Hon. the Commissioner of Public Works had said that there would be a saving of £2,000 or £3,000 a-year, but as had been remarked by the hon. member for the Murray, he did not see where the saving was to be made. He had no doubt the Hon. the Commissioner of Public Works was satisfied as to the possibility of this saving, but there was no evidence to his (Mr. Duffield's) mind of the fact. They knew that the salaries were to be decided by the House, but he imagined that the salaries would be something more than those now paid to the different Boards and Trusts abolished by this Bill. He hoped some course would be adopted by the House which would set this question at rest and which would have the effect of abolishing the Boards which existed at present, and which were incompatible with our present form of Government. He would even go so far as to say that the position of the Road Board, of which he himself was a member, was incompatible with representative Government. The position of the Railway Board was the same, as it was appointed under an Act of Parliament and was not, therefore, as responsible to the Government as it should be.

The Attorney-General agreed to a great extent in the views of the hon. member who had last addressed the House, that a further continuation of the present system was inconsistent with the full development of Constitutional Government, and he had arrived at this conclusion with some degree of regret. For it was well known that some degree of distinction between South Australia and the surrounding colonies was that the public works of the province were carried out by Boards, and they had been constructed most economically, and, as was universally acknowledged even by our neighbors, most efficiently. The works surpassed those in the other colonies, and, therefore it was not without regret that he came to the conclusion that the continuance of a system which had worked so well was incompatible with that system of Constitutional Government, which we regarded as of still more importance. The handing over to the Commissioner of Public Works of the entire responsibility of the public works of the colony, was the essential principle of this Bill, but whether this principle was to be carried out by means of a Board, or by conferring the power directly on the Commissioner, by the appointment of persons directly responsible to him, as had been suggested by the hon. member for the Murray, was a matter not affecting the essential principle of the Bill nor a point on which the Government would feel bound to take a stand. The principle involved in reading the Bill a second time, was the transferring the power and responsibility of constructing the public works to the Commissioner of Public Works, leaving open the question as to how the works were to be carried on or in what way that power was to be exercised. The Government approved of a Board, believing it possessed many advantages, and this amongst others. The Board being a permanent body, would be enabled to carry on a permanent policy, unaffected by change of office amongst the Ministry. Hon. members would remember that they had many changes in the Department of Public Works last year (laughter), and no one could say how soon the present hon. the Commissioner of Public Works might give place to some one as well, or possibly better qualified for his position. But gentlemen coming newly into the position, and without experience, had much to learn from others, and in this way he thought hon. members would perceive that great inconvenience might arise, and that it was important to have persons conversant with the duties of the departments, who would be able to impart the necessary information. He believed there would be very little change in the way in which the public works would be constructed, as the person at the head of the Board could have no object but to carry on the works in the cheapest and most efficient manner, and there could be little difference in the works sanctioned by persons who were alike seeking to advance the public interests. The manner in which the responsibility was to be conferred was not a point on which the Government felt bound to the Bill, but it was one of importance, and to which he trusted the House would give full consideration, when the details of the measure were under discussion.

Mr. Glyde agreed with the hon. member for Barossa, but he could not understand how the hon. the Attorney-General could support the second reading, if we were not to have a Board of Works at all. If he (Mr. Glyde) could see that, he should vote for the second reading. The objections to a Board of Works were strong, and the more he considered them the more they appeared. He saw many difficulties in the way of its working. Suppose, for instance, there was the Commissioner of Public Works as President, and six members of the Board, and that five of these agree upon one point adverse to the opinion of the President. He would like to know how the Commissioner of Public Works would act in such a case. Or suppose there were a quorum of three present, and that the Commissioner of Public Works was absent, and suppose the three members to agree upon a line of action directly opposed to the opinion of the Commissioner, how would that gentleman act then? Or suppose a new Commissioner of Public Works coming to the Board. With five gentlemen well up in the business of the Board, he (Mr. Glyde) was afraid these gentlemen would not always act on the new Commissioner's counsel and advice. The advantages of consultation would be counterbalanced by cabals against the Commissioner of Public Works. He considered the Bill which was thrown out last year much simpler, shorter, and more to the point than this one, and he should be glad to see that measure in operation. If the hon. the Commissioner of Public Works in his reply promised that in the event of the House allowing the Bill to be read, he would allow the Bill of last year to be substituted, he would not oppose the motion, but unless he received a satisfactory answer on this point, he could not support the second reading.

The Commissioner of Public Works had never listened to a debate which was so unanimous as the present on the broad principle which he had stated to be that of the Bill. That principle was to bring every Board under the direct control of the Commissioner of Public Works. This principle had met the approval of every hon. member, except one, who had spoken. They had all approved of the broad principle of a Bill which had been represented by one, and only by one hon. member, as having no principle at all. He should now say that in deference to the feeling of the House, he was perfectly ready to withdraw this Bill and to introduce another, which should merely ask what he sought in this Bill. The Board he sought to have constituted was simply a Board of advice. They had heard a great deal about the voting and the quorums, but he merely sought to have a consulting Board, and he had asked the present Superintendent of Telegraphs whether he had any objection to sit on such a Board. That gentleman said he had not, and that he thought great advantage might arise from such a Board. Speed was of some consequence in reference to this Bill, as the Waterworks and Kapunda Railway Bills were to some extent involved in it, and he should therefore best meet the wishes of the House by

asking leave on an early day (perhaps the following day) to introduce another Bill on this subject

Mr Strangways having withdrawn his amendment, the Bill was also withdrawn

MATRIMONIAL CLAUSES BILL

The ATTORNEY-GENERAL introduced this Bill, which was read a first time, the second reading being made an Order of the Day for Thursday week

WASTE LANDS ACT AMENDMENT BILL

The House then went into Committee on this Bill

On Clause 1, providing for the granting of certain annual leases,

Mr STRANGWAYS moved the addition of the words "in the same manner as he might have done previous to the passing of the said Waste Lands Act"

Mr HAY enquired of the Hon the Commissioner of Crown Lands the date of the regulations now in force respecting cattle depasturing in hundreds

The COMMISSIONER OF CROWN LANDS having proceeded to consult some documentary records,

Mr REYNOLDS moved that the House resume

The TREASURER considered the motion of the hon member most unreasonable The regulations were in force for some years, and the Hon the Commissioner of Crown Lands could not carry the date always in his memory Some notice ought to have been given of the question

Mr REYNOLDS said he had waited five minutes, and seeing that the Hon the Commissioner of Crown Lands was unable to go on, he had moved that the House resume

The ATTORNEY-GENERAL—Divide

The motion that the House resume was then put, and negatived without a division

The COMMISSIONER OF CROWN LANDS said, in reply to the question of Mr Hay, that the regulations were dated March 24th, 1853 They appeared in the *Gazette* of that date

Mr HAY thought it necessary that the House should know what regulations were in force, and that in the event of their not being suitable to the colony, others should be framed in their place One of the gravest questions which had arisen out of this subject was what the regulations for pasturage in hundreds should be, and now was the House, without knowing what these regulations were, was asked to vote upon the subject He thought it better the House should resume until they had further information

In reply to Mr PEAKE,

The ATTORNEY-GENERAL said this Act would not affect anything done under the Act of last session There was no alteration intended as regarded that Act He would now propose the amendment of which he had given notice, as that provided not merely for existing regulations, but also for any alterations which might be made in these

Mr STRANGWAYS withdrew his amendment in favor of that of the hon the Attorney-General

The ATTORNEY GENERAL then moved the addition to the clause of the words —"Provided such leases shall be liable to the rights of commonage in hundreds as the same now exist, or may from time to time be declared by any regulations issued under this Act, or the said recited Act"

Mr HAY said that formerly the purchaser had a right of claiming whatever pasturage he required, and no lease could be granted except for pasturage over and above what was claimed by the holder of land The old system would be better than the proposed one for instead of continuing leases at 1*l* per square mile, it would amount to this, that whosoever grazed upon the hundred should be subject to the same regulations, and we would not have one person at the rate of 1*l* a square mile, and the holder of land paying so much a head He was sorry the Government introduced this system When there was no responsible Government the commonage of the hundreds was the property of those who held the land, and if they did not choose to take it up, it was open to persons paying the same assessment as they did But we were going back to a system which would give the old lessees the power to hold leases He could not see that the lessees had any right in the hundreds ("Oh! oh!" from Mr Hawker) But he (Mr Hay) said they had not, for they took their leases on the understanding that when the land, either by the advance of settlers, or from the land being in such close contiguity to an agricultural settlement, that it was declared a hundred, their rights as lessees expired He should oppose any attempt which would continue the lease after the land was declared a hundred, as he maintained that all parties should be under the same regulations, and should pay the same assessment This Bill went on the principle of giving the squatters advantages which they never possessed before (No, no) He would prove this from a paper on the table, namely, Council Paper 176 of last session, page 12 (The hon, member read an extract from the paper in question and proceeded to say) This distinctly pointed out that the first holders of land and settlers should be supplied first, and that if any pasturage remained it should be given to those who first applied for it Under the old system, the farmer with his hundred acres of land could claim as much pasturage as he required, and could go with his 60 or 100 head of cattle, and by attending to them, find the means to fence his land and get it into cultivation But now the farmer was restricted in his pasturage, and could not do this, though thousands of the old farmers had commenced so The land within the hundreds should be that of the farmer, not of the squatter He would move the contingent notice of motion standing in his name

The CHAIRMAN remarked that the hon member could not move his amendment at the present stage, He could do so on the motion for the bringing up of the report

The COMMISSIONER OF CROWN LANDS would, before the first clause was put, remind the hon member who had just sat down, that there was really nothing new in the clause The Government had not the least intention of suggesting any special privileges for the squatters in the amended Bill All the Government proposed to do in introducing the amended Bill was, to remove ambiguities which existed in consequence of provisions contained in the Waste Lands Act of last year, and in consequence of there being no power to issue certain leases, known as annual leases, without putting them up to public auction The Bill had been introduced in order to enable the Government to proceed according to law The hon member for Gumeracha had, in reality, argued upon regulations which had no existence The regulations of 1850 were repealed by those of 1853, and the only wish of the Government was to make their action legal in accordance with the regulations which had issued since 1853, and in which the right of commonage had from that day been given Orders in Council with regard to the management of Waste Lands, had been published in the colony in 1850, and by the second chapter the Government had power to grant leases, not exceeding one year, for any land not required for commonage within the hundred It was then laid down as a principle that whatever lands were not required for the rights of commonage for those parties who bought land within the hundred should belong to the leaseholder of the run from which the hundred was taken, and that principle had been acted upon ever since For whatever lands were purchased within the hundred during the year the parties sent in their applications to his (the Commissioner of Crown Lands) office, and commonage was then apportioned according to the quantity of land sold That having been done, whatever remained was apportioned to the individual who held the 14 years lease of the land from which the land contained in the hundred was taken This was so clear that he was surprised hon members should not understand it He hoped the hon member for Gumeracha would understand the position in which the Government were placed, that there was nothing at all new in the Waste Lands Regulation Bill, and that they merely sought to make strictly legal what at present was not quite so, in consequence of the Waste Lands Act passed last session, which provided that no land should be alienated either in fee simple or otherwise except by public auction In reference to the strong appeal which the hon member for Gumeracha had made with regard to the rights of the farmers, if the hon member thought that the farmers had rights, he (the Crown Lands Commissioner) must maintain that the leaseholders had their rights also The farmers received their rights according to regulations which had never, that he was aware of, been found fault with, and the leaseholders had their rights by virtue of the leases which they had been in possession of for some years If the House thought proper to alter that state of things, the leaseholders must submit, but that would not prevent him from saying that such a course would be unjust If those who held annual leases trespassed beyond the bounds allotted them, they would subject themselves to prosecution Rangers were regularly appointed, whose duty it was to be constantly on the alert, and when complaints of trespass were made to them they immediately gathered evidence, and prosecuted the parties for an infraction of the regulations The law would always protect the farmer against the squatters, if the latter trespassed on the lands of the former

Mr HAWKER could not in justice to his constituents allow the remarks of the hon member for Gumeracha to pass unnoticed, because if the principle were to be adopted which the hon member proposed, it would be a gross breach of faith to the holders of leases

The hon member was proceeding, but was reminded by the CHAIRMAN that the subject alluded to was not before the House

The clause as amended was adopted

The second clause conferred power upon Justices to dispossess parties unlawfully occupying waste lands

The COMMISSIONER OF CROWN LANDS moved that it be passed as printed

Mr STRANGWAYS asked the Attorney-General a question in reference to the machinery by which it was proposed to give effect to this clause. It appeared to him that the machinery might be much more simple It appeared to him that by the wording of the clause the Justices were called upon to perform duties which were usually performed by constables or subordinate officers

The ATTORNEY-GENERAL said the Justices had power to carry the clause into effect by issuing a warrant addressed to a constable That, he apprehended, would be the way, and indeed he believed that the Summary Procedure Act was quite clear upon that point, but he would look into the point, and if it were not quite clear he would make it so before the Bill was taken out of Committee

The clause was then agreed to

The third clause provided penalties for the unauthorized occupation and use of Crown lands For the first offence a sum not exceeding £10, for the second offence a sum not

exceeding £20, nor less than £10, and for the third, not exceeding £50, nor less than £20

Mr SHANNON opposed this clause as being too severe upon the owners of cattle The penalties were far too high, and he should move either that the clause be struck out, or that the penalties be greatly modified It appeared to him that the clause as it at present stood actually conferred greater power upon the party who held a lease of land than if he were the actual owner

Mr HAWKER should support the clause as it stood, and perhaps had reasons for doing so which the hon member for the Light had not, for he was one of the victims to which the clause applied Hon members were not aware what detriment runs were subjected to by unlawful depasturage Some time last year his manager rode over a portion of his run, about three or four miles from the head station, and counted 400 or 500 head of cattle and 70 head of horses belonging to other parties, all within a radius of two miles and a-half In various other portions there were mobs of 50 or 60, and he believed that on his run, unassessed by the Government, and on a large portion of purchased land, there were on an average 800 or 1000 head of cattle, and from 100 to 150 horses The system adopted was for a party to buy half an acre of land at say a village called Clare, and he then thought he was entitled to run a herd of 50 or 60 cattle He could not do so in Clare, as it was all fenced in and the cattle were consequently driven to the centre of his (Mr Hawker's) run, and there turned out It was disagreeable to impound cattle, and he had never done so, particularly as he did not wish to interfere with the owners of sections who only grazed one or two cows, for although they certainly eat the grass for which he had to pay, he should be sorry to oppress any one He never meant to do so, but he denounced the systematic manner in which parties purchased cattle to turn out upon the run for which the squatter had to pay rent In the north so great had the annoyance become that many had been forced to impound, and although he had not yet done so, he felt that he should be driven to it. Some of the runs near the Burra had actually been taken out of the squatters hands No Bench of Magistrates would fine for a mere accidental trespass, but where men systematically turned out large herds of cattle upon runs for which the squatters had to pay he thought it right that the Magistrates should have considerable latitude allowed them, in such a case for instance as that which occurred, and which he could prove, when a stockman brought down 150 head of cattle upon his run, and dared him to impound them, stating that if he did he would oppose him in the purchase of land, and burn his run

The ATTORNEY GENERAL said this law had been in force ever since 1848, but it was omitted in the Waste Lands Act No new principle nor any new application of a principle had been introduced The clause was the same and the penalties were the same

The COMMISSIONER OF CROWN LANDS thought the clause had not been introduced without strong warrant Complaints were constantly forwarded to his office, of the manner in which runs were encroached upon, and parties who had to pay rent for their leases were in consequence subjected to great loss and hardship A great many of the teamsters from a long way south went to the north runs and without permission turned their bullocks out for two or three months, to give them what they termed a "spell" About Mount Bryant and Mount Remarkable, a number of drays might be seen attended by people who were living very comfortably, whilst their cattle were depasturing upon other people's runs In many instances there were hundreds of head of cattle illegally depasturing upon lands for which the squatter had to pay rent That very day he had received a communication from the South-Eastern District in reference to the Impounding Act and the writer stated that there were upon his run 700 or 800 head of large cattle, belonging to people at Penola, for which no assessment was paid It would be observed that the penalties were not to exceed a certain sum, and it would be in very few cases that the maximum penalty would be inflicted, but there were some hardened offenders upon whom no act of kindness would make deviate from the system of trespassing upon their neighbours' runs (Divide, divide)

The clause was then agreed to

The COMMISSIONER OF CROWN LANDS moved that the fourth clause stand as printed It gave the Governor power to make regulations affecting and defining the issue of depasturing, gold, timber, and mineral licences

The ATTORNEY-GENERAL explained that it was necessary to introduce this clause, for although the Governor had power to issue licences, he had no power to alter the regulations

Mr HAY suggested before the Bill was taken out of Committee, that the Government should consider whether there were not some clauses which it would have been better to introduce in the Impounding Act, instead of the present Bill He particularly alluded to the clause relative to penalties upon stray cattle

The COMMISSIONER OF CROWN LANDS stated that the Impounding Act dealt more with the charges which cattle were to pay when found trespassing, whilst the present Act had reference more to the manner in which the Waste Lands of the Crown should be managed He might also inform the hon member for Gumeracha, that the Government had no wish or desire to prevent him from having an opportunity of eliciting the fullest discussion upon the contingent notice of motion which he had placed upon the paper He regretted that the forms of the House would not permit it at once to be entertained but he would point out that the hon member would still have an opportunity of bringing it forward, as it was not intended to take the Bill out of Committee It would be necessary to add one clause to the Bill, the necessity for so doing having been pointed out by the Surveyor-General The seventh clause of the Lands Act passed last session merely divided the lands into town and country lots Suburban lots had been left out, but it was proposed to remedy this in the present Bill

The clause was agreed to and upon the motion of the COMMISSIONER OF CROWN LANDS the CHAIRMAN reported progress, and obtained leave to sit again on Thursday next

NEW STANDING ORDERS

The ATTORNEY GENERAL moved that the report of the Committee of the whole House upon the New Standing Orders be adopted

The TREASURER seconded the motion which was carried, and upon the motion of the ATTORNEY-GENERAL it was resolved that the New Standing Orders adopted by the House be presented to His Excellency the Governor-in-Chief for confirmation

Upon the motion of the ATTORNEY-GENERAL the proposed joint Standing Orders for the two branches of the Legislature were directed to be transmitted to the Legislative Council, and the concurrence therein of that body requested

REGISTRATION BILL

Upon the motion of the ATTORNEY-GENERAL the amendment made in this Bill by the Legislative Council was agreed to, the hon gentleman expressing his obligations to the President of the Legislative Council for having pointed out to him the necessity which existed for the amendment A message was directed to be sent to the Legislative Council intimating the concurrence of the Assembly with the amendment

GAWLER TOWN RAILWAY EXTENSION BILL

The COMMISSIONER OF PUBLIC WORKS moved the second reading of the above Bill, remarking that there had been a long debate upon it, and that it had been referred to a Select Committee, who had unanimously adopted the report which had been placed before the House, The Committee had been very fairly chosen, representing all views upon the subject He hoped the House would assent to the second reading of the Bill, as any delay might stop the progress, the rapid progress, of this great public work

The COMMISSIONER OF CROWN LANDS seconded the motion

Mr HAWKER supported the second reading of the Bill, remarking that he had moved the amendment referring it to a Select Committee, and, after hearing evidence, was decidedly of opinion that the House had compromised itself in going on, and that this line was the best that could have been chosen As representing the interests of the Gilbert line, he was of opinion that it would be a breach of faith not to proceed with this line It was was a judicious time to proceed with the work, for there was a large amount of labor available The Committee had taken evidence very carefully, and were unanimously of opinion that the House were bound to carry a railway to Kapunda, no matter which line were adopted

The Bill was then read a second time, and the House went into Committee upon it

Mr REYNOLDS asked if it were true that the Government had authorised the Commissioners to procure rails from England for the extension of the line?

The COMMISSIONER OF PUBLIC WORKS said it was perfectly true The money had been provided by the Act of last session, and the rails had been ordered

The various clauses having been agreed to, the House resumed, and the report of the Committee was ordered to be taken into consideration on the following day

The House adjourned at 5 o'clock till 1 o'clock on the following day

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WEDNESDAY, SEPTEMBER 29

The SPEAKER took the chair shortly after one o'clock

SELECT COMMITTEES

Mr BAGOT, addressing the Speaker, stated that there was a strong feeling on the part of many hon members in reference to the Standing Order which prevented Select Committees from sitting after the Speaker had taken the chair He wished to know how to bring the matter before the House, whether by an address to His Excellency or by motion

The SPEAKER said that the Standing Order which had been referred to was in accordance with the practice of the House of Commons, but when it was desirable that a Committee should sit, leave was applied for and granted to that particular Committee

CESSATION OF IMMIGRATION

Mr MILNE moved—

"That in consequence of the present surplus labor, which is being further supplemented by an overland immigration from Victoria, it is the opinion of this House that Government should immediately instruct the Emigration Agent, in London to discontinue sending any free emigrants from Britain for six months."

In bringing forward the motion he trusted that he should not lay himself open to the imputation of attempting to pander to a popular cry. He had two reasons for bringing this subject forward. One was because it undeniable that there was a large amount of redundant labor in the market, and the other was that he wished to give hon. members an opportunity of expressing their opinions with regard to the discontinuance of free immigration altogether. In looking back to the previous history of the colony he found that the system of immigration which had been adopted from its commencement was what was known as Wakefield's system; and up to the period at which the gold-fields were discovered, that system was eminently successful. So long as the neighbouring colonies were engaged in the same pursuits as ourselves, such as pastoral and agricultural pursuits, the system was all very well. There was until then, nothing to attract to neighbouring colonies the labour which we had imported. The money which had been expended up to that period in importing immigrants had been judiciously laid out, as it had the effect of developing the resources of the colony and adding to its permanent prosperity. But the discovery of the gold-fields changed the face of everything, and attracted from all parts of the colony the labour which we had imported from England. Up to that period Australia had attracted comparatively little attention, but now the whole civilised world, and a great deal of the uncivilised were attracted to the shores of this continent. Such being the case, it was found that in Victoria there was a great redundancy of labour. He had received information that there was a vast number out of employment there, and wages in the interior, in the farming districts, were lower even than they were in this colony. Victoria spent no money for immigration, and it consequently appeared to him to be throwing money away, for a small colony like this to attempt, by importing immigrants, to keep down the price of labor lower than that which prevailed in the neighbouring colonies. Taking the Australian colonies as a whole, he looked upon them as one market for labor. No inequality in the rate of wages could long exist, for as water would find its own level, so would labor gravitate to that part where it was best paid. The policy which they should pursue appeared to him to be to pay such a price for labor as would attract it to their shores, without endeavoring to keep labor low by importing it when it was redundant. He would not, however express his feelings upon that subject at present, although he should be happy if those who spoke upon the motion would express their opinions upon free imported labor. The motion did not pledge the House to any course in reference to the general question of immigration, but he had brought it forward for the purpose of meeting an acknowledged fact, that there was more labor than could be profitably employed. He objected to importing immigrants, because he had found, and his experience was no doubt consistent with that of other hon. members that free immigration engendered a strong feeling of pauperism. Men brought out at the expense of the Government looked to the Government for food and employment, as a matter of right. Upon any little difficulty arising they flew to the Government. He would not however enter into the general question, but would content himself by asking the House to assent to the motion.

Mr. McEllister seconded the motion with some degree of pain, as no man in the colony had assisted more men to come to the colony than he had. He felt however, now, that there were too many in the colony to get profitable employment, and he consequently thought it would be judicious to stop immigration for six months and perhaps for a longer period, in order that those who were here might find profitable employment. He was aware that there were plenty of sober, steady, able-bodied men who were unable to obtain employment, and under such circumstances he felt that it would be an act of injustice to bring men 16,000 miles to a country where they had neither a friend nor a home, and where there was not adequate employment for them.

Mr. Burford's feelings did not run counter to the resolution, but he thought that after the regulations which the House had passed last session the matter might be safely left to the Ministry. Those regulations were of such a character as gave the Ministry full power to withhold applications for a supply of labor, or increase it as circumstances arose. It would be betraying a want of confidence in the Ministry if the House were to endeavor from time to time to direct their movements by a specific resolution. Having done what they did last session, he thought it would be better to take it for granted that the Ministry would not under the circumstances at present send for more immigrants, but interdict them. If they were not to leave the question to the Ministry, he was at a loss to conceive what was the use of the regulations, which were so admirably contrived as to operate as a valve. The resolution was tantamount to expressing a fear that the Ministry were not alive to the emergency which existed. It was true, that at the present moment, and it was a circumstance to be deplored, that there was a surplus of labor, but circumstances in the colony were so changing that it was impossible to say how soon this state of things might alter, and this again shewed the wisdom of these regulations. In these colonies, he defied any one to calculate for a period of six months as to the probable state of the labor market. He believed that even since the motion had been tabled circumstances had arisen which considerably altered the aspect of affairs, and that vessels could not be got fast enough in Sydney and Victoria to take persons to Port Curtis. Everything tended to show that a strong current was setting in in that direction, and if so he apprehended that the overland immigration from Victoria, alluded to in the motion, would be done away with. He should be disposed to meet the motion with a negative, leaving the matter to the Ministry.

Mr. Solomon rose with the view of supporting the motion, and in doing so believed that those who supported the resolution would best consult the interests of the colony. It did not require men of very great foresight to see the necessity for this motion. Anyone who would take the trouble of walking down Hindley or any other of the principal streets of the city, would have an illustration sufficiently strong of the necessity for this resolution. Large numbers of men were walking about the city and various districts throughout the colony, who could not succeed in finding work. They were told in the public press that although there were large numbers walking about unable to obtain employment, yet the demand for a certain description of labor was actually greater than the supply. It was stated that a large number of agriculturists and agricultural laborers were required but could not be obtained. They had, however, within the last two or three days seen sufficient to show the fallacy of this opinion. They had seen advertisements in which a large number of persons offered themselves as agricultural laborers for little more than their bread, but could not obtain employment. The subject was not a new one to him. In fact he went further than the mover of the resolution, and contended that it would have been far better, infinitely better, for the colony if immigration at the expense of the colony had been discontinued six years ago. Had the money expended in immigration been kept in the colony for the purpose of carrying out public works, he believed that it would have attracted such a number of immigrants that the population would have been greater than at the present time. The hon. member (Mr. Burford) had stated that he had been compelled to discharge some of his own men, and he feared that was only one of the cases whose name was legion throughout the colony. What were men to do who were suddenly thrown on their own resources, and who were dependent upon their labor from day to day, and hour to hour, for the living of themselves and families. What was to be done to relieve this depression? The hon. member (Mr. Burford) had suggested that the matter should be left entirely in the hands of the Ministry, but although he had sufficient confidence in the Ministry to believe that in this instance they would act with judgment, and to the satisfaction of the country, that ought not to prohibit that House from giving those gentlemen a hint from time to time as to the proper course to be pursued. The attention of the House had been called by the hon. member, Mr. Burford, to the changeful state of things in the colonies, and it had been urged that there had even been a change since notice of the resolution had been given. He admitted it, and that a large number of men had proceeded from Victoria and Sydney to Moreton Bay, but that he thought was one of the strongest reasons which could be urged for withholding the public money for the purpose of assisting in bringing out immigrants who would most likely be induced to proceed to Port Curtis. It was not necessary to say more in support of the motion as hon. members had only to look to the state of the labor market in Adelaide and the various districts throughout the colony, to find convincing proofs of the distress which existed. A very large number of laborers were out of employment, and would it not be folly to send money out of the colony to add to that distress. It would be an insult to the common sense of the House to attempt to shew that sending money out of the colony for the purpose of importing immigrants could be of any advantage to the colony. He regretted that the time had come when he should be found putting his veto upon money being sent out of the colony for the purpose of immigration, but so long as the gold-fields of Victoria lasted, and the neighbouring colonies did not devote any of their revenue to the purposes of immigration, South Australia would only be acting upon the defensive by refusing money for the purpose of immigration. Let them trust to public works and a fair rate of wages for the purpose of attracting the necessary amount of labor from the neighboring colonies.

Mr. Strangways must oppose the resolution. The hon. member for the city had said that he considered it would be insulting the House to attempt to shew that it would be to the advantage of the colony to resist the motion but notwithstanding the opinion of the hon. member, he should insult the House by opposing the motion. The hon. member for Onkaparinga said, "in consequence of the present surplus labor," and if he understood that expression rightly, it meant that the labor which was offered was of the quality which was required, and that there was a superfluity, that the quantity offering was in fact greater than the demand. He denied that such was the case. Only a short time since an hon. member of that House, Mr. Dunn, stated that he employed several laborers principally for the purpose of affording them work, and the hon. member stated that although he occasionally met with a man worth more than he was receiving, he frequently met with five or six who were not worth one day's pay together. He believed if hon. members would enquire they would find that was the true state

of the case. He believed that any good laborer willing to work could obtain a fair day's wages for a fair day's work. (No, no.) The simple cry of "no" did not affect the question. He believed, from what he had seen and heard, and what he had gathered from the employers of labor, that there was no superfluity of labor in the colony. Of the quality which was required, there was not more than sufficient for the demand. He admitted there might be some who were unable to obtain employment, but their labor was of a description which was not required, and they never ought to have come here. It had been said that there was no foresight required in considering this resolution, but he believed there was a very great amount of foresight required, because hon. members should remember that the resolution if adopted could not take effect for eight or nine months. Copies of the resolution would have to be transmitted to the home authorities, and they could not stop those emigrants whom the Emigration Agent had engaged to send out. Then again the Emigration Agent was in the habit of accepting emigrants for two or three months in advance, and he was sure that no hon. member would advocate a resolution which would make the Emigration Agent commit a gross breach of faith with the emigrants who had been selected. He had thus shown that if they passed the resolution it could not take effect for nine months, yet they were now called upon, merely upon the statement of an hon. member that there was a superfluity of labour—without the slightest evidence beyond that before them—to pass a resolution, to take effect in nine months, and which the hon. member for the city (Mr. Solomon) had said required no foresight. With regard to the observations of the hon. member in reference to retaining the money in the colony for public works instead of devoting it to the purposes of immigration, he would remark that if the money had been kept here it would have been here now, for no public works could have been carried out except by the immigrants who had been sent out by the Emigration Commissioners by funds voted for that purpose. Not always, no public works, no improvements could have been effected, none of those which had in many matters placed the colony ahead of the neighboring colonies. But for immigration instead of the colony being able to keep pace with her wealthier neighbors, she would be found greatly behind hand. On the ground then that there was no evidence that there was a superfluity of labor and that it would be unwise that the Legislature should deal with the question without the fullest consideration, he should oppose the motion.

Mr. MILDRED felt it his duty to oppose the motion, but, before proceeding, he would refer to the observations of the hon. member, Mr. Burford, in reference to the regulations and the powers of the Government as regarded immigration. He believed that the House had decided that there should be one shipload of immigrants per month, so that the Government had not the powers which had been referred to by the hon. member. He believed, so far as the city was concerned, that there was a severe depression but it did not extend to the country districts. Carpenters, stonemasons, stonebreakers, timber cutters, and farm servants, still received the same rate of wages which they had been receiving for the last two years. He had many men whom he had employed for a considerable time, and the wages they had received had been stationary at 7s. a day. No doubt those residing in the country districts were in possession of many facts which did not come under the observation of residents in the city. There had been no reduction in the price of sheep shearing, nor had there been any reduction in the wages of those engaged in mining operations. These facts shewed that there was sufficient employment for the particular description of labor required by the colony. From unfortunate circumstances there was a large amount of labor in the colony not adapted to its wants, and the consequence was that some little inconvenience was felt. The inconvenience which was felt might in some measure be attributed to the partial failure in the wool and wheat crops, and consequently persons had not quite so much money to spend; but he believed the depression was temporary, and that the croaking, which was confined to the city, would soon subside. He believed the difficulty would be met by the additional sums which had been devoted to public works. It was exhibiting actual cowardice to say that there was pauperism. So far from this being the case he believed that South Australia was in as good a state as ever, and that the solvency of the colony stood as high as ever. It was merely a momentary depression which had caused this difficulty, and he believed the sun of prosperity would soon shine over them again, and that they would rather require an increase than a decrease of labor.

Mr. BAGOT said, with regard to the redundancy of labor in the colony, and of the number who might be usefully employed in public works and country works, he could not perhaps do better than refer to the evidence of the Chief Engineer, given before a Select Committee, upon the Gawler Town Extension Railway Bill. Mr. Hanson, in his evidence, stated that he found no difficulty in obtaining men, and that he believed he could get 500 at 5s. a day. Mr. Hanson was so well acquainted with the labor market that it appeared to him more force should attach to his statement than to that of the hon. member for Noarlunga. He had heard that in the country men were wandering about unable to obtain employment, and he considered there was sufficient before the House to show that there was a redundancy of labour here. He was not prepared to say that such a resolution as that proposed would have a great effect at the present moment, but he thought the strongest argument against free immigration would be that they would probably be importing immigrants to be drained away to another gold-field. Until it was absolutely known whether Port Curtis was such a gold-field as there was every probability of it proving it would be the height of folly to bring out immigrants who would leave the sides of the ships in which they were brought and proceed to another colony. If during the gold fever in Victoria, instead of devoting half a million of money to the purposes of emigration they had kept it in the Treasury, the colony would, he believed, have been in a better condition than at present. On these grounds he should vote for the motion, but he thought there might be some modifications, such as fixing, perhaps, the months during which ships should be sent out, because so far from regretting, he was rather glad at being able to state that he believed the time was fast coming when it would be no longer necessary to introduce free immigration. It would be a proud position when they could say that free immigration was no longer necessary, but that the colony was sufficiently attractive to induce a better class of immigrants than could ever be procured by a system of free immigration. The man who paid his own passage was most likely to stick to the colony. He did not wish to lower the rate of wages; on the contrary, he thought it desirable that they should adopt as high a rate as possible compared with the neighboring colonies. Every shilling which was given to the working man was expended in the colony, and if the working man had anything to spare, he probably expended it on land, which, when cultivated increased the resources of the colony, and made him a fixture to the soil. He was the last, he hoped, to be led away by any *ad captandum* arguments, but when he found Mr. Hanson stating that he could employ 500 men at 5s. a day, he could not but support a motion of this kind, and he hoped the time would soon come when he should support a more extended motion than the present, and they should discontinue free immigration altogether.

Captain HART said that if the argument last brought forward by the previous speaker were brought before the House in a proper manner he should probably be found supporting it. If a resolution to that effect were before the House he thought it very probable, after having given it due consideration, that he should support it, but let those parties who would be affected by such a resolution be afforded an opportunity of coming before the House, by petition, to show how far their vested interests had suffered, and whether in selling the land the Government had in fact not entered into certain contracts connected with immigration. He repeated that if such a proposition were before the House, he should most likely support it. He need not tell many hon. members that he had been always opposed to the expenditure of large sums of money upon immigration. He had always considered the money voted for that purpose injudiciously expended. He opposed the proposition of Sir Henry Young to borrow 500,000*l.*, and expend one-half that amount upon immigration. He had consistently opposed the views of Sir Henry Young and others who were in favor of bringing a large number of immigrants to our shores. But he objected to the present motion for this reason, that it proposed to meet an emergency of the present moment, by doing that which could not have effect for eight or nine months. The motion at the present time would be of no value. If they were to take particular times and seasons, when labor was abundant, and argue upon the whole question, from what appeared upon the surface, they would would probably arrive at a very erroneous conclusion. Independently of the monetary crisis, this was a particular period when labor was most abundant, and there was less employment than at other periods of the year. It could not be said that labor was reduced to a lower rate than it ought to be, for at that moment he was paying laborers in his mill 8s. per day, and it was not skilled labor. He believed, although there were a great many unemployed at the Port, the rate of remuneration had not been reduced, but there was not that amount of employment which there usually was. What was the proper course to pursue under such circumstances? Was it to pass a resolution which could not take effect for eight or nine months? No, let them vote sums of money for public works, and instruct the Ministry to employ it in affording employment to this particular class. He should like to see the case met in that way. He should be very glad to have the whole question of immigration brought before the House, but he believed the House should affirm that it was not expedient, when the other Australian colonies were not employing any portion of their funds in the introduction of immigrants, for South Australia to spend money for such a purpose. He objected to the question being brought forward in the present shape; he objected to that description of legislation which seized particular times and seasons, and said that a system should be altered, because at that particular moment it did not answer. He hoped the hon. mover would withdraw his motion, and he should be quite prepared when the Estimates came on to enter upon the whole question of immigration. He believed that after due consideration they might sweep off a considerable sum for the Estimates for 1859 proposed to be devoted to immigration.

but he objected to the motion in its present shape, as by carrying a resolution of this kind they would be doing injustice to those who should be heard upon the subject, for, there were others besides laborers who were interested in the question. The matter was not put fairly, but there was no doubt much force in the argument, that if immigrants were brought out most of them would go to Port Curtis. Those who were brought out at the public expense, were generally those who could not get employment at home, the worst class were sent here. There were no doubt a great many out of employment, but most of them were of a class who should never have been sent to the colony. He trusted the hon. mover would withdraw the motion, with the view of again bringing it forward when the Estimates were brought forward, in such a shape as would prevent them from sending home any sums for the purposes of immigration for 1859. When he (Captain Hart) sat upon the Treasury benches, he reduced the sum proposed to be devoted to immigration by the sum of 20,000*l.*, and no doubt a still further reduction would be made in the Estimates of 1859.

The COMMISSIONER OF CROWN LANDS would, with the last speaker, join in the hope that the hon. member for Onkaparinga would withdraw his motion. The passing of such a resolution would have a bad effect in giving rise to a degree of uneasiness in England with respect to the state of this colony which was quite unjustifiable. The uselessness of the motion had been very forcibly put by the hon. member for Encounter Bay, Mr Strangways, and by the hon. member for the Port, Mr Hart. No instructions that could be sent home at once to countermand emigration could possibly make any alteration in the state of the labor market for seven months to come. It must be recollected that under the former system of nomination large numbers of orders had been sent home, a great proportion of which were, by last advices, unexecuted, and however undesirable that system of introducing labor had been, still they were bound to keep faith with the holders of such orders. The hon. member for the Burra, Mr McEllister, advocated the stoppage of immigration entirely, but he would ask them who it was that on a former occasion carried out by his advocacy the system which was now complained of. He did not mean to say that those nominated immigrants did not include a useful class of persons, but as a whole they had not been suitable. Since the 1st January a new and better system had commenced, and just at its introduction the hon. member came forward and said "stop immigration." Certainly the argument would have come with more force from any other hon. member than from the hon. member for Burra and Clare. If the proposed restriction were placed upon immigration, it could not in any way affect the state of labor for seven months to come. That being the case he hoped the hon. member would see fit to withdraw his motion, and leave the House to take such action upon the question as was necessary, when the amount for immigration came before them on the Estimates. It must be remembered in respect to labor that the circumstances of a country might greatly change. It was so in this colony. There was such an elasticity in the state of the labor market that what might be superabundant this month might be changed into a dearth the next. With respect to assisted immigration, it was of use if it could be carried on under proper regulations, and if that House voted money under such regulations and restrictions, he had no doubt of the money being well spent. He hoped they would not allow their minds to be prejudiced by any cry of the dearth of employment, and the distress which it was asserted existed in the colony, nor warped either by any long list of names published in the papers of parties out of employment, but view the subject calmly and considerately. As he did not see any good effect to be derived from the motion before the House, he hoped the hon. mover would withdraw it.

Mr HAWKER agreed with the remarks made by the Hon. the Commissioner of Crown Lands. He thought it was not a fair test to judge only of the present state of the labor market. As a large employer of labor, he would give his opinion, and he found it highly necessary to have a surplus of labor in the months of July, August, and September, to meet the requirements of the succeeding three months in the hay-harvesting, sheep-shearing, and other avocations. He would ask them how they were to meet their demands for labor then without some reserve to fall back upon. He confessed he was sorry to hear of the dearth of employment which existed in the town, but, notwithstanding what had been said to the contrary he could assure them it was also the case in the country. (Hear, hear.) In fact, such a number of persons were out of employment in the country districts that it was quite a tax upon the sheepfarmer on account of the free and liberal manner in which they treated them. He would mention a case in point. The expenses of his station had been so increased latterly by persons calling and asking for a night's lodging that his overseer had deemed it prudent to ask what he should do in the matter. His overseer had told him the last time he was in the north that he had housed and fed no less than 80 men in one week. (Laughter.) He would ask them if this was not a tax upon the sheepfarmer. (Great laughter.) The distress was as prevalent in the country as in the town, but at the same time he could not agree with the motion of the hon. member for Onkaparinga. There were many demands which would shortly arise to absorb this surplus labor. There was the vote which had just been passed by that House for the construction of the roads, and there were the demands for labor which would shortly occur in the country districts for agricultural purposes; in fact he was of opinion that they would shortly have greater difficulty in obtaining labor than was at present imagined. He agreed with the intent of the motion of the hon. member for Onkaparinga, but he did not agree in its efficiency. One way in which they might meet the question would be, he thought, in a recommendation being sent home to the Immigration Agent to give the preference to single instead of married people. There was a great dearth at present of this description of labor, and if he wished to employ a domestic servant, he did not want to have seven children into the bargain. (Laughter.) Instead of sending out large numbers of married couples, favorable consideration should be given to single men and single women. At the present time the difficulty with him was, that if he wanted a man to do some work on his station, he had to employ one man, one woman, and seven or eight children. (Great laughter.) He admitted they could get abundance of labor if they could put up with the children. (Laughter.) But that was not the description of labor that was required, and therefore he thought the recommendation he had spoken of would act beneficially. He should be sorry to see Immigration stopped, and would therefore oppose the motion in its present form.

The COMMISSIONER OF PUBLIC WORKS said that so much had been said already—so much that might have been urged by himself—that his remarks would be brief. Previous speakers had referred to the present state of the labor market as a town question, but he viewed it as a South Australian question. And as a question involving the whole interests of the colony he thought it would be proper that both branches of the Legislature should have a voice in the matter. Emigration had done great good for the colony. What would have been the state of the colony during the exodus which succeeded the discovery of the gold-fields if emigration had not been carried on during previous years? The Burra Mine, which found employment now for 1,000 men, would have stopped work, and out of the stoppage of a concern furnishing such a large addition to our exports, nothing but disaster could have succeeded to the colony. As an importer of goods he would ask any hon. gentleman whether, because there was a superabundance of cornsacks in the market, they would refrain from sending orders for any more. And so with respect to immigration, he thought they should hesitate before they stopped it completely. They must weigh well the vote when it came before them for consideration on the Estimates of 1859, and treat the matter calmly. Nothing had been more clearly shown by the previous speakers than that if the resolution which was now brought forward were passed it would only take effect some eight months hence. There was always a dull period in the year in South Australia, but the alteration of the financial year, and the vote of the House in furtherance of public works, would have the effect of relieving the labor market. He still thought statements as to the number of the unemployed were liable to be exaggerated. He was inclined to dispute the assertion made by the Engineer of the railway, that 500 men could be employed at once, at 5s. per day. But, admitting that this might be the case, and that the circumstances of the labor market were such that 500 men could be employed at 5s. per day, he would not vote for the present motion. The hay harvest was coming on, the sheep shearing time was approaching, and that, together with the vote to the Central Road Board, would give immediate employment to those in search of it. He hoped the House would support the Government in their view of the case. Nothing, he admitted, could be more ill advised than a rash system of immigration unless it were stopping immigration altogether. (Hear, hear.) The new regulations with respect to immigration would enable them to expend the money more judiciously, but if they stopped immigration they would be striking at the vital interests of South Australia. For his own part, he would be quite prepared, when the vote came on for consideration, to explain his views upon it, but he would not pledge himself at that moment to any direct course of action. He could not say whether it would be one ship or two ships per month.

Mr PEAKE opposed the motion, because it was a highly spasmodic course of legislation. If the House were to jump from one conclusion to another, if a vote was to be passed to the Central Road Board one day especially for the employment of labor, and the next day it was to be counteracted, if this was the way in which they were to oscillate from one point to another, nothing but catastrophe and ruin to the colony could ensue. The result of stopping immigration would be, he was afraid, that of throwing the distress off one class on to another. The distress would first fall upon the employer of labor, and if they embarrassed the employer by such unsteady action as this, by such a mode of tampering with their interests the result would be as he had predicted. He was hoping that some one of the hon. gentlemen who had supported the motion, would have said something to explain to the House the probable result of the stoppage of immigration. Nothing however had been said. In his opinion the difficulty would be increased tenfold. At the present moment they could not get good men under 7s. per day. What would be the effect upon their agricultural pursuits in the event of

the stoppage of immigration? Why, that the corn would drop from the ears (No, no) It had happened, and would happen again This was a question for the most serious investigation It was a ticklish matter and one which the greatest politicians treated with deliberation He would call their attention to what he thought was a grave mistake, that the farmer should at the present moment be compelled to give more than the price of a bushel of wheat for a day s labor, and for 20 days' labor an acre of wheat With respect to the female immigration, of which there was an excess, some time ago, he might ask what had become of it? Why the Executive had taken action, and the girls had been drafted away into the country, and by this time, no doubt, had become happy mothers (Laughter) Domestic servants were, even at the present moment, scarce He hoped the House would not pledge itself to such an ill-advised step It was well known that the sheepfarmers had latterly suffered extreme loss, to the amount of perhaps, £150,000 It was well known too that agricultural produce had fallen in a greater proportion than had labor and yet they were told of the surplus of labor He denied that there was any surplus of labor when their fields were not half cultivated He must oppose the motion

Mr DUNN having employed labor to a considerable extent, had some knowledge of the subject, while many hon gentlemen who had spoken did so only perhaps from hearsay He knew there were a great many families with scarcely bread to eat, but skilled laborers were not so plentiful He had spoken previously of men whom he employed not being worth 3s per day, while he was giving to others as much as 14s per day To relate a circumstance from his own experience Some time ago he divided a job which he had to do in the country into sixteen lots, and, to give employment to a number of men present, he made a Dutch auction of it Some of the men spurned the job, but he could assure them that the men who took it earned 17s 9d per day In another case, when he had some earth-work to do out of town—amounting to about £70 worth—the work was set down at something like 3s per cubic yard, and the men who took the job made something like 9s per day When he paid them off he said to one of them—a coal miner—that he supposed he would not get so good a job again for some time to come The answer the man made was that he did expect to get employment very soon, that the last year was not a thriving one, but that he had managed nevertheless, to save £40, and he hoped to do better this year Really industrious labouring men were not superabundant

Mr TOWNSEND was satisfied that if they advertised for laborers, whether carpenters, bricklayers, or any other tradesmen, they would get them, that with just one solitary advertisement they would have them before they got into their place of business in the morning With respect to what had been said by the hon member for Noarlunga, as to there being no superabundance of labour in the country, he knew twenty men at that moment out of the town who could not get employment In fact, he believed labour in the country was far more superabundant than in the town It had been said there was no evidence as to the distress, but he asked them was there not sufficient evidence before the House? It had been said that the stoppage of immigration would produce no effect for nine months to come, but he believed that in nine months time they would find the people going away as fast as they did now He thought if the vast sums which had been sunk on immigration had been devoted to public works it would have had a far more beneficial effect The hon member for Noarlunga had said if the money were kept here they could not have used it, but he disputed this They had spoken of 7s per day as rather high wages, but he did not think it at all a large sum The effect of immigration at the present moment would be that of bringing down the poor man's capital He believed if the money spent during the last six years had been devoted to public works they would have had a sufficient voluntary immigration, and it would have been composed of a better class He would ask the Commissioner of Crown Lands whether a great percentage of the labor which was daily arriving did not go away to the other colonies almost immediately after, and he considered that all attempts to meet this state of things by legislative enactment would be inoperative The hon member for Encounter Bay had stated that every man could get a fair day s work, but the string of names of persons out of employment contradicted this He would not attempt to legislate because there happened to be a cry here or there, or because a meeting of the unemployed happened to be held on the Park Lands He supported the motion on a stronger basis

The House then divided, and the following is the result of the division –

AYES, 9—Messrs Solomon (teller), Milne, Townsend, Harvey, McEllister, Bagot, Shannon, Hay, and Rogers

NOES, 20—The Hon Commissioner of Crown Lands, the Hon Commissioner of Public Works, the Hon the Attorney-General, the Hon the Treasurer, Messrs Burford, Bakewell, Duffield, Reynolds, Strangways, MacDermott, Dunn Mildred Hallet, Peake, Glyde, Barrow, Wark, Cole, Lindsay, and Young

There was a majority accordingly of 11 in favor of the noes

THE POSTAL SERVICE

Mr PEAKE moved, pursuant to notice, "That, in the opinion of this House, it would be to the advantage of this colony were overtures made by the Government to the Peninsular and Oriental Steam Navigation Company with a view to induce that Company to reopen the steam postal service between the Australian colonies and Europe" It would be in the recollection of hon members the troubles and anxieties which they suffered during the last session in getting their letters from home The present postal arrangements arose out of a contract which was entered into on the 5th July last It was ultimately agreed to give the company performing the service a subsidy of 12,000*l* They were now not in any better position than they were formerly He remembered some four or five years ago, the pleasure he derived from seeing the efficient manner in which the Peninsular and Oriental Company performed the service elsewhere That Company was a well organized one and he doubted not but that it would take very little to induce them to open up a mail communication with this colony It had the power and the means, and no doubt would have the will also If this colony did not move in the matter, they would certainly be left in the background Sydney had voted already 50,000*l* They could not expect to participate in that, neither could they expect any favor from Victoria All they wanted at present was that the Attorney-General should place—and he was well able to do it—the matter in as favorable a light as possible (Hear, hear)

Mr STRANGWAYS seconded the motion He understood the object of the mover was to induce the Government to make enquiries as to the expediency or probable cost The motion, however, authorised the Government to make overtures He supposed, of course, it was only a preliminary thing, and with that view of the case he supported it He (Mr Strangways) had travelled from Adelaide to Southampton by overland route, and he had no hesitation in saying that the route via Point de Galle homewards, and Singapore outwards were the most expeditious In a renewal of the mail service the colony would have to act entirely alone The neighbouring colonies had manifested a total indifference to their interests He thought the Peninsular and Oriental Company would be able to give a monthly mail to them in less time than at present, and at a less cost than hon members might imagine The following were the distances on the overland route —From Suez to Aden 1,308 miles, from Aden to Galle, 2,137, from Galle to Melbourne, 4,714 miles making a total of 8,159 He seconded the motion on the understanding that the Government were only to apply to the Company for the information required, without entering into anything definite

The ATTORNEY-GENERAL cordially supported the object of the motion He need not say that the Government had not failed to avail themselves of every opportunity in urging upon the Home Government the necessity of the steamers calling at Kangaroo Island on their outward and homeward trips As to the present motion, he would say that in whatever way the Government might be able to induce a Company to enter into a contract that would be beneficial to the colony, they would do so, so long as the financial state of the colony rendered it advisable

The motion was carried, with an amendment of the Attorney-General's, empowering the Government to ascertain on what terms the Company would perform the service

RETURNS

The COMMISSIONER OF CROWN LANDS laid on the table of the House a return, moved for on the 3rd of September, of the unsold lands within 15 miles of the proposed lines of railway

KAPUNDA RAILWAY

The COMMISSIONER OF PUBLIC WORKS moved the report of the Committee of the whole House on the Kapunda Railway Bill be adopted, and that the third reading be an Order of the Day for to-morrow

Carried

ASSESSMENT ON STOCK

The ATTORNEY-GENERAL moved that the Bill intituled "a Bill for the Assessment of Stock" be read a second time He would state that, although his opinion was decided as to the justice and expediency of such a measure, and although he would be prepared as a member of the Government to take the responsibility of voting for the second reading of the Bill at once, should the feeling of the House be that they had not sufficient information on the subject, he should not object to its being referred to a Select Committee The object of the Bill was to compel the class of stockowners or squatters, who occupied all but an insignificant fraction of the land in the colony, and derived a large proportion of income from the waste lands, to contribute equitably in proportion to the advantages they derived to the revenue of the colony It had been felt and expressed not only in that House but out of doors that at the present time and under present arrangements, they did not contribute a fair and equitable proportion towards the expenses of the colony, and that would be evident when it was stated that the occupiers of many millions of acres only paid at the rate of little more than 10s a square mile rent for land so occupied He might give that area at 24,000 square miles, or about 15,000,000 acres The manner in which it was proposed to carry out the provisions of the Act, would be by an assessment on sheep and cattle, moderate in amount, and under such exceptions as it was expedient to adopt There were exceptions made in the Bill on purchased

land held by individuals within the run, exceptions in respect to depasturing within the runs, and in favor of leases not granted for more than a limited time, because on the first taking up of a run there were certain expenses connected with it that rendered it fair that those who occupied it should occupy it for a certain time without assessment of stock Subject to those exceptions, it was proposed to impose a tax on sheep of two-pence per head, and on cattle of one shilling per head, and on horses of 2s 6d. per head He need not have said more had he not understood that some exception would be taken to that motion, on the ground either of the want of power on the part of the Legislature to pass the Act then proposed, or that it would be an act of bad faith on the part of the Government to do it. He would say one or two words on the subject With regard to the first he must say that the assumption of the illegality of a measure of that kind, founded as it was on the hypothesis that an Order in Council might have the power of limiting the authority of the Legislature of the colony, that it was equally binding as an Act of the Imperial Parliament, was too monstrous to be entertained for a moment. He believed no person who had looked into the question would venture on the grounds of illegality to think that that Legislature had no legal right to pass such an Act Whether it was morally right or not was a different question He only referred to the legal question as being a necessary power of that House to take proceedings in the matter It had been stated that were the House to pass that Act, parties interested would be prepared to test the power of that House in the Supreme Court He would not wish that any one should be so ill advised as take a step of that nature On the other matter he would say that if there was any person occupying the waste lands of the Crown who could come forward and say, "I took the lease of the land, agreeing to pay 10s per square mile for the liberty of depasturing my cattle, and on the faith that the Legislature of the country were never to impose an assessment on me except for local purposes" that individual would have a claim for consideration But he (the Attorney-General) would say to hon members that from the first moment those leases were conferred upon those persons to the present time, the obtaining of those leases was a great pecuniary advantage to them He would, therefore, reply that if any person could say that he would not have taken the lease of his run except on the faith of that condition, that individual should be taken into special consideration, but he thought they would have to wait a long time before such a one appeared He would then only refer to the ground of justice to the country On that he thought no two opinions existed He would have an opportunity in the course of the debate of saying more if it were necessary, and he would therefore simply move the second reading of the Bill, repeating at the same time that if the feeling of the House were in favor of its being referred to a Select Committee, the Government would not object to it

The COMMISSIONER OF CROWN LANDS rose to second the motion of the Attorney-General The measure he considered was moderate in the demands which it was proposed to make on the squatters, it was liberal in its provisions with regard to that class who were affected by it, and simple in its machinery He thought it a very proper time to introduce the measure, as the pastoral interests were not quite so flourishing as they were a year or two ago The House could therefore consider calmly the benefits which the occupiers of the waste lands had derived from their leases and how far they were fairly entitled to be called upon to contribute to the burdens and requirements of the country Neither would the House be led away, as it was possible they might have been, had the measure been introduced at a time when the pastoral interests were in a more affluent state The provisions of the Bill, were so moderate and reasonable in character, that he did not apprehend that the House would do otherwise than sanction the introduction and confirm the measure introduced by the Attorney-General If the leases of the waste lands of the Crown had terminated by efflux of time, as they will do in five or six years, there might have been some argument for imposing no assessment, because then the Government would have an opportunity of deriving that revenue from them to which the country was fairly entitled and which it did not receive He considered that the Attorney-General had fully stated to the House the perfect legality of the measure proposed, and he, being assured of that legality, had no hesitation in giving that measure his support, because he considered that the occupiers of the waste lands had never contributed to the revenue of the country in proportion to the benefits they derived from them Nothing he was now asserting contradicted what he had on previous occasions stated with reference to the pastoral interests He had always considered that interest one of the most important in the colony, and the course he now took was in accordance with his formerly expressed opinions The country was entitled to the additional value which would be given to the waste lands by an assessment The Bill was simple in its machinery In other colonies similar measures had been introduced but they had failed in consequence of their details rendering them unworkable From that Bill the House would find those clumsy details had been excluded He would now refer to the tax proposed to be imposed It was usual in Bills of that nature to leave the amounts blank, in order that they might be filled up by the House But in that case the Government gave a proof that they had fairly considered the point as to how much should be contributed by stating those amounts in the first clause He trusted the House would not attempt to make any alteration, because the rates fixed gave a fair income from the waste lands and would not be found oppressive on the stockholders As the House might, perhaps, like to be made acquainted with some of the details of the amounts likely to be derived from the assessment, he would say it would probably produce a net revenue of £20 000 a year They had not any reliable statistics of the stock depasturing on the waste lands, for the stockholders had never been required to furnish returns of that nature, and consequently those calculations could only be based on uncertain data The Chief Inspector of Sheep being considered most likely to give correct information, had supplied particulars which would be found in his last annual report The number of sheep he estimated at 2,075 800, which, at 2d per head, would give £17,298 Cattle, 310,400, at 1s per head, £15,500, and 26,000 horses, at 2s 6d per head, £3,250 The gross amount of assessment in round numbers would be £36,000 From that amount would have to be deducted certain sums as specified in subsequent clauses It was proposed not to assess any stock within the limits of District Councils and Hundreds, paying the depasturing fee, but stock depastured within Hundreds under annual leases will be taxed (Hear, from Mr Hawker) The stock within the limits of the District Councils was estimated at 16,800 horses, at 2s 6d , 2 100*l* , 90,000 cattle, at 1s , 4,500*l* , and 85,000 sheep, at 2d , 708*l* , amounting to 7,300*l* , and of stock within hundreds, 31,823 cattle, at 1s , would amount in round numbers to 1,500*l* The exemption from assessment by way of remission for land purchased, would probably amount to 600*l* To this must be added the deduction for runs not of three years date, amounting to 10,300 square miles, and the stock on which would produce about £6,000 a year assessment, and he thought that it was not over estimated, and the total figures would amount to 15,000*l* , which would have to be deducted from 36,000*l* , and would give a net income of 20 000*l* to 21,000*l* The way in which it was proposed to arrive at the quantity of stock for assessment, was by means stated in a schedule to the Bill The Government had to rely in a great measure on the good faith of the settlers in filling up that schedule, for it was not only impossible to classify the grazing capabilities of different runs, but it would cause an excessive expenditure of money, and require a numerous staff of officials It was therefore required that the squatters should fill up a form prescribed by the schedule under a penalty, and certified by a magistrate He had no doubt, were the Bill passed by the House, there would be no difficulty in obtaining the revenue he had indicated Hon members would see plainly that the Bill contained very few clauses In fact, the machinery of the Bill was so simple and easily worked, that he had no doubt it would meet the approval of the House Having shewn the probable amount which the assessment would produce, and indicated the liberal provision by which the Government met the cases of the squatters themselves, he would second the motion that the Bill be now read a second time

Mr HAWKER said it was not his intention to go into the subject so quickly had it not been for what the Attorney-General and the Commissioner of Crown Lands had said in introducing the Bill, but in justice to his constituents he could not sit down and hear such a proposition brought before the House, for he considered it a great injustice to the class whom he represented He meant to meet the Bill *ad limine*, and hoped the House would bear him out in the assertion that the Ministry had no right to introduce that Bill He would base his argument on the Orders in Council, the correspondence on which they were based, and the leases themselves (laughter), and if he could shew that those leases were granted with a certain intention, he trusted the House would bear out the spirit of that intention, whether for or against the Bill He would not believe that 36 members would go in favor of an unjust principle, and that after a lapse of seven to eight years He asked the forbearance and patience of the House, because out of 36 members he was the only squatter—the only member dependent upon squatting, he had been elected by a squatting community, and therefore trusted he might trespass on the time of the House He would first call attention to the despatch of Sir Henry Young, dated 23rd February, 1845 Had the assessment of stock been now mooted for the first time, he quite agreed with the Government it would be a fair and moderate assessment, but the squatters were originally assessed, and that assessment had been changed into a rent Now, the point for consideration was had the House a right, after changing the assessment to a rent, to repudiate the agreement made with the squatters, and to put on a new rent He believed that the House would bear him out that the squatters ought not to succumb to that If the assessment were only one farthing per head, he would object to it on principle Personally he would not have taken the trouble, but he represented a district stretching from the Murray to the Glenelg, and he must stand forward and resist to the last gasp that attempt to put on an assessment He must do his duty to his constituents Hon members were no doubt aware that originally there was an assessment on stock of one penny per head One of our most in-

telligent Governors (Sir George Grey) considered the opening up of the country of such importance to the colony that it would be beneficial to it had the squatters occupied their runs without any rent whatever He (Mr Hawker) did not ask that, but having put a value on the land before the discovering of the gold, the Government having leased those lands at their own valuation, he did not see that it was right now to put an extra rent upon them He did not sue *in forma pauperis* nor ask concessions or favor, all he wanted was justice In 1851 a valuation was made of the runs by the Government There were three classes The first was 10s a square mile, the second 15s a square mile, and the third 20s per square mile Some appeals were made against the valuations, and the runs were then put according to the value. He was one who appealed against the value put on his brother's run He found the run charged 15s a square mile, and knowing that a large portion of it was not available for feeding stock, he appealed and the Government sent Mr Bonney, who, with his (Mr Hawker's) valuer, Mr Charles Campbell, agreed that there was a fair claim for reduction, and the rent was reduced to 10s a square mile He gave that instance to shew that there was a full intention on the part of the Government to grant leases at those rates The hon member for Sturt (Mr Hallett) also appealed, but he was not successful, for it was decided that he was not over assessed He would now refer to Sir Henry Young's despatch dated 23rd February, 1849, in which he says, "when the Imperial Act comes into operation, the waste lands will be held on lease, and as runs will be superseded there will be no assessment except for purposes of local revenue" No doubt he took a very correct view For if the local Legislature imposed an assessment it would be a double payment on the part of the occupants He believed no local Legislature would attempt to do that, and the House were bound to answer the purposes for which those leases were given, and to carry out their spirit He would pass on to No 9 In that Sir Henry took a broad view of the nature of the change, which contrasted widely with the narrow view of the present Ministry (The hon member read some long extracts in proof of his statement) He believed Ministers had been actuated by what they believed a popular cry out of doors in bringing forward the measure He (Mr Hawker) did not consider there was any pressure out of doors on the subject. He would now refer to Lord Grey's despatch founded on Sir Henry Young's, and though leases were taken under Orders in Council, no Order in Council meant one thing and expressed another Lord Grey wrote, "I readily adopt the opinion arrived at on the subject by yourself and the various high authorities whom you have consulted An Order in Council has given effect to their recommendations" Now whose recommendation was it? It was Mr Charles Bonney's, in proof of which he begged permission to read an extract from his speech (The extract was read at considerable length) These were the sentiments of a gentleman on whose suggestions the whole regulations were framed by the Government at Home If the House believed what Mr Bonney said, it was bound to carry it out, and if they passed the Bill, it would give to Mr Bonney the lie direct He would now go back to Sir Henry Young's despatch No 9 (A long extract was read) That having been drawn out by Mr Bonney at the request of the Government, it was a gross injustice and a legal quibble on the part of the Attorney-General to introduce that Bill contrary to the spirit and letter of those instructions It was said that there was no Bill brought into the Parliament at home through which a coach and six horses could not be driven He believed it was the same here, but he hoped the House would not be deluded by the legal quibbles of the Attorney-General, but despise them, for he was convinced that he did not approve of the principles of the Bill, but felt himself bound to carry out and support the Ministerial views (Great laughter) With regard to the 5th clause of the Orders in Council—the legal one—which was, "Nothing in that Order should be construed in any way to interfere with the right of the Colonial Legislature to impose such assessments as might be deemed advisable for local purposes"—Sir Henry Young thought it impracticable for any Legislature to legalize the power to put on an assessment for local revenue He begged consideration to the fact that the clause was not for local revenue, but for "local purposes" He (Mr Hawker) denied the assertion that squatters were not paying their fair share of taxation, for so long as taxation was indirect, they paid their share Sir Henry Young's dispatch, combined with the Order in Council, was quite sufficient to prove the intention of the Legislature of that time, and the present Legislature were bound to carry out that intention Clause 5 of chapter 3 would not prevent assessment for local purposes. Take any district in which there were squatters and where there might be a Road Board It was perfectly fair to assess them for local purposes, and it was evident that that was the spirit of the regulations, that the Government leased to the squatters a certain amount of land at a certain rent, and had no intention to alter that rent for 14 years and the only way they could put an addition to it was for local purposes He now came to another point, though in going against the hon the Attorney-General he felt that he was like a mole against a mountain (Laughter) He asked why was the lease for 14 years different from the lease for one year Why was the land in the hundreds to be excepted if the tax was for general revenue, and general revenue only The leases were different, although the stock ran in both cases on the Crown lands The land held under the annual leases must in a short time come under the District Councils. He did not think he could bring forward a stronger argument than be car for the intention of the Legislature in 1851 should be carried out by the Legislature in 1858 (Hear, hear) He did think hon members would perpetrate an act of injustice, and he would therefore lay the matter confidently before the House, and even before the hon member for the city, whose opinions were known to be strong on the subject The last attempt at Imperial taxation in the colonies for Imperial purposes lost England one of her finest colonies, the United States of America (No, no) When the tax was put upon the tea in Boston Harbor, he believed it lost the American colonies to England He believed that was the last specimen of colonial taxation for Imperial purposes The hon the Attorney-General spoke of the income to be derived from this source, but that was begging the question What right had the Government to say now that the land was leased for less than its present value The fact was, the Government leased the land to the squatters when many hon members present would not take the land as a gift, and it was unfair now to put on an assessment for the purpose, as hon members called it out of doors, of equalising taxation He could not understand what was meant by this equalising of taxation, as long as we had our revenue raised by indirect taxation on consumable articles, the squatter must pay his share of it The House had no right to go into the question of whether the runs paid their value or less than their value, but the question for them was "do the squatters pay in indirect taxation their share or not?" and he thought it would be very difficult to prove that they did not He (Mr Hawker) ought to be a judge, employing as he did from 60 to 100 individuals every year, and he found that he was paying for the taxable articles such as tea and sugar, which these people consumed, for the burthen fell not upon the consumers but upon their employers Upon this point he joined issue with the hon the Commissioner of Crown Lands There was no wish on the part of the squatters to evade taxation If the revenue was not sufficient, they were prepared to pay further taxation provided it were of an equitable kind Look at the gentlemen who had made their fortunes in Hindley-street and Rundle-street, and who spent their money in riotous living at home (Loud laughter) These were men who should be taxed—the absentees, and if the hon the Attorney-General brought in a Bill imposing a fair tax, he (Mr Hawker) would be the first to support it What the squatters said was—"you have no right to single us out for the purpose of class legislation" He would support the Government when they brought in a fair and enlightened Bill, but not a Bill for the class legislation which these hon gentleman had repudiated so strongly in their speeches to their constituencies He defied the hon the Attorney-General to say that he went thoroughly with this Bill, for he had always admired the liberal and enlightened tone of the speeches of that hon gentleman The hon gentleman was obliged to bring in this Bill, but in his heart he disapproved of it (Laughter) He (Mr Hawker) was well aware that every member of a Ministry could not always carry out his own views The hon the Commissioner of Crown Lands had gone into what he called statistics, but it only amounted to this, that the hon member was trying to prove how he could "do" the squatters out of a certain amount of money which they had no right to pay The Government had made an agreement with the squatters for a certain amount of rent, and for eight years there had never been any attempt to alter it He supposed the reason was that it was considered necessary here, as in Victoria and New South Wales, although the circumstances were quite different, in order to carry favor with the populace, that an unjust assessment should be put upon the squatters But that House had always held itself far above the Legislatures of the other colonies, and he endorsed that sentiment, for he believed that hon members were too independent to truckle to any opinion out of doors which was not just in itself He did not see why the House should be dragged at the chariot wheels of Victoria Upon what principle did the Ministry introduce this Bill? He understood that it was because the profits of the squatters were so large and that they paid so little to the revenue of the country Hon members did not understand what squatting was Their idea of squatting was like a child's idea of a king—

"The king was in his counting-house,
Counting out his money,
The queen was in the parlor,
Eating bread and honey" (Loud laughter)

The idea was that a squatter could drive his carriage in town, and that his squatting went on without any trouble. But it was not fair to take one or two gentlemen who had made money in squatting as examples Let them draw a line from Mount Bryan to Mount Remarkable, and another from Mount Remarkable to Port Lincoln, and if hon gentlemen would go and see the country beyond these lines they would learn the hardships to be endured This would be fairer than taking the case of men who had been 20 years in the colony, and who had expended large capitals here If hon members saw these things they would form different opinions from those put forward that day, He had seen the districts he referred to last year, and if hon members would take a ride up there for 400 miles (laughter), it would give them new views, and do

their constitution good They would find that the profits of the squatters were very small indeed, not nearly so large as those of the hon member, Mr Neales He had been assured by Mr Morris, the Inspector of Scab, and by Mr Watson, the Special Magistrate, that in one day 500*l* was imposed as fines for scab, and this not from any want of care, but because it was one of the liabilities to which the squatter was exposed There was one settler in that district with which he was connected, who had taken every care, another did not do so, and the sheep of the latter travelled and infected those of the former One year of scab would take away the profits of three years In the South-Eastern District there was no profit during the present year owing to the carelessness of one individual But he would like to know what profits there were in the North, in one instance, for example, Mr John Taylor told him he had lost £10,000 This gentleman had 14,000 ewes in lamb, and he lost all the lambs and 3,000 of the ewes The hon member for Barossa was another victim If any inhabitant of Hindley-street or Rundle street lost this amount it would be told all over the country, but the squatters bore their losses quietly until an attempt was made, such as the present, to treat them with injustice. (Laughter) He might also allude to the loss of life amongst the squatters, and he would ask the hon member (Mr Neales) or any other hon member whether there was any other occupation in the country which entailed an equal loss in this way Where were Brown and Beddome, and Dutton, and Dirk, and Beaver, who had gone through a hundred fights and bore upon him the honorable scars which recorded his courage? Where was Crowley, the scion of an ancient race, and where did he find his grave, but in the dark and turbid waters of that fatal creek? Where was that other well-known traveller—a man who understood well the dangers of exploration—when his brothers were looking for him, until at length they found his bones, whitening as they lay, picked by the native dogs? Did the canteen of Coulthard tell no tale of the risks of the bushman? The termination of those lines, "God help me"—let any hon member read it and say there were no risks to be encountered by the squatters He claimed no privilege for the squatters, but he claimed justice for a great interest He had never been connected with any other interests, and he never, please God, should The hon member for Mount Barker (Mr Dunn) was a fellow-passenger of his 18 years ago, and another gentleman, Mr Waterhouse, was in the same ship The interests with which these gentlemen were connected had flourished as much as that of the squatters and he was delighted to see the hon member for Mount Barker in the position he now occupied, for he was pleased to see any hon member's industry and energy prove successful But why was one interest, because its members had flourished in common with others, to be made the subject of class legislation by the liberal gentlemen on the ministerial benches? This was unjust and unfair, and he believed the House would not demean itself by an act of injustice He had the greatest respect for these hon members, but he thought in introducing this Bill they had made a political blunder

Mr MACDERMOTT observed that an assessment on stock, as had been stated by the hon member who had last spoken, was imposed in the early days of the colony, but the Government had altered that arrangement when the leases were granted into a rental That was a compromise between the squatter and the Government The Government had fixed the rent according to the value of the land, and he thought that during the term of the leases there should be no alteration in the conditions of the agreement Hon members would recollect that at one period the question now before the House was made a legal question An hon gentleman, Mr Baker, brought the question before the Supreme Court to be decided and the decision was in favor of that gentleman That ought to settle the question He concurred entirely with the hon member for Victoria that the word "local" meant for district purposes and not for general purposes Another consideration appeared to him of great weight in relation to this question The term of the leases from the Crown would expire in five or six years, and when that time arrived within two or three years the position of the leaseholders would be a most uneasy one They would have accumulated a vast amount of stock and property upon their runs, and a great uncertainty would exist as to retaining them or as to what competition they might be exposed to at the end of their term He thought the present would be a favorable opportunity for adjusting that important question In his opinion, if a better tenure were offered to the squatters, that is, if the Government proposed to grant annual leases until the land was required for sale, that then it would be equitable for the squatters to surrender their leases and allow a valuation for the rental That would attain the object of laying on an assessment, but in a just and equitable manner When the leases expired the Government would have the choice of getting new tenants, but would the new tenants be as valuable as the present occupiers? The present tenants, in the state of uncertainty in which they were placed, would naturally diminish their stock by allowing it to fatten and sending it to the market, and when the new tenants occupied the land they would have but a small amount of stock, so that some of the country would be diminished in value, and a great injury would be thereby inflicted on the country He thought this suggestion was worthy of attention, and he had reason to believe if the Government made the offer the leases would be willingly surrendered, and the squatters would accept new leases until the land was required for sale, which was all the Government could reasonably require At that late hour he would not trespass further upon the House, but he hoped the justice of the case would be met by the decision arrived at that day, and that the suggestion which he had thrown out would meet with the consideration of the House

Mr STRANGWAYS said if the Bill was a specimen of the hon the Attorney-General's idea of justice, that idea must be a very strange one A solemn engagement was entered into in 1851 with the squatters, and now the hon gentleman came down and asked the House to break that solemn engagement The hon member said that it was expedient to pass the Bill, and that the present was a good time for introducing it As to the expediency he would refer to that presently But as to the legality, as had been observed by the hon member who had last spoken a question of the same kind had already been tried and decided against the Government, and if the Government were to go to the Supreme Court again, attempting to rely upon this Act, the squatters would get a verdict By the Constitution Act the power of the House was limited to the passing of Acts which were not repugnant to the law of England But was not this Act repugnant to the law of England, or of any country, or to common sense and justice, when it proposed to repudiate a solemn engagement? But it was only last session that the Government brought in a Bill to repudiate another similar engagement, and so he was not surprised at their bringing in this measure The Commissioner of Crown Lands advocated the Bill because it would be easy to collect the revenue, no doubt thinking that hon members would leave all considerations of justice and equity aside, and pass the Bill simply because it was an easy way of raising the wind But there was another point as to the effect which the Bill, if passed, would have upon the consumers of meat It should be borne in mind that as the squatters had not the power of raising the price of wool, and had the power of raising the price of sheep, if the price of the article was to be raised the whole burthen would fall upon the labouring man, the very person who was the least able to pay a tax If this tax of 2d per head were put upon sheep the squatters would charge it not only on those sent to market but upon the sheep which they held Thus, supposing the squatter to have 10,000 sheep, he believed that he could not bring more than 2,000 to market in the year and thus the tax would amount to 10d per head on these sheep Hon members knew also that when retailers could get an excuse for putting on an additional farthing they were very glad to put on a penny, and if the price of meat to the retailer were raised a halfpenny, to the consumer it would be a penny at least In dealing with the squatting question also hon members should remember that the squatters have always been not only in this, but in all the Australasian colonies the pioneers of civilization, and that if we taxed them we taxed one of the most important interests of the country Hon members knew that there were many parts of the country now converted to the purposes of agriculture, which a very few years since were thought only fit for squatting, and hardly even for that The squatters had driven their flocks into these localities, and through them and the laws of chemical action and reaction the land had been brought into a fit state for cultivation The squatters were a very important section of our population It was their part to prepare the interior for the habitation of civilized man, and if we did anything to restrain them we would check the progress of the colony This was another specimen of class legislation It was only a few days since the House was called upon to permit free distillation, in order to favor the produce of one class He could now easily see why the Government did not oppose that motion more warmly If a Bill were introduced to tax all the property of the colony he would support it, but he was at a loss to understand why one class of property only was to be subjected to taxation He believed that the Ministry had selected the squatters only, because some cry was raised against them out of doors, and hon gentlemen thought to gain some popularity by taking it up He was satisfied, however, that no such feeling existed out of doors, that the cry was for a tax upon all property, and that if the Government attempted to tax one class only, they would not succeed He would be no party to any monopoly on the part of the squatters, but there was room enough for all As agriculture advanced, the squatters must recede, for it was their part to open up the country There was an unlimited amount of country yet unoccupied, and if they threw impediments in the way of the squatters, they would put a very material check upon the progress of the country He believed many hon members thought that every squatter was a rich man, and that many hon members would give their votes under that impression but he had heard that there were as many poor squatters, or lessees of waste lands, for they were all squatters, whether they had 100,000 sheep or 100—that there were as many poor men amongst them as amongst any other class in the colony The way in which many squatters commenced was this The overseer of an out station saved a few pounds, and having bought a few sheep, got permission from his employer to run them upon the run Perhaps after commencing in this way with half a dozen or a dozen sheep, in a a few years he

would find that he was able to run sheep for himself. If this tax of 2d. were put on, we should soon get to the, Victorian rate of 9d., and a tax of 9d. was said to amount to confiscation. But it required no knowledge of Cocker to perceive that if a 9d. tax was confiscation, a 2d. tax was partial confiscation. He agreed with the hon. member for Victoria that the assessment could only be raised for local purposes. On previous occasions when opposition was offered to the measures of Government, the hon. gentlemen were very accommodating and generally withdrew the measures, but it appeared that upon this they were prepared to stand or fall. He hoped they would soon fall—(laughter)—if they were only to stand by a vote like the present, which would impose an unjust tax on any other class. He hoped the House would not be influenced by the threat of the hon. the Attorney-General, and he would now move that the Bill be read a second time that day six months.

Mr. BURFORD did not expect that he would have to second the amendment. He did so on different grounds from those urged by the hon. mover, and he could not go with the hon. member in all he said. He quite concurred in the propriety of equalising the public burthens, but he did not think that was accomplished by the Bill. It was well known that he was opposed to the imposition of taxes on articles of home production. If it was wrong to tax our minerals it was wrong to tax stock, and if it was right to tax stock it was right to tax wines. It was because he saw that by this shilly-shallying system, we would make such a muddle in our legislation that he seconded the amendment. He granted that there was great credit due to the stockholders and he sympathised in their great risks and enterprises, but he could not lose sight of the fact that men had an object in the line of life they adopted, and therefore he was not affected by the pathetic appeal of the hon. member for Victoria, and such were not the means by which the House was to be influenced in a matter of public policy. But, although he took this course now, he considered the Government justified in introducing this Bill according to their view of the case. They were told that because at one time in colonial history the squatters were reduced to great straits, the imposition they were to pay was removed, and now the Government were justified in reimposing it, as the squatting interest had not only recovered, but had risen to a position of great prosperity. If the House assented to the Bill, it would show a retrograde tendency. The manifest feeling of the House on an occasion previously alluded to was in favor of a different mode of taxation, so that if they passed this Bill they would be voting against themselves. They should also keep in view the invidious distinction which it was sought to introduce. One class was to be singled out and taxed, another was to go free, and another to have a bonus placed upon its produce. Again, if cattle or sheep upon runs were to be taxed, were the horses and cattle on farms to be taxed also? The House was told that all the cattle in District Councils or hundreds were not to be taxed. They had had a lesson from the next colony on this point, where the difficulties which had arisen seemed inextricable. The last intimation from New South Wales was that they had classified the lands into four classes, but he could not see how they could do this in such a manner as to make the burthen of taxation fall equally. If we were to follow a rigid rule in all cases the effect would be extremely unequal, as the runs in the vicinity were necessarily better adapted for agriculture than others. He disagreed with the hon. member for Victoria where that hon. member denied the right of the House to act in this matter, but as he was opposed to taxing the products of the country in any form, he should vote for the amendment.

Mr. BARROW moved that the debate be adjourned to the following day.

The House adjourned at five o'clock.

THURSDAY, SEPTEMBER 30.

The SPEAKER took the chair shortly after 1 o'clock.

PORT ELLIOT.

Mr. STRANGWAYS presented a petition from the District Council of Port Elliot and Goolwa, praying that a sum might be placed on the Supplementary Estimates for the construction of a ferry to connect Hindmarsh Island with Port Elliot.

RAILWAY MANAGEMENT.

Mr. REYNOLDS asked leave, as Chairman of the Committee of Railway Management, to bring up a progress report on Tuesday next, upon the subject of the site of a station upon Section 70.

ASSOCIATIONS INCORPORATION BILL.

This Bill appeared upon the paper for its second reading, but the Treasurer said that there were a great many notices on the paper, and it was consequently necessary to make some arrangement as to the business. He proposed that the Associations Incorporation Bill should be postponed till Wednesday next, and that the Bills of Exchange Bill should be postponed till a later period in the day. He was prepared to proceed with the Supplementary Estimates for an hour or two, unless the House were desirous of proceeding with the debate upon the Assessment Bill, which had been adjourned from the previous day. He was desirous that the Estimates should be proceeded with, and if the House would determine to devote a whole day to them they might perhaps be finally disposed of. Upon the motion of the hon. gentleman the Assessment and Incorporation Bill was made an Order of the Day for Wednesday next, and the consideration in Committee of the Bills of Exchange Bill was postponed till a later period of the day.

DISTRICT COUNCILS.

The COMMISSIONER OF PUBLIC WORKS moved for leave to introduce a Bill to consolidate and amend the law relating to District Councils. It was not, he thought, requisite that he should enter into any lengthened statement to induce the House to assent to the introduction of this Bill. There were at present several Acts relating to District Councils, and the object of the Bill which he wished to introduce was to consolidate them. It provided for all matters in which District Councils were interested—in fact, the principal portion of the Bill had been suggested by the experience of the District Councils of the province. He was convinced hon. members would, upon a perusal of the Bill, consider it a most useful and carefully prepared measure.

The TREASURER seconded the motion.

Leave having been granted, the Bill was read a first time, and ordered to be printed, the second reading being made an Order of the Day for that day fortnight, the COMMISSIONER OF PUBLIC WORKS remarking that he selected this rather remote period in consequence of the Bill being rather a lengthy one.

Mr. MILNE asked the Commissioner of Public Works if the Government intended to forward a copy of the Bill to each of the District Councils.

The COMMISSIONER OF PUBLIC WORKS would certainly take that course if it were desired, but the Bill had been principally prepared by the Association of District Chairmen, and had been drawn by the solicitor of that body, having been subsequently revised by the law officers of the Crown. There had been no alteration whatever made in the principle of the Bill, but still he would take care that copies were sent to the various District Councils.

KAPUNDA RAILWAY BILL.

Upon the motion of the COMMISSIONER OF PUBLIC WORKS the above Bill was read a third time and passed.

PUBLIC WORKS BILL.

The COMMISSIONER OF PUBLIC WORKS moved for leave to introduce a Bill to provide for more efficiently conducting public works. The question had recently been so fully debated that it was unnecessary to reopen it. The Bill was simply a copy of a measure introduced last session.

Mr. REYNOLDS asked if the Central Road Board was included in this Bill?

The COMMISSIONER OF PUBLIC WORKS said that it was.

The Bill was read a first time and ordered to be printed, the second reading being made an Order of the Day for the following day.

THE ESTIMATES.

The TREASURER said that the Estimates stood next upon the paper. He desired to go on with them unless the House particularly desired to proceed with the debate upon the Assessment Bill adjourned from the previous day. To test the feeling of the House he would move that the House go into Committee upon the Supplementary Estimates.

The motion was negatived.

ASSESSMENT ON STOCK.

Adjourned debate.

Mr. BARROW said that having moved the adjournment of the debate on the previous evening, it now devolved upon him to address the House. Whilst availing himself of that privilege, he should endeavor to confine his remarks within as limited a space as possible. As the matter at present stood, the House was called upon either to affirm the second reading of the Bill, or to agree to the amendment of the hon. member for Encounter Bay (Mr. Strangways) that the Bill be read again that day six months. He confessed that he should not feel satisfied were he to adopt either of these courses. (Hear, hear.) As the matter now stood before them there appeared no course open to him by which he could record his vote with satisfaction to himself, and under such circumstances it had occurred to him that he had better abstain from voting altogether, but then again thought that was scarcely a worthy course to pursue. When there was a great question before the House he felt that it was the duty of every member to vote one way or the other. But if a third course could be struck out which would enable him and others to obtain further information upon this important question before being called upon to record his vote, it was most desirable that such course should be indicated. (Hear, hear.) He must confess himself disappointed, very much disappointed, that the Attorney-General had not, when introducing the subject upon the previous day, gone more fully into the question. He regretted that the hon. gentleman had not made out a better case. He did not wish to impute to the hon. gentleman that he was unable to make out a better case, although such might be the fact. It was possible that the hon. gentleman had said all that he could say upon the subject, but he (Mr. Barrow) thought that the hon. gentleman had refrained from advancing all that he could have

advanced in support of this important measure. It appeared to him that the hon. gentleman rather reserved himself for the reply, in order that he might demolish the arguments of previous speakers without fear of a retort. The hon. the Attorney-General had not, to his mind, made out any cause whatever. The hon. gentleman had stated that if any person who held a lease of Crown lands, would come forward and say that he took that lease supposing that there would be no assessment on stock depastured on the runs that a case would be made out for further enquiry before legislative enactment. Whatever weight should be attached to the arguments of the hon. member for Victoria (Mr. Hawker) or other hon. members who opposed the measure, it was undeniable that the contingency anticipated by the hon. the Attorney-General had taken place. The hon. the Attorney-General had stated that if any one would come forward and say that he took his lease upon the supposition that there would be no assessment he would establish a claim for further enquiry on the part of the House. That contingency had occurred. (Hear.) The hon. member for Victoria (Mr. Hawker) had endeavoured on the previous day, with what success he would not say, to prove that the assessment proposed would be a breach of faith on the part of Parliament, and a violation of the conditions upon which the squatters supposed they held their leases. Without committing himself to an approval or disapproval of the Bill introduced by the Government it was undeniable that the contingency alluded to by the hon. the Attorney-General had taken place, and what the Attorney-General had stated the Government were ready to grant should be conceded. He was not prepared to throw out the Bill, but he would like to see the most satisfactory grounds for passing it. He required to see more evidence bearing upon the question before he could give an honest and conscientious vote in favour of the Bill. It had been stated that if the Bill were thrown out there would be a dissolution of that House, and that an appeal would be made to the country. He was not aware that anything had fallen from the Government to justify such a statement. (Hear.) He approved of appeals made to the country at proper times, but that was not the proper time. (Hear, hear.) And whilst there were such general complaints of commercial depression and scarcity of money, it would be a great pity to throw away thousands of pounds in making a special appeal to the country upon this particular question at that particular time. They would gain nothing by an appeal to the country, as the country could only return a new Parliament who would have to reopen the question, and he believed the country would say "investigate the matter, take evidence, and summon witnesses, and when the whole case is fully before you, vote accordingly." They could deal thus with the question without an appeal to the country; it would be a wanton waste of the public money if there were a dissolution of Parliament. Before a dissolution took place, he hoped there would be many questions in which it would be necessary to take the sense of the country, and upon which the country would be called upon to decide when the general elections took place. He could not help alluding to the possibility of a general election following the discussion of this question. It would be the most injudicious, unwise, and prejudicial course that the House could at the present time assent to. If throwing overboard this Bill and carrying the amendment of the hon. member for Encounter Bay (Mr. Strangways) would cause a dissolution, that alone would cause him to vote against the amendment, convinced that at the present time no good object would be obtained by an appeal to the country, but that it would have most undesirable effects. If, therefore, the amendment of the hon. member for Encounter Bay would lead to a dissolution, he should vote against it. There was, however, no sufficient evidence before him to convince him that it would, if carried, lead to a dissolution. The hon. gentleman who introduced the amendment had supposed that it would have that effect, but he had not heard from the Ministerial benches that the Government would recommend His Excellency to dissolve Parliament if that amendment were carried. He objected to the amendment, not merely upon the ground that a dissolution could confer no advantage, but because he objected to a postponement of the question for six months. Now that they had grappled with the question, he would like to come to a decision upon it. Now that the squatters and the people had met, as it were, face to face, he would like to see the question tried and disposed of, and not delayed for six months. But they might adopt some course which would obviate the necessity of enacting a measure, the merits of which they did not understand, and the effects of which they were unable to anticipate, and, on the other hand, of throwing overboard a measure which might be a beneficial one. He demanded more information upon the subject that he might be in a position to record an honest and conscientious vote. He did not see how, as the matter stood at present, he could vote for the Bill, as that would imply a belief in its excellence; nor did he see how he could vote against it, as that would imply a belief in its injurious qualities. He was not prepared to affirm either that it was excellent or that it was mischievous, but what he wished was to investigate the question thoroughly before being called upon to affirm either the one or other proposition. The House had been told if the Bill were passed, it would bring that House into collision with the Courts of Law, and that the decision of that House would be inconsistent with that of the Supreme Court. That had been denied; it had been affirmed on the one hand, and denied on the other that the Bill was unconstitutional. Until they had examined the question minutely for themselves the very fact of gentlemen competent to give an opinion differing so widely was a strong argument for suspending action till they had taken further evidence, till they had searched most deeply and thoroughly before passing the Bill or throwing it out as an unworthy enactment. The question of good faith with the squatters was one which the House were bound to go into very much more minutely than by merely listening to the speeches for and against it. He had not gone very minutely into the question either with regard to the covenants in the leases, or to the despatches which were written at the time those leases were granted. He had not done so because he considered the Attorney-General would have brought forward arguments as well as the Bill. (Hear, hear.) The Government had brought forward a Bill, but they had not brought forward any arguments to support it. (Hear, hear.) The hon. the Attorney-General seemed to consider it sufficient to state that there were many millions of acres held by squatters at 10s. a square mile, to satisfy the House of the necessity of passing this Bill. He joined issue however upon that point with the hon. the Attorney-General. It might be correct or it might be a fallacy. The land might be worth £10 per square mile, or not worth ten pence. He denied that the statement that the squatters held so much land at the price stated was conclusive evidence that they ought to be assessed. In the financial aspect of the question, there was much room for profitable investigation. A Committee was sitting upon the whole question of taxation, and they had to consider whether, whilst that Committee was sitting, it was expedient hastily to dispose of a measure materially affecting the fiscal policy of the colony, nor could they say until that Committee had brought up its report, that the particular question before the House was not also under the consideration of the Committee. They ought not without the clearest evidence of the necessity of such a step, to commence class legislation and this Bill was unquestionably an attempt at class legislation. The feeling of the House and of the country was directly opposed to class legislation. It might be quite true that squatters did not pay a fair proportion to the revenue. He was quite prepared to believe that they did not, for he did not go with all that had been advanced by the hon. member for Victoria (Mr. Hawker). That hon. member had said that he employed 50 or 100 persons, whom he found in rations, and that he consequently contributed to the revenue by the amount paid by him for such rations; that this contribution was made by him as employer, and not by the consumers of the rations. But he would ask the hon. member whether he would give his men the same wages with rations as without, for if not the hon. member's argument was a fallacy, the contribution to the revenue not being by the hon. member, but by the parties who were employed. The persons who were employed paid the duty upon the tea and sugar which they consumed. But even though the hon. member had perpetrated a fallacy it did not affect his case, for the question was not whether the contribution was paid by master or man, but whether it came from that particular interest. The hon. member for Victoria contended that the contribution came from the master, he (Mr. Barrow) considered it came from the man; but in either case it was paid by that particular interest, and went to the revenue. He was desirous of obtaining more information upon this question before being called upon to exercise his vote. He would like to know for instance whether there were more or fewer men employed in raising £1,000 worth of wool than in raising £1,000 worth of wheat. He should like to go into various other questions bearing upon this particular one, and although the rules of the House would not permit him then to move an amendment upon either proposition before the House, if the House would agree to the appointment of a Select Committee to consider the question, he should heartily go with such a proposition. In making this suggestion he not only gave weight to his own honest convictions, but he was pursuing a course consonant with the pledges which he gave before his election. He was distinctly asked by his constituents prior to his election what course he would adopt in the event of an assessment being proposed upon sheep and cattle and he had then stated that he was friendly to enquiry, and would support a motion for the appointment of a Select Committee, to whom the question should be submitted. He had also stated that he would not be a party to impose a tax upon the pastoral or any other interest without the fullest enquiry. Some time ago he had a conversation with a gentleman extensively interested in squatting, and that gentleman had stated that all the squatters wanted was an opportunity of stating their case. He (Mr. Barrow) told him that he for one was not only willing but most anxious that such an opportunity should be afforded the squatters, and that when fully in possession of the case he should be prepared to vote for or against an assessment according to the evidence. The hon. member for Victoria (Mr. Hawker) had also said that that was all he wanted, but believed that that hon. member did not approve

of a Select Committee, but rather wished the House to decide upon the question at once. That hon member, though perfectly satisfied of the goodness of his own case, should remember that he might not have satisfied every other hon member Although he went a great way with the hon member for Victoria, that hon member had failed to satisfy him that it was his duty to throw out the Bill, and he must say equally that he was not satisfied he should help to pass it As he would sooner forbear from legislating than legislate in a wrong direction, if driven to the alternative of voting for or against the Bill, without further enquiry, he should vote against it He hoped, however, he should not be compelled to such a course, he would prefer an opportunity of going into the whole subject, so that he might be enabled to vote in a manner which would bear more satisfactory reflection afterwards Under all the circumstances he believed that they could not do better than refer the subject to a Select Committee, particularly as matters which had not so strong a claim to be so treated had been dealt with in that manner A Committee upon Distillation had been recently appointed, although but a short time previously a Committee had been appointed and had taken evidence If upon that question two Committees had been appointed within a short period of one another, this was surely a question upon which a Select Committee might well be called upon to exercise its judgment They must not judge of a whole class merely by a poor squatter or a rich squatter, but should take evidence to show whether the majority had been prosperous, or had had to struggle against difficulties It was irrational to judge of a whole class, from a poor or a rich member, as well might they form their opinions of the whole of the doctors, lawyers, or tradesmen, merely from having before them one instance of prosperity or misfortune in connection with each class They must look at the class as a whole, and see whether as a whole they had been prosperous or not They would have to consider whether, if an assessment were considered advisable, a graduating one might not be most desirable If an assessment were determined upon it did not follow that it would operate justly if levied at the same rate upon all He considered it most important that they should have evidence before them to determine whether a graduating scale of assessment would not be better than a fixed or arbitrary one These and other points which he would not detain the House by discussing, rendered it exceedingly desirable that they should procure all the evidence they could before arriving at a conclusion upon this most important question One word with regard to this question being a popular cry He cared not whether it was popular or unpopular, or whether the course which he pursued gained for him the approval or the disapproval of the public, he should simply adopt the course which he considered right. He had been addressed by parties on both sides, and had expressed his determination, after fully acquainting himself with the merits of the case, to give an honest vote, whether he drew down upon himself public censure or reaped public approval But to give a vote without taking evidence, and collating various despatches and documents, would be trifling with an important question, instead of approaching it in that calm and deliberate spirit which should be the characteristic of legislation As there was an amendment before the House he could not move the proposition which he had suggested, but he trusted they would not legislate upon this important question till evidence had been taken, and they were in a position to legislate in a manner which would defy censure and vindicate accusations to which they would obviously lay themselves open if they passed measures in the dark, without taking that evidence which they ought to take to guide them to a proper conclusion He would resume his seat in the hope that hon members would not be restricted to passing or throwing out the Bill before being fully acquainted with the subject to which it referred

Captain HART said that when the opportunity arrived he should vote for the Select Committee (Hear, hear) He did so, not because he required any information upon the subject himself, but it was quite possible that some hon members might require before they exercised their vote some information upon the subject, and that information would be obtained by the evidence which would be taken before a Select Committee He was quite clear that when they had had that evidence the probability would be that perhaps not the present Bill but something approaching it would be the result of that enquiry He was sure that he should be the last who would desire to impose upon the squatters what was either illegal or unjust He believed it would be found that an assessment was not only legal but also most just, and if it were not imposed great injustice would be done to others He believed it would be beneficial to the stockholders themselves to have a matter which had been threatening for a very long time settled in the final manner proposed by this Bill He believed that if the assessment as proposed were endorsed upon each fourteen years' license the sheep farmers would look upon the Bill rather as a boon than otherwise, as settling the matter and preventing what had occurred in other colonies, where an oppressive tax had been imposed in consequence of a strong party cry With regard to the legality of the assessment, he would call the attention of hon members to the wording of the leases themselves, and would then ask if there could be any doubt of its legality The hon member for Victoria had alluded to the wording of the leases, and had drawn a very different argument from it from that which he (Capt Hart) should The hon member for Victoria had stated that there was a difference between the wording of the yearly leases and those for fourteen years, and had argued that the clause which was put in the fourteen years had no weight whatever, the proviso being to an effect which did not appear in the yearly leases (The hon member read the proviso) How that proviso could be put on he might fairly leave to the good sense of the House, perfectly satisfied that he could not be answered in the negative That that proviso anticipated an assessment was perfectly clear, and the only question was, how the Orders in Council bore upon that proviso The hon member for Victoria argued that because that proviso was left out of the yearly lease, his case was made out that there could be no assessment Why was it not in the yearly lease? Simply because there was an arrangement every year, but further than that the District Councils themselves in districts or hundreds had opportunity of taxing the people, so that there was no necessity for the Government to do it, and that was the reason that the proviso was left out of one lease, but retained in the other So far as the legality of assessment then was concerned, not only was it perfectly legal, but it was so upon the face of the document upon which the squatters held their leases But supposing there were no such provision in the leases, would any one say that the man who held the fee simple could be taxed, but not the man who held a lease It appeared absurd to argue so for a moment With regard to the question whether this was an equitable assessment, the House would remember that a paper was placed upon the table last session, shewing that specially for the protection of the stockholders in the outlying districts large sums of money were annually disbursed Large sums were expended for the protection of the sheep farmer, and for postal arrangements and other matters entirely for the sheep farmers He would ask if these expenses were not specially incurred on account of the squatters? If they were not he thought the House would not say that it was wise to vote money for such purposes If, however, these expenses were specially incurred for this particular interest, whilst the advantages of other expenditure by the Government were communicated to the whole community, he contended there should be a special tax to cover the local amount of disbursements which the Government were put to on account of this particular interest In reference to the disbursements for the administration of justice, for ports, for main lines of road, &c, the squatters had equal advantages with the rest of the community, using the ports and roads for their produce, and as all were benefitted by such expenditure, the disbursements were made from the general revenue, but there were some items of disbursement which were specially for the advantage of the squatters, and therefore it was that these might justly be provided for by a tax having this special object in view What was the general revenue of this province? It consisted first of the Customs dues and rates which might be derived from the general revenue, and then there was the land revenue The general revenue would barely pay the expenses of the establishments which were provided All was absorbed by that which was common to all—sheepfarmers as well as the residents of the city—but the people of Adelaide were independently taxed specially for particular works and improvements in their own locality No portion of the land revenue could by any possibility be claimed by the sheepfarmers to be spent specially for their use He had had opportunity of speaking to a great number of squatters upon this subject, and he could safely say that if the proposed assessment were decided by the House to be a final measure, if this moderate assessment were looked upon as a settlement of the question, they would look upon it as the greatest boon they had received since their leases The hon member for Victoria appeared to dissent from this, but he put it forward as a fact that this measure would be looked upon as a boon to the sheepfarmers, if it were considered by the House and placed upon record that this was a final measure during the term of their leases He would next refer to an argument which had been used by the hon member for Victoria, who he thought would be a little surprised when he saw the length which it went The hon member said that if a tax were imposed it would fall not upon the squatter but upon the consumer of mutton, but if the consumer of mutton would have to pay it, why did the hon member for Victoria grumble? and how was it that the consumer of mutton said this was a very proper tax? What possible objection could the hon member have to a tax which those whom he delighted to state he represented would have to pay? But what was the fact? Why we, having no assessment, sent mutton to Victoria, and this would account for the price in Adelaide The price in Adelaide, where there was no assessment, was higher than it was in Melbourne where there was an assessment of ninepence per head on sheep The price in Melbourne was less than it was in Adelaide, clearly shewing that no assessment in this colony had not been productive of that which the hon members on the opposite side would imply Till he made made enquiries he had been at a loss to conceive how it was that mutton here had reached such an exorbitant price, and he then found that this, being a small market, might be kept as it was at present by sending a large portion of the wethers to the neighbouring colonies, where there was a good market, and small blame to those who sent them there The argument that the consumer of

mutton would have to pay the assessment was clearly set aside by these facts. Hon. members had spoken about the prosperity of the squatters, but he contended that was not a question which should in any way guide them. Whether they had made good bargains or not by taking their leases at the time they did was not the question. He should be as willing to make the man in Hindley-street who bought his land at twelve shillings an acre, pay the difference in value at the present day into the Treasury, as to lay claim to anything from the squatters in consequence of their having taken their leases at the time they did. He should support the proposition to refer the matter to a Select Committee, because the facts which had been put forward were important, and he was convinced that the result would be such a Bill as that now proposed, with possibly some modifications.

The TREASURER rose thus early in the debate to state the reasons for the vote which he was about to give, because he was desirous of filling the void in the information supplied by the Government, of which hon. members complained. He should vote against the amendment of the hon. member for Encounter Bay, and if the question came to a division, he should vote in favor of the second reading. But in stating this he should add that if an amendment were put forward by the hon. member for East Torrens, of the nature which that hon. member had spoken of, he would be happy to second it. He would do so for the reason urged by the hon. member who had last spoken, namely, that whilst he was himself satisfied with the information which he possessed, other hon. members might not be so, and might desire further inquiry. This matter had been very fully, and very ably he must say, so far as words went, argued by the hon. member (Mr. Hawker) who said he represented the squatting interest, but he (the Treasurer) could only compare that speech, long as it was, and brilliant as it was, to a bottle of champagne. (Laughter.) It sparkled and frothed; but when the sparkle and froth subsided, what remained? (Laughter.) The greater part of it appealed to the feelings of the House. The hon. member drew dramatic pictures of the sufferings and dangers of the squatters, as if no other men perished in this country except the squatters; as if none perished on Kangaroo Island in search of business or amusement; as if, in fact, there were no other colonists in South Australia whose occupations were dangerous; as if they did not hear of accidents amongst miners or bricklayers or others. Then as to the losses which might be entailed upon squatters, was not every interest represented in that House exposed to losses? Had not the farmer sustained losses by the failure of his crops and by the scarcity of labor until men of genius came forward and invented machines by which he was enabled to save his crops? All these questions had nothing to do with the matter before the House; but he would now refer to the argument of the matter. First as to the necessity of imposing a heavy tax upon any class for the purpose of increasing the revenue. He thought it was incumbent upon the Government to show, before asking the House to add to the ways and means, that such a course was necessary. This Bill was intended to make an addition to the revenue and not to supply any gap in it. Their expenditure was increasing and they must look for the means of meeting it. The Government counted as part of the ways and means on deriving £20,000 from this tax, as without such an increase in the revenue there would be a deficiency to that amount, provided we were to carry out the extension of the railway to Kapunda, which the House had already sanctioned, and besides that we should have no money for immigration. The proposed expenditure, exclusive of the fund for immigration, which would appear when the Estimates were laid on the table, amounted to £450 495, and that included £363,585 for the cost of Government. That was for establishments, retired balances, public works and buildings, and Her Majesty's Civil List under the new Constitution. £86,910 was the amount which we would have to pay for annual liabilities on account of the loans secured by Acts of Parliament. This was a branch of expenditure which they could not avoid. In that sum was included the £20,000 for the Kapunda Railway, which had already been authorised by the House. The total expenditure for the next year, according to the Estimates, would therefore be £450,495. Now their revenue, exclusive of that tax, would amount to but £428,440, which would show a deficiency of upwards of £22,000 if they were to carry on the Government as at present, and the intentions of the House in reference to the Railway Bill. The deficiency pointed out arose in a great measure from the falling off in the land sales, which were not as productive as they were three or four years ago. They could not expect them to continue as productive as they had been, and they would not have the benefit of large balances from the immigration fund, and must therefore square their ways and means. To meet the annual charges for which they were liable, without making a reduction in their public works, which would seriously retard the progress of the colony, they must have an increased revenue, and the question then arose where was the tax to fall? Were they to increase the Customs taxation generally, or to select a particular class or interest in the community which did not bear its fair burthen of the public taxation? The Government considered that the squatting interest did not bear its fair proportion of those burthens. They considered that the income of the stockholders, so far as their personal expenditure was concerned, did bear its fair proportion of the public burthens, but as regarded that portion of their income spent on their runs, and in producing wool, they were not subject to the burthens to which other producers were subject who paid in districts a rate of one shilling in the pound on all property in the districts, or in municipalities where they were subject to taxes, though they also paid in the same way as the squatters did. To look at the matter more in detail, he would consult the statistical tables. He would first take the census from which he arrived at the number of persons employed by the squatters and engaged in raising their produce. There were 1,118 shepherds and 220 stockmen, making in all 1,338 persons employed in raising produce, and to these he would add 25 per cent for increase since the date of the census. This would give 1,672 males as all the labor employed by all the squatters in South Australia for the vast extent of territory which they occupied, and from which they produced such an amount of stock. A period would soon arrive when they would employ a greater number, namely, when the shearing season came on. He had inquired from many practical men on this point, and he found that the number of shearers employed, reckoning by the year, supposing the men to obtain permanent employment instead of being only engaged for about six weeks, but dividing the entire number by 8, which would give the number for the year, he found the number would be 188 for the year. He would now see what amount those persons contributed to the revenue, which he arrived at by estimating the amount of excisable articles which came in for each of them. He would first take the 1,672 shepherds and stockmen, who at 4s. 7d. each would contribute £612. That represented the contribution of the squatting interest to the Customs revenue. The 188 shearers consumed tea, sugar, and say a gill of spirits each per day, which he estimated at £5 7s. 4d. each per year, or in all £968. So that the total contribution of the squatters on account of their shepherds, stockmen, and shearers amounted to £1,580 towards the Customs revenue, the total Customs revenue was £154,000, so that the squatters' contribution bore no fair proportion to the entire. He thought it very evident that the Government had in calling on the squatting interest to raise a sum which was absolutely required, selected the interest which contributed least to the public burthens. He would not go into the means of the squatters to pay this sum—(hear, hear, from Mr. Hawker,)—as the assessment was not intended as a property tax, but he had no doubt they were perfectly well able to bear the burthen. If they wanted money for a public purpose they could not look to a better or more equitable source. It was objected on the part of the squatters that the House had not power to impose this tax, and also that it would not be equitable to do so. But he concurred in the proposition laid down by the hon. the Attorney-General that no mere Order in Council could restrict the House in this matter, and the House was not restricted by the Waste Lands Act, nor was it by the Orders in Council. He now came to the equitable part of the question, which the hon. the Attorney-General had also touched upon. That part of the question had been very ably explained, to his mind, by the hon. member for the Port (Mr. Hart). He adopted the views of that hon. member, and had intended to put them forward, but it was now unnecessary. The hon. member for the Port had shown that the squatters had a large share of the public expenditure for purposes local to themselves. ("No, no," from Mr. Hawker.) They had nearly £20,000 for police and other matters for their own convenience, in which the colony had no share. ("No, no," from Mr. Hawker.) These items would amount to nearly £20,000, in the Estimates for 1858. The cost of police in the squatting districts amounted to £7,182, the Post-Office to £2,511, medical £100, Special Magistrates, created for the squatters, £1,515, Custom-Houses and collection of revenue, in ports for the accommodation of the squatters, £400, harbour expenses, £600, aborigines, £2 200, expenses of Scab Inspector, £1,282, surveys and explorations £4,000, making a total of £19,790. The hon. gentleman next proceeded to argue briefly that the interpretation sought to be put upon the despatches of Sir H. Young was not justifiable. He thought he had now disposed of every part of the question, and answered all the arguments used on the other side. ("No, no," from Mr. Hawker and some other hon. members.) He would merely state that he would be quite happy to second any amendment of the nature proposed by the hon. member for East Torrens (Mr. Barrow), for whenever he found in that House a strong party entertaining opinions hostile to those of the Government, even when that party was a minority, when the question was one which required extensive information, he was ready to assume that hon. members had not access to the information in the hands of the Government, and that the best way of putting them right and showing the propriety of the course pursued by the Government was to supply that information by means of a Select Committee.

MESSAGE FROM HIS EXCELLENCY

A message was here received from His Excellency announcing that His Excellency had caused certain sums to be placed on the Supplementary Estimates in compliance with addresses of the House.

DEBATE RESUMED

MR. NEALES thought it would be hardly fair to refuse a Committee, but for his part he required no further information on this subject. It was one which had occupied his mind

for a long time, and the more he thought on it the more satisfied he was of the justice of the claims upon the interest which they were now discussing. He was satisfied from the despatches and Orders in Council that an assessment was always contemplated. But some persons said the assessment should be for local purposes. He believed that could be met by a declaration of the squatting country into districts and hundreds, or in any other way in which the squatters wished to be taxed. He could very soon make out an invoice against the squatters which the £20,000 mentioned by the hon. the Treasurer would not fully meet. He had divided the population by a different process from that hon. gentleman, and the result he would now give in round numbers. The mining interest, which employed many skilled laborers, numbered 1,000. There were altogether 26,000 adults in the colony, and of these the pastoral numbered 1,400 and the agricultural 11,000, so that we had still a very large number to make up to the 26,000. He had again divided this number, and he found that the mining interest employed collaterally 3,000, the pastoral only about 1,600, and, serving the agriculturists very badly, he should give them a balance of 8,000. Thus the mining interest supported 4,000, the pastoral 3,000, and the agricultural 19,000. He now came to the consumption of colonial produce, and he found the mining interest consumed £106,000 worth, the pastoral £71,000, and agricultural nearly half a million—eating their own flour to half that amount. He would now compare what each interest produced with what it consumed. The mining interest produced £416,000, the pastoral £715,000, and the agricultural touched a million. When they looked at the taxation of the three interests, it appeared so ridiculous that even if the other questions were settled the squatters would have a right to pay the tax proposed by this Bill, which was one of the most moderate ever proposed by a Government. Again, the mining interest employed a vast deal of skilled labor, and imported useful machinery, and they were large and liberal consumers. The pastoral interest, on the contrary, employed the lowest class of labor, and the least paid (no, no, from Mr Hawker), and they did not import machinery, but used the Queen's lands freely, and at a low figure, the whole rental amounting to a fraction less than a farthing per acre. The agriculturists, though they did not employ such a stream of skilled labor as the mining interest, employed some, and even the common labor they employed was superior to that used by the pastoral interest. Their wages were higher, and they required more skill. He (Mr Neales) had been told by squatters themselves that any man who could walk after the sheep would answer for squatting purposes, but it was not every man who could plough the land. The Asiatics who came here were considered good enough for pastoral purposes. (No, no, from Mr Hawker.) He believed a very low class of labor would serve the purposes of the squatters. (No, no, from Mr Hawker.) Well, perhaps, to play the piano was necessary, but he did not know that before. (Laughter.) The squatters should pay some proportion of the expenditure of the Government. At present they had land, whether good, bad, or indifferent, at a farthing an acre, whereas if he (Mr Neales) wanted land for mineral purposes, where the surface would be of no use, and where he could only make a small hole and work underneath, he should pay the heavy rent of 10s per acre. The agriculturist could not rent Crown lands at all, but should make a purchase, the interest on which would form a rental of 4s an acre. When these discrepancies existed under the various holdings it was high time that this question should be thoroughly examined. All he was afraid of, as a friend of the squatters, for he looked on them as men who had persevered and gone into the country to prepare it for the agriculturists, was that they did not conclude this moderate bargain without going to a Committee; if they did go before one he believed they would not come out with such a Bill. If they went before a Committee they would come off like the squatters of New South Wales, who were paying 40s to 60s per square mile, and their leases selling, as he had sold them in this colony, at high prices. A suggestion had been made by a speaker that day, that there should be a graduated scale of assessment, but the moment that was proposed in New South Wales, they compromised the matter for 2d a-head. Let hon. members compare the proposed assessment with the 9d per head in Victoria. It was asked if a tax were wanted, why not tax everybody? but this could not be done until the squatters were first taxed equally with the people of Hindley-street, or Barossa, or Mount Barker, and until that was done, it was sheer insolence to make such a proposal. They must first submit to be all taxed equally with their neighbors, but the public should never ask for a new tax until the squatters were brought to a water level. It was now low water taxes with them, and spring tide with all the rest. When an hon. gentleman told him that he represented a district 270 miles long, and 160 miles broad, he could not but refer to District Councils, which did not cover as many inches as this embraced acres, and he was certain there was no district so barren as to make a difference of 1 to 36 in its value as compared with other localities, not even excepting the country which Gregory passed through on his way here. ("Oh, oh," from Mr Hawker.) The hon. member concluded by expressing his conviction that if Sir G. Grey were here in 1858, he would have expressed very different views from those which he put forward in 1841, and that a man whose mind could stagnate for 15 years was unfit for that House.

Mr BAGOT said that as so many hon. members wished to speak, he should say but a few words. He would not consider the question from a squatting or anti-squatting point of view. The great point to discuss was whether or not there would be any breach of faith in passing the Bill. From what he had heard and he had listened attentively to the very able speech of the hon. member for Victoria (Mr Hawker), and although no doubt that hon. member had wandered from his subject, still he had made some good points, but when he (Mr Bagot) looked to that speech, and to the opening speech of the hon. and learned the Attorney-General, and saw the case which that hon. gentleman had made out, he found himself in the position of not having sufficient information. He should, therefore, go with the hon. member for East Torrens (Mr Barrow) in asking for a Select Committee. And now with regard to the various arguments used in respect of this Bill. The hon. member for Victoria called it class legislation. He for one did not think it could be called so, if they should find on reference to a Select Committee that the squatters did not pay sufficient taxes to the revenue in proportion with other interests. If they found that to be the case, it would be for the House to say what the squatters were to pay to put them on an equality with other interests. He was much pleased and a good deal struck with the peroration of the hon. member for Victoria, when that hon. member spoke of the various squatters who had lost their lives in the bush. He thought the hon. gentleman's pathos was very good, but it was the *argumentum ad hominem*, which might have been retorted on by saying that the gentlemen lost their lives in attempting to promote their own interests. If the squatters were not to pay a fair and equal share of taxation on that account, he (Mr Bagot) should ask a remission of taxes for the farmers north of the Light, for he remembered many of them having lost their lives in crossing the river before the bridge was built, or the people of North Adelaide might claim a remission because some of them having lost their lives in crossing the Torrens. Such an argument would not hold good. He now came to the facts which had been put forward in support of the Bill, and if these could be proved before a Select Committee, no doubt it would be the duty of the House to put an assessment on the stock of the colony. He could not, with his present light on the subject, go with the Hon. the Attorney-General with regard to the difference between local and imperial taxation. In examining the different Orders in Council, and the despatches of Sir Henry Young, he came to the conclusion that the word "local" must apply to colonial in opposition to imperial taxation, but when the phrase "colonial purposes" was made use of there was a strong distinction. Local purposes must mean purposes connected with the squatting interests, not with any special district in which a squatter might reside, but with the squatting interests in general. Then if the phrase meant that it was only local purposes for which squatters were to submit to taxation, the question arose what these local purposes were. It appeared to him, indeed there was no doubt on his mind, that the statistics of the hon. the Treasurer were correct with regard to the local purposes for which large sums were expended on behalf of the squatters, such as police protection and explorations into the interior. ("No, no," from Mr Hawker.) He repeated for explorations, for in every case in which the Government discovered good land, the squatters took advantage of it, and was not this in favor of their interest, that land fit for squatting should be discovered in the interior? Postal communication was another local purpose, for they all knew that the communication with the out-laying districts did not pay the post-office. It was an exceedingly important consideration whether the making of roads, and the bridges over rivers leading from squatting districts, should be considered a local purpose. He could not say he had made up his mind on the point, but strong arguments might be urged in favor of looking on them in that light. He had listened to the remarks of the hon. member for the Port (Mr Hart) with great pleasure, for that hon. member had put his case in a manner which showed that, considering the statements he had made on the one side, and those made by the hon. member for Victoria on the other, the House had not sufficient information on which to decide whether the squatters paid a sufficient sum to the revenue or not.

Mr REYNOLDS had listened with great interest to what had been said on the Government side, and also to what had been said by the hon. member for Victoria. That hon. member had delivered a very pathetic, feeling, and warm speech. He had assured the House that there were many hon. members whose minds were not made up, but he was certain he would convince those hon. members he was right. He (Mr Reynolds) had listened attentively to the hon. member, but whilst he was much amused at the speech, he was not much enlightened, for, in fact, he found himself in just the same position as when the debate commenced. Never since the session commenced had he felt greater pleasure than he promised himself in supporting the Government on this occasion. He did not often vote with them (laughter), but on this occasion he had decided to do so, but he was disappointed within the last hour, for he found that the Government were going to give way when they had a policy—the only time they had a policy. (Laughter.) But all at once they gave way and said "take a Select Committee."

That was their safety-valve (Laughter) The only way the Government could retain their seats was by shelving the question and giving a Select Committee (Laughter) He said, when he found the Government acting in this "shilly shally" way "why not stick to your policy? If it is right, stick to it, if it is wrong, give it up That was what he liked to see, but the House seeemed to sympathise with the Government, and to think that no other men could carry on the Government (Laughter) But how did the Ministry carry on the Government but by taking instructions from the rest of the House ("Hear, hear," from the Treasurer) The hon the Treasurer cried "hear, hear," endorsing what he (Mr Reynolds) said about the "shilly-shallying" of the Government. (Laughter) Until he saw the hon member for Victoria come into the House he imagined, after that hon member s speech on the previous day, when he thought that the hon member was about to die on the floor,—from the absence of the hon member, and not seeing the hon the Attorney-General in his place, he (Mr Reynolds) feared that something very serious had occurred—(much laughter)—until he saw the hon. member (Mr Hawker) in his place The hon member informed them that he was the only squatter in the House—the only squatter who earned his bread by squatting (Great laughter) If that hon member was to be taken as a type of his class, he was certainly a very good one—(renewed laughter)—and if he lived on the bread he earned from his squatting it must be very good bread too (Renewed laughter) It seemed to him that the hon member lived on very sumptuous fare, and if they were to tax a class he thought the hon gentleman's class could afford to pay more taxes than they did at present The hon gentleman's address was fair and effective in a certain sense, and he (Mr Reynolds) did not want to depreciate it considering that the hon member stood alone and was defending his class But let hon members look at the squatters and say did they contribute their fair proportion to the revenue He (Mr Reynolds) said unhesitatingly "No," for this had been clearly shown to his mind by the hon the Treasurer, in addition to what had been said by the hon member (Mr Neales) What did they find? They found that, in order to obtain cheap labor, the squatters, as a class, were more anxious than any other class for free immigration They wanted cheap labor and cheap land Only think of 10s a square mile as an annual rent! It was nonsense to cry out about an increase of 100 per cent, for what would it amount to on a square mile? Take the distance from Adelaide to Gawler Town—26 miles, of one mile in width, for £26 a year! It was monstrous to cry out about taxation of that sort What else did they find? They found that woolpacks were imported free of duty Then, as a class, the squatters had cheap land, cheap labour and cheap woolpacks They paid precious little towards the Government or the taxation of the colony It was time there was a change and he hoped the Government would stick to the Bill If a Select Committee were a representation of public opinion they would report that two-pence a head was not enough, and they would increase it very greatly There was no question about the liability of squatters to be taxed for local purposes, the Government could meet them there, could they not be taxed and the money spent in those localities? Was it not possible to agree to put the Bill into such a shape as would meet both purposes? For instance, the south-eastern district represented by Mr Hawker Victoria was a splendid country In that district they wanted a tramway Could not that district be assessed for a tramway? That would be for local purposes, and would it not be serving the Mosquito Plains, Mount Gambier, and all those neighbouring districts? But while they were looking to the future what were they to say in regard to the sums of money expended in the past years? The colonists had been taxed for bridges, roads, magistrates, and other purposes and the squatters had not paid much towards those expenses He therefore thought they should pay the 2d a head, because they had received great advantages from the public revenue If the squatters were entitled to take up runs at 10s a square mile, why should not the farmers do the same? Why should they not have a 14 years' lease as well as the squatter? And if he could grow wheat why should he not? The squatters were a privileged class in the community, but it was time a little change took place He was very much affected by the pathetic appeal of the hon member for Victoria (Mr Hawker), when he spoke of the lives lost in looking for runs, but it struck him (Mr Reynolds) that those lands were so valuable to the squatters that it was worth while running great risks to occupy them, and that, he believed was the reason why those unfortunate gentlemen undertook those risks The House would believe that it was not his intention to vote for the amendment of the hon. member for Encounter Bay, that the Bill be read that day six months, but it was his intention to go with the Government if they would go If they would not he did not know what to do If a Select Committee were proposed he should vote against it, for he thought it likely by such an expedient the question would be shelved altogether Was not that the argument of the Government when he wished the question of salaries to be referred to a Select Committee? And if it was likely to have that effect then, it would most probably shelve the question of assessment of stock now He had not heard the Government say that if the House would not support that Bill a dissolution would take place He did not suppose the Attorney-General would recommend that course, neither did he think the Government would resign their places, far otherwise—for he thought they would stick to their seats He should vote for the second reading of the Bill

Mr GLYDE said the consideration of that important question appeared to resolve itself into two points First, had the Parliament the legal or moral right to impose those taxes on the squatters, and, secondly, would it be prudent or expedient to do so? He considered himself in the position of a juror elected by the people to give a verdict on that disputed question between the squatters and the Government, and he had, therefore, taken some pains to master the facts under consideration He was not able to judge of the feeling of interested parties here ten or fifteen years ago He had therefore gone into the documentary evidence, and was obliged to arrive at a different conclusion from the hon member for Victoria That hon member had marked some passages in Council Paper 176, as illustrative of his own views which he (Mr Glyde) had also read, and from which he drew different conclusions His first reference was to the despatch of Sir Henry Young, dated April, 1849, in which he says—"When the Imperial Act comes into operation, the waste lands would be held on lease, and as licenses would be abolished, there would be no assessment except for purposes of local revenue." He thought those words against rather than in favor of the squatters for had Sir Henry Young not referred to the possibility of such assessment, it would have been a strong presumption that he never contemplated it But he evidently expected such an assessment being imposed on sheep and cattle, for in the same despatch he referred to such a contingency He (Mr Glyde) thought that any impartial arbitrator going into that matter, when reference was made to the word "local," would conclude that Sir Henry Young meant colonial or South Australian legislation He could not mean district legislation That word therefore means "South Australian." The third point that struck one was that the word, "local" was used in London in that sense In letters and powers of attorney from home the word "local" was continually used, and it meant "colonial" It seemed clear then that the expression "local purposes" was used to distinguish between an assessment for colonial and for Imperial purposes He believed he was right in saying that at that time half the land revenue went to the Imperial Government It was therefore meant that the squatters should not be assessed for that purpose but for South Australian purposes He would observe also that section 5 of that Order in Council was merely an explanatory clause, evidently a second thought on the part of the Council It said that nothing in that order should be allowed to interfere with the right of the Colonial Legislature to impose from time to time such assessment as might be deemed necessary for local purposes upon the lands or upon the cattle grazing thereon Take out that clause in imagination, and what was there to prevent the Legislature from imposing any tax whatever As an arbitrator, therefore, seeing the many difficulties in the way, would naturally suppose the squatters would be careful in signing their leases They were not ignorant men, they were generally gentlemen of education, and he found in those leases a clause binding them to pay all taxes and assessments imposed either on their lands, or cattle, or sheep Taking those things, therefore, into consideration, he (Mr Glyde) believed that Parliament had a right to impose the tax He confessed he could not see his way very clearly as to the prudence or expediency of an assessment on sheep and cattle, and had not a motion been made for a Select Committee by his hon colleague (Mr Barrow), he (Mr Glyde) had intended to have proposed the postponement of the second reading of the Bill, and to have referred the question to the Select Committee on Taxation With respect to that measure, as on the distillation question, he doubted the expediency of taxing large portions of the community, for particular interests, so he had doubts as to taxing one particular interest for the benefit of the mass of the population He thought, therefore, this question naturally fell on the Committee on Taxation, and he hoped the Government would postpone the second reading of the Bill until that Committee had reported He generally supported the Government, but could not then go with them It was possible the report of that Committee might be of such a character that all fiscal regulation might be done away with, and direct taxation on income and property be adopted The second reading was therefore premature, and therefore he could not vote in favour of it

Mr PEAKE said had he consulted popularity he would have voted for the Bill, but he would not be influenced by such a motive. He would only be influenced by right reason and justice He would therefore take time to consider and adopt the expedient of a Select Committee He had listened to, and afterwards read the address of the Attorney-General, and regretted that he had introduced a measure of that importance without assigning a reason founded on sound political economy for doing so He had alluded instead to the supposed feeling out of doors and in that House, and had made sweeping assertions that certain members of the community held certain acres of land at certain stipulated prices, in order to ask the House to adopt a novel system of policy opposed to the one hitherto followed, and to inaugurate a new fiscal system, without giving any reason for its doing so That course had not satisfied a great many persons either in the

House or out of it He had heard nothing to shake his opinion that the House had power to impose a tax upon the people whenever the exigencies of the country required it He therefore could not go with the hon member for Victoria (Mr Hawker), but the Attorney-General had not shown that exigency to exist, and had not given any reason why one class should be singled out for a special tax, and held up to the public view and made the front of attack It was said that the squatters did not pay their fair share of taxation, and the Treasurer went into several calculations to prove the number of hands employed by them and the amount of indirect taxes paid by each but it only amounted to the fact that the hands employed were consumers and taxpayers, and was an argument of one class against another class? It was no reason why a tax should be imposed on the squatter, and the grocer should be exempted, that the grocer made half a million by the labor of 10 men and the squatter £100,000 with the help of three. The waste land system here was not the same as the waste land system of other colonies (No, no) Hon members said "no," he would shew them it was so In Victoria and New South Wales the squatters hold the land against the people for 14 years They could not be dispossessed, for they held pre-emptive rights The squatters did not hold waste lands in this colony They could be driven back at six months notice True, after they had expended capital their land could not be taken from them for any stranger, but when wanted for purposes of agriculture they were obliged to go The circumstances of this and the other Australian colonies were essentially different When, therefore, it was stated that in Victoria the tax was 9½ per head, it only proved that the tenure on which they held their runs enabled them to pay that amount It appeared to him that there was a great mistake in the Bill, especially in the mode of levying the assessment, which was very objectionable, for if the runs were only half stocked they were not to be taxed, for the assessment was to be paid on the sheep and cattle, and not on the land It was said as a reason that it was impossible to assess the runs, but as inspectors were always moving about the country he thought it would be easily done He believed the present system proposed to be adopted opposed to the system on which the colony was founded. He should be prepared to tax the sheep and cattle of the squatters, when other classes of the community were included in the taxation, and those who purchased land in the city were told that now it was worth one thousand times what they gave for it, and consequently they ought to pay more to the State If a Bill of that sort included all interests he would endorse it He would not single out one class against another, for if that were done there would be good ground for that class claiming protection when a day of distress came He therefore hoped the House would not hesitate to allow the measure to be fully ventilated by a Select Committee, and that they would adopt a fiscal system adapted to the difference of their position as compared with other colonies

Mr TOWNSEND had listened very attentively to the speech of the hon member for Victoria, when he asked justice at the hands of the House on behalf of those whom he represented He (Mr Townsend) should be sorry to do injustice to any class He would not be a party to break any contracts with the squatters If he thought that by their leases they had no right to be taxed as a class, he would not advocate that course He thought, however, the question resolved itself into, first, whether the House had a legal right to tax the squatters, and secondly, whether they bore their fair share of taxation He had on his memoranda the term that had been alluded to by the hon member (Mr Glyde), and thought that that regulation would not bear the construction the hon member for Victoria put upon it He believed the word "local" was used to distinguish the power of South Australia from the Imperial Parliament He would, however, appeal to the hon members for Victoria and Encounter Bay, and say if they believed that was not the correct construction, let them go to a Select Committee and show that it was not With respect to the other point, whether the squatters paid their fair share of taxation, he had not heard one single reference made to figures by even a solitary member to prove that they did, neither had a solitary argument been adduced to prove it The hon member appealed for justice to the squatters, that hon member should be one of the Select Committee himself and anxious as he (Mr Townsend) was not to do injustice to the squatters, should it be proved in Committee that they did pay their fair share of taxation when that Committee brought up their report he would vote against the Bill He would say however that every road made out of the general revenue and by District Councils, improved the value of the grants of land contiguous to them Improved communication, cheap postages, and other advantages, showed that there was favoritism evinced towards the squatter If it were not so let them go to a Select Committee and shew it The hon member for the Burra and Clare said it was class legislation His (Mr Townsend's) opinion was, class legislation implied sympathy for one class which was not evinced towards other classes, and if the squatters could shew that they paid a fair share of taxation he would vote against the Bill, if not, he would vote for a Select Committee As to the reference that had been made to the feeling out of doors, he did not believe that any member of that House wanted to do otherwise than justly to all classes and he believed that no injustice would be done to the squatters, and that he did not contribute his fair share of taxation He considered that it would be better for them to accept the present Bill as a settlement than risk another election If the Committee sat, let the hon member for Victoria show that any class did not contribute their fair proportion to the burden of the colony, and he (Mr Townsend) would say that they ought to do so He was not influenced by the fact that they were wealthy and able to pay—he wished their wealth was ten times as great—but seeing that there was no legal difficulty in the way of taxing them, he should vote for the second reading, or a Select Committee should that amendment be proposed

Mr SOLOMON said after what he had heard before entering the House, he was induced to suppose that a case had been made out by the hon member for Victoria, showing that injustice would be done to the squatters by legislating on the motion before them But since he entered the House that day, he had seen the only document by which they claimed to have a right to disclaim against the interference of that House with reference to assessment on sheep and cattle The particular clause in that lease struck him, and he believed others also, that so far from there having been no intention to exclude the squatters from assessment, such intention was considered years ago, when the leases were first granted, and the contingency was provided for by the form of lease and the Council papers read to the House that day In the form of lease the intention of the Legislature was before them That intention was that, were it wished to levy an assessment on sheep and cattle, they should have the power to do so He was convinced of the legality of that assessment, and therefore should vote for it He considered that, as a class, the squatters paid less towards the revenue of the country than any others, and they enjoyed much that no other class enjoyed It was argued by the hon member for Victoria that because an individual employed some 50 or 100 persons on his station he contributed in a greater ratio to the revenue in consequence He (Mr Solomon) need hardly ask hon members to repudiate such a lame line of argument as that, for all knew that when that hon member engaged those persons he got them on the cheapest terms he could, and took care of the quantity of rations he gave out, and although, in the first instance, he advanced the money to the revenue, it was ultimately paid by the employed not by the employer By Return 121 he found that the squatters occupied 24,489 square miles of land, for which they paid the enormous rent of 13,400*l* per annum, or about an average of 11s per square mile Assuming that each acre throughout the tract of country carried one sheep at 2d per head, the squatters would be taxed at the rate of 5*l* 6s 8d per square mile, or something like on an average 2½d per head per sheep, or assuming the land at 5s an acre, and sheep at 20s per head, the tax would then be about 3½ per cent per annum He had to learn on what ground the squatters claimed to be better treated than any other interest in the colony They well knew that if an agriculturist came out with 5,000*l* and wished to purchase 10,000*l* worth of land, he would have to pay first by borrowing money at a heavy rate of interest How was it that the agriculturist could not take a lease of land as well as a squatter? ("He can," from Mr Duffield) The hon member for Barossa says he can He (Mr Solomon) admitted it, but he could not under the same advantages as the squatter, and therefore the squatter had a considerable advantage over him The squatters were determined to resist any encroachment on that advantage (Hear, from Mr Hawker) The hon member for Victoria said "hear " He (Mr Solomon) was glad he endorsed the opinions which he expressed, but the time had arrived when the squatters must contribute a fair share towards the taxation of the colony They did not do so now He would allude to a statement made by the hon member for Burra and Clare (Mr Peake), that the House might not be misled That hon gentleman had stated that the squatters in Victoria possessed leases But he (Mr Solomon) contradicted this, they held no leases, but held their runs on sufferance, and were liable to be driven back from them at any moment And these squatters were subject to an assessment of 9½d per head, and they did not complain, for they found that even then it paid them well Notwithstanding this the South Australian squatters came forward and made a stand against an assessment of 2d per head He would allude to another argument put by the same hon member—the absurd notion which he attempted to enunciate, that they had as little right to tax the grocer or any other tradesman in Hindley or Rundle-street as the squatter But there was no similarity in the cases The shopkeeper of Hindley or Rundle-street held his property by purchase, whereas the squatter was merely the tenant of the Crown He would mention a circumstance which occurred a few days before the election for the city of Adelaide He (Mr Solomon) was met in North Adelaide by a gentleman holding one of the most extensive runs in the colony That gentleman asked him whether he was going to support the proposed assessment on stock, and followed it up by saying that if he (Mr Solomon) did so he would bring such a crusade against him as would entirely destroy his chance of election He (Mr Solomon) replied that he might do his best, that not all his wealth, nor all the interest he could bring to bear upon the matter would injure him One argument used by the gentleman he referred to was that if he (Mr Solomon) as a member of that House put 2d per head on sheep, the squatter would be compelled in

self-defence to put 2d per lb on mutton (Laughter) Not that he should object to the extra charge if it were necessary to secure the squatter from loss He would not disguise his feelings as to the amendment which had been made by the hon member for Encounter Bay (Mr Strangways), viz, that the Bill be read that day six months He viewed it as merely an artifice more to try the strength of the Government than the real justice of the case—an artifice by which to transfer themselves from the opposition to the Treasury benches But he thought they would be disappointed in their expectations The attempt was made in very bad grace He admitted that the squatters were a useful class, that they had done a great deal of good in exploring the country, and in adding most considerably to our exports, and he would be the last to deprive them of their just dues But he was satisfied they did not bear an equal proportion of taxation with other classes of society If it were deemed necessary to refer the matter to a Select Committee he should have no objection to it in deference to the wishes of the House

Mr HAY supported the second reading of the Bill, but if further information were required he should not oppose it being referred to a Select Committee One thing which had been urged in the course of the debate was the question of profit or non-profit as attached to the occupation of the squatters But he did not view it in that light, and would set aside all such arguments If seven or eight years ago a settler purchased a run and it turned out well so much the better for him and so much the better for South Australia But when they came to the question of legality or non-legality, that was another thing He had listened to the speech of the member for Victoria, but he could not come to the same conclusions he had come to From the despatch of Sir Henry Young, dated 23rd February, 1849, he clearly understood that the power was reserved in the hands of the Government to make an assessment on stock The member for Victoria had put forth a very glowing picture of the loss of life which attended the explorations of the squatter That hon gentleman had shown that under the present system all this misfortune took place, and for that reason, if for no other purpose, there should be an assessment upon stock to pay the expense of exploration, so that the flockowner might be enabled to change his position, and proceed into the back country without risking his life It might be argued that the farmer should also be compelled to contribute to the expense of exploration But he denied this The farmer purchased the fee-simple of his land, and did not require to change about it, while the squatter held his land on a short tenure only, and must retire before the advance of the agriculturist For no more legitimate purposes, therefore, could this assessment be applied than to save the squatter from the peril and risk which had been complained of It might be very well for those wealthy squatters, who enjoyed a town life, and who, when they required to explore a run, had the means to do so, but he would remind them that there were other squatters not in such a favorable position as regarded wealth and whose interests they should legislate for as well as for the more wealthy Exploration should be kept up with vigor, and they would then have no more of those harrowing scenes which had been related to that House If this plan had been followed out the fate of poor Coulthard might have been averted Even at present a large sum was expended in exploration, and he thought the paper which was read by the Treasurer showed pretty plainly the expense to which the revenue was put in providing runs for the squatters, and that the revenue received from them did not bear a proper proportion to the outlay It was for the interest of the squatters that this assessment should be made, that they might not have the opportunity of saying when their runs were intruded upon by the advance of agriculture—Where shall we go? It was not all of them that had the energy which Swinden had exhibited, in pushing his explorations further and further into the interior If any of the class he had referred to were too idle to find runs for themselves, the assessment would enable the Government to do so for them, and under certain regulations they would be compelled to retire before the farmer, faster than they had manifested any disposition to do so at present A gentleman connected with this colony, Mr Jacob Hagen, once said that no squatter should be allowed to have more than a fourteen years lease, nor hold a run within thirty miles south, thirty miles east, and one hundred miles north of Adelaide, but how slightly was his principle adhered to As to the revenue which would arise from this assessment, he did not believe it would be so great as had been anticipated by the Treasurer The assessment on stock would induce the squatters, in his opinion, to purchase more land, and the additional purchase of land would reduce the amount receivable from assessment The 7th clause provided that no assessment should be levied on any run which had not been held for a certain time This, he thought, was a most wise provision If the squatter went further into the interior, let him go free of assessment altogether Let there be no assessment unless there had been an occupation for five or seven years This provision was a redeemable feature in the Bill, as it would place the squatter in the most favorable position to take up new country at the lowest possible amount of assessment He had no desire to put any undue taxation on the squatters, further than to prevent them from becoming a burden to the colony He should support the second reading of the Bill, but if any desire was manifested that it should be referred to a Select Committee of this House he would agree to it

Mr BAKEWELL said the question was too important to be shirked by the absence of any expression of opinion, although he felt that the views he would have urged had been in some measure anticipated by previous speakers The speech of the hon member for Victoria was such an able one, that it did him infinite credit He would be compelled to vote against the Bill because he considered the Government, in introducing it, had not advanced sufficient argument to induce him to support it, in fact, the only reason that was adduced for the course which was being taken was this—the squatters were wealthy, their occupation was a lucrative one, they had lands at a low rental, considering the present state of the colony, and we should be glad to get them back He denied the justice of such a method of reasoning as that It was an attempt to increase the rent of the runs during the currency of the leases, in fact a breach of faith—(no, no)—finding that they had made a bad bargain What would be said of a gentleman who let an acre of land in the city at a very low rate, say some years ago, when property was merely at a nominal rate, and who attempted during the currency of that lease to screw out a higher rent? Such was the case with the squatters and the Government He would oppose the Bill as being a breach of faith As to the squatters being rich that had nothing to do with it He remembered the time when the squatters were poor enough It was a hazardous occupation, and if such another revolution occurred as had taken place before they might still be in a less wealthy position If they taxed sheep it would be tantamount to taxing meat Politicians said, "when you tax production you also tax the consumer" They might rest assured that if they imposed this assessment upon sheep mutton would be much higher His opinion was that the despatch of Sir Henry Young could not be interpreted in that wide sense which had been attributed to it, and the form of lease which was held by the squatter, also confuted the interpretation which was attempted to be put upon it Mr Bonney, the late Commissioner of Crown Lands had given it as his opinion that what was meant by "local purposes" was money absolutely spent in the locality It was never contemplated, he was sure that the squatters would have to pay double the rate which now existed He was not opposed to their being taxed for local purposes, even the friends of the squatters did not dispute their right to do this As the question appeared to be a trial of strength between parties, he should vote for the amendment

The COMMISSIONER OF PUBLIC WORKS had thought that after the candid manner in which the subject had been handled, especially by the hon member for the Port (Mr Hart) there would be little left for him to say They had been told yesterday by the hon member for Encounter Bay (Mr Strangways) that if this assessment on stock were imposed it would raise the price of meat, and notwithstanding the conclusive argument which had been advanced during the debate against that assumption, still it had been brought forward by the hon member who had just sat down He would point to a few facts In New South Wales the squatter paid 3*l* per square mile for his runs, in addition to an assessment, and nevertheless joints of mutton were to be had there for 3d per lb He believed that this assessment would, instead of increasing, reduce the price of beef and mutton He was satisfied that candid enquiries, careful consideration of the despatch of Sir Henry Young, and the Orders in Council, would lead to no other conclusion than that the right of assessing it any future period was reserved The word "local" was used only as opposed to the word "imperial" The hon member for the Sturt had repeated a remark as to the "shilly-shallying" policy of the Government, and had implied to the House that he did not know how to vote His speech, however, clearly conveyed his intentions in this respect With respect to the appointment of a Select Committee, he should take the same course as the Government had previously taken on all similar occasions where information was required, and that was, support it by all means And he considered the Government were acting quite right in consenting to this course, as on the Kapunda Railway Bill In fact it would be absolutely wrong on the part of the Government if they refused to concede when information was required But he was nevertheless, fully convinced of the result He was satisfied the squatters did not contribute fairly to the revenue, and that Bill was intended to meet the defect But it did not press too hardly upon the squatter, it did not insist upon the twenty shillings in the pound It did not insist upon the 'pound of flesh,' but it only provided that they should pay something approximating to what they were entitled to pay If they only looked into the Supplementary Estimates for this year, 1858, they would find votes there especially for the benefit of the squatter, and when they added these sums together and considered the amount which was annually expended for their service, no candid mind could resist the conclusion which he himself had come to

Mr MILDRED would vote for the second reading of the Bill, but would at the same time agree to its being referred to a Select Committee if thought desirable The question was one which should be calmly considered They should not

draw a line between the squatter and any other class of the community, but should view them all through one medium. He trusted the hon. member for Encounter Bay would withdraw his amendment, as by so doing he would not fetter the free action of the House. He was not inclined to enter into the labyrinth of the hon. member for Victoria, it had been so fully commented on already. He objected to class legislation. It might be said that the present assessment would only hold good during the existence of the present Parliament, and that the squatters would have no guarantee that the settlement of the question would be a final one. He had no doubt, however, that what this House pledged itself to, would be recognised by any succeeding Parliament. He considered the title of squatter a misnomer. The squatting interest had long ceased to exist. There was a time when this term would have applied with some force, but in the course of events the squatter became the flockmaster. No doubt the squatting interest at one time was very low, but he never knew the time but that when it was low the agricultural interest was not much lower. He was glad to say that the flockmaster had triumphed in his position, and in most cases it was not accomplished by means of wealth but by the determination to bear the inconveniences and hardships of the occupation without murmur. The squatters as a body deserved all they got, they had changed their bullock dray for the dashing trap with silver mounted harness, their shepherd's crook for a golden headed cane, they had seized upon the golden fleece, and nuggets of gold were dropping out of it into their pockets.

Mr. YOUNG supported the second reading of the Bill, and although he did not object to the fullest investigation in all cases where it was required, he thought there was a great waste of time sometimes in withholding information which it might be useful for them to discuss in the whole House. The Commissioner of Public Works had referred to figures in his possession, which would be conclusive. He would ask why these were withheld. He did not consider it a breach of faith in placing the assessment upon stock. But even admitting it to be so, did not the circumstances of the case warrant it. (No, no.) The first sections that were sold in the colony were sold with the right of one square mile of pasturage. They therefore had a precedent for such a course of action.

The debate was then adjourned, and made an Order of the Day for Friday.

SUPPLEMENTARY ESTIMATES.

On the motion of the TREASURER, the consideration of the Supplementary Estimates was made an Order of the Day for Tuesday next.

BILLS OF EXCHANGE BILL.

The further consideration of this Bill was, upon the motion of the TREASURER, made an Order of the Day for Tuesday next.

COLONIAL DEFENCES.

Captain HART moved—

"That a Select Committee be appointed to take evidence and report on the question of Colonial Defences, and that the papers now on the table upon that important subject be referred to such Committee."

If the reports and papers in connection with this subject had been as clear and full and explanatory as they might have been, the House would have had all that was necessary without appointing a Select Committee, but he had put this motion on the paper, believing it was absolutely necessary that they should have further information before proceeding to vote the very large sum which was proposed for colonial defences. In speaking upon this important question, he would call attention to the fact that before the question of defences should in reality be considered, they should first consider who was likely to assail them. That was a question which had not been fully considered, nor had the difficulties which would have to be encountered in assailing the colony been considered. Those difficulties arose in consequence of the great distance of the port at which a sufficient force must be fitted out, and the probability that the only place at which this could be effectively done was Europe itself. In consequence of the distance, they would, in all probability, not only have notice of such an expedition being fitted out, but if it were projected in Europe, it would be defeated by the British Government with the immense power which they had in their hands. It would be scarcely possible that an expedition could be fitted out to land a thousand men and take the town and put the residents under contribution unless the enemy had the complete mastery of the seas. A thousand men had not been landed in any British colony during the late war, and in no instance, he believed, had a British colony been taken at all by the enemy. In no instance, he believed, had so many as 500 men been landed. Unquestionably in some cases attacks had been made on small British colonies by combinations of privateers, but it was impossible for a privateer to live in these seas—first because to be useful she must be a steamer, and it was impossible for steamers to come here without depots for coals which could not be obtained in these seas. It appeared to him, therefore, that no enemy of that kind was likely to assail them; no enemy would attempt to land a body of troops, as the expedition could not be fitted out without the knowledge of the Home Government, and with the facilities which the British Government possessed she would crush such an expedition long before it could arrive in these seas. There was a force, however, by which they might be assailed. A ship of war or two might arrive in these seas and lay us under contribution by shelling Glenelg or the Port, he believed that was the only contingency. Vessels might arrive, and in a few hours shell the Port if their demands were not complied with. They would probably first send a flag of truce on shore, and say that, unless a certain sum of money were put on board, they would destroy all the shipping in the harbor. That was the only contingency which had to be guarded against. It would be perfectly impossible from such a squadron as could be fitted out, to land a force sufficient to put the town under contribution. Hon. members might think that a large body of men could be landed from two or three frigates, but such was not the case, as the landing of a 100 men from a frigate of 44 guns was an exceptional case. He had known instances of 50 men and 50 seamen being landed out of a frigate, but he did not believe there was ever a greater number landed than 100 men. No naval force which could come into these seas could land a 1000 men. His Excellency in his despatch had recommended a gunboat, but this appeared to him to be a great mistake. He did not know how His Excellency had arrived at the conclusion that such a vessel would be efficient for the defence of this colony, or, indeed, any defence at all; for a gunboat was not for the purpose of defence but offence, and was intended to go into shallow water to bombard towns. Besides a gunboat only carried two or three guns, and of what use would they be against a frigate's broadside? The very best thing that a gunboat could do would be to take advantage of her shallow draft of water and get away. The Home Government were likely to be led astray completely by the statement that a gunboat would be of any value here. There were some things which it was important the Home Government should know, and these had not been touched upon at all. In considering the defences of the colony, it was most important that they should consider the intercolonial telegraph. If a hostile force appeared in this gulph and remained there for two or three days, they would be caught in a trap and could never escape, because a communication could be sent to Melbourne, where the force for the protection of the goldfields was stationed, and in forty-eight hours there might be inside Kangaroo Island a force greater than the enemy. The Home Government had not yet been informed that there was telegraphic communication between the two colonies, and he hoped the Select Committee would direct attention to that point, as it would be of essential service to the Home Government. It might be said that the Home Government knew these things, but he happened to know that they did not, because when questions of this kind came before the Ministry, they did not look up information and important points were overlooked, unless attention was specially drawn to them. Fourteen or fifteen years ago, a great question arose between England and America in reference to the boundary question, and the danger of war between the two countries was quite as imminent as it was at the present moment. He spoke to a gentleman to whom he had been introduced and informed him where, in the event of a war between the two countries, a very severe blow might be struck by England and on a day or two afterwards he received intimation that if he called on a certain nobleman in Portland-place, he should be glad to introduce him to the Colonial Secretary, for the purpose of making a statement in reference to the matter. He was taken by this nobleman in his carriage to Downing street, and had an interview with the present Premier, Lord Stanley, from whom he received thanks for the information which he afforded. He found His Lordship as ignorant of colonial questions as a man well could be, and the suggestions which he gave His Lordship, if acted upon, in the event of a war, would he was satisfied, have caused a blow to be struck which would have crippled the United States most completely. They had the power to give the Home Government information as to how this colony could be defended, but it was ridiculous to suppose they could of themselves raise a sufficient naval force. With respect to the report of Captain Freeling, stating that it would be well to have a battery on Torrens Island, he thought if a vessel once got over the bar, they would not want a battery to take her. He was of opinion that a battery there would not be of the slightest service, in fact the enemy would take the battery before the men could get there. The Port and the Semaphore were the only places at which shelling could take place, and if a platform were erected inside the sandhills, with a bale of bags, a battery could be made which would defy six ships' companies to take. A battery being established at Glenelg and guns placed in position at the Semaphore would be sufficient, as they would find sufficient volunteer artillerymen, who by firing at a mark in the water would become in a short time more expert than artillerymen generally were. He believed that 50 artillerymen at Port Adelaide and 50 at Glenelg would be all that would be necessary. He did not wish, however, to establish such a volunteer force as they had before, as they were not the right class of men; but there were a number of spirited young men who would willingly submit to a certain amount of drill, and quickly become expert in the use of the splendid rifles which the Government had in store.

Mr. STRANGWAYS, in seconding the motion, remarked that

the hon. mover's remedy for shelling the Port was to "shell out." (Oh.)

The TREASURER agreed with a good deal that had fallen from the hon. mover, but remarked that the guns which were in the colony were only fit for land forces. They were only six and nine-pounders, and would be mere popguns brought against a naval force. The Home Government had in consequence been asked to send out guns of proper calibre. He thought the hon. member (Mr. Hart) had very unjustly decried the volunteers, who were as fine a body of men as any in the colony, and were as complete in the Company drill as many regiments of the line. It was not their fault that they had not proper arms, but if they could be reorganised he was satified they would in a very few days become expert in the use of the rifles which the Government had in store.

The motion was carried, and the Committee appointed were the hon. the Treasurer, Messrs. Bagot, Hawker, Macdermott, Mildred, Peake, and Captain Hart. The report to be brought up October 6th.

GAWLER TOWN.

Upon the motion of Mr. DUFFIELD, the petition recently presented by him from the Mayor and Corporation of Gawler Town was ordered to be printed.

The House adjourned shortly before 6 o'clock.

FRIDAY, OCTOBER 1.

The SPEAKER took the chair at 1 o'clock.

CAMEL TROOP COMPANY.

Mr. SOLOMON presented a petition from the Camel Troop Company, praying the House to agree to an address to His Excellency soliciting him to place upon the Estimates the sum of £1,200 to aid the Company in carrying into effect their purposes.

The petition was received, but was so voluminous that the hon. member did not move that it be read, merely giving notice that on Wednesday next he should move that it be printed.

MESSRS. O'HALLORAN AND BREWER.

Upon the motion of Mr. PEAKE the notice of motion in his name was postponed for the purpose of affording Mr. Reynolds an opportunity of putting the question of which he had given notice—

"That he will ask the Honorable the Attorney-General (Mr. Hanson) whether the Ministry were not pledged by a written promise to support the prayer of the memorial of Messrs. O'Halloran and Brewer when brought under the consideration of the House; and, if such promise was given, why it was not redeemed on Friday last?"

Mr. REYNOLDS regretted that the Attorney-General was not in his place, but suggested that the hon. the Treasurer might be in a position to answer the question. He understood that Ministers were bound to support the petition of the gentlemen referred to in his motion, but it appeared to him that they did not do so, and he had put the notice upon the paper for the purpose of ascertaining whether the information which he had received was correct.

The TREASURER, in reply to the hon. member, stated that when the question was under consideration in the House the Ministry did support it by voting for it, except himself, who being personally interested in the question, withdrew from the House.

THE RIVER MURRAY.

Mr. REYNOLDS brought forward the notice in his name—

"That he will ask the Honorable the Commissioner of Public Works (Mr. Blyth) whether the Governments of New South Wales and Victoria have replied to the communication from this Government, with reference to the clearing operations on the River Murray, forwarded in the early part of the year; if so, the nature of those replies? Also, whether the snag-boat is still engaged in clearing operations, at what part of the river, under whose charge, and what checks are kept on the expenditure? And, further, whether it is the intention of the Government to continue the work of removing snags should the other Governments not join in the operations?"

He was induced to put the question knowing that when the snag-boat was furnished the Government placed themselves in communication with the Governments of Victoria and New South Wales in reference to clearing operations in the River Murray, and he wished to know whether there had been any reply to those communications, and if so what was the nature of it.

The COMMISSIONER OF PUBLIC WORKS believed that in New South Wales a Select Committee was at that moment sitting upon the subject, but at present the Government had not received any reply from the two Governments referred to. The snag-boat was now placed under the direction and immediate control of the Commissioner of Public Works. At the present time, in consequence of the state of the river, the boat was not engaged in clearing operations, and the commander had received instructions to dismiss all hands but the Engineer, the boat being in fact laid up till the river became lower; when the river was low being the most favorable for the operations of the snag-boat, though the least favorable for the purposes of traffic. The snag-boat was under the command of a gentleman named Hutchinson, a Commander in the Royal Navy. The usual check was kept upon the disbursements, the accounts passing under the strict and severe ordeal of the Audit Office. The Government intended removing snags so far as the votes of that House would permit them, and would take action in accordance with the Estimates of 1859. Some correspondence had taken place upon the subject which he should be happy to lay upon the table if desired.

Mr. REYNOLDS remarked that he did not think the hon. gentleman had answered the last question, as to whether the Government intended to continue the work of removing snags, should the other Governments not join in the operations.

The COMMISSIONER OF PUBLIC WORKS said the Government would only go to the extent of the votes of the House. If sums were voted for the purpose of clearing the River Murray, the Government were bound to expend the money for that purpose.

Mr. REYNOLDS was sorry to trouble the hon. gentleman, but would like to know how long the money which had been voted for the purpose was likely to last.

The COMMISSIONER OF PUBLIC WORKS said, certainly for the remainder of the present year.

IMPRISONMENT FOR DEBT.

Mr. PEAKE moved—

"That, in the opinion of this House, it is most desirable that imprisonment for debt should be abolished in this province."

He had tabled the motion in the hope of eliciting discussion upon the subject which was a most important one, and he believed he should be enabled to convince the House that the system of imprisonment for debt was an unwise one, and should be abolished in this province. He should have hesitated to assert a general principle like this, had it involved a fiscal or financial question, as in such cases there should always be some solution of the difficulty which the motion was intended to meet. But he thought the House might fairly express an opinion upon the subject, because after they had expressed an opinion the law officers of the Crown might be induced to set about bringing about a remedy. The late Lord Eldon had expressed an opinion in reference to imprisonment for debt. He was a high authority, not giving an incautious opinion, but one which was always received with high respect. Lord Eldon's opinions were frequently alluded to as the axioms and maxims of a high legal functionary. His lordship expressed an opinion that the law of arrest conferred the power of committing greater tyranny than slavery itself. After such an opinion from such a man he thought the House would agree with him that they would not be far wrong in endorsing that opinion. He believed that arrest for debt was a remnant of the old system of legal tyranny which had come down from the dark ages, when incarceration was the remedy which the tyrant took to carry out his will. He believed that the remedy presented by the law of arrest was so incomplete, so unjust, and so prejudicial to the State, that no Legislature desirous of reforming and improving the condition of a country should hesitate to abolish so unjust and unwise a system. In the evidence upon the subject taken before the House of Commons, it appeared that five-sixths of the book debts of tradesmen were under 10*l.*, and it was found that by giving credit tradesmen obtained an excessive price for their goods, and could afford to lose a large amount from the increased prices which they obtained from an extended credit. The credit system had grown into a positive evil, and he should like the Legislature to take action to prevent an unlimited extension of credit, and to prevent those who gave credit from sheltering themselves at the public expense from the consequences of their indiscretion. He did not see why the State should be made to pay for the indiscretion of tradesmen and others who chose to give credit to an injudicious extent. Because these parties inveigled men into their books, and then put on the screw of imprisonment, he did not think the State should step in to uphold such a system. In February, 1827, it was elicited, before the House of Commons that in two years and a-half in London 70,000 people were arrested at a cost of nearly £200,000, and upwards of 12,000 persons of this number were incarcerated upon the mere charge that they were indebted certain sums of money; they were deprived of their liberty before even it was proved that the debts for which they were arrested were really due. That fact itself would be quite sufficient to open the eyes of hon. members. About the same period it was elicited that about 1,120 persons were detained in Horsemonger-lane Gaol for an aggregate amount of debt of £2,417, or an average of £2 3s. 2d. each. In all these cases the State was called upon to maintain the debtors for an indefinite and unlimited period. He believed that imprisonment was a positive premium on fraud, for a man who had committed a fraud, or had induced individuals by false representations to give him credit, might shelter himself in prison, and, being unwilling to have his affairs exposed in the Insolvent Court for fear of consequences or the punishment which he would receive upon an exposé of his fraud, might shelter himself there all his life, and who could call him out? Was it right, he would ask, in such cases that the State should maintain the debtor for the rest of his life? Was it right that the debtor should be enabled to go to gaol, and there shelter himself? Was it right that society should be deprived of the services of the debtor merely because his affairs

would not bear investigation? There could be no doubt independently of the objections which he had stated, that the system of imprisonment for debt fostered a reckless spirit of trading. It was clear to him that such was the case, and he maintained it was the duty of that House to put a stop to this. He regretted that the hon. the Attorney General was not present to express his opinion upon this important subject, for, as a private member, he felt scarcely competent to grapple with it.

Mr. MACDERMOTT had listened with great pleasure to the statement of the hon. member for the Burra, and if no other member had undertaken to second the motion, he should do so with pleasure. It was a most irrational mode of proceeding, to place a man in prison in order to pay his debts. A man when deprived of his liberty could make no effort to that end. Besides it was great cruelty to imprison a man under such circumstances, for if the man happened to have a family they would be left destitute during the term of his imprisonment. He thought, however, that it would be necessary to make a provision by which fraudulent debtors should be subjected to imprisonment, and he also thought there should be a provision by which parties might be subjected to imprisonment if there were reasonable grounds for believing that they were about to leave the colony, leaving debts unliquidated. He had been very much pleased indeed to hear the arguments of the hon. mover, with which he heartily concurred, and he hoped the motion would meet the sanction of the House.

Mr. SOLOMON said he had listened with some attention to the hon. member for the Burra, and the arguments which the hon. member had brought forward were such as he should have expected from a philanthropist. The question before the House was one of great difficulty. He admitted with the hon. member that the way to punish men who could not pay their debts was not to put them in gaol, but there was another class who probably could pay if they pleased, but were unwilling, and there were others again to whom the hon. member had alluded, who, having committed fraud, were glad to shelter themselves within a gaol. But he maintained that the only class who would so shelter themselves were debtors who had committed fraud, and were in consequence afraid to expose their affairs in the Insolvent Court. In legislating they must take care not to legislate for the protection of men who, after committing frauds, were too glad to shelter themselves in a gaol. Such men did not deserve protection. Still, however, he, being deeply engaged in trade, wished to see imprisonment for debt to a great extent abolished. The present insolvent law was so liberal in its provisions, that it afforded every man who was not afraid to expose his affairs, an opportunity of avoiding the trouble and indignity of going for a moment inside a gaol. He could not, therefore, see the utility of enunciating such a principle as that involved in the motion to which they were asked to assent by the hon. member for the Burra. The hon. member for Flinders had alluded to a class who were about to leave the colony without liquidating the claims upon them, and he would ask how were such men to be held if not by imprisonment. It was absolutely necessary that creditors should be in a position to arrest such parties. If upon affidavit it could be shewn that a fraudulent debtor was about to leave the colony without submitting his affairs to the proper tribunal, it was right that such a person should be sent to gaol. They would be ceasing to act with humanity if they afforded the same protection to such a man as to the honest trader, and he should certainly oppose any motion which went to the extent of that of the hon. member for the Burra.

Mr. STRANGWAYS was also opposed to the motion, and was rather surprised to find such a notice in the name of the hon. member for the Burra, who had on numerous occasions, denounced the principle of enunciating by resolution any principle of this kind. He repeated that the hon. member for the Burra had frequently denounced such a course, and hence it was that he was rather surprised to find such a resolution in the name of the hon. member for the Burra. The hon. member had quoted the opinion of Lord Eldon, but there was another opinion by quite as good a lawyer, and as high an authority, to the effect that if a man could not pay with his purse he must pay with his person. If they were to go the whole length with the hon. member for the Burra and Clare, he believed it would be highly prejudicial. If the abolition of debt conferred any advantages he believed those benefits would be more than counterbalanced. Under the present law a man whose affairs were embarrassed need not remain in gaol more than 21 days, as at the expiration of that period he could obtain protection from the Insolvent Court. He admitted that it was undesirable that parties should be enabled to shelter themselves from the consequences of their fraudulent conduct by remaining in gaol and avoiding all enquiry. The hon. member who brought forward this resolution had stated that imprisonment for debt was a remnant of the dark ages, but it was not the only remnant of the dark ages which might with advantage be kept up in modern times. There were many customs in the dark ages which, though now abolished, might with great advantage be introduced in the present day, and he would leave the hon. member for the Burra (Mr. Peake) to ascertain what customs he alluded to. As to the cruelty of incarcerating a man, which had been alluded to by the hon. member for Flinders, no doubt the law of arrest did sometimes tell harshly, but so did every other law. The House in dealing with the question must, however, consider, not whether the law might operate, as had been stated, in some isolated cases, but whether on the whole the law as it at present stood was beneficial or otherwise. Hon. members would remember that six or seven years ago the Legislature was called upon to pass a special enactment regarding imprisonment for debt. That Act was passed specially for this colony in consequence of the large number of fraudulent debtors who, after becoming indebted to tradesmen, availed themselves of the first opportunity to go to Melbourne by sea. That Act was passed to enable any creditor making affidavit that a debtor was about to leave the colony to stop the debtor, but if this resolution were passed, the Attorney General would be compelled to introduce a Bill abolishing the previous Act so as to enable debtors to leave the colony when they pleased. On the ground that this was too sweeping a motion, and that if it were carried, all imprisonment for debt must be abolished, he should move the previous question.

Mr. LINDSAY supported the resolution as a general principle. He thought, however, that exceptional cases must be provided for in any legislation upon the subject. It was impossible to controvert the argument of the hon. member for Flinders, that to put a man in gaol instead of enabling him to pay his debts was the very mode to prevent him from doing so. No doubt, the passing of such a resolution as that proposed would affect credit to a very considerable extent, but it would place it upon a much sounder principle than at present. If imprisonment for debt were abolished, parties in giving credit would be guided more by the character of a person, and the argument that a man was good for a certain amount if sued for it would have far less weight. The hon. member for the city (Mr. Solomon) had made some remarks in reference to fraudulent debtors, but in such cases the parties would be open to imprisonment, not because they were debtors, but because they had committed fraud. No doubt there were many who had much clearer views upon the question than he had, and consequently he would not detain the House further.

Mr. NEALES did not imagine till that moment that bolters from their engagements would find an advocate in that House. (Laughter.) Nothing but dealing in fallacies or fictions it appeared would do for the atmosphere of that House. How it was to be ascertained whether a debtor was fraudulent or not, until he had been caught, he was at a loss to ascertain. This spirit of humanitarianism came to this—that the humanity was all for the rogues and the cruelty for all the rest of the community. The hon. member for Encounter Bay (Mr. Strangways) had stated that a man could obtain relief after remaining 21 days in gaol, but the hon. member had omitted to state there was a greater facility under the Bankruptcy Law, by which a man need not go to gaol at all, but had simply to walk down to the Court and state that he could not pay his debts. That was the honest man's course, but if a man did not like to take that course he must go to gaol. In the present state of commerce in that country, and the facilities which there were for debtors to leave the colony and proceed where creditors could not follow them, if they were to do away with imprisonment for debt, they would in fact be doing away with credit altogether. Instead, as the hon. member (Mr. Lindsay) had said, of regulating credit, it would regularly do away with it. He repeated that the protection afforded by the Insolvent Court was so great that there was no necessity for any honest man to go to gaol. Even the goods of such a man were protected by the Insolvent Court, against the Sheriff as they had had an instance of within the last few days. He contended that the abolition of imprisonment for debt would be one of the most undesirable things that could happen to the colony. When they had a state of society which could be termed, as one of the diggings, Elysium, it might answer, but so long as people were disposed to cheat each other, it would be most unwise to come to such a resolution. He was quite sure there were enough really commercial men the House—not those who merely dealt in fallacies and fictions—who would support the previous question for the purpose of getting rid of one of the purest fallacies ever introduced to that House.

The COMMISSIONER OF PUBLIC WORKS, as one of the members engaged in commerce, opposed the motion, and believed that every member engaged in trade would oppose it. He felt upon this question as he felt upon the bankruptcy laws, and, even at the possibility of being imprisoned for debt, he should endeavor to get rid of the resolution before the House by voting for the previous question. He would, however, go with any hon. member who would introduce a motion rendering it compulsory, after a certain number of days or weeks, imprisonment, that parties should go through the Insolvent Court. He was content to leave that question open for discussion, satisfied that some day it must come under the consideration of the House. It was wrong that men should be permitted to remain in gaol smoking their pipes and playing at cards at the expense of himself and others. However small the sum might be, still it was quite clear that the amount was divided amongst the tax-payer, so that every tax-payer contributed something. He thought that such parties should be compelled after the expiration of twenty-one days to go through the Insolvent Court. If the debtor were an honest

man he would come out of the Court with a certificate to that effect, but it he were shewn to have been fraudulent he would be put on the other side of the gaol and contribute to the revenue through the medium of the road-making capabilities of the colony He should oppose the resolution, for he should not like to be placed in the position of meeting a fraudulent debtor upon the Wharf, who coolly raised his hat and said "I'm off to Port Curtis," without having any power to detain him

Mr TOWNSEND said the hon the Commissioner of Public Works had expressed he believed the views of every commercial man He was unfortunately called upon weekly and sometimes daily to attend meetings of creditors, and he never saw in any part of the world so strong a disposition to assist the honest but unfortunate debtor as there was in South Australia. During the last four months he had attended twenty four meetings of this character, and at each of those, or at any at which there were the slightest indications of the debtor being an honest man, the creditors had held out to him facilities to pursue his business, and to lend him a helping hand In many instances, the creditors had taken the debtor by the hand, wished him success, and given him any time and assistance he required, satisfied with his honesty and straightforwardness He concurred in the observations which had been made in reference to debtors lying in gaol The fact was they got used to it (Laughter) They got up balls, and played whist Such practices should be put a stop to (No, no) He only meant amongst the debtors in gaol of course He felt that he must vote for the previous question, and he hoped that the attention of the Government having been drawn to the subject, steamers which traded between this and the neighbouring colonies would not be permitted to leave on Sunday unless the list of passengers had been posted up on the previous Saturday

Mr MCELLISTER opposed the motion, feeling that no honest man need be in poverty in South Australia (Oh!) If a man were honest he would not go beyond his means Instead of doing away with imprisonment for debt he would imprison fraudulent debtors for life (Laughter) It was too bad that such men should be supported at the public expense.

Mr BURFORD, under the circumstances, must vote for the previous question, though not with that good will which he could have desired to feel He felt there was a difficulty, but he did not see the way of overcoming it He agreed with the Commissioner of Public Works that fraudulent debtors should be compelled to abandon their pleasurable pursuits within the walls of the gaol, but he contended that imprisonment should never be enforced until the accused party had had a fair trial By the English law a man's person was sacred His feeling was that where it was thought fraud could be brought home to a debtor he should be subjected to a proper tribunal, but that until an adverse verdict had been pronounced he should be protected against imprisonment Occasionally great injuries might be inflicted by subjecting persons to imprisonment It was not every man who was so versed in the proceedings of the Insolvent Court as to be able to take the straight road and obtain immediate protection Some persons made a mistake and took the wrong road, and sometimes consulted those who knew as little about the matter as themselves He was satisfied that there were many instances in which persons were imprisoned unjustly, but still he could not see his way to support the motion He felt that the question must be left an open one, and in considering it he hoped the point would not be lost sight of that he had suggested, that persons should not be subjected to imprisonment for debt until they had a fair trial according to law

Dr WARK objected to two motion on two grounds first on account of its sweeping nature, and secondly, because he objected to legislating by resolution He did not think that the hon mover should persist in so sweeping a resolution after those hon members who were connected with business had so clearly shewn that it would not do No good purpose would be effected by the resolution, but it would afford facilities for fraud As the law at present stood there were great facilities for the protection of honest debtors It appeared to him that the resolution, was quite uncalled for at the present moment, and that even at present fraudulent debtors had too much liberty He would be the last to subject an honest man to imprisonment, but in reference to the remark of the previous speaker that no man should be subjected to imprisonment until he had a fair trial, he would remark that the trial must be of a very summary character, for if a man were going to bolt he might be at Port Curtis before a summons could be got (Laughter) To legislate by resolution was exceedingly objectionable, and if they passed such a Bill as was proposed, he was convinced that the good sense of the other House would induce them to send it back, or at least it ought

Mr COLE moved that the House divide

The motion was carried, and Mr Peake's motion was put and lost.

MR J F DUFF

Upon the motion of the COMMISSIONER OF PUBLIC WORKS (in the absence of Mr Bakewell) the petition of Mr J F Duff was ordered to be printed

WATER SUPPLY

Upon the motion of the COMMISSIONER OF PUBLIC WORKS (in the absence of Mr Neales), the petition of the Corporation of the City of Adelaide, respecting the Water Supply, was ordered to be printed

VALLEY OF THE STURT

Mr HAY brought forward the notice in his name—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) if it is the intention of the Government to have a survey of the Valley of the Sturt made, as recommended by Mr William Hanson in his Report in Paper No 47"

He wished the practicability of a railroad to the Murray to be taken into consideration on an early day, so that they might not in the first instance make a portion of it, and then get into a dispute as to which was the best line It was desirable that the survey referred to should be carried out, and if necessary he would give notice of an address to His Excellency, praying that the necessary means might be provided

The COMMISSIONER OF PUBLIC WORKS said it was the intention of the Government to have the survey undertaken to which the hon member alluded The opinion of the Chief Engineer was so strong upon the point that the Government felt it was exceedingly desirable to have further information before proceeding with the route

PORT ELLIOT

Upon the motion of Mr STRANGWAYS the petition presented by him from the District Council of Port Elliot and Goolwa was ordered to be printed

PETITION OF JOHN HINDMARSH

Mr NEALES expressed a desire to amend the motion standing in his name by striking out the latter portion and adding the words "report the result to this House" The motion would then read—

"That the petition of John Hindmarsh be referred to a Select Committee, for the purpose of examining into his claims and report the result to this House"

The claims to which he referred had been well known to the Government for some time past He believed the petitioner had an acknowledged claim The petition was before the House last year, but no action was then taken upon it He now begged to refer the matter to a Select Committee, and he believed he might go so far as to say that whatever the amount of the claims acknowledged by the Committee might be that the Government would willingly meet them He need not go into details The evidence was ready, and the Committee need not be detained long It was intimated by the Government in a correspondence which took place last year, that if the claims could be established there would be no difficulty about the settlement of them

The COMMISSIONER OF CROWN LANDS seconded the motion, and thought his doing so would prove that the Government were desirous of affording Mr Hindmarsh every facility for establishing his claim A very long correspondence had taken place on this matter, extending over a considerable time, and the shortest mode of settling a difficult matter would be to grant the Committee

The motion was agreed to without discussion

ENCOUNTER BAY

Mr LINDSAY moved—"That an Address be presented to His Excellency the Governor-in-Chief, requesting that the Honorable the Surveyor-General may be instructed to report upon the best line of road from Willunga to Port Elliot (Encounter Bay), with branch to the Goolwa, and branch or branches to Victor Harbor and Rosetta Cove, and that such report when furnished may be laid upon the table of this House" It would be in the recollection of hon members that on several occasions during the last session he had endeavored to bring the whole question of roads before the House, but every effort proved unsuccessful, the general feeling amongst hon members seeming to be, that though the evils of the existing system were acknowledged, the question was too gigantic to be grappled with, and that, therefore, no general resolution on the subject should be entertained He hoped on the present occasion, when he sought to grapple only with a portion of the subject, that hon members would go with him, and that the House would not refuse the very reasonable request contained in the notice before it In the time of Governor Gawler a line of road was marked out from Adelaide to Encounter Bay, His Excellency as Commissioner of Crown Lands, having ascertained approximately where the line should go, and he decided upon going through Hindmarsh Valley By Act No 13 of 1851, it was declared that a main line of road should go to Encounter Bay, but the Engineer was so satisfied of the impracticability of Colonel Gawler's track, that he reported that no outlay would render material service to it His object in the present motion was simply that the House should have such information from the Survey Department as would guide the Central Road Board in their future operations, and especially in the operation of forming a line to Encounter Bay He believed the information could be easily furnished by the Survey Department for he learned from documents in the department that information could be procured at the rate of one mile per diem for each survey party Only about 20 days would be required for the purpose he spoke of, and as the Central Road Board were now proposing to spend some money on one or two portions of the line it was desirable that the expenditure should be made on the best line which could

be found He had not the least doubt that an excellent line would be found between Willunga and Port Elliot but it would not be that via the Cut Hill into Hindmarsh Valley He was satisfied that £10,000 judiciously expended on the best line would make a better line between Willunga and Encounter Bay than the present road between Adelaide and Willunga, on which no less than £59 000, and some odd hundreds had been expended, as was shown in the last report of the Commissioner of Public Works He would say no more, as what he asked was so reasonable that he did not anticipate any opposition

Mr HARVEY seconded the motion It was important that the main lines of road should be laid out in the first instance There were several instances, at present, where the main roads were constructed where the bullock drays used to travel as being the easiest way of crossing the rivers He would refer to the Gawler Town road as one showing the necessity of laying out the main roads at first The plain was as level as the floor of the House, and if the Central Road Board had taken the precaution which this motion suggested, the road would have been shortened two miles, besides saving the expense of making two roads, and keeping them in repair

Mr ROGERS opposed the address, as it was only a few days since an address was adopted by the House requesting His Excellency the Governor to cause steps to be taken for the construction of a tramway from Strathalbyn to the Goolwa, Port Elliot, and Encounter Bay It was only folly to expect the Road Board to expend money on this line under such circumstances If the Government took action for the laying down a tramway from Strathalbyn to the Goolwa, it would be the outlet for all that portion of the colony, as it would give the settlers on the sea coast a straight line to Adelaide The motion was therefore unnecessary, and he should oppose it

Dr WARK said after the address of the hon member for Mount Barker, he must express his views on the subject It would be cowardly in him not to do so, as he had lived many years in the district But the hon member for Mount Barker spoke of a road to the east of Port Elliot, and this road was to the west, and was the old acknowledged road Whether the tramway was made or not it would not affect this road In any case it must be made Besides, what the hon member for Encounter Bay asked was merely a survey Even if the road were not to be made it should be laid out, as there was still a considerable amount of land to be sold in the district, and, therefore, the sooner the line was laid out the better He knew of no place where a main line was more wanted

Mr BARROW said the hon member for Mount Barker (Mr Rogers) had advanced a most extraordinary reason for his opposition, namely, that the line terminated at the same place as another This he could not understand If the two roads ran parallel he could understand the hon member's opposition, but to oppose because the two lines terminated at one point seemed the height of folly Perhaps the hon member for Mount Barker looked through a medium which he (Mr Barrow) was not acquainted with—an intellectual mirage or something of the sort—(laughter)—but it certainly was the most unintelligible proposition he had ever heard But he should like to know what the Government thought on this matter They had heard a great deal about schemes of roads, for hon members seemed fond of abstract propositions, but he would rather have some general scheme than that they should go on dealing with a matter of this kind bit by bit

Mr MILDRED supported the original motion The matter had been already before the Central Road Board, and they had decided which was the proper road, with two branches There were two lines, but the people of the neighborhood requested that the main line should be pointed out, as there were differences of opinion on the matter, and on that account it was brought before the House

Mr STRANGWAYS suggested that the hon member (Mr Lindsay) should strike out the word "Willunga" and insert "Noarlunga," as this would allow of the best road being selected If this were done he would support the motion

Mr LINDSAY assented

The motion was then agreed to

PUBLIC WORKS BILL

The COMMISSIONER OF PUBLIC WORKS moved that this Bill be read a second time He stated what he had said on a previous occasion, that there were several Bills hanging upon this one—the Waterworks Bill, the proposed Road Bill, and others—and it was, therefore, desirable that the Bill should have the assent of the House and the Parliament as soon as possible It seemed his fate in moving the second reading of Bills to have to repeat the arguments and statements which he had used on former occasions He had been obliged to do so in a previous instance, and should now do so again This was a Bill to bring various departments under the control of the Commissioner of Public Works—a system rendered necessary owing to the Constitution under which they now lived, and which was so different from that under which the Boards were formed The Bill would also effect a considerable saving in carrying out the public works of the colony It was a short measure and handed over to the Commissioner of Public Works all the Boards of the colony The Commissioner would have the power of appointing managers of Railways, Roads, Waterworks, and Harbors It would be necessary to submit to the House the salaries of these officials Those officials who were not hitherto directly responsible would be under the control of the Commissioner of Public Works, and he would be directly responsible to the people The principle of the Bill had previously received the almost unanimous support of the House, and, therefore, he need do little more than ask hon members to assent to it It would impose upon him a considerable amount of responsibility and considerable additional work, but he did not shrink from either the responsibility or the work He, or whoever might sit in that chair, would in future be able to afford the House every information respecting the departments which were to be placed under the Commissioner of Public Works by this Bill He knew of no Bill which would attain at once so many valuable objects, and with these remarks he moved that it be read a second time

The motion was agreed to

The House went into Committee on the Bill

The preamble was postponed, and the solitary clause of which the Bill consisted was amended by introducing the date, 1st January, 1859, as the day on which the functions of the Board should cease and determine

The CHAIRMAN then reported progress, and asked leave to sit again on Wednesday next

ASSESSMENT ON STOCK BILL

Adjourned debate

Mr DUFFIELD said he was well aware of the prominent position which he occupied on that occasion Having moved on the previous day that the debate should be adjourned, it devolved upon him now to resume the discussion of a subject which had already occupied the House for two days, namely, the Bill for an assessment on stock He did not wish to make any personal reference to himself on this or any other occasion, but he thought he would do well in entering on this subject, to state his own position, for he felt from the statements of hon members that they were laboring under a delusion, that this was a question which affected him in a pecuniary point of view To remove this delusion, he should state that the question did not affect him in a pecuniary sense He was well aware, not merely from the tenor of the speeches he had listened to, that hon members were, he was going to say, in the dark—but he would say that they required an immense amount of light on this subject It was true that in connection with another individual, he possessed a few flocks of sheep and some cattle, but they had been compelled to buy so much land, that they now owned in the hundreds enough to depasture more sheep by 5000 than they possessed He thought this fact was sufficient to show that the country could not carry the immense amount of stock which some hon members imagined He and the party he referred to, leased 50 or 60 square miles of Crown lands as the unpurchased lands in the hundreds of Burra and Stanley were not sufficient to depasture the stock they were entitled to possess by virtue of their purchased land in these hundreds It would be admitted that their country was as good as any in South Australia or at any rate, amongst the best, and from what he had stated it would be seen that the country could not carry such an amount of stock as hon members imagined He thought he had now freed himself from any imputation of having his vision clouded by interested motives, and he should not have referred to this part of this subject at all but for some remarks which dropped from the hon member for the Port (Captain Hart) That hon member, in alluding to the argument of the hon member for Victoria, that this tax would fall on the consumers of meat, and not on the stockholders, said he could not understand why the hon member (Mr Hawker) should object to the tax, because it would not fall upon the squatters but on the community After such an argument he (Mr Duffield) was justified in taking up this part of the subject He trusted there were many hon members who would vote for the public good, forgetting their own interests He was sorry to hear the hon member (Mr Hart) use the argument, and he was surprised that any hon members should advocate a case on such personal grounds He only made these remarks that he might stand clear of personal charges, and he hoped the hon member for the Port would, before the session was over, see many hon members vote for the public good regardless of their own interests

Mr STRANGWAYS rose to order He submitted that the Bill, as it related to the levying of taxation, should have been introduced by message from His Excellency, that therefore it was irregularly introduced and proceeded with, and that it should be withdrawn The hon member read extracts from the Standing Orders and the Constitution Act in support of his views

The SPEAKER ruled that the Governor had the power of sending down any Bill He was only limited as to the House in which he should introduce money Bills A Bill of this description could only be introduced in the Assembly

Mr DUFFIELD resumed by saying he should attempt to approach the question really before the House. He felt as an humble individual conscious of his inability to approach it as he could wish, though he felt that in approaching any question in which he would be opposed to the hon Attorney-General, it was something like a mole approaching a mountain (Laughter) But although that hon gentleman might crush him in argument, he could not destroy the facts which he should endeavour to place before the House He (Mr Duffield) regretted that the Ministry, aided by the Attorney-

General, should have brought forward a measure of that kind, supported by such weak arguments. The argument of the Attorney-General was unworthy of a gentleman occupying the Treasury benches, for nothing was advanced to justify the Government in bringing forward a measure for laying additional taxes on the people. He did not profess to be deeply versed in parliamentary usages, but he had occasionally in the mother-country been present when the Chancellor of the Exchequer brought forward schemes of taxation, but whenever he did so he adduced some reason, such, for instance, as deficiency in the revenue of the country. But the Government in this case said nothing of the kind. Instead of that it was only a few days before that they laid on the table of the House papers showing that the revenue was so flourishing that it was desirable to undertake some public works, in order that the surplus revenue of the present year might be absorbed before bringing forward the Estimates for the next year. He thought, therefore, that the Attorney-General did himself injustice when he brought that question forward. The House would remember that, during the past session of Parliament, a resolution was carried by that House that it was desirable to remove all restrictions on distillation. Had the Government complied with that resolution, backed as it was by the feeling of the people, and said, in consequence of that measure being adopted, a deficit had occurred in the revenue of £50,000 or £60,000, there would have been a fair case with which to go before the House and the country. As the Government could not adduce the financial position of the country as a reason for introducing that measure, he expected it would have been shown to be beneficial in another point of view—that the motion would be recommended on the ground of a tendency to open up the interior of the colony, an object which the House should do all in their power to encourage, for he felt that vast riches were still unknown in South Australia. Had the Government connected that Bill with some such question, and shown the House the probability of that object being accomplished, they might have had his support; but they did not. The Bill commenced by reciting that it was expedient that an assessment should be raised by a levy on certain stock. He could not lose sight of the fact that the Government were the landlords of those gentlemen who occupied the waste lands of the Crown by virtue of their leases. If, then, the Government had come to the House and said they had made a bad bargain, and that they were getting their leases too cheaply, he could have understood it, but they did not—they tried to raise the rent by levying an assessment on stock. The Attorney-General alluded to two points in bringing the question before the House. They were two bare and simple propositions. First, that it was not an illegal act. He (Mr. Duffield) thought it was the first time in the history of that Parliament that a Bill for taxing the people was brought forward on such meagre grounds as that. On that question he would not touch, for he thought it no argument in favor of a Bill to tax any portion of the community, to say that it was not an illegal Act. The duty of that House was to pass Acts legal and binding upon the people. The other point was that he (the Attorney-General) did not think it a breach of good faith on the part of the Government to assess the stock of the squatters. That argument was equally weak, and equally unworthy of attention. It was evident from the speech of that hon. gentleman, that he was not fully convinced in his own mind that the morality of the case was so clear as he attempted to make it appear. And should the House think fit to pass that Bill many individuals would step forward and say that they took their leases with the full understanding that they were paying a rent for the land and that there should be no assessment on stock for the purposes of the general revenue. With regard to another statement, that those leases had been a great pecuniary advantage to those who took them, should a Committee of that House be established, the House, the Attorney-General, and the country, would be convinced to the contrary. There had been no great pecuniary advantage to those who possessed them from the time that they were taken out. Many persons recollected when on account of a large extent of territory being unoccupied, those leases were granted as a kind of boon to induce persons to occupy the country, and he could cite many cases in which those leases had not been such an advantage for the first few years to the holder as the Attorney-General wished to make out. He had seen the hon. member for the city knocking down sheep, the squatter having been previously knocked down, at 1s. 6d. per head. He was exaggerating a little, for if he recollected rightly, it was 1s. 3d. and 1s. 4d. at which the sheep were sold. What pecuniary advantage could there be in that? A good deal had been said regarding the intention of the Government when those leases were granted, and as to whether the assessment was to be merely local, or for the general purposes of the Government. All hon. members recollected that the late Commissioner of Crown Lands, Mr. Bonney, held that office at the time the leases were granted, and many years before that time, and he fully explained that the intention in granting those leases was that no taxes should be levied for local purposes. Had the Government declared it was necessary to tax all it might have been different, or had it been necessary for the defence of the country, he should have gone cordially with them. But it was only an attempt of the Government of the day to spread their sails to the breeze out of doors. (No, no, no, and hear, hear.) Some hon. gentlemen said "no," others said "hear," that was his opinion and he should freely express it. If he was wrong he should be glad to be undeceived. He would only allude to two or three other matters in reply to the other side of the House, if that expression could be used in a House which had not two sides. The hon. member for the Port (Mr. Hart) said the gentlemen who occupied the land would at once assent to that moderate assessment and allow it to be made permanent; that hon. member knew that if that motion passed that session—taxing sheep at 2d. per head—it was impossible to make it permanent. The next Parliament might make it 6d. or 9d. or 5s. It was an argument not brought forward by that hon. member with that consideration with which he was accustomed to speak, for the next sentence was a comparison between the prices of meat in Adelaide and Victoria at the present day. He (Mr. Duffield) had taken the trouble to refer to the *Argus* of the 20th Sept., 1858, in order to learn the prices in Melbourne, and he found beef quoted at from 8d. to 11d. per lb., and mutton 6d. to 8d., while sheep were fetching from 25s. to 27s. each. He had enquired the prices in Adelaide at the shops of Messrs. Bennett and Mirrabel, and they stated that they were selling beef from 4d. to 6d. per lb.—(Oh, oh, and laughter)—and the price of mutton was the same—(renewed dissent)—except on prime joints, such as sirloins or steaks for which they were charging 7d. a pound. If hon. members who laughed would change their butchers they would find it out. (Laughter.) He only alluded to it to show how easily incorrect statements crept in in the heat of argument. With regard to the taxes on stock in Victoria he wished to correct an error on the part of the hon. member for Burra and Clare, who had stated that the squatters there held land on permanent leases. That was a mistake: they only held them from year to year; and with regard to the assessment on stock every bullock before being delivered to the butcher was taxed something like 25s. He thought no hon. member would say therefore, that the tax would not fall on the consumer. The hon. member (Mr. Bagot) surprised him by saying the squatters should be taxed to pay for exploring the country. They did more exploring in the country than any Government had done; and twelvemonths ago the Government refused a sum of 5,000*l.*, and then expended 5,000*l.* in sending out Mr. Babbage to explore the northern districts. The exploration had therefore cost 10,000*l.*, while squatters were actually riding round their explorers. Mr. Reynolds, in his usual eloquent style, had said that the squatters wanted cheap labour, cheap land, and cheap woolpacks, and that a tax ought to be levied to provide a tramway for the South Eastern districts. If a tramway were required it was not for the squatters but the agriculturists, who had dispossessed them, and who wanted roads to a port of shipment. He asked also why the farmers should not have leases and cheap land as well as the squatters. He knew no reason why, except that they did not go out and discover it and thus tend to develop the resources of the country. There was a remark made by the hon. member for Onkaparinga to which he should advert, and that was in reference to his anticipation that he (Mr. Duffield) would bring figures before the House. He did not do so, for it was for those who brought forward a case to prove it. He should vote for the amendment of the hon. member for Encounter Bay.

Mr. Milne had great difficulty in agreeing with the principle of the Bill. He had waited patiently to hear the arguments of the Government in its favor, in order that he might have more light on the subject; but in spite of all he had heard, he objected to the principle on which it was founded. There had been a great deal of extraneous matter introduced into the discussion. Some hon. members had argued as if the squatters ought to be taxed because they were rich; others because they had their land too cheap. Those were not valid grounds for passing the Bill. The price of mutton was no argument whatever, and with regard to the assertion that squatters did not pay their fair proportion to the revenue, he denied it. If the squatters as a body did not pay according to the amount expended on their behalf, it was the fault of the system of taxation under which the country laboured. But they could not stop with the squatter on such an argument; they must go on, for there were a number of absentees, and bank proprietors and Burra shareholders and others who did not contribute anything to the revenue. But the machinery of the District Councils was the only legitimate way of meeting the case of the squatters. The principle of taxing stock, one of the productions of the colony, was totally wrong, for in that case the stock of the squatter nearest the market was taxed equally with that of the most distant. He considered that a mistake, and if the District Council system were carried out, the run would be taxed at its proportionate and fair value. As the squatters said they did pay a fair share to the revenue, and did not receive an undue share in the shape of expenditure, he would prefer referring the Bill to a Select Committee, to enable them to prove their case. The statistics and arguments adduced by the hon. member for the City (Mr. Neales) and the hon. member for the Port (Captain Hart) had left a strong impression on his (Mr. Milne's) mind that the squatters did receive a great deal more than their fair share of expenditure, but let them be taxed on a fair recognised principle of taxation, and not as a class. They would then know what was paid. At present the House would tax them to a certain amount, but that was no

reason why at a future time they should not be taxed more heavily Whether it was a good or a bad bargain for the squatters, they ought not to have a disproportionate share of the expenditure. If the squatter had his fair share, it was gross injustice to him, if they received more than their share of the gross expenditure of the country, it was gross injustice to the country The expenditure ought to be in proportion to the amount of taxes paid The amendment before the House would probably be negatived, and he would then vote for a Select Committee, who would be able to place evidence before the House to guide them as to the ratio of revenue and expenditure, and as a means of doing justice to the squatters

Dr WARK considered the present one of those absurd attempts to tax a class which the people of the colony never had sanctioned, and never would It was to be regretted that one Government after another should come forward with measures so unjust and unholy, but the people would at least set them right He would not be diffuse, but would glance at the history of the case In all legal documents, if a legal quibble arose, it was the intention that was gone into in order to prove the truth At the time the detailed instructions for the report alluded to were drawn up, there were two Commissioners in the colony—Mr Bonney and Mr Macdonald Every one would give them credit for noble independence of mind Instructions were given to them to draw up the reports and they stated that great advantages would accrue from doing away with assessments on stock, and to put it on the acreage of the runs They considered that under the security of leases greater improvements would be made on the runs - houses would be built, fences and paddocks made, and so on It was impossible to find in those reports any reason for a double mode of payment, for the terms of the reports evidently intended there should not be double modes of payment With regard to the opinions of that day in the alteration from assessment on stock to a rental on runs, one gentleman, named Hagan, had said that the substitution of a superficial for a capital rent was a great improvement Major O'Halloran had said that he felt satisfaction on reading the report of the Commissioners Mr Bagot had objected to the inquisitorial and unnecessary prying into stock If the owner paid a stipulated rent, that was all he should do, and it should be the only charge. All agreed that a great improvement would result from substituting a superficial rent for an assessment on stock Sir Henry Young endorsed their opinions when writing home. He (Dr Wark) admitted that in the Orders in Council there was a clause speaking of assessment for local purposes, and how the Treasury Benches construed that to mean general revenue he could not understand Let the squatters be assessed for local purposes, but let not the House forget to fulfil solemn engagements, or he did not know what would occur next In Victoria, leases were offered to the squatters, but refused by them, and as they were subject to annual leases, there was no breach of faith with them A Melbourne gentleman had told him that South Australia had stood high in a legislative point of view, but if that assessment were levied he thought they would have to go to Victoria for copies of legislative enactments, and follow in their wake If that Bill passed both Houses, there was still a Supreme Court to appeal to, and probably such a course of action would be taken in that case The House knew that Governor Grey attempted to break leases in the colony, but he failed It was tried in the Supreme Court, and he lost the day, and the people were all highly pleased with the decision of the Court In the case of Mr Baker, too, a verdict was given against the Government It had been said that the squatters employed no skilled labor, but the salaries of the managers were ample and years were required before a manager acquired experience sufficient to conduct a large or even a small run The hon member for the Port (Mr Hart) had made a fine speech, but it was in favor of the squatters (Laughter) He reduced it to what the squatters admitted, namely, that taxes should be for local purposes He thought the Orders in Council should be carried out in a fair spirit, and there was not a squatter who would object to local taxation for bridges and roads He felt bound to support the amendment of the hon member for Encounter Bay, but at the same time he had desired to clear his own character He had been pointed at as one of the squatters He was not a squatter and so far as his constituency went, he believed he had more on a smaller scale than squatters He had risen to declare his opinion on a matter of right against a matter of wrong

Mr LINDSAY said every one would admit, he was sure that he had never been any strong advocate for the squatters, and therefore any observations he might make would not be considered as influenced by any undue partiality for that class of persons Ever since he had been in the colony he had regarded South Australia as peculiarly dissimilar from the other colonies in being more of an anti-squatting colony and more allied to agricultural than to pastoral pursuits With respect to the subject before the House, he should regard it according to its merits It had been argued by the Attorney-General that a tax analogous to the one now submitted to the House was contemplated when the leases were granted, and had been looked forward to as a contingency which it was probable might arise With all due deference to the Attorney-General he disputed this assertion He accounted for the expression made use of in the leases as so much surplusage, which was furthermore only accounted for by the assumption that the gentlemen of the legal profession got into such a habit of using more words than were necessary, that even when they were not paid for at so much a folio, they forgot themselves, and followed out the old habit (Laughter) In perusing the despatch of Sir H Young he could really see nothing that would lead him to suppose that it was contemplated to impose this assessment In his opinion Sir Henry Young alluded to some contingency in which the squatters might be involved with other classes of the community in some general system of taxation, but he did not believe that it was contemplated in that despatch to tax the squatters alone Such an assessment as would include the squatters with other classes of the community he believed could not be objected to He could say nothing against the legality of the proposed assessment, but admitting it was legal, was it expedient or politic? It would be equally legal to impose a tax upon pigs or upon tom cats (Laughter) But supposing it were necessary to adopt such a course, and that the tom-cats within the limits of some District Councils were taxed, and the tom-cats of the squatters were allowed to go scot free, would it not be a just ground of complaint from those who were put under the imposition? (Renewed laughter) As far as he had heard through the debate, the Treasurer had brought forward the strongest argument for the assessment which had yet been submitted to the House, and that was, that the money was wanted But he assumed that if the necessity arose to increase the revenue, the means by which it was attained, should press upon all classes of the community alike. The member for Noarlunga, Mr Young, had stated that we had a precedent for breaches of faith on the part of the Government of this colony But supposing they had, such a precedent for the cutting of covenants, which he admitted they had, still instead of precedents, they should rather regard them as examples to be shunned The leases had been granted, and faith should be kept with the holders of them The hon member for the Port had made some very powerful remarks, in which he attempted to show that this assessment would not have the effect of raising the price of meat He agreed with the hon member that the price of meat was in a great measure regulated by the Melbourne market, but the Commissioner of Public Works had broached a very extraordinary argument, which was that the effect of the assessment would be to make meat cheaper He would follow out this argument. If the price of meat were to be reduced by such a course, all they had to do if any other article of consumption was excessive in price, was to put a tax upon the producer Let them tax wheat and potatoes, and then, on that principle, they would have wheat and potatoes at a lower figure, but he was afraid that this would be adding to the prosperity of the consumer at the expense of the producer (A laugh) The Government had no doubt made a bad bargain, but it had been done and they should abide by it The proper course which he considered the Government should have taken when they granted these leases were this—they should have told the squatters "we pay so much for police protection, postal services, roads and bridges, &c, and the amount derivable from you is not proportionate to the outlay," and then, instead of imposing a rent of 13s per square mile, they should have made it 20s or even 40s, if the exigencies of the case required it But the Government did nothing of the kind They granted the leases, and it would be as equally unfair as to impose a tax upon every bushel of wheat or ton of potatoes raised from the aboriginal reserves which had been leased by the Government, simply on the ground that the rent was too low The Committee on taxation now sitting might, perhaps, recommend it as advisable to do away with the present system of indirect taxation, by abolishing the Custom Dues and substituting in their place a tax upon land, a poll-tax upon cattle, upon people, and upon their children if necessary (Laughter) Many hon members had asked why the agriculturalist should not be enabled to avail himself of the advantages which the squatters possessed And he repeated the question, why should they not? Why should the Government persevere in killing the goose for the sake of the golden eggs, by letting all the land in fee-simple He thought that if there was a deficiency in the revenue, as had been intimated, a very politic course would be this, for the Government to reserve a certain number of sections on each side of the lines of railway and lease them out, by which considerable revenue might be raised He was unconvinced by the arguments which had been used in favor of this tax It was unnecessary for him to say that he should vote against the measure, as the matter was quite certain to be referred to a Select Committee If the Government should, in concluding the debate, bring forward any good or substantial reasons in support of the Bill, which he must say was a very improbable contingency, then he would go with them, if not, he would reserve himself for the question when in Select Committee.

Mr DUNN thought the question had almost been worn threadbare, so that there was nothing remaining for him to say, except to explain which side he was on It had been said that the squatters did not pay an equal proportion of taxation with other classes, but he had no doubt that when the rent on their runs was levied, it was as much as they could afford to pay But their position had now

changed materially Instead of having to sell their sheep at 18d per head, with the run given in, the value was ten times multiplied At the same time it must be recollected the agriculturalist was selling his wheat at half-a crown a bushel Since that time wheat had gone up to as much as 21s per bushel, but had dropped down to what had been the average for the last three or four years, 5s On the contrary fat sheep were still fetching 25s per head, so the old proverb was not verified, viz, "Down the corn, down the horn" There was no justice in allowing the squatters to go free under such prosperous circumstances They signed their leases with open eyes, well knowing there was the contingency of an assessment A circumstance had been related to him by a gentleman of a squatter having bought a run for £17,000. After he had occupied it for eight or nine months he found he had to purchase 10,000l worth of land about his run to prevent it from being taken up He argued that this was a parallel case He supposed in this case that the run was bought at less than its value, subject to this expense and inconvenience The case, however, was mentioned to him as one of hardship There was no disposition, he was sure, in any member of that House to put an undue proportion of taxation upon the squatters The only desire was that all parties should have an equal proportion of taxation He should not object to the subject being referred to a Select Committee

Mr Rogers had hesitated as to the legality of this assessment, but he admitted he was now convinced that it was perfectly legal It had been shown that an increase of revenue was required, and he thought no one was better able to bear the demand than the squatters They had been exempt now from taxation for many years He had very little difficulty in coming to a decision, and would vote for the second reading of the Bill, although he would have no objection to its being referred to a Select Committee. He could not see the justice of the squatters being allowed to hold the immense territory which they occupied at the nominal rental of £13,000 per annum, while within the limit of the various District Councils, including a total area of only 2,887 miles, property was taxed to the amount of £24,000 He would support the second reading of the Bill, or consent, if thought desirable, to its being referred to a Select Committee

Mr Harvey thought the squatter should be made to pay his fair shares towards the revenue, but if the matter were referred to a Select Committee, it might, perhaps, be more satisfactory to the squatters and their opponents He had paid great attention to the speech of the hon member for Victoria (Mr Hawker), and he fully concurred in what the hon member had stated, that the squatters had done great good for this colony in the way of exploration, and he thought more good would have resulted still if the exploration of the country had been left entirely in their hands The 7th clause of the Bill which provided that there should be no assessment until the runs had been occupied for a certain time was a good one For his own part he would have two classes of squatters, those within a given circuit and those without a given circuit The squatter without a circuit of 100 miles should be exempt from taxation for a certain number of years He fully believed mutton would be raised in price, but it was not the producer but the consumer that would feel this No gentleman in that House who imported goods would forget to charge a proper amount on them for expenses The retailer in his turn acted in the same manner and the consumer had to pay This would be the case with the squatters He thought faith should be kept with the squatters as it would be with him when he purchased a section of land If the door were open to put on a tax now, it would open a little wider by and by It would be precisely as in the District Councils Act That was presented as a boon at first The rate was made a nominal one of one farthing if they pleased The small end of the wedge, however, was then inserted, and they were compelled to rate at one shilling at the least This would be the case with the squatter It was 2d per head this year, and probably it would be 1s per head next year If it were necessary in order to increase the revenue that this assessment should be made, it was a very bad policy to tax one portion of the community alone He should vote for its being referred to a Select Committee

Mr Cole said as this was a question involving great public interest every member was bound to state his views He must confess that after hearing the seriocomic address of the hon member for Victoria yesterday he went home instilled with the sentiment of "let justice be done though the heavens should fall," in fact, he thought at the time the squatters were the most ill-used men in the colony But after reading the Orders in Council, and perusing the leases themselves he had a thorough revulsion of feeling He would view the matter in a common sense light When hon members put their names to leases they surely expected that the covenants therein would be duly enforced against them And so with the squatters Was it right that they should evade a contingency which they were liable to? It was not as if sheep were now worth only 1s 6d each He viewed "local" in connection with the assessment as opposed to "imperial" or general purposes Seeing the legality of the assessment he thought the public of South Australia would demand that they should see the bond fulfilled in its entirety

The Attorney-General would not detain the House beyond saying the few words which the justice of the case demanded He would not go into details, but would refer to two or three matters which occurred to him In the first place, with respect to the position of the Government, he believed that there was not the slightest doubt entertained as to the legality of the measure now brought forward, nor of its perfect justness on all hands It had been said that the passing of this measure would be tantamount to breaking faith with the squatters, and an hon member (Mr Bakewell) had referred to a case of landlord and tenant as a parallel one But what was the position of the landlord with his tenant? Did he find police protection for him, or was he put to any other expense on his behalf? There was no analogy in the cases The Government did not bring forward this measure in an exclusive manner It was their duty to take care that taxation should be equitably placed The squatters were a class who did not, in his opinion, pay a fair contribution to the revenue He believed that referring the matter to a Select Committee would be useless The House were in possession of abundant information, and, as far as he himself was concerned, if circumstances should arise to call upon him to exercise his vote, he should be prepared to do so without hesitation But then the Government had a right to consider the feelings of other people, and when persons said they had not that information which was requisite to enable them to decide the question, then they, the Government, were prepared, as they had always been, to concede to that enquiry which should elicit information—not that they were not satisfied—not that they thought that anything the squatters or their representatives could bring forward would be likely to change their opinion, but that the whole matter might be placed before the House and the public in the same clear light in which it was presented to the Government He did not think it necessary to refer to the remark made as to the Government placing themselves in a derogatory position He thought it implied rather forgetfulness on the part of hon members, than any ground of complaint The course he should propose was that the amendment of the hon member for Encounter Bay (Mr Strangways) should be withdrawn, and another amendment moved that the Bill be referred to a Select Committee

A difficulty arose upon a point of form, Mr Strangways not appearing disposed in the first instance to withdraw his amendment

The Attorney-General remarked that if the amendment were withdrawn the difficulty would be removed, as neither the member for West Torrens nor the member for Barossa had spoken, and the one could move and the other second the proposition that the Bill be referred to a Select Committee The hon gentleman added that if a Committee were appointed he would rather not be a member of it, as he had no special knowledge of the subject, and his avocations were such that he might not be able to give the subject the attention which it demanded

Mr Strangways understood the Attorney-General to say that he proposed to refer the Bill to a special Committee Would the hon gentleman state who he proposed should constitute the Committee

The Attorney-General said it was obvious that, in the ordinary course, the proper Committee to refer it to would be the Committee at present sitting upon the question of taxation, but as that Committee had an exceedingly wide range, it would he thought be better to appoint a special Committee in the ordinary way, that is, a Select Committee

Mr Strangways, after that explanation, asked leave to withdraw his amendment, and leave having been granted,

Mr Hallett moved that the Bill be referred to a Select Committee

Mr Scammell seconded the motion which was carried, and the Committee appointed were the Commissioner of Crown Lands, Messrs Barrow, Duffield, Glyde, Neales, Hallet, and Hawker, to report on 13th October

The House adjourned at half-past 5 o'clock till 1 o'clock on Tuesday

LEGISLATIVE COUNCIL

Tuesday, October 5

The President took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon A Forster the Hon Dr Davies, the Hon Captain Hall, the Hon Major O'Halloran, the Hon Captain Scott, the Hon H Ayers, the Hon Mr Morphett, and the Hon Dr Everard

MESSAGES FROM THE HOUSE OF ASSEMBLY

The President announced the receipt of messages from the House of Assembly, transmitting copy of resolution in reference to joint Standing Orders, in which the Assembly requested the concurrence of the Legislative Council Also intimating that the Assembly had agreed to amendments made by the Legislative Council in the Bill to establish the validity of certain registrations Also transmitting the Bill passed by the Assembly to authorize the extension of a railway from the terminus of the Adelaide and Gawler Town railway to Kapunda, and to confer certain powers upon the Railway Commissioners Also copy of a resolution agreed to by the Assembly, requesting that means might be given to the Hon John Baker to attend as a witness before a Committee of the House of Assembly upon the question of Taxation

KAPUNDA RAILWAY BILL

Upon the motion of the Hon the CHIEF SECRETARY, *the* Kapunda Railway Bill was read a first time The hon gentleman observed that the Bill was of considerable importance to the unemployed, and as he believed that there was no novel principle involved in the Bill, but that it was, in fact, a mere transcript of a Bill passed during the previous session he was desirous of moving the second reading upon an early day If there were no objection, he would move that the second reading be made an Order of the Day for the following day

The Hon Dr EVERARD seconded

Carried

The Hon Mr MORPHETT asked when the Bill would be placed in the hands of hon members

The Hon the CHIEF SECRETARY said the Bill having passed the House of Assembly, was no doubt in print, and would probably be placed in the hands of hon members in the course of the afternoon

DRAINAGE AND WATER SUPPLY

The Hon Mr AYERS presented a petition from the Mayor, Aldermen, and Councillors of the city of Adelaide, praying that in any Bill which might be passed for the purpose of amending the existing Act relative to drainage and water supply provision might be made for laying down main pipes on both sides of the streets

The petition was received

EXECUTIONS REGULATION BILL

Upon the motion of the Hon the CHIEF SECRETARY *this* Bill was read and passed, and a message was directed to be conveyed to the House of Assembly requesting their concurrence, and transmitting the Bill

CUSTOMS ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of the Customs Act Amendment Bill, stated that the principal object of the Bill was to amend the existing Act in particulars which were objected to by the whole mercantile community The amendments which had been introduced in the Bill had been strongly urged upon the attention of the Government by the Chamber of Commerce, from whom he might observe the Government were at all times happy to receive suggestions The Government regarded the Chamber as representing the mercantile community of the province The former Act, or rather the existing one, provided that perfect entries for goods on board vessels over 200 tons burden should take place within 14 days of their arrival, and of goods in vessels under that tonnage, within one week of their arrival This regulation was found to operate very inconveniently, as a single consignee could take advantage of it to the detriment of the great bulk of the consignees, and prevent the landing of the articles which were consigned to them, as it was quite possible that the goods consigned to the single consignee who omitted to pass the requisite entries were on the top of the great bulk It was notorious, indeed, that parties sometimes took advantage of the regulation, to the detriment of the great bulk of consignees, and made a warehouse of the vessel for the number of days allowed by the existing regulations Thus it frequently occurred that in consequence of the delay in landing goods many profitable sales were lost The Bill at present before the House proposed a remedy for this, it being provided that all foreign vessels should perfect their entries within four days, and intercolonial vessels, coasting vessels, and steamers, within 24 hours Clause 3 provided that there should be a rebate of duty upon goods landed on the wharf, and which were damaged, under the same regulations as upon goods damaged on board ship The Bill also defined the coast-line, providing in connection with the Customs Act that it should be high water mark It also provided that fresh meat, vegetables, and articles liable to decay, might be landed at any time, either in the night or day, or on Sunday or week day The whole tendency of the Act was to relax to some extent some provisions of the existing Act, without impairing in any way its efficiency

The Hon H AYERS seconded the motion

The Hon Captain HALL did not rise for the purpose of opposing the second reading of the Bill, but felt bound to suggest some amendments He had no doubt that so far as the detention of vessels was concerned, the Bill was calculated to effect much good He approved of any provision which would prevent the detention of the goods of a large number of consignees on board ship, in consequence of one consignee having omitted to pass entries, but he was desirous of moving an addition to the third clause, because as it at present stood it did not carry out the suggestions of the Chamber of Commerce, and when in Committee he should feel bound to move a clause in substitution of that which had been introduced in the Bill The Hon the Chief Secretary had pointed out the hardships which frequently arose from consignees not passing their entries, and whilst they were engaged in amending the Customs Act, he thought it would be well that the Attorney-General should be consulted with the view of devising some clause by which consignees would legally enforce the landing of their goods by the shipmaster, it occasionally occurred that it was inconvenient to the master of a vessel to discharge the whole of his cargo, as he wished to keep his ship in trim It was true that the master might get a stiffening order and take in ballast, but it was much more convenient for him to keep goods on board for ballast whilst looking for a homeward freight He confessed he did not exactly see how the object which he had in view could be carried out, but he thought the attention of the Attorney-General should be called to the subject with the view of seeing if he could not introduce a clause to enforce delivery As the law at present stood, a very considerable time must elapse before the Customs authorities could enter on board a vessel, on the supposition that goods were being kept on board for the purpose of smuggling Before the clause under discussion was assented to, it was certainly desirable he considered that the Attorney-General should be consulted for the purpose of seeing if a clause to the effect which he had suggested could not be introduced

The Hon Captain SCOTT supported the second reading of the Bill, but stated that there were some points which he should object to when the Bill was in Committee He objected to provisions contained not only in the second, but in the third clause It was highly desirable that consignees should be compelled to enter their goods as early as possible after the arrival of the vessel If the entries were not passed he thought the Customs should be empowered to land the goods, for at present goods which arrived were frequently bought for shipment to Melbourne, and the purchasers under existing regulations were enabled to keep them on board, frequently much to the detriment of other consignees, until a vessel was ready to start for Melbourne, and then the goods were transhipped from one vessel to another Great loss consequently resulted to those persons whose goods happened to be under those for which no entry had been passed He should be glad to see a provision by which parties would be compelled to pass their entries, but he confessed that the amendments in this respect which had been introduced in the present Bill, as compared with the existing Act, appeared to him rather a hindrance than otherwise

Upon the motion of the Hon the CHIEF SECRETARY *the* Bill was read a second time, and the House went into Committee upon it

The first clause provided that the coast of the province for the purposes of all laws relating to the Customs should be taken to be the line of high-water mark

The Hon the CHIEF SECRETARY moved that the clause stand as printed

The Hon Mr MORPHETT asked the Chief Secretary what was the object of making the high-water mark the coast of the province for the Customs laws In many respects he thought the low-water mark would have been better He considered the high water mark might prove injurious to the revenue as affording facilities for smuggling

The Hon the CHIEF SECRETARY said the high-water mark was much easier to find than low-water mark, and that the Customs Act extended one league beyond

The Hon Mr MORPHETT remarked that the wording of the clause was somewhat ambiguous, but it was passed as printed

The second clause provided that the importer of any goods should, in the case of coasting vessels and intercolonial steamers, within twenty-four hours, and in the case of all other vessels, within four days after the arrival of the importing ship, exclusive of Sundays and holidays, make perfect entry of such goods

The Hon the CHIEF SECRETARY moved that it stand as printed

The Hon Captain SCOTT remarked that by the present Customs Act masters of coasting vessels had merely to produce a document containing a description of all goods on board No entries were passed by coasting vessels except for goods subject to duty It was not necessary that the importers of colonial produce by colonial vessels should enter such produce, as there was no duty to pay He thought the clause as it stood was ambiguous, and that if it were intended to operate as he read it, it would work a great hardship He proposed to amend it by inserting after the word "vessels" "having goods on board subject to duty" and to take out the word "intercolonial" As the clause at present stood it would be necessary that all sailing vessels from Melbourne should wait four days before their entries were passed Vessels frequently came here from that port with not more than a quarter cargo, and it would be a hard case to compel them to wait four days before their entries were completed Suppose two vessels for instance were to arrive at the same moment, the one with cargo and the other without any, why, the one which had not any might be almost back to Melbourne before the other could get discharged. Again, the clause applied to coasting vessels and intercolonial steamers, which could get discharged within 24 hours, but others might arrive from the Mauritius, or other ports to the westward, which would have to wait four days, and this provision amounted almost to a prohibition, as such vessels could not afford to waste the time Even if they got a collector's warrant to land the goods which were for this port, they could not get permission to clear until such goods were entered, and he would therefore take out the "intercolonial" before "steamers," as he considered it most desirable to give as much despatch as possible to all steamers The amendment which he suggested would be considered simplify the Act and give that expedition to colonial steamers and others which it was desirable to give them The clause as it stood would not give expedition to intercolonial vessels but not to others for which it was proposed that four days should

be allowed to land their goods. He thought it most desirable that at the end of the clause under discussion or in some other clause, the master of the vessel should be compelled to land the goods as soon as possible, and he would therefore suggest the insertion of words to the effect that the master should proceed to discharge his cargo upon his arrival with all reasonable dispatch. Not long since a vessel came alongside a wharf, and was already to discharge, when it was represented that it was desirable she should go to another wharf. There was not water enough at the time to remove her, and the consequence was that consignees who wanted their goods were compelled to wait till a convenient time came to remove the vessel. He should like some provision introduced in the Bill by which ships or ship masters would be compelled to land their goods as soon as possible after the entries were passed, for whilst protecting the shipping interest they must take care to protect the commercial interest also.

MESSAGE FROM HIS EXCELLENCY.

The Clerk to the Executive Council was introduced and presented a message from His Excellency the Governor, in reply to an address of the Legislative Council, No. 2. The message was to the effect that so soon as His Excellency was in possession of the views of both Houses of the Legislature, the Government would be prepared to recommend action being taken in the matter.

The Hon. Mr. Morphett asked to what subject the address referred to related.

The Hon. the Chief Secretary stated that if the hon. gentleman would refer to the address No. 2, he would find that it referred to the Colonial Defences.

CUSTOMS ACT AMENDMENT BILL.

Debate resumed.

The Hon. Captain Hall remarked that the amendments suggested by the Hon. Captain Scott relative to coasting vessels were surplusage, because coasting vessels might at present land without any entries at all. The clause under discussion would not at all interfere with that privilege, as it merely referred to goods which required to be entered as being liable to duty. Vessels laden with colonial produce were not subject to the same regulations as those with dutiable goods. Steamers required great dispatch with their cargoes, and his intention had been to suggest an amendment, or rather an addition, so that importers should make perfect their entries; but at present no provision was made in the event of an importer not making perfect his entry. The Customs were very chary in interfering in such cases. In fact, they would not do so except in extreme cases, and he therefore proposed to make an addition to the effect that, failing such entry being made, it should be lawful for the master or agent of the vessel to enter and bond such goods on the Customs Key. The Queen's Lock was the term usually adopted, but it did not apply to this colony. He thought such a clause as he suggested would be productive of great benefit. He thought there must be power to compel the captain to land goods. The last speaker had suggested the introduction of the words "a reasonable time," but the question would then arise, what was a reasonable time? for one captain might deal mercifully with his crew and work them lightly, whilst another might discharge or be deserted by his men, and merely have a few apprentices to assist him.

The President remarked that it was no portion of the proposed amendment to limit the time for landing goods.

The Hon. H. Ayers seconded the amendment of the Hon. Captain Scott, remarking, that although the last speaker had said that only duty payable goods would come under the operations of the clause, he thought it would apply to all imported goods. He thought, however, that coasting vessels not having dutiable goods on board, should be exempted from the operation of the clause.

The Hon. the Chief Secretary remarked that the Government were always desirous of recognising the Chamber of Commerce as representing the commercial interests of the colony, and in this instance had adopted the exact phraseology used by the Chamber of Commerce. No doubt the Chamber of Commerce fully discussed the question before submitting it to the Government, and he thought it would be safer to adopt the phraseology of the Chamber. If the amendment were passed it would be more prudent for many reasons to postpone the clause.

The Hon. Captain Scott having intimated that he should press his amendment, the Hon. the Chief Secretary, with the permission of the House, postponed the clause.

The Hon. Mr. Morphett suggested that the exact phraseology of the Chamber of Commerce should be adopted, by adopting the words "after the ship has been reported at the Customs," instead of "after her arrival."

The Hon. Mr. Ayers suggested that the Chief Secretary should also introduce in the Bill the name and number of the Acts which this Bill was intended to amend, as Her Majesty's instructions to the Governor-in-Chief directed that this should be done.

The Hon. Captain Hall stated that he was one of the Committee of the Chamber of Commerce who prepared the suggestions to the Government but the Committee did not think it came within their sphere to frame a clause. The amendments which he had proposed would, he believed, give satisfaction to the Customs and the members of the Chamber, with many of whom he had conversed upon the subject.

The third clause proposed that duty should be returned upon goods damaged before removal from the wharf.

The Hon. the Chief Secretary moved the clause stand as printed.

The Hon. Captain Scott believed there was a proviso in the clause which would give great latitude for embezzlement from the revenue. Goods left upon the wharf for a period of seven days open to a number of careless carters and others, might not be worth half what they were when they were landed, and he would therefore move that there be no abatement for damage occasioned after the day upon which such goods were landed.

The Hon. the Chief Secretary suggested that this clause also should be postponed.

The Hon. Mr. Morphett supported his proposition, intimating that he should certainly oppose the proposed amendment, as there were times when it would be impossible to clear goods from the wharf in one day.

The Hon. Captain Hall said that so far from this clause being in accordance with the suggestion of the Chamber of Commerce they strenuously objected to it, thinking that no allowance should be made for damage occasioned after landing. The object of the recommendation of the Chamber was the removal of a kind of paradox in the Customs laws, for if goods were damaged by salt water and the attention of the Customs Landing Waiter was called to the circumstance, an allowance was made, but if a cargo of fruits arrived and 90 per cent. were unfit for consumption, no allowance whatever was made. This the Chamber considered a great hardship. The regulation applied not only to fruits, fish, and hams, but to twenty other articles upon which no drawback was allowed for natural decay.

The Hon. the Chief Secretary stated that the clause was worded precisely in accordance with the suggestion of the Chamber of Commerce, but the Government had no desire to press the clause; on the contrary, so far as the revenue was concerned they would rather that the Act should stand as it was at present.

After a few remarks from the Hon. Capt. Hall the clause was postponed.

The fourth clause, providing that perishable articles might be landed at any time, was passed as printed, and upon the motion of the Chief Secretary, the Chairman reported progress and obtained leave to sit again on the following day.

THE IMPOUNDING ACT.

The Chief Secretary laid upon the table of the House suggestions from the District Councils in reference to the Impounding Act.

The House adjourned at half-past three o'clock till two o'clock on the following day.

HOUSE OF ASSEMBLY.

TUESDAY, OCTOBER 5.

The Speaker took the chair at a quarter past 1 o'clock.

EXPENSE OF SURVEYS.

A return of the various amounts paid for public surveys was laid on the table of the House, and ordered to be printed.

COMMITTEE ON STANDING ORDERS.

The Treasurer moved that the Speaker and Messrs. Hanson, Dutton, Finniss, and Bagot be appointed as a Committee on the Standing Orders of the House. The hon. gentleman said such a Committee had previously been appointed, and no doubt hon. gentlemen would see the necessity of it on the present occasion.

The motion was agreed to.

TAXATION COMMITTEE.

The Treasurer as Chairman of the Taxation Committee, moved that a message be sent to the Legislative Council requesting leave to be given to one of its members—the Hon. John Baker—to attend to give evidence on a Select Committee of that House on the subject of taxation.

The motion was agreed to.

WATERWORKS WEIR.

Mr. Strangways, with the permission of the House, asked the hon. Commissioner of Public Works what course the Government or Waterworks Commissioners intended to take with reference to the Waterworks Weir. The hon. gentleman read a passage from the report in answer to certain questions which had been put from the Hon. the Commissioner of Public Works. (Extract read.) From this statement it appeared that the Engineer's explanation went to shew that the Waterworks Weir would not answer the purpose for which it was intended. He would suggest to them the ruinous effect which an accident to the Weir would have, when the river was perhaps at its highest. Everything near the river must inevitably be destroyed—gardens, habitations, and orchards, must be carried away in addition to the damage which would result to the Works themselves by the overflow of water. The Commissioner of Public Works no

doubt recollected a case of such a nature which occurred in Lancashire by the bursting of a dam As a precautionary measure he therefore asked the question standing in his name

The COMMISSIONER OF PUBLIC WORKS supposed hon members had hardly had time to read the report on the Waterworks Weir The tenor of the statement towards the close of the report was to the effect that the Board of Enquiry wished another opportunity of examining the works before they gave any definite reply He had no doubt the Waterworks Commissioners would take such steps, when the proper time came, as would best tend to ensure the permanence of the structure in question

MR A ATKINSON AND THE LANDS TITLES OFFICE

Mr STRANGWAYS asked (on the intimation of the ATTORNEY-GENERAL that he was prepared to answer) with reference to a letter which he had read some ten days ago, from Mr A Atkinson, having reference to a complaint of certain deeds having been prepared in the Lands Titles Office, whether the Attorney-General was prepared to give any explanation of the matter

The ATTORNEY GENERAL had made the necessary enquiries, the result of which was that he had received two letters, one from the Registrar-General, and the other from one of the solicitors to the Commissioners (Mr Gawler) He would first read the letter of the Registrar-General —

"Sir—In compliance with your minute of the 18th instant, I have referred to the letter of Mr Atkinson to Mr Gawler, and beg to enclose his report

"The printed form of conveyance referred to by Mr Gawler is one that has been approved of by this Commission, advised by their solicitors to be used in certain cases with a view to facilitate transactions in bringing land under the operation of the Act, pending certain amendments

"The cases referred to are those in which parties require to bring land under the operation of the Act whilst a contract for sale is pending, yet owing to the intended departure of the vendor or other cause the completion of the transfer cannot be postponed until after the land has been brought under the Act

"In the case complained of by Mr Atkinson the use of the form of conveyance was authorized by me under the following circumstances —

"Mr McEllister had contracted to purchase the land referred to on condition that the vendors should join in an application to bring the same under the Real Property Act, and then combine the transfer and the bringing of the land under the Act in one transaction

"Mr Atkinson having a lien over the deeds refused to deposit them in furtherance of the above object, and thus it became necessary to have the land conveyed to Mr McEllister, as a preliminary step to bringing the same under the Act

"Mr Atkinson is very far in error in supposing that 'the form in question was framed for the purpose of transacting the business of an individual in a public office'

"The use of that form is rigidly restricted to the case of parties making applications to bring land under the Act whilst contract for sale is pending under circumstances such as are above described

"Messrs Belt and Gawler are incapable of using their official position to further their private business, the latter has since the date of his appointment relinquished altogether the practice of his profession, and Mr Belt confines his practice to cases which yet remain to be wound up in his office

"I have, &c,
"R R TORRENS, Registrar General

"Lands Title Office, September 21, 1858"

The other letter was from Mr Gawler, as follows —

"Copy of letter from Henry Gawler

"In consequence of the refusal of Mr Atkinson to advise his clients to execute the printed form, which in certain exceptional cases is used in this office, I drew up in my leisure time, after office hours, and without receiving any fee for the same, a short draft conveyance in the ordinary form, as a matter of friendship to Mr McEllister, in order to save him the trouble and expense which might have been occasioned by Mr Atkinson's obstructive conduct

"HENRY GAWLER

"September 20, 1858"

ADMINISTRATION OF JUSTICE

Mr STRANGWAYS asked in reference to certain alleged irregularities in the Port Elliot Local Court, upon which a notice of motion had been previously founded whether the Government were in a position to explain He (Mr Strangways) knew nothing about the matter personally, but had received a letter from a person who, in connection with others, thought they had grounds of complaint Whether there was any foundation for the complaint or not he could not say He would ask the Attorney-General therefore, 'whether any complaints have been made to the Government with respect to certain alleged irregularities and injustices committed in the Local Court of Port Elliot, and, if so, the nature of such complaints"

He might say that he had heard that the Government had made the necessary enquiries, and were satisfied with the result

The ATTORNEY-GENERAL said the Government had received various complaints which had come under his notice as Attorney-General Proper enquiries had been made, but it appeared there was no ground whatever for impugning the magistrate There had been some cases in which a doubt might have arisen and in which it had been suggested that the opinion of the contemporary magistrate should be taken The result was that in every case he had found no cause to complain, at the same time he did not wish it to be inferred that he agreed with the decisions of the magistrates In fact in some of the cases he held opposite opinions, but in the matter of honesty he thought there were no grounds of complaint against the stipendiary magistrate

Mr STRANGWAYS said he supposed it amounted to a mere error of judgment

The ATTORNEY-GENERAL assented, and went into some short explanation

BILLS OF EXCHANGE BILL

In Committee

The whole of the clauses of this Bill had been previously considered and passed in Committee The preamble only remained, which was passed as printed

The House resumed, the Bill was postponed, and the adoption of the report was made an Order of the Day for Wednesday

SUPPLEMENTARY ESTIMATES

In Committee

Planting trees round Government reserves in the City £120

Item passed as printed

Railway, completion of new goods shed, £7,000

Mr STRANGWAYS presumed that this amount was asked for in connection with the Adelaide station It appeared to him that the policy which was adopted in connection with the Railway works was to pull down one year what had been built the previous year There seemed to him to be no comprehensive system, but one of patch-work He was inclined to vote against the item, unless made more conversant with the necessity of the work, and the mode in which it was to be executed

Mr BURFORD thought the proposed site of the goods shed was not a suitable one He thought it would be more advisable to have the site lower down, opposite Morphett-street, and they would then have more yard room

The COMMISSIONER OF PUBLIC WORKS said no resolution had been arrived at with respect to tracings or plans of this work, as had been implied by a previous speaker As the amount involved was a large one, he, however, had come prepared with some data He had become thoroughly convinced that the present goods shed was most inconvenient and much smaller than the requirements of the case demanded The present goods station was inadequate to carry on the Port traffic, much less that from the northern line The building that it was proposed to erect would project out to the extremity of the terrace, and the platform would give 7,000 square feet of room Not only would this provide for the present requirements, but it would provide for those contingent on the line being carried further to the north

Mr REYNOLDS would remind hon members that £2,000 had been voted last session for this department of the railway, which he believed was unexpended With the £7,000 now asked for £9,000 would be the total amount proposed to be spent on the goods shed It struck him that 7,000 feet of room, as the Commissioner of Public Works had said the goods shed would contain, was very small compared with the outlay He could not but remark upon the fashion of building up and pulling down, that it appeared a very injudicious and expensive one The next engineer of the line would, perhaps, consider the site now fixed upon unsuitable, and they would then have to go through the farce of pulling it down again He thought before they voted sums of money in cases such as the present they should have more explicit evidence than they had at present He would suggest that the item should be withdrawn until the House was in possession of further information It had been stated that there was not sufficient accommodation in the goods department but Mr Fuller stated that there were not sufficient trucks for the amount of traffic going on He hoped the item would be withdrawn as it was not of an urgent character

Mr LINDSAY thought there was a great want of system in providing accommodation in this department Next session it was quite possible they might be called upon to vote money to undo the present work

The ATTORNEY-GENERAL said the Government, in placing this item upon the Estimates had done so from a conviction that the work was required, and that the present time was the most favorable one for proceeding with it, because it would thereby give employment to those requiring work But after all the question was one for the House to decide The Government had no interest to further by this vote, and were only actuated by a desire to hasten on public works, give labor to the unemployed, and facilitate the increasing traffic of the railway If the House were of opinion that this was not the time to proceed with it or that the necessities of the case did not demand it, then the Government would be resigned, and satisfied with the know-

ledge of their having brought the matter forward, and supported it to the best of their ability The hon member for the Sturt (Mr Reynolds) said that Mr Fuller's evidence had been anticipated But he understood that evidence as having been already reported to the House The vote which was now asked for was to enable the Railway Commissioners to carry on a larger amount of business If that were not conceded the contractors would be cramped in their operations and the public would assuredly suffer It had been said they were pulling down and building up They might be, but would the hon member for the Sturt say that the present building was sufficient If it were not they must do something, and it were merely a question of convenience and expense, whether it was better to leave the present building standing add to it, or pull it down and build a new one It had been decided that the latter course was the best The present shed was not merely inconvenient but it encumbered the entire operations of the railway from its position It was, therefore, expedient to remove it If, in the course of years, the traffic increased so that it became necessary to have even more extended accommodation, and it was found necessary to pull down what they now purposed to erect, well and good All the Government had done in the matter was to act on the advice given, and place it before the House

Mr Peake wished to know from the Commissioner of Public Works if the 2,000*l*, which was voted last year, was included in the 7,000*l*., or was it a separate sum, making in all 9,000*l* It was due to the Government and the House that this should be explained He agreed with the policy of the vote The state of the present goods shed was disgraceful, it must be so apparent to every one that the sooner they had it blotted out, and a substantial building erected in its place, the better It did not require an architect or engineer to see the inadequacy of the present building He was quite sure, if they searched all the railway stations in Europe, they would not find such a disgraceful structure It was even inefficient in protecting goods from the weather, and the sooner it was done away with the better

Mr Glyde did not wish to oppose the vote, as he presumed the Government knew what was necessary to the requirements of the case He thought, however, a plan might have been submitted for connecting the Northern line with the Port line by direct communication At present they lost 10 miles by being forced to bring goods from the North into Adelaide, instead of taking them by a loop line direct to the Port

The Commissioner of Public Works said the proposed vote was not to enable them to provide for the Northern traffic only The present goods station was inadequate for even the Adelaide and Port traffic Any hon member who had seen the goods station as it was at present in, must be convinced of its unsuitability The Government had considered that this was the proper time to proceed with it, as they would be enabled, besides getting it done at a cheaper rate, to give labor to the unemployed As to the 7,000 feet which had been referred to, he would state that it was the platform alone which would contain that superficies—it was independent of the other parts of the building The Government, too, had fixed upon what they considered to be the best site With respect to the former vote of the Legislature, he would state that the 2,000*l* was spent in the alteration of the rails He was surprised at the opposition to this vote which had been manifested The goods station was in a most inconvenient position at present, and the very carriages passed so close to the wall that it became dangerous He trusted the House would consent to the vote

Mr Townsend thought the necessity of the shed must be apparent to every business man With regard to the contrast drawn by the hon member for Burra and Clare between the railway stations of this country and those at home, he understood that in some of the latter there were various goods sheds which were lettered, and the guard notes were lettered to correspond with the stores, and by this means parties sending goods possessed great facilities which they did not enjoy He trusted something of the same kind would be done here He considered the present the right time for this expenditure, and hoped that if the vote were carried, the Government would instruct the work to be commenced immediately

Mr Solomon supported the vote with pleasure, as he, in common with some of his city friends, had experienced the inconveniences complained of more than many hon members in the House It was only a few months since that he called the attention of the Chamber of Commerce to the manner in which the railway was conducted He believed if they had a few additional vessels coming to the Port it would be impossible that the business of the Port could be carried on He had had occasion himself to complain in his own business, and could lay his hands on the proofs, for he had had goods in course of transit over a space of eight miles for eight days He presumed the object of a railway was rather to improve than to deteriorate business He had known parties in Adelaide refuse to take sugars previously sold and which should have been delivered, because in the interval other ships had arrived He believed that the hon member (Mr Neales) had had similar complaints, and that the grounds of complaint lay with the arrangements of the railway at the station For these reasons, and believing that the time had arrived when they should spend money, not money for what was actually necessary but for what might become necessary, and nobody could say how soon He should support the vote.

Dr Wark was glad to have another opportunity of supporting the Government, and he considered the case fairly made out in favor of this vote He agreed with the hon the Commissioner of Public Works that the traffic from the north could only be provided for by the erection of proper sheds

Mr Reynolds said there was no difference of opinion as to the necessity of increased accommodation, but the question was whether they could wisely expend 7,000*l* upon the present station Some hon members had mooted a point as to whether there should be connection established between the two lines or a branch line from the Dry Creek or Grand Junction, and thence to the Port That proposal should be considered by the Committee now sitting, and that was his (Mr Reynolds's) object in wishing to have this vote held over until further evidence could be taken If all the goods were to be housed at the Adelaide Station he was aware there would not be sufficient accommodation, but if other arrangements were to be made the question was, whether they would not reduce the amount of goods requiring storage within such limits as they could accommodate He was not opposed to expenditure of the public money, as he believed with the Government that this was the best period for such outlay, but he would not on that acconnt pass every vote of the Government Their object should be to vote the money wisely

Mr Duffield understood that the vote was intended to relieve the traffic on the northern line, but he found on enquiry that a large proportion of that traffic did not remain at Adelaide at all, the train merely bringing it into the station and the next train carrying it on to the Port He thought with the hon member for East Torrens, that they should consider the propriety of carrying out the immense traffic from the north direct to the Port, instead of going seven or eight miles out of the way He was satisfied from the spirit of economy which pervaded the House, and he hoped the present Government, that if a few thousands remained unexpended they would be found on the Estimates next year (Hear, hear, from the Commissioner of Public Works) He hoped the Government might save a considerable portion of this sum He agreed with an idea expressed some time since by the hon member for the city that the goods should be sent in one train and the passengers in another Gentlemen engaged in business were at present frequently detained at the station whilst goods trucks were being attached to the trains, for as long a time as it would take to convey them to the Port

Capt Hart was opposed to bringing goods from the Dry Creek station to town, up an unfavourable gradient, and then to the Port, instead of taking them direct to the Port, where the distance was only three miles, and the land could be had for next to nothing The goods were now carried 25 to 30 miles an hour at a vast expense, as they had to be stopped at every station, thereby entailing immense wear and tear to the rails and carriages It was also desirable to separate the goods and the passenger traffic He believed the discussion would cause the matter to be considered more fully

The Commissioner of Public Works felt obliged for the suggestions of hon members He had taken a special note of the proposal for the construction of a branch line, and would consult with the Chief Engineer of Railways on the subject, and he hoped at no distant day to be able to lay the result of that consultation on the table of the House But he must explain more clearly what he had said, or what at all events he had intended to say respecting this vote It was that the present station was not sufficient for the traffic of the Port alone, exclusive of that of the Northern line, and that when the Northern line was extended to Kapunda the difficulty would be increased

Mr Strangways hoped the Government would postpone the item, as nearly all hon members who had spoken agreed that the question of the shed depended in a great measure on the question of the railway management, and there was a Committee at present sitting which could take the subject into consideration The Hon the Commissioner of Public Works said that for the Port line alone a shed would be required, but did the hon member mean to say that if the northern traffic were diverted, a station costing 7,000*l* would be necessary? The question of the shed depended on the general question of railway management, and some hon members had said that the present management was most disgraceful The railways were now under the management of a gentleman of 18 years' experience, but the colony might not always have the benefit of that gentleman's services They might get some one who had not the advantage of 18 years' experience, but who would devise schemes which would not require this constant additional expenditure If the matter were referred to the Committee it need not be deferred for a longer period than three or four, weeks, and even if it were deferred until after the next Estimates came on, it would probably be no great harm, as they knew, from previous experience of the Railway Commissioners, that if the vote were passed these gentlemen would not be likely to take any steps in the matter for some months

The Treasurer hoped the House would not be led away by the arguments of the hon member, but would vote the sum One effect of putting the item on the Estimates would be to postpone the work to December or even later Another

reason in support of the vote, in addition to those given by the hon the Attorney-General and other hon members on that (the Government) side of the House, was the contract now existing between the Railway Commissioners and the Messrs Fuller, and it was desirable that the goods sheds should be finished as soon as possible in order that the Commissioners and the public should have all the benefit obtainable from that contract

Mr Reynolds again enquired what had been done with the £2,000 voted last session for the station? Had it been expended in laying down rails?

The Commissioner of Public Works replied in the negative

The vote was then agreed to

The next two votes—completion of Cape Northumberland Light, £800, and completion of Troubridge Light, £231—were also agreed to

On the next item, surveys of trial lines of railway in accordance with addresses of House of Assembly, £3,000

Mr Peake asked the hon the Commissioner of Public Works if the surveys for which the vote was now proposed to be taken were particularised in the returns laid on the table in the earlier part of the day?

The Commissioner of Public Works replied in the affirmative

Mr Peake said that he believed it was usual when railways were to be constructed in the mother-country to call in all available talent, and that the ablest engineers who could be found were employed in the surveys and the preliminary examinations of the country The results were obtained by calling for tenders and estimates for effecting the surveys and examinations of country He would like to know from the hon the Commissioner of Public Works if it was proposed that any action should be taken by the Government in this direction and if the examinations of country were to be made by one or two individuals only, or whether tenders for that purpose would be called for from the other engineers of the colony If only two or three gentlemen were to be employed, and these gentlemen were allowed to take their own time, and not exposed to any competition, the survey would, from the almost impossibility of one person examining it, be very incomplete He thought it would be a great improvement if the surveys were offered for competition, and that if this were done we would get good surveys and expeditious surveys also Another valuable result would also arise in the thorough checking and proving of the surveys and sections before they were paid for He believed this was always done in England and that surveys were never laid before the House of Commons without being first thoroughly checked and proved

Mr Duffield would not like to pass the vote without following the course suggested by the hon member for the Burra and Clare The House had called for these surveys, and they would absorb an immense amount of money He was informed something like £10,000 ("No, no") Hon members might say "No," but he had gone a little into the subject, and had taken the opinions of surveyors upon it, and amongst them of one gentleman who was considered eminent in his position in South Australia They should consider before expending such sums the best means of expending them He would not oppose the surveys, believing that one of the first things we required was information as to the best lines for our roads and railways

Mr Strangways called attention to the difference between the surveys made by Government, and those by individuals He saw by a return on the table that hundreds had been paid to Messrs Hargraves and Murray for their surveys, and it appeared from all he could ascertain that the generality of these were similar to one now on the table, and which had been referred to on a former occasion They were in fact mere sketches of the country A person living at the Goolwa had had levels taken for a tramway from the Goolwa to Strathalbyn He believed that £3000 had been paid to Messrs Hargraves and Murray for their surveys whilst that of the proposed Strathalbyn tramway came to but £70

The Commissioner of Public Works said the whole of the information respecting these surveys was laid on the table that morning The plans of the proposed railways were not in accordance with the plan which the hon member (Mr Strangways) had referred to as a mere sketch of the country, but were most carefully executed maps Engineers, as was well known, had a fixed professional scale of payment, and the amount given to these gentlemen was at less than the rate they claimed for giving professional evidence before a Committee The Government were always anxious to give the fullest information to the House, and always told hon members that surveys were very expensive, but the House having voted the surveys, the Government were resolved to carry them out in the most efficient manner, and this he assured hon members had been done

Mr Hay hoped that whether the Government advertised for tenders or not that the work would be entrusted to the most competent persons As to such a sum as £10,000 being required he thought there must be some error

The item was then agreed to

On the next item—boat-jetty at Semaphore, £5,000,

Mr Strangways said they had enough of jetties at Glenelg It was proposed to build this one in a strong tideway where, as the hon member for the Port was well aware of, the difficulty of getting a vessel to or from such a structure was great Besides, there were no nurserymaids near the Semaphore, though Glenelg was well adapted in that respect for a promenade Neither could ships get to the proposed jetty

The Commissioner of Public Works said it was not intended that ships should unload at the jetty The subject was brought under the notice of Government by a deputation from the Chamber of Commerce, who sent in a memorial founded on certain resolutions which he would read to the House (The hon member here read the resolutions) He would now state his opinion that there was no spot on the whole coast of South Australia where a boat-jetty was so much required There was no other spot where so many passengers were landed, nor where their were so many lives risked, nor so much valuable property in the shape of mails landed The whole of the mails from Melbourne were landed there, and it was found absolutely necessary to provide life-boats for the pilots He had some time ago landed there with the hon member (Mr Glyde), and there was on that occasion a very bad surf indeed running on the beach There were at present twelve large ships lying off the Lightship, and the persons belonging to these vessels, as well as those who landed the mails, required to land at the Semaphore The work could be done at lower wages now than at any other time, and there was a large quantity of the limestone crust from the dredge which could be rendered available for the work

Mr Solomon was astonished to hear the the hon member for Encounter Bay speak of what he evidently knew nothing about He (Mr Solomon) spoke from experience, having nearly lost his life in trying to land at the site of the proposed jetty Those who had tried to embark or disembark at the place in question would see the necessity for the work 80,000*l.* had been spent on the Glenelg Jetty, and he (Mr Solomon) could not see how it was ever to be rendered useful except for the recreation of nursemaids and children (Laughter) Had any of the gentlemen who opposed the vote ever had occasion to embark on board of ship in a gale of wind? No hon member who would for a moment attempt to oppose it could have been in such a position But he with six hands in the boat had been capsized there and had to swim for it If hon gentlemen asked the men who went on board vessels for the mails, they would find that not one of these men on leaving the land in a gale of wind knew whether he would ever get to land again These men were subject to greater risks than the country or the Government had a right to expect from them

Mr Reynolds enquired whether the plans were ready, for what the Chamber of Commerce had asked, was that a survey and estimate of the cost should be made, not that a sum should be put upon the Estimates for the construction of the work He would tell the House how it arose The thing was decided upon by some members of the Chamber of Commerce, and certain members of that body were written to to make sure of their votes He need not mention names, for hon members knew who was at the bottom of it, and after all, how was it carried? Why, by a glorious majority of one! — not that a large sum should be voted, but that the Government should make plans and estimates of the works, that was his impression Now a great deal of money had been spent in this quarter, and if the House voted this £5,000 for a boat jetty they would find next year that the jetty was not long enough So next year there would be £5,000 wanted to make it longer, and next year again £10,000 to make it suitable for shipping, and then probably some £20,000, £30,000, or £40,000 for a tramway, and in the meantime, what would be done for the interior of the province? It was all very well to say "let the money be spent here," but let the money be spent where it would do most good Did we want this place to land the mails when we had already spent £30,000, on a place where the mails could be landed and brought up hours before they could be brought up from this place (No, no) A gentleman had stated that he landed at Glenelg from the steamer, and when he arrived in town, or rather at his residence, four or five miles beyond Adelaide, the steamer was going past the Semaphore We should make use of the expensive structure at Glenelg, and then such was the enterprise of the gentlemen connected with Glenelg, that they had already proposed to construct a tramway to connect that locality with Adelaide It was not a question of landing the mails, for that want would be met better by landing them at Glenelg But at the Semaphore look at the sand they would have to go through Would they not have by and by hon members appealing to them on behalf of the poor horses and cattle employed in bringing the mails, pointing out the desert these animals had to go through, and appealing in their favor on the ground of humanity He could see far more grounds for spending £1 000 or £2,000, on the Port road, but he thought that more money should be spent in the interior

Capt Hart would correct the hon members who had spoken on two points, and first as regarded the nursemaids (Laughter) The nursemaids on the Peninsula were numerous, and as for children, he would guarrantee there was no part of South Australia which possessed a greater number of them in proportion to the inhabitants With reference to the tide-way which the hon member for Encounter Bay spoke of, he (Mr Hart) did not pretend to any great knowledge on the subject (A laugh, which drowned the latter portion of the sentence) But he had never seen any tide

way there. There was a rise and fall on the beach of five or six feet, as there was all over the bay; but as to a tide-way where the proposed jetty was to be, the tide there had not the smallest influence in the world. This work was really wanted, because there was more traffic from this point than from any part of the coast. The hon. member for the Sturt said the distance for the mail would be shortened by going to Holdfast Bay; but the distance to Troubridge Shoal was common to both routes (No, no,) and the distance to the Lightship was not greater than that to Glenelg. The absolute distance by sea to the latter was less than by the mail route, but from where the landing of the mail now took place we had the advantage, and therefore it would be absurd to take a vessel where the anchorage was not so secure as at the Lightship (Oh, oh.) The anchorage in Holdfast Bay was not so good, as any man who had been at sea must know, for the Lightship was higher up the estuary. Perhaps, however, the hon. member for Encounter Bay knew more on this subject than he did. (A laugh.) It had been said that there were a great number of boat jetties on the coast, but he (Mr Hart) had never opposed a vote for one anywhere, as he knew the advantages of facilities being afforded for the landing and shipment of goods and passengers, and should, therefore, always vote for jetties on the coast. If such a jetty as that proposed to be put at the Semaphore had been put at Glenelg instead of the one now there, it would have been a wiser proceeding, as the jetty would have answered all the purposes. He contended that the mail steamers would prefer coming up to the Lightship than to Glenelg, from the advantages they would enjoy in the former in getting passengers and other ways. But what would be the advantage to the colony if the steamers came there in consequence of the advantages to which he had previously referred. They would supply the vessels with their quota of the stores and provisions required, and people would have the advantage of going safely and easily on board to take their passages by the overland route to Europe. He thought he had made out a case so far as the colony was concerned, for this jetty beyond any in the colony, and again he said that something was due to the locality. For the last five or six years the place had been without means of communication at all, as hon. members would find if they went there. Some few hon. members had done so, and he believed their opinions were changed in consequence of such visits. But if this jetty were erected it would enable the people to build at something like a reasonable cost as there were large quarries on Yorke's Peninsula, and if this jetty were constructed they would see buildings of a superior character put up at a much cheaper rate than those now being erected. He hoped the House would take into consideration that the place at present had no communication, for there was no prospect of the bridge being built, although 40,000*l* had been paid for land in the locality, besides the 1,000*l* subscribed for the bridge.

Mr PEAKE was sorry to vote against the motion, but as the hon. the Commissioner of Public Works relied on bringing limestone up from the bottom to build the jetty, upon that ground alone he (Mr Peake) should oppose the vote, for the stone would be so rotten that they would soon have such a condition of affairs at the Jetty as they had at the River Weir. The work was not urgently called for, and the money was required in the rural districts. If we had plenty of money to spare it would be very well to make jetties to please ourselves. He could not agree with the hon. member that the jetty would be useful in reference to the mails, for if we could coax the steamers to Adelaide they would give us our mails at Glenelg.

Mr GLYDE would support the vote, and had he previously had any doubt of its propriety, the facts adduced by the hon. member for the Port would have convinced him of its necessity. His reason for rising was to correct a mistake into which the hon. member for Sturt had fallen with regard to the proceedings of the Chamber of Commerce. He (Mr Glyde) had referred to those resolutions, and found they were to the effect that the Chief Secretary should be requested to place a sum on the Estimates for the construction of a jetty and tramway at the Semaphore, and that the work should be immediately commenced.

Mr HAWKER, before going to the House, had determined to oppose the item unless good reason could be given in support of it, and his views were strengthened by what had been stated in its favor. The Commissioner of Public Works wanted to construct the jetty as a means of employing labor, but he (Mr Hawker) believed unless it was formed of the limestone taken up by the dredge, the materials would come from without the colony from Van Diemen's Land and Swan River—and consequently little benefit to labor would accrue. *He believed only twelve men were employed on the* jetty at Glenelg, and therefore a jetty of that description would do little to give employment. The hon. member (Mr Hart) said the hon. member for Encounter Bay (Mr Strangways) was wrong in condemning the jetty because ships could not go alongside, and he pointed out the advantage of putting barges laden with stone alongside it; but if it blew hard he (Mr Hawker) thought such vessels with such cargoes might put the jetty out of its equilibrium. But if stone or goods were landed there neither horse nor bullock-teams could draw them away, and therefore that consideration must be set on one side altogether. It was no reason that money should be expended at the Semaphore because money had been spent on the Glenelg jetty, but it was unfair to condemn a work before it was finished, for it was only by the result that its advantages or defects could be known. He knew the Semaphore was an unpleasant place to land at, but he had never heard of loss of life in consequence of the danger. Even if steamers brought the mails to Nepean Bay it would be a great point gained, but the point was to get the mails landed in the shortest time. He believed the Glenelg jetty would answer both purposes. He thought the labor might be employed more advantageously in the country districts, and therefore should vote against the sum.

Mr LINDSAY supported the item. The Government had allowed 21 years to pass without providing means for landing passenger traffic. In the finest weather the water was so shoal that it was impossible to get into a boat without getting wet. There were also other arguments for the expenditure. If 30,000*l* were a justifiable expenditure at Glenelg, 5,000*l* ought to be spent there. The Peninsula was not a desert, for it contained 2,000 people, many of whom had purchased land at high prices, and they had a right to a large share of the expenditure; money ought to be spent in the country districts, but not to the prevention of works of that sort. He should support the motion on condition of that sum being the whole amount needed.

Mr *BURFORD felt ashamed to prolong the debate*. He must vote for the motion, and was sorry to find such a disposition to pit one public work against another. Such works should be considered on their merits. Would hon. members presume to put the Port and Glenelg in comparison with each other? There could be no comparison, Glenelg was for purposes of pleasure, the Port was for purposes of business. Let them have business first and pleasure afterwards. He once reposed on the deck of a vessel without covering all night rather than land at the Semaphore, and on another occasion went to the water's edge with a gallant young friend who was going to meet his bride on board a vessel, but declined going further, for he was astonished at the heavy sea running on the coast. As to spending money in the country, there was there but little risk to life for want of roads and bridges compared with the risk in landing at the Semaphore. They should prefer protection to life where danger was concerned. A tramway would sooner or later be required, and they should set about it. He was glad the hon. member for East Torrens put the resolution of the Chamber of Commerce in its right light. Hon. members should be careful not to be too fast in their statements.

On the question being put the House divided, when there appeared for the vote, ayes, 12; Messrs Hanson, Finniss, Dutton, Barrow, Burford, Glyde, Hallett, Hart, Lindsay, McDermott, Solomon, and *Blyth* (teller).

Noes 13—Messrs Cole, Duffield, Harvey, Hawker, Hay, McEllister, Mildred, Peake, Reynolds, Townsend, Wark, Rogers, and Strangways (teller.)

The motion was therefore lost.

The next item was £20,000 for the main roads of the colony.

Carried.

Port Adelaide Hospital, £500.

Carried.

Botanical Gardens, £500.

Carried.

On the proposition to place £1300 on the Supplementary Estimates for the publication of the "Colonial Hansard,"

Mr STRANGWAYS wished to ask what arrangement had been made respecting the item of £1300. He had heard that some arrangement had been made, but he knew nothing about it. He had a circular from the Editor of the *Advertiser* stating, that such a contract had been entered into. Some hon. members had complained that reports were furnished them of their speeches but he made no objection to those sent him in the circular, nor to the propriety of a "Hansard" being published, but he thought a better arrangement might be made by subsidizing each paper, and getting both papers to publish reports, so that at the end of the session the House might decide which report should be taken. He considered that sum would be sufficient for the purpose, as it would only require an extra reporter for each paper.

The ATTORNEY-GENERAL said that one of the arrangements made last session was, that the Government should adopt such measures as were necessary for the purpose of having a full, accurate, and permanent record of the debates in that House. The Government gave a pledge to the House that they would act upon that—not merely to ascertain the terms on which it should be done, but also to make arrangements to have it done in such a manner as to justify them in placing the cost of it on the Estimates of that House. They accordingly took proceedings for obtaining a record of the debates of last session and entered into a contract with a gentleman who was then editor of the *Times*, to complete a volume of the proceedings of the former year for 500*l*. He need not say that that gentleman unfortunately failed. After communicating with the two present daily papers, the *Advertiser* agreed to perform that work for a considerably smaller sum than the *Register*. The *Advertiser* agreed to do it for £1,300, which, being a smaller sum than the Government believed that the House was prepared to vote for the purpose, they felt fully justified in closing with the proprietors, subject to the opinion of the House, and on condition that the acts of the Government were sanctioned by the Legislature, the Government believed that the House would not object to endorse the action taken by them, particularly when the ob-

jects proposed were carried out at a less cost than was anticipated

Mr PEAKE asked if the volume alluded to by the Attorney-General was likely to be furnished, or what had become of it? And also if the £500 had been paid? With regard to the arrangement made by the Government, to have the proceedings of that House reported he was cordially disposed to support it

The ATTORNEY-GENERAL had forgotten to state what had been done with regard to that volume A part of the £1,300 was intended to meet the possible expense agreed upon with the late proprietor of the *Times* for printing the Colonial "Hansard," but the Government did not feel fully justified in paying the sum until the volume had been placed before the Hon Chairman in his capacity of Speaker, in order that he might say whether the Government was justified in paying it or not For however well intentioned the work might have been it had not been carried out in such a manner as was contemplated by the contract, and therefore the Government would not pay it until the House stated they were justified in doing so

Mr GLYDE had not gathered how much the printing of the "Hansard" was to cost

The ATTORNEY-GENERAL—Thirteen hundred pounds

Mr GLYDE would like to know the regulations laid down respecting reporting The public money was spent to pay gentlemen in the gallery for reporting the speeches of hon members, and he wished to know what arrangements were made for furnishing hon members with copies Cases continually arose when gentlemen who spoke much said things they were sorry to see next morning, and he thought it probable in such cases there might be difference of opinion between hon gentlemen and the reporters as to what was said He wished to know what regulations existed as to deciding the point, and as to what should appear as the speech of hon members If the "Hansard" were to be of any value it should be a work of reference for the future as to what hon members said on particular subjects, and unless some regulation were adopted it would be useless He would ask the Attorney-General what regulations had been adopted

Mr STRANGWAYS asked information as to the Hansard of last year Hon members must be aware that only one paper then professed to give reports of the speeches, and he had understood the editor of the *Times* was compelled to compile the "Colonial Hansard" from the reports of the *Register* He wished to know if it was so or not If those reports were not true they ought to be officially contradicted, if true, it should be admitted

The ATTORNEY GENERAL stated, in answer to Mr Glyde, that the reports were to be a fair abstract of the debate on matters of ordinary interest, and complete and full reports of matters of importance The terms of the contract were the following —"Full and accurate reports of the debates in both Houses of Parliament to be made and printed in brevier or nonpareil type in the daily and weekly papers published by the contractors The reports wanted to be a fair abstract of any speech in ordinary debates, and a complete and accurate report in matters of interest Proof slips of the debates to be furnished to every member on the morning after their occurrence, for correction, if necessary, to be returned the following day at noon No charge to be made for alterations or corrections, but if the alterations are extensive, or appear to the publisher at variance with the purport of the speech, the contractor to refer to such person as the Government shall appoint to decide finally on the insertion or rejection of the alterations 300 copies of the revised reports of the debates to be transferred and printed in brevier or nonpareil type, and bound in boards, in volumes, large octavo size, and supplied to the Government within one month from the end of each session of Parliament The contract to be for three years, to commence from the beginning of the ensuing session, but should the House be in session at the expiration of that period, not to determine before the close of that session Payments to be made monthly in equal instalments In case of a resolution proposed by the Government, and passed by the House of Assembly, that the reports are not according to contract, the contract at any date to be determined, and notified by the Government, not sooner than one month nor later than three months from the date of the resolution" It was provided that the Government should name some person who should be the referee in case a correction should be made which altered the meaning of a speech He considered the Speaker of the Assembly would be an impartial judge He did not understand exactly the enquiry made by the hon member for Encounter Bay

Mr STRANGWAYS thought if an arrangement had been made that the proprietor of the *Times* should compile a volume of reports of Parliamentary proceedings from the columns of the *Register* it should be admitted, if not, it should be contradicted

The ATTORNEY-GENERAL said it was no part of the arrangement between the Government and Mr Allen The arrangement was that he should compile a complete abstract of the debates, but nothing more was said Mr Allen stated that the reports he had would enable him to complete the undertaking The impression was that he was in possession of sufficient reports to carry out the work, with occasional reference to other sources for the purpose of completing it

Mr HAY could not altogether agree with the arrangement made. He thought it was justifiable to have a Hansard, giving correct reports of the speeches of both Houses, but thought it was a mistake to publish reports of the speeches in a newspaper before hon members were prepared to say they were correct For one person looking at Hansard 500 would look at a newspaper, and he thought newspapers ought to publish speeches on their own responsibility He did not mean to say the reports of the *Advertiser* were incorrect, but if it was necessary to correct reports intended to be records of debates in that House, it was necessary to correct them before they were sent forth to the public He thought the Hansard should have no connection with the newspapers With respect to the £500, the House was not asked to sanction that, but he had heard hon members say that reports had been cut out of the *Register* and sent to them for correction He could not say himself, but if it was so, he supposed the *Register* was entitled to part of the £500

The ATTORNEY-GENERAL could not say what was done with regard to other members, but when the epitomising first began, slips were sent to him and in every case they consisted of the matter that was to be published, and were not extracts from the *Register* They were taken from reports in the *Times*, and were abstracts from what had previously been taken

Mr NEALES could bear out the last speaker, when he said that the slips from the *Times* office were sent in the form in which they were to appear in the book Whether they were extracts from the *Register* or the *Times*, was no business of his It began well and was very nicely got up, and he thought it ought to be continued in that form in which it began His intention in bringing the motion forward last session was, that some reliable report should be furnished of the debates ever since an elective body sat in that House, and he hoped the failure of the *Times* would not cause a breach in the reports of that House, and could only say that if the present Hansard was continued he should be abundantly satisfied Some who were in the habit of speaking long-windedly, might suffer in the reports, for his part, he generally wished to be as short as possible

Mr STRANGWAYS had not received an answer to his question He wanted some satisfactory information as to the source of the reports of the Hansard of last session, otherwise how could any one say whether it was reliable or not

Mr BURFORD only felt annoyed with Hansard on one occasion, in which the report of what he had not said would be perpetuated in all time, and he should be truly ashamed of what he had been said to have uttered He had been in hopes that the report would have been altered at once, but as it would have to be reprinted, his request could not be complied with Under the circumstances he felt greatly annoyed, for the speech was in reference to a question of great importance —it was in reference to the question of the continuance of the Attorney-General in that House He would like to have had it altered

Mr REYNOLDS would have been very glad to have corrected slips for the old Hansard, had they been sent to him.

Mr COLE asked if the 1,300*l* included the 500*l*

The ATTORNEY-GENERAL—Yes

Mr STRANGWAYS proposed that the amount, 1,300*l*, be reduced to 800*l*

Mr BARROW thought the fact of two Hansards having been mentioned had rather mystified the matter under discussion, and that consequently several observations intended to apply to one had been by mistake applied to the other With regard to the statement that £500 of the £1,300 on the Estimates was for the old Hansard, and £800 for the new, he could say nothing, not knowing what the Treasurer might have in view when inscribing that item, but whatever the £1,300 might stand for the new Hansard, as published in the papers, and subsequently in volumes, was to cost £1,300 per annum, according to the contract He would rather have said nothing on the subject, representing as he did the contractors on that occasion, but at the same time he was in a position to throw a little light on the subject, and felt it his duty to do so With regard to the opinion of the hon member for Gumeracha (Mr Hay) that the Government should pay for bringing out a Hansard as a permanent record of debates in the House, but not for special reports in the papers, he (Mr Barrow) considered that the chief value of the record was the publicity it acquired when appearing in the papers The ground that the hon member took was that where one person read Hansard 500 would read the newspapers He (Mr Barrow) could not, therefore, see the propriety of the Government paying for a work that only one out of 500 political readers would see The chief utility seemed to him to be that the reports appeared in the daily press before they were bound in volumes With reference to the cost of such a work it was impossible for parties unconnected with the newspaper press to form a right opinion on the matter The proprietors of the *Advertiser* did not expect to gain anything by their contract It was not their object On taking the contract, the first thing they did was to order 1,500 lbs of type expressly for the "Hansard" at 4s 6d per lb That was only the first step, as immediately afterwards they incurred fresh expenses in further purchases of expensive type and plant The mere work of reporting was only one item of the cost The expense of reading and correcting so much solid matter was much greater than that of reading off the light matter which was ordinarily contained in newspapers Then there would be 300 volumes of bound octavo volumes to furnish, which in a colony like this, where labor

cost so much, would be a very considerable addition to the expense, and had not the contractors desired rather to be engaged in an honorable undertaking than to secure a profit, they would not have entered into such an engagement With regard to the speeches of hon members not being revised by themselves before they appeared in the morning papers, it would be easy to insert a paragraph to that effect, but it sometimes occurred that the more life-like a picture was the more disagreeable it appeared to be (Loud laughter) It would be uncharitable in the extreme to give literal reports of all the speeches that were made—(hear, hear)—and sometimes it would be impracticable too, taking into consideration the wretched accommodation afforded to the reporters for the press It would be remembered that in a former session, when special reports of the proceedings of the House on the privilege question were required the official reporter was accommodated on the floor of the House, whence he could see and hear accurately everything that was going on, but under present circumstances, whether in consequence of the want of attention to the principles of acoustics in the construction of the House, whether owing to a temporary dulness on the part of a reporter, or whether to the indistinct utterances of an hon member, the thread of the argument was lost to the reporter, and in that most uncomfortable gallery it was perhaps impossible to recover it Hence, notwithstanding every possible precaution, mistakes would occur Every opportunity, however, should be given to hon members for the correction of errors of that description, and he (Mr Barrow) would like to see some one appointed to act as arbitrator between hon members and the reporters, for although he had very little to complain of respecting the corrections made by hon members, it might happen that an hon member might like to have his speech reconstructed under the idea it might be embellished by the addition of a few fresh sentences, and by the striking out of that which, though spoken, did not look well in print (A laugh) On the same principle some persons objected to photographs as being too true to nature That would certainly be the fate of the Hansard, if every word were reported, and he should, therefore, be very glad if some impartial and judicious person were to be appointed to act as umpire on occasions of dispute It was only on such occasions that his mediation would be necessary In one or two instances that had come under his notice, he considered that the reporter was right, but most of the corrections made by hon members had been fair and legitimate With regard to the correction forms, in such cases as that mentioned by the hon member (Mr Burford), when he wished to have corrected his speech relative to the office of Attorney-General, the correction arrived too late The contractors could not afford to keep up a mass of type for an indefinite period It must be distributed, and it was necessary, therefore, that slips should be returned corrected as soon as possible after they were received For instance, the proof of a speech made on Tuesday, would be received by hon members on Wednesday morning, and it must be returned on Thursday, otherwise it was not the fault of the contractors if the corrections were not made He apologized for those observations, but was anxious to have the work satisfactorily performed, and thought it most likely to be done if the contractors had the confidence of the House He assured the House that every effort should be made to give satisfaction (Hear, hear)

The Treasurer, in reply to Mr Cole, said that the sum of £1,300 on the Estimates was intended to include the £500 incurred for the "Hansard" of last session, and £800 towards the present "Hansard" The remainder of the sum necessary would appear on the Estimates when brought forward

Mr Reynolds would have been glad to have corrected the slips of the old "Hansard" otherwise hon members might be said to have uttered strange things

The Commissioner of Crown Lands would remind the hon member for Sturt that a copy of "Hansard" would be laid on the table of the House for the information of hon members and it would be then for the House to express an opinion on it A great portion appeared satisfactory, but the remainder had been done in such a hurried way that the Government thought it better to take the opinion of the House with regard to it

Mr Reynolds thought all should have had copies of the reports for correction

The Commissioner of Public Works thought the slips must have miscarried, for he had had them regularly

The vote was put and carried

Boring for water, Port Augusta, £200

Carried

Electoral charges, £1,500

Carried

Repayments, £664 10s 11d

Carried

Compensation to lessees for improvement on land, £2,709 5s

Carried

Compensation for adjusting boundaries of sections, £57 6s

Cost of books, library, £150

Carried

Stationery, £1,500

Carried

Gold Commission, Victorian Claim, £1,832 3s 4d

Carried

On Burra Burra Institute, £250, being put,

Mr Strangways wished to know if all institutions were to share the same advantage

Dr Wark thought those only should have help who helped themselves

The Treasurer said the Government added one-third on condition that the remaining two-thirds necessary were subscribed

Mr Hawker would vote for the sum if all institutions were treated alike

Mr Neales would not vote for it if all institutions were supplemented The Burra was quite an exceptional case There was a large population, and he thought, considering the expense of the Institute, £250 was a miscalculation

The Commissioner of Public Works would favorably consider all claims of any village, however small, if the inhabitants subscribed two-thirds the necessary amount

Mr Reynolds asked if the property was leasehold?

The Attorney-General said it was on a lease for 99 years

The vote was then carried

On the question being put that £3,000 should be voted for the Exploring Expedition to the norther interior

Mr Strangways asked what had been expended on that expedition, and what further amount would be required If the information were not satisfactory he would move the item be struck out

The Commissioner of Crown Lands said that when the £2,000 was voted last year it was understood the expedition would cost a considerable sum, but the House purposed to incur the expense Paper No 36 gave particulars of expenditure already incurred, and would show that £5,000 would not do more than cover it He would have been glad to have given information to the House of what had recently been done, but some hon members objected to its being published

Mr Hay said when the £2,000 was asked for, it was the general opinion of the House that the sum was little enough, and it was understood that the Government should not be blamed for the expenditure They had done right in not giving the leader of the expedition any ground of complaint

The vote was carried

The remainder of the items were then carried

Mr Reynolds proposed the reconsideration of the item £50, for a verandah to the Custom House, Port Adelaide He thought the gentleman who had incurred the expense had been sufficiently punished by the prospect of having it to pay, and he therefore moved that the item be reconsidered with a view to its being placed on the Supplementary Estimates

Mr Strangways seconded it

Mr Duffield, although he had voted for its being struck out, must support the motion, as since that time the House had voted a larger sum incurred under similar circumstances

The vote was carried

The House resumed

The Speaker reported that the Committee had agreed to resolutions, and the report was ordered to be read and taken into consideration next day

IMPOUNDING ACT

The Commissioner of Crown Lands moved the second reading of the Bill intituled "an Act to consolidate and Amend the Laws relating to the Impounding of Cattle" It was more than 10 years ago since the Impounding Acts were passed, and the country had had great experience since that time There had hitherto been two Bills in existence, but it was intended to consolidate all Acts into one The present Bill had been examined by the Chairmen of District Councils, who had expressed their entire approval of it Honorable gentlemen had the opportunity of comparing the present Bill with that originally brought in, and of observing the alterations A few words had been added in one clause which would have a very important bearing on its working, and it was one which more than any other had given rise to dispute and dissatisfaction to those parties who were obliged to impound cattle, and to those who had them to release He alluded to the clause requiring them to be taken to the nearest Pound In a legal point of view it was difficult to say which was the nearest According to the proper interpretation the nearest would be as the crow flies, others said it would be going by the road, which might be a good many miles further than in a direct line It was therefore proposed to leave it to the impounder, and the House would say whether they approved of the measure or not It was also proposed to exclude some persons from purchasing impounded cattle, such as the servants of the Poundkeepers, in order that there may be no collusion Another alteration was that the cattle should not be sold by the Poundkeeper but by a licensed auctioneer He thought that an important point, and one that ought to be carefully considered There were no doubt many respectable men poundkeepers, but some were not just what could be wished, and it was best to remove temptation from them It was not intended to charge the auctioneers with the license, but every possible enquiry would be made into their characters, so that the interests of the public might be safely entrusted to them Wherever a charge of misconduct was proved against a Poundkeeper, it was thought a summary power should be given to remove him Another clause of great importance was that, in case of excessive damages, they should be paid under protest, and another clause

required that damages must have been sustained one month prior to action being taken These were the most important alterations, others would appear as the clauses went through Committee He moved the second reading of the Bill

Mr LINDSAY would vote for the second reading of the Bill, if he thought it would be amended in Committee, but it was so objectionable that he could not He called attention to a few clauses, comparing the 21st with the 40th and 41st It was difficult to understand whether fences were necessary or not

The SPEAKER said it was not usual to go into the consideration of the clauses on the motion for the second reading of the Bill The principle should be discussed

Mr LINDSAY objected to that. Many of the clauses were contradictory Some were perfectly ridiculous, especially those making a distinction between fenced and unfenced land Some of the regulations would enable a person to annoy his neighbour and lead to endless litigation It gave power to destroy domestic animals, and there would be no knowing where it would stop It would probably end in shooting one's neighbour himself He hoped the Government would withdraw this Bill and introduce one similar to the regulations existing in France

Mr STRANGWAYS called the attention of the Attorney-General to the 6th Victoria He thought it would have to be considered with the Impounding Act. It related to the branding of cattle

The motion was then put and carried, and the consideration of the Bill in Committee was made an Order of the Day for Wednesday

EXECUTION OF CRIMINALS

The Bill for the execution of criminals was read a second time The consideration in Committee was made an Order of the Day for Thursday next

The SPEAKER reported progress, and the House adjourned to next day

LEGISLATIVE COUNCIL

WEDNESDAY, OCTOBER 6, 1858

The PRESIDENT took the chair at two o'clock

Present—The Hon the Chief Secretary, the Hon A Foster, the Hon Dr Davies, the Hon Dr Everard, the Hon Captain Bagot, the Hon Captain Scott, the Hon Captain Hall, the Hon the Surveyor-General, the Hon Mr Morphett, the Hon Mr Davenport

MESSAGE FROM ASSEMBLY

Upon the motion of the Hon the CHIEF SECRETARY, leave was given to the Hon John Baker to attend a Committee of the House of Assembly, for the purpose of giving evidence upon the subject of taxation

The PRESIDENT explained, in consequence of some remarks which fell from the Hon A Forster and the Hon Captain Bagot, that there was no novelty in the course which had been adopted by the Assembly, in soliciting that permission should be given to the Hon Mr Baker, the practice having existed for centuries in England The hon gentleman read an extract from "May" showing that such was the case The message from the House of Assembly merely requested that leave might be given to the Hon Mr Baker to attend if he thought fit

The Hon A FORSTER remarked that though this might be in accordance with the rules and regulations of the Imperial Parliament, a recent decision of the Judicial Committee of the Privy Council shewed that a person could not be compelled to give evidence before a Committee of the House, therefore, so far as any practical results were concerned, the resolution at which the Council had arrived in acceding to the request of the Assembly was perfectly needless The decision of the Privy Council had been recognised by the other House in a report placed before it in connection with the Standing Orders, and that House had expressed an opinion that a person could not be summoned, and had thought it necessary that a Bill should be introduced to define the privileges of the House. The privileges of the Imperial Parliament did not apply to the Parliament of the colony, but he would not oppose anything which was merely carrying out courtesy to the other branch of the Legislature

POSTAL COMMUNICATION

The Hon Captain BAGOT moved—

"That it is the opinion of this Council that, in consequence of the failure of the contract entered into by the British Government with the European and Australian Mail Company for the conveyance of the Australian mails, it is desirable that the three colonies, namely—Victoria, Van Diemen's Land, and South Australia—should unite in recommending to the Home Government that a proposition be made to the Directors of the Peninsular and Oriental Mail Company, for the conveyance of a *monthly* mail to and from Hobson's Bay, calling at Nepean Bay each way, and that a respectful address be presented to His Excellency the Governor-in-Chief, requesting him to communicate with the Governments of the aforesaid colonies, with the view of ascertaining how far they may be disposed to join in such a measure, and, also, that he will take whatever other steps may be found advisable for perfecting this important matter"

His object in bringing the motion before the House was to afford hon members an opportunity of expressing their views or opinions on a matter which vitally affected all, both as individuals and in their public capacity—postal communication with the mother-country A resolution to the same effect had been submitted to the other House of Parliament and carried Hon members would observe that he went further into detail than the other resolution, and it was for hon members to say how far they would adopt the proposition which he put forward He did not wish to press any portion of it beyond what was thought necessary He had addressed himself particularly to a line which had already been satisfactorily in operation for a number of years The Company he referred to were engaged throughout the eastern seas in carrying several mails He thought as regarded economy and accommodation, arrangements could be better conducted via Mauritius than by any other line He had referred in his motion to three colonies, but had not mentioned New South Wales, because the Legislature of that colony had determined upon adopting the Panama route, and had placed a sufficient sum upon the Estimates to enable them to carry it out It was therefore idle to expect them to join in and other route after establishing one for themselves He had thought it best to refer in his motion to the three colonies which had been left without any mail whatever To gain the supply of their wants they must make known what they were He wished the colonies he had named to unite with our Government, and that the Government should be supported by the opinion of the Council in any arrangements which were effected He had mentioned Nepean Bay in his motion, but he was not at all wedded to that portion of it, and if arrangements could be made for the vessels to call at Port Adelaide he had not the least objection to it Victoria in point of wealth and population being at the head of the Australian colonies, had a right to take a leading position in this matter and to contribute the largest amount, and should expect that whatever proposition was made would be first *made to that colony*

The Hon A FORSTER seconded the motion

The Hon Captain HALL, whilst generally agreeing to the motion, thought that it would be very much improved by a slight alteration, to which he did not think the mover would object The hon mover had stated that it was considered a great boon when the steamers called at Nepean Bay, but at that time they were pledged to a contract for a certain number of years Now they were free and unfettered, for if ever a contract was broken it had been broken by the European and Australian Steam Company In entering upon new ground nothing would satisfy him unless the steamers subsidized by the colony called off Port Adelaide He suggested that the motion should be altered in a way that he was satisfied would meet the wants and wishes of the community by the steamers calling off Port Adelaide each way

The Hon Captain BAGOT was quite willing to adopt the amendment

The Hon Captain SCOTT suggested as a mere verbal amendment that Tasmania should be substituted for Van Diemen's Land He hoped that in the new arrangements the Home Government would not act so hastily as they had, but that they would consult the various colonies before entering into any final arrangements He believed that what was asked for by the amendment was fairly due to us, and he should support it

The Hon Dr EVERARD asked the Chief Secretary if Holdfast Bay was not within the jurisdiction of the Port as, if so, he thought the mails could be landed at the Jetty at Glenelg, by which means persons would be enabled to get their letters some hours earlier than if they were landed at the Port

The Hon the CHIEF SECRETARY could not speak positively as to whether Holdfast Bay was within the limits of Port Adelaide or not

The Hon Mr MORPHETT asked the Chief Secretary whether, in effect, the Government had not anticipated the motion of his hon friend (Captain Bagot), whether they had not already taken steps in the matter He was rather inclined to think that the Governor had for some time been in correspondence with the other Governors of other colonies, and the Home Government, in reference to steam communication He thought that the Chief Secretary would be enabled to state that a very satisfactory termination of that correspondence was anticipated

The Hon the CHIEF SECRETARY said that all the correspondence which had taken place upon the subject was before the House and would be found in Council Paper 53 The resolution of the Hon Captain Bagot had to some extent been anticipated, but the Government considered it very desirable to have the opinion of that House in the shape of an address Hon gentlemen would recollect that in Act 1 of last session, authority was given to the Home Government to enter into an arrangement in connection with postal communication, until 31st December next All the neighbouring colonies acquiesced in that arrangement, and if the Home Government entered into a contract embracing the arrangement determined upon, that the vessels should touch at Nepean Bay, he apprehended the Government of this colony would be bound by it, he thought it probable, however, that before any such arrangement was finally closed, it would be submitted to the various colonial Governments for approval No doubt postal arrangements in connection with Victoria and Van Diemen's Land, would be best for the interest of this community, if the steamers touched off Port Adelaide each way,

and would be more economical, but if the other colonies ignored the geographical position of South Australia, and the steamers touched at Hobson's Bay, with branch lines to Adelaide, it would then be for the Government to consider whether it would not be better that South Australia should have a line of her own The Government had already entered into correspondence with the Peninsular and Oriental Company, for the purpose of ascertaining what subsidy they would require for carrying out the contract

The Hon A FORSTER thought that if any arrangement had been entered into with any new company by the Government, with the intention of carrying out the arrangement to which they were previously pledged, this colony would be, to some extent, bound by the arrangement, in consequence of the despatch which had been forwarded That despatch contemplated that, under the former arrangement, steamers would call, on their homeward voyage, at Kangaroo Island The despatch further suggested to Her Majesty's Government whether, from the geographical position of the spot which he had named, it should not be visited outward and homeward Were they to commence a contract again, he should certainly not feel disposed to vote money for any scheme by which the steamers would not call at Port Adelaide. He should not be satisfied with the vessels calling at Kangaroo Island even out and home. If the contract were to be recommenced, he should not sanction any other scheme than such as he had stated, but if the Home Government had renewed the contract with any other company, he should consider the colony bound by the arrangement He hoped, however, from the suggestions of His Excellency the Governor, that the steamers would call out and home to some port in this colony, he hoped Port Adelaide. If Victoria was satisfied with the route via Mauritius, which was as short as any other, no doubt the cost would be very much lessened by the adoption of the scheme by the Cape and Mauritius If Victoria was not satisfied with that route he hoped Van Diemen's Land and Victoria would join in some scheme with South Australia He considered the House should feel obliged to the hon Captain Bagot for bringing the motion forward, and was glad to hear that it met with the approval of the Chief Secretary

The Hon Mr AYERS cordially supported the motion, particularly since the amendment had been adopted by the hon mover

The Hon Mr MORPHETT hoped that the mover would include New South Wales, as he did not know why that colony should be left out of the arrangement They were in the habit of looking upon the Australian colonies as a united group The Hon Captain Bagot had stated that New South Wales had acted for herself in the matter by endeavouring to get a line via Panama, but in that arrangement the whole of the Australian colonies were embraced, as it was proposed that branch steamers should be in communication with the other colonies New South Wales did not exclude this colony from the advantages of that line and therefore why should New South Wales be excluded in the contemplated arrangements

The Hon Captain BAGOT said the reason that he had not included New South Wales was that she had already taken steps in the matter without reference to the wants or wishes of other colonies by providing a line of communication eastward about instead of westward about If the Council thought that New South Wales should be included he had no objection

The Hon the CHIEF SECRETARY stated that the Government had received a despatch from the Government of New South Wales, in which this colony was invited to join in the Panama route, the New South Wales Government also expressing their willingness to join in any other

The Hon Captain BAGOT stated the information conveyed by the Chief Secretary was perfectly new to him The hon gentleman adopted the suggestion of the Hon Mr Morphett, and the following amended motion was carried —

"That it is the opinion of this Council that, in consequence of the failure of the contract entered into by the British Government with the European and Australian Company, the colonies of New South Wales, Victoria, Tasmania, and South Australia should unite in recommending to the Home Government that an arrangement be entered into for the conveyance of a monthly mail to and from Hobson's Bay, calling off Port Adelaide each way, and that an address be presented to His Excellency the Governor-in-Chief, requesting him to communicate with the Governments of the aforesaid colonies, with the view of ascertaining how far they may be disposed to join in such a measure, and, also, that he will take whatever other steps may be found advisable for perfecting this important matter"

MESSAGE FROM ASSEMBLY

The PRESIDENT announced the receipt of a message from the Assembly requesting that leave be given to the Hon John Baker to give evidence before the Committee upon Assessment of Stock, and that the Hon Captain Bagot and Hon Captain Freeling have leave to give evidence before the Committee upon Colonial Defences

Upon the motion of the CHIEF SECRETARY leave was given

THE ADELAIDE AND GAWLER TOWN RAILWAY FURTHER EXTENSION BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, explained that it was a mere counterpart of a Bill passed last session for the extension of a railway from Gawler Town to Section 112 in the Hundred of Light The present Bill proposed to extend the railway from Section 112 to Section 1411 in the Hundred of Kapunda, and it would cost 180,000*l* The sum of £120,000 had been provided for the purpose last session, and the present Bill provided for a further sum of £60,000, £20,000 of which was to be provided from the general revenue and £40,000 by bonds The course of the line had been thoroughly investigated by a Committee of the House of Assembly, and it had been unanimously agreed that it was the best line which could be carried out Within a fortnight or three weeks of the Bill being passed the Government would be prepared to employ several hundred labourers upon the works

The Bill was then read a second time and passed through Committee, the third reading being made an Order of the Day for the following day

[Whilst the Bill was in Committee, the Hon A Forster asked if a Bill became law from the date of its passing, or from the date of the Governor's assent being given The President said that it took effect from the first day of the session, unless a special clause fixed a particular date The Hon Mr Morphett said that he had, last session, introduced a Bill to remedy this evil It had passed the Council but had lapsed in the Assembly]

CUSTOMS ACT AMENDMENT BILL

This Bill passed through Committee, and the third reading was made an Order of the Day for the following day The following clauses being substituted for those which had been postponed from the previous day,—

"2 The importer of any goods shall, in the case of coasting vessels having on board goods liable to duty and in the case of steamers and intercolonial vessels within twenty-four hours, and in the case of all other vessels within four days after the arrival of the importing ship shall have been reported at the Custom House, exclusive of Sundays and holidays, make perfect entry of such goods, and in default of such entry it shall be lawful for the master or agent of the vessel to enter such goods and convey them to a bonded warehouse, and if the duties due upon such goods be not paid within three calendar months after such twenty-four hours and four days respectively shall have expired, or within such longer period as the Collector of Customs shall in any case permit, together with all charges of removal and warehouse rent, the same shall be sold and the proceeds thereof shall be applied first to the payment of duties, next of freight and charges, and the overplus (if any) shall be paid to the proprietor of the goods or other person duly authorized to receive the same —Provided, that in the case of goods subject to the performance of quarantine, the date on which the same shall be released from quarantine shall for the purposes of this clause be taken to be the date of the arrival of the ship

"If any goods liable to the payment of duty shall receive damage during the voyage, from natural decay, or from any other cause during the voyage an abatement of such duty shall be made on the same terms and conditions and to the same extent as if such goods had been sea-damaged Provided that no such abatement shall be made if is not claimed before the said goods are removed from the wharf

The Hon Captain HALL again urged the Hon the Chief Secretary, before taking the Bill out of Committee, to consult with the Attorney-General, to see if it would not be practicable to introduce a clause obliging shipmasters to discharge their cargoes within a certain period, instead of keeping goods on board, as they frequently did, for the purpose of ballast

The Hon the CHIEF SECRETARY stated that he had consulted the Law Officers of the Crown upon the subject and that the Attorney-General deemed such a clause inexpedient

The House adjourned at a quarter to 4 o'clock, till 2 o'clock on the following day

HOUSE OF ASSEMBLY

WEDNESDAY, OCTOBER 6

The SPEAKER took the chair at 10 minutes past 1 o'clock

ADMINISTRATION OF LAW AND JUSTICE

Mr STRANGWAYS in moving the resolution standing in his name—

"That a Select Committee be appointed to inquire into all matters connected with the administration of law and justice within this province,"

Said the majority of matters involved in this notice were within the cognizance of that House, so he would not detain them long One matter which he would refer to was the administration of law and justice in the Supreme Court of this province Hon members must be aware of the constant disputes and squabbles which had taken place between the Judges of the Supreme Court, the Counsel, and the Jury An hon member who was in the habit of visiting the Court of Assizes, or any other courts of justice in England, must feel surprised at the scenes presented in our colonial Courts With respect to the Insolvency Court, there was another matter for enquiry The expenses in that Court at present caused considerable dissatisfaction In collecting assets and in the payment of dividends some remedial measures might be attempted —not that he wished to infer that any officers

connected with that Court were remiss in their duty. But what he wished for was some enquiry to be made to ascertain whether an improved system could not be devised. Another matter for enquiry would be the Local Court, in which there was at present great dissatisfaction expressed, which he attributed to the persons who were appointed magistrates not being independent. It was not right for a person practising any trade or profession to be placed in that position, for instance, a lawyer or doctor following out human nature, would be liable to give an opinion in favor of his client or patient. Another question for consideration would be the propriety of extending the jurisdiction of the Local Court, which might be extended from 30*l.* to 50*l.*, and as to which he would like to take the evidence of professional men.

Mr. Peake supported the motion, as there was some radical reform needed. One duty which devolved upon them was to keep on reforming the law. If they looked back some fifty or sixty years, and reflected upon what was the state of the law then, they would see what improvements had been made in it. They had done a great deal, but still there was something more to do. He thought much service would result to the country by the appointment of a Select Committee.

The Treasurer hoped the House would not allow the motion to pass without some discussion, as there was more implied in the motion than hon. members were aware of. The object of the motion was twofold. The first was to enquire into abuses. He supposed that if there were grievances they would affect the administration of justice and involve charges against high judicial functionaries. The other point involved in the motion was reform in the law *in toto*, but he would ask whether any Committee appointed by that House would undertake to reform the law. The Government were certainly always prepared to assist in enquiries, but to ask for a Select Committee, composed perhaps of unprofessional men to enquire into a subject involving such an immense amount of labour, was not judicious, and notwithstanding this the tables of the House were full of Committees already. He sat on two Committees on the same day, and no doubt, he was not singular in that. If they wanted reform, the power would be better placed in the hands of a Commission, but the course suggested was not feasible, even admitting it was expedient. With regard to any interference with the administration of justice, he thought the House should be careful. The impression that would be made on the dispensers of justice in the various Courts of this colony by a Committee of this kind, which would appear as sitting in judgment over them, would have a most prejudicial effect, and would be a drawback to the dispensation of justice. If there was any alleged breach of trust in dispensing justice the hon. mover should define it. He hoped the hon. member would see fit to withdraw his motion, especially as the the Law Officer of the Crown (the Attorney-General) was not present.

Mr. MacDermott would not support a motion of this vague and indefinite character, involving charges against the highest legal functionaries, without something more specific being laid before him. He thought also the House should not entertain the motion in its present form for one moment. The reform of the law was too intricate a subject for consideration by any Committee of that House, and he warned hon. members to pause before they agreed to it.

Mr. Reynolds thought no case had been made out by the hon. mover. As to the matter of convenience there were five Select Committees sitting at present, some of them on very important subjects. He opposed the motion.

Mr. Bakewell should vote against the motion. Before the House could take action in a case like this, there must be some definite grievance placed before them. If there were any mal-administration of justice let those parties come forward and do their duty by representing such grievances, and the House would do its duty to them by remedying the evil. But a general charge like the motion implied, against the highest judicial functionaries, magistrates and others, was too vague to even claim their attention. He doubted whether the House, too, had the power, and supposing that the reform of the land were necessary it must be done well and that was out of the power of a Committee of that House. Why, they would have to summons the Judges of the Supreme Court to give evidence. ("No, no.") But he contended they would have to do so, for they would otherwise lose the advantage of the most important witness. A large number of cases were decided by arbitrators, who possessed the functions of the Judge himself. These persons were also involved, and would require to be summoned. Then again, Jurors were involved in the administration of justice. He had seen a case that day only where the Jurors had most unwarrantably gone beyond their province, and had most grievously mistaken their position. With respect to the appointment of a Select Committee, he did not think there was ability in that House to form it. It would have to judge the Judges and would be constituted a Court of Appeal. They would be attempting what no man in that House—not even the Attorney-General—could perform. Nothing was more difficult to decide than what was justice, the sense of which was a faculty great and rare, and therefore not common to man in general, and it was a faculty the latest in coming to perfection. It was a great misfortune—he might say a calamity—to have the administration of justice called in question and the justice seat dragged in the mire.

Mr. Strangways was surprised at the remarks of the previous speaker, as that hon. gentleman had said that no case had been made out, though he (the hon. member for Barossa, Mr. Bakewell) was not present when the subject was introduced. That hon. member had said the scope of the motion was too great, and that some direct charges should be made, but he (Mr. Strangways) did not think it at all necessary, though he was in a position to prove any number of charges if called upon to do so. But his view was that the parties interested in such complaints should have a body framed out of the members of that House to refer to who would have the power of examining into facts on which the House could exercise their discretion as to the adopting of their reports or not. If there were any special cases involving complexity there would be a reference. They would remember the case of Gilbert *v.* Crombie, which was so repeatedly tried and in which the Judge decided on one side and the Jury on the other. Hon. members must admit that there was room for enquiry in such a case as this. As to the Insolvent Court he decidedly made no charge, as had been implied, but merely suggested an enquiry as to whether in the collection of assets and in the payment of dividends some improvement might not be made; of course it was to be expected that the Treasurer would oppose this motion in the absence of his *chef de cuisine* (the Attorney-General).

The Treasurer appealed to the Speaker as whether the hon. member was in order in calling the Attorney-General a head-cook.

The Speaker ruled that it was decidedly improper.

Mr. Strangways would withdraw the word. He thought if the Attorney-General had been present his knowledge of the difficulties complained of would have induced him to be favorable to the motion. It might be said that they could refer such matters in dispute to the Attorney-General, but the result would be that he would pursue the same course which was pursued by the Government on every occasion of dispute, viz., to refer it to a Select Committee. And could they not do so themselves, without such intervention. If they waited until the Law Officers of the Crown took the matter up, they would have to wait until doomsday. There was such delay in the investigation of such complaints by gentlemen in office, that a complaint made to-day would only reach that House, perhaps some 12 months hence. It would be quite enough for that House to consider whether the administration of law and justice was in the best possible state. It had been said that there were five Committees already sitting. He saw, however, from a paper before him, that one of those Committees was to report on Friday, one on Wednesday, one on Thursday, and one on Tuesday week, and he supposed that they would report in accordance with the intimation on the paper before him. If this were admitted as an objection, however, an extension of time might be obtained for the Committee. He should take the sense of the House on the motion.

The Speaker put the question, when a division was called for—the result being—

Noes, 15—The Commissioner of Crown Lands, Messrs. Shannon, Hay, Rogers, Solomon, Scammell, McDermott, Harvey, Hart, Barrow, Neales, Blyth, Reynolds, Treasurer, Bakewell (teller).

Ayes, 10—Messrs. McEllister, Hawker, Duffield, Lindsay, Townsend, Peake, Burford, Glyde, Mildred, Strangways (teller).

The motion was accordingly lost by a majority of 5.

MAP OF THE COLONY.

Mr. Barrow in rising to move the resolution standing in his name—

"That the Government cause to be prepared, for the use of this House, a new Map of the Colony, on a large scale, including also that portion of the territory of New South Wales lying to the west of South Australia, such map to show all surveyed Sections in this province, and all sold Sections, also all leased Crown lands; also, the direction of all surveyed lines of main roads, showing to what extent such roads have been formed; also, the direction of all railways and tramways, and of all surveys made for railways and tramways; also, the situation of all known mines; also, all municipal and electoral boundaries, and all tracks of explorers beyond the settled districts; also all the principal soundings, currents, and obstructions to navigation along the coast."—

would not detain the House long. It was well known to hon. members, especially to those who had any experience on Committees of that House, that the inconveniencies to which they were subjected from the want of a reliable map such as the one asked for were considerable. It was true they had a number of small maps, but these were too perplexing to be of any service. He had experienced the inconvenience of which he spoke, whilst sitting on the Kapunda Railway Committee. It was to obviate the necessity for these small maps that he proposed to have one on a more comprehensive scale, which might be referred to on all questions affecting the construction of railways, telegraphs, or lines of main roads, one which could be referred to on questions affecting local mail communication, and the construction of wharves or jettys. Committees then would be in a position to discharge their duties satisfactorily to themselves and to the public. He had heard of a plan which had been adopted in England for reducing the large Ordnance

maps by means of photography to any required scale, without interfering in any way with the most perfect minuteness in detail, and he thought such a system would prove of advantage here. What they wanted was one large standard map. It might be said that the expense of such a work would be great, but he maintained they should consider the question irrespective of any moderate expense. He was not in a position to state what the expense of such a production would be, but, of course, if it were excessive, or the value of the work were not commensurate to the expense, he would ask leave to withdraw his motion. What was desired was that they should have some standard map which would obviate the necessity for the perpetual call for surveys. He had been informed that a series of maps were now in course of preparation which would embody the requirements of his motion. If they had any reasonable prospect of getting these maps soon, and also of their being of the nature required, it would be equally pleasing to him to withdraw his motion. The principle point was one of expense; if excessive, he should not press his motion.

Mr Peake seconded the motion, as a map such as was asked for would be of great value, and could be very economically done at the present time. All surveys when made could be immediately inserted in such a map. He had been told that it would require a map of 35 feet square to include all the information which was asked for; but if it were 1,000 feet square he should not object to it. Let them consider what had been done in Europe in compiling ordnance surveys, the millions the British Government had spent in it, and how much money might have been saved if not delayed so long. In the colony they now had the full command of information, and it would be an act of economy to commence it at once. He hoped the House would agree to the motion on the grounds of expediency and economy.

Mr Duffield asked what the expense would be.

The Commissioner of Crown Lands said that if the House assented to the motion before it a map must be constructed about 35 feet square, because the colony was contained within 12 degrees of latitude and 12 degrees of longitude. As therefore the work would be a very extensive one, and as the staff now employed in the survey department was not more than sufficient to carry on the work of the department, it would be necessary to engage further professional assistance. It was impossible to form an accurate estimate of the expense, as it would have to run over a considerable length of time. He thought it would be premature at present to enter on a work of that kind—(no, no)—because every year they were obtaining more information in regard to the colony, and whenever it was constructed it should be of a permanent and useful character. The lithographic department had been engaged in lithographing sheet maps of surveys on a scale of quarter of an inch to the mile. They were surveys of sold and leased lands, and they would give an accurate idea of the surface of the colony. He thought it would be better to withdraw the motion, in order to allow those maps to be finished, and then it would be competent for the House to say whether they would have a map prepared on an extended scale. If the proposition were carried out it would be necessary to construct the map in sheets, for there was no room large enough in the colony to hold a map 35 feet square. With regard to the coast line various portions of the coast were already lithographed, and although it was inconvenient to consult the separate portions, they could be got at without any great trouble.

Mr Strangways would support the motion, although he was hardly inclined to agree with the hon mover in all he had said. If it were prepared according to the scale suggested of one-half inch to the mile it could not contain the various details suggested. An area 35 feet square would be merely a fraction of what was necessary to show those things. He confirmed what the hon member for East Torrens said respecting the use of the photographic process in the reduction of maps, and from what he knew of the process it might be used in the Crown Lands and Public Works Department with great advantage. The cost of the apparatus would be about £100, and in most instances a photographic copy of a survey could be given for 2d or 3d. He thought the Hon Commissioner of Crown Lands and the Commissioner of Public Works would both understand the advantage of the application of the photographic process to copying drawings and plans.

Mr Neales hoped the hon member for East Torrens would be induced to withdraw the motion. It had been sufficiently ventilated to produce good results, but the last speaker had shewn that a map 35 feet square could not comprise all that was asked for. He would remind the Government that the little scraps brought before the House in the shape of maps were not on one uniform scale, otherwise they might be made useful in completing such a map. He thought if the resolution passed it would not lead to the results anticipated by the mover; but at the same time it would not do to wait, for if Mr Wyld waited for information, he would never sell his maps. He thought such a map could be obtained by restricting all Government surveys to a given scale, and from what he could gather, the map before the House, when completed, would be both handsome and useful.

Mr Lindsay would support the motion as far as practicable. He was afraid of the cost, and believed the Survey Department had not the requisite data for constructing such a map. In regard to what his hon colleague had said respecting the scale of ¼-inch to the mile, he would observe that by a judicious selection of colours a great deal of information might be given. He would suggest that, in addition to the information proposed to be given in that map, there should be the "sections of artery lines of railways." He had seen maps of England with all the railways and sections of lines which although on a small scale gave every information necessary with regard to the gradients of those lines.

Mr Hay trusted that the hon mover would withdraw the motion, for he thought the expense would be much greater than the advantage derived from it would justify. The hon member for Encounter Bay stated that, to contain a map giving all the information asked for, it would be necessary to build a room. A map was constructed at great expense some time ago which was now put by in some Committee-room. It was stated by the Commissioner of Crown Lands that maps of the various runs were now being published. He thought that was all that was wanted. In a few years, such a map as was asked for might be of value, but to include the obstructions and soundings, with all the other information in the same map, would be trying to throw too much together, and it would probably not be worth the money when constructed.

Mr Barrow would offer a word or two in reply to what had been said. The objections made to the map asked for were on quite an opposite ground to what he had expected to be urged, for it was replied that such a work would be premature. He considered that in maps, as in history, the nearer a commencement was made to the fountain head the better. He could have understood its being too late, but to say that it was too soon, was illogical. An objection had been made that on a map on the scale of ½-an-inch to the mile, it was impossible to lay down lines of road. He believed those might be indicated on a very small scale. The map then before the House was actually smaller than that, and yet many of those things were done. The Ordnance Survey of one inch to the square mile in England gave lines of road every house, every garden and every mill, and was an evidence of what might be done on a scale of one inch to the mile. He considered, therefore, that half an inch to the mile might include all the information asked for. The Commissioner of Crown Lands stated it would take a long time to prepare a map on so extensive a scale, and that it would be expensive. He would put the two propositions together, and would say that the expense would be spread over a considerable period of time. He did not wish to press the motion if it was desired by the House that it should be withdrawn, but as he scarcely knew whether that was the desire or not he would press it to a division.

The motion was put and negatived.

PUBLIC MONIES

Mr Strangways moved—"That there be laid on the table of this House a return of the gross amounts of all moneys, the property of the South Australian Government, that were in possession of each of the three Banks on the 1st January last, and on the first of each following month to the present time." He believed the Government had retained a large amount of money in the hands of the Banks, while at the same time they had issued bonds under the authority of that House. It was possible such a course might be advantageous to the colony, but it might be injurious. The returns of the bonds sold were before the House, and in order that the House might form its own opinion as to the financial movements of the Government, he begged to propose the motion, and wished the return to include distinctly the amount held by each Bank at the present time.

The motion was carried.

DUTY ON CORNSACKS

Mr Hart begged to move the motion standing in the name of Mr Bagot, who had requested him to do so, as he (Mr Bagot) was ill and unable to attend in his place in the House.

The Speaker said as the motion affected the revenue of the colony, it could only be introduced in Committee.

Mr Hart moved that the Speaker leave the chair, and that the House resolve itself into a Committee of the whole for the purpose of considering the motion of the hon member for Light.

In Committee—

Mr Hart said that as a Committee was sitting on the question of taxation, he considered it a sufficient reason why the House should express an opinion in reference to the motion he was about to bring under its consideration. He would only call attention to the fact that as ore bags and wool-packs were allowed to pass duty-free it was not fair that corn-sacks and corn-bags should be articles of taxation. The amount levied on them was large and told against the agriculturists. The Governments of Victoria, New South Wales, and Tasmania were trying every possible means to encourage agriculture, and he thought it very unfair on the part of this Government to lay a tax on articles most of which were not consumed in this colony, and which amounted to £4,000 or £5,000 a year. It was 7½ per cent on the value of the article used and it was a hindrance to the export trade of the colony. He thought it was an oversight on the part of the Government, and he considered the House would see the necessity of taking all duty off those articles. ("No no," from the Commissioner of Crown Lands.) The Commissioner of Crown Lands said "No." He (Mr Hart) should have expected something else, for that

gentleman was a large importer of bags, but unless those bags were sent out of the colony duty free he would have a poor sale for them in 12 months time. He begged to move—

"That, in the opinion of this House corn-sacks and manures of all kinds should be admitted free of duty, and that an address be presented to His Excellency the Governor-in-Chief, requesting him to cause a Bill to be introduced in this House for the purpose of placing corn-sacks and manures on the free list in the Tariff."

Mr SOLOMON, while admitting the principle of the mover to be correct, must, in the existing state of affairs, vote against the motion. His reasons were twofold: 1st, because there was a Committee sitting to investigate the whole question of taxation, and that matter must necessarily go before them; and another reason he would presently state. The House was aware of the injustice of putting a duty on corn sacks, while while ore bags and woolpacks were free. But no notice was taken of the material of which they were made, which paid an ad valorem duty of 5 per cent making 5¼ per cent on cost. In England many persons obtained a livelihood by making bags, at 2s or 2s 6d per dozen; he thought it was possible to employ persons in such a manufacture, who now obtained relief from the Destitute Board. Had the resolution included the raw material of which those bags were made, he should have voted for the motion.

Mr STRANGWAYS would support the motion before the House. He was surprised at the hon member for the city being desirous to bring into this country the system of paupers and the workhouse (no, no) by introducing the manufacture of bags at 2s 6d or 2s per dozen.

Mr SOLOMON explained. He merely alluded to those employed at the Destitute Board.

Mr STRANGWAYS—It was not possible that the House should go on the principle of providing work for the starving poor, by making bags at 2s per dozen. If the raw material were imported free, bags could not be manufactured so cheaply as they could be imported. He could not understand the hon member's arithmetic when he said an ad valorem duty of 5 per cent was 5¼ per cent on cost. He should support the motion, for he considered no advantage should be given to one class over another.

Dr WARK supported the motion. It seemed strange that the corngrowing population should be taxed when woolgrowers had their packs duty free. (Hear, hear.) The sooner it was done away with the better. As for the idea of poorhouse labor, the poor were maintained in this colony better than in England, and he could see no reason why they should not work if they were able to do so. It was better than doing nothing, for they might thus be able to do something to help the Destitute Asylum. If the hon mover would allow an amendment including the raw material to be introduced into his motion, he thought it would pass without objection.

Mr NEALES said, if the hon member (Mr Strangways) had paid as many duties as himself at 5 per cent he would have known how the amount of it reached 5¼. There was 10 per cent added to the invoice, and 5 per cent on the total amount, was just 5¼ per cent on cost price. He was sorry to see the views taken by his hon colleague on the occasion, for he (Mr Neales) would gladly have included the raw material in the resolution, but as bags were made of so many materials it was possible the remission of that duty would tend to do away with all duties on soft goods. He felt the levying of duties on imports was a suicidal policy. In Melbourne a person could take a store and put his goods in immediately on landing, but in this colony he must pay 5¼ per cent before doing so. The consequence was that Melbourne had become the depot for the Australian colonies instead of Adelaide. Taking duty off bags was a move in the right direction, and he should vote for it.

Mr McELLISTER would vote for the motion, because he felt the House ought not to continue a duty on cornsacks and take it off wool-bags and ore-bags.

The TREASURER thought the discrepancy in the tariff of levying duty on corn-bags and not on wool-packs and ore-bags very objectionable, but would remind the House that a Committee was sitting on the subject of taxation, who would have to consider those matters in connection with the tariff. He thought there was every probability of those articles being included in the free list, and he thought it hardly right to ask the Executive to bring in a Bill for one particular item when the whole system was under consideration. It would be better to withdraw the motion. From his formerly expressed his opinion he felt obliged to support the present question but thought it desirable not to press it.

Mr HART believed the hon member for Light would act on that suggestion, and therefore felt justified in doing so; at the same time he thought that the Committee on Taxation then sitting ought to be informed of the opinion of the House that cornsacks and manures should be admitted duty free. Therefore, with the leave of the Committee, he would be content to withdraw all that portion of the motion after the word "duty."

Leave was given and the resolution passed.

The House resumed.

The SPEAKER reported the resolution of the Committee.

Mr HART believed he should be in order in moving that the resolution be forwarded to the Committee sitting on Taxation, with a request that they take the resolution into consideration. Carried.

GOLD LICENSES

Mr SOLOMON moved—

"That, with a view to test the gold-producing capabilities of this colony, it is desirable that licences should be granted to all applicants to dig and search for gold on any of the waste lands of the Crown within the colony of South Australia, free of charge for three months from this date."

The SPEAKER stated that as it was a question affecting the revenue the House must consider it in Committee.

On the motion of Mr SOLOMON the House resolved itself into a Committee of the whole.

In Committee.

Mr SOLOMON, in moving the resolution, would not detain the House, for he considered the advantages of the discovery of gold apparent to every hon member. He considered it of the first importance that a gold-field should be discovered in South Australia, and that therefore the action of persons disposed to search for gold should not be clogged in any way. It was understood in the colony that the search for gold should be encouraged. All the neighbouring colonies had profited by their gold discoveries. If a field were discovered here the revenue would benefit, private and public lands would be affected, and trade would be encouraged. He therefore moved the resolution standing in his name. He had introduced three months into it because he thought the colony should derive a revenue from the discovery of gold, and not from the search for it.

Mr HAWKER thought the motion unnecessary, as there was no regulation preventing a search for gold in the colony. The difficulty was the expense attending the search, but as there was no licence required for searching he could not see how the licence fee could affect the searcher.

Mr NEALES considered if the motion was passed, certain reservations would be necessary in respect to excluding persons from searching where leases for mining already existed; also with regard to the Echunga diggings, as that was a declared gold-field. It might strictly be confined to waste lands not already leased for mineral purposes. He considered such motions did good by keeping alive in the public mind the gold question, and that fifty small discoveries would be equally beneficial with one extensive field.

The COMMISSIONER OF CROWN LANDS saw no great objection to that motion, nor any great benefit likely to arise from it. There was no regulation preventing any one prospecting excepting where leases already existed. The Commissioner of Crown lands ought to be authorised to exclude certain waste lands from search, and to adopt regulations for preventing accidents from prospecting parties leaving holes open.

Mr ROGERS would support the resolution.

Mr STRANGWAYS thought the resolution superfluous; for any person that was inclined could search for gold. It would also tend to persons searching in unfenced private lands.

The COMMISSIONER OF CROWN LANDS said that it would not do to remove the licences from the parties already at Echunga. They only paid 10s a month, and the amount received did not pay for the supervision and protection of 60 to 100 persons there.

Mr BURFORD asked the hon member to withdraw his motion.

The CHAIRMAN intimated it was 3 o'clock; the motion therefore lapsed.

The House resumed.

ASSOCIATIONS INCORPORATION BILL

The Associations Corporations Bill was read a second time.

THE PUBLIC WORKS BILL

The House resolved itself into a Committee of the whole.

The various clauses passed through Committee with some few amendments.

The House resumed.

The SPEAKER reported progress.

The consideration of the report of the Committee was made an Order of the Day for Thursday.

SUPPLEMENTARY ESTIMATES

The COMMISSIONER OF PUBLIC WORKS moved, in the absence of the Attorney General, the adoption of the report on the Supplementary Estimates.

Mr REYNOLDS remarked that the absence of the Attorney-General had been commented on by several members of the House. One very important Bill had been introduced into that House when the Attorney-General was absent.

The SPEAKER put the question, that the report be received by the House, which was agreed to.

Mr HART, before the House adopted that report, would move that the report be recommitted for the purpose of inserting the sum of £5,000 for a boat jetty at the Semaphore. He believed yesterday many hon members voted under a misapprehension. ("No, no.") Many said they believed that it was only getting in the thin end of the wedge, and that a larger sum would be required. He had enquired of the Commissioner of Public Works, who, from the plans and estimates in his possession, stated that unless that amount would complete the jetty, he would not commence it. He thought one hon member mistaken as to the amount of labor that would be required, for it was found that timber from the neighborhood of Port Wakefield was

the best adapted for making jetties to be found in the colonies Some poles driven in at Port Adelaide 15 or 16 years ago were in excellent preservation The labor, therefore, would be confined to the colony All strangers landing at the Semaphore (where almost every passenger lands) would now have an *unfavorable impression respecting the colony* That feeling had induced many persons to remove from it He had taken no part in the cry that had been raised respecting that jetty It was a cry from most of the mercantile people of South Australia (*no no, hear hear*), as well as from every person in that locality A jealous spirit had manifested itself on the subject, which he was sorry for He had never voted against the erection of jetties, and had never voted on any jetty so much required as that

Mr SOLOMON seconded the motion because he believed a large amount of misconception existed on the subject He was surprised at the opinions reported to have been expressed by the hon member for Sturt It was absolutely necessary a boat jetty should be erected on the spot indicated With regard to a jetty on the North Arm, in 50 years it would be useless Every one landing cried out for the accommodation of a boat jetty Some persons voted against it yesterday who had from better information altered their opinions

Mr STRANGWAYS was surprised at the course taken by the hon members for the Port and city The hon member for the Port placed every difficulty in the way of landing passengers at the Semaphore, for he was a member of the Committee on the defences of the colony He said it was his duty to construct batteries to prevent persons landing at the Semaphore—("oh, oh," and laughter)—and he would now construct that jetty to facilitate an enemy's landing

The SPEAKER called the hon gentleman to order

Mr STRANGWAYS said there would be some difficulty in boats getting to the jetty He had landed and embarked at Glenelg, perhaps more frequently than any other member, and if a boat upset there the consequence was only a ducking but if at the Semaphore an unknown quantity of water and mud He considered the jetty would be perfectly useless, and if £5,000 were voted it would have to be supplemented by another £5,000—("no, no")—and another He should oppose the motion

Mr REYNOLDS had one or two remarks to make, as he had been referred to by the hon member for the Port (Mr Hart), and the hon member for the city (Mr Solomon) He had made a statement on the previous day from memory, and he now found that it was not correct, so he must make as good an apology as he could He had stated that the Chamber of Commerce did not recommend that a sum of money should be placed on the Estimates, but he was now informed by a letter, that the Chamber did make such a recommendation, and though he could not find the report of the meeting, he accepted the statement There was also a majority of more than one in favor of the motion It appeared that on a former occasion, there was a majority of two but it appeared from a letter which he had received that day, that there were eight against the motion and fifteen in its favor He thought these twenty-three merchants were not a fair representation of the commercial interest of South Australia, and that if only fifteen voted for a work which they were told was to save so much life and property, it could not be a very important matter The hon member for the city said it was to save life and property, and if he (Mr Reynolds) had heard of a single soul being drowned — (laughter) — it would no doubt alter his opinion, but he had never heard of such an occurrence. The water was too shallow unless a person was a mile or so from the shore, and then he might be lost The hon member for the Port said that the jetty could be built for £5,000, but the House was told that the Port Bridge could be constructed for £3,000—(no, no)—then for £4 500, and now after £4 850 had been asked for it was found that the bridge would not do at all So too it would be with this jetty But, in voting without plans or estimates, hon members would find that this £5,000 would swell to £10,000, and the £10,000 to £20 000, and then would come the vote for a tramway If the hon member (Captain Hart) would only come forward and say how much money would do for the Port which he represented, he (Mr Reynolds) would be content Would the £5,000 satisfy the hon member? No If there were no other ground he should oppose the vote, because there were no plans or estimates, and how hon members could support the vote after the late expression of opinion on that very point he could not understand Hon members must be very inconsistent ("No, no") Why even the Government themselves were prepared to carry out the spirit of the motion The hon the Commissioner of Public Works said "No," and he (Mr Reynolds) expected that hon member would say anything by-and-bye (Loud laughter in which the Commissioner of Public Works joined) If they voted this money, they would not be carrying out the spirit of the resolution, and if the House went into Committee, he should move that other items be recommitted Again, the House was taken by surprise, and he knew that certain parties had been beating up for support, as he saw many hon members present who were not in the House on the previous day Several country members were not in the House not expecting that the matter would be again brought on and he had no hesitation in saying that the vote would be thrown out, if they gave the country members the opportunity of expressing their opinions upon it

Mr BURFORD thought they could not have a better proof of the favorable progress of their side of the question, that was, in favor of the pier, than the remarkable exhibitions of the last two speakers, the hon member for Encounter Bay and the hon member for the Sturt He could not help being amused at the far-fetched idea of the hon member for Encounter Bay in reference to the batteries, that, because the Hon Commissioner of Public Works was opposed to the landing of his enemies, he should keep out his friends also If this did not show that the hon. member was at his wit's end he did not know what could, and, therefore, he took it as a proof of the propriety of the course which he (Mr Burford) advocated The hon member's statements were too rash and inconsiderate, and some of them erroneous He was astonished that hon members were not all influenced by the solemn assurance given through the hon member for the Port on the part of the Hon the Commissioner of Public Works, that this money should be an *ultimatum*, and that if there were any proof that the jetty would cost more than £5 000 he would not spend a shilling It was of no use to have public servants if we did not confide in them, although they sometimes deceived us (Laughter) But his system was always to trust a man until he proved himself to be a rogue As to the hon member for the Sturt—an old friend with whom he had worked for years—that hon member had made a very ungraceful withdrawal of a statement which he had made on the previous day

The SPEAKER ruled that the hon member was not in order in referring to a speech on a previous debate

Mr BURFORD resumed There was a certain character of wildness about the remarks of the hon member which he was sorry to see The hon member seemed to abandon himself to his feelings so that he (Mr Burford) was sure the hon member could not be under the dominion of reason (Loud laughter)

Mr REYNOLDS called the attention of the Speaker to the words "He cannot be under the dominion of reason "

Mr BURFORD had no intention to give offence, but spoke in a spirit of caution in order that his old friend (Mr Reynolds) might not be so haphazard in his remarks The hon member's arrows flew in all directions, and whether they hit or not was a matter of no certainty with the hon member himself, and he (Mr Burford) was sure was a matter of chance with anybody else As to the House being taken by surprise after the manifestations of feeling on the previous day, when there was only a majority of one against the motion in a tolerably full House of some 25 members, he thought that circumstance a fair ground for supposing that a motion would be made for the recommittal When he compared this work with another—a practice which at the same time he condemned—it would bear the comparison as regarded its usefulness, not to the Port merely, but to the colony at large, as soon as we had the mails coming direct to Adelaide

The COMMISSIONER OF PUBLIC WORKS had no objection to give a pledge that if he could not carry out the work for £5,000, he would not go about it at all The plans originally prepared comprised matters such as rails and a crane, which would not be necessary for a boat jetty, and these would be dispensed with He thought his position as a member of the community, ought to give some weight to this assurance, but when a member of the House gave a distinct pledge as the head of a department, he thought the House should accept it as conclusive As to only fifteen members of the Chamber of Commerce voting for this jetty, there were many members in favor of it who did not vote He was a member, and if present would have supported it The House would not be justified in refusing the money ("No no ") Reference was made to country members being absent, but he saw many in the House Were all the country members who were in their places that day not in the division of the previous day, or were all these members in favor of the recommittal, or were they all 'beaten up?" If they were, he was no party to such a proceeding He only asked for money which was wanted, and he hoped hon members on calm consideration would reconsider the vote

Mr TOWNSEND had not spoken on the previous day, and he now wished to say a few words in justification of the vote he then gave He was sorry this motion had been made, as during the session previously there had been an absence of strong feeling, and there was nothing in his judgment so much calculated to embitter their debates and excite ill-feeling as that, simply because a small majority carried a vote it should be recommitted the next day Anxious as he was that the Legislature of South Australia should stand high in the colonies he hoped this was the last time such a course would be pursued The hon member (Mr Burford) had said in reference to the hon member (Mr Reynolds) that that hon member had left the domain of reason, and if lightness in the treatment of a subject and brilliancy and ability could be taken as proofs of such being the case it might be true, but nobody would suppose this in reference to the hon member (Mr Burford) is that hon member's heaviness in debate, and assertion of abstract principles proved him to be in the domain of reason (A laugh) He had voted as a commercial member on this subject after he had received a circular asking him to support the item He had given the subject all the attention at his command, and had listened carefully to all the argu-

ments and then gave his vote against the jetty because he believed it was not necessary, and that £5,000 could be laid out better If the hon members, Messrs Hart and Solomon, had brought forward any new arguments, he would say it was right to recommit the item, but these hon members only repeated their previous arguments The arguments were that this was the best place to land mails and passengers, and then there was that touch of pathos that the hon member (Mr Solomon) had been capsized, and had to swim (Laughter) There was scarcely a steamer arrived from Melbourne but he (Mr Townsend) found that passengers landing at Glenelg were in town two hours before those coming by the Port It was for this reason, and because there was sufficient accommodation for landing the mails in the bay, that he voted against the item The Hon the Commissioner of Public Works said he felt that his character was almost at stake when he gave a pledge that the cost would not exceed £5,000 If the hon member gave his guarantee as a private individual that he would construct the work for that sum, on plans approved by the House, he (Mr Townsend) would accept it But the plans of to-day were not the plans of yesterday The Government intended at first that there should be rails, but when they were fairly beaten, they said, "we must not ask so much we must get up simpler plans, and place them before the House, and say, 'I give my word I will not ask for more'" But the journals of the House showed that there was no instance in which a work was completed for the money voted ("Oh, oh!" from the Treasury benches) Believing that the passengers and mails could be landed in the Bay—("No, no!" from Mr Scammell)—the hon member said "No!" but he (Mr Townsend) had no land either at the Bay or at the Port, and as he represented a country district, it was his desire to have the money spent in the country He was, therefore, disinterested in the matter He deeply regretted that this subject should be revived, and if the amendment were carried, he should move that the vote for the verandah at the Port, be reconsidered for if this course were to be persisted in, the business which could be done in three months, would occupy nine or ten months, and they would embitter their debates by party spirit and party strife

Mr DUFFIELD found a difficulty in judging when the advocates on both sides told such different tales One argument of the hon member for the Port was, that if the people got a jetty they would have stone from Yorke's Peninsula for building, but now the hon Commissioner of Public Works said there would be no rails or crane He (Mr Duffield) asked how were people to raise the stone from boats to the pier without a crane or something of the kind Hon members in favor of this vote did not take sufficient care to make their tales tally He thought with the hon member who spoke last, that the question having been so fairly considered should be allowed to rest, but hon members differed with him, and he supposed they had a perfect right to bring the matter forward again He opposed the motion because many districts wanted such a sum of money as this, more than the locality for which it was proposed to vote it He, like many hon members, had never heard of a serious accident from want of this jetty The only accident he had heard of was the hon member, Mr Solomon, was frightened there (A laugh) Other hon members might have got their feet wet, gentlemen living in country districts in crossing rivers or going along the roads Again when he looked at figures he found they were trenching on the surplus revenue They had already voted away the revenue within some 40,000*l*, and in referring to previous years, he found the House had not voted to so near an amount, as the balance left at the end of each year was more than 40,000*l* He thought they had gone as far as they ought in voting money, as there were some small matters and incidental expenses in all the departments, and seeing that there were still three months of the present year to run

Mr BARROW would vote for the recommittal He had voted for the item, though he did not express any opinions in justification of his vote He did not vote for the Semaphore because he considered it a better place than Glenelg, inasmuch as he would not discuss the question on that ground at all Let justice be done to Glenelg and to the Port also It would be very unfortunate if they could not discuss a question without also considering a rival one, and it would be equally unfortunate if legislation were to be carried on between rival interests and local parties The jetty at Glenelg had cost a large sum, and he did not see why a small sum should not be spent on one at the Semaphore Would an American city attain its majority without making any provision for the landing of women and children except the carrying of them on shore by those wild men who rushed into the water to receive them (Laughter) It was all very well for the hon member for Barossa, coming from his well watered plains, to tell the House that the residents in that district sometimes wetted their feet in crossing the creeks, but he (Mr Barrow) was sure the hon member would not complain of such an occurrence It was not, however, very pleasant to fall into salt water and have to swim for one's life, even though one should save it He believed they should have a landing-place at the Semaphore, considering they had the money to construct it, considering that they had a pledge that it could be economically done, and considering that they need not take the money from the country districts, inasmuch as they had just voted £20,000 extra to the Central Road Board, and that the House was always disposed to vote money for the country districts But they should also do justice to the Port and the city There were a large number of persons out of employment now, and he thought that whilst giving employment to those persons, we could now have the work done at a much lower cost than at any other period (Hear, hear) Of course there was a question of opinion, and also one of interest, as some hon gentlemen were interested in Glenelg He agreed to some extent with the hon member for Onkaparinga, that a question for re-committal should be brought on in such a manner as not to take the House by surprise, it would be better to make arrangements that hon members desirous of bringing such questions under consideration, should give notice of that intention

Mr STRANGWAYS *moved that the House divide*

Mr PEAKE seconded the motion

The motion was put and carried

The amendment (for the re-committal) was then put and carried

Mr HART rose to explain He wished to name a day which would suit hon members, in order to avoid the accusation of attempting to take the House by surprise He would state also that if he had not moved the recommittal of the item on that day he could not do so at all He was quite content to have the item recommitted on Tuesday, 12th inst

IMPOUNDING ACT AMENDMENT BILL

On the motion that the House resolve itself into Committee on this Bill,

Mr PEAKE asked the Government whether they had in the House any legal adviser to whom the House could refer in case of any doubt arising as to the reading of the clause

Mr STRANGWAYS said that on any future occasion when there was no law officer of the Government in the House he would take the first opportunity of moving a substantive motion to the effect, that the Attorney-General should not allow his private practice to interfere with his public duties, or that His Excellency the Governor should prorogue Parliament until the Attorney-General was in his place

The COMMISSIONER OF CROWN LANDS asked whether this discussion was in order

Mr PEAKE moved that the consideration of the Bill be postponed until the Attorney-General was in the House. (Hear, hear)

The COMMISSIONER OF CROWN LANDS said, as the Bill contained many clauses, even supposing a difficulty arose, which he did not apprehend, and which he presumed the hon member himself did not apprehend either, the House could easily, as was done in other Bills which came before them, postpone the clause in doubt.

The TREASURER said the hon member for Encounter Bay took a view of the question not warranted by the position of the Attorney-General, who was not the legal adviser of the House but of the Government He might add, that on more occasions than one the hon the Attorney-General had stated distinctly to the House that it was impossible for him to be in his place always without giving up his private practice This he was allowed to retain under the Constitution Act With the allowance made under that Act it would be impossible to induce any gentleman for a tenure of office of perhaps three or six months, to relinquish his private practice

Mr, STRANGWAYS moved that the Chairman report progress, and ask leave to sit again

The motion was negatived without a division

Clauses 1, 2, 3, and 4 were agreed to without amendment

On clause 5—"Notification in *Government Gazette* to be evidence of appointment or removal of a pound or pound-keeper"—

Mr STRANGWAYS wished to ask the Chief Law Officer of the Crown how much of a previous Act would remain unrepealed, in the event of the Bill passing, as this would materially affect the construction of the Act He wished a legal opinion on that point

The CHAIRMAN ruled that the question should have reference to the special clause under consideration

Mr HAWKER could not see the object of inserting announcements in the *Government Gazette*, which was scarcely read in the country districts It would be more for the benefit of the community to insert them in the colonial papers, which were taken by almost every man in the country districts If the announcements were made in the two weekly papers, it would be sufficient

The COMMISSIONER OF CROWN LANDS said it was necessary, in order that there should be some legal authority for the appointments that they should be notified in the *Gazette*

Mr LINDSAY agreed in what had been said respecting the *Gazette* But there was an exception in the clause in the words "not within the boundary of any constituted district" He moved that these words be struck out

Mr HAY agreed with the hon member for Victoria that appointments should be made as public as possible, but they should also appear in the *Gazette* to give them the requisite authority The charges for the *Gazette* were high, and that was not the worst, but on every *Gazette* sold there was generally from 6d to 1s added to the price. It was said in *Punch* that if a man wanted to advertise in a newspaper where nobody would see the advertisement he should put it in the *Morning Advertiser*, but he (Mr Hay) thought he should put it in the *Gazette*

The Treasurer agreed with the hon member who had just sat down, that the *Gazette* was a bad vehicle for conveying information, but that was not the object of the clause The object was that the courts of law should have a document to refer to, in order to see whether a man was a Poundkeeper or not The *Gazette* was always filed in the Courts and the newspapers were not

The clause was then agreed to

Clause 6 was also agreed to

On clause 7, "Pound to be fenced, enclosed, and kept clean and in repair,"

Mr Hawker pointed out that it was necessary that in the summer means should be found of sheltering the cattle from the sun In a country district this might be accomplished by placing them in paddocks so that the cattle could take shelter beneath the trees Where there were no trees sheds should be constructed, no matter at what cost

Mr Duffield agreed in the suggestion but did not see how to carry it out If the Government and District Councils would set apart paddocks of 80 acres, or a section or two it would be an act of great humanity

Mr Lindsay stated that in some instances District Councils had proclaimed paddocks as Pounds

On the motion of the Commissioner of Crown Lands, the Chairman reported progress, and obtained leave to sit again next day

The House rose at twenty minutes to 5

LEGISLATIVE COUNCIL

Thursday, October 7

The President took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Major O'Halloran, the Hon Mr Morphett, the Hon Captain Scott, the Hon Dr Everard, the Hon Captain Bagot, the Hon H Ayers, the Hon the Surveyor-General, the Hon Captain Hall, and the Hon John Baker

COMMENCEMENT OF ACTS

The Hon Mr Morphett gave notice that on Tuesday next he should ask leave to introduce a Bill to fix the time at which all Bills passed by the South Australian Parliament should come into operation where the time from which they should take effect was not mentioned in the Act itself

JOINT STANDING ORDERS

The Hon the Chief Secretary gave notice that on Tuesday next he should move the Joint Standing Orders of the Legislative Council and the House of Assembly be referred to the Standing Orders Committee for consideration

STEAM POSTAL COMMUNICATION

The Hon Captain Bagot wished, before the Orders of the Day were called on, to call the attention of the House to the motion introduced by him on the previous day in reference to steam postal communication with Great Britain, and upon which an address had been adopted to His Excellency An oversight had taken place in introducing the various amendments which had been proposed, and which had been adopted by him Hon members would recollect that the last amendment included New South Wales in the arrangement, but in the motion, as passed, it was stated that Hobson's Bay was to be the Australasian terminus of the route It was very evident, however, that if New South Wales joined in the proposition for the establishment of postal communication jointly with the other colonies, Sydney would most likely be the terminus The Hon the President of the Council had, therefore, withheld the presentation to His Excellency of the address which had been adopted by the Council, until the oversight had been set to rights Perhaps the better way would be to ask leave of the Council to withdraw the resolution of the previous day, and to substitute another introducing all the amendments which had been proposed and adopted

The President stated that it would be necessary for the hon gentleman to ask the leave of the Council

Leave having been granted,

The Hon Captain Bagot proposed to move the suspension of the Standing Orders, but the hon gentleman ultimately moved that the resolution of the previous day be rescinded, and this having been carried, gave notice that on Tuesday next he would move a resolution, embracing all the amendments which he had adopted, including that by which the steamers would be required to call at Port Adelaide each way

THE HON JOHN BAKER

The President announced the receipt of a letter from the Hon John Baker, stating that he was about to visit England, and that as he would probably be absent for 12 months, he requested to be excused from attending the Council during that period

Upon the motion of the Hon H Ayers, seconded by the Hon Major O'Halloran, the leave asked for by the Hon John Baker was granted

ADELAIDE AND GAWLER TOWN RAILWAY EXTENSION BILL

Upon the motion of the Hon the Chief Secretary, this Bill was read a third time and passed, and directed to be carried to the House of Assembly, with a message informing that body that the Legislative Council had agreed to the Bill, with amendments, with which they desired the concurrence of the Assembly

CUSTOMS ACT AMENDMENT BILL

Upon the motion of the Chief Secretary, this Bill was read a third time and passed, and directed to be conveyed to the House of Assembly, with a message intimating that the Legislative Council had agreed to the Bill, with amendments, with which they desired the concurrence of the Assembly

The Council adjourned at 20 minutes past 3 o'clock till 2 o'clock on Tuesday next

HOUSE OF ASSEMBLY

Thursday, October 7

The Speaker took the chair at 10 minutes past 1 o'clock

PETITIONS

Mr Strangways presented a petition from settlers in the district of Myponga, with respect to providing shipping accommodation by means of a jetty A sum having been previously voted by the House, but not expended, the petitioners prayed that the House would take such steps as would cause justice to be done.

Mr Lindsay presented a petition with respect to the opening of certain Government roads which had been illegally closed

The petition was received and read, but as it was subsequently found out to be informal, it was rejected by the Speaker

LANDING JETTY AT THE SEMAPHORE

Mr Mildred asked the Commissioner of Crown Lands whether he would have any objection to laying the plans, specifications, and estimates of the proposed landing jetty at the Semaphore on the table of the library of the House It would give hon members an opportunity of examining them, and forming an opinion before the item on the Estimates for that purpose was discussed on Tuesday next

Mr Strangways asked the Speaker whether it was in order for any hon member to call for papers to be laid upon any other table than the table of that House

The Speaker ruled that the hon member for Noarlunga (Mr Mildred) was in order

The Commissioner of Public Works was quite willing to submit the plans and specifications already prepared, but if hon members waited until Tuesday next, they would get the amended specifications, which were now in the course of preparation

MATRIMONIAL CAUSES BILL

The Treasurer proposed that the second reading of the Matrimonial Causes Bill, which was the first Order of the Day, should be postponed, and the Waste Lands Act Amendment Bill proceeded with in its place As the Matrimonial Causes Bill was an important one, it was desirable that they should have the benefit of the presence of the Attorney-General, who was not then in the House

Mr Strangways remarked that there was another instance of the Attorney-General being absent, and of the House being asked to postpone an important measure simply because that hon and learned gentleman was not present The action of the Government was this, "We know nothing about this Bill, the only one amongst us who does know anything about it, is the Attorney-General, who is not present, and we must therefore postpone it" The Attorney-General had not been in his place scarcely once during the last fortnight, and when the Assessment on Stock Bill was brought on, he was not in his place until 4 o'clock in the afternoon He wished to ask the Attorney-General, if he had been present, what effect some of the clauses in the Bill would have upon the law as it at present existed, but there was no member of the Ministry who was able to answer the question if he were even to put it Would the Treasurer do so? Who was the Attorney-General's deputy that the question might be put to him? He thought they had only two courses to pursue—either to pass a resolution condemnatory of the absence of the Attorney-General, or adjourn the business of the House until such a time as the convenience of the Attorney-General would allow him to attend to his duties He would move that a resolution should be passed requesting the Attorney-General not to allow his private practice to interfere with his public duties

The Speaker ruled that Mr Strangways was not in order in moving any such resolution The question before the House was the postponement of the Matrimonial Causes Bill

Mr Bakewell said it would be only fair on his part to make some explanation on behalf of the Attorney-General in his absence The Attorney-General had often told them that he would not allow his Attorney-Generalship to interfere with his private practice, and therefore they could not expect him to do that which he had not pledged himself to do That hon and learned gentlemen "had other fish to fry" (Laughter)

Mr Peake moved as an amendment that the House do now adjourn

Mr. Strangways seconded

The motion was put and lost

The SPEAKER then put the original motion, when

The COMMISSIONER OF CROWN LANDS said he thought it was exceedingly unreasonable for hon members to find fault because this Bill was asked to be postponed in the absence of the Attorney-General. There was plenty of business to occupy the attention of the House for the whole of the day, without the Matrimonial Causes Bill. It was unreasonable to object to the Government conducting Government business in their own time. There was one argument in favour of the postponement of the Bill until after the other business had been disposed of, and that was, the hon member for Encounter Bay (Mr Strangways) would then have the opportunity of putting the questions to the Attorney General which he was desirous of doing. He did not think the Attorney General had at all bound himself to relinquish his practice though it might occasionally clash with his public duties. The Attorney-General had never led them to believe that he would do so, and therefore it could not be expected of him. If he had led them to suppose that his private practice was to be entirely subjected to his duties as Attorney-General, then they might have had some cause of complaint. Notwithstanding that the Attorney-General had been accused of being absent from his place, the business of the country had nevertheless been satisfactorily carried on. If they had an Attorney-General in that House who had no private practice he did not think the House could have that confidence in him that they would have in a gentleman whose time and abilities were constantly in requisition. It would be presumed such a person would not fill the office of Attorney-General with equal satisfaction to the public. He was bound to say that according to the present law of the land there was nothing to compel the Attorney-General to attend any more regularly than he had done. They all knew the Attorney-General had frequently left important cases to come down to that House to give them the benefit of his opinion. On these grounds, therefore, he thought it was unreasonable to raise any complaint against the Attorney-General.

Mr MILNE moved as an amendment "That the Matrimonial Causes Bill be postponed and made an Order of the Day for Tuesday next." In doing so he had not intended any reference to the absence of the Attorney-General. It was purely from a selfish consideration on his own part, as during the last two or three days he had not been able to give that consideration to the Bill which, as he took a great interest in it, he was desirous of doing.

Mr DUFFIELD seconded the amendment, and perfectly agreed with what had fallen from the hon the Commissioner of Crown Lands. The House must be well aware of the fact that the Attorney-General had intimated to them, that if pressed, he would be compelled to give up his seat on the Ministerial benches, rather than resign his practice. He (Mr Duffield) would have taken a different view of the matter if he saw a sum of £3,000 or £4,000 on the Estimates for the Attorney-General—(hear, hear)—but as the case stood it was far different.

Mr TOWNSEND did not quite agree with the previous speaker, as, though they might not have a gentleman of the same ability as the Attorney-General, they might have one who would be able to pay greater attention to his duties, and who would thereby make up for any deficiency in talent. He considered that the Ministry were considerably weakened in their position by the absence of the Attorney-General when the Assessment on Stock Bill was first called on. That Bill, he believed, would have passed its second reading if the Attorney-General had been in his place.

The TREASURER supported the amendment on the original motion, viz, for a postponement until Tuesday next. It was not likely that the Attorney-General would be present in the House to day, as this was the last day of the term. It was also important that other legal gentlemen placed in the same position as the Attorney-General should have an opportunity of attending. In justification of the Attorney-General he might say that if he had fixed upon this day for the second reading of the Matrimonial Causes Bill he would have been present in his place. He (the Attorney General) had nothing to do with placing the Bill on the notice paper. The Bill had come down from the Legislative Council and he (the Treasurer) so that the Bill might not be lost sight of, placed it on the notice paper.

The question was put and carried—"That the second reading of the Matrimonial Causes Bill be postponed until Tuesday next."

WASTE LANDS ACT AMENDMENT BILL

In Committee.

The COMMISSIONER OF CROWN LANDS moved that the following new clause be added to the "Waste Lands Act Amendment Bill"—

"It shall be lawful for the Governor to distinguish as suburban any land offered for sale which is situate within such distances as the Surveyor-General may deem necessary for the nearest limit, either of any existing township especially named and described, or of any locality designated as the site of any townships to be thereon erected, and to fix as the upset price of such suburban land a price higher than the lowest upset price of waste lands within the said province."

The TREASURER seconded.

The clause was then read and passed.

Mr STRANGWAYS asked the Speaker what course he should pursue to take the Bill out of Committee, so that they should be enabled to take a further expression of opinion by the House on the clause just passed. Any motion affecting in any way the regulations pertaining to the waste lands of the province should be carefully and not hurriedly discussed. If it were admitted that it was competent for any hon member to get up and move in that House for an alteration in the upset price in land, they would find some fine morning, perhaps, that the upset price of the Crown lands had been reduced to 5s. (A laugh.)

The COMMISSIONER OF CROWN LANDS said it was out of the power of Government to alter the upset price of the Crown lands, as it was permanently fixed in the Waste Lands Act. He objected to the Bill not being taken out of Committee, as it would cause delay and he was desirous that the Bill should pass as soon as possible, as there were important matters connected with his department which he was waiting to set in motion by the powers which the Bill would confer.

The preamble and title were then passed as printed.

The COMMISSIONER OF CROWN LANDS moved that the Bill be now reported, when

Mr HAY moved that the clause be recommitted in order that he might move the contingent notice of motion standing in his name, viz.—

"That all the words after 'grant,' in the eleventh line of the first clause, be struck out, and the following inserted – 'to the former lessee the right of depasturing within the said hundred such number of large or small cattle as the commons in the said hundred may be considered capable of depasturing, over and above the right of pasturage reserved to the holders of purchased land therein, the said former lessee shall be subject to the same regulations and payments in all respects as settlers on purchased land, and it shall be lawful for the Governor at any time, on receiving a satisfactory memorial from settlers on and holders of purchased land within any hundred on giving six months notice to parties concerned, to withdraw all right of depasturing stock within the said hundred, except to the settlers on and holders of purchased land therein.'"

The hon gentleman said the very intention of declaring hundreds was to define the boundaries between the squatters and the settlers. Owing to the encroachment of the squatter there was less dairy produce, as the flocks of the squatter encroached on the commonage of the farmer.

The motion was then put, when the SPEAKER declared the noes had it.

A division was called for, and the following was the result:—

AYES, 13—Messrs Milne, Rogers, Shannon, Cole, Neales, Glyde, Townsend, Solomon, Mildred, McEllister, Harvey, Lindsay, Reynolds.

NOES, 8—The Treasurer, the Commissioner of Crown Lands, Commissioner of Public Works, Messrs Burford, McDermott, Strangways, Duffield, Wark.

Making a majority of five in favor of the ayes.

The clause was then recommitted, and Mr Hay's amendment was put, when

Mr STRANGWAYS opposed the amendment, as it would have the effect of placing all the commonage at the disposal of the lessees of any given hundred. The owner of a few sections within that hundred might be able to run a certain number of cattle, and not only have his own commonage, but would monopolise that of the squatter, and perhaps eventually turn him off his own run of which he had been granted a 14 years' lease. He had heard no argument from Mr Hay in favor of the amendment, except that the owners of sections of land did not get so much for their money as they would like to get. If a person bought land in a settled district he got no commonage, why then should those at a greater distance have that boon conferred upon them?

Mr SOLOMON supported the amendment. There was a large amount of dairy produce imported into this colony. He thought the amendment would have the effect intended—that of benefiting the farmer, and of making them exporters of such produce instead of importers as at present.

The COMMISSIONER OF CROWN LANDS said, however desirous it might be to manufacture their own dairy produce, that was no argument for their breaking faith with the squatter. The leaseholders had a legal right to the pasturage after the privileges and rights of purchasers of lands had been accorded of them. The 14 year leases had only six or seven years to run and as the House was now about to place an assessment on stock, it was the more necessary to keep faith with the annual lessees. (Question.) He maintained it had everything to do with the question, for the squatter would have to pay so much per head on his stock, but the farmer who had the right of commonage would go free. He hoped the House would not agree to any breach of faith with the leaseholders. As to the squatters trespassing beyond their boundaries, as had been implied, he could only say if they did, they subjected themselves to the usual penalty of the law, as the farmers had the power to protect themselves.

Mr McELLISTER supported the amendment, because the farmer was not properly protected at present. He had heard of frequent complaints from Port Lincoln in this respect, where the stockholder had brought in his sheep and interfered with the pasturage pertaining to the farmer. There had been other cases nearer Adelaide. It was highly necessary to protect the farmer, who, not like the squatter, could not afford to lose.

Mr MACDERMOTT opposed the amendment He wished hon members to recollect that stockholders had leases The amendment proposed would deprive them of a just right

Mr TOWNSEND supported the amendment because the present system had led to a great deal of ill feeling between the squatter and the farmer The whole of the commonage, he thought, should be open to all alike When a hundred was declared, and the commonage was granted, there was no injustice attempted to the squatter, but it was an act of justice to the farmer

Mr HART would oppose the amendment, because it was one of such importance that they could not discuss it with the slight evidence which was at present afforded He looked upon this amendment as affecting the squatters to a much greater extent than would the assessment on stock It would in his opinion, be a death-blow to them Hon members might say there was nothing in the clause to warrant this strong expression of opinion, but he would show them that it was perfectly warrantable He presumed that the object of this clause was to exclude the squatters from the hundreds altogether (No) The effect of the clause, however, would be this, that an individual possessing a solitary section of land within a hundred, perhaps with no other settler near him, could, by presenting a satisfactory memorial get the entire quantity of commonage His memorial would, of course, be deemed satisfactory, as he would be the only settler in the locality He was perfectly clear that every landowner would memorialize to get the entire amount of pasturage, that is, if human nature was followed out Were the House prepared to sanction such a course of proceeding? How were the hundreds declared? Why, with one stroke of the pen Sir Henry Young had declared a hundred of two miles on each side of the Murray without one single acre of land having been purchased (No, no, and hear, hear) And, moreover, so small was the quantity of land sold since that there had been a loss to the Government of 1,000*l* He ventured to say that the entire amount of sold land would not cover the loss sustained by the revenue Was it not a fact that the Executive could always declare any amount of country, a hundred, in fact for that matter they could declare the whole country a hundred If they wanted to give a death-blow to the squatters this was the way to do it He stood in that House and supported the Assessment on Stock Bill, therefore he could not be charged with being biassed in his remarks He would not assess the squatters and then subject them to this injustice He trusted the House would not under any circumstances agree to this clause without first being submitted to a Select Committee To carry the clause would be tantamount to saying there should be no squatters

Mr REYNOLDS had no idea of the amendment just read by the Chairman being in existence, and though he voted for the recommittal of the Bill, he considered that it would to a great extent accomplish the objects proposed by the hon member in his amendment Had that not been the case he would have voted for the amendment of the hon member for Gumeracha

Mr NEALES hoped the hon member would not press the the clause, for if carried it would completely finish the squatters (*No, no*) If the Ministry of the day were inclined towards the agriculturists the clause giving the Government power on giving six months' notice to withdraw all right of depasturing stock might be worked to their advantage, and the squatters would be sent out from the country should however their successors be a squatting ministry, the squatters would attempt to regain their privileges If on the other hand the Government endeavored to steer between the two, the runs might be diminished so much that they would be of no use He believed with the hon member for Gumeracha that people went a distance into the country in order to obtain greater facilities to carry on their operations To that he had no objection, but the proposed measure would be such a death-blow to squatting that an assessment would be useless and he should vote against any assessment on stock It was in fact giving an unfair advantage to one interest to ruin another He voted for the recommittal of the clause purposely to hear what could be said in its favor, and also because he considered a motion for the recommittal of a Bill something in the light of a petition which the House ought not to refuse He considered that several alterations might be advantageously introduced into the Waste Lands Act before the House The statement made with regard to the districts near the Murray was correct almost to the letter, with the exception that one or two small purchases had been made, but the proportion of the unsold land to the sold was as the Adelphi Theatre to a China orange In fact there was an attempt to get some working men to take ten acre allotments in the midst of a squatter's run He considered it the most unfair Act ever done by a Governor It was injustice to the squatter to stretch the right of pasturage equally to purchased and unpurchased lands He thought the man who purchased land should have double what the lessees had, but hoped the amendment would not be pressed

Mr GLYDE when voting for the recommittal of the clause had not made up his mind whether he should vote for the clause or not He should vote for the amendment unless the clause gave something like equal advantages The Commissioner of Crown Lands stated, that if the amendment passed it would be a breach of faith with the squatters He (Mr Glyde) would be the last man to advocate a breach of faith but he could not see it The clause said, "the lease of the squatter having been determined " When that took place the Government was at perfect liberty to enter into any new arrangement whatever, and in laying down new regulations the House had been passing regulations that so soon as the leases fell in those leases should be submitted to public auction, why then should those squatters go on at the same rent instead of their runs going to public auction He thought the hon member for Gumeracha meant pretty much the same thing as the Government did, namely, that the lessees should share the right to depasture as many cattle as the run would depasture, subject to the rights of the holders of purchased land, but the amendment put the point with more force than the Government clause He thought the last part of the amendment would be better struck *out* The words "it shall be lawful for the Governor at any time" do not imply that it shall be necessary for the Governor to withdraw the right of depasturing stock It only gave him the option of doing so He thought the last five lines should be struck out If the hon member would do that, he would support the amendment, but he could not support the clause in its present state

MESSAGES FROM THE LEGISLATIVE COUNCIL

The SPEAKER reported that he had received messages from the President of the Legislative Council requesting the House to take into consideration certain amendments introduced by them into the Adelaide and Gawler Town Railway Further Extension Bill and also in the Customs Amendment Bill

The TREASURER moved that the Bills, as amended, be printed, and that the consideration them be an Order of the Day for Tuesday next

Mr HART moved that a message be sent to the President of the Legislative Council requesting permission to examine the Hon Major O'Halloran by the Select Committee on the National Defences

Agreed to

DEBATE RESUMED

In Committee

Mr BARROW, in resuming the debate, said that the last speaker had advised the hon member for Gumeracha to strike out the last four lines of his amendment He (Mr Barrow) went with him in that recommendation and the more so because if those four or five lines were struck out, the others would be unnecessary (A laugh) He intended to have voted for the recommittal of the clause, and was at the door of the Chamber, but the lock was turned, and vote taken before he could gain an admittance He had desired to support the hon member in his amendment as far as he could, but the question was not really between the printed clause as it appeared in the Bill, and the printed amendment of the hon member, but between the amended clause in the Bill and the printed amendment That clause, as amended in the Speaker's copy, really included the first half of the amendment of the hon member for Gumeracha and if the first half was embodied in the amended clause, it was of course needless to introduce it in another form In fact, the first was surplusage and the second a mistake (Hear, hear) He had always considered that as the claims of the agriculturists advanced, the squatters must recede He was prepared to carry out that principle, but not to treat the squatters as enemies who ought to be opposed and thwarted and resisted by every possible means (Hear) He did not understand such to be the real meaning of the hon member (Mr Solomon), but it was certainly implied in the expression made use of by the hon member, who, when replying to the hon member for Encounter Bay, said he would support the amendment because it was opposed to the squatters All the interests in the colony—the farming, the mining, the agricultural, and the squatting interests—formed a united community, and although one interest might have more importance attached to it than another, and although that which was inferior should give place to that which was of the most consequence, no steps should be taken to depress any branch of industry whatever Taking into consideration the fact that when the 14 years leases were determined, the annual leases would only be granted, subject to those rights of commonage then existing in the newly proclaimed hundreds, and also to those that should be afterwards declared, the whole of the first part of the amendment was provided for in the amended clause, and the last part was objectionable and unnecessary He agreed with those hon members who thought that His Excellency would not consider a memorial received from a solitary person owning a section a "satisfactory memorial " But it was possible that an agricultural or an anti-squatting Ministry might be in power, and that which might be satisfactory to them, might not be satisfactory to a pro-squatting Ministry It would be better therefore to have those questions set at rest by specific legislation, than to leave them to the discretion or indiscretion of the Ministry in power for the time being, and more especially when charges were from day to day made against the Ministry that they were prepared to do anything and everything that the feeling of the House suggested If Ministers were made of such plastic materials as that such power ought not be entrusted to them If the hon member for Gumeracha would leave the amendment so as fairly to meet the requirements of the agriculturist, and not to make a direct attack upon the pastoral interest, he (Mr

Barrow) would go with him, but he would not raise the cry of "wheat versus wool," or "wool versus copper" All the great staple interests were essential to the prosperity of the colony, and it was a mistaken policy to assail one to advance another (Hear)

Mr STRANGWAYS called for a division whereupon the question was put and the amendment negatived

The House having resumed the SPEAKER reported the Bill, and the report of the Committee was agreed to be taken into consideration the following day

EXECUTION OF CRIMINALS BILL

The COMMISSIONER OF PUBLIC WORKS moved the second reading of a Bill, intituled "an Act to regulate the Execution of Criminals" It would be recollected by many in that House that he had brought the subject of the Bill prominently before that House on a previous occasion, which resulted in their presenting an address to His Excellency, praying him to introduce such a measure as was then before them He considered the Bill was much required, in order that the practice of South Australia, in the execution of criminals, should be assimilated to that of the other Australian colonies They had all with the exception of Western Australia with which we had little sympathy, adopted the plan of private execution He considered the question totally distinct from that of the abolition of capital punishments, although that question had been mixed up with it Eminent persons who had written on the subject had condemned public executions, as tending to demoralize those who witnessed them, and he appealed to the experience of those hon members who had attended those unfortunate spectacles to confirm that opinion They were attended by a greater proportion of the female portion of the community than of the male, and even children and infants were taken to view them He had carefully avoided the question of the abolition of capital punishment, for he considered there were cases of murder and deliberate assassination which could only be punished in that way He could not sympathize with those who would have given Palmer anything short of death, but that punishment should be limited to cases of deliberate murder Such executions should be carefully guarded and take place in the presence of competent witnesses, and a coroner's inquest should sit on the body, to see that the punishment was carried out, and thus the necessity of a public execution would be avoided

Mr STRANGWAYS regretted that the Commissioner of Public Works should have undertaken such a motion, but he presumed that executions of criminals being great public works, he considered it his duty to do so He supposed that there had not been more than half a dozen executions in the colony altogether, except occasionally one in the Port Lincoln District The Act would entirely prevent the execution of the aborigines in the usual manner If any of the white population committed a crime, it was perhaps desirable they should be executed under the provisions of that Act, but it had hitherto been considered necessary in the case of an aborigine that he should be executed in the place where the crime was committed, in order that the associations connected with the crime should be connected with the punishment If that Bill were passed, however, he supposed sentence of death on aborigines would be practically abolished One objection to secret executions was the probability of persons, by means of money, obtaining substitutes for their own bodies In China there was a price paid for substitutes, according to a regular scale of charges, and money could do anything He would hold himself open to make any objections which might occur to him on the third reading

Mr TOWNSEND would support the second reading of the Bill, for he had seen nothing objectionable that could not be altered in Committee With regard to the effect of the example of public executions Mr Hill the Recorder of Birmingham, in his evidence before the Executions Committee in the House of Commons, stated that out of 169 persons executed, 154 had been present at public executions One young man named Collins had paid 5s to see an execution, and he himself was the next victim At the town of Lewes, one Hayes was tried for murder and executed His brother was present at the execution Two hours afterwards he was drunk and boasting of having been to see his brother hanged. In public executions if the man who was to die went up to the scaffold with courage he was a hero, his likeness was taken, and his form was embodied in waxwork for the public gaze Mr Dickens, who was present at the execution of the Mannings, gave such an account of the scene as would satisfy any one that public executions were not necessary The question was, did that Bill provide for the identity of the persons who were executed It would be seen that the 4th clause required that a jury should sit on the body under the Coroner of the district That would be sufficient to prove the identity of the criminal, and he did not believe anyone would be found to forfeit their lives for a sum of money The hon member who stated that such things took place in China did not say whether the substitutes spent the money before they died or not That hon member was ready enough to put himself forward on many occasions, but he (Mr Townsend) did not think he would do so on such as those There was a clause in the Bill to the effect that the Sheriff the gaolers, the Medical Officer, together with Justices of the Peace and ministers of religion might be present on those occasions He thought the Sheriff and officers of the Gaol and perhaps a minister of religion, if he chose, might be present But the gaol must not be crowded—no more persons ought to be there than were necessary

Mr BARROW would support the Bill He did not apprehend any danger from those contingencies which had been suggested by the hon member for Encounter Bay, for he thought the monied classes generally would not be anxious to place themselves in the grasp of the hangman, and therefore he could not see the force of the illustration drawn from the practice of China, the very mention of which was a sufficient refutation of the argument, as everything there was in so exceptional a state, as not to be likely to obtain here He had no wish, on so solemn a subject, to speak with levity It was a question whether the expedient of capital punishment should be continued or not, but being recognized, every means should be taken to prevent it being a means and occasion of immorality, for there was little doubt of the demoralizing tendency of all such exhibitions He hoped that Bill would pass into law, so that South Australia would no longer be disgusted by the horrors of public executions He should hold himself open to conviction with regard to the public execution of the aborigines, from any arguments that might be brought forward with regard to them, but he would not jeopardise the passing of that Bill They were so far below ourselves in the scale of civilization, that striking lessons might be necessary for them, in their case, public executions might be necessary He, when in London, had noticed immense crowds assembled at the Old Bailey, to see a poor wretched trembling fellow being hanged, and while the bells of the neighbouring churches were tolling solemnly, oaths and curses, and ribald jests were in the mouths of the crowds gathered together to witness the execution He agreed with the hon member who had just spoken, that it was inexpedient to crowd the gaol The Sheriff and officers of the gaol, and the Jury who tried the criminal, and perhaps a minister of religion, would be sufficient to prevent a fictitious person being substituted for the criminal The idea of a criminal escaping by means of a substitute, was so improbable that it might be regarded as morally impossible, and therefore no extra precaution was needed by filling the gaol with spectators He trusted the House would pass the Bill, and in such a way as to prevent either public or semi-public executions

Mr PEAKE condemned those disgusting and disgraceful exhibitions enacted under the name of law He agreed with the hon member who had last spoken, and need not recapitulate his arguments He thought a public execution was not a place for a minister of religion, and that some would not go unless compelled The Coroner and Jury present at the execution could testify to it, and thus ensure that the criminal had been properly executed, and the sentence of the law carried out He thought if public executions were abolished, the taking of casts of men's heads should be abolished too (No, no) He scarcely need remark the love of notoriety and the pride of dying game would be done away with by that Bill Such false feeling had prevented many from receiving their punishment in a proper spirit He thought that a great point attained

Mr BURFORD would prefer going into Committee at once, as the House appeared to be unanimous, but as he was on his legs, he would follow the example of hon members and express his views on the matter He thought on consideration, that it would be better to make the executions as private as possible, and, in accordance with this general feeling it would be better to have a gaol set apart where executions should take place, and that they should not be conducted in the presence of prisoners He proposed this idea that the minds of the prisoners might not be injuriously affected, and also, that witnessing it might be regarded as a degradation of which the prisoners were not deserving He was of opinion, also, that a much smaller number of persons should be present than were allowed by the clause

The motion that the Bill be read a second time was then put and carried without a division

The House immediately went into Committee

The preamble was postponed

On clause 1, "Execution to be carried into effect within the walls of the Gaol,"

Mr STRANGWAYS asked whether the Government intended to include in this clause aboriginal natives, who might be condemned to the punishment of death At present it was the practice to take these offenders to the scene of their crime, and execute them on the spot.

The COMMISSIONER OF PUBLIC WORKS replied that it was his intention as far as possible to prevent executions taking place in public, those of natives as well as of others He agreed with the hon member who had said that such scenes did no credit to our civilization in the eyes of savages

Mr SOLOMON proposed as an amendment to strike out the concluding lines, "or place which the Governor by writing, under his hand may direct" He did so in order that the Governor might, should he think fit in the exercise of his discretion, order criminals, for the purpose of deterring others from the commission of crime, to be executed in places in the remoter districts

Mr GLYDE presumed the Government did not intend that the executions should be carried out by the Sheriff in person He would therefore propose the insertion after the word

"Sheriff" of the words, "or by some person to be duly appointed by him"

The COMMISSIONER OF PUBLIC WORKS said the words were taken from the Victorian Act

Mr STRANGWAYS said the Sheriff had the power now of appointing a substitute As to the amendment of the hon member for the city, there would be no use in inserting the words proposed by that hon member, if the intention of the House and the Government was that private executions should be adopted But if the words were inserted they might find a man, for the benefit of the community, hanged in the theatre (Oh, oh, and laughter)

Mr REYNOLDS thought, notwithstanding all that had been said of the superior civilization of strangling the natives privately instead of publicly, it would be better not to strangle them at all until we had brought them to a higher state of enlightenment As the clause now stood natives would be hanged in private as well as Europeans, and he questioned whether private executions of these people would have any effect on the native population

Mr GLYDE withdrew his amendment

Mr BURFORD moved that after the word "of," in the tenth line, the word "the" be struck out, and the word "a" be inserted, that after the word "gaol," the words "to be provided for the purpose" be inserted, that the words "of Adelaide, or of such other gaol as the Governor may," be struck out, and that for the word "his," in the last line, the word "the" be inserted, and that after the word "hand," the words "of the Governor" be inserted His object was that a gaol should be specially set apart for the execution of criminals, in order not to run the risk for contaminating other prisoners

The TREASURER opposed the amendment It was necessary and proper that a place intended for the execution of criminal should be a building of strength, or in a case of tumult or excitement there might possibly be a rescue of the prisoner, and for this reason, amongst a large population such as ours, it would be necessary to incur a great expense in putting up a sort of public slaughterhouse He thought it would be most indecorous and improper to have a building of this kind, and, besides, it would be necessary to have them in other places besides Adelaide as soon as the Judges commenced going circuit These reasons alone would be sufficient to deter him from supporting the amendment

The clause was then agreed to, without amendment

On clause 2, "Sheriff's officers of gaol, &c, to witness executions,"

Mr TOWNSEND moved that all the words after the word "occasion" be struck out, with a view to insert the words "together with the Jury summoned to sit upon the body or bodies, the ministers of religion, and such persons only"

Mr MILDRED—"And the necessary guard"

Mr STRANGWAYS opposed the amendment In this case the jury would have to be witnesses as well as jurors The only effect of the amendment would be to limit the number of witnesses, and thereby to lessen the security to the public that the sentence had been carried into effect As the clause stood, a considerable number might be present, and all these, if there were 100, 200, or 300, could be examined if necessary

The COMMISSIONER OF PUBLIC WORKS preferred the clause as it stood It would admit the Medical Officer, who should be present the gaoler, and such officers of the prison as he pleased, and the ministers of religion With respect to the latter, he was sure the hon member for Onkaparinga would be the last to exclude them as there could be only one reason for their being wishful to attend Hon members would not surely wish to make the duty of the jurors more painful than it would necessarily be

Mr REYNOLDS said however painful it might be to believe, there might be relatives of the prisoner who would wish to be present

Mr TOWNSEND said what he wished was that the Sheriff should not issue orders of admission When he found hundreds of pounds given for casts of the heads of criminals, and ladies hiring carriages and going to purchase locks of the criminals' hair (Cries of oh, oh, and laughter) He (Mr Townsend) was speaking from the records of the House of Commons He lamented that it was a fact but he spoke of the system of things actually existing

Mr STRANGWAYS said he gathered from one word of the hon member's what class of ladies he referred to It appeared they were ladies who hired carriages (Laughter) But the study of the structure of the human head was one of the points to which persons in England devoted much of their time He did not say whether it was a valuable study, but he would not prevent persons from obtaining casts for scientific purposes

The clause was then agreed to without amendment, as were also clauses 3, 4, and 5

On clause 6, certificate and declaration to be recorded and published,

Mr TOWNSEND said it would be well that these records should also be published in the other papers, as few persons saw the *Gazette*, and too much publicity could not be given to the fact that the criminal had been executed He moved the addition of the words, "and at least two other papers" (Oh, oh)

Dr WARK had not spoken yet, though had he seen the Bill in time, he would have done so (Question) There were a number of hon members who were always speaking, and he thought those who seldom spoke, when they did get up should be heard

The CHAIRMAN reminded the hon member that the clause before the House was the 6th

Dr WARK agreed that too much publicity could not be given to the announcements in question, but matters of much less interest were published in the papers, and it would be an insult to them to suppose that they would pass over a matter of such importance as the execution of a criminal

The clause was then agreed to without a division

In reply to Mr STRANGWAYS, the COMMISSIONER OF PUBLIC WORKS said that the interment of prisoners was already provided for by the Gaol Act

The schedules A and B, and the preamble, were put and passed without amendment

Mr GLYDE thought it would be well to know whether any distinction was to be made between the aborigines and others His own views on capital punishment were known, but as the object of punishment was to deter others from crime it would be wrong to insist on the aborigines being executed privately If the aborigines committed crimes on the Murray, for instance, where there were no gaols, it was questionable whether they should not be sent to the scene of their outrages for execution He was not prepared at present with an amendment He hoped the Government would not under these circumstances take the Bill out of Committee.

The COMMISSIONER OF PUBLIC WORKS thought it strange that an hon member whose views as he himself said, on capital punishment, were well known should adopt such a course He did not know whether it would be ever desirable to subject the aborigines to capital punishment, but he was sorry to hear hon members fall back on the old exploded idea that public executions could produce a good effect even upon the natives With respect to taking the Bill out of Committee he would place himself in the hands of the House

Mr REYNOLDS hoped the hon member would not take the Bill out of Committee as the suggestion of the hon member for East Torrens was worthy of consideration He hoped the Government would, on this as on other occasions, yield gracefully to the will of the House (Laughter) He moved that the House resume, and that the Chairman report progress

The motion was agreed to, and the House resumed accordingly

THE WATER COMMISSION

The COMMISSIONER OF PUBLIC WORKS laid on the table a report from the Commissioners of Waterworks relating to the laying down of the main pipes in the centre of the streets in reply to a petition presented to the House He moved that the report be printed

Agreed to

PUBLIC WORKS BILL

The COMMISSIONER OF PUBLIC WORKS moved that the report of the Committee on this Bill be adopted

Mr MILNE inquired whether it was competent for him to move the recommittal of the Bill His object was to move that the preamble be recommitted, and if that were agreed to, to move that the Central Board of Main Roads be exempted from the operation of the Bill He did not take part in canvassing the propriety of including the Board in the Bill, as from his being a member of it, his object in doing so might be misconstrued But upon coming into contact with members of the District Councils, he found an unanimous feeling against including the Board, and therefore he waived all private feeling, and resolved to perform his public duty He admitted that the constitution of the Board might be modified, and the Board rendered amenable for its acts to the Commissioner of Public Works, but it would be much more satisfactory to the country that the course of action in respect to main roads should be open in the same manner as it was at present to the inspection of the reporters of the press, the Chairmen of District Councils, and gentlemen from distant parts of the colony, who might wish to take the views of the Board on certain subjects If the Board were included in this Bill, these persons would not have such opportunities, as everything connected with the main road would be done in the office of the Commissioner of Public Works The theory of the Constitution was that the Commissioner of Public Works was responsible to the House for the management of the roads as well as for the other public works of the colony, but the Board should co-exist with the Commissioner The Central Road Board should not be included in this Bill, but a measure should be introduced dealing with the main roads separately It would be more satisfactory to the public to have access to the Board He would not say much respecting the Central Road Board as it was admitted by almost every hon member that the operations of that Board were satisfactory The payment of the members was very trifling indeed, so that it could not be urged on the score of economy that to abolish the Board would be of much advantage He moved that the Bill be recommitted

There being no seconder to the amendment, it lapsed, and the original motion was agreed to

The third reading was made an Order of the Day for next day

IMPOUNDING ACT AMENDMENT BILL

The House went into Committee on this Bill

On clause 7 "Pound to be fenced, enclosed, and kept clean, and in repair"

The COMMISSIONER OF CROWN LANDS said that he was not prepared to make the alteration suggested by the hon member for Victoria (Mr Hawker) on the previous day, for covering in pounds It would entail great expenses which were generally beyond the means of persons who established pounds

The clause was then agreed to

On clause 8 being put

Mr LINDSAY wished to insert before this clause clause A, as follows —

"There shall be a constant supply of pure water in every pound, supplied either by troughs or in any manner that shall afford the animals impounded free access to the water at all times"

The COMMISSIONER OF CROWN LANDS had no objection to the clause

Agreed to

On clause 8 being again put,

Mr LINDSAY moved that before clause 8, the following clause (B) be also inserted —

"There shall be a paddock of not less than 20 acres in connection with every pound into which all animals in the said pound shall be turned for exercise for at least three hours in every day, unless the poundkeeper shall be able to show cause to the satisfaction of any two Justices of the Peace, or to the District Council (as the case may be) before he may be brought to answer any charge of neglect of duty why this law shall not in any particular case have been complied with"

This would partially meet the views of the hon member for Victoria and was not liable to the objection of the Hon the Commissioner of Crown Lands to the proposal for finding shelter, more particularly as the system was already in operation in many Hundreds

The COMMISSIONER OF CROWN LANDS objected to the clause on the same ground as he had opposed that relative to the erection of sheds

The amendment (new clause) was then put and lost, and Clauses 8 and 9 were agreed to without dissension

On clause 10 "Justices to have a table of charges for food and estimate rates of ordinary damage, subject to allowance, of governor"

Mr HARVEY moved that the words *Government Gazette* be struck out and the words "local papers" be put in It was advisable to give the information through the papers, as if it were not for them people would know nothing of the cattle being impounded until after they were sold

The COMMISSIONER OF CROWN LANDS said it would be better to allow the name of the *Gazette* to remain in the clause, and leave the question as to whether the notices should be published in other papers till a future occasion

Mr REYNOLDS called attention to the fact that there was not a quorum present

Counted out at 10 minutes to 4 o clock

FRIDAY, OCTOBER 8

The SPEAKER took the chair shortly after 1 o clock

MESSRS BORROW & GOODIAR

Mr NEALES presented a petition from Messrs Baker and Waterhouse, assignees to the estate of Messrs Borrow and Goodiar, asking the House to determine by resolution whether the sum of £16,000 voted to Messrs Borrow and Goodiar had been voted in recognition of a debt to that amount to Messrs Borrow & Goodiar, or as a free gift?

PORT LINCOLN

Mr MACDERMOTT presented a petition from 19 of the principal inhabitants of Port Lincoln, praying the House to present an address to His Excellency the Governor requesting that a sum of money might be placed on the Estimates for the construction of a jetty at Port Lincoln

THE UNEMPLOYED

Mr J M SOLOMON presented a petition, signed by the Mayor of Adelaide, on behalf of about 1,500 persons in public meeting assembled, praying the House not to sanction a sum of money on the Estimates for 1859 for the purposes of emigration from the United Kingdom, and that public works might be immediately proceeded with

The SPEAKER remarked that the petition could only be received as the petition of the person by whom it was signed Subsequently the Hon Speaker, upon inspecting the petition, stated that it could not be received as it was informal, and Mr Solomon consequently withdrew it

CAMEL CARRYING COMPANY

Mr SOLOMON stated that a notice appeared in his name upon the paper on the previous day for printing the petition of the Camel Carrying Company, but it had lapsed in consequence of the House being counted out He wished to know whether he had the privilege of bringing it forward again

The SPEAKER said the rule in reference to lapsed motions, was to bring them forward when no other business was before the House if there was no opposition

RAILWAY MANAGEMENT

Mr REYNOLDS, as Chairman of the Committee upon Railway Management, brought up a progress report

The report and evidence were directed to be printed

TAXATION BILLS

Mr STRANGWAYS moved—

"That it is a rule and order of this House (founded on the rules and orders of the Commons House of Parliament) that no Bill for imposing a tax shall be proceeded with by this House unless such Bill shall be founded upon a resolution of a Committee of the whole House That if, at any stage of the proceedings, upon any Bill for imposing a tax, on objection and inquiry being made, it shall be found that such Bill has not been founded upon a resolution of a Committee of the whole House, all orders relating to such Bill shall be read and discharged, and the Bill shall be at once withdrawn by the member having charge of the same"

The House would remember that a short time since he called the attention of the Speaker to a point of order, and although he did not agree with the hon gentleman s decision on that point he bowed to it He believed that in tabling this motion he had adopted a strictly parliamentary course Hon members, no doubt, upon first reading the motion would consider it almost an unnecessary matter of form but if they would look more deeply into the matter they would find that the power of levying a tax upon the people was one of the most important powers of that House, and the manner in which that taxation should be considered was amongst the most important matters which the House had to consider In considering any matter imposing taxation upon the people it was necessary that there should be the fullest discussion upon every point bearing upon the case On referring to "May," page 367, he found that the Commons were as strict in levying a tax as they were in granting money He submitted that the proper course under the Constitution Act of this colony, when it was in contemplation to tax the people, was to table a resolution and take the sense of the House as to the principle upon which that tax should be founded The Honorable the Speaker had decided that the Governor had power to introduce any Bill to that House, but whether the Governor had that power or not was not material The question was what course the House should adopt when His Excellency s message was received, and in what manner they should proceed to consider the Bill The proper course, as laid down by "May," admitting that the Governor had the power to introduce a Bill, was for the Government to move that on a future day the House resolve itself into a Committee of the whole to consider the Governor s message When that message had been fully considered in Committee and had been agreed to, then it was competent for the Government to move the first reading of the Bill But he contended that by the Constitution Act, the House was not bound to take into consideration and read a first time any Bill sent down by His Excellency He submitted that the Government in any case in which they might advise His Excellency to send a Bill to that House, in requiring the House at once to read the Bill a first time, were not acting in accordance with the practice of the House of Commons and consequently not in accordance with what should be the practice of that House Hon members in referring to "May" could not have any doubt that the rule of the House of Commons was what it had been stated to be, and that House had adopted the Standing Orders of the House of Commons so far as they were applicable There could be no doubt that the rule of the House of Commons in reference to any Bill imposing a tax upon the people had been adopted by that House If the House agreed to the first part of the resolution, there could be no difficulty in agreeing to the second portion, in fact, the whole matter appeared so clear to him that no further comment was, he thought, necessary

Mr PEAKE seconded the motion If the House had adopted a course at variance with the custom of the House of Commons he hoped they would reconsider their decision and revert to the more constitutional course adopted by the House of Commons The House of Commons had ever been zealous in upholding their undoubted privilege of granting aids and supplies to the Crown and they were equally zealous to guard against hasty legislation in connection with the taxation of the people The rule which had been referred to by the hon mover had been in force for centuries, for, in a work which he held in his hand, he found it laid down so far back as 1667 that due and sufficient notice must be given of any proposition for the taxation of the people, and that such proposition must be discussed in a Committee of the House The commentator said that this regulation was wise and prudent, as it enabled every member to express his opinion as often as he thought proper The language of the regulation affecting the House of Commons was so plain and unmistakeable, and the policy was so wise and had been so well considered, that it had been acted upon for centuries with great benefit to the country Upon a precedent so ancient and valuable it was unnecessary for him to make any further comment He thought that the principle had a few days since been infringed by discussing the Assessment on Stock Bill, when the House was not in Committee If the discussion which then took place was in conformity with the present Standing Orders the House had better retrace its steps and fall back upon the course of action which long experience had shewn to be so wise and valuable

The ATTORNEY-GENERAL rose to say a few words Before proceeding he would remark that the question after all was one of fact The resolution affirmed that it was the prac-

tice of that House, following the practice of the House of Commons that no Bill imposing a tax should be proceeded with by the House unless such Bill were founded upon a resolution of a Committee of the whole House. He would, however, venture to express an opinion that the assertion contained in the motion was altogether erroneous. ("No, no," from Mr. Strangways.) He could quite understand the hon. member saying "No, no," as he did not suppose that the hon. member would have placed his name to a motion which he believed to be erroneous. He did not expect the House to take his assertion as proof, but would proceed to shew the grounds upon which in his opinion, the hon. member was wrong in the assertion which he made in his motion. In the first place that House was not the English House of Commons nor had that House the powers of the English House of Commons, except so far as they were conferred by the law which gave them existence. He did not indeed want a stronger argument to show that they did not possess the powers of the House of Commons than those which had been brought forward by hon. members opposite. If they attempted to arrogate to themselves those powers when the question came to be tested in a court of law, it would be found that in reality they did not possess those powers. He submitted that if persons out of doors were called upon to do certain things, and declined, it would be found that the House did not possess the powers of the House of Commons. That House had no powers but those which were conferred upon it by the Act which gave existence to their body. If the Standing Orders and the provisions of that Act in any way clashed, as the Standing Orders themselves derived their authority from the Act, it was clear that they must give place to the Act from which they derived their authority. It was absurd to suppose that the Standing Orders could override the Act from which they derived their authority. One of the great aims of the old Constitution Bill was to free the Legislature of the country from every trace of subordination, and a law was prepared for that purpose which it was assumed would be passed, by the English Government. It provided that they should be free from the power of the Queen to refuse her assent to laws. The powers which that Bill would have secured were not secured, and the former Legislature was expressly told that it was necessary to keep themselves within the powers conferred upon them. The Constitution Act professed to be founded on the powers given to the then existing Legislature by two Acts from one of which he would quote. It was the New South Wales Act, but identical powers were given to South Australia. It stated that "It shall be lawful for the Governor to transmit to the Council for consideration the draft of any Bills necessary to introduce, and the same shall be considered by the Council in like manner as if the Bill had originated therein." The Governor had a right to send a Bill imposing a tax to the Council, and the Council was bound to consider it in the same way as if the Bill originated therein. (Signs of dissent from Mr. Strangways.) The hon. gentleman shook his head, and no doubt meant that as a very emphatic dissent; but he was at a loss to understand how the English language could be so shaped as more clearly to convey the view which he had stated. Whilst he agreed that the course which had been stated was the practice of the House of Commons he did not agree with the eulogiums which had been passed by the seconder of the motion, for it was notorious that during a series of years there was no country in which taxation was so oppressive and unjust as in England. All the safeguards which had been adopted did not prevent the Excise laws, nor duties upon the necessaries of life, which were a disgrace to England and were only swept away during the last administration of Sir Robert Peel. He must therefore dissent from the eulogium of the hon. member for the Burra and Clare. He agreed that the rule of the House of Commons was what it was stated to be, that no Bill could be introduced unless founded upon a resolution of the House, but it did not say that it should be read a first time. No member here had a right to introduce a money Bill unless it had been first discussed. The Governor had power to introduce a Bill, and it was then incumbent on the House, if they wished to entitle themselves to respect, to respect the law to which they owed their origin by taking the Bill into consideration. He must oppose the motion in its present form, but if the hon. mover would so alter it as not to question the power of the Governor, but simply to state that the House considered it inexpedient that such power should be exercised he should have no objection to it. There were two ways of doing a thing—a right one and a wrong one; and the hon. member for Encounter Bay, with his usual felicity, had hit upon the wrong one. It was quite in accordance with the feelings of the Government that any rule which would secure the fullest deliberation upon measures introduced to that House should be observed. The measure asserted as a fact what was not a fact, and if it were carried it would deprive the Crown of its prerogative. If the hon. mover would say that it was inexpedient such power should be exercised by the Governor, he should be quite prepared to acquiesce, but the Government must oppose a resolution which was erroneous in point of fact and if carried, would be a direct attack upon the rights which were reserved to the Crown in the Act which gave the Colonial Parliament its power. If the motion were amended as he had suggested, he had no objection to agree to it, there being no desire on the part of the Government to introduce any measure for the taxation of the people in any other way than would secure the fullest deliberation. The Government, indeed, could not have given a better guarantee of their desire than by referring the whole question of taxation to a Select Committee. He repeated that in its present form the Government could not agree to the motion, as, if carried it would amount to an interference with the rights of the Crown.

Mr. Neales hoped the hon. mover would adopt the suggestions of the Attorney-General in altering the motion. If the objects of the hon. mover were what his speech professed, he could have no objection to the amendment suggested by the Attorney-General; but if it were a question between the hon. mover's view of the law and that of the Attorney-General, no doubt the hon. mover would obstinately stick to his motion, and if so, the hon. gentleman would be served as he frequently was in that house—outvoted. (Laughter.)

Mr. Reynolds had listened attentively to the Attorney-General, but must say he did not think the hon. gentleman had thrown much light upon the subject. At first he was rather opposed to the principal portion of the motion, but after the statements of the Attorney-General he was disposed to support a great portion of it. (Laughter.) He was glad to find that the Attorney-General was at last in his place to throw some light upon the practice of the House of Commons and what should consequently be the practice of that House. The Attorney-General said that the assertion of the hon. mover was not in accordance with fact, and he believed the hon. gentleman was right in saying so, for in many instances he found the rules adopted by that House were directly the reverse of those adopted by the House of Commons, and the question was whether under such circumstances they were right in adopting the Standing Orders, or was the hon. gentleman right in allowing the Standing Orders to pass without pointing out to the House that those Standing Orders were different from the Standing Orders of the House of Commons. (In support of the view taken by the hon. mover the hon. member referred to the debates upon the Church Temporalities Bill in 1833.) If they were bound to adopt the Standing Orders of the House of Commons it was necessary that many of the Standing Orders which had been adopted should be modified, to render them in accordance with the Standing Orders of the British House of Commons. The Attorney-General had remarked that that House was not the House of Commons, but he (Mr. Reynolds) had always understood that they were to be guided by the practice of the British House of Commons. On the question of privilege they all stood up for the privileges of the British House of Commons, and he was sorry now to learn that they had not those privileges, particularly after the eloquent address which had been delivered upon that question by the Attorney-General. He would suggest, however, that the hon. mover should amend his motion, so that it would merely have prospective and not retrospective effect.

Mr. Burford quite agreed with the suggestion that the hon. mover should adopt the proposition of the hon. the Attorney-General so as to give it prospective and not retrospective effect. They could not too strictly adhere to the practice observed in the British House of Commons. He was induced by the Constitution Act to believe that the intention was that they should enjoy the privileges of the House of Commons, but should not go beyond them. He thought they should protect their position to that extent. There should, however, he thought, always be a distinction drawn between Acts imposing taxation and those which did not. Although he had no objection to His Excellency introducing a Bill which did not impose taxation, he was not so confident that he should approve of Bills being introduced imposing taxation, considering that the peculiar province of that House which should be jealously watched. In former times, advantage was taken, from the Monarch on the throne to the Executive, to abuse power and levy imposts on the people without their concurrence. The Executive in those times frequently concocted schemes for erecting a monopoly; and although we might or might not be exposed to this, they should, he thought, rigidly observe the practice of the House of Commons.

Mr. Solomon agreed with the principle of the motion, but preferred the wording of the hon. the Attorney-General. He believed the resolution was not founded on fact, as it started by asserting that it was a rule and order of this House, whereas it was not, nor could it be, until a resolution was taken thereon. By the first chapter of the Standing Orders, he found that they were to resort in all cases, not otherwise provided for, to the rules and orders of the House of Commons. But they had not the same powers or privileges as the House of Commons. For instance, they could not claim freedom from arrest for debt—(question)—as it appeared from the Constitution Act that a member on being unable to pay his lawful debts, should cease to be a member. In England members claimed freedom from arrest during the session, and at the close of the session went across the Channel to avoid it. He could not support the motion in its present shape, but would do so if it were amended according to the suggestion of the hon. the Attorney-General.

Mr. Strangways said as the Attorney-General was wrong in his premises, it was no wonder that he was wrong

in his conclusion If hon members had ever seen a whirlwind in King William-street collecting a quantity of dust from all quarters, it bore some resemblance to the hon the Attorney-General's speech (Laughter) The hon member stated that the fact set forth in the resolution was only an assertion But the hon. member would find that the rules and orders of the House of Commons were to be adopted in all cases not otherwise provided for, and if there was any Standing Order on this point the Attorney-General would have referred to it but he had not done so Therefore the rules of the House of Commons were applicable The rule mentioned in the resolution he found in "May," and the hon the Attorney-General would admit it to be a rule of the House of Commons The hon member referred to the oppressive taxation of England under the rules and orders which he (Mr Strangways) had mentioned, and therefore the hon member appeared to him to argue that if the House did not adopt those rules, there would be no chance of oppressive taxation The hon the Attorney-General also said, that under the 5th and 6th Vict, the Governor had a right to transmit any Bill for the House to take into consideration But whether that Act was in force now or not was quite immaterial, as the question at issue was not whether such Bills could be entertained, but the manner in which they should be entertained He maintained that it was the duty of the House as the representative of the people to ensure full and free discussion of all questions involving facts and figures, which could not be fully brought out when the Speaker was in the Chair and hon members could only speak once There was nothing in the hon the Attorney-General's arguments or rather assertions, for they were nothing more, to alter what he had said, viz, that it was competent for the House to declare the manner in which it would entertain a Bill Did the hon the Attorney-General dare to say that the House was bound to read a Bill sent down by the Governor a first time? If he could say so he would, but not being in that position, like a good tactician, he would persist in saying

" Where ignorance is bliss 'tis folly to be wise "

(laughter,) and if the hon member knew that anything was to be said, he would have said it He (Mr Strangways) contended by this resolution that it was the duty of the Government and the House, immediately on a Bill being received from the Governor —and the Attorney-General himself admitted that the course proposed by the resolution was expedient, so that it was clear the hon member had taken an inexpedient and therefore a highly improper course, and one which he would not follow again—but he (Mr Strangways) contended that the House should either, by its rules and orders, or by passing this resolution or one similar to it, provide against such a state of things The object of the hon the Attorney General was to avoid the chance of a discussion upon a resolution in Committee, as without such a discussion he might have a Bill read a first or second time But if the Bill were discussed fully and fairly in Committee, if it was unjust in its nature or operation, the chances were much greater that it would be thrown out The Attorney-General, as the head of the financial department, had introduced this unjust measure, thinking the Treasurer not fit to be entrusted with it, and after hearing all the arguments and assertions for and against it, the hon gentleman said, "I need not advance any arguments, but simply say, "It is not so, nothing of the kind, what I say is law" That was the way the Attorney-General dealt with the matter In this resolution he was doing nothing more than asking the House to declare what the rule was at the present time The hon the Attorney-General said that the House had no privileges It was strange how the hon member had been enlightened in 12 or 15 months The hon member formerly said the House had privileges, and obtained a large majority on the occasion, and it was only when Her Majesty's Privy Council had the presumption to differ with the hon gentleman that he altered his opinion It was not until he (Mr Strangways) combatted the hon member's opinions on the Standing Orders, that he got the hon member to admit——

The SPEAKER said the hon member was not in order in referring to a debate of the present session

Mr STRANGWAYS—The House would remember what he had stated, namely, that the hon the Attorney-General's opinions only very recently had undergone a change It occurred, in fact, within the last three months The hon the Attorney-General said that if he (Mr Strangways) pressed his motion to a division, he (Mr Strangways) would find himself in a minority, as he usually was He would go to a division, and, as to the minorities in which he was usually found, if the Attorney General referred to the records of the House he would find that, whether in a minority or in a majority, he was usually on the side of Government, so that if there was anything in the statement of the hon the Attorney-General, he presumed he would have the support of that hon member and his colleagues He therefore called on the Ministry to support him though he felt that the call would not be responded to He would now leave it to hon members to say whether they would support their rights and privileges or not

The ATTORNEY-GENERAL explained He had not said a word about the hon member being in a minority The hon member mistook something said by the hon member for the city for a statement of his (the Attorney-General's)

The question was then put and the House divided, when there appeared a majority of six against the motion, which was therefore lost

The numbers were—

Ayes, 6—Messrs Strangways (teller), Burford, Peake, Hawker, Hallett, and Andrews

Noes, 12—The Commissioner of Public Works Attorney-General (teller), the Treasurer, Messrs Solomon, Mildred, Macdermott, Neales, Milne, Hay, Cole, McEllister, and Townsend

BILLS OF EXCHANGE BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed

THE ABORIGINES

The ATTORNEY GENERAL laid upon the table a return to a resolution of the House, showing the amount received from aboriginal reserves during the year, and the amount expended on the aborigines during the same period

SEARCH FOR GOLD

Mr REYNOLDS rose to move—

"That this House will, on Wednesday, the 13th October, resolve itself into a Committee of the whole for the purpose of considering an Address to His Excellency the Governor-in-Chief, requesting that he will be pleased to place on the Estimates a sufficient sum for the purpose of examining the Barrier and Grey Ranges, with the view of testing whether gold exists in paying quantities in those quarters"

There were not many matters more legitimate th in the object he had in view at the present moment Few discoveries could be made in the colony which would more immediately benefit it than a gold-field Whatever might be said of a gold population or of the discovery of gold affecting the morality of a country, still wherever gold was found population collected, for gold was so attractive that nations might be said to follow in its wake Men would go far in the search for gold, and when it was found in sufficient quantities to be remunerative population quickly flowed Much had been said of the want of population in South Australia, but if gold could be found they would have population flowing in, and a great accession to the consumers of their products, whilst at the same time they would save their immigration fund Thus if they found a gold-field the advantages would be great, whilst the disadvantages of a gold-field being some distance from Adelaide would amount to nothing at all The very fact of Echunga being so near hand induced parties to run out there and pick about the ground instead of fixing themselves on the spot and really testing the place He believed if the ground there were properly tested by men sticking to it as they did at Ballarat or the other gold-fields it might prove much more remunerative If we found gold 100, 150, or 200 miles from Adelaide, it would be a great advantage to us This was a matter not at all new to him (Mr Reynolds) His first thoughts were turned to the Barrier ranges by reading Sturt's travels through the Barrier and Grey Ranges, and no person reading that work and examining the character of the specimens given in the work could doubt that a gold-field existed in the district When the Victorian gold-fields attracted the population away from this colony, he had frequently referred to this subject and he believed the people in going over the ranges at that time would have found it well worth while to have examined them He found his opinion was strengthened by Mr Sturt, who being acquainted with the Barrier Ranges and also with Bendigo, and having a knowledge of geology, was strongly of opinion that gold would be found in this locality He also heard a friend of his on the very day of the great gold discovery at the Bendigo becoming known in Adelaide say that gold would be found in South Australia, though whether this gentleman referred to the Barrier and Grey Ranges he did not know, but from a knowledge of the geological structure of the country there, he believed such to be the case When he found also men who knew both the Victorian gold-fields and the Barrier and Grey Ranges of the same opinion, he thought the circumstance should go a long way in inducing the House to vote a sum of money for the purpose Moreover the geologists, diggers, and journalists of Victoria were of a like opinion, and when our own opinions were fortified by all those he had mentioned he thought it well worth while to vote a sum to test the matter He might be asked what the distance was? From Adelaide, taking the Burra as a starting point, he thought the Ranges could be reached overland in about 180 miles, so that the distance overland would be about 280 miles He thought the Government could send a party from the junction of the Murray and the Darling He was told by a gentleman in the Murray trade that he had offered to take 10 diggers free of charge to the Junction that they might test the Barrier Ranges for gold It was certain if gold were found there the Murray must be made use of to a great extent, for even if the gold-field were out of South Australia the diggers must have their supplies from us The principal, perhaps the only objection to his proposal was that the Ranges were out of the South Australian territory, but he did not see that that was any objection, as we were expending money now in trying to discover new country beyond the South Australian boundary There might be some consideration as to the amount which would be required for the purpose but he believed £500 would be amply sufficient, and that a leader could be found with six men to go for six months to test the matter It was of great importance now

when people were talking of going to Port Curtis, that our working men should have some inducement to stay amongst us He hoped the motion would pass without opposition

Mr NEALES seconded the motion, and thought that persons looking to the map would see that the Barrier Ranges were not as hot as Port Curtis The reason of people not remaining at Echunga was not that it was too near Adelaide, but that there was not room, the place being surrounded by private sold lands This had the effect of preventing anything like a rush Otherwise the place would have been settled, and would have proved as good a piece of gold raising land as Bendigo or Ballarat If we could get over this difficulty by finding gold at the Barrier Ranges, it would be a great advantage With regard to the Barrier Ranges being a little beyond our boundary, we might throw that objection over, not only with regard to gold-fields, but to squatting stations Our object should be to find a market for our produce in or out of the province Even should the search prove unsuccessful, nobody could object to its being made, when the cost was only £500, and the chances of success so great

Mr SOLOMON supported the resolution It would be admitted that a great advantage would accrue to the country from the discovery of a good workable goldfield, and the discovery at Echunga went far to prove what was previously denied, viz, that gold existed in the colony With respect to the advantage which would arise to the colony he need hardly express his views That it would give an impetus to trade, would enhance the value of the land, and cause a large increase in our population, must be admitted He thought with the hon member, Mr Neales, that finding gold at a distance of 250 or 280 miles would be near enough as long as this was the market to which the diggers should send for what they required The hon member for the Sturt said that six men would be sufficient for the search, and he (Mr Solomon) had gone into a calculation referring to the number which the hon member fixed He found that £500 would be sufficient for six men for six months with a superintendent—not a theoretical man, but a practical gold-miner who had made all he possessed by gold-mining He (Mr Solomon) knew at this moment a man of this description, who would undertake the duty more for the honor than the sake of reward, and so great was the anxiety out of doors to carry out the object of the resolution, that he believed persons could be found to provide the horse-flesh necessary for the purpose free of charge Indeed he was sure, for he had heard statements that day which convinced him of it The proper time to attempt such discoveries was now arrived, when there were many hands out of employment, and when explorations might not prove as abortive as recent explorations into the interior had turned out Indeed, he believed a number of men could be found for their rations to carry on the search For there was no denying, however anxious men out of work in the colony might be to get to Port Curtis or any other place which offered a better chance of work than South Australia did at present, yet such was the love for South Australia amongst men who had been engaged here for years, that they would rather work for five shillings a day here than in Victoria or any of the other colonies for six shillings He would say no more at present, but would reserve his arguments for a future occasion should they be necessary

The ATTORNEY-GENERAL did not rise to oppose the motion, but thought that the sum fixed should not be exceeded

The SPEAKER—The sum will be fixed in Committee

The ATTORNEY-GENERAL said no opposition would be offered to the motion by the Government There were but two matters to be considered One was the fixing of the amount to be expended, and the other that it should be made part of the resolution that the Government should be requested to put itself in communication with the Government of New South Wales in order to prevent any unfriendly feeling arising In fact, the same course should be pursued as when the Government resolved upon deepening the channel of the Murray

The motion was then put and carried

STRATHALBYN AND MILANG TELEGRAPH

Mr ROGERS asked the hon the Commissioner of Public Works if he will be prepared to place a sum on the General Estimates for 1859 sufficient to construct a branch line of telegraph from Strathalbyn to Milang

The COMMISSIONER OF PUBLIC WORKS replied that when the Government had further information they would decide upon what steps to take in the matter

STRATHALBYN

Mr ROGERS moved—

"That the petition of the inhabitants of Strathalbyn be printed"

Agreed to

RIVERTON AND CLARE TELEGRAPH

Mr HAWKER moved—

"That the House will on Oct 15 resolve itself into a Committee of the whole, with a view to adopt an Address to His Excellency the Governor-in-Chief, requesting him to place a sufficient sum on the Supplementary Estimates of 1858, for the purpose of extending the electric telegraph from Riverton to Clare, by way of Auburn and Watervale"

The House had already affirmed by a vote the principle that the electric telegraph was beneficial to the country at large The distance for which he now asked this description of communication was only 25 miles, and the line passed through one of the most thickly populated agricultural districts in Australia—so much so that he believed hon members were not aware of the extent of the population in question. There were many rising townships and an increasing population, and several large steam flour mills in the district Once the telegraph was in working order and thoroughly understood there would be a great saving to the settlers, as it would frequently save them the necessity of coming to town, and thus they could get information for a few shillings which now cost them £5 The line would also decrease the cost of the main line from Riverton He had consulted before coming to the House that day with Mr Todd, the Superintendent of Telegraphs on the subject, and the plan met that gentleman's approval, and he (Mr Todd) thought it would be a benefit to the revenue.

Mr MCELLISTER seconded the motion

The COMMISSIONER OF CROWN LANDS would not oppose the motion, but it appeared to him that the question could be reopened when the Supplementary Estimates again came before the House. He believed the importance of the locality was such as it had been represented by the hon member (Mr Hawker), and he was aware that the Superintendent of Telegraphs believed that a considerable revenue would be derived from the line He had already told the House that the cost of telegraphs was about £60 per mile It never exceeded that amount, but generally fell short of it

Mr REYNOLDS would not oppose the motion, but would like to see the hon member agree to an addition to it It was that Adelaide and Glenelg should be united, though it was true that one line was to the north and the other to the south There was a wire already half way, reaching within about three miles, and Glenelg was a very important place As it was the wish of the Government to grant telegraphic communication to centres of populations he hoped the hon, member and the Government would not object to this addition

Mr STRANGWAYS would also suggest the addition of a line from Port Adelaide to Port Lincoln or some other place, as the line from Port Adelaide to Port Lincoln had quite as much to do with the motion as the line from Adelaide to Glenelg He did not object to telegraphic communication in a country where roads were so bad and expensive, but he would suggest that the Government should adopt some rule according to which they would grant this communication He believed that in England there were rules as to where postal communication should be granted, and that it depended on the number of letters Some such plan would render it unnecessary for hon members to be constantly making these applications He hoped the Government would consult the Inspector of Telegraphs as to some general regulations.

Mr LINDSAY also wished for some general plan, in order that hon members might not be constantly playing what an hon member had called "the game of grab" With respect to the cost of the telegraphs, they had hitherto been constructed with saplings, which could not be expected to last very long, and they would probably soon require to be renewed Unless the telegraphs were made of a more durable character they would be found more expensive than was supposed, or what was termed "cheap and nasty"

Mr MCELLISTER thought they were fortunate in getting as representatives for Encounter Bay two hon members who were determined to obstruct everything

The ATTORNEY-GENERAL had given way to the hon member for Encounter Bay (Mr Lindsay, with whom the Attorney-General had risen simultaneously when the former hon gentleman addressed the House), because he was always anxious to hear what that hon member had to say on a question of this kind He always felt bound to refuse his assent to a proposition by which the Government were to lay down a plan for telegraph and railway for all time to come, for that was what the hon member evidently had in view But the Government had one intelligible, and he thought reasonable plan in such matters which was that whenever the people of a district wanted such facility, and applied for it, the Government considered whether the project would pay, but if the people did not apply the Government took it for granted that they did not want any such facility

Capt HART wished to know whether they were to understand that the Government had ascertained the facts in this instance, as hon members were unacquainted with the locality required such information The only advantage of putting the motion into the shape of going into Committee on a future day seemed to be that the subject was to be discussed twice over He considered the new order in this respect an inconvenient one

The motion was then put and carried

COLONIAL DEFENCES

Capt HART asked an extension of time to the Committee on Colonial Defences for bringing up their report

Time extended to Friday next

KAPUNDA RAILWAY BILL

In Committee

The amendments adopted by the Council were considered and agreed to

The House resumed

The SPEAKER reported that Committee had agreed to the amendment of Council, and the report was agreed to

WASTE LANDS ACT

The report of the Committee of the whole House on the Waste Lands Act was agreed to, and the third reading was made an Order of the Day for Tuesday next

PUBLIC WORKS BILL

The Bill was read a third time and passed

LAPSED MOTIONS

The ATTORNEY-GENERAL moved that the lapsed motions be proceeded with

Agreed to

TRAMWAY BETWEEN GUICHEN BAY AND MOUNT GAMBIER

Mr HAWKER moved, that the House on Friday the 15th of this month, resolve itself into a Committee of the whole, for the purpose of considering an address to his Excellency the Governor-in-Chief, requesting His Excellency would take such steps as might be necessary for the immediate survey of the country between Guichen Bay and Mount Gambier, for the purpose of constructing a tramway between those localities He believed that it was known to hon members that the district mentioned in his motion was one of the most extensive in the colony It extended from the Murray to the Glenelg, a range of nearly 300 miles It was a district that could not be connected with Adelaide except by the seaboard With the exception of two or three sections, previously disposed of, the quantity of land sold at three sales realized £90,000, and the only outlay in the district had been at the harbor in Guichen Bay The inhabitants, therefore, considered they had a claim on the Government to do something for them In advocating a survey the inhabitants had come to the conclusion that a tramway on that line was the best that could be adopted As to the comparative merits of tramways and railways, that was a matter for future consideration, the point was whether a survey was required He desired a survey to be made, so as to find the best route to that particular district That tramway would accommodate nearly the whole of that district, and a branch from Mount Gambier to Penola would accommodate the whole of the country from the Mosquito Plains to 60 miles beyond it It was a peculiar district for in it there was a good quantity of stone and plenty of timber for either a railway or tramway Already the population was increasing, and he never saw better crops than he had seen in that district The soil was volcanic, which in all parts of the world denoted a very rich character He would advocate it on another ground If the line were made, he was quite certain sufficient land in that direction would be sold to pay the expense of making it It would also give employment to large amount of unskilled labour, the supply of which was at present in excess of the demand, and he thought such works would be of the greatest use to an over-populated place, because of all classes of work that could be suggested, that would be the greatest good to the greatest number At present, from there being no road from Guichen Bay to the Mount Gambier District, the produce of that district was taken to Portland, and the Government of Victoria were carrying a tramway towards that district to within 60 miles of the borders of this colony He understood, in fact, that the loss to the revenue in dutiable and excisable articles from stores going to Portland instead of to Guichen Bay was about £4,000 annually He had no doubt the proposition would meet the approval of the House, for it was a part of the country from which a large land revenue would be derived

Mr HAY rose to second the motion with great pleasure, for he considered the large quantities of land sold about Mount Gambier and the prices which it fetched justified such a course It was an evidence that the land was of a superior quality, and much sought after by intending settlers The accounts published weekly of those districts showed that a very rapid advance was being made in population and production He was not personally acquainted with the district, but a short time ago there was a discussion in the House respecting placing a Custom-House in Rivoli Bay He would ask, could not a survey of Rivoli Bay be included in that motion? Although he would not move an amendment to that effect, he thought a survey should be made in both places, but if any hon member took that course he should support it He was sorry the hon mover had mentioned the term tramway in his motion, for he thought a tramway 80 miles long would never be of any great use. In fact, it would be a better course to make a road to enable the settlers to get on the best way they could until a railway was made A survey should, however, be made

Dr WARK would support the motion of the hon member for Victoria, and would corroborate the statements he had made With regard to the nature of the country over which that survey must pass, it was not calculated for a macadamised road for it was flooded in the winter season He thought the claims of Rivoli Bay equal to those of Guichen Bay as a port He considered it in fact a pity that that port had not been taken advantage of instead of Guichen Bay It would cost a large sum of money, and he thought people should know the cost, but he considered the two places were for two different purposes He thought Guichen Bay was a squatter s country, and believed that was a country which would be a long time before it was settled The Mount Gambier district was adapted to the growth of cereals and fruit trees and grass, and from thence to Rivoli Bay the distance was only half the distance to Guichen Bay In Guichen Bay stores were already erected and considerable business was done, and in a short time, with a tramway, the same would be done at Rivoli Bay He thought from two or three years after opening Rivoli Bay as a port, it would become a place of great resort

Mr LINDSAY had great pleasure in supporting the motion, for he thought that by taking the matter up at the present time, there would be a considerable saving in the purchase of the private property required The hon mover spoke of considerable amounts having been received for land sold in that district, he (Mr Lindsay) thought that much of that land ought to have been reserved for the railways that must pass over it From the nature of the country it was impossible to make an ordinary road He regretted the hon mover should have used the word tramway, for a horse-tramway would cost as much as a railway ought to cost There were many railways in America passing over a similar country, which had not cost more than 1,100*l* or 1,200*l* per mile, but if such railways had a horse-track attached to them they could not have been consructed at less than double the actual cost He thought if instructions were given by the Government, lines could be constructed, the cost of which, and the lowness of fares, would approximate to the cost of those American lines

The SPEAKER reminded the hon. gentlemen he was going beyond the question

Mr LINDSAY saw no harm in including Rivoli Bay in the surveys, and the House would have the means of judging whether Rivoli Bay or Guichen Bay would be the best port to select

Mr REYNOLDS rose to move an amendment, and presumed here would be no objection made to it when it was stated Believing it was the object to connect Mount Gambier with the seaboard, he would therefore move that the words "Guichen Bay" be struck out of the 4th line, and that after the words "Mount Gambier" the words, "and the sea-board" be inserted His object in suggesting that alteration arose from the fact, that having visited that district he found the inhabitants of Mount Gambier unanimous in proposing Rivoli Bay It would give the Government an opportunity of surveying the line from Mount Gambier to Rivoli Bay, as well as from Mount Gambier to Guichen Bay, and thus of adopting the best line As it was, there was a good natural road from Mount Gambier to Rivoli Bay, there being only a few miles of sandy beach to cross, but the construction of a tramway 75 miles long would cost a serious sum, which would, perhaps, be hardly warranted under present circumstances At the same time it would be as well to have the line surveyed, for the shorter the line was the more likely was it that a tramway would be constructed He considered it a matter of serious consequence to the agriculturists whether they would transport their produce 40 miles to Rivoli Bay or 75 miles to Guichen Bay He hoped the hon member for Victoria would agree to the amendment he proposed

Mr HAWKER would not object to the amendment provided the intention was not to shelve the question of Guichen Bay The hon member stated that the inhabitants were unanimously in favor of Rivoli Bay being the port He (Mr Hawker) thought it strange under these circumstances that they should have sent a petition to him in favor of Guichen Bay He believed Rivoli Bay was 60 miles from Mount Gambier, but a farmer might lose more by sending wheat to Rivoli Bay than Guichen Bay, as it might go to the bottom He thought a survey of Rivoli Bay necessary

The ATTORNEY-GENERAL would suggest that when the question went into Committee the term used should not be "immediate survey," but an "immediate examination" of the country as that would enable a surveyor to point out the most favorable route without incurring the expense and time of a minute survey To survey minutely two lines of that length would be inexpedient altogether

The motion as amended was carried

CAMEL TROOP CARRYING COMPANY

Mr SOLOMON regretted that the motion standing in his name was not in the hands of some one who understood the subject better than himself He was totally ignorant of the necessity of camels in the country Many persons who understood the subject, however, expressed their opinion of their usefulness, and he would therefore move—

"That on Wednesday, the 13th October, the House will resolve itself into a Committee of the whole, for the purpose of considering an address to His Excellency the Governor-in-Chief, requesting him to place the sum of £1,200 on the Estimates in aid of the Camel Troop Carrying Company, with a view of enabling that Company to import camels into South Australia, in accordance with the prayer of their petition to that House."

He considered that evidence could be adduced as to the applicability of the animal for the express purposes of the exploration of the interior Sufficient proof had been given

by Mr Babbage that horses did not answer the purpose Major Wain had been instructed by the Government of the United States to select camels for State purposes, which proved their belief of their usefulness From the accounts he had read, he believed they were capable, in case of emergency, of living without food or water for seven days, and of carrying burdens of 350 to 600 lbs weight, according to breed That account was confirmed by a statement of Lieutenant Beale, in the *New York Tribune* of the 29th June last, who started with camels and mules a journey of 1,000 miles They had to carry water for the mules for a-week, but the camels never had even a bucketful given to them He considered those advantages sufficient to induce the House to take the matter into consideration The Company, it was true, was a private Company asking assistance from the Government They asked £1,200, and as an inducement to grant the amount, they would be prepared to permit the Government to select a certain number of the camels, on their arrival, at cost prices He did not know whether he was in order in reading a letter which His Excellency the Governor had written on the subject The hon member was proceeding to read it, when—

The SPEAKER said the hon member must not read any letter from His Excellency in that House

Mr SOLOMON had received a letter from a gentleman in the country, who had had more experience than any other man in the colony as an explorer It was from Mr Arthur Hart, who said he had no objection to his name being placed on the Provisional Committee, but he could not take a share until after harvest (Laughter) That letter showed he was in favour of the scheme. [Several members explained that the hon member was mistaken in the name of the party He was evidently meaning Mr Horrocks] He admitted his mistake, but yet he had evidence from persons really able to judge, who had explored deserts with camels for thousands of miles, and they stated that the camel would be useful in this country, and from their evidence he believed it would be one of the best steps accruing to the colony

Mr NEALES seconded the motion merely because many parties wished the question to be brought before the House. He would, however, reserve his opinion at present

Mr HAWKER opposed the motion, for he could not see the least good likely to result from the introduction of the camel into the colony It was a useful animal in certain parts of the world, but thought it would be no use in exploration, for he had asked Mr Gregory's opinion, who stated that when exploring, had he had camels instead of horses, the party would have lost their lives in consequence of the floods to which the interior was subject For any other purpose than that of exploration he thought it would be nonsense to have the camel in the colony He saw enough in the north when that brute was there belonging to Mr Horrocks As soon as a horse came near it, the smell was enough—he required no spurs—the bit was of no use—no matter what came in the way, stones, or logs, or stumps, or trees, away he went In fact, all in the north considered whether they could not indict Mr Horrocks for a nuisance. If the camel troop marched into King William-street, every coach and every dray would be off They could not hold the horses, and the camel company would have to keep the wives and families of all the drivers who were killed He spoke from what he saw He saw a team of eight bullocks run away, and he, himself, was frightened and ran up a narrow street to escape, for in addition to the dismal noise the nasty brute made, unless you had a thick stick in your hand to defend yourself with he would give a most unpleasant bite In fact an unfortunate blackfellow going along was grabbed at by him Therefore to introduce that species of animal was nonsense The elephant he believed was of great use in India, but he did not know whether he carried a supply of water in his trunk or not The gentleman to whom the hon member (Mr Solomon) alluded was not an explorer, being unfortunately lame, and only able to move about in a spring-cart, but the person he meant was the owner of the camel he (Mr Hawker) had spoken of, and lost his life by it

Mr STRANGWAYS was not opposed to the introduction of camels, but the House must not forget the Company It was a Camel Troop Carrying Company But were the camels to carry the company, or the company to carry the camel troop? When he first saw the notice in the paper he could not understand it, he could make neither head nor tail of it, and could not think that any hon member had got up a company for the purpose of carrying camels But however ignorant the hon member was of camels he was not ignorant of companies He (Mr Strangways) thought if the £1,200 were advanced before the camels arrived, it might all be absorbed in that item common to all companies "preliminary expenses," and the camel would probably never be introduced into this colony by them He had seen camels used in Egypt—they were strange animals, and if imported in large numbers there would be many accidents, for the colonists being unacquainted with their nature and habits many would be lost The camels used in conveying the mail across the Isthmus of Suez carried each six small boxes weighing 60 lbs each, and they performed the journey of 85 miles and back without water, but not without food He thought no such company existed and should oppose the motion

Mr BURFORD said as his name had been used, not by his authority, but by his permission, which amounted to much the same thing, he felt bound to say something, Although he might regret he had not had a little more of the fun that had been going on he had enjoyed what he had witnessed But he wished to know how it was that these animals were so useful in other countries and were yet not likely to be useful in the colony If they were useful in sandy deserts, and if so much sandy desert existed in this colony, he thought they must be useful here Neither did he agree that because horses were frightened at the sight of a solitary camel they would be so when they became common What ought to be considered should be that which was beneficial to the country, and he thought that the object of some hon members was rather to prevent good being done (No no) He saw no reason for alarm, but if it was proved that those animals could not be made useful to the country he should go with those hon members and oppose their introduction

Mr SOLOMON, in reply said, in reference to what had fallen from the hon member for Victoria (Mr Hawker) as to the unsuitability of the camel for travelling where there was much water, that these notions would be completely dispelled by a quotation he would read from Lieutenant Beame's writings, who might, he considered, be perhaps a better authority on those matters than Mr Gregory (The hon gentleman read the extract which he considered refuted the assertions referred to)

Mr HAWKER had made no allusion to water in his remarks, but to mud (A laugh) What he said was, that Mr Gregory had stated that his horses were up to their bellies in mud, and that if camels had been used, they would have surely lost their lives

Mr SOLOMON had misunderstood him then, but he certainly heard him use the word flood, and where there were floods there must, of a consequence, be water He thought the extract read was a sufficient answer (Laughter) He was glad that the member for Encounter Bay had assented to the expediency of the introduction of the camel, though it were not by the said "Camel Troop Carrying Company" ("No," from Mr Strangways) (Laughter)

Mr STRANGWAYS explained that what he said was, that he opposed the present motion, but that the expediency of introducing the camel might form a separate question for enquiry at another time

Mr SOLOMON—With respect, then, to this "wonderful Company" begged to assure the House that he had no interest in it whatever That the hon member for Encounter Bay (Mr Strangways) had exhibited a certain degree of facetiousness at the expense of the Camel Troop Company, and that he had also managed to get the laugh on his own side he could not doubt, and he could very well laugh with him so far as regarded any interest he had in the Company, but this was no argument against the question He thought he could very well leave the matter in the hands of the House to determine as to the validity of the motion All he asked for was enquiry, and he thought the House would be consulting the interests of the country by granting that enquiry

The SPEAKER put the question, and declared the noes had it

Mr SOLOMON called for a division, of which the following is the result —

AYES, 11—The Treasurer, the Attorney-General, the Commissioner of Public Works, Messrs MacDermott, Neales, Wark, Bakewell, Burford, Lindsay, Glyde, and Solomon

NOES, 10—The Commissioner of Crown Lands Messrs M'Ellister, Hawker, Cole Young Mildred, Reynolds, Strangways, Townsend, and Duffield

Making a majority of one in favor of the Ayes

Mr STRANGWAYS called the attention of the Speaker to some hon members having voted with the Noes and now appearing in the division list on the other side (The Attorney-General appeared to be one of the gentlemen referred to)

The SPEAKER—Then I will ask them severally (Addressing the Attorney-General)—Did the Attorney-General vote with the Noes?

The ATTORNEY-GENERAL—I voted on neither side, Sir

REWARD FOR THE DISCOVERY OF GOLD

Mr NEALES, in moving pursuant to notice, "that this House will on Wednesday next, 13th October, resolve itself into a Committee of the whole for the purpose of considering an address to His Excellency the Governor-in-Chief, requesting him to revive the reward for the discovery of a gold-field, on terms likely to induce a greater number of persons to proceed with an efficient search for the same," said he would not detain the House long, as the motion had been, in some respect, anticipated by that which had been discussed at an earlier period of the day There could be no two opinions as to the beneficial effect which the revival of the reward would have in inducing a greater number of persons to prosecute the search for gold As to the terms those he left for the Government to determine The Commissioner of Crown Lands must be well aware from his extended experience, that the inducements held out for the discovery of gold by reward had not been put on that popular footing which would go far to ensure success

Mr HAWKER seconded the motion cordially There were however so many motions for the House to resolve itself into Committees—the applications for this were so numerous—that he thought the best plan for them to adopt would be to resolve themselves into a Committee at once and never come out of it (Laughter) He fully agreed with the motion of the hon member for the city, and thought it much better that

a reward should be offered than that explorations should be made at the public expense

The motion was then put and carried

FERRY AT THE GOOLWA

Mr STRANGWAYS would with permission ask the question of the Commissioner of Public Works which appeared on the notice paper with respect to the House complying with the prayer of the petition of the District Council of Port Elliot and Goolwa for the establishment of a ferry

The COMMISSIONER OF PUBLIC WORKS replied that the question had frequently been before the Government on former occasions, and the result of their deliberations was, that whatever sum was subscribed by the inhabitants of Port Elliot and Goolwa in furtherance of the objects of the petition would be doubled by the Government He could only repeat that the Government was still willing to adopt the same course

CAMEL TROOP CARRYING COMPANY

On the motion of Mr SOLOMON, the petition of the Camel Troop Carrying Company was ordered to be printed

SURVEY OF THE VALLEY OF THE STURT

Mr REYNOLDS asked the Commissioner of Public Works whether he was prepared to support the address to the Governor for a survey of the Valley of the Sturt, as embodied in the lapsed motion which appeared on the notice-paper of yesterday, viz —

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to cause a survey to be made with a view of ascertaining whether a practicable line of railway may not be found from the east and south-eastern districts down the Valley of the Sturt, so as to make the Glenelg Jetty available for the shipment of the produce of those important districts "

The COMMISSIONER OF PUBLIC WORKS had no objection, provided that that portion of it were omitted which referred to the Glenelg Jetty

The motion was amended as suggested, and carried

The House then adjourned

LEGISLATIVE COUNCIL

TUESDAY, OCTOBER 12

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Scott, the Hon Dr Davies the Hon Major O'Halloran, the Hon A Forster, the Hon E C Gwynne, the Hon S Davenport, the Hon Mr Morphett, the Hon Captain Bagot, the Hon Dr Everard, the Hon Captain Hall, the Hon H Ayers

MESSAGES FROM THE ASSEMBLY

The PRESIDENT announced the receipt of various messages from the House of Assembly —No 9, requesting that effect might be given to a resolution of the Assembly giving leave to the Hon Major O Halloran to attend as a witness before the Select Committee upon the subject of Colonial Defences Message No 10 intimated that the Assembly had passed the Bills of Exchange Bill and desired the concurrence of the Council therein Message No 11 stated that the Assembly had agreed to the amendments made by the Legislative Council in the Kapunda Railway Bill Message No 12 stated that the Assembly had passed the Public Works Bill, and desired the concurrence of the Legislative Council therein Message No 13 stated that the Assembly had passed the Waste Lands Act, and desired the concurrence of the Council therein

BILLS OF EXCHANGE BILL

Upon the motion of the CHIEF SECRETARY the Bills of Exchange Bill was read a first time, the second reading being made an Order of the Day for Tuesday next

WASTE LANDS BILL

Upon the motion of the CHIEF SECRETARY the Waste Lands Bill was read a first time, the second reading being made an Order of the Day for Wednesday, 20th instant

PUBLIC WORKS BILL

The CHIEF SECRETARY moved the first reading of the Public Works Bill

The Hon Major O HALLORAN stated that he had a petition to present in connection with this Bill, and wished to know whether that was the proper time to present it

The PRESIDENT stated that it was customary to allow Bills transmitted by the Assembly to be read a first time before petitions against them were presented

The Hon Capt SCOTT stated that he understood there were several petitions about to be presented to the House against portions of this Bill, and perhaps under such circumstances the Chief Secretary would put off the second reading for a fortnight or three weeks, in order to enable the country people to present petitions against it

The Hon the CHIEF SECRETARY said if it were the wish of the House that the second reading of the Bill should be postponed he had no objection to accede He therefore moved that the second reading be an Order of the Day for that day month

Carried

The Hon Major O'HALLORAN presented a petition from the Chairman of the Association of District Councils, praying that the second reading of the Public Works Bill might be deferred for some weeks in order to afford the District Councils an opportunity of discussing its provisions The petitioners objected to the Central Road Board being altogether abolished, but as the Chief Secretary had consented to a postponement of the second reading till a reasonable period he would merely move that the petition be received

The Hon Mr MORPHETT seconded the motion, which was carried

The petition was read by the Clerk It dissented from the proposition contained in the Bill to place the Central Road Board under the sole control of the Commissioner of Public Works It was urged that the Public Works Bill had been hastily passed by the Assembly and that a sufficient time had not been allowed for the expression of public opinion in reference to the measure. The memorialists concluded by praying that the second reading of the Bill should be postponed till a sufficient time had elapsed for its consideration

The Hon A FORSTER presented a petition from Francis Duffield, the Chairman of the District Council of Onkaparinga, the prayer being that the Council would not alter the constitution of the Central Road Board

The petition was read by the Clerk of the Council, and stated that although the memorialists approved of the general principles of the Bill, they suggested that there should be no alteration in the constitution of the Central Road Board, such Board carrying out its operations in a highly satisfactory manner, and would probably do so still more if they were supplied with sufficient funds The petition set forth that if the Public Works Bill were passed the requisite publicity would not be afforded to the proceedings of the Central Road Board by the admission of the reporters of the public press The petitioners prayed that there should be no alteration in the constitution of the Central Road Board

The petitions were ordered to be printed

STANDING ORDERS

The Hon Mr MORPHETT gave notice that on the following day he should move the Hon Captain Bagot be elected a member of the Standing Orders Committee in the absence of the Hon John Baker who had been granted leave of absence to proceed to England

COMMENCEMENT OF ACTS

The Hon Mr MORPHETT moved that he have leave to introduce a Bill to fix the time at which Acts passed by the Parliament of South Australia should come into operation The Bill was a very short one, and was very similar to one which had been passed by the Council last session, but which had lapsed in the Assembly He believed it would be admitted that the present Bill was an improvement upon the one introduced last session, the latter portion of which, relating to mere verbiage in Acts of Parliament, had been left out The present Bill simply provided that upon Acts receiving the Governor s assent they should come into operation The Bill was almost a transcript of one which had been passed by the British Parliament and prevented Acts from having retrospective effect

Leave having been granted, the Bill was read a first time, the Hon Mr MORPHETT stating that as the House had affirmed the principle of the Bill by passing a similar measure last session, he would merely move that the second reading be made an Order of the Day for the following day

Carried

JOINT STANDING ORDERS

The Hon the CHIEF SECRETARY moved—

"That the Standing Rules and Orders of the Legislative Council and House of Assembly, forwarded to this Council by Message from the House of Assembly, be referred to the Standing Orders Committee for their consideration "

The Hon Mr MORPHETT seconded the motion, which was carried

STEAM POSTAL COMMUNICATION

The Hon Captain BAGOT moved—

"That the resolution of this Council, passed on 6th October, adopting an address to the Governor on the subject of postal communication with England, be rescinded, and that the following resolution be substituted viz —That it is the opinion of this Council that in consequence of the failure of the contract entered into by the British Government with the European and Australian Mail Company for the conveyance of the Australian mails, it is desirable that the colonies of New South Wales, Victoria, Tasmania, and South Australia should unite in recommending to the Home Government that an arrangement be entered into for the conveyance of a monthly mail to and from Great Britain and Australia, calling off Port Adelaide each way, and that an address be presented to His Excellency the Governor-in-Chief, requesting him to communicate with the Governments of the aforesaid colonies with the view of ascertaining how far they may be disposed to join in such a measure, and, also, that he will take whatever other steps may be found advisable for perfecting this important matter "

The hon gentleman remarked that it was unnecessary to make any remarks upon the motion, as it had been previously assented to by the House, but it had been found necessary to amend it

The Hon Major O'HALLORAN seconded the motion, which was carried

COLONIAL DEFENCES

Upon the motion of the Hon the CHIEF SECRETARY, the message of the House of Assembly requesting that permission might be given to the Hon Major O Halloran to give evidence before the Select Committee upon Colonial Defences, was complied with

The House adjourned at 20 minutes past 2 o'clock till 2 o clock on the following day

HOUSE OF ASSEMBLY

TUESDAY, OCTOBER 12

The SPEAKER took the chair at 10 minutes past 1 o'clock

NEW MEMBER

The SPEAKER announced that the writ had been returned for the election of a new member for the Port, and that Mr E G Collinson had been elected

Mr E G COLLINSON, introduced by the hon member for the Port, Mr Hart, and the hon member for Flinders, Mr MacDermott, then took the oath and his seat

CENTRAL ROAD BOARD

The COMMISSIONER OF PUBLIC WORKS laid on the table returns received from the Central Roard Boad, showing the intended mode of appropriation of the £20,000 voted by the House

It was ordered to be printed

JETTY AT THE SEMAPHORE

The COMMISSIONER OF PUBLIC WORKS laid on the table the plans of the Boat Jetty at the Semaphore Station, and subsequently the estimate from the Colonial Architect of the probable cost of same

The latter was read, and ordered to be printed

EAST TORRENS DISTRICT COUNCIL

Mr BARROW asked the Commissioner of Public Works whether the correspondence between the East Torrens District Council and the Government was ready to be submitted to the House

The COMMISSIONER OF PUBLIC WORKS said that in consequence of a previous notice by the hon member for Noarlunga he was prepared with the correspondence in question and would lay it on the table

Mr MILDRED said that when he postponed his request for the production of the correspondence on a former occasion it was from his having been given to understand that it was not completed, and he thought now its use would be considerably lessened if it were in the same state.

PETITION FROM THE INHABITANTS OF MITCHAM

Mr REYNOLDS asked the Commissioner of Crown Lands what course the Government intended to take with respect to the petition from the inhabitants of Mitcham, regarding the withdrawal of a certain section of Government land from sale by auction

The COMMISSIONER OF CROWN LANDS replied that the section in question had not been thoroughly withdrawn, but withdrawn only for further enquiry

WASTE LANDS ACT AMENDMENT BILL

This Bill was, on the motion of the COMMISSIONER OF CROWN LANDS read a third time and passed

PRINTING OF CORRESPONDENCE

Mr MILDRED asked that the correspondence between the Government and the East Torrens District Council should be printed, which was agreed to

RECOMMITTAL OF SUPPLEMENTARY ESTIMATES,

The TREASURER moved that the Speaker do leave the chair, and that the House do go into Committee for the reconsideration in Committee of item No 3 (Public Works, &c) on the Supplementary Estimates for 1858, with a view of considering the question of re-inserting the sum of £5,000 for a Boat Jetty at the Semaphore

Mr REYNOLDS hoped some better reason for the reconsideration of this item would be given before the House consented to it Certainly there had been some plans and estimates laid upon the table, but as this had been a "cooked-up affair" it was not enough to convince him to the contrary If the House voted this sum of £5,000 it would be just another illustration of the practice of inserting the "thin end of the wedge," and instead of the boat jetty costing £5,000 as was estimated, it would swell up to £20,000 If the House agreed to vote the money for this jetty, it would soon be called upon to vote a sum for the construction of a tramway across the Peninsula and then for a further sum to make a stronger bridge than the one now in the course of construction, a bridge which was to cost £4,800, and if they had a tramway, they must of course have a bridge, perhaps at the expense of some £50 000 A great deal had been said about the "threshold of South Australia," and the difficulties which new-comers experienced when they first landed But he wished to know which was the "threshold of South Australia, their South Australian forefathers considered Glenelg rather to be the threshold of South Australia, and was not the commemoration of the colony's twenty-first anniversary celebrated at Glenelg? (Hear) Be that as it might, however, if a person wished to reach Adelaide from the sea, which place offered the greatest convenience? Glenelg of course Why, at the Semaphore there was the difficulty in landing, then if the passenger did not choose to walk through the sand, he had to pay 1s 6d to ride and when on the other side of the Peninsula, he had to pay a further sum to cross the Stream, and, lastly, some 1s or 1s 6d more to get to Adelaide. He would ask them whether it was not much cheaper to land at Glenelg As to the mails being landed at the Semaphore, and that being made an argument in its favor, all he could say was, that if they were landed at Glenelg, they would get them in Adelaide several hours earlier Hon members had argued as if the Semaphore was the only landing-place on the coast, and they also called upon the House to vote a sum of money to provide for the convenience of a few persons who, instead of taking the usual course of coming round to the Port by water, found it pleasanter to land at the Peninsula It was not fair nor just to the country (Hear, and a laugh from the Commissioner of Crown Lands) The Hon the Commissioner of Crown Lands laughed The subject no doubt was pleasing to that hon gentleman, no doubt he would like a jetty at the Semaphore and a tramway to reach it, and a bridge at the end of it He (the Commissioner of Crown Lands) laughed no doubt "in his sleeve" at the prospect of getting all this—(continued laughter from the Ministerial benches)—but country members must remember that the cost now was not what was to be considered, but the probable cost hereafter The Colonial Architect's estimates, and he had had some experience of them, were not worth much On these grounds he protested against the recommittal of the item

The COMMISSIONER OF PUBLIC WORKS said this was the third time he had risen to speak on this question, and whether it was to be the last, or the last but one, he could not say The hon member for the Sturt (Mr Reynolds) opposed the granting of this sum for a jetty, and instanced it as an illustration of the practice of inserting "the thin end of the wedge," but he assured the House that it could not be considered as the commencement of any attempt to evade enquiry for the purpose of getting a greater amount of money than could be spared He had told the House before that if the jetty could not be constructed for the sum stated it should not be constructed at all, and if they did not take the estimate of the Colonial Architect, they would, he supposed, take the assurance of a Minister of the Crown They had the estimate of the Colonial Architect, that officer generally erred on the other side—that was over-estimating the expense of works - which he considered a very good failing It was so in his estimate for the Court-Houses at Salisbury and Woodside, in fact in most of the works the estimate slightly exceeded the expense Again, the House was told by the hon member for Sturt that the bridge building across the Stream at the Port was too weak, then why, he would ask that hon gentleman, was it not made stronger? (A laugh) Upon whose shoulders did this blame rest? As to the remark about "their forefathers" he (Mr Blyth) landed on Torrens Island, and he believed his forefather landed at the old Port At present the steamers generally came in in the night, but notwithstanding the difficulties which attended the landing of passengers at the Semaphore, involving loss of life (no, no), still it was risked rather than submit to the alternative of going round by the stream He considered there was no place on the whole coast where a jetty was so much required as in this spot and he hoped the House would consent to reconsider this item

Mr REYNOLDS rose to explain with reference to the remark of the Commissioner of Crown Lands that he (Mr Reynolds) had said that the bridge at the Port was too weak What he said was not uttered on his own authority, but on the authority of the hon member for the Port (Mr Hart)

Mr HART had not been converted by the arguments of the hon member for the Sturt, and would therefore support the reconsideration of the item With reference to the bridge, all he could say was, that long before it had been carried to its present extent, he stated that it was not suitable for the purpose But the hon member for the Sturt (Mr Reynolds) who was then Commissioner of Public Works, maintained that the bridge was sufficient for all purposes, and he (Capt Hart) had every confidence in the then Colonial Architect He considered the great difficulty in connection with this bridge consisted in the fact that the foot of the bridge was placed on private property With respect to the question before the House, he was satisfied a jetty could be erected for the sum named (No, and hear) If it could not there was the pledge of the Commissioner of Public Works that it would not be proceeded with The House had all the information on the subject which it was possible for them to have, and unless the views of the House were those of the hon member for the Sturt, they would see the necessity for this jetty Would any hon member pretend to say that there was a greater, if so great, a traffic on any other portion of the coast as at the Semaphore? If it were so, then he could understand the opposition to the item The hon member for the Sturt had stated the difficulties which had to be overcome in landing at the Semaphore Station, but instead of that being an argument against the construction of a jetty, he thought it was in

its favor as it was clear that facilities were needed. But admitting that these difficulties existed, they were increased as respected Glenelg. He remembered when they were days without being able to obtain communication with vessels in the Bay. It was a fact that £40,000 had been spent in land on the Peninsula, which had gone into the public coffers without one shilling having been laid out in return, and would the hon. member for the Sturt talk of Glenelg? Why, the jetty at Glenelg had exhausted more money than was received in the purchase of land within a circuit of a mile of it. On the Peninsula, however, not one shilling had been spent for local purposes. There was the flagstaff, certainly, and the telegraph across the Peninsula, but these were not for the benefit of parties resident on the spot, but for the benefit of Adelaide by the prompt transmission of news from the beach. He would not enlarge, he considered that he had made out a case that he might leave to the good sense of the House.

The SPEAKER then put the recommittal and declared the noes had it.

A division was called for, of which the following was the result:—

AYES, 15—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer (teller), Messrs. Scammel, Hallett, Hart, Hawker, Solomon, Glyde, MacDermott, Lindsay, Collinson, Shannon, and Burford.

NOES, 10—Messrs. Reynolds (teller), Strangways, Duffield, Peake, Townsend, Wark, Dunn, Cole, Rogers, and Milne.

Making a majority of five in favor of the ayes.

In Committee.

The TREASURER moved the item, viz., £5,000 for the construction of a boat-jetty at the Semaphore.

Agreed to.

The House resumed, the SPEAKER reported, and the consideration of the report was deferred until the next day.

MATRIMONIAL CAUSES BILL.

The ATTORNEY-GENERAL rose to move the second reading of the Matrimonial Causes Bill. He did not know that it was necessary for him to go into an explanation of the provisions of the Bill at length, and he would only make a brief statement, because he believed that the general principles and particular details of the measure were understood, and had met with the cordial concurrence of the House. It had long been a matter of reproach to British jurisprudence and to the laws of this colony, that so great an inequality existed in point of law between the husband and the wife, as also other difficulties in connection with the dissolution of the matrimonial tie. The Legislature of England had brought the matter forward, and had lately adopted a Bill to meet this defect in the law, substantially the same as that he now presented to the House. A copy of that Bill had been forwarded to the Legislature of this colony by the Secretary of State for the Colonies, with a recommendation to adopt it. This recommendation did not involve anything imperative upon them; it did not make it absolute upon them to receive it; it was merely a suggestion as to the expediency of having a uniform code of matrimonial law throughout the British colonies. The particular form in which this Bill was presented was to be accounted for by the desire of the Government not to risk the measure by too great emendation, and to thereby secure the immediate assent of Her Majesty to it if passed by that House. Then there were principles in the Bill on which a difference of opinion might exist, that was the different circumstances under which divorce could be obtained. But he looked upon the Bill in this light, that seeing there was a certain amount of good in it, and that there was no certainty of the Bill passing in a greatly altered form, they should be content with it in its present shape. Any alteration made in the Bill should be of such a nature as not to affect the principles of the Bill. The reason that the Government adopted the Bill in its present form was that they did not wish to risk the measure. The Bill on the whole was a decided improvement, but whether that improvement was as great as could be effected was another question. The object of the Bill was to give the Supreme Court power with regard to causes matrimonial, a power which was previously possessed by no Court, but by the Legislature only. This Bill provided that as regarded the wife, adultery only would establish a claim to a divorce, and as regarded the husband, adultery in connection with other aggravated circumstances would constitute a claim for divorce on the part of the wife. The Bill also provided for a judicial separation, in which the wife and her property was protected from the husband by the Court. Under this provision, a wife had the right of judicial separation and the protection of a magistrate for herself and children. Then there was another great improvement in the law in this Bill which did away with that disgrace to the English law—actions for *crim. con.*, by which the husband was vested with the power of trying a question involving the honor of his wife, and in which both the wife and the children might be innocent subjects, whilst they were denied the privilege of being heard in self-defence. It was a means by which a scoundrel devoid of human emotions made a traffic in the honor of his wife merely for the sake of the damages which would be involved in an action, and in which in some cases judgment was allowed to go by default to secure that result. The present measure swept away entirely all this blot upon the law, but although it protected the wife, it did not leave the husband without redress when really deserved. He had not referred to details thinking they might more appropriately come under consideration in Committee. He moved the second reading of the Matrimonial Causes Bill.

Mr. MILNE felt it to be his duty to oppose the Bill, as he thought it was uncalled for. They had been told by the Attorney-General that a recommendation had been forwarded for the adoption of this measure, in order that the matrimonial code throughout the British possessions might be assimilated as nearly as possible, but the House must remember that although a similar law had been passed by the English Parliament, it was confined to that country alone. No other part of the British empire was included, as both Scotland and Ireland were exempt. When this Bill was before the House of Commons, there was a great deal of scriptural argument introduced. He would not, however, in the remarks he was about to make pursue this course, for although he did not hold with the Roman Catholics, that marriage was a sacrament, and indissoluble, still he looked upon it as a question of civil policy whether it should be so or to what extent it should be so. He was inclined to look upon the marriage tie as one for life, and that it would be prejudicial therefore to interfere with it. The English law had hitherto looked upon marriage as to a great extent indissoluble, or how was it that difficulties were presented in the way of divorce, and that special Acts of Parliament were required to be obtained before a separation could be legal. It had been objected to the system that it gave an undue licence to the wealthy. This was a very specious argument, but with respect to the Bill now sought to be introduced, he would ask if the facility given for divorce was likely to improve public morality. Let them look at home and compare the character of those who took advantage of this licence with that of the humbler persons out of whose reach it was, and say whether they did in the point of morality give the preference to the latter. It was a well established fact that the increase of facilities for divorce was productive of evil results. History and continental experience went to prove this. In Prussia, which was a country celebrated for the great facilities which obtained there for divorce, the principle had acted very prejudicially. He would read an extract in support of this. Lord John Manners had said in the House of Commons on this subject:—"What was the case in Prussia. This was the statement of a Roman Catholic priest, who said:—'An act of adultery previously committed forms the ground, almost without exception, of those divorce cases the pleadings in which I have had the perusal of. In consequence of the divorce granted by the Court of law, and of a subsequent remarriage, the adulterous element is successful, and, being for a time followed by no unpleasant consequence to the parties, it obtains, to my great regret, a sort of outward respectability. Cases of second divorce, followed by a third marriage, are not uncommon.'" Then as another illustration he might give the lessons deduced from history. In France, in 1789, incompatibility of temper alone was sufficient to suffice for a claim for divorce. In 1803, this fatal facility was restricted, and in 1816, it was finally abolished and marriage was declared to be indissoluble. A nation retracing its steps was ominous, and that legislature might well consider before they reinstated a law which was found to be prejudicial. Again, in the United States, not only was adultery the subject of divorce, but many circumstances tended to establish a valid claim to divorce, such as physical incapacity, consanguinity, fraudulent contract, idiotcy, and insanity, either party being under age, husband or wife absent three to seven years (which differs in the various States), extreme cruelty, besides in many States applications were frequently made to the Legislature for divorce in cases not provided for by the laws. This was sufficient to show that the Bill would increase the crime for which it provided dissolution of marriage. It would in the event of a married couple not being exactly happy in their lives smooth the path to them for immediate divorce, if they have the boldness to set the laws of God at defiance and violate their marriage vows. It also provided the means for a guilty husband to rid himself of an innocent wife. Although the right of divorce was confined to adultery and aggravated digressions from morality, yet these facilities for divorce would so increase eventually, that like the Spartans of old, they would be able to put away their wives because of their barrenness—or as with the Cretans, because of their fruitfulness. He considered the passing of this Bill would be a serious blow to our social happiness. England had hitherto been looked upon as a country in which the domestic virtues were held in great respect. The word "home" denoted many ties of affection. No doubt many instances of hardship had come under the notice of hon. members, in which either the man or the woman had been badly used. Hon. members had therefore been led away by their feelings. But he looked upon it as a question affecting society at large, and which they must deliberate upon without respect to individual cases. He thought the Bill was uncalled for in a small community like this. There had been no demand for such a measure out of doors. They should wait and see the result of the present Act. He certainly admired those portions of the Bill where redress was given to deserted wives, and relief held out under the judicial separation clause. He thought that in a small community like this it was all that was required. In conclusion the hon. gentleman read the following extracts of speeches made in the House of Com-

mons, in which the opinion of Lord Stowell is quoted as it appeared in the first report of the Royal Commissioners:—"For though, in particular cases, the repugnance of the law to dissolve the obligations of matrimonial cohabitation may operate with great severity upon individuals, yet it must be carefully remembered that the general happiness of the married life is secured by its indissolubility. When people understand that they must live together, except for a very few reasons known to the law, they learn to soften by mutual accommodation that yoke which they know they cannot shake off; they become good husbands and good wives from the necessity of remaining husbands and wives, for necessity is a powerful master in teaching the duties which it imposes. If it were once understood that upon mutual disgust married persons might be legally separated, many couples, who now pass through the world with mutual comfort, with attention to their common offspring, and to the moral order of civil society, might at this moment have been living in a state of mutual unkindness, in a state of estrangement from their common offspring, and in a state of the most licentious and unreserved immorality. In this case, as in many others, the happiness of some individuals must be sacrificed to the greater and more general good." Was the House prepared to say that all the Divorce Bills, or half of them, which had been passed, had been passed wisely, or that it would not have been better for the parties if there had been no means open to them of obtaining a divorce? How many evils were there in the marriage state which no legislation could touch? He knew a gentleman—one of the most amiable men in the world—whose wife after one or two years of marriage, without any reason whatever, ceased to live with him. No doubt this was a form of insanity, but no Act of Parliament could meet such a case. The question was whether, taking an extended view of human society, it was not for the happiness of the greater number that marriage should be regarded as indissoluble. Suppose a woman preferred another man to her husband, if there were no possibility of divorce she would know that by giving way to that attachment she would condemn herself to disgrace and misery for the rest of her life. But by this Bill and eyed under the present system the prospect of divorce was open to her, and she knew that by going through a certain process she might become the wife of the man whom she preferred to her husband. Under the present system the process was tedious and expensive, and it was just because this Bill proposed to render it more easy that he objected to it. With his objections to divorce he could not bring himself, without much more consideration than time was allowed for, to support the second reading of the Bill. The Government had certainly no reason to be satisfied with the course which this debate had taken, for out of the seven hon. members who had preceded him six had opposed the Bill, and the seventh had only spoken of it with faint praise. (Hear, hear.) The subjoined had been quoted as the testimony of Chancellor Kent:—"Important testimony had been borne against the dissolubility of marriage by Chancellor Kent, the learned commentator upon the laws of the United States. He said it was doubtful whether divorce upon the ground of adultery would not lead to fraud and corruption, and that he had had to deal with many cases where there was reason to believe the sin of adultery had been committed by the husband in order to a divorce. (Hear, hear.) Experience had taught that increased facilities of divorce only increased the tendency to divorce, and the House would do well not to break hastily in a few weeks the most precious link in the chain of social order that bound society together. (Cheers.) In France, in 1789, the revolutionary authorities abolished the old laws of France relative to marriage."

Mr. Lindsay opposed the Bill, but would not agree to the whole of the objections urged by the last speaker. He considered that instead of being a better law than the laws of France and Prussia, it was not so good a one, at least as that of France. Prussian laws he was not so well acquainted with. This Bill, he considered, by the easy means of divorce which were given, offered direct inducement to the committal of adultery. The hon. member for Onkaparinga had referred to the laxity of the law in other countries, but he considered this Bill was infinitely more lax in its principles. By the law under the French Consulate, adultery was punished; but in this Bill, no punishment was provided for it. The adulterer or adulteress there were not permitted to marry each other, but in this Bill there was no such restriction. The French law would not allow any man who kept a mistress in the same house with his wife to sue for a divorce on the charge of adultery; but in this Bill, there was nothing to prevent such a state of things. By the French law fine and imprisonment were inflicted in certain cases, but here there was no punishment whatsoever. In 1816, however, the law of divorce was abolished, and nothing but judicial separation was allowed until 1835. He was not aware that the law had been altered since. With regard to assimilating the laws with those of Britain, that had some weight with him; but they must remember that this law was one confined to England alone; and therefore the Attorney-General's argument was considerably weakened by this fact. If this Bill were withdrawn, and another submitted providing for justice both to man and woman, he should probably support it.

Mr. Strangways opposed the second reading of the Bill. He objected to the principle in it which enabled a Judge to grant a divorce. It had not been explained that this Bill had been called for, or that there was any demand for it out of doors. Under such an Act as that sought to be introduced a difference between man and wife might constitute grounds for divorce. In a country like this he considered it was highly injudicious to throw facilities in the way of increasing that crime which this Bill was intended to do away with. The Attorney-General had stated that one advantage this Bill would possess was this, that no action for *crim. con.* could be taken, and that scoundrels who had trafficked in their wives' honor would find no facilities under this Bill. He maintained that there were equal facilities under this Act for a great immorality like that referred to. The only difference was in the way in which it was accomplished. This Act would to a great extent interfere with the Roman Catholic creed as to marriage. The members of that creed considering marriage to be indissoluble, would refuse to put themselves under its operation. There was one clause in the Bill which he would like to see passed as a Bill by itself. That was the 6th clause. (Read sixth.) That clause provides that a wife deserted by her husband might apply to a Special Magistrate for a remedy. He believed the Attorney-General had introduced the whole Bill simply because he had heard from hon. members and others out of doors that many cases of hardship had occurred, but he thought that clause enabling a wife to retain possession of her property ought to be adopted. There was another question in regard to the time likely to be necessary in going through the forms of proof of the judicial proceedings required by the Bill. The Attorney-General had not stated that, but had left hon. members to gather what they could from the clauses of the Bill. But any hon. members who could form an idea of the length of the proceedings to obtain judicial separation must be far better acquainted with law than nine-tenths of hon. members were. He had heard that the proceedings would occupy one year and a-half, which, unless in particular cases where disputed issues required the decision of juries, he thought a long time. With regard to the costs, he hoped the Attorney-General would give some idea. He thought the cost of a special Act in each case would be far less than the cost of obtaining a dissolution of marriage under the provisions of the proposed Bill. And one advantage of having to go to that House to obtain a special Act for dissolving a marriage would be that persons would be far less willing to do so than to apply to the Supreme Court; for in the Supreme Court the only publicity of the proceedings would result from the operations under one action, but in the case of an appeal to the Legislature the particular features of all the cases that had been previously decided would be gone into, and that constant recurrence to the particulars of each case would tend to prevent the commission of the crime to which that Bill was intended to give relief. The 12th clause enabled the husband to obtain judicial separation in case of his wife's adultery, but the wife could only obtain a decree of divorce against the husband in case of incestuous adultery, and although a good deal might be said why one law should be made for the husband and another for the wife, the Attorney-General had not given, though no doubt he could give, satisfactory reasons why such a clause should be allowed to pass. He (Mr. Strangways) could not see why the crime in the one case should not be equal to the crime in the other, nor why, if a man was enabled to obtain a divorce from his wife for the crime of simple adultery, the woman might not obtain a divorce from her husband on the same ground. He thought the moral effect of the passing of that Bill would be worse than was generally imagined. It would afford an easy means of dissolving the marriage tie, and was hostile to the religious feelings of a large mass of the community. On those grounds he would move as an amendment that the Bill be read a second time that day six months.

Mr. Peake, with a view of expressing his opinion of the Bill, would second the amendment of the hon. member for Encounter Bay. He would do so because in what he was about to say he should express the feelings of thousands of Roman Catholics—his co-religionists in the colony. He regretted the Bill had not been divided into two portions, and made the subject of two separate Bills, for in that case he could have supported the remedial clauses provided in the Bill for cases of the judicial separation of married persons. Such measures had been long called for, and were simply acts of justice that had been too long delayed, but he was obliged to reject those remedies because of the principles inserted in the Bill, and the damage the passing of it would bring down upon society at no distant date in the colony. He gathered from the Attorney-General that the chief reason why he had introduced that Bill was, that they were invited to follow in the wake of the British Parliament, but was the wisdom of the British Parliament to undo the experience of nineteen centuries of Christian experience in regard to the indissoluble nature of the marriage contract? If they were induced by such argument to do so, the House would act imprudently, and would repent of its precipitate action. Every one must see that the marriage contract was the centre round which the social system revolved, and he for one would hesitate before he allowed that centre to be removed, or the securities by which it was guarded to be withdrawn. At the first institution of marriage man and woman, the Creator proclaimed

them to be one flesh, and Christianity in after ages said "Whom God hath joined together let no man put asunder," but now in the nineteenth century man was assuming the right to do that which Christianity forbids—to separate man and wife For his part, he would never allow any person to dissolve that contract, because he believed nothing less than death ought to have that power He need not quote Lord Stowell's judgment on that subject, the hon member for Onkaparinga having already done so Any Legislature introducing a measure for dissolving the marriage tie was retrograding, and was worse than the ancient legislatures of Greece and Rome In this Bill, one clause empowered a woman to marry three months after being divorced, but in ancient Greece such a step on her part would have stamped her with infamy during the remainder of her life In fact, he considered that Bill would be a step backwards to the follies of ancient Rome, in which marriage in many cases was little better than legal prostitution He would ask what would be the effect of that Bill on society, if passed? Would it tend to increase the sanctity of the marriage contract, or keep families together, or preserve order and good government in those families? He thought those parties, if such existed in England, who expected such results, would be grievously mistaken In the Mauritius, within the last 20 or 30 or 40 years, there had been no less than five different laws of divorce enacted He thought it was Montgomery Martin who said he had been present in a party where there were three wives divorced from one husband, sitting side by side He did not want to see anything of that sort in South Australia, but if an excuse was found for divorcing one, excuses would not be wanting for divorcing two or three more He considered the Bill, if passed, would tend to moral laxity, and give occasion to scandal of all kinds What would be the end if the idea were admitted that married people should be separated if they could not live happy together They would soon find out dislikes and troubles of all kinds, and many would readily grasp at those vicious courses which would enable them to free themselves from the irksomeness of married life He trusted no alteration would be made in those laws under which the domestic relations of Englishmen had grown up and been preserved A man might be divorced from his wife, and a wife from her husband, under this Bill but when the children of such persons went forth into the world they would be considered as bastards by other Christian states, and the parents adulterers throughout the rest of their lives

Mr Bakewell would cordially support the Bill, as it was called for by the condition of the country Most persons knew cases in which great misery existed in consequence of the impossibility of dissolving marriage after crimes had been committed, which rendered it impossible for the parties to live together peaceably afterwards The Bill came recommended by the British Legislature It had passed through that Legislature, in which it had been fairly canvassed by parties more competent than parties in that House to estimate its provisions, it had passed the Commons and the House of Lords and received the Royal assent He thought therefore regard ought to be paid to it on that account, and being generally British people, our habits and social relations did not differ materially from those of England He thought the hon members for Onkaparinga and Encounter Bay had misunderstood the purport of the Bill. It was not to afford facilities to dissolve the marriage contract, for marriage could only be dissolved by the wife on charge of adultery, and on its being proved that the husband had not forgiven the offence—that he went immediately into Court, and that there was no collusion on his part with her paramour Would any man tell him that it was right that a man should be compelled to keep a wife who had been untrue to him? It was shocking! With such a man he could have no common ground of argument The Bill offered no facilities for dissolving the contract for infirmities of temper The only grounds were adultery on the part of the wife, and adultery, with degrading circumstances, on the part of the husband Would it be said that a woman was bound to live with such a man, and to look up to him as a protector? He could have no common ground of argument with such persons It seemed to him that another ground of mistake had been assumed The hon member for Onkaparinga had said that the British law was altogether adverse to divorces, but, in point of fact, that Bill only enabled the poor man to obtain what, before its passing, the rich alone could obtain If a man were prepared to pay £3 000 as the price of a divorce he could always obtain it that was no new law, but the object of the present Bill was to apply the existing law to the case of poor persons, and he said the poor ought to have equal advantages with the rich in that respect The hon member for Encounter Bay had remarked upon the costliness of the process He (Mr Bakewell) thought it probable that for £20 or £30 the suit might be completed The hon member for Burra and Clare spoke as if the Roman Catholic religion did not sanction the dissolution of the marriage tie, but it was well known that the Pope of Rome always arrogated to himself the power to dissolve marriages A hundred cases might be cited from history in support of that assertion, he need only instance that of the Empress Josephine, who was divorced from Napoleon Buonaparte by the Pope In fact, in Roman Catholic countries, marriages were more speedily dissolved than in any other countries in the world Although it was as well to take the Bill in its integrity, there were one or two alterations which would improve it For instance, the Bill did not give power to the Court to secure alimony In many cases, a wife would be fully entitled to judicial separation, and he thought that the Court should have the power to direct a portion of the property of the husband to be secured in payment of alimony In a case that had occurred beneath his own eye, a man and woman had come to the colony and begun life by working hard They got rich and the husband left his wife and lived with a young woman He was living in a prodigal style, and in two or three years the property which the wife had assisted to obtain would be dissipated He thought therefore in cases of judicial separation the Court should have the power of causing the husband to be examined as to his property, so that proper provision might be made for his wife There was also another omission in the Act It only secured to the wife the property that she might acquire after her separation from her husband It only applied to the future It would not protect the wife in the possession of what she had previous to their separation He wished a Bill to be brought in to amend that clause and to render it effective in its operation in the present as well as the future The Act had been passed in Tasmania, it was before the Legislature of Sydney, and was under consideration of the Victorian Parliament, and if the House rejected it, he believed the South Australian would be the only Legislature in the British dominions that did so

Mr Solomon believed the Bill, if passed, would afford facilities for destroying the marriage bond, which ought not to be given He thought, with the hon member for Barossa, that the wife's property, acquired through her exertions, should be secured to her But he thought, if he understood the hon member, he (Mr Bakewell) should have opposed the Bill. Seriously speaking, the Almighty declared that the marriage bond should not be dissolved He thought the Bill was not demanded by the colony, and, if passed, would prove dangerous to its morality It would be an inducement to persons to get up disputes with their wives, and wives with their husbands, for the purpose of obtaining divorces He did not consider that the Bill having passed in Van Diemen's Land, was any recommendation for South Australia, which was much higher in the scale of morality than any of the other colonies He called upon the House to throw the Bill out, and prove, by doing so, the high estimate they had of the morality of the colony

Mr Glyde would support the Bill, for it was not an alteration in the law, but only the bringing it down to the reach of the poor man, whose feelings might be as acute as those of his richer fellow countryman As to the religious scruples of some parties not permitting them to avail themselves of the provisions of the Bill, they had no occasion to do so He thought the 9th clause secured alimony to the wife and he considered it sufficient for the purpose He should object to clause 22nd, which provides that any question might be put in writing by the Judge in any form he liked to put it to the Jury, and should move in Committee that it be struck out He had seen sufficient inconvenience in the colony from such a course Reserving to himself the right to move any amendments that he thought advisable, he should support the second reading of the Bill

Dr Wark had not intended to take any share in the discussion, for he thought the Bill more adapted for consideration by members of the legal profession than by other hon members, for such cases necessarily came more immediately under their notice than under that of others But he was disappointed that the Attorney-General had not advocated the second reading of the Bill with one of those bursts of eloquence with which he sometimes delighted the House Most probably he thought that the Bill having passed the Legislature at home there would be no opposition The hon member for Onkaparinga had said that the provisions of the Bill did not apply to Scotland But there divorce could be obtained by application at the quarter sessions It was therefore only applying the law of Scotland to South Australia so far as that went, but it was doing more It was protecting unprotected women, who might now be abused to any extent whatever, so long as the husband did not violate outward decency In this colony, more than elsewhere, the wife did more than the husband towards obtaining a competency Many persons now possessing many broad acres began with only a small pittance The wife began with a cow or sow, and by washing and hard work she enabled the husband to get a section or two The medical profession which knew the worst secrets, which, although hidden from the world, were the best judges and they could understand the necessity there was for that Bill He was adverse to the Sacred Volume being dragged into discussions, but when it was done, it was essential to quote it correctly The Saviour said, "No man shall put away his wife except for adultery, and if any one put away his wife, let him give her a writing of divorcement in her hand, that she may go and marry again," but by many members, the Supreme Court would be denied that power Such persons would keep persons living in a state of mutual dislike and utter distress, that would never be anything than a source of mischief to them, and a bad example to their children

Mr Barrow, in also supporting the second reading of the Bill, would only address two or three observations to the House. It had been stated that the passing of the Bill would be opposed to the views of the Roman Catholic portion of the

community, but it was a sufficient answer to that to say that they were not bound to avail themselves of its provisions But if the Bill dissolving marriage were not to pass because it opposed the views of one class of the community, the House ought not to pass Bills legalizing marriage, unless also in accordance with the views of that portion of the community If there should be uniformity of opinion before a Bill could be passed for dissolving marriage, it was equally requisite in the case of a Bill to celebrate marriage He considered that only where divorces ought to take place would that Bill enable them to be effected The hon member for Encounter Bay (Mr Strangways) thought it would have been better to effect divorces by means of Acts of the Legislature, but hon gentlemen should recollect that the Governor was prevented from giving his consent to Acts of that description, consequently great delay expense would be necessary before those Acts could be ratified He (Mr Barrow) would like the Attorney-General to state what amendments could be introduced into the Bill, for he thought some amendments might be advisable He thought the 12th clause an unjust one No doubt good reasons might be given for retaining that clause as it was, but yet he believed better could be rendered for altering it, and he should like to see the clause so altered as to place the wife on an equal footing with her husband He considered greater power should to given to the Court to secure payment of alimony than had been made in the Bill with regard to the clause respecting the protection of the property of married women, if there were no other reasons than that for passing the Bill, he should support it It was in evidence before the British Parliament that there had been such heartless cases of desertion and robbery, as to render necessary such remedies as the Bill provided He did not anticipate any immoral effects from the passing of the Bill, and with regard to the protection of the wife's property, he thought it suited to the peculiar condition of society in the colony

The Attorney-General said that in moving the second reading of the Bill he had not anticipated any opposition whatever to its provisions and principles He had, however, presumed too much on the accordance of the experience of every individual with his own, for he knew innumerable cases in which the absence of some such law had been productive of great injustice and cruelty The hon member for Encounter Bay said he (the Attorney-General) had not shewn that any complaint existed with regard to the present law, nor had he shown even an individual instance of suffering He had not done that, and he thought it would not be practicable for anybody to do so without violating that confidence by which he had become possessed of the reasons of the complaint and the desire for a remedy It was not an evil that persons would proclaim to the world—it was one of those matters which, as far as possible, would be concealed in their own breasts, unless compelled to bring it forward, in order to obtain redress for an intolerable injury But he recollected at that moment that in the course of his professional experience in three separate instances he had been asked if it was possible to obtain a Bill of Divorce, and he had been compelled in each case to say that, without an alteration of the law, it was perfectly idle for any person to seek relief or redress in such a matter, because the instructions to His Excellency the Governor positively forbade him to give consent to any Bill that would have the effect of dissolving the marriage between two individuals But when it was said that it would be better for that House, on occasions of that sort, to pass a Bill for dissolving a marriage, and that in order to do that, a person should be compelled publicly to detail the injury he had received, and thus to subject himself to the remarks which might be made in an Assembly like that, the hon member proposing such a remedy would impose upon persons in the colony a burden as heavy to be borne as the peculiar burden from which they sought relief Many persons, under such regulations considering the uncertainty attending such a Bill—for the Legislature would have to discuss each individual Bill on its merits, and according to the circumstances of each individual case and the evidence brought before it—would shrink from seeking redress by such a course In such an enquiry each member of that House must decide according to the circumstances of each particular case He would be bound not to regard general rules, for in any particular case the application of them might not be justified, and therefore persons would seek with reluctance a remedy which he was not sure he might obtain He thought it much better that the conditions on which relief could be attained should be stated, and he thought the right course was to lay down the rules and principles on which it should be granted The hon member who led the opposition on that occasion referred to the laxity of morals which it was alleged prevailed in Prussia He (the Attorney-General) had always great difficulty in availing himself of that class of argument, for although the inhabitants of South Australia were in their own eyes the most moral people in the world, it was possible other people might imagine themselves the same In the same way England, it was said, was the most moral of all countries in the eyes of its own people, but the people of the Continent had a very different idea Their idea was, that the impediments placed between the sexes was productive of much open and concealed vice and was associated with much domestic uneasiness He did not himself believe it, but that was the belief that existed on the Continent and he only named it as the prevalent opinion there But Prussia was a Protestant country, yet facilities of divorce existed there The hon member for Burra and Clare had said that in every country the sanctity of the marriage tie should be fenced round by the difficulty of obtaining a divorce Unfortunately tried by that test, in no countries was that tie so little regarded as in those Prussia had not the reputation of being very moral, but he had heard that such a thing as a breach of the marriage tie was almost unknown But Italy was far otherwise He had a tolerably extensive acquaintance with works describing the state of society in both those countries, and was able therefore to say that Italy was far less moral than Prussia, and therefore testing the moral condition of a country by that one circumstance, the argument would be in favor of granting facilities for divorce, for where those facilities existed, a greater degree of morality existed also With regard to the state of the lower classes in England, every one knew that in innumerable instances wives had been deserted by their husbands, and that in consequence they had been compelled to live in conscious adultery during the best part of their lives, and to bring up families of bastards by law, subjected to the legal and social disabilities that such persons laboured under in England And in South Australia, were there not many persons who, when the gold diggings broke out, left their wives a fortnight or three weeks after marriage and never returned again? And was it to be supposed by any one who had any acquaintance with human nature that such women would live without forming some ties, sanctioned, it might be, by some form of marriage, but still rendering them subject to the consciousness of having broken the law of society Such cases this Bill would provide for, and give an opportunity of freeing them from thraldom, and of beginning again honestly and honorably as free women It was an enactment that no one who was acquainted with the circumstances of the country could doubt of being adapted to them Had he believed he should have found it necessary, he should have been willing to have discussed the subject With regard to the details, anything that could be suggested for the purpose of amending the remedy the Bill was intended to effect and complete he should be glad to discuss and agree to, unless it should appear likely to jeopardize the success of the measure He could agree to a great extent with the hon member for East Torrens, but not in looking at adultery in the husband and wife as equal in its consequences to society or to the feelings of the parties themselves, and while in 99 cases out of 100, a woman from mere adultery would not seek for divorce, he would say in the few exceptional cases it would be a practical injustice for them to be compelled to live with men who had dishonored them He would, however, be sorry to see such a change in the Bill, as might jeopardize its passing And he would, therefore, ask the hon member not to press his opinions He should not object to amendments, but desired that the leading principles of the Bill should be retained He did not know that if altered it would be refused the consent of the Crown, but it might be on the ground of discrepancy of South Australia and the law of England

The House divided on the amendment, when there appeared—

Ayes, 9—Messrs Milne, Peake, Lindsay, Dunn, Andrews, Solomon, Cole, McEllister, and Strangways

Noes, 20—Messrs Mildred, Wark, the Treasurer, the Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Burford, Duffield, MacDermott, Glyde, Reynolds, Hallett, Bakewell, Hawker, Hart, Collinson, Hay, Shannon, Rogers, and Barrow

The amendment was consequently lost

The House then went into Committee on the Bill

On clause 1, Act to come into force on the 1st January, 1859

Mr Strangways called attention to the instructions sent by Her Majesty to His Excellency the Governor, which he contended would prevent His Excellency from assenting to the Bill, and therefore would hinder the Bill from coming into operation by the date specified Amongst the Bills from which His Excellency was directed to withhold his assent, were Bills to allow of a divorce between persons united in holy matrimony The hon the Attorney-General would have to tell His Excellency whether this was a Bill of the kind in question, and if so, whether there was any urgent necessity for passing it The hon gentleman had already admitted that there was no urgent necessity

The Attorney-General—All I can say is, that I would advise the Governor to assent to the Bill, and I think the Governor would do so

Clauses 2 3 4, and 5 were agreed to without amendment

On clause 6, wife deserted by her husband may apply to—

Mr Milne said this was a part of the Bill which many hon members besides himself were friendly to He would like to see similar relief afforded in some other cases also, as for instance in a case where a woman had a very drunken husband He was sure there was quite as much hardship entailed in cases of that kind as in cases of divorce

The Attorney-General agreed with the hon gentleman as to the expediency of a law for the purpose of which he had spoken, and he should explain why it was that the Government did not make the Bill as perfect as it might have been Their object was rather to secure a great practical good without any risk of the royal assent being refused because of the

Bill containing any new principles not sanctioned by English legislation, though there were many cases in which a wife should be protected in the possession of her property, which she had perhaps done far more than her husband to accumulate Such cases should, he thought, be met by special legislation, and he therefore trusted the hon member would not press any amendment for the purpose he referred to

Mr Strangways took exception to the words "nearest to the place where the wife is resident" If these words were not explained, they would lead to an immense deal of litigation, which was to be considered the nearest Court—was it the nearest by the road, or the nearest as the crow flies It was essential that the manner in which this point was to be decided should be explained in the Act, for if different judges, lawyers, and magistrates were to settle the matter, they would each give a different decision Again, if a woman could not get to the Local Court within ten days, a thing which might often occur in the outlying districts, she would be deprived of her privilege

The Attorney-General said that when the word "nearest" was used in a legal sense it meant the nearest as the crow flies There might certainly be cases in which two Courts would be equidistant and then he presumed that either of them might be said to be the nearest (Laughter) As to the second objection of the hon member, special magistrates were always appointed with reference to Local Courts of full jurisdiction, so that wherever there was a special magistrate, a Court of this description would also be found

Mr Glyde enquired if a drunken man came home after leaving his wife and being absent for a time, and attempted to take possession of the property by force, what steps the wife could take to protect it

The Attorney-General said the wife would be in the same position as with respect to any other drunken person who might attempt to take the property by force, she could call a policeman and give her husband into custody

The clause was then agreed to, as were also clauses 9, 10, & 11

On clause 12, "On adultery of wife, or incest, &c, of husband, petition for dissolution of marriage may be presented,"

Mr Strangways moved that the clause be struck out He contended that a clause providing for the dissolution of a marriage was uncalled for The hon the Attorney-General had said in his reply that cases in which such a necessity existed occurred, but he had not said so in moving the second reading when hon members could have met the assertion He had great doubt whether there were any cases, or at all events many cases in which a decree for dissolution of marriage should be obtained, and he had no doubt that if the House passed the clause it would create a desire for such a dissolution in cases where no such desire existed now He concurred in what had been said as to the danger of passing this clause, and he believed many hon members had only voted for the Bill because it enabled the Courts to make decrees of judicial separation, although these same gentlemen were opposed to the granting of a divorce *a vinculis matrimonii*

Mr Peake seconded the motion The sixth clause was necessary and just, but he could not see the necessity of this one He did not see that because they provided a remedy for those married persons who got involved in disagreements and difficulties of that kind that they should endorse the opinion that a marriage was to be dissolved

Mr Lindsay also supported the striking out of the clause but upon different grounds He considered the clause one-sided and unjust, and also imperfect In speaking of such cruelty as without adultery would have entitled her under the ecclesiastical law as heretofore administered in England, it referred to matters which in the colony they would have great difficulty in deciding How were they to ascertain what was the amount of cruelty They should go back to the ecclesiastical law of England to decide the point, but why could they not make laws for themselves and not be compelled to consult those which were kept in some obscure places in England, and of which there was not, perhaps, a copy in the colony

The clause was then put and carried

Mr Reynolds said he had intended to move an amendment for the purpose of putting the woman on the same footing as the man

The Speaker said the clause had been carried

Clauses 13 and 14 were carried without discussion

On clause 15, "dismissal of petition"

Mr Milne called attention to a paragraph of the English Act, which he found was omitted in the Bill He referred to the words "or shall have condoned the adultery" In the following clause also, the same words were omitted

The Attorney-General explained—The reason of the omission was, that by the English Act, a condonation amounted to an absolute pardon, and there had been cases where adultery having been committed by the husband, the wife had on the faith of promises of amendment condoned the offence, and the husband immediately afterwards commenced a course of the greatest cruelty It occurred to him, taking all the circumstances into consideration, that the Bill would be incomplete if a condonation were made an actual bar to proceedings, instead of being made so only in the event of the Court thinking proper that it should be considered so

Mr Milne was not at all satisfied with the explanation

The clause was then put and carried

Clause 16 was agreed to without remark

On clause 17, "alimony"

Mr Glyde thought something was necessary for the protection of men in this clause In the case of men marrying women who possessed property, why should there not be some allowance made to the husband in the event of the wife turning him off? (Much laughter) If all the property, as was common in such cases, was settled on the wife, there should be some provision for the husband in case of separation

The Attorney-General said it was presumed in reference to the relation of husband and wife, that the husband was able to take care of himself (Laughter) He thought that in cases where the property was settled on the wife it was usually done in such a way as to give the husband some reasonable advantages, and he could not see in cases where by agreement between the parties, the property was to be left in the hands of the wife, the House should introduce any novelty into the law

Mr Hay thought the case referred to by the hon member (Mr Glyde) was provided for by the 29th clause

Mr Strangways did not think the explanation of the hon the Attorney General satisfactory The hon member said that where the property was settled on the wife it was usually done in such a way as to give the husband some reasonable advantage Such might be the case in the colony, but in England the property was generally settled on the wife for her life, and the husband only had a life interest in it after her death The hon member (Mr Glyde) had spoken of men who married merely for money, and he (Mr Strangways) thought the hon the Attorney General should give some reason why persons in the unfortunate circumstances of the husbands referred to should be suddenly disappointed

The clause was then put and carried

Clauses 18 to 28, both inclusive, were carried without amendment

On clause 29—"Court may order settlement of property for benefit of innocent party and children of marriage"

Mr Strangways contended that under this clause the Court could only settle the property of the wife upon the children He suggested that the Court should have power to settle the property of the husband also

The Attorney-General replied that it would be hard when a decree was pronounced on account of the adultery of the wife that the husband's property should be settled for her benefit Clause 20 gave sufficient power to the Court [Here the hon member read clause 20] It was only as affecting the children of the marriage that the question became important

Mr Strangways said if the Act was to be only for the benefit of the husband, the explanation would be satisfactory, but where the husband was the guilty party and the wife innocent, the Court would have no power to make a provision for the children

The clause was put and passed

On clause 37, "liberty to parties to marry again"

Mr Milne moved that the words "respective parties" in this clause be struck out, and the words "innocent party" be inserted in their place

Mr Lindsay seconded the amendment It would not be allowed even by the French law of 1803, that the adulterous persons should marry each other Under the French law Dr Lardner could not have married Mrs Heavyside, but by this Bill he could

The House divided on the amendment, when there appeared—

Ayes 6—Mr Strangways, Mr. Dunn, Mr Cole, Mr Lindsay, Mr Glyde, Mr Milne.

Noes 16—The Treasurer, the Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Dr Wark, Mr Hawker, Mr Hallett, Mr Collinson, Mr Hay, Mr Shannon, Mr Reynolds, Mr Burford, Mr Mildred, Mr Rogers, Mr Barrow, Mr Macdermott

The amendment was therefore lost

The clause was then put and passed without alteration

The remaining clauses were passed without discussion, as was also the preamble

The Attorney-General said he would not at that moment move that the Chairman bring up the report as Mr Bakewell wished for an opportunity of considering what would be the effect of the amendments introduced in the Bill He would therefore not take the Bill out of Committee, but would move that the Chairman report progress and ask leave to sit again, and that the consideration of the report be made an Order of the Day for Thursday next

The motion was agreed to and the House resumed accordingly

Mr Reynolds gave notice that on the recommittal of the Bill, he should move an amendment with the view of striking out the word "incestuous," and one or two other words in clause 12, in order to place the married woman on an equality with her husband

CUSTOMS ACT AMENDMENT BILL

The Treasurer said that as the amendments introduced in this Bill by the Legislative Council were of an important character, he proposed to postpone their consideration until Thursday

Postponed accordingly

EXECUTION OF CRIMINALS REGULATION BILL

The Commissioner of Public Works said the House would remember that at the request of some hon members

the report of the Committee of the whole House on this Bill had not been brought up in order to allow time for the consideration of certain matters connected with the carrying out of the last sentence of the law in the case of the aborigines He (the Commissioner of Public Works) could see no reason for altering his opinion on the subject, as the proposed amendment would only tend to perpetuate a system which he had always looked upon with horror and disgust.

Mr GLYDE said that as it was at his request that the Bill was not taken out of Committee, he should now state that he did not mean to move the amendment of which he had spoken, for he thought his views would be better carried out in another way He thought the members of the Executive could scarcely make up their minds to hang one of these people within the prison walls of a gaol, for the object of punishment was not revenge but to prevent the commission of crime Private executions of the aborigines would not have the effect, and therefore he should not move his amendment

Mr BURFORD, the more he reflected on the matter, the more strongly he felt that there was a decided impropriety in causing those who happened to be inmates of a gaol to be necessarily the spectators of executions It was adding insult to the misfortunes of these men The House knew well that there were a number of short sentenced prisoners in our gaols, and that the fact of their sentences being short showed that their crimes were of a comparatively light character, It was not because they were placed in that unfortunate position —for we were all creatures of circumstances, and these men had not the same education which others enjoyed The men were, in consequence, led into misfortune, and to say that, on that account, they should be compelled to witness executions was not upon moral grounds at all justifiable They were not to be insulted and degraded by such exhibitions As to what the hon the Treasurer had said as to the expense of erecting prisons for the carrying out of executions, it would not be so very great as that hon member supposed There were no gaols at present in the districts to which the Judges would go on circuit and when these gaols were being built, it would not be a great additional expense to build a room in which the executions should take place There might be greater expense incurred in Adelaide, but what was the expense compared with the moral grounds upon which this Bill mainly rested They should consider the prisoners, because they were prisoners, and not attach to them a stigma which they did not deserve He would move that the place of execution be apart from where the prisoners are confined

The SPEAKER—The hon member must move that some clause be recommitted

Mr BURFORD moved that the first clause be recommitted

Mr REYNOLDS had looked at the first clause, and found that it did not bear upon the question Perhaps his fancying so arose from his not being insane as the hon member (Laughter) He (Mr Reynolds) saw nothing in the Bill about the prisoners being spectators of the executions Persons could only be present for that purpose by permission of the Sheriff

Mr PEAKE thought the idea of these public abattoirs for the execution of criminals very disgusting He saw nothing to compel the attendance of prisoners

Mr BURFORD could not see if the executions were to be within the walls of the gaols how the prisoners were to be prevented from witnessing them He knew what it was to be in a prison—(great laughter)—and he knew the prisoners would esteem it rather a treat than otherwise to be allowed to come up to the bars of their cells and stare at the demoralizing exhibition

The motion that the clause be recommitted was then put and lost, without a division

The report was adopted, and the third reading was made an Order of the Day for the following day

Mr PEAKE moved that the House adjourn

Mr ROGERS moved that the notice of motion be proceeded with

Carried

POSTAL COMMUNICATION

Mr ROGERS was about to put the question in his name—

"That he will ask the Honorable the Attorney-General (Mr Hanson) to lay on the table of this House the average number of letters conveyed weekly betwixt Adelaide, Echunga, Macclesfield, and Strathalbyn , also, between the former place, Woodside, and Mount Torrens "

When the SPEAKER intimated to the hon member that the question was informal No hon member had a right to ask the Attorney-General to lay papers on the table of the House The hon member should move that certain papers be laid upon the table

Mr ROGERS having amended the motion —

Mr MILNE said that he did not rise to oppose the motion, but he thought it only right that some explanation should be given, as it appeared to him that certain parts of the colony were placed in antagonism, and he should like to hear the reasons which had prompted this course

Mr ROGERS said that the residents of the districts asking for the last portion of the returns, he wished to shew that other places not of greater importance enjoyed daily postal communication The residents had memorialised the Postmaster General upon the subject, and he believed the Postmaster had latterly established a daily mail by a branch from Mount Barker, by which the residents got the Saturday papers on Monday but what they wanted was that there should be direct daily communication The hon member referred to the number of stores and public houses at Strathalbyn Macclesfield and Echunga, in support of his argument that they were of sufficient importance to warrant a daily post to them being established

The motion as amended was carried, and upon the motion of Mr MILNE the House adjourned at 25 minutes to 5 o clock till 1 o clock on the following day

LEGISLATIVE COUNCIL

WEDNESDAY OCTOBER 13.

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Scott, the Hon Dr Everard, the Hon H Ayers, the Hon Captain Bagot, the Hon Mr Morphett, the Hon S Davenport

STEAM POSTAL COMMUNICATION

The PRESIDENT announced that he had presented to His Excellency the Governor-in Chief, the address adopted by the Legislative Council upon the 12th October last, upon the motion of the Hon Captain Bagot, in reference to monthly steam postal communication

THE HON MAJOR O'HALLORAN

Upon the motion of the CHIEF SECRETARY, the Clerk of the Council was directed to carry to the Assembly the resolution of the Council giving the Hon Major O Halloran leave to attend a Select Committee of the House of Assembly, for the purpose of giving evidence

STANDING ORDERS COMMITTEE

The Hon Mr MORPHETT moved that the Hon, Captain Bagot be appointed a member of the Standing Orders Committee, in the room of the Hon John Baker, who had obtained leave of absence It was customary to elect members of Committee by ballot, but where a vacancy was created by leave of absence being granted to a member, he believed it was usual to fill up the vacancy by moving that some special member be elected If it were the wish of the Council that the election should take place by ballot, he was quite prepared to assent to that course He might mention to the Council that the Hon Captain Bagot had consented to act as a member of the Standing Orders Committee

The Hon H AYERS seconded the motion

The Hon the CHIEF SECRETARY had no objection to the election of the Hon Captain Bagot, but did not know whether there was any precedent for the course proposed to be adopted by the hon mover , but if there were no precedent, he should prefer the usual course being adopted

The Hon Mr MORPHETT had not the slightest objection to resort to the ballot if the Hon the Chief Secretary wished , but he assured the hon gentleman that there was a precedent, and that the Council on a former occasion had adopted the mode which he had suggested of filling up a vacancy

The Hon the CHIEF SECRETARY would offer no opposition if there were a precedent

The motion was carried

DATE OF ACTS BILL

The Hon Mr MORPHETT moved the second reading of a Bill to prevent Acts passed by the South Australian Parliament from taking effect prior to the passing thereof The sole object of the Bill was expressed in very succinct language Hon members were doubtless aware that it was the custom of the British Parliament that Bills passed containing no special provision as to the date at which they should take effect, took effect from the first day of the session in which they were passed Some difficulties arose in consequence of this custom, and to get over the difficulty the English Parliament passed a short Act similar to that before the House The Legislative Council of South Australia had got over the difficulty by introducing in each Act a clause stating from what period the Act should take effect When, however, the Bill before the House had been passed, the necessity of introducing a special clause into every Act stating when it would come into operation would be removed The Bill provided that all Acts should come into operation from the date of their passing, unless it were specially mentioned in the Act itself at what date it should come into operation The object of the Bill indeed was so plain, and the Bill itself so simple, that he thought the House could have no difficulty in agreeing to the second reading Hon members would recollect that a similar Bill was introduced last session and passed by the Council, but in consequence of the lateness of the session the Bill lapsed in the Assembly The present Bill was precisely for a similar purpose to that of the preceding Bill, but it was shorter and confined to the one object namely, to provide when all Acts passed by the South Australian Parliament should come into operation The hon the Chief Secretary had come to him to state his views upon one portion of the Bill, upon which he believed the hon gentleman intended to move an amendment, but he (Mr Morphett) would defer his views upon the point till the Bill was in Committee

The Hon Captain SCOTT seconded the motion for the second reading of the Bill, which was carried, and upon the

motion of the Hon Mr Morphett the House went into Committee

Upon the first clause being read the Hon Mr Morphett moved that it stand as printed, but stated that the Chief Secretary had suggested an amendment to him by which Bills introduced in the Assembly would be endorsed by the Clerk of the Assembly, and Bills introduced by the Council would be endorsed by the Clerk of the Legislative Council Not being disposed to accede to the proposed amendment he hoped the hon gentleman would not press it Great inconvenience would probably arise if the responsibility of endorsing the Bills were divided between two officers, a division of responsibility was always bad It was the duty of the Clerk of the Upper House to make the endorsements on all Bills, and that practice had been adopted by the British Parliament and by the Legislatures of New South Wales and Victoria In both of the colonies he had named the Clerks of the Legislative Councils made the endorsements It would be much more convenient and secure that there should be only one responsible officer

The Hon the Chief Secretary said the hon mover was in error in supposing that he intended to offer any amendment He believed that the wishes of the Assembly were to the effect that the Clerk of the Assembly should endorse all Bills originated in the Assembly, and that the Clerk of the Council should endorse all Bills originated in the Council It was not usual, he believed, for the Clerk of either House to endorse Bills at home, but the Clerk of the Parliament There was no such office here as Clerk of Parliament

The Hon Mr Morphett remarked that the Clerk of the Parliament was Clerk of the Legislative Council He thought it would be better to let the Bill go in its present form to the Assembly, and if they objected to any of its provisions, the Council would then consider the reasons of the Assembly, and it was possible that those reasons might be so cogent as to induce the Council to give way

The clause was passed as printed, also clause 2, providing that Acts reserved for the royal assent should take effect from the date at which they were so assented to

The Hon Captain Scott quite agreed with the first two clauses, but pointed out that by the third clause there appeared to be a discrepancy between the title of the Bill and the clauses

The Hon Mr Morphett did not think there was any discrepancy, as where the time was fixed in the Act for it to come into operation that provision would of course overcome the provisions of this Bill

The clause was passed as printed, and the Chairman then reported the Bill The report was adopted and the third reading was made an Order of the Day for Tuesday next

The House adjourned at 20 minutes past 2 o'clock till 2 o clock on Tuesday next

HOUSE OF ASSEMBLY

Wednesday, October 13

The Speaker took the chair shortly after 1 o'clock

PETITIONS

Mr Neales presented a petition from John Finnis, having reference to the completion of the first volume of the "South Australian Hansard," the prayer of which was that the House would instruct the members of the Administration to take such steps towards an enquiry and an investigation into the case as would ensure substantial justice to the petitioner

The petition was received and read

PRIVATE MARRIAGE SETTLEMENT

Mr Milne, in moving pursuant to notice—

That he have leave to bring in 'a Bill to remove doubts respecting the title of the lessees and purchasers of certain lands and hereditaments situate in South Australia, formerly belonging to Matthew Smillie, Esq and comprised in a certain settlement made on the marriage of William Smillie, Esq, with Eliza Jane Farquharson, and to facilitate the carrying into effect the purposes and intentions thereof,' due notice of which has been given in the *Government Gazette*'—

Said that all the preliminaries required in such cases had been complied with The property to which this motion referred formerly belonged to Matthew Smillie, Esq, and was comprised in a settlement made on the marriage of Wm Smillie, his son, with Eliza Jane Farquharson A portion of this property formed a great part of the village of Nairne It had been sold under the powers professedly given by the marriage settlement, but when the land was required to be conveyed to the purchasers it was found that there was a legal impediment to the objects contemplated by the settlement The object of his motion now was to carry out the intention embodied in that settlement and it would do an act of justice to a large number of persons who had purchased the land on the faith of having a legal title It was not necessary for him to say more then, as all the allegations contained in the Bill would have to be proved before a Select Committee of the House

Mr Solomon called the attention of the Speaker to the fact of there being "no House"

The hon member for Onkaparinga (Mr Mildred) who was entering at the time, completed the quorum

Leave was given to Mr Milne to introduce the Bill

TRANSMISSION OF PRISONERS FROM MOUNT GAMBIER

Mr Peake in moving—

"That there be laid on the table of this House a return of all prisoners (the nature of their offences and their sentences) sent from Mount Gambier, Mosquito Plains, and Guichen Bay, from 1st January, 1855, to 1st August, 1858, also, a return of the expenses incurred in the transmission of such prisoners (including police expenses and expense of witnesses) in any case that was committed to Adelaide for trial"—

said he asked for the return because he had authority for believing that there had been a serious waste of public money in the transmission of prisoners in the localities referred to, and that a great amount of crime and injustice was frequently tolerated by the settlers, rather than they would submit to expenses and loss of time attending a prosecution The return would be a useful one, and the object of it was that substantial justice might be done He hoped, therefore, the House would consent to the return being furnished

The Commissioner of Public Works said there could be no objection to the return asked for The attention of Government had been drawn to the matter, and action would be taken to secure what was asked for as soon as possible

SUPREME COURT PROCEDURE AMENDMENT ACT

Mr Strangways moved according to notice—

That he have leave to introduce a Bill to further amend the Supreme Court Procedure Amendment Act, No 5 of 1853."

And said he would simply point out the clauses which he proposed to repeal, and the effect of such repeal In the Supreme Court Procedure Act, No 5 of 1853, he proposed to repeal clause 182, which vested in the Judges of the Supreme Court a power to direct a Jury to find a special verdict, also clause 183, which conferred an arbitrary power upon the Judges to refer any case to arbitration He had referred to the English Common Law Procedure Act, and could find there no similarity in this respect to the law of this colony The effect of the repeal of these clauses would therefore be to assimilate the law in this colony to that at home The Jury would then be compelled to give a verdict in every case, except where the consent of the counsel was obtained, when the Judge might then direct a special verdict to be given This law worked well in England, and, consequently, he could not see why it should not work beneficially here As to clause 183, which referred to the arbitration of cases, this he proposed to repeal and to make provision in its place that where cases arose for arbitration, they should be arbitrated only with the consent of both parties interested He supposed there would be no opposition to the Bill in its present stage and that any objections made to it would be raised at the second reading

Mr Burford called the attention of the Speaker to there being "no House"

The Commissioner of Crown Lands, who was in the visitors' seats, returned to his chair, and formed the quorum

Mr Peake seconded the motion of the hon member for Encounter Bay (Mr Strangways)

Leave was given to introduce the Bill It was read a first time, ordered to be printed, and the second reading was made an Order of the Day for Wednesday, the 20th instant

ROAD BETWEEN CLARE AND MOUNT REMARKABLE

Mr Peake moved—

"That it is desirable that the main road between Clare and Mount Remarkable should be defined as early as possible"—

and said that he tabled the motion in accordance with the request of various inhabitants of Burra and Clare, who were anxious to have the road between those places defined Many persons had purchased lands in those neighbourhoods, and in consequence of the roads not having been defined they were unable to fence their property in He (Mr Peake) had been given to understand on competent authority, that the definition of these roads would involve but little trouble or expense, and he therefore trusted that the Commissioner of Public Works, the Surveyor-General, or whoever the duty devolved upon, would at once take action and get the roads defined as soon as possible

Mr Lindsay supported the motion, and thought it was very extraordinary that such an application should have been found necessary Why the main lines of road were not laid out was perfectly inexplicable Years ago the survey of main roads was deemed so important that the Surveyor General was required to consult the Governor on the subject

The motion was agreed to

EDUCATION ACT

Mr Mildred, pursuant to notice, asked the Commissioner of Crown Lands 'If it was the intention of the Government to bring in a Bill to repeal or amend Act No 20 of 1852, intituled 'An act to promote Education in South Australia'" He said the present Education Act was not of that satisfactory nature to promote education in this colony His Excellency in his address to the House, had told them that

an Act to amend the present Education Act was then in the course of preparation. That promise had not been realised as yet. He (Mr. Mildred) was of opinion that the present system, under which education was carried out, was sadly defective; and in proof of this he had heard that the Board of Education had completely discarded the old Act as being perfectly inapplicable. As the present Act was inoperative, he hoped the Government would see the necessity of introducing some better system.

The COMMISSIONER OF CROWN LANDS said, that whatever defects existed in the Education Act, they were not of that serious nature to have been brought as yet under the notice of the Government. The Government therefore had no intention to introduce any amendment of the existing Act. He considered the Education Act had hitherto worked very beneficially, and that the defects were not of that magnitude as to require a new Act to be introduced.

OFFICE-BEARERS OF MAGILL INSTITUTE.

Mr. WARK said that as the following notice—"That the petition of the office bearers of Magill Institute be taken into consideration, with a view to grant its prayer"—was not correct, he would ask leave to withdraw it, and would give a new notice the next (this) day.

RETURN OF INSOLVENCIES.

Mr. STRANGWAYS, after making, with the permission of the House, some verbal alterations in the following resolution, moved pursuant to notice:—

"That there be laid on the table of this House a numerical return of insolvencies from the 1st of October, 1856, to the 30th September last, showing the date of each insolvency, name of insolvent, occupation, secured liabilities, unsecured liabilities, total liabilities—secured assets, unsecured assets, total assets, gross amount of assets realized by Official Assignee—auctioneer's charges, legal charges, charges paid to accountant out of estate, charges paid accountant out of unclaimed dividend fund, commission and Court fees, net amount realized for division amongst creditors, property re-assigned to insolvent, total amount proved on estate, amount of dividend declared, when dividend declared, remarks (if any). Also, a return of the aggregate amount of cash, bills, and other securities in the hands of, or at the disposal of the Official Assignee on the occasion of the last audit of the accounts of the Commissioner of Insolvency, or other properly authorized officer of Government, showing in what manner the same have been invested, and containing also a detailed account of the several balances to the credit of each estate under the jurisdiction of the Court, forming portions respectively of the aggregate amount so invested. Also, a similar return made up to the 30th September, 1858."—

He said if the House agreed to this return they would have some very valuable information. It was to be inferred that the officers of the Insolvent Court kept their accounts in such a manner that no difficulty would be found in giving the return. In fact he had been informed by persons competent to judge of such matters that no difficulty would arise in preparing the return asked for.

The ATTORNEY-GENERAL had no objection to furnish the return, but he had conferred with the Official Assignee, and he had found that it would take six months to prepare the return asked for, at an expense of £100 in additional salaries. If the House thought it advisable to incur this expense, and thought the value of the return would be commensurate he would offer no opposition.

Mr. STRANGWAYS thought the statement of the Attorney-General, that the return would take six months to prepare at an expense of £100, was a proof of the unsatisfactory manner in which the accounts had been kept, and therefore that there was a necessity for the return. He (Mr. Strangways) had been told that very little difficulty would arise in preparing the return. He hoped the House would not be deterred from consenting to the return on account of the statement of the Attorney-General. He was sure they might get it in a far less time than six months.

Agreed to.

PETITION FROM PORT LINCOLN.

Mr. MACDERMOTT's notice of motion "That the petition of the inhabitants of Port Lincoln be considered, with a view to grant its prayer," was withdrawn as informal.

OFFICERS IN CIVIL SERVICE.

Mr. McELLISTER's motion—"That he will ask the Hon. the Attorney-General (Mr. Hanson) whether there are any regulations in force governing the procedure in investigating charges against subordinate officers in the Civil Service of this colony; and whether these regulations have been acted upon in the case of Sergeant Nolan, recently dismissed from the police force?" lapsed, as that hon. gentleman was not present.

BRIDGE OVER THE REEDY CREEK.

Mr. ROGERS asked the Hon. the Commissioner of Public Works (Mr. Blyth) the reason why the bridge over the Reedy Creek has not been constructed, for which a sum of £2,000 was voted last session?"

When the money had been voted he thought it should be expended, especially at a time when there was a scarcity of employment.

The COMMISSIONER OF PUBLIC WORKS said the work could not be proceeded with except in the summer months, and that was the case of delay hitherto. The time was approaching when they would be in a position to commence it.

IMPOUNDING ACT AMENDMENT BILL.

In Committee.

Clauses 10, 11, and 12 were passed as printed.

Clause 13 was passed with the following amendment, viz., leaving out the words, "and not less than five pounds," in the fifteenth line.

Clause 14, "cattle impounded to be taken to the nearest pound."

Mr. HARVEY moved an amendment in this clause, which should not make it imperative upon a person to take the cattle to the nearest pound in the district. The amendment proposed was to leave out after the words "nearest to the said land," the words "whether such pound be situate within the boundary of the said district or not, or, at his option, at the nearest pound within such boundary."

Mr. YOUNG and Mr. ROGERS supported the amendment.

The COMMISSIONER OF CROWN LANDS said this clause had been carefully framed with the view of obviating those difficulties which had prevailed in the former Act. A copy of the Bill had been forwarded to all the Chairmen of the District Councils. The Bill had been considered at a meeting of the Associated Chairmen, and had met with general approval.

Dr. WARK would support the amendment. He had taken the opinion of several District Chairmen, and the only reason they could give in favor of the clause remaining as it was was this, that the District in which the cattle were impounded would then have the benefit of the impoundage fees. He considered the cattle should be impounded at the nearest pound, and he would leave it to the discretion of the Magistrate to decide in cases of dispute.

The ATTORNEY-GENERAL said that in preparing this Act the Government had deemed that the best sources from which to obtain information were the Magistrates and the Chairmen of District Councils, who were acquainted with the working of the Act. By both of the foregoing, this measure had been approved, and they were in favor of the clause as it stood at present. If hon. members believed the clause was not an improvement, the Government could have no objection to the amendment proposed.

Mr. MILDRED saw the practical difficulty involved in the clause as it stood. The first part of the clause was sufficient for all purposes. Under this clause an ill-natured man might drive the cattle two or three miles more than he would have any need to do, and in some cases he might be actuated in his motives by the belief that the owner would not be able to recover them before they were sold.

Mr. YOUNG said the amendment was such as would meet the requirements of the country people. There had been considerable difficulty experienced already, but this clause, he considered, rather increased the difficulty than otherwise.

Mr. HARVEY said the majority of his constituents were opposed to the clause in its present form.

The amendment was carried, and the clause was passed as amended.

Clause 15 was passed with the insertion of the words "Municipal Corporation or" in the 2nd, 40th, and 54th line.

Clause 16 was carried.

On clause 17 being put,

Mr. MILDRED proposed to strike out the words "less than two pounds nor"—leaving any penalty under five pounds to the discretion of the magistrates.

The ATTORNEY-GENERAL thought it better to fix the minimum as well as the maximum penalty.

Mr. MILDRED considered that sometimes magistrates felt embarrassed at inflicting the minimum penalty when the offence did not deserve so heavy a fine.

Mr. HAY thought the clause better as it stood.

Mr. STRANGWAYS proposed to increase the penalty to ten pounds.

The clause was then carried as printed.

On clause 18 being put, several amendments were proposed, to avoid the necessity of cattle being kept in the pound all night.

The clause was carried as printed.

Clause 19 was carried.

Mr. HAWKER moved that clause 20 be struck out, and the following clause, taken from the Victorian Act, be inserted in its stead:—

"It shall not be lawful for any person to drive any cattle from the land, and out of the herds of any other person, without first giving notice to such last-mentioned person, his overseer or bailiff of the time he intends to drive away such cattle; and any person who shall fail to give such notice as hereby required or who shall enter upon any other person's lands for the purpose of driving any cattle, or shall attempt to drive any cattle without giving such notice, or shall drive away any cattle other than his own, or his master's or employer's from the land, and out of the herds of any other person, shall, on conviction of every such offence, forfeit and pay the sum of not less than five nor more than twenty pounds."

That clause applied more especially to runs. Every one knew the detriment that arose from persons driving cattle off a run along with their own. The clause in the Victorian Act prevented what was called "planting." That was driving cattle on to some other run and keeping them there until some reward was offered for them. Hon. members must be

aware how detrimental it was to fat cattle to be driven about, and he thought they would agree with the proposition which he had made

The ATTORNEY GENERAL had no objection to the amendment As he understood that proposition it was that no person should drive the cattle of another person off a run without giving notice to the owner of the run He thought it a reasonable proposition He believed that a remedy at present existed, but probably the remedy proposed by the hon member would meet the case better

The amendment was adopted

Mr HAWKER wished to introduce the following clause to follow clause 20 —

Party using cattle without consent of owner

"Any person who shall, without the authority or consent of the owner thereof, work or use any horse, mare gelding, bull, bullock, steer, or heifer, shall for each such offence forfeit and pay a penalty of not less than £1 and not more than £20, together with such sum as the Court at the hearing of the complaint shall adjudge just and reasonable to be paid to the prosecutor or complainant for his compensation and costs in that behalf"

He had given notice of that clause which, under the first draught of the Bill, would have followed clause 17 but in the Bill as amended it properly followed clause 20 He had been requested by his constituents in the south-east districts to introduce it, and he had letters from several parties highly approving of it, because it met what was a serious cause of complaint in the colony Many persons finding horses or cattle, instead of putting them immediately into the pound, took them to work Both stockholders and magistrates wished the clause to be introduced that cattle stealing might be abolished, and that persons making use of cattle not their own, should be punishable

The proposition was carried

On clause 21, giving power to destroy goats pigs, fowls &c, being proposed,

Mr STRANGWAYS proposed that "prohibiting the destruction of those animals by concealed traps," should be added after the word 'poison' in the 20th line for he knew many that had had valuable poultry destroyed by that means He also would propose that in the 25th line, the words, "advertised in any two or more public newspapers," should be added

Dr WARK thought the clause an excellent one He thought a notice on a board might be sufficient

Mr MILDRED proposed that a notice of intention to destroy the animals mentioned in the clause should be posted on the road-side

Mr YOUNG thought the clause very stringent, in fact, too much so It might be applicable to property near the towns, but not to the outlying districts

The COMMISSIONER OF PUBLIC WORKS said the clause had worked well He had had communications with different parties in the colony with reference to impounding cases He thought, if a man kept pigs it was his duty to keep them in a proper place He had heard no complaints except the expense of advertisements, but those who had advertised had found so great advantage to result from it that they did not complain afterwards

Mr GLYDE would ask the Attorney-General a legal opinion without offering him a fee If a neighbour had pigs and he (Mr Glyde) shot them, could his neighbour demand the carcase?

The ATTORNEY GENERAL said there was no question but that the neighbour could demand them, but whether he could compel them to be given up he could not say He knew, however, that it would not be lawful for the party shooting them to roast them (Laughter) He (the Attorney-General) had never shot any, but on one occasion he had felt a very strong inclination to do so, for any one having a garden, and seeing 50 or 60 pigs known to be owned by persons who daily turned them out for the purpose of being kept at the expense of their neighbours, could sympathise with his case He thought it better to allow the clause to stand

Mr STRANGWAYS said as the clause stood it would be necessary to advertise in six papers

The ATTORNEY-GENERAL agreed to any two or more being sufficient

Mr HAY thought six hours ought to be allowed after shooting an animal before burying it, to enable the parties owning it to claim the carcase

Mr BARROW scarcely considered it pleasant to leave unburied carcases for six hours in the hot summer sun As to the proposed written notice, it might perhaps be written in German on a slip of note paper Such a publication would be of no use whatever, and thought the clause might stand as printed

Mr NEALES considered concealed traps the best way of taking trespassing animals

The clause with some amendments was carried

Clause 22, prescribing forms of security to poundkeeper on releasing cattle, was carried as printed

On clause 23 being proposed,

Mr BARROW said he was not aware that there was any provision in the Act against mis-describing the marks and brands on cattle

The COMMISSIONER OF CROWN LANDS would make a note of the suggestion

The clause, to the effect that poundkeepers should post notice at the pound of all cattle under his charge, then passed

On the motion of the COMMISSIONER OF CROWN LANDS the House resumed, and the further consideration of the Bill was made an order of the day for Thursday

RAILWAY MANAGEMENT

Mr REYNOLDS asked leave to extend the time for bringing up the report of the Select Committee on this question for a fortnight

Granted

TAXATION

The TREASURER applied for a similar extension of time for three weeks in the case of the Committee on this subject

Granted

ASSESSMENT ON STOCK

Mr BARROW applied for a similar extension for a fortnight, on behalf of the Committee on this subject

Granted

EXECUTIONS REGULATIONS BILL

The COMMISSIONER OF PUBLIC WORKS with the consent of various hon members, who had business on the paper before him, moved the third reading of this Bill

The motion was agreed to, and the Bill was read a third time and passed

ASSOCIATIONS INCORPORATION BILL

The COMMISSIONER OF CROWN LANDS said that the hon member for Barossa had requested him to move, with the leave of the House, that the second reading of this Bill be made an order of the day for Friday

Agreed to

GOLD IN THE BARRIER RANGES

Mr REYNOLDS rose to move—

"Consideration in Committee of an Address to His Excellency the Governor-in-Chief, requesting that he will be pleased to place on the Estimates a sufficient sum for the purpose of examining the Barrier and Grey Ranges, with the view of testing whether gold exists in paying quantities in those quarters"

The matter was so fully discussed before that he would now only ask the hon the Attorney-General to submit the amendment, of which he had given notice He was afraid £500 might be too small a sum, and he would therefore propose that it be altered to "a sum not exceeding £1,000"

Mr STRANGWAYS asked the hon the Commissioner of Crown Lands as to the probability of water being found in sufficient quantities to enable diggers, if they found a goldfield, to wash the earth, for it would be practically useless to discover good auriferous country unless there was sufficient water for this purpose He believed there was, as yet, no information before the House as to whether there was water in the Barrier Ranges, or whether they were in a perfectly barren locality

The COMMISSIONER OF CROWN LANDS said that as far as his information went, there was not a drop of water in the Barrier Ranges, whatever might be their geological formation, and therefore any party going out there now, when the summer was coming on, would run the greatest risk of their lives He saw in the papers a statement that runs had been taken out, but such was not the case for the simple reason that there was not a drop of water When the winter advanced a party might go out and sufficient water might be collected to enable them to sink wells in order to test whether water could be procured in summer

Mr REYNOLDS said his information was from Sturt's book, who said that though there were no creeks or rivers, the water was sufficient for his party, which was not a small one, with all their cattle Sturt was there about this time of the year, so that he (Mr Reynolds) could scarcely accept the statement of the hon the Commissioner of Public Works

Mr BARROW was sorry to hear that there was no water, but with reference to there being no runs taken out, he should ask the hon the Commissioner of Crown Lands whether there were not runs taken out within a short distance of the Barrier Ranges, whether the hon member for the Sturt (Mr Halett), for instance, had not a run in the neighborhood, or even if no runs were taken out, had not some been applied for?

The COMMISSIONER OF CROWN LANDS was not aware of any applications having been made As to Mr Hallett's run, it must be a long way from the Barrier Ranges

Mr REYNOLDS said as the ranges were not in South Australia, the hon the Commissioner of Crown Lands might not have heard of applications having been made for land there, but he had heard that Mr Hallett had a run within 50 miles of the Barrier Ranges

The COMMISSIONER OF CROWN LANDS said that 50 miles would be rather a long distance for a man to go for a drink of water He thought it only right to state when the public money was proposed to be expended on an undertaking of this kind the difficulties which he knew stood in the way

Mr LINDSAY said so far as he recollected the Rocky Glen was the spot where Sturt encamped whilst explorations were made by detached parties through the desert country There was permanent water in Rocky Glen when there was none anywhere else This was before the discovery of the Cooper Rocky Glen was in the Grey Ranges

The ATTORNEY GENERAL suggested that the sum should be not exceeding £750, and that the following words should

be added, "and that His Excellency be immediately requested to make all necessary communications to the Government of New South Wales on the subject"

Mr Reynolds adopted the amendment

Mr Solomon trusted the question would not be decided on the statement that there was no water, but that it would be left to those to whom the amount was to be entrusted for fitting out the expedition to withold it if perfectly satisfied that its expenditure would be injurious It was not necessary for this colony to find gold in large quantities, it would be sufficient to prove that it existed in order to cause a rush to the locality, and it was only by that means the place could be properly tested Echunga would have been fairly tested but from its too near proximity to Adelaide

Mr Peake—As he considered that the hon the Commissioner of Crown Lands had put a stopper on the motion, would like to hear how that hon member proposed to deal with the money it it were voted

The Commissioner of Crown Lands said that if the House voted the money, it would be his duty to make accurate enquiries from those who could give the best information on the subject There were still many of Mr Sturt's party to be found in South Australia, and amongst them a most intelligent gentleman, Dr Browne His (the hon Commissioner's) information respecting the Barrier Ranges was derived from a gentleman named Ball, who might be known to some hon members, as he was noted for the long rides which he took through the country, he being in fact as good a bushman as there was in the colony Last year Mr Ball, with a stockman, crossed Lake Torrens, where Mr Gregory crossed it, and went into the Barrier Ranges, and they found no appearance of any water there which was likely to remain during the summer He had not seen Dr Browne, but he would be a very competent person to give an opinion on the subject

Mr Neales hoped the hon member would also consult Mr Davenport a most intelligent man—whose statement was quite of a contrary description Mr Davenport said there was water in the ranges when he was there, and he was quite prepared to go into the country at the present season with a party in search of gold He believed a party could be formed of Sturt's people alone, many of whom had since been active gold-diggers He was sure that the nucleus at least of a party could be found consisting of Sturt's people, if properly headed

The motion as amended was then put and passed, and the House having resumed the report was adopted

CAMEL TROOP CARRYING COMPANY

The House having again gone into Committee,

Mr Solomon rose to move—

"Consideration in Committee of an address to His Excellency the Governor-in-Chief, requesting him to place the sum of £1,200 upon the Estimates in aid of the Camel Troop Carrying Company with a view of enabling that Company to import camels into South Australia, in accordance with the prayer of their petition to this House."

He trusted hon members would not be under any mistaken notion as to the meaning of the request of the company They did not mean that the amount should be at once placed at their disposal, but that the money should be handed over in the event of their importing a number of camels as they stated they would do in their petition to the House He was not so wedded to the interests of the company but that he was prepared if any hon member moved, as an amendment, that an amount be placed on the Estimates as a bonus for whoever should first introduce the camel, to give his vote for it He would leave the question to the House, merely remarking that he had no interest in the company nor did he know of its existence until within a few days of placing the notice on the paper

Mr Strangways thought the question was not whether it was desirable to introduce the camel or not, that could be properly considered at a future time, but whether they should subsidise this company with the curious title—(a laugh)—or not They had nothing before them, but the signatures of 77 gentlemen who would start a company if they got this money He could start a company for carrying elephants instead of camels—(laughter)—and get 700 names instead of 77 at Green's Exchange next day on similar terms These gentlemen should have started the company first If it was desirable to import camels, the House should decide what sort of camels, as there was as much difference between camels as horses Anything with four legs, a head and a tail, and of the equine species was a horse, but if the Government were to import a number of the first that came to hand, many of them would come more under the definition of "screws" than horses (A laugh) Hon gentlemen should tell first what kind of camels to introduce and then the House could say whether it was desirable to introduce them, and whether they would give, not to any particular persons but to the first company who would introduce them, a bonus He knew from enquiry that camels were over-rated by the House and out of doors The outside load they could carry was 400 lbs, and their general weight going across the desert was six mail-boxes, whilst many carried but four He had often seen them loaded with three or four ordinary portmanteaus and a few carpet bags, and nick-nacks to fill up the space

Mr Burford was glad to notice the moderate tone of the House on the question, and on a little reflection was induced to agree with one or two of the speakers On principle and at all times he was opposed to monopoly, and as the manner in which this subject was introduced was in the character of a monopoly, he would move an amendment He moved that all the words after the word "estimates" be struck out with the view of inserting the words "with a view of affording a bonus of £20 each to the parties who should import the first sixty camels" This would bring the thing forward in a new shape, and deprive it of a character generally somewhat odious—that of a monopoly There would be no difficulty at all about the united action of horses and camels That was a point generally conceded

Mr Hawker should oppose both the motion and amendment, for the mover of neither the one nor the other had shown the slightest utility of the camel, if introduced Indeed, these hon members acknowledged their great ignorance of everything connected with the camels, and likewise with the company He thought the hon members would have shown the utility of the camel for exploring purposes, but he believed it was shown by the expedition now out that we had spent enough in this way for many years to come One hon member said that horses and camels would work together, and that the horse rather liked the camel He had seen a horse tethered up with a camel for four or five weeks, and the brute was more frightened in the end, than he was the first day (Laughter) They would get on very well together in a country where they were bred together, but not otherwise If we sent away all the horses of the country except 60, and then introduced 60 camels, their increase might get used to each other, but otherwise, we would require an army of Rareys (Laughter) As he had said before, he believed camels would be the greatest nuisance that could be brought into the country, and he thought the hon member who proposed the motion would be the first to desire that they should be destroyed

Mr Solomon said he had acknowledged in introducing the subject that he knew little of the habits of the camel, but he was sorry to find that the hon member for Victoria, who professed to know so much knew so little He had made enquiries within the last few days as to the utility of the camel and he had it on the word of Captain Bagot, who spent many years in India, and had seen some thousands of them, that camels and horses were placed close to each other in the armies of India, that he had known camels when employed in the nature of a flying battery—(laughter)—go at the rate of 14 miles an hour—(renewed laughter) having at each side a battery of rockets—(increased laughter)—with a native driver mounted on their necks, and a European soldier behind to work the rockets—(great laughter)—and after a time the European soldiers petitioned that the native drivers should be discontinued, and that they should be allowed to drive, and they had since been allowed to do so This evidence had more weight with him than all that had been said by the hon member for Victoria He did not speak from his own knowledge but from what he had learned from others who were acquainted with the subject, and he was sorry to hear the hon member for Victoria speak on a subject which the hon member did not understand

The Attorney-General objected to voting money for animals which were to be employed by individuals as distinguished from the public Camels might be useful, but not more so than alpacas, or than sheep were in the commencement of the colony

The amendment and original motion were successively put and negatived without a division

The House resumed and the Chairman reported the decision of the Committee

GOLD DISCOVERY REWARD

The House having again resolved itself into Committee

Mr Neales rose to move—

"Consideration in Committee of an address to His Excellency the Governor-in-Chief, requesting him to revive the reward for the discovery of a gold-field, on terms likely to induce a greater number of persons to proceed with an efficient search for the same"

It was known to hon members that in 1854 there was a reward placed upon the Estimates and also gazetted for the discovery of a gold-field, but it was attended by conditions not likely to tend to a good result All he now wished was that a notice should be issued that the same amount then offered would be payable upon certain conditions which he would leave to the Government, as they were now better acquainted with the subject than they were in 1854, or he would be happy to render them any advice he could give in the matter He believed this was a more legitimate mode of testing the existence of gold than fitting out very small expeditions, but it would supplement the other method and it was of so much consequence to us now to discover a gold-field that we should adopt every possible means

The motion was then agreed to

The House resumed, and the Chairman reported the decision of the Committee

SUPPLEMENTARY ESTIMATES

The Treasurer moved that the report of the Committee of the whole House on the Supplementary Estimates be received These Estimates had been a long time before the House, and it was highly desirable that some of the works for

which votes had been passed should be proceeded with immediately He was aware there were some motions on the paper for reopening the discussion of some items, but he hoped the House would see that it was time the Estimates should be passed, more especially as in a very few days the General Estimates would come under consideration, and any items not in the Supplementary Estimates could be introduced in the General Estimates

Mr REYNOLDS said no one regretted more than he did that the Supplementary Estimates had been so long before the House, but if it had not been for the recommittal of the item for the boat jetty at the Semaphore, they would have been passed more than a week ago, so that he as an individual was not responsible for the delay He should move that the further consideration of these Estimates be postponed to Friday, as he wanted further information on one or two points First of all the House had agreed to have a jetty at the Semaphore He did not want to interfere with that decision, but he wanted something more than the assurance of the hon the Commissioner of Public Works that it would not cost more than £5,000 This jetty was to be 1,900 feet long Now the Willunga jetty was 347 feet long, and it cost near £3,000, and how was the hon the Commissioner of Public Works to construct one of 1,900 feet for £5,000 If the House voted money for a structure which a good gale of wind or a good swell of the ocean or sea would prostrate, he could only say they could do something with their money better than that No structure of this kind, 9 feet wide and 1,900 feet long could stand He asserted from information before the House, that it was monstrous and he was justified in saying that he had no faith in the estimate of the hon the Commissioner of Public Works It was true the hon the Commissioner of Public Works had assured the House that if the work could not be done for £5,000, it should not be done at all He (Mr Reynolds) had faith in the hon gentleman, but he said "let us have a jetty which will stand, and not one which we can look at for a few days and which will then disappear" Otherwise the hon gentleman might be accused of putting up a structure which was too weak, as he (Mr Reynolds) had been charged with building a bridge which was too weak, that he had yet to find out, that it was insufficient for its purpose Then there was a sum of £1,300 for a Colonial Hansard, and some hon gentlemen were in a mist as to whether this was to pay for the old Hansard, and the balance only to go to the current Hansard If he rightly understood the Attorney-General, according to the specifications of the present Hansard, the contractors were permitted to charge for corrections If so he had no hesitation in saying that it was contrary to the original specifications, nor did he believe that it was in accordance with the understanding of the parties who contracted He also thought that in making arrangements with the parties who printed the Hansard they should make better arrangements for correcting the slips sent to hon members than merely leaving them in a certain place on the morning after the speech to be delivered at twelve o'clock next day There should also be better arrangements made in the House as to the place in which the parties contracting should deposit the slips for correction There was also a rumor that another party had not been properly dealt with, that a preference had been given to the gentleman who now had the publication of the Hansard, and that he had been put in possession of information which was not furnished to other parties He had intended to move the recommittal of the vote for the new Registry offices also, but would not now do so He moved that the Estimates be postponed to Friday

Mr STRANGWAYS seconded the motion There was another matter with regard to the Hansard which had not been looked to He gathered from the hon the Treasurer that out of the £1,300 on the Estimates £500 was for the Hansard of last year, and he learned from the editor of the *Advertiser* that £1,300 was to be paid for the present Hansard His object was to add to the vote the words "for the present session only," in order to oblige the Government to apply for a supplemental sum for the Hansard of last year He believed that no tenders were asked for that "Hansard," but that the work was given to a person who offered to do it, and he had heard reports that the work was not done in a satisfactory manner He understood from the hon the Treasurer that he would have to pay for that "Hansard" a sum of £500 out of the £1,300 on the Supplementary Estimates, and to apply for a further sum for the "Hansard" of the present year He believed if the Government could not give a proper explanation of the course taken in reference to the "Hansard" of last year, that the money would be refused He understood there were printers ready to bring out a "Hansard," and that they went to expense in preparing reports, but owing to the course taken of giving the "Hansard" to a person to print for £500, these reports were not availed of With regard to the exquisite structure at the Semaphore, it appeared that this was the cause of the Estimates being delayed Why did the Government consent to it being recommitted before The hon the Commissioner of Public Works said that if the jetty could not be constructed for £5,000, he would not go about it at all That was a good guarantee, but he (Mr Strangways) would like a "material guarantee." (Laughter) If the hon the Chief Secretary ordered the hon the Commissioner of Public Works to construct the jetty or resign—was the hon gentleman prepared to resign? ("Hear, hear," from the Commissioner of Public Works, and much laughter) He understood the hon gentleman to say "hear, hear" That made a slight alteration in the guarantee, but only very slight (Renewed laughter) The hon gentleman might get a tender for £5,000 and get the work done, but how would it be done? 1,900 feet was one-half as long again as the Glenelg Jetty, and whilst the contractors were constructing one portion of the 1,900 feet they would probably find that 600 feet of the inner end was gone altogether How this jetty, half as long again as the jetty at Glenelg, was to be constructed at one-fifth the cost of the latter he could not tell

Mr COLE rose to address the House, amidst loud cries of "Divide," which were persisted in, and the House divided with the following result, the original motion being carried by a majority of 11 Ayes, 21, Noes, 10 —

AYES, 21—Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Burford, Solomon, McDermott, Duffield, Glyde, Scammell, Collinson, Hart, Young, Hallett, McEllister, Neales, Shannon, Hawker, Milne, Lindsay, Barrow, the Treasurer (Teller)

NOES, 10—Messrs Wark, Harvey, Dunn, Hay, Cole, Rogers, Strangways, Mildred, Peake, Reynolds, (Teller)

MESSRS BAKER AND WATERHOUSE

Upon the motion of Mr NEALES the petition of Messrs Baker and Waterhouse recently presented to the House was ordered to be printed

POLICE REGULATIONS

Mr MCELLISTER, in accordance with notice, asked the Attorney-General whether there were any regulations in force governing the procedure in investigating charges against subordinate officers in the civil service of this colony, and whether those regulations had been acted upon in the case of Sergeant Nolan recently dismissed from the Police Force? His object in putting the question was to remedy any evils which existed He had known many policemen dismissed without being apprised for what they were dismissed Sergeant Nolan had been many years in the service, in fact, he believed he had been with Captain Sturt The hon member was proceeding when reminded by the SPEAKER that he must not argue the question

The ATTORNEY-GENERAL stated, in reply to the question that there were regulations in force which applied to all departments of the service except the Police force, and with regard to the Police force there were special regulations in order to afford the Commissioner or head of that force an opportunity of maintaining proper discipline There were special regulations in reference to the dismissal of officers of the Police force, and, so far as he knew, all who entered that force were informed of those regulations which gave the Commissioner power to dismiss where the continuance of parties in the force would be calculated to impair its efficiency He was informed that Sergeant Nolan entered the force with a knowledge of those regulations, and that they had been acted upon in his case The House would probably be of opinion that there should be a distinction between the police and other branches of the civil service, and, in reply to the question, he would say that there were regulations affecting the civil service generally, and special regulations affecting the police, which had been acted upon in the case of Sergeant Nolan

The House adjourned at 20 minutes past 4 o'clock till 1 o'clock on the following day

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THURSDAY, OCTOBER 14

At a quarter-past 1 o clock by the Post Office clock there were only six members in attendance Several of these gentlemen drew the attention of the Speaker to the fact that the clock was four minutes too slow, and the bell to summon members from the lobby was rung, but the Speaker observed that he was bound by the clock in the Chamber, and could not adjourn the House in consequence of there not being a quorum present until that clock indicated that the grace allowed had expired, and that it was a quarter-past 1 o'clock Four hon members subsequently entered but still there was not a sufficient number present to constitute a quorum

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FRIDAY OCTOBER 15

The SPEAKER took the chair shortly after one o'clock

SLAUGHTERING WITHIN THE CITY

Mr SOLOMON presented a petition from the Butchers of Adelaide against a proposition to alter a clause in the District Councils Act which gives power to slaughter within one mile of the City The petitioners prayed that the existing law might not be altered

BALANCES IN THE BANKS

The TREASURER laid upon the table a return which had been asked for showing the balances belonging to the Treasury in the various Banks

PETITION OF MR DUFF

Mr BAKEWELL in reference to the motion standing in his name—

"That the petition of John Finlay Duff be referred to a Select Committee, for the purpose of examining into his claim, and reporting on the same to this House"

said that he found there were so many Select Committees sitting that it would be a physical impossibility for a fresh committee to be formed for some time He would therefore move that the motion be an Order of the Day for 3rd November next

Carried

THE TANUNDA ROAD

Mr BAKEWELL put the question of which he had given notice—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) whether it is the intention of the Government to take measures for complying with the petition of the inhabitants of Tanunda"

The petitioners complained that a main line of road from Gawler had been permitted to get into disuse and disrepair, and they now asked that the road referred to might be declared a main road, and that a sufficient sum might be placed on the Estimates for its repair and maintenance It appeared there had been something like a breach of faith on the part of the Government, for when the township of Tanunda was formed the road referred to was regarded as a main line He was desirous of obtaining the information now asked for prior to taking further action

The COMMISSIONER OF PUBLIC WORKS stated that the main lines of road were defined by Act of Parliament, and that the line of road to which the hon member for Barossa had referred had never been included in any Act The Government would shortly be in a position to bring forward a new Road Act with a schedule of main lines attached, and then the whole question would be discussed as to what ought to be the main lines of road in the colony There were he thought cases in which there should be main lines where there were not, and there were other cases in which the reverse was the case, but the fullest consideration would be given to the whole subject when the schedule was brought before the House

LICENSED SCHOOLS

Mr ROGERS moved—

"That there be laid on the table of this House a return of schools licensed by the Central Board of Education within the City of Adelaide, also, as near as possible, the number of schools licensed within a radius of ten miles of Adelaide, the number of scholars attending such schools, and the amount paid to each teacher, and the total amount paid, also the number of schools licensed in the colony beyond the above radius, the number of children attending, and the amount paid to each teacher, and the total amount paid to such teachers"

He was induced to move for the return solely for the purpose of obtaining information upon the subject, as he had often thought that so far as Adelaide was concerned fewer and larger schools would be better He had found in travelling the country districts that the present system did not succeed, but greater consideration might be given to the districts if the course which he had suggested in reference to Adelaide were adopted He had no wish to create any antagonistic feeling between the country districts and Adelaide but his only desire was to extend the present system of education There was a great difficulty in the country districts in obtaining efficient teachers in consequence of the smallness of the remuneration—only some £40 or £50 a year In the country districts the children were to a great extent uneducated, and the information which he asked for might he thought assist the House in determining how to amend the existing Act, which at present did not prescribe at what distance in the country one school should be from another

Mr LINDSAY, in seconding the motion, remarked that he believed the information asked for would tend materially to shew the necessity of amending the present educational system In a country where the form of Government was essentially republican, as it was here, it was highly desirable that the masses should be educated, otherwise they would degenerate into something worse than the American States, probably into a state of despotism He might instance Utah as an example

The motion was carried

ENGINEER TO THE WATERWORKS

Mr STRANGWAYS put the question standing in his name—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) whether the late Engineer to the Waterworks Commissioners has been taken into the service of the Railway Commissioners"

He had heard, upon what he considered reliable authority, that Mr Hamilton, late Engineer to the Waterworks, was about to be or had been taken into the employ of the Railway Commissioners under the Chief Engineer It appeared to him remarkably strange that an officer should be permitted to resign his office in connection with one department in consequence of not being competent, and should shortly afterwards be taken into the service of another department

The COMMISSIONER OF PUBLIC WORKS said that owing to the very great number of people out of employment, the Government took every means of furnishing employment to as many as possible On the passing of the Kapunda Railway Bill it was considered exceedingly desirable that the works should be commenced at as early a period as possible and he communicated that fact to the Railway Commissioners It was necessary that some party should be employed to mark out the line, and Mr Hamilton tendered to do so at a very reasonable rate He (the Commissioner of Public Works) accepted that offer

RAILWAYS EXPENDITURE

Mr REYNOLDS moved—

"That a return be laid upon the table of the House showing how the sum of £73,000, voted last session for the completion of the South Australian Railways, has been applied"

He was induced to ask for the return, because it would be remembered that when the money was voted, certain sums were set down for increasing the accommodation afforded by the goods sheds for coke-sheds and additions to the engine-sheds, but he found that these works had not been completed, and if he remembered rightly when he asked the Commissioner of Public Works what had been done with the money which had been voted for the goods-sheds, the hon gentleman informed him that it had been expended in laying down some rails But there was a sum included in the sum of £73,000 specially for laying down rails, and consequently he thought there should be further information upon the subject The House ought to know why and wherefore certain works were not carried out after money had been voted for them In the £73,000 there were sums for the cost of an engine and trucks, which he found had not been bought, and he thought the House were consequently entitled to ask what had become of the amount

Mr STRANGWAYS seconded the motion

The COMMISSIONER OF PUBLIC WORKS said that of course there could be no possible objection to give the information asked for, but the hon member had misunderstood him in reference to the amount which had been expended upon rails When the sum of £7 000 for the goods sheds was under discussion he had stated that there was a sum of £2,000 available for the purpose, which would about pay for the alteration in the rails The House was quite right in knowing how the sums which they voted were applied, and the information which was asked for should be supplied as early as possible

THE RIVER WEIR

Mr REYNOLDS put the question standing in his name—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) what are the remedial measures which he considers should be adopted to secure the river weir and promote its permanent usefulness, and which he refers to in his letters to the Waterworks Commissioners on the 27th September, 1858"

The Government were doubtless aware of the great interest which was felt in the stability of the River Weir and he desired to know what course it was proposed to adopt for the purpose of remedying its defects The House were aware that a Commission had been appointed to examine into the character of the structure, and to report upon it and the best means of remedying its defects, but he found by the report that the Commission declined to give an opinion, because there had not been that thorough examination of the structure which was necessary in order to enable them to give an opinion upon its present condition, and what was necessary to make it useful, he might say, secure it from destruction He found that the Government were in possession of information which the Commissioners did not appear to be in possession of No doubt the Commissioner of Public Works had taken the opinion of some high authority, because it was well known, notwithstanding the great abilities of the Commissioner of Public Works, that he was not a professional gentleman The hon. member concluded by reading the extract referred to in the motion from the letter of the Commissioner of Public Works to the Waterworks Commissioners

The COMMISSIONER OF PUBLIC WORKS was obliged to plead guilty to the statement that he was not a civil engineer, nor was he gifted with any great ability in connection with that profession The hon member should have read the whole of the passage or paragraph to which he had referred, and he would then have seen that the Board had asked that the information now asked for should be withheld till the new Engineer had been consulted upon the subject The whole of the papers had been placed in the hands of that gentleman

Mr REYNOLDS asked if he understood the hon gentleman to refuse to give the information

The COMMISSIONER OF PUBLIC WORKS did not think it could be of any service, particularly as the Waterworks Commissioners had asked that it might be withheld till the matter had been referred to the new Engineer

Mr REYNOLDS remarked that the hon gentleman seemed to think the Commissioners of more importance than members of that House

The COMMISSIONER OF PUBLIC WORKS had said not so, but the fact was that he thought so little of his own abilities in connection with the subject—less even than the hon member for the Sturt

RIVERTON AND CLARE ELECTRIC TELEGRAPH

The House resolved itself into Committee for the consideration in Committee of an address to His Excellency the Governor-in-Chief, requesting him to place a sufficient sum on the Estimates for 1859, for the purpose of extending the electric telegraph from Riverton to Clare, by way of Auburn and Watervale

Mr HAWKER remarked that the subject had been so fully discussed he would not go further into it He would

however allude to one remark which had been made during the discussion, that some grand scheme in connection with telegraphs should be initiated. This could not be done at present as extension must be determined by population. It was impossible to lay down a scheme for telegraphs, except it was based upon population.

Mr McEllister seconded.

Mr Strangways believed that nothing would prove of greater service than telegraphic communication, but thought it would be much better that some definite plan should be laid down for the extension of telegraphic communication. He should like the Commissioner of Public Works to state to the House the general principle upon which the Government would advise the House to grant telegraphic extension, so as to render it unnecessary for specific motions to be brought forward by hon. members. He believed that the telegraphs would be far more profitable if the charges were reduced. The charge of 2s. for every ten words from Adelaide to Goolwa practically prevented the use of the telegraph. He had heard that on the intercolonial line the Government had acted upon the expressed views of other colonies but he thought it would be better that each colony should make what charge it thought proper. The charge of 6s. for ten words from Adelaide to Melbourne was far too much. He did not know if the extension now proposed was likely to be remunerative, but he should wish the following addition:—"Telegraph to be constructed as soon as the Superintendent of Telegraphs considers advisable."

Mr Hawker remarked that the Superintendent of Telegraphs had been consulted by himself before the motion was placed upon the paper.

The Commissioner of Public Works said that in the former discussion the hon. member for Victoria had stated that he had had communication with the Superintendent of Telegraphs upon the subject, and on that occasion the general policy of the Government in reference to electric telegraphs was fully stated by the Attorney-General. The Government felt that the telegraphic system was peculiarly suited to the wants of this community, and the Government would be glad to extend the telegraph wherever there was a reasonable probability of the line paying working expenses. Arrangements had been made with the neighboring colonies as to the charges which were made in connection with the intercolonial telegraph. He agreed that the charges were too high, and he should be glad to see them slightly reduced, but it was not for the Government to do so without communicating with the neighboring colonies. The colony of Victoria took a different view, their charges being rather higher than ours, and that colony had manifested a disinclination to reduce them. He might mention that between London and Edinburgh the charge for ten words was five shillings and sixpence.

Mr Reynolds did not like to oppose the motion because Clare had asked for a daily mail, and as that was not granted, perhaps this would serve as a substitute. Where there was a probability of a line paying, he thought it should be constructed, but he did not think they should go on extending lines anywhere and everywhere without having a written statement from the Superintendent of Telegraphs as to the probable result of the extension. At present the House were in a state of ignorance upon the point.

The Commissioner of Public Works said the motion was merely for an address to His Excellency, and before subsequent action was taken, he would take care to supply the information alluded to from Mr Todd.

Mr Lindsay did not oppose the motion but agreed to some extent with the observations of those who had spoken against it. If the argument in reference to the population in the neighbourhood of Burra and Clare were good, no doubt equally good arguments might be adduced for the construction of lines in various other parts of the country. If the general question as to where lines would pay were submitted to Mr Todd, no doubt that gentleman would point out many other places.

Mr Hawker said the hon. member for the Sturt (Mr Reynolds) appeared to have suddenly discovered that it was necessary to have a written statement from Mr Todd, but he was surprised that the other day, when thousands were being voted away for telegraphs to Mount Barker, Goolwa, and various other places, the hon. member had not said a single word about the necessity of having Mr Todd's written opinion. As to the telegraph being a substitute for a daily mail that was preposterous, he could not imagine any man of common sense entertaining such an idea. Where a telegraph was established there was an increase of postal revenue. The post-offices on the north line, between Adelaide and Clare, and Adelaide and Kooringa, were the only two which were paying any revenue to the colony. A short time ago it was resolved to establish a daily mail to Truro, though the revenue was deficient on that line, and he was convinced that the daily mail to Clare would more than pay expenses. When telegraphic communication was understood, he felt assured it would pay a revenue to the colony.

Mr Young felt bound to oppose the motion, on the ground of it being detached from one general system of telegraphic communication. Notwithstanding the remarks which had been made in reference to the population in the vicinity of Burra and Clare, those districts were only of very recent formation and settlement. Before sanctioning the extension of the telegraph to new districts, he should prefer ascertaining what was the result of telegraphic communication with older districts. The expense was very great, and he believed that in many instances the posts would in a few years tumble to the ground. He should like to know the use already made of the telegraph in districts which had been settled for twenty years.

Mr Peake remarked that the hon. member must have been asleep to speak of Clare as having been recently settled. Large surveys in that locality had been purchased 14 or 15 years ago, and he could not think what the hon. member meant by such an assertion as he had made. He had made an attempt to get a daily mail for Clare, but it was stated by the Treasurer that this could not be afforded, though he thought it ought to be. The House, he hoped, would not refuse telegraphic communication between Adelaide and a thickly populated district, such as that now referred to.

Mr McEllister supported the motion on account of the large population in the districts to which it was proposed to extend the telegraph. The population of Clare was greater than that of Gawler Town.

Mr Hay believed if there were any district in the colony which could lay claim to telegraphic communication it was Clare. He quite agreed that the telegraph should be used to save the expense of the Post-Office. If by establishing telegraphs they could at the same time establish a less expensive system of letter-carrying, let them do so by all means. Clare was the third town in the colony. ('No, no.') Taking Adelaide and the suburbs as the first, Burra was second, and Clare the third. Clare was in fact the place at which the traffic from Mount Remarkable centred.

Mr Neales supported the motion, but not for the reasons which had been urged by the last speaker. He could not coincide with an hon. member who, in giving a list of Corporations, omitted Port Adelaide. If the hon. member looked to where the docks and warehouses were, he thought he would admit that Port Adelaide was a little before Clare. He thought it rather a stretch to say what had been urged during the debate, that Clare contained a greater population than Gawler Town. He thought that the claim for the wire was undoubted, but not upon the ground which had been stated.

The motion for the address was carried, the House resumed, and the report was adopted.

MOUNT GAMBIER

The House resolved itself into Committee for the consideration of an address to His Excellency the Governor-in-Chief, requesting His Excellency will take such steps as may be necessary for the immediate survey of the country between Mount Gambier and the seaboard, for the purpose of constructing a tramway between these localties.

Mr Hawker said before going into the subject he would like to make a slight alteration at the suggestion of the Attorney-General, so that the motion would read "for the immediate examination of the country before survey." He thought the subject had been so well ventilated that the House would have no difficulty in agreeing to the proposition. A very large sum of money had been taken out of the district by the purchase of lands, and it was essential roads should be constructed. From the character of the district macadamised roads were out of the question, and it was necessary that they should adopt a survey for the purpose of determining what roads would be best. The district was rising in importance every day, and he had seen several influential gentlemen and landholders who had informed him that the unanimous wish of the district was that the road should be made to Guichen Bay instead of Rivoli Bay.

Mr Milne thought it necessary that there should be an addendum to the motion, to the effect that Rivoli Bay should be examined, as it was possible that Rivoli Bay might be found the most available port. It was desirable the House should be in possession of every information on the point.

Mr Hawker had no objection to the addition, and the address as amended being agreed to, the House resumed, and the report was adopted.

COLONIAL DEFENCES

On the motion of the Treasurer the time allowed to the Select Committee on this subject for bringing up their report was extended to Friday, 22nd instant.

ASSOCIATIONS INCORPORATION BILL

On the motion of Mr Bakewell the second reading of this Bill was made an order of the day for Wednesday, November 3rd.

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

The Commissioner of Public Works asked leave to introduce this Bill. It had been brought under the notice of the Government that where level-crossings existed gates might be done away with, and by this means a saving of £3,000 a year could be effected. It was no new principle, inasmuch as in the Act to extend the Gawler Town line to Section 112 it was embodied in the 9th clause. But as it was held in another place to be inconsistent with the Bill and that therefore the principle should be embodied in a separate measure, the clause containing it did not receive the assent of Parliament. The Government thought that the principle should be carried out, as a saving of £3,000 a year

would be effected with no extra danger to any one If the House allowed him to introduce the Bill there would be an opportunity of discussing the matter very fully on the second reading

MR STRANGWAYS wished to know whether the Bill, if passed, would be a perfect Bill in itself, and would have the old Railway Act incorporated in it

MR LINDSAY was opposed to the abolition of gates and gatekeepers, and the leaving of the crossings unprotected, especially as there seemed a strong desire on the part of our engineers to make every crossing, if possible, on the level With regard to the saving of £3000 a year, when our railway matters were placed on a proper footing we would be able to construct and maintain our lines for perhaps one-half what they cost at present

The TREASURER (in reply to the hon member, Mr Lindsay), said that the object of the Bill was not totally to repeal the Railway Clauses Consolidation Act, but only the three clauses of that Act which had reference to the subject of crossings By that Act gates and gatekeepers were required, and it was proposed to alter this by the present Bill

Leave was then given to introduce the Bill, which was accordingly introduced and read a first time, and the second reading fixed for Thursday next

DISTRICT COUNCILS ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS said that when he obtained leave to introduce this Bill, he stated that he would allow a considerable time to hon members to look into it It had now been in their hands a fortnight, and he was sure must have obtained, especially from the country members, the attention it demanded The District Councils were exceedingly valuable institutions, and calculated to do still more good in future as every person travelling through the country must have observed It was some years since these bodies were called into existence, and there were many Acts affecting matters which the Councils had control over Various difficulties had arisen in working the institutions, and amongst others local jealousies, and a feeling, sometimes well and sometimes ill-founded, that the money should be spent where it was raised This feeling had led to a desire to introduce what was called the "ward system" The old Act threw certain impediments in the way of introducing this system which he regarded as a valuable one, and it was one of the objects of the present Act to simplify the introduction of this system or the division of District Councils into wards It also conferred upon the Governor increased power for the alteration of districts when such alteration was properly asked for It would also give the Councils greater power for the recovery of rates, and a simpler and cheaper plan of compelling members to occupy their seats when once properly elected This was a matter which had already occupied the attention of the law courts, and which should therefore be speedily settled The question of the validity of rates, and as to whether they had been assessed at a proper rate meeting, was also one which had occupied the attention of the law and one object of the Bill was to simplify and cheapen trials on these points Another object of the Bill, and one which would alone commend itself to the consideration of hon members, was that it was a codification of previous Acts and the arrangement of the Bill seemed very well devised He thought all hon members connected with districts, or who had observed their working, would agree that these were steps in the right direction With these few remarks he moved that the Bill be read a second time

DR WARK said it was not his intention to oppose the second reading, but at the same time he did not at all coincide in all that had been said in favor of the Bill In fact he would rather have the old Bill as it stood than this one, for though the present measure would render the Councils easier in working in some respects, it would greatly increase their difficulties in others It seemed that when a Councillor was elected he must take office and in taking office he resigned the rights and privileges of an Englishman If a person, for instance, was a merchant he might be called upon to go to another colony, and if he left for that purpose he would be subject to an enormous fine unless he went away with the consent of his brother Councillors These gentlemen might wish to know his private business, and if the unfortunate individual did not choose to explain it, he would be liable to a fine Or a man might not be able to spare time, he might have to go by the first vessel and then he should pay a heavy fine The Chairman also might be in a fine fix, as it might not be he who presided over a meeting when Councillors were elected, and if he did not serve a notice through the Post Office within two days on the persons elected, he was in again for a very heavy fine Why was a notice through the Post Office better than any other? Would it not be more certain that the Clerk of the Council should leave a note with each person elected, considering that many persons liable to be elected seldom went to the Post Office? Under this Bill persons would not only surrender their rights and privileges as Englishmen, but they also subjected themselves to heavy fines if they failed to do just what they were told to do Again, many cases could be referred to the Local Courts Formerly all such appeals were settled by two justices on the spot, and he had never heard any objection to this mode of proceeding The Local Court might be 50 miles away, or the case might be tried in the Adelaide Court, and a man compelled to come down from the Burra or Clare He considered it a tyrannical Act, and such as he trusted the House would never assent to As far as the ward divisions were concerned he would go with the Government, as he knew of such injustice having been done from the fact of money being spent away from the localities in which it was raised He also approved of the facilities for altering the boundaries and extent of district

MR STRANGWAYS would not oppose the second reading, but would endeavour in committee to have all the manifold improvements of the hon Commissioner of Public Works struck out or modified, as he believed that almost every one of them would prove highly injurious in its operation The first point in the Bill was that a person elected as a Councillor, and being absent for a certain period, was to be fined Looking at the exemption clause, he found that members of that or the other House were not exempt from election It was very possible, or rather probable, that a member of either House might be elected to a district Council, and as he could not attend in both places, he would be liable to a fine of £20 Further on there was a most remarkable clause which would deprive the owners of all cattle and horses of their property (Calls of number) By the 117th clause he found that "all cattle at large within a district, above the age of twelve months, and marked with any brand, shall be, and be held to be the property of the District Council" (Laughter) That was one of the improvements to which the hon gentleman so feelingly alluded, but which he would oppose and he knew that he would be strongly supported by the House in resisting so monstrous a clause Then any disputes as to how the Council should be chosen were to be referred not to a Court which could settle them, but knotty points of law were to be referred to a couple of country justices knowing nothing of law, and their decision was to be final or if not the appeal was to be made to the Local Court of Adelaide, composed probably of the same persons Then the Act was to be retrospective, and he believed it was the first time of an Act of the Legislature having ever been made retrospective without some special reason Again, the Council had power to sell land for rates On an unfenced and unoccupied section, as the rates would seldom exceed 1s in the pound of rent, there might be 4s due and the Council would be entitled to sell land enough to pay that amount How much land were they to sell in such a case? This clause was only introduced because it was in the Corporation Act of the City of Adelaide There had been numerous instances in which the Corporation had endeavoured to enforce their right, but it had always been found inoperative It would also be inoperative now, and if so, what was the use of introducing it There were many other objectionable points in the Bill, which was evidently framed with the intention of conferring as much power as possible on those who framed it, and conferring as little benefit as possible on the public

MR NEALES would support the second reading, and only rose for the purpose of remonstrating with those hon members who, though they were not going to oppose the Bill at this stage availed themselves of the opportunity of making set speeches Such a course was merely wasting the time of the House

MR BARROW would also support the second reading, but trusted there would be no attempt to carry the Bill into Committee that afternoon He would not at present urge any of the objections which he was prepared to bring forward when the Bill was in Committee He had been in communication with some of his constituents on the measure, and he knew it was their opinion that many amendments were wanting in it

MR LINDSAY said, in reply to a remark of the hon member for the city (Mr Neales), that he found that unless the attention of hon members was called to the objectionable clauses of a Bill on its second reading, it was liable to be hurried through Committee before hon members noticed the defects This measure showed how easily a bitter pill could be gilded, and an Anglo-Saxon population induced to swallow it The District Council system was what Sir Henry Young had introduced under the title of the District Road Board System It was then rejected, but by altering the title, it was swallowed by the public The whole system was an ingenious dodge to shift from the Central Government their most important duty, to impose it upon the people and to induce the people to tax themselves to carry it out (Cries of no, no) He had a right to speak on the subject, having been himself a District Councillor Possibly he might be wrong, but if the principle were sound why was not the Central Government carried out in the same way If the District Councillors worked for nothing he did not see why the Government officers did not carry on the Government for nothing (Laughter) And why a Chief Secretary for instance should not be fined £500 if he refused to perform the duties of his office gratuitously (Laughter) This would be only an extension of the principle of District Councils

MR BAKEWELL differed from the hon member for the city in one point He thought there was a great advantage in hon members discussing the clauses of a Bill on the second reading as it directed the attention of the member in charge of the Bill to the clauses before going into Committee He considered the point as to the power of the Councils to sell lands for rates very important, and he hoped the hon member for Encounter Bay would consider it before giving his vote With regard to ousting the jurisdiction of the Supreme Court he thought it was very proper to do so, as

the object was to save expense As to the remark of the hon member for Encounter Bay, (Mr Strangways) that all the cattle in a district would become the property of the Council it was clearly a mistake in the printing The clause referred to all the unbranded cattle and how the hon member could have discovered such a mare's nest he (Mr Bakewell) could not understand With regard to the remarks of the hon member for the Murray about resigning the privileges of an Englishman in order to be fined, he (Mr Bakewell) did not know that it was the privilege of an Englishman to neglect his duty (Hear, hear) He should attend to his duty, and if he was fined he should discharge his fine

The TREASURER supported most cordially the second reading, as he considered the Bill a great improvement upon the existing law One observation must have been made by an hon, member without due consideration He meant that of the hon member for Encounter Bay, with regard to cattle becoming the property of the Councils The hon member could not have exercised his usual acumen, or he would have seen that the clause referred to unbranded cattle If the hon member did see the matter in that light, he (the Treasurer) must only judge of the sincerity of the hon member's other objections by this one Then the hon member for Encounter Bay, had said that there had been merely a change from the District Road Board, into the District Councils but he (the Treasurer) thought it was of the greatest utility in introducing local government, and that it was a feather in the cap of Sir Henry Young, It was not intended to divest the central Government of part of their duty, but to confer upon the inhabitants of the districts local powers which the central Government could not exercise so advantageously It would be impossible for the central Government to expend the money as wisely and judiciously as local bodies, for local knowledge was wanted for the purpose, and more than all, that self interest which induced people to spend money in their own localities The hon member referred to the inexpediency of asking members of Councils to serve without salaries and asked why the same principle was not applied to the central Government But there was a wide distinction, for the members of the District Councils had only to give a portion of their time, whilst the members of the central Government were supposed to give the whole of theirs As to the power to sell land for rates, it would be carefully sifted in Committee, but it was not a new power, as it existed many years ago in the Corporation Act of Adelaide There was a great safeguard in the Act against improper sales which might damage absentees for such a sale could only take place after an appeal to the Supreme Court, and the Government had sufficient reliance upon the judgment of that Court to believe that it would take no steps which could prove harsh, but that justice would be done to all parties An hon member also objected to the appeal to the Local Court of Adelaide, but that was one of the great advantages of the Act, as that Court would be uniform in all its decisions He supported the second reading

Mr BURFORD said if he thought the opinion of the House was like that of the hon member (Mr Lindsay) he should look upon it with great uneasiness Self-control and self-taxation were the great features in the system of the Councils, and he hoped the time was long distant before we would retrograde from these principles As to the remark of the hon member for Encounter Bay respecting the cattle being the property of the Council, it was evident that the word "not" had been left out, but as the hon the Treasurer remarked it was an accident But formerly the unbranded cattle were the property of the Government, and to show that this Bill was an improvement he would point out that they would now be the property of the Councils As to the propriety of asking persons to work without pay, he believed local government and taxation could not be carried out without that principle, and he was sure that for the benefit of the country any reasonable man would rather submit to the system than be deprived of his voice in the raising and expenditure of taxation As to the lien on land, as the hon the Treasurer said, it was not a new feature, for it formed part of the first Act of the Corporation of Adelaide, of which he (Mr Burford) had the honor of being a member, and he had no doubt if the hon member for Encounter Bay had been a citizen at the time he would have been a most strenuous supporter of the system, for there were absentee proprietors who would evade payment if they could, but they could not do so owing to this clause He hoped this was not one of the improvements against which the hon member would level his great gun

Mr REYNOLDS would not have addressed the House, but that the hon member for the City had said, if he (Mr Reynolds) remembered rightly, that to speak on the clauses of a Bill on the second reading was not usual

Mr NEALES rose in explanation What he had said was, that it was not desirable It was far too usual

Mr REYNOLDS said that the second reading was the time for the great discussion He made this remark in order that hon members who had lately come into the House might know what was the practice He was obliged to the hon member on his right (Mr Strangways) for calling his attention to the omission in one of the clauses, as it might otherwise have escaped his observation and that of other hon members and they might have passed a most monstrous clause It would greatly assist hon members if the Government adopted the system followed in the Electoral Act of last year, and marked the clauses taken from previous Bills There was another power conferred in the Bill not given by other Acts that of raising money by loan, which could be of no possible use, as people would not advance money on the security of a District Council It would be well if this portion of the Bill were struck out He would support the second reading, and reserve his objections to a future time

Mr PEAKE expressed his pleasure in supporting the Bill, generally, as it tended to uphold one of the most valuable portions of Constitutional Government—the municipal system But he would call attention to clauses 67 to 81, which conferred the power of raising loans by pledging the rates He was aware how valuable this power might be if judiciously used, but he asked the hon Commissioner of Public Works and the Government to reflect before giving this power to the Councils as at present constituted It would be scarcely safe to entrust the Councils with such power as that of pledging the rates, which might be exercised in a moment of haste, rashness, or cabal If the Councils were required to apply to the House for permission before pledging the rates, it would be a great safeguard

The COMMISSIONER OF PUBLIC WORKS said that the clause in reference to loans was copied from the Act in force at present and which had been in force since the commencement of the Councils generally Hon members would find that there was a provision that the power could not be exercised without the consent of two-thirds of the ratepayers The Bill also limited the amount which a Council could borrow Though the clause was inoperative at present the time might come when the Councils would have better credit He need not tell the House that the clause relating to the branded cattle was a mistake, but it was one of those which the Chairman of Committees had power to make an alteration in without the assent of the House as the marginal note pointed out the error But there was another very amusing error which he wondered had escaped notice. It was in the 29th clause, and it gave the Councils power to commit an assault —(laughter)—for the word "assault" was substituted for "default" With regard to the case of a man who would not pay his 4s for rates, and would have his land sold the House should remember that it was not legislating for such persons, but for South Australia If the rates were properly levied, and the man would not pay then he (the hon Commissioner) had very little sympathy with him if his land was sold He hoped hon members would not oppose the second reading, but after the expression of opinion from some hon members he would not press the Bill into Committee

The Bill was then read a second time, without a division, and its consideration in Committee was made an Order of the Day for Tuesday, 19th inst

WATER SUPPLY AND DRAINAGE AMENDMENT BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS, the second reading of this Bill was made an Order of the Day for Thursday next

MATRIMONIAL CAUSES BILL

On the motion of the TREASURER the consideration of the Matrimonial Causes Bill in Committee was made an Order of the Day for Tuesday next

CUSTOMS ACTS AMENDMENT BILL

In Committee

On the motion of the TREASURER the amendments made by the Legislative Council in the Customs Acts Amendment Bill were taken into consideration

The amendments, which were merely verbal, were passed

The House resumed

The SPEAKER reported the Bill The report was adopted, and the House agreed that a message should be sent to the Legislative Council to the effect that the amendments had been agreed to

IMPOUNDING ACTS AMENDMENT BILL

In Committee

Mr HAWKER proposed amendments to render it imperative upon poundkeepers to give notice to the owners (if known) of cattle impounded, within 24 hours after the impounding had taken place He also moved that notices should be given in two weekly newspapers instead of the *Government Gazette*, because few persons had the opportunity of seeing the *Gazette* while almost every one took a weekly newspaper

Mr STRANGWAYS proposed that a penalty of £5 should be inflicted for misdescription of the cattle impounded

Mr NEALES suggested that the words inserted should be "not sufficiently described" in addition to misdescription

The COMMISSIONER OF CROWN LANDS proposed that instead of twenty-four hours, forty eight should be allowed to give notice to the owners when known of the impounding of their cattle

The amendment was carried

Mr MILDRED having seen three columns of impoundings in the *Register* newspaper wished to know by whom the expense of those advertisements was to be paid He thought it would be an expensive mode of publication if owners of impounded cattle had to pay for insertion in the daily papers as well as in the *Government Gazette*

The COMMISSIONER OF CROWN LANDS said, that the news-

papers received no remuneration whatever for inserting those notices The object of inserting them in the *Gazette* was, that there should be an official record of the impoundings and of the brands which could be produced in Court He thought it advisable that the impounding notices should be published in the newspapers and that the proprietors should be remunerated but on the other hand to compel the poundkeepers to advertise in both papers would add very considerably to the expense of releasing impounded cattle He should be glad of the opinion of the House on the subject

Mr NEALES thought there was no doubt of the advisability of advertising in the newspapers instead of in the *Gazette* The hon member for Noarlunga seemed to think that everybody could see the *Gazette*, but he (Mr Neales) thought there were several districts in which there was scarcely a *Gazette* at all In fact, he believed the circulation of the *Gazette* was confined principally to the town With regard to the expense being increased much by advertisement in the papers, he doubted that, for it appeared that they could be put into both papers for a small advance on what the Government paid for one paper If they were not paid for they would only be put in for convenience He would suggest that the words in the clause should be "in two weekly papers, if they existed"

Mr PEAKE thought there were scarcely two opinions with regard to the relative amount of publicity between advertisements in the public papers and in the *Gazette* But he questioned how far such advertisements would be evidence in the Supreme Court He should have liked to have heard the opinion of the Attorney-General on that head

Mr BARROW said that when hon members wished to recommend their remarks to the House they often said they were perfectly disinterested in the observations they were about to make In those which he would offer, he must however, say, that being connected with one of the public newspapers he was to a certain extent interested, although his interest in the question before them was infinitesimally small On grounds of public policy, and in spite of that personal interest, he felt it right to make a few remarks in reference to the clause in question It had been stated that if persons, whose cattle were impounded, had to pay for advertisements, the expense would be very heavy and to prove this it was alleged that there were two or three columns of those advertisements But he would ask among how many persons would that expense be divided? If, instead of three, there were 33 columns, the amount, however great in the aggregate, would be distributed among so large a number of persons that each would only have to pay a very small sum Were those advertisements required simply to preserve an official record of the impoundings, or to give information to people whose cattle were detained in it? He presumed for the latter purpose—that the farmers and graziers, and stockholders and others, should know when their cattle were impounded (Hear, hear) But the circulation of the *Government Gazette* was so very limited that it might be said to have no circulation at all, and if the hon member for Noarlunga (who appeared to differ) would ask for a return of the numbers of the *Gazette* sold, and of the persons into whose hands it went, he would find that those impounding notices might as well be published in Chinese as in the *Gazette* Such an arrangement was very different when all such notices were published in one broad sheet, when the *Gazette* formed part of the *Register* newspaper, which was the case in the early days of the colony, then they were a legal record, and had the benefit of publicity besides But it was no longer so The papers circulated, the *Government Gazette* did not circulate, but the owners of lost cattle were made to pay for advertising in the *Gazette*, which was scarcely ever seen It had been stated that impounding notices would be inserted gratuitously in the newspapers because they formed a portion of news To those whose cattle were impounded no doubt such "news" was interesting, but to others they were very dry reading indeed (A laugh) A lady once read Johnson's Dictionary through, and being asked how she liked it, said it really was very clever but rather unconnected, (loud laughter) and he thought most people would have the same opinion of the impounding notices if they went through them for any other than business purposes But if they were business advertisements, why should the newspapers be expected to publish them for nothing? The papers were under no obligation to put those notices in type, and the only reason why they had done so was because they thought the public needed the information, although the Legislature had omitted to provide for it Some time ago lists of unclaimed letters were published in the newspapers To those interested, that might be considered "news," but not to the community in general Those lists were no longer published, and the impounding notices might not be inserted much longer if so unjust a system were persisted in, for it was impossible to publish those purely commercial advertisements free of charge, when other and more interesting matter to the general reader had to be excluded to make room for them That House ought not to legislate under the idea that the charity of the newspapers would gratuitously advertise notices which the legislation of that House made needful (Oh, oh) An hon member said "Oh, oh" but he (Mr Barrow), would repeat that if the House passed a clause which made advertising desirable, and refused to legalise the payment of that advertising they were legislating upon the chances of newspaper charity (Hear, hear) He believed 4d a line was paid to the *Government Gazette* which did not circulate, and if instead of this a maximum were given of 6d a line, he thought (although speaking in behalf of only one of the newspapers) that the impounding notices might for that amount, be published in both the weekly papers, and perhaps in the daily papers also They would then be circulated through the length and breadth of the colony There appeared to be no general principle introduced into the Bills brought under the consideration of that House, with regard to official advertisements Sometimes provision was made for the publication of notices in the *Government Gazette* Sometimes in the public journals, but no rule had been laid down as to what sort of notices should be gazetted, and what should be advertised He thought it was time that that should be decided It had been stated that the insertion of a notice in the ordinary journals was not evidence in a court of law He was present, however, in the Supreme Court, when a person at Moorundee was charged with having stolen a horse, and the gentleman who defended him produced a copy of the *Observer* newspaper in which he had caused to be stated that the animal having strayed, had come into his possession When the Crown Solicitor was made aware of the existence of such evidence, he rose and said that after that evidence he should proceed no further with the case It would, however, be easy to insert a clause to the effect that an advertisement in the public papers should be admissible as evidence in the courts of law He had felt it right to make those observations on the ground of public convenience, and of common justice, although, in his peculiar position, he should not exercise his vote

Dr WARK thought the last speaker had made out a good case He thought the best means should be adopted for giving publicity, for the longer cattle were in the pound, the greater the expense incurred, and it appeared the only extra expense by publishing in the weekly papers was about one-third more than the expense of the *Gazette*

Mr STRANGWAYS should oppose the alteration The only official record was the *Government Gazette* He proposed that every poundkeeper should be compelled to file the *Government Gazette*, and produce it when called upon The question was whether the newspaper proprietors should be allowed to tax the public to the amount of £2,000 or £3,000 a year for advertising He supposed they would soon be asked to pay for the reports of trials in the Supreme Court He ridiculed the idea of the "charity" of the newspapers The hon member moved an amendment to the clause for imposing a penalty upon misdescription of brands, and for compelling every poundkeeper to keep a file of the *Government Gazette*

Mr DUNN did not consider the impounding notices dry reading They were eagerly read by the inhabitants in the country districts They were, however, only read in the weekly newspapers, never in the *Gazette*

Mr LINDSAY thought it necessary that they should be published in both the weekly papers and the *Gazette*

Mr BARROW asked if the entries in the Poundkeepers-book could be received as evidence

The COMMISSIONER of CROWN LANDS would rather the Attorney-General would answer that question

Mr NEALES considered that an Act of the House would render advertisements in the daily papers legal evidence

Mr HAY would support the proposition that notices should be inserted in the newspapers instead of the *Gazette*, for it would give them greater publicity although it might District be true the *Gazette* might be in the hands of the District Chairman, few people had the opportunity of seeing it He thought the proposition of Mr Strangways that the *Gazette* should be kept by poundkeepers in addition to the poundbooks was ridiculous Why place all descriptions of information in the hands of one man He thought it would be sufficient to send a copy of his books to the Resident Magistrate, and the district could see an account of the expense incurred As for the amount paid, it was a matter of indifference so far as the public were concerned, but the advertisements of impounding were really necessary, and he thought the best means should be taken to give those advertisements publicity

The TREASURER thought the further consideration of the clause had better be postponed

Agreed to

Clause 25 was postponed

Clause 26 defining how the pound fees and charges were to be accounted for, was carried with some amendment

Clause 27 "Release of cattle on payment of damages"

This clause was passed with the following words inserted in the 35th line, after the word "penalty," "for every such offence, a sum not exceeding"

Clause 28, "Penalty to Poundkeepers"

Passed with the omission of the words, "not less than one pound"

Clause 29 "Proceedings of Poundkeepers prior to sale"

Postponed

Clause 30, "Poundkeepers may sell without order of Justices"

Several amendments were proposed on this clause, but it was eventually struck out

Clause 31, "Time and mode of sale of impounded cattle and who may not sell"

Mr MILNE said this clause provided for the cattle being sold separately He thought it would be wise that

there should be some restriction in case, for instance of a cow with a calf, where a separation would not be expedient

Postponed

Clause 32, "Poundkeepers to act as auctioneers"

The COMMISSIONER OF CROWN LANDS said this clause was an alteration from the old Act. The intention of it was that the sale of cattle should be entrusted to persons of undoubted honesty. He did not wish to cast any slur upon the poundkeepers, who generally were, no doubt, respectable men, but the clause provided for a contingency

Mr MILDRED asked if the "duly licensed auctioneer" would have to pay a license-fee

The COMMISSIONER OF CROWN LANDS said it was not proposed to charge any fee. He thought the clause would have a very wholesome effect as every poundkeeper would know that it would be in the power of the Government to revoke his licence in cases of misconduct. He had heard of cases where there was every reasonable suspicion for believing the poundkeeper had acted most dishonestly, but who could not be convicted, as there was not sufficient evidence to be found against him

Mr SOLOMON asked the Treasurer whether he considered he had any power to issue licences without the usual fees being paid

The TREASURER stated that he would have that power given him by the passing of the Bill before them

After an amendment was proposed by Mr MILNE,

Mr SOLOMON said he was not satisfied with the answer of the Treasurer. His opinion was, that under the auctioneers' Act the licenses could not be granted without the payment of the fees

Mr STRANGWAYS agreed with the last speaker, and thought special powers would be required to alter the intent of the Auctioneer's Act

Mr LINDSAY would like to have the opinion of the Attorney General. He thought the statement of the Commissioner of Crown Lands went to prove that the poundkeepers were not the persons with whom a license might be entrusted. The present Impounding Bill was of a piece with the former as to its uselessness, but he supposed it was all that could be expected from the present Administration

Mr NEALES thought they were under obligations to the Ministry in introducing this improvement, by which respectable country auctioneers would be empowered to sell, and he thought more confidence would be established in such persons than in the poundkeepers, who frequently sold the cattle at a great sacrifice, either from negligence or to suit their own ends. The intention of this clause was thoroughly a good one. The time was come when trucking should be put a stop to

Several amendments were proposed and withdrawn again

Mr STRANGWAYS called the attention of the Government to the necessity there would be under this clause for a separate auction licence to be issued for each day's sale, and perhaps for each head of cattle

Mr SOLOMON would ask for the postponement of the clause, as he had not been satisfied as to the Government having the power to issue licences without charging the usual fees. He believed that the gentleman referred to by Mr Neales as selling at the Government land sales, could be fined for selling without a license on each occasion

The clause was postponed

Clauses 33 and 34 were also postponed

The CHAIRMAN reported progress, and leave was given to sit again on Tuesday next

THE RUNS IN HACK'S COUNTRY

Mr MILDRED said that before he asked the questions standing in his name, he would have, he supposed, to preface them by a few remarks. It was well known to the House that a party was some time ago deputed to report upon Hack's Country. After the examination had taken place, a most brilliant description was given of the country, which induced certain parties to take leases. The persons taking the leases had gone to considerable expense in fitting out parties to proceed to their newly purchased runs, on the faith of the assertion that the country referred to would graze 225,000 sheep. He was aware of one party himself, who had engaged a vessel, purchased an iron house, and bought 5,000 sheep, solely on the strength of proceeding to their newly-discovered runs. They had been there, and had sunk three wells with the view of finding water, to enable them to stock the country. The sequence was, that the description given of the runs was found to be totally false, and instead of being capable of carrying 225 000 sheep, it was not capable of carrying even 5,000. The buyers of the leases had to return with their stock and sacrifice the whole of the expenses. The remarks of Major Warburton in his report as to the small number of sheep the runs would carry (that gentleman having said that instead of there being pasturage for 225,000, there was not sufficient for that number with the two first figures cut off), was a sufficient proof of the barrenness of the country. This was some authority for the statement that the persons in question had been totally deceived. He would therefore ask the Hon the Commissioner of Crown Lands and Immigration (Mr Dutton) whether the Government have received applications from the persons who took up three runs in Hack's Country for a return of the rent paid, on the grounds of misdescription and unsuitableness of the country for depasturing stock? Also, whether the Government is satisfied, from the reports of Major Warburton and others, and the *bona fide* exertions and expense incurred *by the persons who took up the runs in question, that their* request is a proper one and ought to be complied with?

The COMMISSIONER OF CROWN LANDS stated, in reply to the question that he had received application from the persons purchasing the leases. It might be in the recollection of the House that after Mr Hack's return, certain runs represented to have been discovered by him were after due notice put up for sale and purchased by various parties. These parties had since inspected these runs, were dissatisfied with their bargains, and had applied for a return of their money. With reference to the second question it had occupied the attention of himself and his colleagues, and they had come to the decision not to return the money. They had published whatever information they were possessed of with respect to the runs. The runs had been advertised for many months before the sale, so that intending purchasers might have the opportunity of inspecting them. For these reasons the Government thought it not right that the money should be returned. He might state, however, that the Government had intimated to the purchasers of the lease that every facility would be given them for rendering the country available. For this purpose he had proposed to some of those gentlemen that the Government would recognise the annual lease, for which they had paid, as an equivalent for a three years' lease. That was if they would endeavour by all means in their power to open up and make the country available. As regarded one of the purchasers referred to, Mr Brown, that gentleman had discovered country to the north-east of Adelaide, which was only available for stock by sinking wells. He (the Commissioner of Crown Lands) had arranged with that gentleman that if he would put stock on it, the money he had previously paid towards the runs in Hack's country should go towards paying for his new license. This showed, he thought, that the Government had every disposition to act fairly. The country would never be occupied if they allowed any one who liked to throw up his purchases. The principle was the same with a purchased section of land. A party buying a section of land and becoming dissatisfied with it might just as well throw it up and ask for his money back again

ADELAIDE AND HOLDFAST BAY RAILWAY

Mr NEALES would not detain the House long, as he merely wished to move—

"That this House will on Wednesday next resolve itself into a Committee of the whole for the purpose of moving an Address to His Excellency the Governor-in-Chief, requesting him to introduce a Bill to guarantee 6 per cent on the capital of £25,000 proposed to be raised by the Adelaide and Holdfast Bay Railway Company"

He would, if necessary, however, go into some brief explanation. The guarantee system under which it was proposed to establish this Company was a good one. In England they were availing themselves of it to a considerable extent. The guarantee was asked for only against an absolute and stated amount, which was a very different thing from the Government themselves going into the market with their bonds. They asked only for a guarantee on a stipulated amount, and they were ready to agree to any reasonable limitation which might be proposed by the Government. He wished it as a principle to be proved whether some other system for constructing works of this nature could not be devised without the Government being compelled to carry on a Government workshop. Another point he wished to get some information upon was the difference there was in the working of low priced railways and the more expensive ones. The latter, no doubt, were expedient in certain cases, but for the traffic from here to Glenelg, he thought light rails would be amply sufficient. He was confident the line could be accomplished for the amount stated. He believed after all, the profits would be such that the guarantee would not be needed, and as to a limitation, he should have no objection to agree to the surplus profits going to pay back any portion of the guarantee which was required to be advanced. All they wanted was the assurance of the Government, and with that he felt convinced the Manager of the Company could go into the Melbourne market at once, and raise the whole amount of capital required, and if not, it would be easily obtainable in the English market

Mr LINDSAY advocated the matter being referred to a Select Committee, by which they would probably have some valuable information on the subject of cheap railways in general. He believed, however, the system proposed by the advocates of this scheme would have to be considerably modified. While seconding the motion, therefore, he did not lend himself to vote for the question in Committee. If the Government could not execute lines of railway on economical principles, they should allow other parties to step in and try their hand

The SPEAKER was about to put the question, when

Mr MILNE asked if voting for the motion would bind him to support the question in Committee

The SPEAKER replied, "Certainly not"

The TREASURER would not oppose the motion, though he would not bind himself to vote for it in Committee. The question was a very important one, it involved a principle which deserved to be enquired into, that they might know

whether it was a proper and true principle or not It was also a question irrespective of the foregoing, whether this was the best mode and time for introducing it

Mr Solomon had not yet had an opportunity of inspecting the prospectus of the Company, and to determine what advantages it was likely to confer upon the community He should reserve his remarks for a future occasion, but the subject was certainly one which called for enquiry, and he should consequently vote for going into Committee

Mr Neales said that the reason the Bill was not before the House was that, being a money Bill, he applied to the Government to bring it forward, but the Government wished before taking action that there should be an address to His Excellency That was one of the impediments, but the Bill was all ready With regard to the objections to a guarantee, he need scarcely refer to a high authority, the Lords of the Treasury, who after mature consideration, recommended that a guarantee upon such works should be given to the extent of 4½ per cent, which was fully equal to 6 per cent here It was no new principle The East India Company had found it necessary, and it was better that the Government should gurantee a small annual amount than that it should force sales of land to carry out public works There could be no doubt it was better for a Government to guarantee a small amount annually than to divest itself of the freeholds of the people He believed the system to be an admirable one, and that the more it was extended the greater would be the blessing to the country He particularly wished this railway to be carried on, because it would come under the observation of 70 or 80 per cent of the whole community, and would be the means of testing the relative merits for particular descriptions of traffic of light and heavy rails If it were successful, instead of making a mile of railway for £15,000, they would be enabled to make seven miles He wished to test the question whether they must continue to pay from £15,000 to £30,000 per mile for railways, or whether they could construct something which wonld answer the purpose for £2,000 to £3,000

The motion was carried, and the House adjourned at 10 minutes past 5 o'clock till 1 o'clock on Tuesday

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LEGISLATIVE COUNCIL

Tuesday, October 19

The President took the Chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Scott, the Hon Dr Everard, the Hon Captain Bagot, the Hon Major O'Halloran, the Hon A Forster, the Hon Mr Morphett, the Hon Captain Hall, the Hon H Ayers, the Hon the Surveyor-General, the Hon E C Gwynne

STEAM POSTAL COMMUNICATION

The Hon A Forster, before the business upon the Notice Paper was proceeded with, would ask the Hon the Chief-Secretary a question which probably the hon gentleman would be prepared to answer without notice It was whether the Government had received any information relative to a contract having been entered into for the conveyance of mails to the Australian Colonies He alluded to a temporary contract. If such a contract had been entered into, he wished to know the terms, and whether the concurrence of South Australia was necessary to complete it.

The Hon the Chief Secretary would take an early opportunity of laying on the table a despatch which would give the hon gentleman all the information he required

DATE OF ACTS BILL

Upon the motion of the Hon Mr Morphett this Bill was permitted to take precedence of the other business upon the paper, and the Bill, the object of which is to prevent Acts passed by the Parliament of South Australia from taking effect prior to the passing thereof, was read a third time and passed The Bill was ordered to be transmitted by message to the House of Assembly, desiring their concurrence therein

BILLS OF EXCHANGE BILL

The Hon the Chief Secretary, in moving the second reading of this Bill, would briefly observe, as hon members were no doubt aware, that the holder of a bill of exchange under the existing law could generally, after the issue of a writ, obtain judgment against the acceptor within eight days, whilst, with respect to the endorser, a frivolous pretence and defence might be set up involving the claimant in a protracted law suit and considerable expense The object of the Bill, which he had now the honor of introducing, was to give the holder of a bill of exchange the same power against all parties connected with the bill, whether acceptor, drawer, or endorser By the provisions of this Bill all were equally liable, in fact it placed all parties in the same position as if they had signed a warrant-of attorney and prevented endorsers or acceptors from raising fictitious defences The present Bill was the law of England, and had been for some time It had been found to work most beneficially, and he had no doubt that hon members would uphold the principle that any one endorsing an acceptance, or being the drawer, should be placed in the same position as the acceptor, that is, that the holder should not be prevented from recovering his money by frivolous pretexts, involving litigation and heavy expenses

The Hon A Forster seconded the motion, which was carried, and, upon the motion of the Chief Secretary, the House resolved itself into Committee of the whole for the consideration of the Bill

A verbal alteration was made in the first clause, "Supreme Court Procedure Amendment Act" being substituted for "Common Law Procedure Act of 1853"

The succeeding clauses having been assented to,

The Hon the Chief Secretary observed that some amendments were required in the schedule, and he would, therefore, move that the Chairman report progress, and ask leave to sit again on Thursday next

The Hon H Ayers suggested to the Chief Secretary the propriety of adjourning till the following Tuesday as he was aware that several members were engaged on the following day, and there was very little business upon the paper

The Hon A Forster also suggested that the Council adjourn till Tuesday

The Hon the Chief Secretary had no objection to this course if it were the wish of the House, and, upon the motion of the Hon A Forster, seconded by the Hon H Ayers, the House adjourned till that day

WASTE LANDS BILL

Upon the motion of the Chief Secretary the second reading of the Waste Lands Bill, which appeared as an Order of the Day for the following day, was postponed till Tuesday next

MESSAGE FROM HIS EXCELLENCY

The President announced the receipt of a message from His Excellency the Governor, informing the Legislative Council, in reply to address No 4 relative to monthly mail communication, that he would take the necessary steps to carry into effect the subject therein mentioned

MESSAGES FROM THE ASSEMBLY

The President announced the receipt of message No 14, from the House of Assembly, intimating that the Assembly had agreed to the Execution of Criminals Bill without amendment Also, message No 15, intimating that the Assembly had agreed to the amendments made by the Legislative Council in the Customs Act Amendment Bill

The Council adjourned at 20 minutes to 3 o'clock till 2 o'clock on Tuesday next

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HOUSE OF ASSEMBLY.

Tuesday, October 19

The Speaker took the Chair at 5 minutes past 1 o'clock

PETITION

Mr Mildred presented a petition from a number of landed proprietors in the neighborhood of Noarlunga, with respect to the relative advantages of the two surveyed lines of road to Port Willunga and Port Onkaparinga, and praying the House to adopt the latter as being most conducive to the public good

The petition was received and read

REPORT ON PETITION OF JOHN HINDMARSH

Mr Neales brought up the report of the Select Committee on the petition of John Hindmarsh, which was received and read The report stated that the allegations in the petition had been proved to the satisfaction of the Committee, and it suggested certain means by which justice might be accorded to the petitioner

ADJOURNMENT OF THE HOUSE

Mr Barrow rose and moved "That the House at its rising do adjourn until Thursday next" He proposed the adjournment on account of the important public meetings which were to be held on the following day and he thought it would be consulting the convenience of many hon members if it were agreed to He was further induced to move the adjournment he had named, because he felt certain that if the House attempted to meet, the result would only be a "count out"

Dr Wark seconded the motion

Mr Strangways would like to know, before he consented to the adjournment, what the public meetings were which were to be held within the next two days He had certainly heard of the breakfast to be given to the Rev Mr Binney, but even supposing that there were other engagements, he thought it would have been only courteous in the hon mover to have consulted the Ministry on the subject, and have ascertained their views as to how the adjournment would affect the transaction of the Government business But the hon member had not consulted with any one, but had merely stated it as desirable, because that hon member had, he supposed, a desire to attend Mr Binney's breakfast, and perhaps the hon member for the Murray (Dr Wark) would like to go too But he (Mr Strangways) would like to know the nature of these meetings, and also if, when the citizens of Adelaide took it into their heads to give a public breakfast, the business of the country should be made subservient to the wish of hon members to attend He must oppose the motion, unless some better reason for the adjournment were given

Mr Mildred supported the motion, on the ground that it would be very inconvenient to those hon gentlemen who at-

tended their legislative business as usual to meet with a "count out," and therefore have their trouble for nothing

Mr REYNOLDS was in favor of the adjournment, but he thought the engagement principally referred to occupied only one day—that was the breakfast to Mr Binney He was one of those who were anxious to attend, and no doubt other hon members would wish to do so also

The SPEAKER put the motion—"That the House on its rising do adjourn to Thursday next, which was carried

CLERKS' SALARIES BILL

This Bill, recommended by message from His Excellency, was read a first time

DISTRICT COUNCILS ACT AMENDMENT BILL

The preamble was postponed

Clause 1, "Short title to Act," passed as printed

Clause 2, "Repeal of Acts in the schedule, and exceptions"

The following words were inserted in the 19th line after the word "repealed," "which it would be lawful for such person to hold under the provisions of this Act" The other alterations were merely verbal ones The clause was passed as amended

Clause 3, "Interpretation of certain terms"

In the 35th line of this clause "rateable land" was altered to "rateable property"

Mr REYNOLDS wished to know whether "rateable property" would include "glebe lands?"

The ATTORNEY-GENERAL said that if by glebe land was meant any property invested for the private use of the incumbent of a church or chapel, such property would be considered rateable

Mr STRANGWAYS called attention to an indistinctness in the term "common lands" which would include in its present sense the waste lands of the Crown

The ATTORNEY-GENERAL explained the difference between the "waste lands of the Crown" and the "common lands of the Crown," and said that as the two definitions were not co existive they were therefore both required

In the 43rd line of the clause, "this province" was altered to "the said province," and with another verbal alteration the clause was passed as amended

Clause 4, "Public notice, how to be given"

Mr BARROW asked whether it was really considered sufficient to publish notices of important meetings, or to make any important public announcement in the *Government Gazette* alone? In questions involving public interest to a very great extent, it was surely desirable that the ratepayers were made thoroughly informed of the time and place of the meetings where such questions were to be considered but this they could not be by the simple publication of an announcement in the *Gazette* Certainly the publication in the *Gazette* was supplemented by the permission given to post handbills in addition But these handbills were to be either in writing or print, and they all knew how trifling would be the publicity given by means of a written handbill, which plan might probably be often resorted to He would, therefore, like to know from the Attorney-General whether the publicity given by means of a notification in the *Gazette* would be deemed sufficient

Mr STRANGWAYS thought the hon member for East Torrens was troubled with a disease which might be appropriately called an "advertising mania" The seat of the disease might he thought be very well attributed to that hon member being manager of one of the local newspapers, his name as such having been appended to a circular which had been sent to members of that House The hon member wanted them to allow the newspapers to tax the public —("No" from several hon members)—to suit the interests of those connected with the newspapers There might be other persons in that House who, although having nothing to do with the conduct of the two journals in question, might have some interest in them, and their support in some measure might be attributed to this fact He did not know who they were, but perhaps he should be able to find them out before long (Laughter) What the House wanted to know was, whether the publication of notices in the official organ, the *Government Gazette*, was sufficient, or was it not? And this they should ascertain before they commenced to tax the public to the extent of from £2,000 to £3,000 per annum more He had no doubt that the Attorney-General would, when he answered the question put to him, say that the publication of the notices referred to in the *Government Gazette* was necessary as an official record, and therefore could not be dispensed with This, with the handbills that would have to be posted, would be publicity enough He should support the clause as it stood

Mr SCAMMELL said the District Councils were already taxed to some extent by the insertion of their official announcements in the newspapers, which were paid for Then the notices published in the *Government Gazette* were always regarded by the District Councils as necessary for official records, but he had always noticed that it was the practice not to consider these as sufficient for publicity In the case of balance-sheets, although not required to be published in any other print than the *Government Gazette*, they were usually inserted in the local newspapers, and in the case of some notices, this was not even considered sufficient, as slips of these were printed for distribution through the district He thought the suggestion of Mr Barrow, although well-meant, was superfluous

Mr PEAKE would be happy to hear the opinion of the Attorney-General before the clause was put He would, therefore, ask the hon and learned Attorney-General whether if they dispensed with official notices of this kind in the *Government Gazette*, their publication elsewhere would be considered as evidence in the courts of law

The ATTORNEY GENERAL said the statement of the hon member for Encounter Bay (Mr Strangways), that the publication of such notices in the *Government Gazette* was necessary as an official record, was correct, and one reason which made it necessary was that the *Government Gazette* was always at hand for reference when the local newspaper, could not be had This was, however, apart from the question as to whether they should impose upon the District Councils the necessity of giving more extended publicity to their announcements When it was thought that sufficient publicity was not given by these means, then the District Councillors, who, no doubt, studied the interest of the ratepayers whom they represented, would not be debarred by this clause from taking the proper means to meet the deficiency But in his opinion it should not be made compulsory With respect to the course which it was implied might probably be taken by the managers of the newspapers in withholding such notices as were not paid for, he might say in answer to that, that when the question was mooted in that House as to the non-advisability of having a free postage in this colony for newspapers, he felt that the public received so much advantage from the free insertion of matter, such as the impounding notices, interesting to the country people, that it would be unfair to inflict what would be a tax upon their generosity, in compelling them to pay for the circulation of their newspapers He had felt that while the public obtained this advantage they should allow the newspaper proprietors to reap any advantage they could by the free circulation of their newspapers It might, in fact, be considered in the light of a compromise But if it came to this, that the newspaper proprietors would not publish these notices gratuitously, then the Legislature would have to consider whether it was advisable to continue the present system of free postage on newspapers He hoped the hon member for East Torrens (Mr Barrow) would on reconsideration feel that the newspapers and the public are in this respect placed on a fair footing

Mr BARROW said the hon member for Encounter Bay had accused him of being imbued with an advertising mania That hon member had, however, appeared of late so determined in his opposition to the newspapers, that he could not attribute it to aught else than that the newspapers had failed hitherto to appreciate that hon gentleman's wonderful versatility (laughter), as the hon member was always ready to oppose anything and everything He (Mr Strangways) delighted in contradiction, and it mattered not to him whether it was against a friend or foe that he raised his arm, opposition was his fort and slaughter was his delight (Great laughter) In his (Mr Barrow's) mind the question was one quite apart from the private interests of newspapers, it was whether a *bona fide* publication of official notices should be provided for, on only a pretended publication, which few persons would ever see There was no provision for such notices being given in cases where full publicity was of immense importance There was provision, however, that before a person shot his neighbour's stray pigeon, he should advertise the trespasser in the newspapers But so important an announcement as that of a public meeting for levying a rate, or negotiating a loan was considered sufficiently advertised if buried in the columns of the *Government Gazette* As to the public press, its conductors were in a position to use their own discretion in the matter, but it remained for that House to say whether proper publicity should be given or not to intended movements of so highly important a character as those referred to

After some additional conversation, the clause was passed as previously amended

Clause 5, "Division of Act into six parts"

Passed as printed

Clause 6, "Proclamation by Governor, new districts, alteration of boundaries, wards formed and re-arranged," &c.

Passsed as printed

Clause 7, "What required in petition and in what manner shall be signed"

Passed as printed

Clause 8 'Petition to be published in *Gazette*"

Passed as printed

Clause 9, "Cause may be shewn against petition"

Passed as printed

Clause 10, 'Proclamation may issue"

The word "publication" was substituted for "proclamation" in the second line, and the clause was passed as amended

Clause 11, "Proclamation to be published in the *Gazette*, and to describe boundaries"

Passed as printed

Clause 12, 'Part of a District to which the Corporation Acts are extended shall cease to belong to the District"

Passed as printed

Clause 13, "Part of a town included in a district, shall cease to belong to the town'

Passed as printed

Clause 14, "Number of members of Council"

Passed as printed

Clause 15, "Members of wards to be equal in number"

Struck out

Clause 16, "Qualification of Councillors"

Passed as printed

Clause 17, In the division of this clause, which referred to the "Disqualification of Councillors,"

Mr MILNE proposed an amendment, which was to strike out the exception in favor of persons holding storekeepers' licences He would also include brewers, and persons holding slaughtering licences, as disqualified from being District Councillors

Mr ROGERS said, many persons in country districts took out licences for killing cattle for their own purposes and not with a view of selling the meat

Mr LINDSAY said several persons doubted whether it would be legal to exchange meat with a neighbor unless they held licences to kill cattle, they, therefore, in order to be safe, took out slaughtering licences, and if those were excluded from becoming Councillors, almost every person would be disqualified

Mr DUFFIELD said almost every settler killed meat for himself, and since a bullock was too much for immediate consumption, it was found necessary to exchange with others The licences were not taken out with a view to their becoming butchers, but for protection under such circumstances

Mr SHANNON considered if brewers were disqualified as District Councillors distillers should be so to

Mr MILNE was desirous of assimilating the law in respect to District Councillors with that in regard to Justices of the Peace, as both officers exercised similar powers in granting licences

Mr PEAKE thought the word "distiller" should be defined so that every one might know who might be considered "distillers"

MESSAGES

The House resumed for the purpose of receiving messages from His Excellency the Governor and from the Legislative Council

The SPEAKER stated that he had received from His Excellency the Governor a copy of the Estimates for the year 1859, and also a Bill for the regulation of the salaries of Clerks and subordinate Officers in the service of the Government, and from the Legislative Council, a Bill to prevent Acts of Parliament taking effect prior to the date thereof

ESTIMATES FOR 1859

On the motion of the TREASURER it was resolved that the House go into Committee on the Estimates for 1859 on Tuesday next

REGULATION OF SALARIES

The Bill for the Regulation of the Salaries of Clerks and Subordinates in the Service of the Government was read a first time and passed, and the second reading made an Order of the Day for Tuesday next

DATE OF ACTS BILL

The Bill for prevention of Acts of Parliament taking effect prior to the date thereof was read a first time, and the second reading made an Order of the Day for Friday

DISTRICT COUNCILS BILL—IN COMMITTEE

The further consideration of the District Councils Bill in Committee was resumed

The ATTORNEY-GENERAL considered that the terms of the Licensed Victuallers' Act should be the guide by which they should regulate the disqualifications under that Bill If they went beyond that, so many persons would be excluded as seriously to limit the efficiency of District Councils, The licensing of public-houses was but a small portion of the duties of a District Councillor He should think it very unwise to exclude persons such as brewers, who, from their intelligence and business habits, were qualified for the office, and who were objectionable only in one particular respect If brewers were excluded, the principle should be carried out by excluding all persons directly or indirectly interested in a licence

Captain HART would vote against the amendment for the reason assigned by the hon the Attorney-General The clause in the Licensed Victuallers Act did not preclude brewers being Justices of the Peace, but only prohibited them deciding in reference to licences He thought that the same latitude allowed to brewers who were Justices of the Peace might be allowed to brewers who were District Councillors

Mr MILNE would be satisfied with a clause being inserted to prevent brewers being present when licences were being granted

Dr WARK would rather go for the amendment, for no person had more direct influence on the publicans than the brewer, and therefore no man capable of exerting such power should be put in such a position He thought the amendment excellent, and trusted the hon member for Onkaparinga would press it

Mr REYNOLDS wished him to press the amendment also He considered brewers more interested in public-houses than distillers, and no inconvenience could arise from excluding them, for they were not very numerous If they were elected District Councillors they would have direct influence on public-houses

Mr STRANGWAYS could not see any advantage to be derived from the exclusion of brewers It was true they were interested in public-houses, but they had no direct influence on the inhabitants of a district, while the innkeepers and licensed victuallers had Storekeepers, in consequence of giving credit to small farmers, possessed considerable power, because many of them would be much inconvenienced if called upon to pay immediately He thought probably a brewer might be the best qualified person in the district for the office of District Councillor

Mr SCAMMELL thought the only effect of the amendment would be to exclude, in certain instances, a class of men from the District Councils who were signalised both here and perhaps at home by a greater degree of enterprise than many other classes, and he thought the object of the hon member for Onkaparinga would be attained by a provision in the Bill for preventing the brewers in such a case of having a voice in the quarterly licensing meeting

Mr DUFFIELD said there was a clause in the Licensed Victuallers Act providing that parties interested should not be present on the licensing Bench He had on one occasion a consignment of liquors for sale which prevented him sitting on such an occasion.

Mr HAY hoped the amendment would be withdrawn He believed the matter would be met by the suggestion being adopted that persons interested should have no voice in the granting of licences

The clause then passed

Clause 18, exempting certain parties from serving as Councillors, passed with verbal amendments

On clause 19, stating how vacancies are occasioned, being proposed,

Mr BARROW stated that he had received a communication from one of the District Councils in the Electoral District which he represented calling attention to that and some other clauses He should like to be informed why the old form of three consecutive meetings had been abandoned, and six weeks substituted in its stead In the communication he had received, it was suggested that the old system would be the best

Mr SCAMMELL agreed with the hon member for East Torrens

The COMMISSIONER OF PUBLIC WORKS had heard no reason assigned for the alteration He did not oppose the alteration, but had other amendments to propose He proposed to insert the word "some" in the ninth line, and the word "District" before Councils in the 10th, 12th, and 13th lines He wished to be shewn why "three consecutive meetings" would be better than "six weeks" The latter was a shorter period than the other, for to render three consecutive meetings as short as six weeks the District Council would have to hold two meetings a month

Mr BARROW thought the Commissioner of Public Works should shew a reason for the change that he was proposing to introduce He (Mr Barrow) did not feel himself called upon to give a reason for retaining the old law, which he had a right to assume had been passed after due consideration

The ATTORNEY-GENERAL said the Chairmen of District Councils, who had more experience in the working of the Bill than the members of the Government, had recommended it It was believed such a change would be advisable The Government were not supposed to speak of their own knowledge on matters of that sort, and they had invited the Chairmen of District Councils to give their opinion in regard to that clause, and other persons who had the greatest opportunity of understanding the working of the old measure That was the reason why the Government proposed it; but if the feeling of the House was against it the Government were not prepared to press it, although it would be sacrificing the opinion of the Associated Chairmen They would ask to have the opportunity of bringing the clause again under the attention of the House by having it recommitted

Mr BARROW moved that in the 9th line, the words "six weeks" be struck out, and "three consecutive meetings" be inserted in their stead, and also in the 11th line

The ATTORNEY-GENERAL said, supposing three meetings occurred in a very short time, and a person was away for a fortnight, a meeting might be called, and then two others, and that person might lose his seat

Mr BARROW thought the contingency might be provided for by inserting the words "three ordinary consecutive meetings"

The amendment was adopted

Clause 20, providing for the retirement of Councillors by rotation, was carried

Clause 21, defining who shall retire, was carried

Clause 22 was carried with slight alteration

Clause 23 was carried

On clause 24, providing that the Chairman shall not be required to ballot, being read,

Mr HAY proposed the striking out of the words "but for his position as Chairman that he should ballot," in order to render the sense of the clause clearer

Mr BARROW said it was one of the clauses which some of his constituents considered thoroughly incomprehensible It was impossible to understand the meaning of it (Laughter)

Mr SCAMMELL pointed out an error in the 19th line

Mr STRANGWAYS thought, instead of members balloting for those who should retire, they should take some money and toss up to decide, for everything was left entirely to chance

The clause was amended and carried

The 25th clause was carried with verbal amendments

On clause 26, providing for the supply of vacancies at the annual meeting, being put

Mr STRANGWAYS said he could not see the object of the clause If it was provided that a meeting need not be held at a particular time, why not strike out the former clause at once, and provide that a meeting should be held at any time

The COMMISSIONER OF PUBLIC WORKS said there might be causes to prevent the holding of the annual meeting on a particular day, and lest the District Council should lapse because of its not being re-elected at the particular time, the clause had been introduced

Dr WARK thought it highly necessary

The clause was carried

The 27th clause, providing for filling up extraordinary vacancies, was passed

A clause providing for the election of Councillors was substituted for clause 28

The 29th clause was carried with verbal amendments

On clause 30, providing that retiring Councillors shall hold office until successors are appointed, being read,

Mr STRANGWAYS proposed as an addition, "providing that no retiring Councillor shall be called upon to act for more than one month after the annual general meeting"

Dr WARK thought the clause answered the purpose as far as it went, but wished to know in what position the Chairman was placed His position was a queer one between the retirement of the old and the election of a new Council It was an unsettled point whether the Chairman held office until the election of a new Chairman He himself had acted as Chairman, and had found the legal difficulty He thought it should be stated that the Chairman should hold office until a successor was appointed As it stood, he was one of the Councillors, but not the Chairman

The COMMISSIONER OF PUBLIC WORKS considered that the insertion of that would empower the Council to take action in matters of importance which was not desirable at the termination of their office

Dr WARK was surprised that the Commissioner of Public Works should take that view, he having been a Chairman

The COMMISSIONER OF PUBLIC WORKS had signed documents when Chairman under those circumstances

Mr BAKEWELL said it was only re-enacting the old laws He thought it would be a very dangerous step to adopt the suggestion of the hon member for Encounter Bay, as it might wholly break up a District Council

Mr STRANGWAYS said if it was merely the old Act the whole thing might be laid aside at once, but he thought great alterations had been made in it, especially one in clause 20 providing that if the annual meeting had not been held it might be held at a future time The object he had in view was that no person should be called upon to act for more than a given time

The ATTORNEY-GENERAL was not aware that in practice anything had occurred that should lead the House to adopt a clause of that sort for preventing Councillors suffering inconvenience If it had been shown that inconvenience had resulted from the existing laws, it might have been a reason for introducing some alterations, but it would be necessary to cast about in order that those alterations might not cause further inconvenience than that which they were designed to remedy But no existing inconvenience had been shown, and inconvenience might arise from the adoption of the amendment He therefore considered that a reason for not agreeing to it It was possible some members of a Council might be desirous of breaking up the District Council, and they might contrive to prevent a meeting being called for a month, when the Council would be broken up But inasmuch as now that District Council could insure the proper holding of a meeting for the election of fresh Councillors, no injury could be done by slight delay, for the old members could go on until the appointment of a new Council

Mr STRANGWAYS said it had been stated there was no alteration of the preceding Act Was the 26th clause no alteration?

The ATTORNEY-GENERAL thought the hon gentleman had a singular notion of what would affect an argument, or he himself had The present law was to the effect that the existing District Councillors, in case of no new election taking place, were compelled to serve another year Now it was proposed to remove that inconvenience by giving opportunity of holding a meeting for re-election of members, although it might not be on the proper day He should have thought that any hon member would have seen that it was a diminished burden on the Councillors, but the hon gentleman seemed to imagine that because the burden was lessened it was more intolerable

The clause was carried

Clauses 31 to 38 inclusive were carried with merely verbal amendments

In clause 39 the following marginal note was adopted — "Business of District Council may be carried on notwithstanding vacancy"

Mr STRANGWAYS enquired what number constituted a quorum It would appear that any two members might transact the business

The COMMISSIONER OF PUBLIC WORKS said that this was provided for in another clause

The clause was then put and carried

Clause 40—"Councillor or Chairman may be re elected" was carried without amendment

On clause 41, "Auditors to be elected"

In reply to Mr MILNE,

The COMMISSIONER OF PUBLIC WORKS stated that the qualification of auditors was the same as that of District Councillors, namely, that they must be ratepayers of the district, as was provided in the 45th clause A man could not be an auditor and a councillor at the same time The Bill had been sent round to the District Councils, and very few amendments were proposed by those bodies

The clause was then agreed to

Clauses 42, "Auditors, how to be elected at ward meetings," 43, "Persons having the largest number of votes shall be auditors," 44, Omission to elect auditors may be remedied," and 45, "Qualification, &c, of auditors," were agreed to with verbal amendments

On the motion of the COMMISSIONER OF PUBLIC WORKS, the House then resumed, and the Chairman having reported progress, obtained leave to sit again on Thursday

MATRIMONIAL CAUSES AND DIVORCE BILL

Upon the Order of the Day for the further consideration in Committee of this Bill -

Mr STRANGWAYS said that he had seen by the English papers that it had been found necessary to introduce a Bill to amend the Act of which the present measure was a copy He would therefore ask the hon the Attorney-General whether he had received a copy of the English amended Act, and if so, whether the hon member would have any objection to place that copy in the library, or on the table of the House, for the information of hon members

The ATTORNEY-GENERAL replied that he had received no copy of the amended Act referred to, but he thought as one object of the Bill was to keep the law here similar to that of England, that it was desirable to pass the Bill in its present shape, and then if any of the amendments of the English Act should prove to be necessary to facilitate the working of the measure, the House could avail itself of them

Mr BAKEWELL had received a copy of the English Act, and had found that the alterations introduced were unimportant The main alterations were intended to protect the wife's present as well as her future property

The ATTORNEY-GENERAL moved that the Chairman report the Bill

The motion was carried, and the House resumed accordingly

Mr REYNOLDS enquired whether that was the proper time to move the recommittal of a clause in which he wished to introduce an amendment

The SPEAKER replied that the hon member ought to have made his motion before the Chairman of the Committee left the chair It was too late now

The report on the Bill was then adopted, and the third reading was made an Order of the Day for Thursday

IMPOUNDING ACT AMENDMENT BILL

The House went into Committee on this Bill, resuming its consideration at clause 33—"Purchasers not bound to prove regularity of sale"

Mr STRANGWAYS moved the addition of the words "Provided that each purchaser be required to see the advertisements required by the Act" He wished this as a security that the cattle were properly advertised

Mr SHANNON thought that the purchasers should be compelled to produce their receipts

The ATTORNEY-GENERAL asked to have the clause read over, which was accordingly done.

Mr BARROW could not see how it would be possible to compel purchasers to see the advertisements, though the advertisements might be shown to these persons. There was a difference between taking horses to water and making them drink, and he was quite at a loss to know how they were to compel persons to see

Mr LINDSAY said it was evident that the clause had been inserted solely because it was in the old Act, for he was satisfied that if any member of the Government were to consider the effect of the clause he would not have inserted it, inasmuch as it would take away every security at present left to the owners of stolen cattle If this clause were passed a horse worth 100 guineas might be stolen one day and sold the next for £5, and the only remedy which the owner would have would consist in fining the poundkeeper, perhaps £5 for neglect of duty Most of the animals now sold from pounds were stolen A brother of his own had had a valuable horse stolen from Hindmarsh Valley, and found it in the hands of a poundkeeper at Gawler Town

Mr GLYDE said that if the hon member looked through the Act he would see that cattle could not be sold within 10 clear days after they had been impounded, in all cases where notice had been given to the owner or his agent or overseer, and in all other cases cattle could not be sold in less than 24 days from the time of their being impounded

Mr DUFFIELD proposed to strike out the words "by any licensed auctioneer"

Mr BAGOT contended that the effect of this would be to take away all the safeguards at present left to the owners of stolen cattle

The Attorney-General said the striking out of the words would not affect the security which the Act gave to the persons referred to, but the House had not yet decided by whom the cattle were to be sold, whilst this clause presumed that they were to be sold by a licensed auctioneer

The amendment was then put and lost, and the clause as originally moved was agreed to

On clause 34, "As to the application of money arising from sale of cattle impounded,"

Mr Bagot moved that before this clause a short clause should be inserted in the Bill to the following effect, "That no poundkeeper shall be compelled to deliver up any cattle on a Sunday" Many persons residing in the country districts were in the habit of going to the pounds to look after their cattle on Sundays He made the proposal at the suggestion of some persons who had mentioned the matter to him

The Attorney-General suggested that the clause should be introduced in another portion of the Bill

Mr Bagot did not press his motion

The Commissioner of Crown Lands moved that after the word "Governor" the words "by warrant under his hand" be struck out

The amendment was agreed to, and the clause as amended was then put and carried

On clause 35, "Application of surplus proceeds of sale where pound situate within a district"

The Commissioner of Crown Lands moved that in the second, fourth, and tenth lines, before the words "District Council," the words "Municipal Corporation or" be inserted

The amendment was agreed to, and the clause as amended was then put and carried

On clause 36,

The Commissioner of Crown Lands moved that the marginal note of this clause be "Governor or District Council may close pound"

The amendment was agreed to

The Commissioner of Crown Lands also moved that the words "Municipal Corporation or" be inserted before the words "District Council"

The amendment was agreed to, and the clause as amended was then put and carried

Clause 37, "Pound rescues or breaches," was agreed to without amendment

On clause 38, "Penalty on any bull or entire horse at large,"

Mr Shannon thought there should be a penalty for ill-using cattle whilst driving them to the pound

Mr Milne suggested that there should be a power conferred of licensing bulls He proposed to add at the end of the clause the following words, "except those licensed by the District Councils"

Mr Mildred moved that the words "of not less than two pounds nor more than" be omitted, and the words "not exceeding" be substituted

Mr Lindsay could not allow the clause to pass without calling attention to the inconsistency between this clause and the interpretation clause He was not surprised at this inconsistency' as the whole Bill was drawn so carelessly (Laughter from the Ministerial benches, especially from the Attorney-General) But the interpretation clause enacted that "words denoting the masculine gender shall apply to persons and animals of the feminine gender, ' so that persons would be liable to penalties not only for allowing bulls and entire horses to be at large, but also for cows and mares (Laughter) The clause would be quite ridiculous unless they were to alter the custom of the colony as it had existed for 20 years, inasmuch as bulls are commonly left at large although such was not the case with entire horses

The amendment of Mr Milne was put and lost

The amendment of Mr Mildred was carried, and the clause as amended was put and carried

On clause 39, "Ranger appointed by Government or District Councils, may impound off Crown Lands or roads in the district"

Mr Mildred proposed to insert before the word "ranger" the word "constable"

The Attorney-General pointed out that a constable was not necessarily a person qualified to carry out this clause The existing law recognised that this power should only be given to a person qualified to exercise it

The Commissioner of Crown Lands pointed out that it would be competent for a District Council to appoint a constable a ranger in case they thought fit to do so

The Commissioner of Crown Lands moved the insertion before the words "District Councils," of the words "Municipal Corporations"

Dr Wark moved as an amendment the insertion in the 19th line, after the word "straying, ' of the words, "being fed, although tailed" Great grievance resulted from the practice of allowing cattle to feed on the roads Cattle were sent out this way in charge of children, and the children frequently neglected them, and then the cattle broke down fences, and went upon people s lands

Mr Hay opposed the insertion of the words

Mr Harvey supported the amendment Persons would not impound the cattle if the amendment was carried, unless the cattle were breaking the fences or trespassing

Mr Mildred moved that the words "immediately adjacent to or fronting the fenced-in land of such occupier" be struck out

Mr Shannon suggested that the House should specify what constituted a fence under the Act

The Commissioner of Crown Lands said there was a good deal of force in the remark of the hon member (Mr Shannon), and it was his intention, in a subsequent portion of the Bill, to deal with the subject referred to He had a clause already sketched for the purpose, but he thought it more convenient to leave the matter to a later period

The Attorney-General supported the clause as it stood The person whose land abutted on a district road should have the right to impound cattle straying upon it, but to say that any man who owned fenced land should have power to impound cattle straying upon any district road would not be fair

Mr Mildred explained that he wanted to have the words "whether" and "or not" also struck out

The Treasurer enquired whether the clause would not have the effect of enabling persons to impound "tailed" cattle which were being driven to water

Mr Mildred's amendment was lost

The Attorney-General moved that in the 16th line, after the word "Crown," the words "or upon any roads' be inserted

Agreed to

The clause, as amended, was then put and passed

The 40th clause related to cattle trespassing after notice, and provided that the owner of unfenced land should be authorised to recover by action as and for ordinary damage by trespass of cattle, one-third only of the rate specified in the schedule

The Commissioner of Crown Lands stated that at the suggestion of the Association of District Chairmen, he was desirous of altering this proportion to one-fourth instead of one third

The Attorney-General suggested that the latter portion of the clause should be struck out, as there was an inconsistency in saying that after a person had proved a certain amount of damage, he should only be enabled to recover one-fourth the amount A person who had sustained injury should not be placed in a position to recover only one-fourth of the amount to which he had sustained injury

Mr Lindsay was happy to hear the Attorney-General admit there were some inconsistencies in the Bill there were indeed a great many more than those which had been alluded to by the hon gentleman The whole clause under discussion was a mass of the extremest absurdity How persons possessed of common sense could have brought such a measure before the House he could not imagine Had he not known from whom the Bill emanated, he should have said that they were perfectly imbecile and incompetent to deal with the subject Declaring land protected by notice in the *Government Gazette* alone was worse than even the protection-board system of Governor Grey If they admitted the principle that compensation should be awarded to those parties whose land was trespassed upon, and that punishment should be awarded to those who so trespassed, no difference should be made between land which was fenced and that which was unfenced If the object were to protect unfenced property, there should be no distinction in the penalty between fenced and unfenced land He hoped the Government would postpone the clause for the purpose of reconsidering it

The Attorney-General said it was not often that he troubled himself to reply to the remarks of the hon member who had just sat down The House must be convinced if they attached any weight to the hon member's remarks, either that the Government were perfectly imbecile and incompetent, or that the hon member was so himself There was no alternative He could not agree with the remark that the fact of the fence being knocked down was evidence of it being insufficient In the neighborhood of Adelaide one of the greatest nuisances to which the proprietors of land were subjected, was from persons residing in the neighborhood perhaps having an acre or two of ground or it might be a section, the whole of which they devoted to agriculture, yet kept a number of cattle which they turned out well knowing, that the animals could only obtain food by trespassing That was a wrong for which the Legislature should devise a remedy It was systematic intentional trespass on the part of others, and the Legislature were bound to interfere He had known the time when the principle which had been asserted that the fact of a fence being broken down was evidence of its being an insufficient one, was recognised by Magistrates, who had held that the fact of cattle having got upon fenced land was proof that the fence was not sufficient, and consequently that the parties trespassed upon could only recover the amount for trespass upon unfenced land The absurdity and injustice of this was so great that when it was brought under the attention of the Legislature a provision was framed similar to that now under discussion, and the good effects of such a provision were so universally recognised by the great majority who had had experience in the matter, that he had no doubt the House would assent to the clause under discussion that contained the provision which he had referred to

Mr Strangways said that though this clause would be productive of great benefit in the neighbourhood of towns, yet he had no doubt that this and other clauses would operate

most prejudicially in more thinly populated districts where there were large quantities of land unfenced used as commonage. There was as much necessity for a difference in law relative to impounding in thickly and thinly populated districts, as there was for a distinction in the municipal law in different localities. He confessed there was a good deal of difficulty in the matter, but he hoped an opportunity would be afforded hon. members of considering all the clauses which had been amended before the Bill was taken out of Committee. He hoped that the Bill would be printed with the amendments, as there were some clauses that had been passed, which if construed to the letter would, he was satisfied, operate most injuriously to thinly populated districts.

The ATTORNEY-GENERAL felt the importance of what had fallen from the hon. member who had just sat down, and thought an addition might be proposed when the Bill was printed with the amendments, to the effect that the clause under discussion should not apply in cases where the cattle were lawfully upon the land from which they escaped to the unfenced land. There were many cases where parties should not, by merely giving notice, be in a position to recover this special damage. The intention of the clause was, he thought, that it should apply to cases where cattle had no right to be upon the land adjacent to the unfenced land. He should be prepared with an amendment or addition to that effect before the Bill was taken out of Committee.

Mr. ROGERS drew attention to the fact that, where District Councils were established, parties were obliged to take out licences for depasturing cattle upon Crown lands, and under such circumstances he thought it would be unjust if such parties were called upon to pay when their cattle strayed upon private unfenced property.

Mr. DUNN fully agreed with the necessity which existed for two Acts, the one applicable to the town, and the other to the country. He felt that the clause as it at present stood would operate most injuriously to the outer districts, for parties were in the habit of having traps for catching cattle by sowing a small piece of land, and the moment cattle were enticed upon it they drove them to the pound.

Mr. LINDSAY hoped the Government would consent to withdraw the clause, and substitute one with the improvements which had been referred to by the Attorney-General. The clauses in the Bill clashed with each other, for whilst one protected the cabbage-garden the other protected the cattle-owner. If the Bill as it at present stood came into force, any vagabond in the vicinity of a squatter might ruin him. Nothing more was necessary to ruin the squatter than a stringent carrying out of this Bill throughout the colony.

Mr. HARVEY pointed out that unless there were a plough-furrow, or some mark round a section, it would be impossible to tell whether cattle were trespassing or not. He thought it very essential that there should be some mark so as to let parties know when they were trespassing.

The clause, with the amendments proposed by the Commissioner of Crown Lands and the Attorney-General, was passed.

Clause 41 provided that parties should be liable to a penalty of not less than £10, or to imprisonment with hard labor, for any period not exceeding three calendar months, for taking down rails, or opening gates to let cattle into fenced land.

The COMMISSIONER OF CROWN LANDS particularly directed the attention of hon. members from the country districts to this clause, believing that there were slip panels across many of the district roads.

Mr. STRANGWAYS thought the difficulty was that they did not know where the district roads were, and he questioned if the hon. gentleman opposite could inform the House. In some instances where the road was disputed, fences had been put up.

Mr. MILDRED believed this was the case in the neighborhood of the Dry Creek in eight different sections.

Dr. WARK observed that in many instances roads had been fenced in by permission of District Councils, but he much questioned if the District Councils possessed power to give any such permission. If parties for their own convenience put fences across the road, it was a hard case to compel parties travelling the road, not only to take down the rails but to put them up again. For his part he never did so, nor did he see why any traveller should be put to any such trouble. (Laughter.)

Mr. YOUNG said it was quite true that there were many roads enclosed by fences with slip panels, but he did not see how that circumstance could at all affect the operations of this Act, because the wording of the clause was "any person who shall unlawfully remove or take down any rail or slip panel." Now it was quite clear that a party would not be acting unlawfully by taking down a fence which had been placed across a public road. Whilst he was a member of a District Council numerous applications were made by parties to fence across public roads, but the invariable answer given by the Council was that they could give no such sanction, and that the parties who put up the fence would be entirely at the mercy of the public.

Mr. LINDSAY said that when he had occasion to pass through such panels, he invariably put them up, but generally speaking he found that these panels were really not upon the roadway, but had been left because it had been found impossible to go over the road which had been laid out. He was afraid that the clause if passed would work as badly as it had hitherto, for after all it was merely a precise copy of a clause in the Act of 1856. Under that very clause an unfortunate man had been fined at Port Elliot for taking down his own slip panel, and letting out his cattle to water. If his land had not been fenced at all he would not have been liable to be fined. The clause, it was quite clear required alteration, but he would not suggest any, being determined to throw upon the Government the whole onus of bringing this at present unworkable Act into working order.

Mr. DUNN said the hon. member who had just sat down, took credit to himself for putting up rails, through which he passed, erected upon private property, but surely he was bound not only to do this, but to feel much obliged to the owner of the land for allowing him to pass through. When he was connected with a District Council, a number of parties applied for permission to erect fences across public roads, but the invariable answer was, that the Council could not afford protection in such cases.

The clause was passed as printed.

The 42nd clause imposed a penalty upon cattle found astray in the streets of towns.

The COMMISSIONER OF CROWN LANDS moved that it be struck out, remarking that he did so at the suggestion of the Association of District Councils, as the District Councils would be able to frame the necessary bye laws to meet such cases.

Mr. MILDRED thought there might be many difficulties in reference to this matter being left with the District Councils, as where private townships had been laid out, the roads, &c., had not been conveyed to the District Councils as trustees. He would remark, in reference to the various District Councils having been made familiar with this and the District Councils Act, that he believed the opportunities which had been afforded to the Chairmen of the various District Councils of discussing these bills had been very limited indeed, and that the measures had not had that attention which they should have received. He had several times attended meetings of the Association since these measures had been introduced to the Assembly, and only once had they been brought under the notice of the Association; in fact, they were actually under discussion in that House before copies were forwarded to the Chairmen of District Councils. He moved the omission of the words in the clause "not less than five shillings."

Mr. STRANGWAYS moved the insertion of the words "such penalty to be recovered by a person duly appointed for that purpose." He thought the Commissioner of Crown Lands should have given the House some better reason for withdrawing the clause than that it was the wish of the Associated District Councils. They might as well allow the District Councils Association to pass their own Act at once. He should support the clause because he contended the District Councils had no power to pass bye-laws which affected streets or reserves in any private townships, unless indeed such roads became public roads and vested in the District Councils.

Mr. LINDSAY opposed the clause, remarking that Port Adelaide was laid out as a township by private individuals, and that goats were permitted to browse upon the vacant lands, and thus supply the inhabitants with the luxury of milk, which they would not otherwise enjoy.

Mr. HAY supported the Government in the proposition to strike out the clause.

Mr. DUFFIELD thought it would not be right that parties after laying out a township and selling one or two allotments should be allowed to impound cattle found upon the unsold portions.

The ATTORNEY-GENERAL would prefer having the clause struck out but ultimately proposed the following addition:—"Providing that this clause shall not apply to any town or village not brought under the operations thereof by proclamation in the *South Australian Government Gazette*."

Clause 43 provided that nothing in the Act should prevent the driving of cattle along customary lines of road.

Mr. LINDSAY wanted to know what was to be understood by customary lines of road, as many customary roads were trespass roads.

Mr. STRANGWAYS was desirous of moving the insertion of the following words, "Provided that nothing in the clause shall allow persons to remove or injure any fence."

The ATTORNEY-GENERAL did not object to the addition.

Mr. ROGERS observed that in many districts, roads were fenced in, and he thought that parties ought to be allowed to take the fences down.

The ATTORNEY-GENERAL said the proposed amedment did not limit the power which persons possessed under the law as it at present stood. If a fence were across a public road, parties had a perfect right to remove it. The clause as amended was passed.

Clause 44, giving to Justices of the Peace jurisdiction in all matters arising out of the impounding of cattle in causes under £20, was passed without discussion.

Clause 45, provided that if excessive damages were claimed the owner might pay under protest.

Mr. MILDRED suggested the insertion of the word "written" before protest.

Mr. STRANGWAYS said that in many of the country districts, it frequently occurred that parties could not write.

Mr. MILDRED was convinced if there were not a written protest there would be endless squabbling.

Mr LINDSAY moved that the clause be struck out, and suggested that instead of a number of complicated clauses, there should be a right of replevy, such as mentioned in the amendment marked "H" in the list which he had had printed

Dr WARK suggested that instead of proceedings being instituted before a Court of Full Jurisdiction, they should be before two Justices of the Peace or any Court of Full Jurisdiction. Two Justices could try any case, not involving more than £20, and he was satisfied that there would be very few cases in which a larger amount would be involved

The ATTORNEY-GENERAL was not aware of any objection to give the power to two Justices of the Peace if there were no Local Court within a certain distance

Dr WARK suggested five miles

The ATTORNEY-GENERAL would not consent to that, but suggested ten miles

Mr STRANGWAYS thought as this would simply be a debt from the owner to the poundkeeper, there was no reason for departing from the ordinary course. Whilst the system of Local Courts held good all questions within their province should be decided by them

Mr LINDSAY pointed out that although this was only a debt, it must be first paid before there could be an appeal

The ATTORNEY-GENERAL moved the insertion of the words, "in a summary way before two or more Justices of the Peace, where there is no Local Court within a distance of ten miles" The hon gentleman subsequently said that he thought ten miles too short a distance, as it would cause a great number of cases to be tried by a jurisdiction, which should only be resorted to where it would be exceedingly inconvenient to resort to the ordinary course. On further reflection he thought, the distance should be twenty miles

Mr DUFFIELD would certainly oppose the amendment, considering that parties should go to the Court of Full Jurisdiction. They all knew the working of the Impounding Act, and if a man got appointed poundkeeper in an unsettled district, he would, in fact, get a nice little freehold, and the greater distance he was from a Local Court the more profitable to himself

The clause was carried as originally proposed

At the suggestion of the COMMISSIONER OF CROWN LANDS, the Chairman then reported progress, and obtained leave to sit again on Thursday next

MYPONGA

Mr STRANGWAYS put the question of which he had given notice—

"That he will ask the Hon the Commissioner of Public Works (Mr Blyth) why accommodation for shipping has not been afforded to the settlers at Myponga, the sum of £2,500 having been voted for that purpose in the year 1856?" In 1856 or 1857 the sum of £2,500 was voted for the purpose, but the work had not been carried out and the settlers in the vicinity were in consequence subjected to great inconvenience

The COMMISSIONER OF PUBLIC WORKS found, upon looking over the records of his office, that the District Council of Myponga were applied to by his predecessor to point out the proper site for a jetty at Myponga, and the District Council then passed a resolution stating that, in their opinion, a jetty would not then be a public benefit. The District Council upon after consideration rescinded that resolution, and his predecessor visited the locality for the purpose of seeing if the work was really required, but he (Mr Blyth) was unable to state what opinion his predecessor arrived at. Under the circumstances, he did not feel justified in commencing the work until he had visited the spot

TAXATION.

The following notice of motion in the name of Mr PEAKE was made an Order of the Day for Friday next —

"That in the opinion of this House, no Bill for imposing a tax on the people should be proceeded with unless the same be founded on a resolution of this House, and that the rules and orders of the Commons House of Parliament with respect to all Bills for imposing a tax on the people be in future acted on by this House"

The House adjourned at 20 minutes past 5 o clock till 1 o'clock on Thursday

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THURSDAY, OCTOBER 21

The SPEAKER took the chair shortly after 1 o'clock

POST-OFFICE RETURNS

The COMMISSIONER OF CROWN LANDS, in the absence of the Attorney-General, laid upon the table of the House returns which had been asked for relative to the number of letters transmitted through certain Post-Offices. The returns were ordered to be printed

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, observed that when he sought leave to introduce it, he stated very nearly all that he could state in favor of the second reading. The action of the Government in this matter had been taken in consequence of the subject of the Bill having been brought under the notice of the Government by the Railway Commissioners. It was believed that a saving of at least £3 000 per annum would be effected if the American system were adopted in reference to level crossings—that is, if the gates which were considered necessary by the Act of 1847 were abolished, and ditches were constructed for the purpose of preventing cattle from trespassing upon the line. The Bill involved a principle which, if successful in railways at present in operation, would be carried out in railways hereafter constructed, and further economical results would ensue. The Government felt us hon members would no doubt feel, that the matter was of sufficient importance to warrant them in coming to the House and bringing it prominently forward. He believed that many persons who had spoken upon the subject were not thoroughly acquainted with the American system. He had hoped to have been furnished by the Railway Commissioners with a drawing which would have very clearly shown the plan which was adopted in America, which it was proposed to adopt here. It was proposed to have ditches constructed at the level crossings, or at the sides of them, for the purpose of preventing cattle from straying upon the lines. They would by this system be enabled to do away with gates, which involved considerable expense, and also gatekeepers, who involved considerable monthly and yearly expense. The Bill proposed to repeal the Acts which provided that gates should be erected at level crossings, and should be kept at the expense of the Railway Commissioners, and consequently the public. He felt that there was no danger in the system that was adopted in America, and which it was proposed to adopt here. He was sure that if hon members would look at the records of railway accidents in America they would find that there were few, if any, arising from the adoption of this economical course upon those lines. The Government had introduced the Bill entirely upon economical grounds. No extra risk to life and limb was involved in seeking to adopt here the system which was adopted in America. No new principle was involved in the Bill, as the House had already sanctioned it in the original Railway Bill of last session, which empowered the insertion of a clause to this effect on the extension of the railway from Gawler Town. Subsequent action prevented that from becoming law, but it was now again prominently brought before the House, and the House by refusing or assenting to the second reading, would say whether they would affirm or reject a principle which would undoubtedly effect a considerable saving without involving any extra risk to life and limb

The COMMISSIONER OF CROWN LANDS seconded the motion

Mr STRANGWAYS hoped that the Commissioner of Public Works would afford some better explanation of the operations of this Act. There was one part most curiously worded. He particularly referred to the second clause, which stated that it should be lawful for the Commissioner of Public Works to direct the removal of gates from level crossings, provided that none should be removed from the level crossings now existing. He wanted to know what was the meaning of that clause? Was it intended that it should only operate upon the railways hereafter to be constructed, or did it mean that after the passing of the Bill all level crossings were to be abolished? The Commissioner of Public Works left the House entirely in the dark upon that point. He had heard it stated that it was not intended the Bill should refer to railways already constructed, and if that were the object the Bill was entirely superfluous, as railways could only be constructed by Act of Parliament, and a clause could be introduced in the Act having the same effect as this Bill would have. It would be better to deal with every railway separately and consider whether it was desirable that level crossings should be abolished there or not. Such a course would be far better than introducing such a sweeping measure as the present. If the Bill were intended to apply to all the railways now constructed he should feel bound to oppose the second reading of the Bill, for it would be exceedingly dangerous that it should be brought into operation upon the City and Port roads, for instance, and other places. Where the population was thin there would probably not be a very large amount of danger from the removal of gates at level crossings, but near the centre of large populations, where trains were constantly running, the danger would be very great. The Commissioner of Public Works had stated that no danger would arise from the adoption of the course proposed by the Bill, and had stated that no accidents arose in America, where the system was in operation, but if the hon gentleman read the English papers and the extracts from the American papers, he would find that there was scarcely a mail which arrived in England which did not bring an account of some distressing railway accident, and a large majority of these arose from the level crossings which were unprotected, and the railways were unprotected also. If it were intended that the clause should operate as the last portion would induce him to believe, it was, as he had shewn, entirely superfluous, and if it were to operate as the first portion would lead him to imagine, he should oppose it

Mr REYNOLDS had much pleasure in supporting the second reading of the Bill (Hear, hear) He regarded it as a move in a very proper direction. It would be a great saving to the public to adopt the system of ditches at the sides of level crossings. The Government were, he considered, bound to introduce this Bill from the promise which they gave last session, and he was glad to find they had redeemed that

promise On looking over the clause which had been referred to by the hon member for Encounter Bay he did not see that it was contradictory, or that it would be so inoperative as the hon member seemed to imagine It would not be safe to remove the gates and take away the gatekeepers till the level-crossings had been properly secured by the construction of ditches and he believed that was what the clause really meant, at all events he could place no other construction upon it The hon member read the clause and stated that he considered it very proper that such a provision should be made With regard to railway accidents in America, he was in the habit of reading American papers, and, although he frequently observed that accidents had occurred upon the American lines, he had yet to learn that they arose from the adoption of ditches at level-crossings No doubt whatever system were adopted accidents would occur, but he believed that the chances of accidents would be less under the system which was proposed than that which was at present in operation, and he should give the Bill his hearty support

Mr Lindsay had only just entered the House, and had not had an opportunity of hearing all the arguments for and against the Bill, but in looking over the Bill he had come to the conclusion most decidedly to oppose it The Bill proposed to adopt what he had always considered a very objectionable feature in the American railway system Accidents were constantly occurring upon the American lines from the very cause which it was now proposed to introduce here, although in America there was a protection invariably resorted to, for which no provision was made in this Bill, he alluded to what was termed a cow-catcher in front of the engine to catch up anything upon the line, and from this instrument being in general use it might be fairly assumed that the ditches did not prevent animals from getting upon the line The House were aware that accidents had occurred upon the Port line even with the precautions of a gate and a gatekeeper, and if so, how much more likely were accidents to happen without such precautions Ditches were very imperfect protections from trespasses at any time No person would think of including ditches amongst good and substantial fences against cattle The saving which had been alluded to by the Commissioner of Public Works was very little consideration compared with the safety of life and limb He believed that the amount involved in damages awarded in consequence of accidents which would occur from the adoption of the American system would be far more than any apparent saving which would be effected The American system, however, deserved examination, and, perhaps, copying in some instances, though certainly not in the respect referred to in this Bill The Americans had adopted many good and economical plans which might with great advantage be copied, but the saving which would be effected by doing away with gates and gatekeepers would be a very small item and not worth a moment's consideration compared with the additional work If hon members, instead of taking this one point alone, would look at the whole American system and find where a saving could be effected without additional risk, it would be well, but he believed that in this instance if a saving of £3,000 were effected an additional expenditure of ten times that amount would be involved from the additional accidents which would occur He believed that some saving might be effected by adapting to our circumstances some arrangements which were made by the Americans

Mr Cole cordially supported the second reading of the Bill, having always viewed gates upon the railway as very objectionable He was glad to find that the Ministry had taken action in the matter, and had introduced the present Bill The hon member who had last spoken had very forcibly dwelt upon the fact that accidents happened upon the American railways in consequence of the level crossings, but the hon member had forgotten to state that a large proportion of the accidents upon the American lines arose from the construction of the carriages and the rate at which the trains were in the habit of travelling That had been entirely lost sight of by the hon member It was not merely the present saving which he looked at in supporting the Bill, but he took a prospective view, for as the lines advanced there would of course be an additional saving by the adoption of this plan The feasibility of the system was so apparent that it required very little argument to prove its advantages and necessity

Mr Collinson would venture to support the Bill, and did so from a conviction that it would not only do away with a very heavy expense, but a very great inconvenience, without in any way increasing the risk to life and limb He might state that at Alberton the services of a gatekeeper had been dispensed with the public opened and shut the gate, and he was not aware that any accident had occurred or that any stray cattle got upon the railway The Station master saw that the gate was closed up

Mr Neales supported the Bill It was a very small move towards economy, but as he always studied economy he should certainly vote for the second reading of the Bill If there were a division it appeared to him it would be the hon members for Encounter Bay against South Australia (Laughter)

Dr Wark would support the second reading of the Bill, considering it a step in the right direction, and a good one too He was not surprised at the opposition of the hon member for Encounter Bay (Mr Strangways), as there were certain members who would oppose anything and everything whether right or wrong, no matter whether the proposition opposed were brought forward by the Ministry or any one else He thought it would be better to allot those hon members a place to themselves (Laughter) Upon a railway near which he was brought up, a train started of its own accord and carried a gate a distance of six or eight miles Great alarm was created in consequence of the gate, which would of course have been avoided if the plan proposed by this Bill had been in operation

Mr Duffield moved that the House divide

The Speaker put the question that the Bill be read a second time, and declared it carried

Mr Lindsay—Divide (No, no)

The Speaker—Does the hon member call for a division?

Mr Lindsay—Simply——

The Speaker—The hon member can only state whether he calls for a division or not

Mr Lindsay—I do

The House divided, and the second reading was carried by a majority of 17, there being—ayes, 19, and noes, 2, as below —

Ayes—Commissioner of Crown Lands, Messrs Reynolds, Mildred, Wark, MacDermott, Duffield, Harvey, Glyde, Cole, Neales, Hawker, Rogers, Barrow, Collinson, Hay, Shannon, McEllister, Milne, Commissioner of Public Works (Teller)

Noes—Messrs Strangways, Lindsay (Teller)

Upon the motion of the Commissioner of Public Works the House went into Committee upon the Bill

The first clause was passed as printed Upon the second clause being read,

Mr Lindsay thought it highly desirable that an addition should be made to the clause for the purpose of adopting a system which was in force in America He alluded to an instrument called a cow-catcher, being placed in front of the engine He was quite sure that if this precaution were necessary in America it was necessary here, for in America everything was so economically managed that he was satisfied the expense of the cow-catcher would not be incurred unless it were absolutely necessary In support of his statement that there were necessities for this precaution, he might refer to a book with which some hon members were no doubt familiar, called "Our Iron Roads" It was there stated that upon a railway leading to Washington, a cow was caught in the cow-catcher, and upon the train being stopped for the purpose of removing the animal, a passenger asked why not take the cow on to Washington, where something could be got for it "Oh," said the engineer "we want to make room for the next," shewing that ditches did not prevent cattle from getting on the lines

The Commissioner of Public Works referred to a dreadful accident which occurred upon the Trent Valley Railway, where gates and every precaution against accidents were adopted He had no objection to the introduction of cow-catchers, and would suggest that the hon member for Encounter Bay should prepare a clause especially for that purpose

Mr Reynolds thought this hardly necessary, and would suggest that in the first instance experiments should be made without cow-catchers

Mr Strangways said the question was merely one of expense It was probable when the Bill came into operation that instead of a saving of £3000 per annum, there would be an additional expenditure of £30,000 A single accident would swamp the whole saving for years, anticipated by the Commissioner of Public Works The Commissioner of Public Works had referred to accidents which occurred in England where every precaution was taken, and there could be no doubt that notwithstanding all the precautions which could be taken accidents would occur All that could be done was to make such arrangements as should leave the least possible chance of accident. It appeared that the Commissioner of Public Works was prepared to run any risk for the purpose of making an apparent saving of £3,000

Mr MacDermott suggested that if cow-catchers were considered desirable, the Commissioner of Public Works might issue instructions to have them added to the engines, without an additional clause

Mr Glyde asked the Commissioner of Public Works if the House were to understand that he would issue instructions to have cow-catchers attached to the engines, as if so, he would not offer any opposition to the clause

Mr Shannon supported the proposition to have cow-catchers attached to the engines, as the additional expense would not be very serious

Mr Cole could not conceive that the precaution was really necessary, but at the same time mentioned that upon the present railways, so well protected by gates, he had seen three horses upon the rails within 200 yards of the station, and a short distance of the engine

The Commissioner of Public Works had not the least objection to give a pledge that every precaution should be taken against railway accidents It was satisfactory to know that hitherto railways had been conducted in such a manner that no serious accident had occurred He would communicate with the parties who were connected with railways, and would take care that every precaution was taken

The various clauses having been assented to, the report was

adopted, and the third reading of the Bill was made an Order of the Day for the following day

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS observed that there were some matters in a further state of progress than this Bill, with which he preferred proceeding, and he would therefore move that the second reading of the Bill be postponed till Tuesday next

Carried

ESTIMATES

The COMMISSIONER OF PUBLIC WORKS believed that the Estimates appeared upon the paper for consideration in Committee by mistake The hon the Treasurer originally intended that the Estimates should be an Order of the Day for Tuesday next.

Mr REYNOLDS hoped that the Estimates would be postponed till next Tuesday week, instead of next Tuesday, as a very important Bill relating to Assessment on Stock had been referred to a Select Committee, and it was possible the report of that Committee might affect the action of the House upon the Estimates He considered the House should be in possession of the report of the Committee before the Estimates were proceeded with

Mr STRANGWAYS supported the proposition to postpone the consideration of the Estimates till next Tuesday week, as he found upon looking over them, a column relating to Good Service Pay, under an Act of 1858 Now that Act had not been read a second time, and its fate was very doubtful If the House were to vote those items upon the supposition that that Act would pass, it was quite possible that the House would have to reconsider the Estimates, in consequence of there being some modification of the Act to which he had referred

The TREASURER (who had just entered the House) stated that he had not expected to have had to meet any discussion upon the Estimates on the present occasion, as he was under the impression that the consideration of the Estimates had been made an order of the day for Tuesday next He was somewhat surprised to find them upon the notice paper, and could only account for their appearance there by the haste with which the House broke up on its last meeting, when they were engaged in a very interesting discussion He had no wish whatever to proceed with the Estimates, and would ask the House to postpone the consideration of them till Tuesday next With respect to the objection of the hon member for the Sturt, that Tuesday next would be premature, that it would be too early a day, he would state that he was not desirous on Tuesday next of proceeding at any length with the Estimates, but merely to make that statement to the House which would enable them to judge better than they otherwise could of the course which it was advisable to pursue, but he was quite prepared to defer to the wish of the House, if they thought that even to that extent it was not desirable he should proceed with the Estimates on Tuesday next He believed, however, that the majority of the House were disposed to make some progress with the Estimates, at least to the extent of getting them into Committee As to the various Committees which were sitting, he would say it was the duty of the Government to explain to the House the ways and means upon which they relied for the public expenditure, whilst the Estimates were under consideration He wished the House to see exactly the financial position of the colony, before a conclusion was arrived at by the several Committees which had been referred to The hon member for Encounter Bay had referred to the Superannuation Bill, and the difficulty there would be in dealing with the Estimates until that Bill had been disposed of, but he might mention it was his intention to move the second reading of the Superannuation Bill, and carry it through before the Estimates were passed, because the Estimates could not proceed properly until that Bill had first been determined It was quite his intention to take the course which the hon member for Encounter Bay thought that he should There were indeed columns upon the Estimates which could not be allowed to have effect until the Superannuation Act had been agreed to He saw no reason for delaying the financial statement which he had purposed making to the House on Tuesday next, but he should defer to the wish of the House.

Mr NEALES hoped the hon the Treasurer would act upon the opinion expressed by previous speakers, and not make his financial statement on Tuesday next, because he apprehended that statement must be affected by the report of the Committees which were sitting He thought the objection of the hon member for Encounter Bay relative to the Superannuation Bill rather a valid one All things considered, he thought it desirable that the hon the Treasurer should not make his statement on Tuesday next, particularly as that statement might have to be made in other words a week afterwards The statement should contain or indicate a course which the House would follow in reference to ways and means, and he did not think in the absence of the reports of some of the Committees to which he had referred, this could be done on Tuesday next He would recommend the hon the Treasurer to take another week, indeed he considered the question so important that if there were a division upon it he should certainly divide with the postponement Some delays were a waste of time, but delay in this case would he believed, be an actual saving

Mr SHANNON would like to ask the House if there would be sufficient business before the House to occupy it for another week in the absence of the Estimates?

The TREASURER was not aware whether there was sufficient work before the House to keep it employed till next Tuesday week in the absence of the Estimates If there should not be, perhaps the House would like to adjourn for a week

Mr HAWKER would support the member for Encounter Bay for the reasons which that hon member had mentioned, and the reasons which had been mentioned by the hon the Treasurer He could not understand how the Treasurer could advance the proposition that the Committees were to come to a decision because the Estimates shewed the financial position of the colony It amounted to this, that the Estimates as placed before the House, were to have a bearing upon the Committees That was not the way to put the matter to the Committees, who should be perfectly unbiassed by any statement which appeared upon the face of the Estimates

The COMMISSIONER OF CROWN LANDS said the Government had no objection to postpone the consideration of the Estimates till next Tuesday week, but it was the duty of the Government to let the House know if there was sufficient work before the House in the absence of the Estimates, in order that members, after being dragged in from the country, might not find that there was only half-an-hour's work to do If, in the course of a few days, they found that business was running close, it would be for the House to consider whether it would not be better to adjourn for a week It was considered a few days ago, that it would be desirable to adjourn the House for a week, for the special purpose of allowing the Committees to get on with their labors The Treasurer had no objection to postpone his statement till next Tuesday week

The consideration of the Estimates in Committee was then made an Order of the Day for next Tuesday week

DISTRICT COUNCILS ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS was proceeding with the 47th clause, when

Mr MILDRED observed that he believed the 46th clause had not been disposed of It was only——

The CHAIRMAN—The hon member must take the Chairman's statement that the 46th clause was passed

Clause 47 was passed as printed

Clause 48 was passed with mere verbal amendments

Mr REYNOLDS remarked upon the great many alterations which it was found necessary to make in the Bill, notwithstanding the small quantity of new matter which it contained It would have been better to pass a short Bill introducing the new matter than to have gone to the expense of printing and preparing the present voluminous Bill If he had thought it would have been necessary to make so many alterations in the Bill he should have been the first to throw it out

Mr NEALES said it must be becoming more convincing than ever that they should have some authority to whom Bills should be submitted before being presented to that House If there had been such an authority all the alterations which they were now engaged in making, would have been made before the Bill was presented to the House He brought forward a motion for such an appointment last year, but the House generally were against it He felt satisfied that they lost more thousands in time than, they saved hundreds by omitting to appoint a first-class man to whom to submit the Bills

Mr STRANGWAYS said the Commissioner of Public Works had informed the House that it was not a Government measure but that it had emanated from the Associated Chairmen of District Councils, and had been prepared by their solicitor, having been merely sent to the Commissioner of Public Works to introduce

The COMMISSIONER OF PUBLIC WORKS did not recollect having made any such statement, but the necessity which existed for the measure had been pointed out to him by the Association of District Chairmen, and he had received thanks from the various District Councils for having introduced the measure. He could not consider the alterations trifling, they were in many instances weighty and important, and it was desirable that the Acts relating to such important bodies as District Councils should be consolidated

Mr MILDRED said that there was a general desire on the part of the District Councils that the Acts affecting them should be consolidated, but he must again state that neither this Act nor the Impounding Act had had the consideration of the District Councils which they ought to, and this might account for the defects which were apparent in almost every clause As a member of the Association of Chairmen he might state that the Bill had not been placed in the hands of those for whom it was intended till it had been read a first time in that House. It had not had the consideration which it should have had, and the Impounding Act had been only once mentioned when reference was made to that clause, by which parties were compelled to drive cattle to the nearest pound

The COMMISSIONER OF PUBLIC WORKS, in reply to the hon member for Noarlunga, said that he had received letters and remarks from much the larger number of District Coun-

cils in reference to the Bill, and although the measure had been unfortunate in the district which the hon member represented, it had received more attention in others The amendments proposed by the Councils were all, like those which he (the hon the Commissioner of Public Works) had brought before the House, of a verbal nature

The amendment was then agreed to, and the clause as amended was put and carried

On clause 49, "List of persons qualified to act as constables to be made,"

Mr MILDRED suggested that the word "clerk" should be substituted for "collector"

The COMMISSIONER OF CROWN LANDS said that the clerk and collector were generally the same person, but he had no objection to the amendment

The ATTORNEY-GENERAL considered that in the event of clerk and collector being different persons the collector would be best qualified to make out the list If they were both the same person it did not matter which title was used

Mr MILDRED moved the insertion of the words 'clerk or" before collector

Amendment carried

Mr GLYDE moved that in the 3rd and 5th lines the word "qualified' be struck out, and the word 'liable" inserted

The ATTORNEY GENERAL opposed the amendment The trouble to a person who was exempt involved in claiming exemption was less to be considered than the risk of allowing the clerk to omit the names of persons who were really liable.

Mr STRANGWAYS supported the clause as amended

Mr NEALES thought it ridiculous to encumber the list with the names of persons not liable If a man wanted to know who was to be the constable, where was the use of his looking at a list of those who were not likely to be constables If the clerk knowingly omitted the names of persons liable to be constables, the case should be provided for by another clause

Amendment put and carried

The ATTORNEY-GENERAL asked what was to be done with the concluding portion of the clause

Mr GLYDE moved that all the words after the word "liable," in the fifth line, be struck out

Agreed to

The clause as amended was then put and carried

Clauses 50 and 51 were passed as printed

On clause 52, 'District Councils to meet and settle list,'

Mr GLYDE moved the insertion, after the word "oath," of the words 'or affirmation"

Agreed to

Mr STRANGWAYS considered the power of examining persons on oath too great to place in the hands of the Councils If an oath was necessary it should be administered by a Justice of the Peace

The ATTORNEY-GENERAL stated that, under the present law the Council had the power to examine witnesses on oath

The clause as amended was then agreed to

On clause 53, "Council to choose constables"

Mr MILNE objected to the compulsory nature of this clause If hon members looked to the object of the provision, it seemed to imply that the expense of the constables was to be saddled on the Councils, and if this were to be the the case, the expense of the police in the towns should fall upon the Corporations He would not be sorry to see this principle carried out, and it must be adopted ultimately Again, if the Councils were to have the machinery of the police in their hands, they must also have 'lock-ups" for the custody of prisoners, and this again would put them in a difficult position He proposed to insert, instead of the word "shall" the word "may"

Mr DUFFIELD had intended to make some remarks on this clause, in connection with the 58th clause The 60th clause pointed out what payments were to be made by the Councils He quite agreed with the hon member who had just sat down, that if the police expenses of the country districts were to be borne by them, it was only fair to expect that the City of Adelaide should pay for itself He knew this was not the opinion which hon gentlemen on the Ministerial benches held, as they had told the Corporation of Gawler Town that they had not the same claim for police protection as the city of Adelaide or the Port It was pretty evident that Philip Dixon was aware of this opinion, as he went straight to Gawler Town to carry out the practices which he had previously indulged in, though he (Mr Duffield) did not know whether Dixon was influenced in this course by a knowledge of the opinion of the Government But as the country districts had not the means to pay constables, and the Government would not pay them, the country districts must do without them altogether It was hardly just that this expense should be thrown on the Councils if the city and Port were provided for at the cost of the general revenue The time had not yet arrived when all the districts could pay for their own police protection, but until then it should be paid from the general revenue

Mr ROGERS could not see why the districts should be called on to pay for police protection It should be a claim on the general revenue It would be well if all parties were to pay for their own, but unless this was done generally he should object to the districts paying

Mr STRANGWAYS said the hon member for Barossa seemed to forget that the people of the country districts were quietly disposed, whilst those of the town were turbulently inclined As a proof of this, on the previous day, when there was a public breakfast at White's Rooms, it was found necessary to have 6, or 8, or 10 police troopers on the spot to keep order He thought some allowance should be made for the disorderly disposition of the townspeople—(laughter)—for he presumed no other cause but this could exist for the presence of the 6 or 8 troopers The hon member for Barrossa seemed to forget that in the country districts there were but one or two troopers for a district of 20 or 25 miles in diameter, but the people of Adelaide could not conduct themselves properly, or, at all events, if they could, it was self evident that the hon the Attorney-General was afraid to trust them

Mr NEALES said that the question of police protection was not to be viewed in reference to area, but to population The country had a far larger percentage of police than the city (No, no) Hon members said "no, no," but he (Mr Neales) said "yes, yes," and hon members would find it so if they counted heads He thought he could account for the presence of the eight policemen on the previous day mentioned by the hon member for Encounter Bay It was owing to the fact of a number of country gentlemen being present on the occasion (Laughter) He believed the police were fairly distributed, for the bulk of the people were in town, and the bulk of the property was also in town If the people in the country districts wanted more police protection they must pay for it If the police were increased generally, the town police would be increased in the same proportion as at present

The COMMISSIONER OF PUBLIC WORKS preferred the word "shall to "may," as there was no power to compel the Councils to employ police The clause meant that they should do so if they thought it necessary, and he certainly hoped they would in the district in which he lived, for he thought a general system of constables was wanting in the country

Mr SOLOMON said the remarks of his hon colleague the member for the city (Mr Neales) brought to his mind the discussion which took place some years ago as to the way in which the police should be paid He fully approved of the police being paid by the district in which they served, but he saw a difficulty in carrying out the principle, as the Government had not yet conceded to the districts or to the city the privilege of licensing their own public-houses, and keeping the fees derived from the issuing of these licences When he was a member of the City Corporation this was one of the privileges which they asked for, but it was denied them Had it been granted the Corporation would have had no objection to undertake the finding of the city in police protection In the other colonies—at least in Sydney—the police were not paid from the general revenue, but from the licence fees derived from the escort The hon member for the city shook his head in denial of this, but it was the case when he (Mr Solomon) was in Sydney He thought it was a very proper plan that each district should pay for its own police, and that all fees derived from local sources should be given to the City Corporation or Council for the purpose If there was a very turbulent districts it might be necessary to license a greater number of public houses, in order to pay the police (Laughter) But each district should pay for a number of police suitable for its own wants.

Mr GLYDE agreed with the hon member for the city (Mr Neales), that police protection should be given, not according to area but according to population, and he (Mr Glyde) could name a township containing one-fourth the population of Adelaide in which the inhabitants never saw a policeman At present they had to pay for their own police, but on the ground of population Kensington and Norwood were clearly entitled to police protection

Mr DUFFIELD said the hon member for the city had said that police were only for the protection of population, but he (Mr Duffield) understood that they were also for the protection of property

Mr NEALES had not made the statement referred to by the hon member

Mr DUFFIELD had taken down the words as they fell from the hon member's mouth

Mr NEALES said what he had stated was that police protection should not be in proportion to area, but to population

Mr DUFFIELD said such was not the principle adopted by the Government Several years ago Gawler Town had three policemen The district was not then as populous as it was now, and now it had only three policemen Moreover, these three were almost useless, for in the event of a disturbance they were not to be seen in the streets They were mounted men, and thought their proper position was on horseback, and not to protect the property or persons of the people He thought that when an Act affecting so intimately the interests of the country was before the House was the proper time to place this question on a proper footing

Mr SCAMMELL agreed with the hon member who had last spoken, and not with the hon member for the city (Mr Neales) who was always denouncing the amount of money expended in the country districts So long as the city and Port were provided with police out of the general revenue, so long the District Councils had claims for the purpose The district to which he belonged, with a population of 3,000 or 4,000, had no police protection whatever During the last session, a resolution was agreed to that if any portion of a Council's

revenue should be devoted to any purpose but public improvements—and he believed the support of the police was not considered a public improvement—the Council should receive no subsidy from the Government. In clause 58, however, there would be an opportunity of amending this clause, as in the former a reasonable sum might be paid for police protection out of the general revenue.

Mr LINDSAY could not see why the Councils should be called upon to pay for what the central Government was already paid for doing.

Mr MILDRED supported the clause. His district was in a peculiar position, as they had frequently to send offenders from among the men employed on the waterworks to Adelaide, for want of a place on the spot to confine them in. On these occasions the constables lost their time, as the Council had no authority to pay them. Yet the constables were not employed for the district but for the province. The fact of cases being tried in the Local Court of Adelaide was also a great drawback, as otherwise the Councils would have an opportunity, by imposing fines, of paying the constables. No district would be compelled to employ constables under the clause, and therefore he would support it.

Mr REYNOLDS said it appeared there was no objection to the principle of the Councils employing constables for protection, but the objection seemed to be that the Corporation of Adelaide and other towns were not in possession of the privilege of paying their own police. When the Estimates or an amended Corporation Bill were under consideration, hon members might bring in an amendment and so settle this difference, and then, having dispensed with our metropolitan police, we could keep up a mounted force, for which the squatters would no doubt be most happy to pay, as it would be for the benefit of the outlying districts. (Laughter.)

Mr BURFORD did not see much advantage in altering the word from "shall" to "may." The question as to the police had assumed too serious a form to be lightly decided in connection with a clause of this Bill. He held that the police should be a provincial force and not attached to any city or town. It should be a compact body, subject to proper discipline, and therefore the ideas now broached with regard to localities were foreign to the character of the institution and ought not to be entertained by the House. The matter was provided for in the safest way in the clause and it was better the clause should be passed in its present form, especially seeing it was optional with the Council to act under it. He hoped the House would not be led astray by the remarks which had been made with reference to the police, but he would say nothing with regard to their distribution.

The ATTORNEY-GENERAL said as it was clearly the intention of the clause to leave it to the Council to say whether any constables were wanting, the amendment was immaterial. The Council might do what they thought proper and it appeared to him that the very circumstance of the phraseology of the clause afterwards showed conclusively that such an alteration as that proposed was not necessary. It would be a very ill advised proceeding, after having agreed to the various objects for which the public money was to be expended, to undertake the payment of district constables—though at the same time he did not mean to say that the distribution of the police constables was the wisest or best that could be made. Still in reference to some remarks which had been made he would say that everybody must feel that Port Adelaide was an exceptional case, and it would be unfair to throw upon it the burthen of supporting police for looking after not only persons from all quarters but also for watching the vessels in the harbor. With regard to the city and the country the city had 57 police with an inspector, and the country 93 or 94 persons connected with the police. He thought the House would admit that this was not such a disproportion between the city and the country as might be assumed to exist from the remarks which had been made. But further he would say, that if the House should be of opinion that there was a disproportion, it would be wiser to diminish the number of constables in town, and throw upon the town the burthen of providing an additional force, than to throw the whole cost upon the general revenue. He would support the clause as it stood, though he would not object to the amendment if hon members desired it. With regard to licences, it would be remembered that a larger portion of the general revenue went to the District Councils than was raised from this source, and the reason which weighed with the old Legislature in refusing to allow the Councils to retain the money raised from licences was, that it was opposed to a principle of legislation to confer the power of granting licences upon those who derived a direct benefit from them. If the Councils received the revenue derived from the licensed victuallers, it would be a great temptation likely to outweigh any consideration as to the fitness of the applicants, and the result of which might be that any person who came for a licence and so to contribute to the revenue would obtain a licence. Such would be the case with the Councils if every Council knew that each licence-fee paid would go directly to them, and thus they would grant more licenses than would be advantageous to the community or to the interests of morality. In the place of this it was understood now that the money raised for local purposes would be supplemented from the general revenue. If the licences were handed over to the Councils it would be not merely an injury to the public, but a loss to the Councils, inasmuch as they would forfeit their claim to have their votes supplemented from the general revenue. He had taken up these topics because, though not immediately connected with the question before the House, he thought they were such as should not be passed over.

Mr MILNE did not read the clause in the same way as some hon members. He desired to do away with the compulsory principle, and would press his amendment.

Capt HART called attention to what he considered a misrepresentation with regard to the facts. The police of Port Adelaide were almost exclusively employed for the general interests of the colony. They were not merely required for the purposes of keeping quiet a seaport, where a vast number of disturbances took place that did not occur in other parts of the country, but for the purpose of protecting the revenue. The principal part of the seizures made were effected by the police. He thought, therefore, Port Adelaide should not be called upon to find police protection for other places, for on the Peninsula, with 2000 inhabitants, there was not a policeman at all. There never was one required. Hon members had spoken as if the police at Port Adelaide should be supported by the Corporation there. The Corporation received no funds whatever that were applicable for such a purpose. In every way the police there were exceptional as compared with other parts of the colony. No question there was a reason why some alterations should be made in the Police Act. He should be glad to see that every place paid in proportion to the number of the inhabitants. He thought there should be a rural police, a city police, and a water police. If that was arranged he thought that one solitary policeman would be sufficient for Port Adelaide. He should vote for the clause as it stood, as it would be imperative that each district should find for themselves the police protection that was required.

Mr MILNE could not allow the remarks of the hon member (Mr Hart) to pass without remark. It had been said the population of places such as Port Adelaide and the City did not get their fair proportion of police. (No, no.) He said the District Councils did not get their share. The hon member for Hindmarsh said there was not one constable in his district. There was none in the district he represented. He considered that in the distant districts the squatters had more than their share.

Mr NEALES said he had frequently taken up district reports, and from those reports serjeants were said to have attended in the Onkaparinga district, and therefore he thought it must be a mistake to assert that there was no constable there.

The TREASURER agreed with the views expressed by the hon member Captain Hart with regard to the way in which the police force should be distributed. He considered that each locality should maintain sufficient for its own protection, and that there should be a provision for the whole. To some extent that prevailed at present. The Mounted Police circulated over the whole colony. As to the country *versus* town, the Attorney-General had stated the proportionate number of police in the country and in the city, and proved that there was no great disparity. The amount of revenue paid by the city was £27,000, and by the country £7,700. The cost of the City and Port police was £21 000. The amount received from country districts was £2,000 altogether, and the expenses of country police were £12,000.

Mr STRANGWAYS considered that the Treasurer had made a singular calculation. He believed the hon member included other things in his estimates than the cost of police. Did he include in his statatements merely the small item of police—if so, that item formed a very small portion of the expenditure of the city of Adelaide. There were other large sums——

The CHAIRMAN ruled that the hon member was going beyond the question.

The clause was carried as amended.

On clause 54 being proposed,

Mr GLYDE asked what penalty would be inflicted on a person who did not appear on being chosen constable. He had looked at clause 156, but did not see that a District Council or a Corporation was empowered to levy a fine.

The COMMISSIONER OF PUBLIC WORKS said it was provided for in the Bill, and they would arrive at it afterwards.

Mr SOLOMON asked if the substitution of an affirmation for an oath was provided for. He moved, as an addition to clause 54, that provision should be made for a person chosen as constable making an affirmation instead of taking an oath.

The CHAIRMAN put the amendment, which was carried.

The clause then passed.

Clause 55, providing that a person chosen may provide substitute, was passed.

Clause 56, providing for the publication of lists of constables passed as printed.

Clause 57, defining how vacancies shall be filled up, was passed.

Clause 58, providing remuneration for constables, passed with slight amendment.

On clause 59, providing for the revenue of District Councils being put,

The COMMISSIONER OF PUBLIC WORKS proposed to add in the 3rd line, revenue arising from "Jetties."

Mr STRANGWAYS objected to the jetties being handed over to the District Councils, and thought that the sense of

the House should be taken by specific resolution on the subject He objected to the Commissioner of Public Works endeavoring to hand those jetties over by a side wind

Mr BURFORD though the jetties should be placed under the Trinity Board

The COMMISSIONER OF PUBLIC WORKS had put the clause in that form that would allow him to bring forward a specific resolution He proposed to insert the words "jetties, piers, and breakwaters"

Mr REYNOLDS asked if a correspondence had not been entered into with the District Councils on that subject He was sorry to say that District Councils did not value jetties so much as they ought to do Even when a truck got out of repair an application had been made to the Government to repair it He thought a clause could be embodied in the District Council's Bill, making it a matter of duty to take charge of those works He considered it would be a great saving to the country

Mr LINDSAY asked, as the power of District Councils was to be extended, whether it would not be better to abolish the two Houses and govern the country by means of District Councils

The ATTORNEY-GENERAL said it was not intended to propose that District Councils should be compelled to take charge of those jetties He could not understand the objection to the amendment, inasmuch as it only proposed that District Councils should have the same power of maintaining and repairing the jetties which they already possessed The hon member for Sturt had said that District Councils did not appear inclined to spend money in repairs of jetties, but that resulted from doubt as to their power, and the object was to give them express power to spend money in that way He thought it unwise to mix up the question of obligation with the question of their doing it if they felt inclined Great doubt might arise as to the House passing laws compelling them to spend money in that way, but no question could arise as to the advisability of empowering them to do so if they chose

Mr MILDRED asked if it was the intention that District Councils should have the jetty fees? He was prepared to say that jetty fees had never remunerated the Government for the outlay in those works Many vessels would put goods in boats rather than pay the jetty fees, but he believed if such a charge was made as would remunerate for the outlay, it would be a great benefit to the public

The COMMISSIONER OF PUBLIC WORKS said it was the intention to do so He would say further there had been a correspondence such as had been alluded to by the hon. member for Sturt, but it was of varied character Some Councils would have nothing to do with the jetties Some had not replied After some further correspondence, there appeared no general objection to handing over the jetties to the District Councils

Mr ROGERS wished to know whether, in case of improving the roads of the district, it would be necessary for a District Council to employ an attorney in arbitrations regarding the properties necessary to be taken for those roads

The ATTORNEY-GENERAL said that there must always be, from the very nature of things, some difficulty in taking a person's property against his will for the public benefit, and there must arise the necessity for taking advice to see that the proper measures were maintained They were therefore in a dilemma, for if they intended to give minute directions as to properties in those circumstances they would run the risk of handing over a person's property without his consent to a municipal board, and by the present law it must be expedient to employ a person to give advice as to the public duties to be performed

Mr ROGERS said that it was an expensive process, and wished it could be simplified

THE ATTORNEY-GENERAL said, at any rate, as there were no provisions in the Act for the purpose of effecting an exchange of roads, and for the construction of new roads, the more convenient time for discussing that question would be when the new Road Act came under discussion

Captain HART thought it hardly necessary to insert the word "jetties," inasmuch as during the time he held office he had made application to the District Councils, enquiring whether they would take jetties under their management, having all tolls, on condition of keeping them in repair, and, with the exception of one, all District Councils to whom application was made declined to take the jetties on these conditions

The COMMISSIONER OF PUBLIC WORKS had already said that some of the District Councils that had declined to take the roads in the first instance, but ultimately had agreed to take them In fact almost all had agreed to do so

The clause passed

On the motion of Captain HART, the Chairman reported progress and obtained leave to sit again on Tuesday next

The House resumed

MATRIMONIAL CAUSES BILL

On the third reading of the Matrimonial Causes Bill being proposed,

Mr REYNOLDS said when that Bill was taken out of Committee, he was taken somewhat by surprise, and must confess that by his own carelessness he had allowed the opportunity to pass of moving an amendment He believed it was then competent to move the recommittal of the Bill, in order that the 12th clause might be amended by striking out "incestuous," in the 12th line His object was to place a female on the same footing as a man The Bill certainly drew a particular distinction between man and wife, and while they looked at the act of adultery to be morally the same, in both he thought they were not acting fairly towards females in not allowing them the same privilege as was allowed to the male He moved that the Bill be recommitted

Mr STRANGWAYS seconded the motion, and would also move that the Attorney-General should place on the table of the House the Amended English Act, which he believed had been laid before him by the hon member for Barossa No notice had been taken of that Act,, He did not know in what the amendments consisted He believed, however, that so pressing were they, that a great portion of the amendments at first proposed had been withdrawn, in order that the remainder might pass It was considered so essential to pass that amended Bill that all doubt-doubtful clauses were withdrawn He therefore hoped the Attorney-General would feel himself bound to adopt the English policy, and have the English Act printed and supplied to hon members, so that they might see how the Bill before the House required amendment It seemed to him that many matters required amendment There were no means provided for dealing with properties in cases of divorces, when marriage settlements were involved, or of survivorship, where money was secured by death or will Now in the English amended Act those cases were provided for There were also other questions affecting the position of the children of divorced parents He thought the Attorney-General might give some information on these points, on which some difficulty had been found in England With the hope that those point would be attended to he would second the motion of the hon member for Sturt

Mr BAGOT regretted not being in his place during the second reading of the Bill, and hoped the House would not vote for the amendment of the hon member for Sturt, because it might have the effect of delaying the passing of the Bill It appeared to him that Bill was one of those measures which a country so far advanced in civilisation as South Australia ought to be ashamed of not having passed before (Laughter, by Mr Reynolds) That expression seemed to amuse the hon member for Sturt, but had he seen the grievous results in many cases which came under the notice of persons of his profession on account of not having had a Bill of that nature, by means of which facilities were given for divorce, and also, by means of which, married women treated improperly by their husbands, could enforce some alimony, he would not have treated it it so lightly Cases of that sort occurred every day With regard to the questions of the hon member, Mr Strangways, it would not be expected that the Bill should be perfect It would be necessary, in fact, to amend a Bill of that kind as soon as it was found there was a difficulty in working it It would be better if it could be managed that the amendments passed in the English Bill should be introduced at once, but the time was so short during which those amendments could be considered, and the decisions of the Courts at home brought forward, so as to enable them to work the measure smoothly, that he hoped the House would agree not to postpone the Bill for making the amendments proposed It appeared to him that the 17th clause gave the Court power to secure to the wife a certain gross sum of money according to the ability of the husband to pay it Perhaps it did not go far enough with respect to settlements, but they did not often come within the circuit of the Court Settlements in the colony were not settlements in England, and he hoped the House would pass the third reading without further comment, as the passing of that Bill would give great advantage to a numerous body of people

Mr LINDSAY rose amid loud and continued cries of "divide" He should not have spoken until the Bill went into Committee had it not been probable that the vote of that House would prevent its being re committed He had given great attention to the Bill, and thought it very objectionable He considered they were about to pass it because it had passed the British Legislature He did not think that a sufficient reason He was not opposed to the principle of divorce, but could not go the length of that Bill He thought, considering the grave objections brought forward by the mover and seconder of the motion, the Bill required serious consideration The French Legislature, after the revolution, decided in favour of divorce, and passed a law in 1803 which they repealed in 1816 The French law sanctioned divorce by mutual consent under stringent regulations The man must be 25 years of age, and the woman 21 They must have lived two years together, and the separation must be with the consent of parents and relations No person divorced could be married to another party for the space of three years afterwards, and the guilty parties divorced for adultery were not permitted to marry ("Divide, divide, divide") The French law treated adultery as a crime, and punished it He wished hon members would give him the same liberty to speak he was willing to accord to them (Hear, hear) He would simply remark that the law he had endeavoured to explain was infinitely preferable to the Bill before them The first law had been tried 13 years, and then the French abolished it He thought the Bill very objectionable

The motion for the third reading was carried by a majority of 5, the votes upon a division being as follows —

Ayes, 18—The Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Burford, Wark, Macdermott, Glyde, Hawker, Bagot, Hart, Hallett, Shannon, Hay, Rogers, Mildred, Townsend, Collinson, and the Attorney-General (Teller)

Noes, 13—Messrs. Strangways, Lindsay, Peake, Dunn, Harvey, Duffield, Scammell, Cole, Solomon, McEllister, Neales, Milne, and Reynolds (Teller)

Upon the motion that the Bill do now pass,

Mr. Peake again called for a division, with the following result:—Ayes 18, noes 12. The Bill was consequently passed by a majority of 6.

Ayes, 18—The Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Burford, Wark, MacDermott, Bagot, Glyde, Hawker, Hart, Collinson, Hallett, Shannon, Hay, Rogers, Mildred, Townsend, and the Attorney-General (Teller)

Noes, 12—Messrs. Strangways, Lindsay, Reynolds, Harvey, Neales, Dunn, Solomon, Cole, Scammell, Milne, McEllister, and Peake (Teller)

THE IMPOUNDING ACT AMENDMENT BILL.

The further consideration in Committee of this Bill was postponed till the following day.

LAPSED MOTIONS.

Upon the motion of Captain Hart it was determined to proceed with the lapsed motions.

GRANTS OF PUBLIC LANDS.

Mr. Reynolds asked the Commissioner of Crown Lands whether since the waste lands have been placed under colonial control any officer, either on half-pay or on the retired list, has received any grants of the public lands, and (if any) the names of the officers obtaining such grants.

The Commissioner of Crown Lands stated that one officer (Captain Dashwood) had received a grant of land in fulfilment of an engagement made by the Crown before the passing of the Waste Lands Act.

SUPREME COURT PROCEDURE ACT.

Upon the motion of Mr. Strangways the lapsed Orders of the Day for the previous day were proceeded with, and the hon. member then moved that the Supreme Court Procedure further amendment Bill be read a second time. The effect of the Bill would be to repeal two clauses of the Supreme Court Procedure Act, the 182nd clause of which empowered the Judge to direct a Jury to give a special verdict. The Judge might put any question he thought necessary, and direct the Jury to answer it, and the full Court could then enter a verdict. The Jury were prevented from giving a verdict upon the merits of the case. This clause the present Bill proposed to repeal, and the law would then stand as in England—where the Judge might put a special question upon the consent of counsel. The other clause which it repealed was the 183rd, which enabled a Judge to direct a reference at the trial. The Judge at present was enabled to order a reference, and in the event of either party refusing to appoint an arbitrator, the Judge could do so. The Bill, which he now moved be read a second time, provided that after a cause was set down for hearing it could only be referred by the consent of the parties, as in England. He might mention that the Bill met the general approval of the members of the legal profession.

Mr. Peake seconded the motion.

The Attorney-General had had an opportunity on a previous occasion during last session of stating what were his opinions in reference to this Bill. If it had been introduced in the way in which the former Bill left that branch of the Legislature during last session, he should have had no objection to it. There were two questions involved—the one was the power of the Judge to refer questions, and the other with regard to the power of the Judge to call upon Juries to find facts specially. Very few who had been in the habit of attending Courts of Law prior to the passing of the Act, at present in force, had not heard the Judges express regret that the power to refer did not exist. His own feeling was in favor of retaining the power as at present, and with regard to the power of referring at *nisi prius*, he believed it was most useful and necessary. In England whenever a Judge expressed an opinion that a case should be referred, the deference paid by the profession to the Bench, generally, indeed almost invariably, caused the suggestion to be acquiesced in. He did not remember an instance in which that suggestion had been made that it had not been carried out, but in this colony he had known many instances in which one or the other party had refused to refer the case after the suggestion of the Judge, and the case had consequently gone to trial with the feeling of every one that the result to be arrived at would be unsatisfactory to all concerned in the procedure, and inadequate to the attainment of that justice which should be the object of proceedings in the Supreme Court. He objected to do away with reference at *nisi prius*, but whether the Judge should have the power to direct a reference of the matters in dispute might be a question for consideration. He thought the hon. member for Encounter Bay had introduced this Bill under a misapprehension relative to the existing state of the law in this colony. Since the Act at present in force had been passed he did not think there had been one case, or certainly not more than one, in which the power referred to as being possessed by the Judge had been exercised, but he thought there had been cases in which if a Jury could have found a fact specially, it would have been beneficial. That, in fact, was merely what was done daily in England, instead of the Jury finding facts specially the Judge eliminated one or two points which he considered decisive of the whole matter, and required them to give their answer. That was a power which the Judges claimed in accordance with a practice which had prevailed ever since the Restoration. It was impossible to open a single volume or to attend a Civil Court without seeing the power exercised. The only effect of the clause in the Act which it was proposed to repeal was that it gave power to the Judges in all cases where it appeared to them that the justice of the case required that power to be exercised. He should have preferred seeing the Bill in the form in which it was last session, but would leave it to the House to determine whether it was expedient to deprive Judges of the power to direct a reference or to call upon a Jury to find facts specially.

Mr. Solomon should oppose the second reading of this Bill, for, if he understood the hon. mover rightly it proposed to do away with that which had been found by the mercantile community a very great desideratum. He understood the hon. mover to state that the Bill would take from the Judges the power of referring cases to arbitration. (No, no.) It would be a great disadvantage to the mercantile community if in matters of account brought before the Supreme Court the Judges were to be deprived of the power of sending the case to arbitration particularly when it was one which no Jury could decide with such evidence as was placed before them. In all cases of accounts one or other must be wrong, and a private arbitration was the proper tribunal for deciding such; but if the reference were to be made entirely dependent upon the consent of the advocates, the advocate who had the weakest cause would not consent. For this and other reasons which occurred to him, he must oppose the Bill.

Mr. Strangways said the hon. member for the city had misunderstood the object of the Bill. Clause 183 of the present Act gave the Judge power, after a case had been set down for trial, without the consent of either party, and perhaps against their wishes or intentions, or either of them, to send the case to arbitration. Any case might be referred without the consent of either party. The mercantile community had felt the injury of the clause which the Bill proposed to repeal. With respect to the other clause which the Bill sought to repeal he merely wished to assimilate the law to that of England. The hon. member was proceeding to read a case recently decided, to show that the existing law sometimes operated prejudicially, when

The Attorney-General thought the hon. member should not be permitted to introduce original matter, as there would be no opportunity of reply.

The Speaker suggested that the hon. member for Encounter Bay should not read the paper to which he had referred.

Mr. Strangways, in conclusion, stated that the Bill had received the support of a large portion of the mercantile community and nearly all of the legal profession.

The motion for the second reading having been carried,

The Attorney-General suggested that the hon. member should not put the Bill in Committee, as he wished to take the opinion of the House in reference to the amendments which he had introduced in the Bill of last session.

The consideration of the Bill in Committee was made an Order of the Day for Wednesday next.

GUARANTEED RAILWAY BONDS.

Mr. Neales brought forward the lapsed motion for the consideration in Committee of an address to His Excellency the Governor-in-Chief, requesting him to introduce a Bill to guarantee 6 per cent. on the capital of £25,000 proposed to be raised by the Adelaide and Holdfast Bay Railway Company.

The proposition was negatived.

CAPT. JOHN FINNIS.

Upon the motion of Mr. Neales, seconded by Capt. Hart, the petition recently presented from Capt. John Finnis was ordered to be printed.

GAWLER TOWN.

Mr. Duffield moved—

"That on Wednesday, 27th October, this House will resolve itself into a Committee of the whole, for the purpose of considering an address to His Excellency the Governor-in-Chief requesting that he will be pleased to place a sufficient sum on the Estimates for the purpose of granting the prayer of the petition of the Mayor and Corporation of Gawler Town, presented to this House on 15th September last."

The petition had been in the hands of hon. members who had no doubt read it. The arguments used in the petition rendered it unnecessary that he should make use of many remarks to bring the case fully before the House. The Mayor and Corporation of Gawler had, he considered, made out a good case for assistance to make the street through their town. The residents of Gawler Town asked to be erected into a Corporation without knowing what the effect would be, and the consequence was that the formation of the street had been taken from the Central Road Board and cast on the shoulders

of the Corporation If they had been aware of the effect of their act, they would not have asked to be constituted a Corporation until the street had been placed in a state of repair It was well known to every one who had travelled to the northward, that this street in Gawler Town was peculiarly situated, the whole traffic of the Northern District having to pass through there The street had never been thoroughly made, it had been partly made by the Central Road Board, but by the act of the inhabitants its completion had been thrown upon themselves, and they now asked that justice might be done them, by such a sum being placed upon the Estimates as would be sufficient to place it in a passable state of repair He might mention that when the railway was extended north of Gawler Town, it would not relieve this street from the very large amount of traffic to which it was now subjected

Mr Solomon seconded the motion, which was carried

FIRE BRIGADE

Mr Solomon put the question standing in his name—

"That he will ask the Hon the Commissioner of Public Works (Mr Blyth) whether it is the intention of the Government to introduce any measure into the Parliament, during the present session, for the formation of a Fire Brigade for the City of Adelaide, also, if any arrangements will be made with the Railway Commissioners by which fire engines may be forwarded from Adelaide to the Port in case of fire, also, if any arrangements are to be made by which the intelligence of fire at the Port can be conveyed to Adelaide during the night"

He was induced to ask the question, as on several occasions the city had narrowly escaped being burnt to the ground It was highly necessary some arrangement should be made for a Fire Brigade

The Commissioner of Public Works said the Government had received information that the Corporation of Adelaide were considering a scheme for the formation of a Fire Brigade after the model of one of the most successful brigades in England The Government would give every consideration to the matter It would be very much better that a fire engine should be provided at the Port as the expense of keeping a locomotive with her steam up would be very great By 1859 arrangements would be made by which messages could be conveyed between Adelaide and the Port during any hour of the night

FOWLER'S BAY

Captain Hart moved—

"That the instructions to the naval officer for the late survey to the westward, together with that officer's report on his return, be laid on the table"

The object which he had in asking for the papers was that the report of the naval officer with reference to the anchorage at Fowler's Bay might become public He believed it was a subject which was every day becoming more interesting Recent discoveries had placed them in possession of facts in reference to the interior of Fowler's Bay which would render it necessary at a very early date that something should be done He had the honor, on a former occasion, when certain despatches were laid upon the table in reference to the application for that portion lying between the boundary of Western Australia and this colony, to call attention to some facts in reference to the formation of the coast in that particular direction It was a matter which for the last 20 years had been of deep interest to him The changes in the formation of the coast in the vicinity of Fowler's Bay indicated important changes, not only in the coast, but in the interior He believed that large lagoon country, which was such an impediment to discoveries in the North, would be found to terminate where the lime formation extended into the interior When they considered that the cliffs were 600 feet high, and that there was a table country which presented the appearance of as good a sheep country as the colony could afford, and when they considered that there was no water drainage to the sea, it showed to him to a demonstration that there must be a drainage to the interior The recent discoveries showed that the view which he previously entertained and expressed was not a fallacious one and bore out the views which he had expressed as Treasurer, and the instructions which he had issued to Captain Douglas He believed he might say that the Government were not at present in a position to state what discoveries had been made of late by private individuals in the neighbourhood of Fowler's Bay but he believed they were of such a nature that the importance of that locality would become apparent to the House and the whole colonies It would be found from the papers which he now asked for that there was good anchorage in Fowler's Bay, and water in the immediate neighbourhood Applications for runs had been made in the immediate neighbourhood of Fowler's Bay, and the Naval Officer had marked out where a township might be placed with advantage He believed the House would not only agree to the motion, but that there should be a depot for provisions established at Fowler's Bay, for in every instance parties had been compelled to turn back from their inability not to procure water, but provisions If a depot had been established there, he had no doubt they would have been in possession of important discoveries The termination of the lagoon country to the westward was almost certain Fowler's Bay was the most western portion of this country From there to Cape Arid, a distance of between 400 and 500 miles, there was no other port He believed, the table land which Eyre skirted was the Moreton Bay country of South Australia and it would become still more important if, from the limestone formation they could enter that new country, abounding with lakes, &c, of which they had heard It was desirable not only that a depot should be established, but that a township should be laid out, and every encouragement afforded to private enterprise If a depot had been established there, Major Warburton, Stewart, Foster, and others would have been able to prosecute their search hundreds of miles further Twenty-five years ago, when engaged upon the coast, and seeing the extraordinary changes in the coast line, he felt satisfied there must be great changes in the interior as well, and everything which had since occurred had tended to show that his impression was a correct one

Mr Strangways, in seconding the motion, said he was sorry to hear that the country which was at the back of that referred to was so valuable, because it would diminish our chance of getting it He saw by the New South Wales papers that there was a difficulty in separating Moreton Bay, because it was pledged for the loans which had been raised by New South Wales, and he apprehended the same difficulty would exist in reference to that portion which this colony was desirous of annexing

Captain Hart remarked that the question was not whether the country belonged to New South Wales or this colony, but the question was, whether there was really a good country there It was immaterial whether the sheepfarmers paid their license and assessment to New South Wales or to this colony, but he much questioned whether New South Wales would not make a bad spec by receiving the licenses, and in return affording the squatters that protection which they were bound to extend to them If there were a country which would supply thousands and millions of sheep it would surely be better for the whole community South Australia must, under any circumstances, benefit, as the port was in our province, and the trade must centre in this province. It would be short-sighted policy indeed to say that they should stop the onward progress of things because it was possible the New South Wales Government might claim the country New South Wales had made discoveries for us, but according to the arguments of the hon member for Encounter Bay, he would say that New South Wales had done foolishly to make those discoveries

Mr Strangways did not object to the onward progress of things, but objected to their being too much talked about

The motion was carried

SERGEANT NOLAN

Mr McEllister moved—

"That there be laid on the table of this House a copy of the rules by which the Police Force of this province is regulated, also, a return showing the date on which Sergeant Nolan joined the Police Force, the offences (if any) noted in the charge-book against that officer during the period of his service, together with a copy of the charge preferred against him which caused his dismissal, and a copy of his reply thereto, with such other information as it may be in the power of the Government to afford relative to the charge preferred, and the defence (if any) set up in this case"

Carried

PORT LINCOLN

6 Mr MacDermott moved—

"That this House will, on Friday, 22nd October, go into Committee, for the purpose of considering an address to His Excellency the Governor in-Chief requesting him to place a sufficient sum on the Estimates for 1859, for the purpose of extending the Jetty at Port Lincoln, in conformity with the prayer of the petition of the inhabitants of that place"

Mr Duffield seconded the motion, which was carried

MR G E HAMILTON

7 Mr Strangways put the question in his name—

"That he will ask the Hon the Commissioner of Public Works (Mr Blyth) whether any person other than Mr G E Hamilton had an opportunity of tendering for the work required in laying out the Kapunda Extension Railway, and, if not, why not? also why the person who surveyed the line was not employed to lay it out on the ground?"

The Commissioner of Public Works said that upon the Kapunda Railway Bill being passed, the Government were anxious to proceed with the work as rapidly as possible, and he communicated with the Railway Commissioners upon the subject, as it was necessary the line should be pegged out The Assistant Engineer was fully engaged, and he asked the Commissioners to recommend some person to him to peg out the line The first application which was not from Mr Hamilton, he considered too high and rejected Mr Hamilton then tendered at a very reduced rate, and his tender was accepted He believed he acted rightly in so doing, and hoped he had explained the transaction to the satisfaction even of the hon member for Encounter Bay

WILLUNGA

Upon the motion of Mr Milne, the memorial of the

settlers from the neighbourhood of Willunga presented a few days since, was ordered to be printed

The House adjourned at twenty minutes past 5 o'clock till 1 o'clock on the following day

FRIDAY, OCTOBER 22

The SPEAKER took the chair shortly after 1 o clock

MAIN ROADS

Mr REYNOLDS asked the Commissioner of Public Works when the Government intended to introduce the series of resolutions or scheme which had been spoken of for the purpose of maintaining the main lines of road in the province

The COMMISSIONER OF PUBLIC WORKS intimated that he should give notice on Tuesday next

RAILWAY MANAGEMENT

Mr MILNE asked the Commissioner of Public Works whether, since the report of the Select Committee upon Railway Management had been laid before the House, the Government had sold a portion of the land upon which the Committee had recommended a station should be erected, and thus prevented the recommendation of the Committee from being carried out

The COMMISSIONER OF PUBLIC WORKS could not at the moment lay his hands upon the papers which he required, but would remark that immediately upon the report being sent in he communicated with the Railway Commissioners, and upon a careful examination of the country it was ascertained that the sum of £2,000 would not be anything like sufficient to place a station upon the spot which was recommended by the Committee. The Committee recommended that the erection of the station should not exceed that sum There was also a question about a lawsuit involved in carrying out the recommendation of the Committee, and the Government, after taking the matter very carefully into consideration, determined upon not carrying out the recommendation of the Committee so far as the site of the station was concerned The land would not have been sold if it had been felt that the matter was at all in abeyance, but the Government felt it was desirable that the station should be constructed where it was originally proposed The last part of the report of the Committee would be attended to in the further construction of railways

WATERWORKS

Mr NEALES wished to ask the Commissioner of Public Works, as the hon gentleman had postponed the consideration of the Waterworks Bill, to lay upon the table the various reports which had been rendered by the Commissioners to the Government, as it did not appear to him that the Bill contained the whole of the recommendations of the Commissioners He wished to have the papers laid upon the table before the second reading of the Bill, in order that he might compare the recommendations made by the Commissioners with the course proposed by the Government, as indicated in the Bill He particularly wished to compare the recommendations of the Commissioners in reference to the repayment of the loan with the action taken by the Government

The COMMISSIONER OF PUBLIC WORKS had no objection to produce the papers connected with this or any other matter, and if the hon member would furnish him with a list of the papers he required, they should be provided at an early opportunity

PORT LINCOLN

Mr COLE was desirous of asking the Commissioner of Public Works if the approach to Port Lincoln Jetty was upon public or private property

The COMMISSIONER OF PUBLIC WORKS could not positively state, but believed that it was upon Government land He would prefer that the hon member should give notice of the question, and he would then give an absolute and positive answer

HARBOR TRUST

Mr PEAKE moved—

"That in the opinion of this House, the expenditure by the Port Adelaide Harbor Trust has not been in conformity with the purposes for which the vote of £100,000 was granted by this House "

He did not know if any hon members would scruple at the expression which he had made use of—"this House' —as he believed the amount was granted by a former Legislature, but if exception were taken to the term he would with the permission of the House alter "this House" to "the Legislature of the Province " He had been induced to table the motion in consequence of perusing returns which had been laid upon the table in September last, showing the expenditure by the Harbour Trust It appeared by that return, that £3,369 had been expended by the Board in deepening the outer bar at the entrance to Port Adelaide, and £35,974 in deepening various wharf frontages inside the harbour These items appeared to stand in strange, striking juxta-position The proportion in which the money had been expended upon the two points of the harbour appeared to him so strange, that he felt the Board should be afforded some opportunity of explaining the proportion in which the money had been expended and their reasons for doing so He had occasionally visited Port Adelaide, and had seen an extensive amount of dredging going on opposite various wharves belonging to parties with whom he was not acquainted He found the harbour very materially and beneficially deepened for the proprietors of these wharves, and no doubt to the advantage of the shipping interest generally He would allude, however, to the objects for which the money had been voted It would be found that it was voted for general and specific purposes, and that it should not have been dealt with in this disproportionate manner Looking back to the title of the Bill he found it was an Act to raise 100,000*l* for deepening and improving the harbor and for other purposes By the head and front of this Bill it appeared that the Legislature had voted this money for the purpose of deepening the outer and inner bar so as to make Port Adelaide available for the general purposes of commerce The money was voted for the purpose of improving the harbour generally It would have been consistent, natural, and in accordance with the views of many competent shipmasters visiting the Port if the money had been expended strictly in the spirit in which it was voted by the Legislature The House would observe that the first purpose to which the money was to be applied was to deepen the outer and inner bar, and make Port Adelaide a place of refuge for ships visiting the Port, and diminish the expenses to which shipping were subjected by lying at the Lightship and the increased cost of lighterage On August 5, 1857, a paper was laid upon the table of that House, in which it was stated by the Engineer to the Harbor Trust that to enable ships of deep draught of water to enter, and to effect a greater depth of water at the outer bar, it was absolutely essential to remove the inner bar That was the opinion of the Engineer to the Harbor Trust, and yet not sixpence had been spent upon the inner bar If he said not another word he thought he had stated sufficient to show that there was ample room for enquiry, and that the House would not be going too far in censuring the manner in which the money had been spent Probably gentlemen who were connected with the Harbor Trust, and who had sanctioned the expenditure of the money as he had stated, would at no remote period go to the Executive and say that they wanted more money, and when they did so, if they were asked if Port Adelaide was a better place of refuge for vessels, had a deeper draught of water, or possessed increased facilities for vessels discharging their cargoes, now that £100,000 had been spent, they would be compelled to reply in the negative The effect desired had not been attained, the recommendation of the Engineer had not been attended to, and all that he had recommended yet remained to be done He did not know that there was any necessity to go further into the matter, as he had merely to refer hon members to the evidence of the Engineer, of 1st December, 1856 That officer stated that the first work which he considered it advisable to execute, was the removal of the inner bar It was quite evident that nothing had been done to the inner bar, that the Engineer s recommendations had been neglected, and that Port Adelaide was little better than it was in 1852 It afforded no greater accommodation to ships of heavy tonnage drawing a heavy draught of water He had been on board many ships coming up to the Lightship, and had heard the heavy complaints of those connected with the shipping interest, relative to the expenses to which vessels were subjected by being compelled to lie there It was right that the House should see why the £100,000 which had been voted for expenditure in this part of the colony, had been expended in such serious disproportion, and with such little regard to the Act The House would consider whether it had been expended to afford a shelter for shipping, and render it a place of refuge for them, and afford accommodations for vessels of deep draught of water It was clear that the recommendations of the Engineer had not been carried out nor had the views of the Legislature in voting the money been carried out in the way in which the money had been expended He would therefore call upon the House to go with him in censuring the course which had been pursued by the Harbor Trust

Mr STRANGWAYS seconded the motion

Mr COLLINSON said the motion which had been brought forward by the hon member for the Burra and Clare appeared to him to reflect in a manner so undeserved upon the Harbor Trust that he trusted he should have the indulgence of the House whilst he endeavoured to explain some points which had been alluded to by the hon member He had obtained from the Harbor Trust a written statement of the causes which had induced them to pursue the course which they had, and he thought that statement would sufficiently satisfy even the hon member for the Burra and Clare, that the Harbor Trust had done the best they could under the circumstances He would read extracts from the statement which he had received from the Harbor Trust, and comment upon them as he went along In the first place, it appeared that when the Trust was first formed there were no appliances in the colony of the nature required, and the first subject to which the Board directed their attention was to procure the necessary apparatus to deepen the harbor They forwarded instructions to England to send out the best dredging-machine that could be procured for the purpose, but a delay of 18 months unfortunately occurred in procuring it The first work which that machine was put to was to deepen the outer bar, and during last season an additional depth of water was obtained there of four feet and a-half (No, no) The

Board considered that the old dredge could be advantageously employed in widening the channel more particularly at the upper part where the greatest depth of water could be obtained by the dredging-machine then in the colony. Whilst this work was going on no dredging charges were incurred at the expense of the Government within a hundred feet of any private property. Whilst the operations of the Harbor Trust were going on in front of properties, the proprietors of those properties were employing dredging barges outside to meet the work which was going on. At Maclaren's Wharf, Princes Wharf and Levi's, excavations went on in the same way, till they were met by the work which was going on by the Government. These operations were carried on till May last, when the Board deemed the channel sufficiently widened. In reference to the removal of the bar, it would be seen that the very first work to which the steam-dredge was put was deepening the outer bar, although by a misprint in the papers which had been alluded to by the hon mover, the outer was by a printer's error termed the inner bar. The dredge was kept at that work till her removal to the inner bar was rendered necessary by the winter setting in. To remove the inner bar effectually would be a work of at least six, seven, or eight years. There was at least a mile to accomplish, and a channel would have to be cut 300 feet in length and 8 feet in depth. The work which had been done in the inner harbor since the arrival of the new steam-dredge had occupied four months, and during that period 30,000 cubic yards of limestone crust had been removed, about 30,000 tons of crust had been removed at a cost of half-a-crown per ton. He presumed that the amount which would have to be expended upon the inner bar would be between £30,000 and £40,000. In the early part of the summer, so soon as the weather was settled, the steam-dredge would resume operations at the outer bar, so as to enable large ships to shelter in Light's Passage. When there, vessels could be lightened of their cargoes before crossing the inner bar. The necessary moorings were shortly expected from England.

Mr REYNOLDS rose to order. It appeared to him that the hon member was reading his speech.

The SPEAKER said the hon member for the Port was in order, he had asked permission to read some extracts from a statement which he had received from the Harbor Trust, and to comment upon them as he proceeded.

Mr COLLINSON continued. As regarded the removal of the inner bar the Board did not think they were justified in proceeding with a work of such magnitude as would occupy six, seven, or eight years. The work which had been effected in the inner harbour enabled vessels to swing round at any period of the tide. In raising silt in the inner harbour the amount expended had been £26,840 15s 10d, and the expense incurred by the Board in getting rid of this silt had been £3,565 5s 11d. It had been urged that this expenditure of £26,000 was inconsistent with the provisions of the 5th clause of the Act under which the Trust was constituted, but upon reference to that clause it would be found that the expenditure was fully authorised, and that Prince's Wharf was even named in that clause, as indicating where operations should be carried on. Hon members, upon reading the clause, would find that its provisions had been most explicitly attended to. The Trust were as bound to put the silt away after it had been raised as they were to raise it out of the harbour. The Board had severely felt the want of storehouses and other buildings. A blacksmith's shop was found essential, although that was one of the items which was now objected to. The old dredge had done some little work, but only in the way of clearing up those portions which had been deepened by the spoon-barges employed by the Trust. He found that opposite Levi's Wharf 56,970 tons of silt had been raised, opposite McLaren's, 4,368 tons, opposite Queen's, 24,233 tons, opposite the North-parade, 96,408 tons and opposite Prince's Wharf, 56,111 tons. The reason the last quantity was so small was, that the depth of water was so much greater at that end of the harbor than anywhere else. If the silt had been at the same level at Prince's Wharf as at other points, there would have been a much larger expenditure at Prince's Wharf in order to obtain the depth of water which was there. Hon members should remember that these operations had been carried on for the purpose of clearing the fairway channel. It was true that but a small quantity of silt had been raised by the new dredge at the outer bar, but the fact was that the current had done good service, for it had washed away at a rapid rate the sand which had been held in solution. He should certainly oppose the motion.

The COMMISSIONER OF PUBLIC WORKS said the hon member for the Burra and Clare in his opening remarks had ventured to say that no improvement had been effected in Port Adelaide since 1852.

Mr PEAKE said he had never stated anything of the kind.

The COMMISSIONER OF PUBLIC WORKS did not often mistake the observations of the hon member, but on this occasion he felt bound to take his disclaimer. On the few occasions which he had visited the Port he felt perfectly satisfied there had been very considerable improvements in Port Adelaide. If the hon member for Burra and Clare on visiting the Port had not observed these improvements he must have gone down on his own business and been so intent upon it that he had failed to observe the improvements which were apparent to every one else. The House was asked to support a motion to the effect that the money which had been expended by the Harbor Trust had not been expended for the purpose for which the money was granted. If he were a stranger to the purposes for which the money was really granted, he should refer to the Bill, and looking at the title, he would there find that the money was granted for the purpose of deepening and improving the harbor of Port Adelaide and other purposes. The title of the Bill clearly set forth the objects for which the money was granted, and here he would observe that the £100 000 had not yet been spent, and it was impossible to say to what purpose the balance might be appropriated. Any person who would carefully read the fifth clause—he liked the clause read in its entirety—would see that the Board had not at all exceeded their authority. Whatever the engineer might at one time have recommended in reference to the improvement of the harbor, he would simply state that the opinion of an engineer was frequently very materially altered when he was acquainted with the full particulars. He was perfectly satisfied, as every other hon member who would take the trouble to satisfy himself must be, that the harbor had been very considerably improved. He believed that the expenditure opposite Prince's Wharf had been a most judicious expenditure. The House should bear in mind that the expense of removing limestone crust was much greater than removing silt, and he would ask where had all the large ships been in the habit of lying? Where did the Frenchman, the General Hewitt, and the Bee lie? Where were the greatest facilities for large ships? Hon members and very many colonists of South Australia talked about the Port without looking at what had recently been done. Only the other day, when the House happened to be counted out, he visited the Port, and was much pleased with what he saw. He found the steam dredge operating a little below the Maclaren Wharf, as he believed it was called, where the limestone crust was very much nearer to the surface than in other portions of the harbor. To remove the limestone crust was a very expensive operation, but the dredge was very useful in doing this, as it brought up large quantities. A very large portion of the expenditure by the Harbor Trust had been in introducing this very useful machine, which he trusted would continue to keep the harbor in its present state, if it did not improve it. The House had been told that it was necessary there should be enquiry, and although he did not like to oppose enquiry where any considerable section of the House required it, he would direct the attention of the House to the Council Paper which had been alluded to during the debate, and the circumstances under which it came to be laid upon the table of the House. The Board was on one occasion termed a disgracefully managed Board, and the Board then voluntarily forwarded to him a full statement of the whole of their works from the commencement of their operations. When that paper was forwarded to him, he had it printed and laid on the table of the House, in order that hon members might see what had been done with the money. On looking carefully into the matter, it appeared to him that a very great deal of very useful work had been done. He was aware that captains of vessels generally complained of the Port, because the harbour he would admit was not to be compared to Port Jackson, or Rio, or other harbours, but still it was a very good harbour, and they ought to be thankful that they had got such a good one. Captains who had visited Sydney and some other ports were likely to think unfavourably of Port Adelaide, and if the captains visiting the Port said, as it might be assumed they would, from the speech of the hon member for Burra and Clare—"you have got a dredge, but you are doing nothing with it," he should then say there was room for enquiry, but so far from that being the case, all the captains with whom he had conversed, and he perhaps met with as many as the hon member for Burra and Clare, expressed their astonishment at the great improvements which had been effected in the harbour. On his last visit he had been very much struck with a dock which had been recently constructed, and felt satisfied it would not be long before ships of a considerable draught came up near the railway station. He strongly recommended the hon member for Burra and Clare to take another look at the Port, satisfied that he would then alter his opinion. They had been told by the hon member (Mr Collinson) what was perfectly true, that as soon as winter had thoroughly passed away, the large steam-dredge would resume operations at the outer bar. In the winter season there were frequently severe gales of wind, and it was not safe that the dredge should be at work at the outer bar. He believed the course shadowed forth by the remarks of the Harbor Trust to deepen the passage over the outer bar, and not to expend the whole money in effecting alterations in the inner bar, most judicious. He believed they had expended the money wisely and judiciously. There had been no shirking on their part any information which it was in their power to afford. He had the testimony of every person directly interested in the accommodations afforded at Port Adelaide to convince him that Port Adelaide had been very greatly improved, and in accordance with the provisions of the Act under which the Trust was constituted.

Mr HAY said before the motion was put he would state that unless some more information and better arguments were brought forward to defend the Harbor Trust and show that the money had been expended in accordance with the Act, he should have to vote for the motion. He should be sorry to do so because he believed that the members of the

Harbor Trust had done what they believed to be right, but in the face of the Act, and the 5th clause which prescribed the purposes for which the money was borrowed he could come to no other conclusion than that the bars which obstructed the entrance to the harbor should be removed He agreed with the hon member for the Port (Mr Collinson) that the Harbor Trust were quite justified in using the old dredging-machine and the barges before they had the proper appliances, but when he found that by that agency the depth of water was in a short time increased to the extent of three feet, the House were certainly justified in expecting that more would have been done since the introduction of the new steam-dredge In alluding to the works at the outer bar, it had been stated that in addition to the sand which had been raised a considerable quantity was swept out of the channel, but what could be expected whilst there was such a shallow place as the inner bar but that the sand from the outer bar would be swept on to the inner? Unless free action were given to the ebb tide, instead of any good being done to the harbour by the adoption of the course which had been alluded to, a positive injury would be inflicted It was distinctly stated in the fifth clause of the Act, from which the members of the Trust derived their powers, that the bars were to be deepened to a depth of 18 feet at low water, but instead of this having been done at low water over the outer bar the depth was only 14 feet The House had a right to ask how much money was to be expended in the inner harbor before those works were proceeded with, which were prescribed by the Act Allusion had been made to the dock recently constructed by the South Australian Company, and it had been intimated that vessels would shortly be able to come up nearly to the Railway Station That dock was an honor to the South Australian Company, and if those who were possessed of private properties in the locality had been possessed of the same enterprise, probably there would have been no necessity for the discussion which had taken place that day It appeared to him that if operations were to continue as they hitherto had, and it were deemed essential that the bars should be deepened, they must pass a Bill to raise £100,000 more It was clear to him that no efforts had been made to remove those obstacles for which the Act was intended, and he should, therefore, support the motion

Mr BURFORD thought the force of testimony was in favor of the Harbor Trust having spent the money in the most wise, prudent, and efficient manner, and he himself had ascertained this from persons who were acquainted with the subject He was confident that if hon members made themselves acquainted with what had been done, and the reasons of its having been done, they would be as satisfied on the subject as he was The position of the Harbor Trust when they commenced operations was very peculiar They had not a machine capable of effecting the work for which the Harbor Trust Act was passed, and under these circumstances what were they to do—to leave the money unused, or to apply it to the improvements of the Harbor? They commenced at the north end of the Queen's Wharf, and worked upwards, as they could only use the "spoon blades," and these they kept constantly in operation They kept them in the centre of the stream—(No, no, from the Opposition benches)—in order to make room for ships to swing, which he understood from nautical men there was not previously room for them to do The Harbor Trust went on deepening and widening the creek until they came past Collinson's Wharf, but he had reason to believe from enquiries which he had made that none of the money had been wasted in improving the private property of wharfowners at the Port None of the money had been expended outside the prescribed distance—that was near the wharf The deepening of the Harbor in proximity to the Prince's Wharf had been accomplished by private funds, and even now there was a bank between the deep waters and the centre of Collinson's Wharf which made it necessary for vessels to warp round it in order to come in to the wharf This fact in itself would prove that the charges preferred against the Harbor Trust were not well founded In considering questions of this sort it was unfortunate that they were all landsmen (Laughter) But the hon member for the Port would correct him if he was wrong when he expressed his belief that the deepening of the inner bar would be an Herculean work, that bar being many hundred yards in width of hard limestone crust They should not find fault with the Harbor Trust for not making rapid progress with such a work, even leaving out of consideration the fact that they had to await the proper seasons for working They had now the assurance of the Harbor Trust that they would employ the new dredge upon this work He did not know that it was necessary to say more in order to show that there were not sufficient grounds for the motion He opposed the motion, which he regarded as an attempt to cast censure where it was not deserved, but where on the contrary a decided vote of thanks was called for He would remind the House that out of the £100,000, £30,000 had to be spent for machinery to carry out the Act

Mr MACDERMOTT would not join in the motion before the House He recollected some time since when the fire took place at the Port, that the shipping were aground, and great apprehensions were in consequence entertained for their safety That fact alone showed that the expenditure incurred in making a fair channel in the Port was wise He also thought the first object to be attained was to enable the largest class of shipping to get over the outer bar into a place of safety where they could be discharged or lightened at any time in still water The motion could scarcely be considered as called for, and he should therefore oppose it

Captain HART would vote against the motion, and he did so because if the motion passed it would be a very severe censure on the Board appointed by a former Legislature for the purpose of carrying out the very extensive works which he believed any man who knew anything of the subject must admit were carried out, not only well but in a most satisfactory manner, as enquiry would fully prove The great bulk of members of the House could not understand the question now before it though he said this not with the desire of throwing any doubt on the ability of hon members to judge of matters when placed fairly before them, but hon members had not this question fairly before them Many hon members who would under present circumstances vote for the motion, if they had the opportunity of seeing the improvements which had been effected, and of asking the engineer what had been done, and what ought to have been done, would change their votes on the subject All he could say was that he had never known a man who went to Port Adelaide and looked at matters there for himself, whose views were not greatly changed, if they had previously been adverse to the Port. An hon member had, that very morning, one who was probably as well acquainted with the Port as most hon members, on his (Captain Hart's) referring him to the map, and explaining the very strange views taken on the subject of the Port, changed his mind in consequence of the explanations which he then received He believed there was not a member of the House except his colleague, the hon member for the Port, who would not have his views changed if he visited the Port and made the enquiries which would be necessary before giving a vote of censure against the Harbour Trust, such as that now proposed Probably the strongest proof that such was the case, and which clearly proved the unfairness of a censure of this kind under present circumstances, was to be adduced from the fact that the hon mover of the motion had himself shown considerable ignorance of the subject The hon member for Gumeracha also had fallen into a mistake which, if he had been acquainted with the subject, would have been impossible Many mistakes had been made with respect to the inner bar The object was to make a harbour of refuge at Light's Passage, which was between the two bars, and it was the removal of the outer and not the inner bar which would enable ships to reach this locality The late Harbour-Master, Captain Lipson, continually pointed out the advantage of clearing away the outer bar, by means of which ships could partially discharge outside, and then come in to Light's Passage, and there discharge such cargo as would be necessary to enable them to come to the wharf He found also that the engineer who penned the report, quoted by hon members, was not as well acquainted with the subject as those who had practical experience of the Port He (Captain Hart) looked at the inner bar as a mere bugbear which had been raised up, and not at all as the difficulty in navigating the Port, which some persons imagined It was in smooth water where there there was not a ripple, and if a vessel touched upon it it was of no consequence Besides, when there was water to go to the wharf there was water over this bar, and a vessel from it could reach the wharf in 20 minutes It had been said by Mr Burford, and it was a fact, which any one examining the locality must be aware of, that the removal of the inner bar was not to be accomplished for £100,000 There was a half mile of solid rock to be removed Indeed to call it a bar was misnaming it It was a piece of rock half a mile long, and there was no silt on it at all The hon member for Gumeracha was altogether wrong in supposing from the explanation of the hon member for the Port that the sand held in solution, or floating from the action of the dredge on the outer bar could be deposited on the inner bar How could the sand removed from the outer bar on the ebb tide come to the inner bar?

Mr HAY explained What he alluded to was that the sand stirred up in deepening the inner harbor, was deposited on the inner bar

Captain HART regretted having misunderstood the hon member But with reference to the possibility of any silt having been carried to the inner bar from the deepening of the inner harbor, that in itself was a mistake which must be apparent, inasmuch as the bar itself was of rock and there was no deposit on it at all On referring to the Engineer's report, he saw, and hon members would no doubt admit, that the scouring process was the first thing to be attained, and that process the Engineer pointed out was to be attained by building sea-walls, which would prevent the water from losing itself over flats and creeks and places of the kind The report went on to state that by deepening the inner bar the wash would have the effect of scouring the outward bar But he would ask was it intended that the cost of these sea-walls was to be included in the £100,000 The cost of this work should be first ascertained, and he was satisfied if an enquiry were made it would be found that without the sea-wall the removal of this portion of the bar would be of no value The removal of the outer bar had been persevered in whenever the weather would permit, not a moment of time had been lost since the proper appliances came to hand, and the result was that four feet and a half of water had been gained But

the carrying out of the work to its fullest extent was yet to be accomplished, and it was only possible to work at certain times and seasons There was still however, a sum of about £28,000 left for working on the inner harbor, but if the House required the evidence of an engineer, they would find that the removal of the inner bar could not be accomplished if the whole £100,000 were available for the purpose With regard to the deep water and shallow water of the Port, it was one of the points which hon members, if they considered the matter of sufficient interest, would do well to go and look into for themselves The depth of the water was a matter not well understood The upper part of Port Adelaide was further down the Gulf than the lower part The fact was as the upper part of the Port was further down the Gulf than the lower part therefore the limestone crust which gradually descended towards Kangaroo Island was further from the surface at the upper than at the lower part, and, therefore there was a depth of water in the upper part which could not be obtained in the lower part without removing the limestone crust An hon member had said that large ships all lay near the Queen's Wharf, and that they could lie and swing there, but that was not always the case though there were deep holes, for there was not a sufficient length of deep water, and the vessel's heels grounded whilst their bows remained afloat The removal of a very small amount of silt, however, enabled the seven or eight large ships now there to remain perfectly water borne at all times of the tide. He would ask hon members to look on this matter in a common sense point of view He would ask whether a ship would be likely to sustain more damage by being detained owing to the difficulty of crossing a limestone rock, or by having a passage opened which would enable her to lie upon that limestone rock He could compare the proposed mode of dealing with the bars to nothing but a man laying down his feather bed to enable him to walk to his couch, and then lying down upon the carpet If hon members visited the Port, they would be able, with their own good common sense, to view the subject, and he was satisfied that they would not then vote for this motion

Mr Reynolds said the hon member (Capt Hart) had advised hon members to take a common-sense view, and as he (Mr Reynold) wished to be a common sense man, he would endeavour to do so, and to view the matter according to clause 5 of the Act of 1854 This was a subject to which he had turned his attention for a long time He had not been led to notice it by the hon member (Mr Peake) He himself when in office had called the attention of the Harbor Trust to the fact that they were not carrying out the provisions of the Act He thought the Commissioners were like a man who having a horse and cart, put the cart in front of the horse (Laughter) The clause of the Act was—"and this Trust shall from time to time expend the moneys received by them with authority hereof in deepening the outer and inner bars of the harbor of Port Adelaide, &c" But it appeared that the Trust began by deepening the inner harbor and then they thought of the outer bar Now for the first time in his life he had heard from one hon gentleman what he thought that hon gentleman had never stated before that the inner bar was a bugbear When the Harbor Trust Bill passed the Legislature, he (Mr Reynolds) understood that both the inner and outer bars were very important matters, that the inner one was a very serious obstacle, and that everything which obstructed the stream should be removed For this purpose £100,000 was voted and now the inner bar was a bugbear The fact was that the Harbor Trust had spent so much money at Collinson's, or rather, he begged pardon, at the Princes' Wharf, that the inner bar was now of no consequence So long as the Princes' Wharf monopolised the money, it was not wanted for the inner bar, but no doubt after a while the hon member for the Port—the two hon members for the Port—would ask for a larger sum to deepen the inner bar, which instead of a bugbear, these hon gentlemen would represent as very important ("Hear, hear," from Mr Burford) "Hear, hear," said the hon member, who had got additional light on this matter He (Mr Reynolds) had expected that that hon member would be able to enlighten him and other hon members, but instead of that he was more in the dark than ever (Laughter) The Harbor Trust had ordered a very superior dredging machine, and he would like to know if that machine which had cost so much, and upon which so much engineering skill had been expended, was quite up to the mark He believed the Commissioners had been continually patching and patching at it, and that great expenses had been incurred, and he questioned whether even an ignorant Commissioner of Public Works would make such mistakes as the nautical gentlemen who composed the Commission had fallen into It was understood that when the Harbor Trust got the dredging machine they were to go to work on the bars, but instead of that, a great deal of time had been spent on the inner harbor and in the cracking of crusts, and it was not until the attention of the Commissioners was called to the matter that they went to work on the outer bar He would go with the motion, believing that the Commissioners did not carry out the spirit of the Act If the hon the Commissioner of Public Works had shown the precise quantities of silt which had been removed and the localities from whence taken, he would have been better pleased but if that hon gentleman would look into the matter, he would find that the Princes Wharf ought to be debited with a larger amount than the 56,000 tons He believed that 169,000 tons out of the 220,000 raised altogether had been taken from the North Parade, Copper Company, and close to the Princes' Wharf (Much laughter from the Ministerial benches)' Had the hon the Commissioner of Crown Lands an interest there that made him laugh so loudly (Laughter) The hon member for the Port lived there, so he had a laugh on the right side Upwards of 100,000 tons of silt had been raised near the Princes Wharf, and he certainly thought that was never meant to be the case He had no objection to seeing the money spent fairly over the inner harbour but he did not think the Trust acted fairly in expending so much in one spot He was quite sure that though the inner bar was a bugbear now, when the £100,000 was all spent another £50,000 would be wanted for the inner bar, and at present there was very little left either for the inner or the outer bar

Mr Neales believed if the parties who spoke so much respecting the Harbor Trust placed a little more reliance upon their own judgments, their decision would be in favor of the Trust The first thing they heard was that £20,000 had been spent opposite the Princes' Wharf He would say if the Harbor Trust had not spent that money there, they would not have spent it in the right place, for in that spot they could do a vast deal of good with such a sum, whereas it would be merely thrown away upon the inner bar They were not to measure the Port as so many feet from the Princes' Wharf to the inner bar, and to distribute the money according to the area If the £100,000 were to be spent in this way over the whole harbor, it would be better to take the large vote for the amount and throw it into the gutter He was satisfied no unprejudiced man could go to the Port and not believe that to pass this motion would be an insult to a body of respectable gentlemen who, with no recompense but a few paltry fees, had conducted the works of the Harbor Trust. It was a style of motion which, if persisted in, would drive all respectable men out of that House and out of the Government service. (Hear, hear) This was one of those one-sided motions brought in to turn out the Government if they backed up the Trust or, if not, to censure the members of the Trust (Hear, hear, and No) He was sure that no set of men had ever done their duty better than the members of the Harbor Trust, and it was for that reason he had taken the part which he did in the discussion of the Public Works Bill. It was a farce to talk of spending the money equally over the harbor, for there were many spots where the whole £100,000 would not do any good and if they attempted to put up the sea-walls which had been spoken of, a much larger sum would be requisite It was extraordinary that the hon member for the Sturt should have held an office which gave him great influence over the Board, and yet never complained of their management until now when he was out of office The hon member said he had remonstrated with the Board but could he show the despatches which he sent them? ("Yes," from Mr Reynolds) The hon member said yes, but he (Mr Neales) could not see any directions as to the operations of the Board, and if the hon gentleman had given any he should have provided the £200,000 which would be requisite to carry them out There was no pretence for saying that the money had not been spent in the best place (Cries of "Oh, oh") He repeated that there was no pretence for the statement, and he (Mr Neales) would be ready to move for a commission the next day to enquire into the matter, and, if such an enquiry were granted, it would prove that the money was properly spent (Hear, hear) A sufficient sum might not have been voted, and he was not inclined to vote any more money for the Port at present, but the money voted had been properly spent The money had not been laid out at the wharves, but in the stream according to the Act As to the remarks of the hon member for the Sturt, if the first thing mentioned in an Act was to be the first done, he could only say they would be perpetually doing most ridiculous things The Harbor Commissioners had done their best, and any gentlemen who voted that day without examining for himself would do a most unhandsome thing towards the gentlemen of the Trust The course pursued by them was the carrying out of a design which the hon. member, Captain Hart, had proposed to execute many years ago for a given sum, but the Government preferred taking the matter into their own hands With regard to the outer bar, he believed all had been done which could be done, for it was impossible to work with that "tub" of a machine in very bad weather The Harbor Trust did not invent the machine They sent home for one, and if it did not quite answer its purpose they were not to blame They might as well say that if he was appointed Commissioner of Railways next day he was to blame for the heavy carriages now used upon the line He did not believe that if the motion was carried it would affect the Government, and he did not care whether it did or not, but he felt that in voting for it he would be throwing an insult upon the Harbor Commissioners If these motions were persevered in, which struck at the respectability of persons in the public service, they would soon have different men in such positions If they wished to effect this, let them do it in God's name, but he would be no party to it

The Treasurer would oppose the motion It was asserted by the hon mover and other hon members that the Harbor Trust were to blame for the manner in which they carried out their operations, inasmuch as they had not commenced at the outer instead of the inner bar He would show presently that it was impossible to commence at the

outer bar, but he would first dispose of some matters of a personal nature, which he felt must have influenced hon members in bringing forward and supporting the motion. It was said that a large sum had been spent at a particular wharf, and certain names had been mentioned which he would not repeat. That was the under current which influenced hon members, especiallly the hon member for the Burra and Clare, who said that the Port depended on the interests of the proprietors, and the hon member for the Sturt followed this up by certain insinuations.

Mr PEAKE rose to explain. What he had said was, that the effect would be to benefit the proprietors, but that the works did not make the Port as effectual a place of refuge for ships deeply laden as it might be.

The TREASURER said that this statement completely bore out what he had stated. If the hon member chose to deny his words, he (the hon the Treasurer) was prepared to accept the withdrawal, but he had taken down the words, and they were "beneficially deepened for the benefit of the proprietors." The names of certain proprietors were mentioned, but he would not repeat them, but there was clearly some under current which guided the motion. He was sure the House would not be influenced by any such feeling, and that they would not for the sake of damaging the Government, or a member of the Government, throw a slur upon the Harbor Trust. The hon member for the Sturt said that in the beginning of the year he urged on the Trust that they should spend the money elsewhere. The hon member (Mr Reynolds) was Commissioner of Public Works on the 1st October, and at that time there was a report before the House which was published on the 5th of August. That report contained details of the operations, in which it was stated that nothing had been done to deepen the outer bar. Why did not the hon member then impeach the Commissioners and say that they were proceeding contrary to the Act, and that they ought to have began at the outer bar. No, the hon member dealt with less severity than he evinced now. But he now found that these gentlemen were in the wrong, and that they should incur the heaviest of all censures, the censure of that House.

It being now 3 o'clock, at which hour according to the Standing Orders, the Orders of the Day should be proceeded with,

Mr STRANGWAYS moved the suspension of the Standing Orders, in order that the debate might be proceeded with.

The SPEAKER said the debate could only be continued in a case of urgency. He would be prepared to take the opinion of the House on the matter.

The TREASURER moved that this was a case of urgent necessity, as he thought it better that a question of this kind should be fully discussed.

The question was then put and carried, and the Standing Orders suspended accordingly.

The TREASURER was glad the House had resolved upon that course, for he was satisfied that the conclusion to which they would come would do justice to the Harbor Trust, as to the way in which they had carried out their work. He would now allude to the actual conduct of———

Mr REYNOLDS explained that he drew the attention of the Harbor Trust to the matters spoken of in the debate early in January.

The TREASURER said if the hon member had done so, to a certain extent he must acquit him of the remarks which had been made, but if the Harbor Trust had committed an offence, which ought to have brought on them the censure of the House, he should have brought them before another tribunal to answer for it. But the Harbor Trust could not have done otherwise than they had done. The report he had quoted stated the steam-dredge which had been ordered was launched on the 6th June, and it was estimated the preparations would be completed by the end of September. But the dredge was not ready to work until November. The next report—for the first half of the present year—states that before the dredge being finished, they had succeeded in removing the inner bar. It was impossible to employ the dredge in the harbor when she was not in the colony, but when she arrived she was employed in removing the outer bar, and continued to do so until tempestuous weather caused them to desist. What then were the charges against the Harbor Trust that the House should be induced to pass such a censure as was implied in the motion? The spirit of the Act was, that the Harbor Trust should do all they could to deepen the outer harbor, to the terminus fixed by the Act, namely, a point higher up than Princes Wharf. They did so. Being without machinery they commenced operations where their work would be of the greatest benefit to the harbor. At the point they had deepened the largest vessel might float at low water and discharge her cargo at all times. They then turned their attention to the outer harbor when they obtained the means of doing so, and therefore, he could not see the slightest ground for the charges brought against that Trust.

The COMMISSIONER OF CROWN LANDS would only say a few words on the subject, for it had been perfectly explained to the House that there was no ground for passing that motion. He regretted that the motion should have been brought on at all. The discussion must have shown that the charges were utterly groundless. It seemed strange that that motion should have been tabled without some stronger grounds than were put forth. Of all the hon members who had spoken in favor of the motion, there was not one connected with the mercantile portion of the community for the hon member for Gumeracha, although connected with the mercantile portion of the community in a certain sense, had never to his (Mr Dutton's) knowledge, had a consignment made to him. He had never heard a complaint from the Chamber of Commerce, who were probably the most competent to judge of the manner in which the Harbor Trust performed their duties. He had been for some years past connected with mercantile matters, and had had many ships of considerable draught of water, drawing 18 feet, consigned to him, and he found no difficulty in getting them over the two bars, but had found difficulty from their taking the ground in the lower parts of the harbor, and he therefore thought the Harbor Trust had properly expended their money in deepening those portions of the harbor which they had done. He would make one further remark with regard to the question. The hon member for Sturt who filled the office of Commissioner of Public Works for some months, never made a complaint on the subject till now. No doubt he did write to the Harbor Trust, asking to be informed why so much money was being spent on the upper part of the harbor, and in course of time he received a reply stating the "why" and the "wherefore," and the hon member never thought proper to make any remark, never found fault with the report from that day until the present when with a great deal of thumping on the table and theatrical action —(laughter)—he asserted that the Harbor Trust was quite incompetent to its duties, and had been spending a great of money with the base intention of improving private property. It was not the first occasion on which he had done so.

The SPEAKER called the hon member to order.

The COMMISSIONER OF CROWN LANDS would only say that the motives for that motion were entirely understood by every member of that House, and therefore he did not think it needful to allude further to them. He thought, however, that the hon member for Sturt had little cause to support it, for although he had an opportunity of finding fault while in office, he had never done so.

Mr YOUNG rose to oppose the motion. He regretted that a motion calculated to reflect on gentlemen holding the offices held by the Harbor Trust, should have been brought forward with so little ground to support it. It was to be sincerely regretted that such a mode of procedure should emanate from the House in a country where funds were placed at the disposal of parties who were open to the charge of acting from individual interests. But what conclusion was to be drawn from the figures placed before them? From the £100,000 which the Harbor Trust had been authorised to raise, no less a sum than £25,000 had been applied to deepening the outer bar, of which complaint had been made. About one quarter of the amount had been spent in obtaining machinery. He thought, instead of there being cause for complaint, there was, rather, ground for satisfaction and confidence in those gentleman. He offered those few remarks as a ground for opposing the motion of the hon member for Burra and Clare.

Dr WARK, as an old colonist, remembered the fault found with the harbor, and it was the difficulty of getting over the bars. A few years ago the sum of £100,000 was voted for the purpose of removing those bars. That sum was voted in consequence of the sum being named by an eminent engineer. The question was, had that money been applied as by law directed. His opinion was, and ever had been, that it had not. It might have arisen from remissness or from inevitable delay that that machine was not got out earlier than it was. It might have been, he believed. All the work done on the outer bar had not been much. Instead also of using it on the inner bar, it had been taken up into the harbour, and employed opposite private wharves. One point struck him forcibly regarding the statement of the two hon members for the Port. Those gentlemen did their best to make out a good case, but one said the bar was a mile in breadth, and the other (Captain Hart) stated it was half a mile. It might have been expected that both those hon members being on the Harbor Trust—(no, no)—acquainted with the Port, however—they would have known better. He did not think Captain Hart's plan for deepening the harbor was quite philosophical. The Commissioner of Public Works had passed a high compliment on the hon member (Captain Hart), and that might be the reason why the Harbor Trust was not included in the Public Works Bill——

The SPEAKER called the hon member to order.

Dr WARK said it was evident that the Commissioner of Public Works was imbued with the same spirit, because that Trust was excluded from the Bill. What light he had on the subject he (Dr Wark) did not know, but his predecessor had expressed different views. With regard to their forming different opinions from those they then held, on going to the Port—doctors differed and so did engineers—and he was giving the opinion of an engineer when he stated that the work was not quite up to the engineering abilities of the day.

Mr STRANGWAYS would support the motion. The hon member (Mr Collinson) said that when the Trust first went to work they had no appliances to enable them to carry out the works according to the Act, but notwithstanding that they commenced the work and carried it out against the provisions of the Act to the extent of expending £50,000. That account came from an hon gentleman who was a mem-

ber of the Harbor Trust. He said the Trust ordered the steam-dredge. Various statements had been made respecting that steam-dredge. It was said to be designed by one of the first engineers. It was indeed a most remarkable production. One of the first accidents to it was the breaking of one of the cog-wheels, and it cost something to have it repaired. Then it appeared that the steam-dredge of the first engineer—he imagined one of eighteen years experience—was fitted with a screw propeller in order to move it from place to place, and that was found to be useless and an expense entirely thrown away. The steam-dredge was shaped something like a horse-shoe, and the consequence was that, when the machine was set to work, the thing ran round and round, just like a dog running after its tail. That was the way in which the best machinery of the very eminent engineer did its work. The Trinity Board said the water on the outer bar had been deepened 4½ feet. Others said it never had been deepened. He went down one day to see the works. The steam-dredge was engaged in loading the barges, and these barges, when filled, were removing the silt to about a quarter of a mile off, where it was deposited. The consequence would be that at the first movement of the water, a considerable portion of the deposited silt would be removed back again to the place whence it had been taken. The expenditure might have been carried out according to the ideas of some of the framers of the Act, but any one reading the Act would see that the two bars should have been first removed, and the remainder of the money spent in improving the harbor. The hon. member (Mr. Collinson) stated that the crust must be removed to a depth of eight feet, for a considerable width, but it had been stated in an official document that the thickness of that crust was from 18 inches to 2 feet. It appeared to have suddenly grown to 8½ feet. But the best proof of the necessity for that motion was in Council Paper, No. 70, and he would ask how that expenditure had been authorized? There were no less than eight items. Those items were not for the dredge, but for making the streets of Port Adelaide. There were nearly £4,000 spent for the benefit of the Corporation of Port Adelaide, and that was one instance of the improper expenditure of public money which that motion would tend to prevent. Then that new dredging machine, that did not do its work properly, cost upwards of £22,000. The next items would be found in Appendix A. It would be found that instead of the expenditure taking place at Snapper Point, it had taken place at the wharf opposite, Mr. Collinson's, and the Steam Company's Wharf, and down Fairway Channel. Almost the whole of the expenditure which was stated to have been incurred in deepening the water in the inner bar, was spent opposite the wharves of private persons. Was it a blind for the people, or one of those typographical errors which were sometimes there when convenient? The hon. member, Mr. Collinson, said in consequence of those improvements vessels could swing at all times of the tide opposite those wharves. He did not say what sized vessels they were, but he had seen vessels lying aground there. He supposed the hon. member meant vessels of the size of a barge, and therefore the statement could not be correct. The hon. member (Capt. Hart) said it would be highly prejudicial to deepen the water on one bar, and it would cost £100,000. Why had that not been found out before? The Government had alluded to the 5th clause of the Act. He (Mr. Strangways) read the Act, which required plans, estimates, and specifications to be sent in to the Government, stating the mode of expenditure and the sum required. If those had been deposited, the Harbor Trust were not so much to blame.

Mr. Collinson would venture to say those plans and specifications had been forwarded according to the Act.

Mr. Strangways.—That partly exonerated the Harbor Trust, but the Government must bear the blame of the Harbor Trust not spending the money according to the Act. It had been said that no landsman ought to give an opinion on the question. It should be left to seamen. Why the whole affair was one of land, one of mud and silt, and nothing else. (Laughter.) But it was purely an engineer's question, and no merely nautical man could know anything about it. The hon. member (Captain Hart) said he had been informed by a competent engineer that the best way to deepen the water over the bar was to make a deep hole at some place higher up the harbour. He must have been an A1 engineer. On that principle the easiest way of removing the bar at the mouth of the Murray would be to make a reservoir at Albury. The real objection to removing the inner bar was that it would let the water out of Port Adelaide altogether. It was, in consequence, a vital question to those who took an interest in the Port. Mr. Neales, in alluding to the proper manner in which the money had been spent, said that, had it been expended otherwise, it would have been as profitable to take a note for £100,000, and throw it into the gutter, and trample on it. No doubt the hon. member thought it would have done more good, for he would quickly have gathered the fragments, and taken care of them. He also objected to the motion being introduced because it would tend to keep respectable men out of office and out of that House. If it kept respectable men of that kind out of office, it would be advisable to be continually passing motions of that kind, and then there would be no more jobbery and corruption in the public offices in the colony. In respect to no complaint having been made by the Chamber of Commerce, that was a favorite mode of argument made use of by members of the Government, who were in the habit of referring to one person or another as a reason for having no opinions of their own. But whether the Chamber of Commerce complained or not was a matter of indifference to the House. The House did not need to wait the condemnation of any of the public works by any one, if there were sufficient ground for enquiry into a question of the kind. Considering therefore that money had been spent in an improper manner, and considering that the whole of the plans and specifications had been approved by the Government, the censure implied in that motion would not fall upon the Harbor Trust only, but upon the Government, and he said distinctly that if they approved of the expenditure of the money, they deserve any amount of censure the House could pass upon them. No doubt the money had been misappropriated, and he should therefore support the motion.

Mr. Milne did not feel inclined to cast a sort of vote of censure on the Harbor Trust. But while saying so, he could not altogether absolve them from a certain amount of blame. He thought, however, the only blame was that of putting a wrong construction on the Act. In construing that Act they believed they possessed a certain amount of discretionary power in expending so large a sum of money in one part of the Harbor to the detriment of other portions. He believed that Act did not allow that construction. The first act of the deepening process should have been on the outer Bar; and seeing that there was a balance now in hand, it would be desirable to save that money for that purpose; he would therefore move an amendment to the effect that "In the opinion of this House the balance of money now in the hands of the Harbor Trust, should be expended in removing the two bars."

Mr. Townsend said it was clear when the discussion took place on the 5th clause, the whole of the money was expected to be expended in deepening the water on the bar. It was for removing the outer bar. The point of the discussion seemed to be whether the Harbor Trust was to go beyond the Prince's Wharf or not. They could not blame the Harbor Trust, for £38,000 had been spent in removing the bar, but still he thought the amendment correct, and he should support it.

Mr. Barrow would support the amendment, because he thought there were two constructions to be put upon the Act. The money was voted for the improvement of the harbor between the outer bar and Prince's Wharf. It might be argued that these were simply the limits within which the money was to be expended; or that the words referred to indicated the order of progress. Under any circumstances he considered that the intent of the Act included the improvement of the harbor, including the bars and the wharves. There was yet money remaining available for the deepening of the bars, and he thought with the hon. member for Onkaparinga, that if any error had been committed it arose from the construction put by the Harbor Trust on the Act. If it was really believed by hon. members who proposed and supported the motion that public monies had been knowingly and wilfully spent for the improvement of private property, they ought not to be satisfied with the motion on the paper, severe as it was. (Hear.) Had he (Mr. Barrow) thought that money had been so expended he would have called for a stronger vote of censure than that, and he considered it would hardly be just to arrive at such a decision without a minute and searching enquiry. There should be a Committee or Commission with special powers appointed to make that enquiry before such a conclusion should be arrived at. He, therefore, could not adopt a resolution implying a censure so severe, and he believed that the amendment of the hon. member for Onkaparinga would best meet the requirements of the case. He would, therefore, vote in favor of it.

Mr. McEllister would vote for the amendment because he did not feel justified in passing a vote of censure, and should be sorry to see a vote of censure passed upon a body of gentlemen so respectable as the Harbor Trust.

Mr. Rogers should vote for the amendment, for he could not go with those who would pass a vote of censure on the Harbor Trust. The money was voted for improving the harbor as a whole, and he considered they had done their duty. They had at first no machinery at work, and even if they had two-thirds of a season they were not able to work. He should support the amendment.

Mr. Cole would vote for the amendment. Although he did not think the Harbor Trust altogether to blame, they ought not to go free entirely. The charge against them appeared to be not having done what they ought to have done—remove the bar before going into the harbor. With regard to what the hon. member (Captain Hart) had said, he would observe that vessels now could lie and ride and swing round. The hon. member for Flinders said that vessels would soon find the ground, and at one time they were in a dangerous predicament on account of a fire at the Port. Of what use was deepening the water in the Port if there was no egress over the bar in such a case? If vessels were in danger from fire, they would run for the bar.

Mr. Hawker meant to oppose both the motion and the amendment. He would oppose them both on the same principle. He had heard no evidence to warrant such a motion. The amendment was merely a kind of trimming amendment, and if that passed, a vote of censure would still be cast on the Harbor Trust on account of the monies expended. He had heard no reason for believing that the money had not been expended in the best way. In clause 5,

because the bar happened to be mentioned first, and the deepening last, there was no reason for taking that course in action He had enquired if the Harbor Trust had taken the best way, and he believed they had, and that the work had been done at the least possible expense Capt Lawrence, of the Orient, and others, complained, in times past, not of the difficulty of getting into harbor, but of the danger of getting aground when there, and of straining so as to damage the ships At one time the vessel alluded to grounded in the harbor, and was so severely strained that it was found necessary to put into the Cape and unload in order to be repaired That state of things was now removed, and the vessels could lie in safety Several hon members had said that nothing had been done to the outer bar at all (No no) He found on enquiry that the bar had been removed to the depth of 4½ feet (No, no) It was easy to say whether it was correct or not He had heard that it was It was a great thing to deepen the water to that extent, for now, instead of unloading into lighters, vessels were enabled to go into Light's Passage and there to enter a sheet of water as smooth as a mill-pond Instead of being aground now in the harbor, there were berths at low water for nine vessels drawing 16 or 17½ feet of water, so that the largest vessels bringing immigrants could lie without danger of grounding The captains of both the Bee and the Frenchman expressed their satisfaction at finding there was sufficient water for their vessels to swing at low water without the necessity of being in the mud He with the hon member (Mr Neales) had an objection to motions of that kind being brought before the House It was a kind of perpetual nagging at the Government The hon member for Encounter Bay said the Harbor Trust could not be considered to blame but the Ministers If blame was to be attached to any one, it was to the Harbor Trust for they were the responsible parties If hon members had no confidence in the Government they had better put a motion of want of confidence on the paper than take that method of annoying them He would then vote as an independent member, ("so will we all") as he thought right (hear, hear), either in favor of them or against them The hon member for Encounter Bay had been severe with regard to the steam dredge The best article that could be got was obtained from one of the first houses in England (Laird & Co), and it was understood to have had all the latest improvements The Trust ought not therefore to be blamed if it was not so good as was expected (Hear) With regard to Schedule A, paper 70, it appeared that the Harbour Trust made use of all available spaces to deposit the silt on the wharves close to the water They were obliged to issue tenders to get the silt away, and when carted off it was put down at different parts of the port where it would be made useful, such as in streets and other parts of the Port liable to be flooded The Harbour Trust could not therefore be to blame in that matter If the expenditure of the Harbour Trust had not been in conformity with the Act, he could hardly see how the House could say £27,000 should be expended on the outer bar It ought to have been proved that they had not expended their money judiciously He could not therefore support the amendment, and should vote against both it and the motion

The Attorney-General felt it his duty to oppose both the original motion and the amendment of the hon member for Onkaparinga, and he did so because he thought if hon members considered what were the necessities and the requirements of the Harbor, and what accommodation was then at their disposal, they would not pass a resolution such as that now submitted to the House He remembered the discussion which took place in that House on the introduction of the Harbor Trust Act, and that the expression of opinion by the Government was then that the money should be devoted to providing access to the harbor rather than deepening the harbor itself But it was shown then that this would be an absurdity, and that instead of giving the facilities proposed it would have quite the reverse effect, for it was proved very clearly that although by these means a vessel might more easily be brought over the bar, yet on reaching the Port, accommodation was required for her during a period of perhaps several weeks It was thought to be idle to spend the greater proportion of the money voted in deepening the bars when immediately on the shipping being brought inside it was too shallow to float them in safety Mr Townsend, he thought, had very clearly shown them that the deepening of the harbor was an essential portion of the scheme, and not merely was this the opinion of members of that House, but it must be the opinion of all those who calmly considered the question on its independent merits What did they think would be said if, instead of following out this course, the deepening of Port Adelaide had been neglected, and a vessel coming in was, at low water, thrown full upon her side, and thereby, perhaps, inflicting great injury upon her owners That being the case, viz, that an essential portion of the scheme was the deepening of the harbor itself, how could they consent to a resolution such as that before the House? What evidence had been suggested by the hon member for Burra and Clare in favor of this motion, in spending the whole remainder of the money in deepening the bars, unless, indeed, the depth of water at present existing in the harbor was more than sufficient for their requirements in the accommodation of vessels There could not be any possible doubt but that the harbor contained, since this expenditure of money, a far greater amount of accommodation than it did formerly Certainly the hon member for Encounter Bay had said that vessels grounded in the harbor of Port Adelaide at present, and although that hon member was eminently qualified to form an opinion upon nautical matters by his extensive experience upon land (laughter), he (the Attorney General) would prefer taking the opinion of men whose competency to judge on a question of facts was the result of many years labour in their profession, and who considered it wise to spend some proportion of the money voted in deepening the harbor itself as well as in providing access to it Had it not been for the amendment of the hon member for Onkaparinga (Mr Milne), he should have taken no part in the discussion, because he believed that the vindication which had been made by the hon member for the Port (Mr Hart) the hon member for the city (Mr Neales) and other gentlemen who had preceded him, would have prevented the possibility of any vote of censure, either upon the Harbor Trust or the Government With respect to the assertion that money had been spent in making approaches to certain wharfs, he would say that no money had been spent for such purposes, but for clearing the Fairway Channel for the convenience of the harbor and the shipping generally With regard to what had been said by the hon member for Encounter Bay (Mr Strangways) he would state that the Harbor Trust Act was passed in 1854 It was in operation for one year and nine months before Responsible Government was introduced into this colony It was, until a year ago, subject to a Government which was not responsible ("Oh, oh," from Mr Strangways) That was one of the very emphatic oh s of the hon member for Encounter Bay, intended, no doubt, to carry conviction with it, but which so unfailingly left no impression behind it (Laughter) He repeated that up to a year ago the Harbor Trust was subject to a Government which was not responsible to the people During that time a Ministry other than the present existed, and during seven months of that period the hon member for the Sturt (Mr Reynolds) was then Commissioner of Public Works He was quite sure that that hon member, during the tenure of his office, had exercised that vigilance and watchfulness over the interest of the community at large which would entirely free him from any implied censure—(laughter)—and that he (the hon member for the Sturt) could assure the House that no money had been spent in an unfair manner He said this sincerely, that he believed the hon member for the Sturt had never sanctioned any expenditure which was not strictly demanded With regard to the censure intended to be passed upon the present Government by the hon member for Encounter Bay (Mr Strangways), all he could say was that such a censure would glance away as harmlessly as the shafts of that hon member ordinarily did, and whose joke was generally perpetrated at the expense of his argument (Laughter) He was glad to say, however, that the result generally, of that hon gentleman's effusions were not such as produced any injurious effect upon the Government or lowered their position in the estimation of that House He trusted the House would not sanction a principle involving a censure upon any branch of the Government, whether the Harbor Trust or any other public body, without having sufficient evidence to support or justify it

Mr Peake, in reply, indignantly denied that he had imputed unworthy motives to any member of the Harbor Trust or the Government, and this would be a sufficient answer to the remark of the hon member for the city (Mr Neales) that no gentleman would after that hold his place in the public service He had never imputed to any gentleman in the public service dishonest or unworthy motives, and he never would do so He took up the official return, and the item struck him at once as being contrary to the mode of expenditure provided for by the Act He would read the preamble of that Act, and then ask hon members whether they considered the provisions there indescribed had been carried out in their integrity (Preamble read) It was very clear from that that the money had not been spent in the manner detailed in that Act (Yes, yes) It struck him the money was passed to deepen the bars He had heard complaints from captains of vessels and others at their not paying more attention to the making of the approaches to the harbor, and although the hon member for the Port had said it was a trifling matter——

Mr Hart explained that he had been misrepresented

Mr Peake had understood the hon member to express himself so He should like to have been on board of the vessel under the command of that hon and gallant captain when she was bringing up at the Lightship instead of entering the harbour, and no doubt he (Mr Peake) would have heard in very strong terms what that hon gentleman's opinion was about it He would have prayed for the bars—(laughter) and have used the arguments against the expenditure of the money elsewhere which he did not adopt on the present occasion The hon member for the Port (Mr Collinson) had gone into the details of the return, but that was not at all the point He never disputed what that hon gentleman had submitted to them He did not imply any improper motives, but an infringement of duty He did not know even who were the members of the Harbor Trust until he came to that House He denied they had carried out the requirements of the Act ("Yes, yes," from Mr Neales) He considered it was a very proper thing on his part when he saw such a

dereliction to submit it at once to the House, and he thought it was the duty of any other hon. member similarly placed to do the same. He threw back upon them the insinuation that he had imputed personal motives to any one. He recollected, however, a great heap of silt which lay once opposite Levi's Wharf at the Port, and that that same silt had suddenly disappeared by the operation of the dredging machine, although they could not find time to improve the entrance to Port Adelaide as the Act ordained. He thought they had had sufficient testimony as to the uselessness of deepening the outer bar, before scouring the inner one. It was a wasteful expenditure of the money which had been so appropriated, and it would be condemned by all those whose experience entitled them to judge on the question. He considered he had shown some reason for the course which he had adopted. So far from wishing to censure anybody, he would be contented to take the opinion of the House as to where the money which still remained should be expended. He did not wish to censure, but to ensure the work being done as quickly as possible. He would allude to the information kindly given them by the Commissioner of Public Works, first, that silt was harder to get up than limestone. He could not but thank that hon. gentleman for such a valuable piece of information. (Laughter.) Secondly, he had said that Port Adelaide was not Port Jackson. That was also a piece of information for which he must express his indebtedness. (Laughter.) With these few remarks he would leave the solution of the question in the hands of the House. To make Port Adelaide a port as they were making it at present, might be likened to a man who, having furnished a house in a most costly manner, locked it up, and having lost the key, was unable to enter it again. If it were thought desirable he should have no objection to withdraw his motion, and accept the amendment of the hon. member for Onkaparinga (Mr. Milne).

The Speaker then put the question, viz., "that the words proposed to be struck out stand part of the question," which was negatived.

On the question being put that the words proposed to be inserted, viz., "it be a recommendation of this House that the balance now in the hands of the Harbor Trust should be expended on the bars" be so inserted—

Mr. Hart rose and said he thought there was not such evidence before the House as would enable them to come to the conclusion suggested in the amendment, and he thought it would be the first instance of a resolution like it being passed in that House. It would be passing a censure upon the Harbor Trust without waiting to hear what they had to say in their defence, and without knowing what they were going to do with that money (no, no, hear, hear) which it was desired in the amendment should be expended on the entrance of the harbor. It would be a censure without one iota of evidence, and if the House took such a course, every member of the Harbor Trust would be bound to give in his resignation. He would ask whether it were possible for members of that House to have the same experience in these matters as gentlemen like Captain Hall, Captain Scott and others, whom he might mention. Who could be so well informed as men who had been shipmasters the greater portion of their lives? He would be willing to support a motion for a commission to enquire into the matter, but he could not agree to a censure such as that implied in the resolution before the House.

Mr. Neales, who rose amidst cries of "divide," said he rose to say a few words, and he was convinced that he would be able to say them, notwithstanding the cries of "divide" which generally proceeded from those hon. gentlemen who were at a loss for an argument. He did not approve of the proposed appropriation of the remaining £28,000 to the credit of the Harbor Trust without further information. If they agreed to this, no doubt when it was all lost, the Commissioner of Public Works would turn round and tell them, "Gentlemen, I am not responsible." Talk about responsible Government in such a case, it would be a farce. If Messrs. Scott, Tapley, and Hall, or others of the same experience, believed that the £28,000 could be judiciously spent in the manner indicated, then he would have no objection. It was well that they had got rid of the bias which had been disclaimed by the hon. member for the Burra and Clare (Mr. Peake), but so far as he (Mr. Neales) was concerned, the remarks of that hon. gentleman had left a stronger impression upon his mind than had formerly existed, because there seemed to have been a thorough determination to take up papers of returns and, without investigation, to submit merely the bald facts. This being the case, he begged to move the previous question.

Mr. Reynolds thought it was rather late in the day for the arguments used by the hon. member who had just sat down, as that hon. gentleman had only the other day voted for all the public Boards being made responsible to the Commissioner of Public Works. He (Mr. Reynolds) had been twitted with holding the office of Commissioner of Public Works when this unauthorised expenditure took place, but in reply to that he would inform the House that he had called the attention of the members of the Harbor Trust to the matter, and they in reply stated then that they were just on the point of turning their attention to the deepening of the outer bar.

The Speaker then put the previous question, viz., "Shall this question now be put," and declared the "noes" had it.

A division was then called for, of which the following is the result:—

Ayes, 15—Messrs. Barrow, Cole, Dunn, Hay, Lindsay, McEllister, Mildred, Milne, Reynolds, Rogers, Shannon, Strangways, Townsend, Wark, Peake (teller).

Noes, 14—The Attorney-General, the Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Burford, Collinson, Glyde, Hallett, Hart, Harvey, Hawker, MacDermott, Young, and Neales, (teller).

Making a majority of one in favor of the "ayes."

The Speaker then put the question "that the words proposed to be inserted be so inserted," and declared the "ayes" had it.

The motion in its amended form, viz., "That it be a recommendation of this House that the balance now in the hands of the Harbor Trust should be expended on the bars" was then put, when

Mr. Shannon rose and said he was really at a loss on which side to vote—(laughter)—and especially so as he considered that as much had been said in support of one side as the other. He could very well believe from a perusal of the official documents that the Harbor Trust had scarcely complied with their instructions, although still be believed they had acted honestly, and, therefore, he could not consent to the present question being put as it would be tantamount to a censure which they did not deserve. He should have preferred a motion for an enquiry, and with this view he would move an amendment to that effect. He was almost leaving the House a few minutes before, from the state of uncertainty in which he was, but perhaps his vote would have the effect of settling it one way or the other. He was prevented from leaving however by the Sergeant-at-Arms—(laughter)—and

The Speaker informed the hon. gentleman that he could not have been prevented from so doing by the Sergeant-at-Arms, as he had no authority for it.

Mr. Shannon did not know who the Sergeant at Arms was (great laughter), but he had certainly been stopped by some one from leaving the House, and he believed him to be the Sergeant-at-Arms. The door was locked. (Laughter.)

The Speaker—The hon. member has misapprehended. The Sergeant-at-Arms could not have prevented his leaving. If the door of the chamber was locked, which it always is during a division, the hon. member of course could not leave, and it was the duty of the doorkeeper to prevent him from doing so.

Mr. Shannon would, then, merely move as an amendment that the question be referred for enquiry.

The Speaker.—The hon. member cannot move an amendment of that nature on the question now before the House. All he can do is to move an amendment by adding other words to it.

Mr. Glyde made a remark or two.

Mr. Reynolds rose to speak, but was called to order as he had spoken already.

The Speaker then put the question involved in the hon. member for Onkaparinga, Mr. Milne's, amendment, and declared the "noes" had it.

A division was called for, the following being the result:—

Ayes 14—Messrs. Cole, Hay, McEllister, Rogers, Dunn, Reynolds, Lindsay, Wark, Mildred, Milne, Strangways, Townsend, Barrow, Peake (teller).

Noes, 14—The Attorney-General, the Treasurer, the Commissioner of Public Works, the Commissioner of Crown Lands, and Messrs. Collinson, Harvey, Young, Macdermott, Burford, Hawker, Hart, Glyde, Hallett, Neales (teller).

The Speaker gave his casting vote in favor of the "noes," stating that he did so because in his opinion the Harbor Trust had spent the money in the manner best calculated to promote the best interests of the province.

Mr. Reynolds rose to ask the Speaker a question on a point of order, viz., whether there were not rules to guide the Speaker in giving a casting vote?

The Speaker replied that it was understood that the Speaker generally voted against the Government when their conduct was under discussion, but that the matter in question was not the conduct of the Ministry, and that therefore he had voted according to the dictates of his conscience.

REPORT ON COLONIAL DEFENCES

The Report of the Select Committee on Colonial Defences was postponed and made an Order of the Day for Friday next.

DATE OF ACTS BILL

The Commissioner of Public Works was anxious to proceed with the second reading of this Bill, but stated he was quite willing to postpone it in consequence of the lateness of the hour, if it were probable there would be any debate upon it.

Several members intimating a desire to adjourn, the House adjourned at 5 o'clock, till 1 o'clock on Tuesday.

LEGISLATIVE COUNCIL

Tuesday, October 26

The President took the chair at 2 o'clock.

Present—The Hon. the Chief Secretary, the Hon. Major O'Halloran, the Hon. the Surveyor-General, the Hon. S. Davenport, the Hon. Captain Scott, the Hon. Dr. Davies, the

Hon Dr Everard, the Hon Captain Bagot, the Hon Mr Morphett the Hon H Ayers, the Hon A Forster, the Hon Captain Hall, the Hon A Scott

THE PUBLIC WORKS BILL

The SURVEYOR GENERAL presented a petition signed by 113 persons, comprising members of the District Council of Nairne and residents in the locality, praying the Council to amend the Public Works Bill by retaining the Central Road Board as at present constituted, except that it be made responsible to the Commissioner of Public Works The hon gentleman stated that though presenting the petition he did not pledge himself to support its prayer

The petition was received, read, and ordered to be printed

The Hon H AYERS presented a petition from the District Council of East Torrens, praying the Council not to pass the Public Works Bill in its present form, but to exempt the Central Road Board from its operation

The petition was received, read, and ordered to be printed

The Hon A FORSTER presented a petition from the District Council of Highercombe, praying the Council to delay the passing of the Public Works Bill until the public had had an opportunity of expressing their opinion of that portion of the Bill, which proposed to dissolve the Central Road Board The petition was received read, and ordered to be printed

THE EXECUTIVE COUNCIL

The Hon Major O'HALLORAN was desirous of asking the Chief Secretary a question, which probably the hon gentleman would be prepared to answer at once On the 26th last month, he (Major O'Halloran) addressed a letter to the hon gentleman, with a request that the letter might be submitted to the Executive Council He wished to know if the letter had been so submitted, and if so, whether any reply had been received

The Hon the CHIEF SECRETARY thought the course which the hon gentleman had pursued was rather unusual, but he might mention that a reply had been written to the hon gentleman on the preceding day, and he could not say why the hon gentleman had not received that communication

DIVORCE AND MATRIMONIAL CAUSES BILL

The PRESIDENT announced the receipt of Message No 16 from the House of Assembly, intimating that the Assembly had agreed to the Divorce and Matrimonial Causes Bill with amendments

The Hon A FORSTER wished to ask the Chief Secretary a question in reference to this Bill It had been pointed out lately that several important amendments had been introduced in the Bill in England, and he wished to know whether it was the intention of the Government to recommend His Excellency the Governor to assent to the Bill before further information in reference to the nature of these amendments had been obtained

The Hon the CHIEF SECRETARY said the Government had no official information whatever of any alterations or amendments having been made in the Bill It was not the intention of the Government to advise the Governor to any other course than to assent to the Bill as assented to by both Houses of the Legislature

The Hon A FORSTER said perhaps he might be permitted to state, as the Government had no official information upon the subject—

The PRESIDENT was afraid the hon gentleman would be irregular in making any statement

EXPLORATIONS TO THE NORTH

The Hon Mr MORPHETT wished to ask the Chief Secretary if the Government had any information to lay upon the table in reference to explorations of country to the north and north-west Public interest had been strongly excited upon the subject, and if the hon gentleman could satisfy it he would probably do so

The Hon the CHIEF SECRETARY said the Government had no official information upon the subject, but it was possible they might be in possession of some information in a few days, and on being so possessed they would make it public

THE INSOLVENT LAW

The Hon Mr MORPHETT wished to ask the Hon the Chief Secretary whether the Government were in possession of any despatch from the Secretary of State relative to the present Insolvent Law Rumours were abroad that the Secretary of State had intimated that Her Majesty could not be advised to assent to the Act He wished to know if there was any despatch upon the subject, and, if so whether the Chief Secretary had any objection to lay it upon the table of the House

The Hon the CHIEF SECRETARY said there had been a despatch from the Secretary of State, but he would remind the hon gentleman who put the question, that the Queen's assent was not necessary After a Bill had been assented to by the Governor it became law, and the Queen might leave such Acts to their operation or otherwise, as she thought fit The despatch, which had been referred to, was receiving the serious attention of the law officers of the Crown, and after having been fully considered, would probably be laid upon the table of the House with the report

The Hon Mr MORPHETT said if there were any doubt about the despatch and report being laid upon the table of the House he would give notice of motion that the despatch and report of the law officers of the Crown be laid upon the table

JOINT STANDING ORDERS

The Hon Mr MORPHETT brought up the report of the Select Committee upon the Joint Standing Orders which had been sent to the Council by the House of Assembly The hon gentleman moved that the report be read

The Clerk of the Council read the report, which stated that the Committee could not advise the Standing Orders transmitted by the Assembly being adopted as the Joint Standing Orders of the Legislative Council and House of Assembly, but recommended that the spirit of the Standing Orders referred to be embodied in distinct Standing Orders for the Legislative Council and House of Assembly

BILLS OF EXCHANGE BILL

Upon the motion of the CHIEF SECRETARY, the House went into Committee upon this Bill, some verbal alterations were made, the Bill was reported with amendments, the report was adopted and the third reading was made an Order of the Day for Tuesday

WASTE LANDS BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, briefly observed that there were very few novel features in the Bill The object of the Bill was principally to carry into effect regulations that had been in force for years, relative to the waste lands of the colony, and to give legal effect to what had been omitted in the Waste Lands Act of last session The first clause provided that the Governor should have power to grant annual leases to original lessees whose runs had been declared hundreds, such leases not to extend beyond the time for which the lease was originally granted The second clause gave power to justices to dispossess parties illegally in possession of waste lands, which provision was in the original Waste Lands Act, and in the Act of last year The third clause levied a penalty upon parties unlawfully in occupation, the object being to protect parties who paid rent against the aggressions of those who depastured their stock without paying any rent at all The fourth clause gave the Governor power to issue pastoral, mining, and timber licences, and the fifth clause gave the Governor power to fix a higher upset price for suburban lands The power in the original Waste Lands Act divided the lands into town, suburban, and waste lands, but under the Act of last year suburban were omitted The fifth clause, however, revived the power to which he had referred

The Hon A FORSTER seconded the motion for the second reading, which was carried and upon the motion of the Hon the CHIEF SECRETARY the Council went into Committee upon the Bill

The first four clauses were passed with verbal amendments

Upon the Hon the CHIEF SECRETARY moving the adoption of the fifth clause,

The Hon A FORSTER asked whether the clause would not interfere with the District Councils Act The District Councils had power to issue timber and depasturing licences, but not gold or mining licences

The Hon the CHIEF SECRETARY apprehended the District Councils had only power to issue licences within the hundred, but the clause under discussion gave the Governor power to issue licences in all parts of the colony

The Hon A FORSTER could not have objected to the clause if it had been clear that it extended only to lands beyond the hundreds He wished to know whether the clause would not come in conflict with the power given to District Councils It would be inconvenient that there should be as it were a double power

The Hon the CHIEF SECRETARY did not think that any difficulty was likely to arise and the clause was passed as printed

The Hon the CHIEF SECRETARY moved the adoption of an additional clause, No 6, stating that the Act should have effect from the passing thereof

The clause was assented to, and the PRESIDENT having reported the Bill with amendments, the report was adopted, and the third reading was made an Order of the Day for Tuesday

The Council adjourned at 10 minutes to 3 o clock till 2 o clock on Tuesday

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HOUSE OF ASSEMBLY

TUESDAY, OCTOBER 26

The SPEAKER took the chair at 10 minutes past 1 o'clock

MESSRS BAKER AND WATERHOUSE

Mr MILNE presented a petition from the Acting Manager of the South Australian Banking Company, in reference to the case of these gentlemen, which was received and read by the Clerk

HINDMARSH VALLEY

Mr LINDSAY presented a petition from Mr Young Bingham Hutchinson, of Hindmarsh Valley, praying that certain roads in that locality which the petition alleged to have been illegally stopped up by the Government should be opened

The petition was received and read by the Clerk

RAILWAY EXPENDITURE

The COMMISSIONER OF PUBLIC WORKS laid on the table a return in reply to an address of the House, showing how the sum of £73,000, voted last session for the completion of a portion of the South Australian Railway, had been expended, and moved that it be printed

The motion was agreed to

CLARE AND MOUNT REMARKABLE

The COMMISSIONER OF PUBLIC WORKS produced a letter from the Central Road Board in reference to some enquiries which had been made of that body respecting the main road from Clare to Mount Remarkable He thought the best mode of proceeding would be to read the letter, and moved that it be read accordingly

The motion was agreed to, and the letter was read by the Clerk It was to the effect that there was no main road between the localities in question, that the district was not within the jurisdiction of the Central Road Board, and that in the opinion of that body the making of a main line of road there was unnecessary

Mr PEAKE asked the Commissioner of Public Works whether the Government would order the road in question to be defined through the few sections adjoining Clare, in order to enable the settlers to fence in their land

The COMMISSIONER OF PUBLIC WORKS presumed there could be no objection to this being done, but the matter was not in his department He thought the matter should be decided by the Commissioner of Crown Lands and the Survey Office

MESSRS STUART AND FOSTER'S NEW COUNTRY

Mr REYNOLDS, with the permission of the hon the Commissioner of Crown Lands, would refer to another matter It was rumoured out of doors that the Government were in possession of certain important information relative to the discoveries of new country by Messrs Stuart and Foster He wished to know whether the Government would lay this information before the House

The COMMISSIONER OF CROWN LANDS said he had been in communication with Messrs Stuart and Foster, but the correspondence had not yet led to any result As soon as he was in possession of information he would lay it before the House

MONEY ORDERS BY TELEGRAPH

The COMMISSIONER OF PUBLIC WORKS laid on the table a report from the Superintendent of Telegraphs relative to the transmission of money orders by telegraph

CUSTOMS RETURNS

The TREASURER laid upon the table certain Customs returns in continuation of returns previously presented The present returns had reference to the last quarter, and he moved that they be printed

Agreed to

CIVIL SERVICE SALARIES BILL

The TREASURER said that, agreeable to notice, he now moved the second reading of this Bill The title implied that its main object was to repeal two Acts which now existed in the Statute Book, but which in reality were nullities, and to substitute another measure in their stead It also provided for the case of officers who had retired from the civil service under the provisions of the Civil Service Retirement Bill The first of the Bills proposed to be repealed, namely, the Clerks Salaries Bill, had become a nullity, in consequence, amongst other reasons, of the action of the Legislature during the last session The hon the Speaker would remember that during the last session the House passed the Estimates with the salaries differently classified from the manner in which they had previously been arranged, that instead of the three classifications in the Act now sought to be repealed there were five The present Bill divided the officers of the civil service into five classes having different rates of salary, so that it would be obviously impossible to work the Clerks Salaries Act together with the Estimates as now framed, as the Government continued to pay the clerks salaries in accordance with the Estimates as appropriated last year As there was no good-service pay which could be provided for under the Clerks Salaries Act, the several officers had been paid according to the amounts placed upon the Estimates of last year in the column headed "good-service-pay," and which was voted by the House for that purpose. When the Estimates were passing through the House last year, the Government had introduced a Bill almost identical with the present measure, and if that Bill had passed it would have effected what they wished to attain by the present Bill, viz, it would have repealed the Clerks Salaries Bill, and there would be no anomaly in the public service such as now existed But after that Bill had been fully discussed, and had passed its second reading and gone through Committee, it was thrown out on the third reading This had caused a complication in the Estimates which rendered the passing of the present Bill necessary He hoped the present Bill would be more likely to obtain the sanction of the House, inasmuch as it was precisely similar to that which the House had sanctioned last year Legislation on the point was absolutely necessary, inasmuch as otherwise the whole of the Estimates would have to be taken to pieces and the salaries transcribed in three classes instead of five as at present They would either have to injure many officers by making them receive much less than they got last year, or they must add greatly to the expenditure to protect these officers from being losers The present Estimates were founded on the assumption that the House would pass the Bill The Bill which he now held in his hand and which was similar to that of last year, provided for the classification of all officers into five classes In the lowest the minimum was £120, in the next £160, in the next, £200, in the next, £240 and in the highest, £280 In each class the salaries increased progressively by £40 so that in each the senior was better off than the junior clerk by that amount It was presumed that each officer on entering the service or being transferred to a new classification was not likely to be as useful as he would afterwards become when he had experience in that particular branch of the service, and it was, therefore, proposed to remunerate them by a good service pay of £10 additional each per year, so that in four years each officer would be brought up to the minimum of the next class above him This arrangement would also extend to officers who were not classified or who had upwards of £300 a year each, as it was thought in like manner that these officers would be more valuable as increased experience enabled them to fulfil their duties more efficiently One-half of the good service fund in the case of classified officers would go to form a retirement fund, and the whole in the case of non-classified officers, and from this fund would be paid retiring annuities to such officers as were entitled to them under the Act Officers would be entitled to retire on attaining the age of 60 years, but not otherwise unless disabled by ill-health or by some permanent incapacity which should represent with proper certificates to the Chief-Secretary, and would then be entitled to an annuity If an officer retired before attaining the age of 60, his annuity would be proportionate to the time he had been in the service If he retired in five years he would be entitled to one eighth of his salary, in ten years, to two eighths, and so on in like proportion There was by this plan ample means to provide against the possibility of the fund proving insufficient for the requirements of the case, for officers could not retire under this Act, as they could under the measure which it sought to repeal, viz, the 31st of 1854, an Act which was incomplete in its provisions and unsound in principle, inasmuch as the subtraction of 2½ per cent from the salary of every officer was not compulsory The result of this was that on the Act coming into operation not more than one half the officers availed themselves of the plan, and therefore the sum derived from it was much smaller than was anticipated, or than was necessary for carrying out the Act But there was another fault in the Act still more fatal in its operation than the smallness of the fund Officers after 14 years' service were allowed to retire though not disabled by sickness or bodily infirmity Many officers did retire as soon as they completed their 14 years' service, but this would not be the case under the present Act It was just and right that those who were most likely to derive the first benefit from the Act should contribute in a larger proportion than others to the fund, and hence it was that the superior officers contributed the whole of their good service pay, whilst the classified officers only contributed one half Last year there had been not only a new classification, but also an increase in the pay of officers, for whilst the pay of none had been reduced, that of many others had been increased The reason of this was, that since 1854 there had always been an allowance voted to each officer from year to year to meet the additional cost of living which arose from the discovery of the gold-fields This allowance was at first 50 per cent, but it was reduced to 25 per cent, and was so when the Estimates of last year were framed and passed It was thought a proper time when discontinuing that allowance to throw in some equivalent by the revision and classification of salaries This was effected, and considered a great reform, but it would all be lost now, and extra claims would arise, or injustice must be inflicted upon many officers, unless this Bill was carried The measure seemed to him to meet all the requirements of the case, and provided amongst other things for the payment of the annuities to officers who had retired under the previous Act, as the balance of the old fund would be brought forward, and a fund established, from which all all pensions would in future be paid

The ATTORNEY-GENERAL seconded the motion

Mr BURFORD objected to the second reading on principle, but as it was not the first or the second time that the matter was before the House, he felt called upon to say so much the less, as his remarks would chiefly serve to ratify what he had previously declared He did not see how, on principle, he could allow the second reading, inasmuch as all engagements in the different walks of life were made on the principle of rewarding persons according to the services rendered, in some fixed ratio The same principle should rule where there was a classification of officers, inasmuch as when an officer advanced from the second to the first class the promotion was sufficient to compensate the individual for improvement in the performance of his duties A man's own prudence should be his defence against falling into a condition which needed assistance in advanced age It was so in private employment, and he could not see why one section of the community should be exempted from a liability to which all others were subject The salary should be according to the work required and the

ability demanded, and if the pay was not sufficient it should be increased but he could not recognise the principle of progression laid down in the Bill The fact that a different rule was followed by all employers of labor was sufficient to condemn the plan proposed, and to show which method was the most healthful If he as an employer of labor required efficient service he should give a salary accordingly, and if he found a person qualified to advance to the post of control or general management he would promote him and increase his salary Why then should we depart in the case of officers of the Government from a principle which prevailed everywhere out of doors This was the common-sense view of the matter, as was admitted in the Act itself, for the Act said in the 8th clause that officers dismissed or resigning forfeited their claims Now he maintained that that clause recognised the principle which he was arguing in favor of, and he would also take another view of the vicious nature of the principle, viz that advantage might be taken of it to dismiss public officers, so as to deprive them of the very privilege which the Bill professed to confer The prospect held out by the Bill was in his judgment of a very discouraging character to the junior officers, and if he was a clerk in the Government service he should be opposed to its passing It appeared that some few officers had already retired but there were many others now on the verge of 60, and these persons would be ready to take advantage of the Bill in order to retire also Take for instance the case of His Honor the Chief Justice If he and a few others a little below him in rank were to retire, £2,000 or £4,000 a-year would soon be made up which the country would be pledged to pay (Hear, hear) He set his face against the pension system, and if the House passed this Bill he felt that they would be sanctioning that system Again, they had had their attention called by the hon the Treasurer to the fact that those who received the highest salaries would probably be the first claimants of retiring allowances, and that, therefore, it was but reasonable that they should contribute their whole good service pay towards the retiring fund, whilst those below them were only to give a moiety of theirs There was evidence on the face of the Act, *that it was not calculated to work well, as it was false in principle and likely to prove deleterious in action, and therefore* he felt bound to vote against the second reading

Mr SOLOMON said if the object sought to be attained was to commence with all persons of a given age, and under equal circumstances, he could understand the necessity of carrying out the principle but under existing circumstances, by the passing of this Bill, a very great injustice would be done to many persons in the public service, or who might hereafter join it If the object was to induce persons in the public service to make a provision for hereafter, then there was a much cheaper and better mode of doing so by means of life assurance For instance, if a man of 30 years of age wished to provide for his family, he could without the risk of having to remain in the Government service until he was 60 years of age, but merely by putting by a paltry sum of £4 12s a-year, obtain £200 for his family in the event of his death Or if his object was to attain something for himself after he was 60 years old, if he went about it by paying £4 12s a year from the time he was 30 years of age until he was 60, when he reached the age of 60 he would have to pay no more, but would receive the annuity for which he had contracted He conceived that under this Bill great injustice might be done to the younger officers, and though the sum to be subscribed was to be paid to each in order as he retired, still the House would probably find that there were many only waiting the passing of the *measure in order to take advantage of it* For these reasons he should oppose the Bill He could understand that a man in the Government service should make provision for his old age, but this was not the way to foster such a desire Persons getting good salaries should make such provision out of their incomes, and there were now societies in existence—such was the progress made by English society—by which a man could secure an annuity at a certain age by paying even less than this measure proposed

Mr MILNE supported the second reading, though there was no member of the House more opposed to keeping up a pension-list than he was But hon members knew that to a certain extent Government officers were not the most provident individuals (Laughter) Unless that House grappled with this difficulty they would be constantly exposed to appeals for assistance when the incapacity of public officers rendered it necessary for them to retire He should support the Bill in order that heads of departments might be relieved from the odium which would otherwise attach to them of dismissing old officers in their days of feebleness or perhaps of illness The great defect of the old Act was that it was merely optional with officers whether they should avail themselves of it and consequently the £10,000 which the Legislature granted to supplement the Act, was quite inadequate for the purpose One great beauty of the present Act was that it took up the good service-pay just as it found it, and in some cases impounded the whole of it and put it into the fund to meet the necessary expenses Thus the country strictly speaking would not be burthened, but the Government would say "we will compel all officers to be provident for we will keep back a certain proportion of their salaries to make a fund for pensioning them when they retired from the service" This did away with all that could be said about saddling the country with pensions It was, in fact, an Assurance Company in the hands of the Government, and he was sure would work well The hon member, Mr Solomon, had said that a number of individuals were awaiting the passing of the Act in order to take advantage of it, and that, therefore, great injustice would accrue to the younger officers He would take this for granted but if the Bill did not pass, it would be necessary to make some provision for these persons (No, no) There were many gentlemen in this colony, as hon members were aware, who had been for many years in the public service, and whom it would be cruel to turn off without making some provision for them (*Hear, hear, from the Commissioner of Crown Lands*) By passing the Bill, this would be accomplished in the manner most practicable to the country, and he (Mr Milne) could see no injustice likely to arise Mr Solomon had also alluded to the advantage of Government officers availing themselves of insurance offices, by which means provision would be made for them, but the hon member seemed to lose sight of the fact that these offices only made provision in cases of death—("No, no," from Mr Solomon)—whereas this Bill provided for officers incapacitated by long service or by illness There were one or two matters which, when the Bill went into Committee, he should like to amend The 11th clause, for instance, retained the names of officers at present on the pension list under the old Act He objected to keeping the whole of these persons upon their present footing, for if it were allowed to go on, the £10,000 would be soon expended He would like to see some equitable arrangement come to which would get rid of these claimants altogether, and when the Bill was in Committee would move an amendment for that purpose He also preferred the schedule of the old Act to that of the present one

Dr WARK was obliged to oppose the second reading of the Bill He agreed with the hon member (Mr Milne) in one point, namely, that Government officers were not very provident The Treasurer said it was impossible to make them provide for old age, but why was it? Because when they *entered the Government service they entered a service that it* was believed would provide for old age, that it was not fashionable to enter a provident society, and that in entering the Government service they entered a superior service It was that more than anything else that made them improvident If the fact stared them in the face that they stood on the same footing as clerks in private service that they were neither more nor less than clerks, it would lead them to act as officers in private service would do It was the duty of the Government to foster a spirit of self-reliance rather than a spirit of dependence, and the Bill before the House fostered a spirit of dependence, destructive to the individual and injurious to the country He could conceive a young man entering the service at 18 years of age and another at 38 He thought it would be very hard for the the youngest to pay for the advantage of one who served perhaps only half the time that he had He thought it would be better to pay officers what they were entitled to in the same way as they were paid in private establishments He thought promotion ought to be in some degree by merit as well as by length of service He believed that the want of self dependence in the officers in the Government service, coupled with the fact that the Government proposed a couch for their old age, was the reason why there were so many ninnies, so many incapables amongst them He would not have it thought that the House was expected to give its energies and talents to think of ways to make laws of that kind for which the country had at last to pay He trusted that the House would not acknowledge the principle Pay public officers fairly, and let them look out for themselves, for if left to themselves they would find cheaper ways of making the necessary provision than was provided by the Government He thought the Bill just introduced better than the last, but objected to it on principle

MESSAGE FROM HIS EXCELLENCY

At this stage of the proceedings a messenger was announced from His Excellency the Governor-in-Chief

The SPEAKER said that he had received the following messages from the Governor-in-Chief —

Message No 7 —That he will take the necessary measures for carrying into effect the resolution relative to the practicability of carrying a line of railway down the valley of the Sturt

Message No 8 —That he will take the necessary measures for carrying into effect the objects of the address relative to the examination of the Barrier and Grey Ranges in search of gold

Message No 9 —That he will take the necessary steps for carrying into effect the objects of the address relative to a survey of the country between Mount Gambier and the seaboard, and also for a survey of Rivoli Bay

DEBATE RESUMED

Mr HAY intended to support the second reading of the Bill because he thought the matter absolutely necessary to be considered by the House An arrangement was necessary to enable the Government to say to an officer, when too old, or when unable to perform the duties of his office—"it is time for you to retire" Allusion had been made to a number of officers said to be waiting for the passing of that Bill, in order to take advantage of its provisions By the Bill, however, it was required they should be 60 years of age, or

that a certificate should be signed by a medical man, stating that they are physically incapable of performing the duties of their office. Consequently many of those officers would not be able to take advantage of it The grounds of the measure had been gone into during last session Some officers were receiving pensions—others would not retire without some provision of that kind, many might have made nothing and had nothing, perhaps, to fall back upon, and the Government must be in the unenviable position of telling them they must leave the service, although there was no provision for them, or take the other course of allowing them to remain, though no longer able to carry out the duties of their office, and thus the service must suffer The hon member for the city (Mr Solomon) stated that for four pounds a man of 30 years of age could insure his life and thus benefit his family, but the Bill provided for an officer himself who was incapable of duty from bad health, so that it was not intended to do away with the necessity of providing for a family in case of death It would be a great disadvantage to the Government service if they were to expect old servants to be always sticking to the service. He preferred the last Bill to the present one He thought no one ought to be able to fall back on the fund until he had been seven years in the service. From what he knew of hon members who had spoken in opposition to the Bill, if they knew that a public servant had become infirm and had nothing to fall back upon, he believed they would be the first to appeal to the benevolent feeling of the House by asking for something in lieu of it It was to do away with the necessity for those appeals that he supported that Bill It was better that good-service pay should be appropriated as proposed, and he trusted that hon members would not refuse to support the measure, and that the Government would not have to appeal to the House, session after session, to make that provision

The ATTORNEY-GENERAL supported the second reading of the Bill At present there were two laws existing on the subject before the House One was the 9th of 1852, and the other the 51st of 1854. The experience of the Government and of the House in the work they had before them in voting sums for the salaries of Government officers, showed that both measures were incomplete and inadequate to the object in view, and in accordance with those views a Committee was appointed last session to whom the whole question was referred With one exception, the clauses of that Bill were in accordance with the report of that Committee, and that consideration should suffice to show that the Government was justified in introducing the measure to the House With regard to the objects to be accomplished, it was intended in the first place to fix the salaries of officers in the civil service not merely on a fair basis, but on a basis adapted to the requirements of the service, and next that a systematic provision might be made that would spare the House the necessity of dealing with individual cases, which would certainly occur With regard to the first point—that of putting salaries on a footing to meet the requirements of the public service—the law as it stood divided the officers into three classes, with salaries appointed to each and regular rates of increase. The provisions of that Bill had placed several officers in anomalous positions, and the House had had to make exceptional cases with regard to particular persons, and therefore they would agree that the system required amendment With regard to the other system, the Estimates of last year passed by the House were according to the new classification of last session, and that was proposed to be carried out by the present Bill It considered that the practical working of that Bill had been such as to vindicate the suggestion of those hon gentlemen by whom the measure was first devised, and to secure the continuous adoption of their views He believed every one would say the present classification was a great and marked improvement on the old system With regard to the other portion of the Bill two hon members had spoken of persons who wished to avail themselves of a retiring allowance So far as he was aware there was only one person in the public service who was in a position to retire upon those provisions He considered it better not to mention names, but would state in that case that it was the Postmaster-General, an officer to whose excellent character every one would bear testimony He would ask the House deliberately to consider whether the fact of an officer being in a position to retire at three-eighths of his present salary was a reason for refusing to pass the Bill? Had there been a great many persons of the age of 60 waiting to retire it might have required consideration Hon members had not perhaps observed the essential difference between the present law and the cause which prevented the old Act from being so useful as it was hoped to have been The difference was that in that Bill the time of retirement was not fixed, so that persons entered into new pursuits in life and leaving the service were enabled to retire upon the provisions of that Act That was done away with, as the provision of the present Bill was that none should retire before the age of 60 The hon member for the city (Mr Burford) asked why the principle acted on by the Government should differ from the principle recognised out of doors, or in private establishments But it was a fact that the principle was recognised in establishments where a large number of clerks were kept In such establishments, for instance, as the Bank of England, or large breweries, in such houses as Baring Brothers, and a great number of institutions in England And was there nothing in the position of the Legislature of a country, nothing that required them to give a return for services of meritorious officers? In making a provision of that sort, they were preventing the necessity of the Legislature dealing with each individual case It was very easy to say, that the servants of the Government had an opportunity of providing for old age, but if hon members would look at the salaries of Government Officers, and at what they were expected to be in the way of appearance and station, they would see there was not such excess of salary over the daily wants of themselves and families as would enable them to make an adequate provision for old age A comparison had been drawn between persons in the employ of the Government and in private establishments. He thought there was an essential difference between their positions In the first place every one in private life might look forward to have acquired skill and habits which would enable them to become independent in their particular branches of industry and sometimes when a person had served a master well, he received a share in the business, or assistance to commence in business for himself, but there were no such opportunities for persons in the Government service—they did not take clerks into partnership there He did not think it necessary to go into the details of the measure The House was then only discussing the principles of it—whether it was wise to support the provisions of it, or whether the Legislature should make any provision of the sort He had forgotten one thing—he would ask the hon member for the Murray with regard to the former colonial storekeeper, Mr Gilbert if a person like him who had devoted so much time to the service of the public, and whose circumstances were well known, and who, in consequence of misfortunes, had lost his property, and had no opportunity of providing for his family—would be allow that gentleman, or any person similarly situated, to be thrown out of office without any support whatever? He would ask him or any other hon member whether he could harden his heart against an instance of that kind, and whether he did not feel he would make some provision for him? Was it not, therefore, just on the part of the Legislature to make some provision against instances of that kind occurring? The Government had introduced the Bill in such a form as to carry out the provisions of the Act of 1854 He thought no law should be passed that bore the semblance of breach of faith, but any clause complained of could be altered in Committee He hoped, therefore, there would be no objection to the Bill being read a second time

Mr PEAKE felt at a disadvantage after the pathetic appeal of the Attorney-General, and might perhaps incur some odium by the course he should take, but he could not disguise from himself that that was an attempt to introduce a pension list in another form He might have agreed to give a pension under the circumstances described by the Attorney-General, but he thought that it was a part of a system with which the country should have no connection It was not a case in point, and he therefore hoped hon members would not be persuaded by those pathetic appeals to their feelings, and that they would not be induced by such reasoning to consent to the second reading of the Bill It appeared the House had made one mistake, and they would make another if they passed that Bill Had hon gentlemen asked them to redeem the pledge of the House and carry it out, it would have been more honorable and respectful, and the House would have stood better in the public eye than thus to attempt to take from public officers their just rights Some are enjoying their pensions, some have been acting under the provisions of the Bill of 1854, and now the House was called upon to say they could not carry out the provisions of that Act, and would undo all that they had done before, and to say to those who had fallen in with the arrangements we will return you the money you placed in the Treasury, and pay you a small interest on it But the chief argument in favor of the measure was that the Government officers were improvident The hon member for Onkaparinga said the Government must provide them The Attorney-General said the same, others said the same He (Mr Peake) did not think it respectful to the Government officers Why should they not act on their own knowledge, without being told that they were improvident, and therefore the Government would take care of them He objected also to the desire to make Government officers servants for life in a country where there were such opportunities of pushing their fortunes The tendency was to make them machines instead of fostering a spirit of exertion, perhaps he might be wrong, but these pension-lists had been tried at home and had never given satisfaction there He would have them redeem the pensions under the Constitution Act, and would not have a pension left, and he not only objected to that, but he thought from what he had heard that day the passing of that Bill would do the Government officers a serious injustice A young man could easily make provision for himself by payment on a smaller scale than that At 25 he could purchase £100 a year, for a payment of 4 per cent He believed the rejection of the Bill would tend to improve the Government servants, and put a stop to a deal of unpleasant and invidious discussion in the House, and of complaint out of doors He would, therefore, move that the Bill be read that day six months

Mr NEALES would support the Bill, and thought if there were no better arguments against it than those of the last

speaker, the Bill would pass by a large majority. He went on to say, that he objected to pensions altogether, and yet would keep faith and allow individuals to claim under the old Bill

Mr PEAKE rose to explain The hon member had taken advantage of his words—he said, faith should not be broken with those who received pensions under that Bill, and the House should redeem its pledge by purchasing the value of their interests

Mr NEALES had taken the words down—"You must keep faith under that Bill," after the hon member had protested against pensions But he could not agree that those payments could be called pensions, and if any hon member who doubted it would look in the dictionary, he would find that he (Mr Neales) was right He believed if the system of such speakers were carried out they would have a number of raw boys in the Government service who would be shoved in to get a little discipline, before going into the world to push their fortunes He was not prepared to make the service like that If the Government servants were content to take a low salary, instead of reviling them, he thought they ought to be obliged to them and make provision for them in their old age It was no use telling them that at 4 per cent a man could get £100 a-year at the age of 60 He must have a certain salary to enable him to pay 4 per cent, and he had seen instances of some of the cleverest individuals in the colony who were not in a position to pay 4 per cent, and one he had heard of in the Government service who, when he first came into the country, did not receive any portion of his salary for three-quarters of a year He considered the Government right to bring in that Bill He thought the present Bill better than the first, and that it was so good he should feel inclined to support it

Mr LINDSAY had not heard any strong arguments in favor of the Bill, the chief merit of which seemed to be its complication He had made several efforts to understand it but was unable to do so It appeared to him that instead of giving an advance of £10 it was only intended to give £5 a year increase He considered it as the hon member for Burra and Clare stated, an attempt to establish a pension list He could not see the justice of the provisions of the Bill He considered that it would be the fairest plan to provide for a superannuation fund by a per centage on all salaries That would be just and fair to all in the public service He would second the amendment of the hon member for Burra and Clare

Mr YOUNG opposed the Bill when introduced last session, and thought in the second session of Parliament they should not retrace the steps they had made towards reform He had seen no reason to alter the vote he gave last session He had not heard even from the Attorney-General anything to convince him the arrangement was necessary It was evident that the colony had got one foot into the mire, and he thought instead of putting the other in they should make an effort to get it out He saw no reason why a young man leaving college and choosing the Government employ should have a provision made for life, while his schoolfellow might be exposed to all the contingencies of life, and in case of failure have to depend on the sympathies of his fellow-man A man in business who failed, or could no longer discharge his duties, had to dispose of his business, and he could therefore see no reason why the Government should interfere for their servants, and secure them that which no one would dream of doing for the other He thought it the duty of the House to resist every attempt to establish a pension list

Mr SCAMMELL felt, in common with some other hon members, that before hon members were called upon to record their votes it was very important they should know in what light this Bill was considered by the parties who would be principally affected by its provisions It had been stated that day that a memorial had been presented from a number of Government officers having relation to this Bill, and he would take the opportunity of asking what was the purport of that memorial?

The TREASURER would, with the permission of the House, answer the question A memorial had been presented to the Government from 75 junior officers in the Government service, claiming an increase to their salaries, under the Act which the Bill now before the House sought to repeal.

Mr BARROW would support the second reading of the Bill as a measure of public economy (Hear, hear) Whatever difficulties there might be in the adjustment of the matters referred to therein, he thought such adjustments might be effected in Committee It had been stated that they should apply the same rule to parties in the Government service that obtained in ordinary or private life, and leave every Government officer to provide for his own old age, but what if Government officers did not so provide? It might be said that if Government officers did not make a provision for old age they would suffer the consequences, but he contended it would be the public who in reality would suffer the consequences (Hear, hear) It was clear that the public to a great extent suffered when persons retained important situations under the Government, after having lost their energy and general capability for the duties of those offices When Government officers from old age, infirmity, or other causes, became incapable of efficiently discharging the duties which devolved upon them, the public suffered, and it was unreasonable to suppose that any Government whatever, or that House, would turn adrift an old officer simply because the infirmities of old age had overtaken him and left him without resources The humanity of the House would never sanction such a course as that, nor would the humanity of the country sanction it He contended that there should be some provision by which, when Government officers were unable from old age, infirmities, or other causes, efficiently to discharge the duties of their offices, they should be enabled to retire and make way for more fitting men The House had heard that certain junior officers in the Government service had expressed objections to certain portions of the Bill, but he thought it quite possible that these objections might be removed by a modification of certain clauses in Committee Admitting, however, that those objections could not be removed, he would ask was that House to legislate for junior members in the Government service or for the whole community? He thought the House should take a stand in reference to this question, and deal with it at least in such a manner as would prevent the subject being annually brought before the public gaze The good-service pay he looked upon as a kind of bonus, and he did not think that those gentlemen whose salaries were supplemented by good-service pay should dictate too stringently as to the manner in which that pay should be awarded He should be unwilling to sanction any clause by which the junior officers in the Government service would be called upon to pay the retiring allowances of the senior officers, but he thought it not improbable that when in Committee they might be enabled to remove all difficulties upon this point by effecting modifications in the 4th clause Upon principle they should settle the question, as it was clearly objectionable that Government officers should be permitted to remain in office when they were physically and intellectually prevented from filling those offices with credit to themselves or with satisfaction to the public He felt satisfied that no head of a department in that House would turn adrift an old public servant who had no means of support He should, therefore, on public grounds, support the second reading of the Bill, hoping in Committee to modify particular clauses so as to meet any objections that might be fairly raised

Mr REYNOLDS intended to take an independent course in this matter, not being influenced by anything which he might have done when on the opposite side of the House The course which he should take was that which he took when not on the other side of the House—an independent course, and one decidedly against this Bill He looked at the good service pay and the retiring fund as an ingenious way of fixing a pension list upon the country. (No, no) Hon members said "No, no," but that brought him to the question raised by the hon member for the city (Mr Neales), who had declared that this Bill was altogether at issue with pensions He (Mr Reynolds) thought he might be at fault in reference to his idea of the actual meaning of a pension, and, in consequence, he went to the library for the purpose of consulting the dictionary as advised by the hon member (Mr Neales) (Laughter) For the benefit of the House, he would state what Walker said upon the subject (Renewed laughter) Walker described a pension as an allowance to any one without an equivalent, and Webster described a pension to be an annual allowance from the Public Treasury for past services, on account of disabilities incurred in the public service or old age After that definition, he thought the House would have no difficulty in concluding that this was a pension list (No, no) He was at a loss to imagine how there could be any difference of opinion after the definitions he had read. How could hon members say that good service pay was not an annual sum of money set aside for persons who were disabled in the public service? What was good service pay? Would it be said that gentlemen in the Government service who had been represented as so superior to those engaged in mercantile pursuits required a bribe to do their duty? Either this must be admitted, or it must be admitted that they were not sufficiently paid In considering the Estimates it was a common thing for some hon members to contend that such and such an officer was not sufficiently paid, and not unfrequently the amount was in consequence increased, but if the Estimates did not give proper remuneration to Government officers, let the amount be increased Let the House, however, have nothing more to do with pensions It had been said by some hon members that Government officers were not over provident, and did not make provision for old age He could not allow, however, such an imputation to pass, for he believed Government officers to be provident, or if they were not, they ought to be If they were paid well for their services, he believed the proper course was to leave them to create a fund on which to retire in old age, or to make provision for their families If they received proper remuneration for their services, he could not understand the observations of the hon member for East Torrens (Mr Barrow), who had stated that he should support the second reading of the Bill as a measure of public economy He could not see what economy there could be in laying by a large sum of money every year, for the purpose of being distributed in pensions The hon member had said that when Government officers arrived at a certain age, a fund should be provided on which they could be enabled to retire, instead of being retained in the public service. He had heard that when gentlemen had been so long

in the public service, they knew so much that they did not require any large amount of energy or intellect, as they had merely to shew themselves and the Government machine went on. He repeated that he did not see any public economy in adopting this very ingenious way of introducing a pension-list. The Attorney-General had stated in referring to gentlemen who entered the public service, that they had not the same facilities of advancement as parties in private commercial establishments. But the hon. gentleman forgot that parties in the Government service received their pay without running any of those risks to which those who were connected with private establishments were subjected. Many of the latter devoted their lives and energies to certain pursuits, sacrificing their health and comforts and although some amassed wealth, there were others who at one fell swoop were bereft of all. Government officers did not run such risk as this, and he questioned if any Government officer devoted the time and energy to the duties of his department which would be essential were he connected with a private establishment. What were the duties after all, in connection with Government departments? Parties came at 10 o'clock and left at 4 o'clock, and on Saturday they were only required to work for two hours. They were allowed a six weeks' holiday annually, and until recently, after a certain term of service they were allowed 18 months' leave of absence. The duties were not arduous, and the parties were well paid for them. If they were a little more provident, they would be enabled to make provision for old age and incapacity. In opposing this Bill, he felt he was supporting the junior officers of the Government, and would carry with him the feelings of the great majority of that class.

Capt. Hart would support the second reading of the Bill. He had paid great attention to what had been urged by hon. members in opposition, but he confessed, so far as he had been able to understand them, he had not heard a great deal of argument against the Bill. In connection with two or three other hon. members who formed a Committee upon this subject, he had paid a great deal of attention to this matter, had taken a great deal of trouble with it, and had entered into numerous calculations for the purpose of arriving at a satisfactory conclusion. He believed the result would be found satisfactory, at all events it had been to the Committee, who were unanimous in their report in recommending the proposal contained in the present Bill. He supported the Bill, considering the recommendation upon which it was based after the fullest consideration, the best that could be adopted. The hon. member for Burra and Clare objected to a pension list, but how he could do so when he wanted to keep faith with those officers of the Government who had already retired he was at a loss to conceive. It was a contradiction, if not a direct contradiction, it was very like one. It would be a gross injustice to those gentlemen who did not retire to pursue the course recommended by the hon. member for Burra and Clare, but probably the hon. member was not aware of the whole facts connected with the previous Bill, which had been found unworkable. If the hon. member compared the former Bill with the present one, he would find that a great many of the objections to which the former Bill was open had been got rid of. The former Bill had been brought in in consequence of a suggestion which emanated from himself when a motion passed the former Legislature, when it was proposed to pension the Storekeeper-General and the Harbor-Master. On that occasion a resolution was passed, which gave rise to the former Bill. The Government of a former day, however, did not carry out the views of those who desired the measure to be brought in. They brought in a Bill which had been spoken against as one which could not be worked. That being the case, it was quite clear that the old Bill at any rate must be got rid of. It was necessary that the Bill should be repealed, and that was what the present Bill proposed to do. The great feature of the present Bill was to provide a sum sufficient for the purpose, which the former Bill did not. There was no fear of the provision made in this Bill for the payment of pensions falling short, the principal reason being that under this Bill parties in the prime of life could not retire upon pensions. No man at an early age with all his energies about him would, if this Bill were passed, be enabled to retire upon a pension; he must wait till he had attained the age of 60 years, or from sickness or other incompetency was prevented from carrying out his work. It was only upon such occasions that parties would be entitled to pensions. If the House threw out this Bill and kept faith with the parties who were at present receiving pensions, what would be the result? Why, they would have men at the ages of 40, 41, or 42, who were at that moment enjoying pensions, continuing to do so, and yet the Postmaster-General, who was nearly 70 years of age and in the ordinary course of events would soon have to leave the service, would have no claim upon the fund which he had subscribed to. He was sure the House could not come to such a conclusion as would involve such a state of things as that. By the late Bill the House had put one foot in the mire, but the present Bill would enable them to draw it out. If this Bill were not passed what would be their position? Why, as soon as the £10 000 had been expended, parties who contributed would have no claim whatever upon the Government, because the money had all been appropriated to those who came before them. It had been said that junior officers in the Government service had strong objections to the Bill, and he could quite imagine such parties having objections to it, for young men of one-and twenty could see little advantage in a Bill of this sort which would not entitle them to a pension till they were 60 years of age, or were overtaken by sickness, which they did not anticipate. He could quite understand how it was that young men did not take a favorable view of the Bill, but he would ask the House whether they could say that any injustice would be done to them? When old age came on, parties would prefer their claims, as the Harbour-Master had, and the House could not put the claims of old servants of the Government aside, but must find the means of living for those who had spent the best portions of their lives in the Government service. The hon. member for the Sturt had ridiculed the argument of the hon. member for East Torrens (Mr. Barrow), but he contended that that argument was true to the letter for there was no question whatever that the public would be prejudicially affected by parties who were incapacitated for the offices which they filled, but who were retained in them in consequence of there being no fund upon which they could retire. Would any one say that the Postmaster-General, for instance, should be compelled to resign his office without a pension were provided for him? Would any one say that it would be to the interest of the public service that that gentleman should remain in office ten years longer? Such a position was not tenable. Another argument which had been used against this Bill had been this: it had been asked, why did not Government officers insure their lives, but if a man paid £4 a-year the £100 would not be payable till his death. An annuity of £100 at 60 years of age could not be purchased by a payment of £4 per annum, and no portion of the amount would be available if sickness intervened. It was quite possible that at the age of 40 years a man might be struck with paralysis, and in the absence of some such provision as that proposed by the present Bill, where was he to look for aid? A Bill identically the same as this Bill was introduced to the House last session, and was lost at the third reading. He believed it had been lost in consequence of a misapprehension on the part of several hon. members of that House, who were not present when the Government, at the desire of the House, included in the Bill a proposal to pay the pensions of those gentlemen who had retired under the former Bill. Those hon. members declared afterwards that they would have voted for the third reading of the Bill if they had known that principle was contained in it. Had they known it contained that principle, he had no doubt the Bill would have been carried by a large majority. In reference to the ingenuity contained in the Bill, which had been alluded to by the hon. member for Encounter Bay, if the hon. member would put forth in Committee anything not so ingenious, but more practical, he would meet the case. The Bill had been carefully and maturely considered, and the result was the arrangement which it contained, and to which he had alluded. Until the hon. member could shew him some more practical measure which would answer better, he should vote for the Bill as it stood. The present Bill, in fact, proposed to repeal two Bills, as it repealed the Good Service Pay Bill, which provided that there should be an increased payment of £10 per annum until the amount had reached £150. He thought no hon. member would deny that the classification now proposed was superior to that which was formerly obtained. By the proposed classification of Government officers there would be an increase of £5 per year till the salary had risen to within £5 of the officer of the next class. If an increase of £10 per annum were given, the party so raised would be equal in point of pay to the class above him in four years, there being a difference of £40 between the two classes, so that a subordinate officer after four years would be equal in point of pay to the class above him. This would be inconvenient and unfair, and the present Bill proposed that £5 per annum instead of being added to the salary should be carried to a fund for the purpose of this Act. Those officers not classified would have £10 a year good-service pay, the whole of which would be carried to this fund, and fairly so, as it might reasonably be supposed that the heads of departments above those who were classified were approaching the time when they would receive the benefits contemplated by this Bill. He was astonished at the hon. member for the Sturt opposing this Bill. If that hon. member was not an independent member when he occupied a seat on the Government Benches he (Mr. Hart) was, and would not have voted for any measure in or out of the Ministry which he did not believe for the public benefit. He should support this Bill to the fullest extent, and would remark that the views of the hon. member for the Sturt were altogether opposed to responsible Government which he so often talked about. He would ask was there not a great principle involved in the question of pensions? But it appeared the hon. member for the Sturt gave way sooner than resign his place for the purpose of supporting a conscientious view. That was not what he (Captain Hart) understood should be the course of action pursued by a responsible minister of the Crown. He would not support any great principle which he did not agree with merely because it was brought forward by a Government of which he was a member. He did not say that he would insist upon every little crotchet, but what he contended was that the hon. member had no right to support a great principle which he could not conscientiously support, no matter whether he was a member

of the Government or not Let the House consider what would be the effect of throwing out the present Bill At present the whole affair was in an extremely complicated state There was a petition from 75 officers claiming good service pay, according to the old Act, and that was in some instances £10, and in others £15 a year The Bill merely provided that a certain portion of the income of Government officers should be set aside, to provide that which, if not provided in that way would have to be provided by a vote of that House Would any one say that the Postmaster-General, who had been alluded to during the debate, who had probably saved nothing, having a large family, upon retiring at 70 years of age in consequence of being unable to perform his duties should receive no allowance? He was satisfied that those who held that faith should be kept with those who were in the receipt of pensions, could not conscientiously say that the Postmaster-General had no claim, and if he had where were they to draw the line? How could they frame a measure which provided a more equitable mode of doing that which must be done by some means or other The Bill was the result of great deliberation and great calculation, and he felt assured was as good a measure as could be brought forward No one who had spoken against it had hinted how it could be amended

MONTHLY STEAM POSTAL COMMUNICATION

The SPEAKER announced the receipt of a message from His Excellency the Governor, enclosing despatch from the Secretary of State of 16th July last, relative to a temporary arrangement for a monthly mail service between Great Britain and Australia

CIVIL SERVICE BILL —RESUMPTION OF DEBATE

Mr STRANGWAYS opposed the second reading of the Civil Service Bill, as it would be tantamount on the part of the Government to a repudiation of certain claims upon them which were equitable and just He was not inclined to agree with the hon member for the Port (Mr Hart) that this Bill was a sufficient remedy, and sufficient to satisfy all the claims upon the Government That hon gentleman had made an assertion but had not submitted any proof of it For his own part he believed that in four or five years hence the pensions which would be then payable would more than swamp the amount which was now appropriated in fact he knew that many persons in the Civil Service were merely waiting to take advantage of this Act when passed If this Bill were passed, he could not doubt but that they would have a pension list of some £4,000 to £5,000 per annum to provide for The measure was introduced plainly with a view to place a certain amount of patronage in the hands of the Government If the Government were to commence *de novo*, let them do so in a just manner without repudiating equitable claims which already existed upon them If the Government were desirous of benefitting those involved in the question, and of meting out to them equity and justice, let them make a list of persons having superannuation or other claims on the Civil Service, with a detail of all the circumstances connected with such claims, and refer them to some well-known actuaries in London to judge of their value so that the Government might in lieu of a pension award a sum of money in satisfaction There were some persons no doubt who would not accept this, and would claim their pensions Well, the only thing they could do in that case was to make the best terms they could with them and if necessary pay those pensions The Government had made a gross blunder when the Superannuation Act was introduced, and it was now attempted to free themselves from the consequences by repudiating to a great extent the liability which they had incurred He was opposed to any Act which opened the door for any possible call for pensions, and if this Bill was passed it would certainly have that effect and he felt assured that the £10,000 would be swallowed up long before the junior officers in the service got any good from it The effect was unjust in this case, that a clerk who got £300 per annum would in seven years be in a worse position in point of gratuities than a clerk of the first class who only got £280 per annum In seven years the former would have his salary increased by nothing, whereas, in the case of the latter, the gratuity would amount to £70 over and above his salary What principle of justice he would ask was this? He opposed this Bill because he thought it an attempt to repudiate all just claims made involved under a former Act of the Legislature He would support the amendment of the hon member for the Burra and Clare

The SPEAKER put the question "That the words proposed to be struck out stand part of the question," and declared the "ayes" had it

A division was called for, of which the following is the result —

AYES 19—The Attorney-General the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Bagot, Bakewell, Barrow, Collinson, Duffield, Hallett, Hart, Harvey, Hawker, Hay, Macdermott, McEllister, Milne, Neales, Scammell, Treasurer (teller)

NOES 10—Messrs Burford, Dunn Lindsay, Mildred, Reynolds, Solomon Strangways, Wark Young, Peake (teller) Majority of nine in favor of the ayes

The question that the Bill be now read a second time was put and carried, and its further consideration was made an Order of the Day for Thursday

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

The second reading of this Bill was made an Order of the Day for Thursday

DISTRICT COUNCILS ACT AMENDMENT BILL

The further consideration of this Bill was made an Order of the Day for Thursday

SMILLIE ESTATE BILL

Mr MILNE in accordance with the leave granted by the House on the 13th October, introduced the Smillie Estate Bill, which was read a first time, and a ballot being taken the following gentlemen were elected as a Select Committee to consider and report to the House on the same on Tuesday next—Messrs Collinson Duffield, Blyth, Hay, Neales, Townsend, and Milne (mover)

POLICE REGULATIONS

The ATTORNEY-GENERAL laid upon the table police regulations and the correspondence which had taken place in respect to the dismissal of Sergeant Nolan called for by the hon member for the Burra and Clare (Mr McEllister) He would not move that they be printed, but would simply lay them upon the table

PETITION OF MESSRS BAKER AND WATERHOUSE

Mr NEALES, pursuant to notice, moved—

"That the petition of Messrs Baker and Waterhouse be taken into consideration with a view that this House resolve—That the purpose and intention of the House in voting the Address of the 11th of June 1857 praying His Excellency the Governor-in-Chief to place on the Supplementary Estimates for 1857 the sum of £10,000, on account of the claim of the assignees of Borrow & Goodiar was not to recognise the existence of a debt from the Government to the assignees, but that the moneys therein mentioned were intended as a free vote of the House to the petitioners, and to put an end to further litigation, and as to £2 000, part of the said vote, on condition that the same should be paid to Borrow & Goodiar and as to the remainder, unconditionally and in consideration of the large expense incurred by the petitioners and the trouble they had experienced for a long period of time during which the subject has been in dispute."

In support of the motion said that the reference to the Legislature in this case proceeded from a claim having been preferred against the Assignees since the vote of £10 000 had been made which was considerably larger than the assignees had anticipated or recognised It was the intention of Messrs Baker and Waterhouse when the sum of £10 000 was given, to divide it rateably with those who had proved against the estate but the South Australian Banking Company having insisted upon payment of the total amount to the assignees, and having carried the matter into the Supreme Court, the assignees had made this the reference as conveyed in the motion, as they never intended to be the recipients of the money claimed by the creditors of Messrs Borrow & Goodiar merely to satisfy one creditor instead of the whole

Mr BAKEWELL would vote against the motion His first reason for so doing was that it asked the House to do that which it was out of its power to do viz, to assert what were the intentions of a former Legislature with regard to the appropriation of a certain sum of money which had been voted to the creditors of Messrs Borrow & Goodiar, but they must remember that the House was at that time composed of members which were not now present and there were others in the House now who had taken no part in the adoption of that vote The House however was asked to affirm that the £10 000 voted to Messrs Borrow & Goodiar's creditors was a free gift, but so far as his views were concerned, he looked upon it in a far different light, as a full discharge of a debt The facts were these—The assignees of Messrs Borrow & Goodiar obtained a verdict in the Supreme Court against the Government for the sum of £36,000 The Government disputed the justice of this verdict, and moved for a new trial which was granted, and the case was about to be heard when the assignees made a proposition, to prevent an expensive litigation, to accept £10,000 in full of all demands, and the Government in acceding to those terms, did so from a belief that they were freeing themselves in the safest and most economical manner from the possibility of any further demands upon them, in fact that it was the best bargain that could be made How could the £10 000 therefore be looked upon as a free gift? With respect to the claim of the South Australian Banking Company, this debt had been mortgaged to them by Borrow & Goodiar in 1842 and their claim had been always recognised and in proof of this the Government, in admitting that they owed the money, resisted payment except to those who should equitably dispose of it, and they did this with full notice from the Bank that such a claim was in existence If the House passed that motion it would be tantamount to saying that the South Australian Banking Company had no claim upon that money If it was intended that the South Australian Banking Company were to be dispossessed of any right to claim, he held that they should have been given notice of that intention so that when the money was voted they might have been in a position to petition that House on the question This motion was introduced no doubt to help the case which was to be heard

in a few days, but he hoped the House would not agree to it as it would be the means of great injustice

Mr Solomon opposed the motion He was not a member of that House in June, 1857, but from the information he had gathered, it struck him that the money was voted to the creditors of Messrs Borrow & Goodiar as a compensation on their claim He deprecated such a case being then brought before that House

Mr Strangways thought if they agreed to this motion it would be a bad precedent in reviving a question passed by a former Legislature On referring to the votes in Council then, he found that £8,000 had been given to the assignees and £2 000 to be handed over to Messrs Borrow and Goodiar The latter sum had been paid it was said to Messrs Borrow & Goodiar, but it appeared one of the principal creditors was disputing with the assignees the distribution of the £8,000, but there was no evidence before the House to shew the merits of the case When the Government paid a certain sum to the assignees, and the assignees in their turn accepted it, it was a thorough admission of the relinquishment of any further claim What the assignees were to do with the money in their hands was not he thought a question for that House to determine, but no doubt the Judges would shortly decide that matter for them He considered that the passing of such a resolution would tend to establish a very dangerous precedent

Mr Milne would like to hear the opinion of the Attorney-General on this question (A laugh) He looked upon it as very doubtful whether the passing of such a resolution would have the effect of overriding or otherwise the decision of a Court of Justice He was a member at the time alluded to, and he certainly understood that the money had been voted to liquidate the claims of the creditors of Messrs Borrow and Goodiar

The Attorney-General said it was utterly impossible for him to give an answer to the question put by the last speaker, for the settlement of the case depended upon the decision of the Judges, and not upon himself, which they must be pretty well aware of With respect to the motion before them, he did not feel inclined to assent to it in its entirety The claim of Messrs Borrow & Goodiar was composed of two items The one was admitted by the Government and the other was not With regard to that portion of it, viz , £2,000 or £3,000, which was recognised the money remained in the hands of the Government pending an arrangement of certain matters then in dispute Beyond this £2,000 or £3 000, the Government did not recognise any claim whatever, and when the debenture was passed to the South Australian Banking Company it was a full discharge of the debt on the part of the Government He (the Attorney-General), as the adviser of the Crown, recommended that any further claim should be opposed Certain representations were, however, subsequently made to him that induced him to alter his opinion, and it was this, that although the Bank had been paid a certain amount as a full discharge of the claim by Messrs Borrow & Goodiar on the Government, it was proved that a very large amount had been subsequently advanced to Messrs Borrow & Goodiar to enable them to continue their contract, and that the colony was deriving an advantage in the completion of the work for which they had not made a sufficient compensation When he (the Attorney General) became aware of this, he thought the matter stood in a different light, and that the Government were bound morally to recognise the claims of those persons so advancing the money The money so paid, however, was a free gift, to which there could be no legal title The creditors had supplied the means to continue the work, and this was an acknowledgment to them on the part of the Government, and the sum over the £2,000 or £3,000 admitted as a claim, viz , £8,000, was intended, so far as the Government were concerned, as a free gift to the general body of the creditors As to the opinion that might be held by this House, he could not say whether it would be held as evidence in a court of law He thought it unjust that the Banking Company should be deprived of the debt assigned to them, but he could say, from his own knowledge, that he believed not one farthing would have been given by the House if it thought the money voted would go to enrich them to the exclusion of the creditors of Messrs Borrow & Goodiar

Mr Reynolds considered that the matter having been previously disposed of by the grant of money to the creditors of Messrs Borrow & Goodiar, the interference of the House now was out of the question The Bank should be left to settle the matter with the assignees

Mr Mildred said that from the confused state in which the question was at the present time, he would, to save further loss of time, move the previous question

The Speaker put the previous question, which resulted in Mr Neales's motion being negatived

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

This Bill was read a third time and passed

TAXATION

On the motion of Mr Peake the following resolution standing in his name—

"That, in the opinion of this House, no Bill for imposing a tax on the people should be proceeded with unless the same be founded on a resolution of this House and that the rules and orders of the Commons House of Parliament with respect to all Bills for imposing a tax on the people be in future acted on by this House"—

was made an Order of the Day for this day (Wednesday)

IMPOUNDING ACT AMENDMENT BILL

The further consideration of this Bill was made an Order of the Day for Tuesday

JETTY AT PORT LINCOLN

The consideration in Committee of an Address to His Excellency the Governor-in-Chief, requesting him to place a sufficient sum on the Estimates for 1859, for the purpose of extending the Jetty at Port Lincoln, in conformity with the prayer of the petition of the inhabitants of that place, was on the motion of the hon member for Flinders (Mr Macdermott) made an Order of the Day for the next day

The House then adjourned

Wednesday, October 27

The Speaker took the chair shortly after 1 o'clock

CIVIL SERVICE BILL

Mr Strangways gave notice that on Friday next he should move the memorial addressed by the junior officers in the Government service to the Chief Secretary in reference to the Civil Service Bill be laid upon the table of the House

CAPTAIN JOHN FINNIS

Mr Neales gave notice that on Wednesday next he should move the petition of Captain John Finnis be referred to a Select Committee with the view of ascertaining what claim he had for the publication of the first number of the Colonial "Hansard"

MR JOHN HINDMARSH

Mr Neales gave notice that on Wednesday next he should move the report of the Committee upon the petition of Mr John Hindmarsh be adopted by the House

NORTHERN EXPLORATION

Mr Peake wished to ask the Commissioner of Crown Lands a question in reference to the northern exploration party He saw by the public prints that information had been received from that exploring expedition, and as the public press had thought proper to make some very extraordinary remarks in reference to the information which had been received he was desirous of asking the Commissioner of Crown Lands of what information, if any, the Government were in possession in reference to this matter As this question had been discussed before the House——

The Speaker said as the hon member was asking a question without notice, he must confine himself strictly to the question

Mr Peake would then merely ask the Commissioner of Crown Lands whether he would lay the papers connected with the Northern Exploration upon the table of the House

The Commissioner of Crown Lands, in reply to the hon member, stated that some communications had been received, but that he did not think it would be desirable at present to lay them before the House He had no objection, however to place them in the hands of any hon member who might wish to peruse them,

Mr Strangways asked whether the despatches referred to or copies of them had been shewn to persons connected with the public press

The Commissioner of Crown Lands said they had been They had been shown to the hon member for East Torrens (Mr Barrow) and several other members of the House He should be happy to shew them to any hon member who desired to see them

Mr Neales asked the Commissioner of Crown Lands whether he had received any communication from a gentleman named Stuart, who had recently been engaged in exploring, and if so, whether he had any objection to lay such communication upon the table of the House?

The Commissioner of Crown Lands said he had that morning received a communication from Mr Stuart, but having so recently received it, it had been impossible to take any action upon it He was not at present prepared to lay it upon the table of the House

MAJOR WARBURTON

Mr Peake gave notice that on the following day he should move the despatches recently received from Major Warburton be laid upon the table of the House

MR STUART

Mr Neales gave notice that on the following day he should move the communications recently received from Mr Stuart be laid upon the table of the House

DISTRICT COUNCILS BILL

The Commissioner of Public Works wished to ask the hon the Speaker what course would be most consistent with the orders of that House in reference to the District Councils Bill He believed it would very much facilitate the passing of that Bill through Committee if various verbal amendments were effected by the printer prior to the Bill being again brought under consideration The House would remember that the Committee had already gone through 61 clauses,

but the repeated alterations and amendments which were necessary by the insertion of "District" before "Councils," and the substitution of "the said" for "this," consumed a great deal of time He believed it would greatly facilitate the passing of the Bill if it were reprinted with such verbal alterations as were obviously essential

The SPEAKER said there was no objection to a reprint of the Bill being laid before hon members, and then the hon gentleman could move that the reprint of the Bill be substituted for the original

Mr STRANGWAYS asked if in that case it would be necessary that the Bill should be dealt with in Committee *de novo*, that is would it be necessary that the 61 clauses should be gone through again?

The SPEAKER said it would not be necessary to reconsider clauses which had been already passed

The COMMISSIONER OF PUBLIC WORKS wished to know if it was necessary that he should give notice of his intention to have the Bill reprinted?

The SPEAKER said it was not

The COMMISSIONER OF PUBLIC WORKS would then take the course which had been suggested by the hon the Speaker

SWAN RIVER

Mr DUFFIELD wished to ask the Attorney-General whether the Government had received any communication from the Government of Swan River in reference to a prisoner who had been forwarded here from that locality, which circumstance he recently brought under the notice of the House

The ATTORNEY-GENERAL said no despatch so far as he was aware had been received from the Government of Swan River, in answer to a despatch from the Government of this colony upon the subject referred to by the hon member, which had been laid upon the table of that House

RAILWAY MANAGEMENT

Mr REYNOLDS wished to ask the Hon the Speaker a question upon what he considered a question of privilege As Chairman of the Committee upon Railway Management, a question had arisen as to whether the Committee should furnish one of the witnesses with a copy of the whole of the evidence which had been taken He wished to know whether the rules of the House would permit the Committee to give witnesses copies of the evidence taken before that evidence had been placed before the House

The SPEAKER stated that he did not think the Committee would do wrong in giving the evidence, as he understood that the Committee were engaged in enquiring into the conduct of the witness referred to The evidence must, however, be given to the witness upon the distinct understanding that he should not make any public use of it

POWDER MAGAZINE

Mr PEAKE asked the Commissioner of Public Works if it were true that the construction of the powder magazine at Port Adelaide was so defective that a part of it had fallen in

The COMMISSIONER OF PUBLIC WORKS said it was not true

Mr DUFFIELD, in reference to the question which had just been answered, wished to ask the Commissioner of Public Works whether the report was true as regarded the powder magazine erecting upon the Park Lands in the city of Adelaide.

The COMMISSIONER OF PUBLIC WORKS said that a slight accident had occurred to the Powder Magazine which was in course of erection upon the Park Lands The arch was hardly thick enough and had fallen in

Mr REYNOLDS asked if it had fallen in more than once?

The COMMISSIONER OF PUBLIC WORKS believed that it had not

HINDMARSH ISLAND

Mr STRANGWAYS moved, in accordance with notice—

"That it is desirable that a plan and estimate be prepared for a ferry to connect Hindmarsh Island with the Goolwa"

It would be remembered that the petition which he had presented upon the subject was signed by the Chairman and three members of the District Council of Port Elliot, and when he asked the Commissioner of Public Works what course the Government were prepared to adopt in reference to the petition, the hon gentleman stated that the Government were prepared to assist in the construction of a ferry Since then, however, he (Mr Strangways) had received a communication from the Clerk of the District Council, to the effect that the District Council were not in a position to expend the necessary amount, even if only one-half of the amount were required from them He was informed that the estimate which the District Council had made was to the effect that the ferry and approaches would cost £600, and as the annual income of the District Council did not amount to more than £520 or £530, the Council, if left to their own resources, would have to expend upon this work alone more than a whole year's income. The settlers upon Hindmarsh Island were placed in a peculiar position They had purchased land at a rate considerably higher than the upset price, and had no means of communication with the main land, except by a private ferry and private boats The island had only recently been settled, and the settlers had been subjected to considerable outlay in the erection of their houses and fencing and were not prepared to raise by private subscription the sum which he believed would be necessary to defray half the cost of erecting a ferry, namely £300 This amount would be required, even supposing that the Commissioner of Public Works intended to go to the extent of subsidising to an extent equal to the amount raised by private subscriptions The actual question was whether the ferry should be constructed or not The extent of the subsidy was not the question which the House should consider All he asked was, that the House should agree to the Commissioner of Public Works having the plans and estimates prepared in reference to the ferry and the, necessary works When the plans had been prepared, and the cost had been ascertained, he would then take the sense of the House as to what course should be pursued The House would see that persons living on Hindmarsh Island were differently situated from many others, as they had no means of communicating with the main land but by the private ferry, or boats, to which he had alluded, and he believed it was intended to discontinue the ferry which at present existed If the House agreed to the resolution they would not in the slightest degree pledge themselves to support any subsequent motion which he might bring forward relative to the construction of the ferry

Mr LINDSAY seconded the motion There could be no doubt that the ferry was very much required, but till the plans and estimates had been prepared it would be impossible to take any further steps in the matter There could not be the slightest doubt that Hindmarsh Island was entitled to some share of the public monies, for a considerable quantity of land had been sold in the locality—he believed more than half, and he was not aware that one penny had been expended beyond the ordinary work in connection with the Survey Department, which was executed in the orthodox South Australian manner, straight lines being marked over the country, with intervening strips called roads, involving considerable expense, for which no doubt the residents were grateful, and no doubt they were grateful also for the privilege which they possessed by virtue of the District Council of undoing the work of the Survey Department and doing the work again at their own expense

The COMMISSIONER OF PUBLIC WORKS said there would be no objection on the part of the Government to prepare the necessary plans and estimates and lay them before the House upon the understanding that their preparation did not involve any pledge to support any subsequent motion Upon that distinct understanding he had no objection to undertake that the plans and estimates should be prepared, but he would observe that in consequence of the great many public works which the Government were anxious to press forward the architects were fully employed, there should, however, be no unnecessary delay

The motion was carried

CAPTAIN DASHWOOD

Mr REYNOLDS, in accordance with notice, moved—

"That all correspondence relating to the grant of land to Captain Dashwood be laid upon the table of the House, shewing the grounds upon which such grant has been made"

He presumed there would be no objection on the part of the Government to furnish the correspondence which he now asked for It would be in the recollection of hon members that certain gentlemen applied to the House for grants of land, that is, that they should be placed on the same footing as other military and naval officers The House did not affirm that proposition, but he had since ascertained that one naval gentleman had received a grant of land, and he was consequently desirous of knowing upon what ground this distinction had been made At the first blush it looked like favoritism, but he had no doubt that the product on of the correspondence would show that such was not the case He had drawn attention to the matter not being aware that the Government of the present day had any power to alienate land without receiving payment for it No doubt the correspondence would explain what certainly required explanation

Mr STRANGWAYS seconded the motion, which was carried

The SPEAKER pointed out an error in the motion It should have been Lieutenant instead of Captain Dashwood

Mr REYNOLDS amended the motion accordingly

WASTE LANDS OF THE CROWN

Mr PEAKE asked the Commissioner of Crown Lands—

"1 What course the Government intend to adopt with respect to applications sent in for depasturing leases of the waste lands of the Crown, recently discovered, it is said, by Mr Stuart, or other persons? (2) Will the Government place any limit on the extent of country that may be applied for by one person? (3) Will they, as heretofore, grant depasturing leases of such waste lands for 14 years at ten shillings per square mile?"

He regarded the question as of considerable importance at the present time From all he heard it appeared that a large available country had been opened, and was still opening up by the energy of men like Mr Stuart, and the policy which the Government pursued with regard to recent discoveries might be of great importance to the country, and affect the judgment and decision of hon members on questions of policy before the House He hoped the Commissioner of Crown Lands would give clear and distinct answers to the several quest ons, so that the House would know what they had got to trust to in the matter

The Commissioner of Crown Lands said the action of the Government would be in accordance with the existing law as embodied in the Waste Lands regulations, and the Government had no intention at present to alter them

THE INSOLVENT LAW

Mr Strangways put the question standing in his name, "That he will ask the Honorable the Attorney-General (Mr Hanson) whether any despatch has been received from Her Majesty's Secretary of State for the Colonies respecting the Insolvent Act of last session, and, if so, whether he has any objection to lay such despatch on the table of this House"

He would merely remark that he had seen a statement in the public press to the effect, that a despatch had been received by the Government stating an intention on the part of Her Majesty's Government to recommend Her Majesty to refuse her assent to the Insolvent Act of last session, on account of a clause in the Act which gave the Insolvent Court of this colony jurisdiction over the property of Insolvents in England in certain cases The law officers of the Crown in England were of opinion that this was an usurpation of power which the Parliament of this colony did not possess, and they had in consequence advised Her Majesty to disallow the Act

The Attorney-General said a despatch had been received upon the subject, and there could be no objection on the part of the Government to lay it upon the table of the House It would indeed have been laid upon the table of the House before but having been laid before the law officers of the Crown in this colony, it was thought better that the despatch should be accompanied by their report upon the subject, in order to put the House in possession of the views of the Government upon the subject, and the policy which they considered the House should adopt The objection taken by the law officers of the Crown in England was that the present law gave the Commissioner of Insolvency power to make the property of an insolvent in England available for the payment of such insolvent's debts With regard to the justice of such a power there could be no question, but technical objections had been raised by the advisers of Her Majesty It appeared to him that if the matter were fully laid before the authorities in England they would be disposed to acquiesce in the measure as it at present stood He had no objection to lay the despatch upon the table, and by Friday next the report also would be ready

RAILWAY MANAGEMENT

Mr Reynolds, as Chairman of the Select Committee upon Railway Management asked for an extension of time to enable the Committee to bring up the report Most of the evidence had been taken, but there were still one or two witnesses who had to be examined, and a great portion of the evidence was in the printer's hands The report could not be prepared until the evidence was in the hands of the Committee He begged to ask for an extension of time till that day fortnight

Granted

ASSESSMENT ON STOCK BILL

Mr Barrow, as Chairman of the Select Committee upon the Assessment on Stock Bill, asked for a further extension of time for bringing up the report until that day week He might state that the Committee had concluded the examination of witnesses, but wished for the extension for which he had asked, in order that they might be able to revise the evidence in a complete form, and prepare the report The indulgence which he asked for would have been unnecessary if greater accommodation had been provided for Committees It was intended that the concluding examination of witnesses should take place on Friday last, but he received an intimation from the Clerk that it was impossible the Committee could assemble on that day as there was no room for them to meet in The Committee were consequently unable to meet till the following Tuesday He hoped this would be a sufficient apology for asking for an extension of time

Granted

SUPREME COURT PROCEDURE ACT FURTHER AMENDMENT BILL

Upon the motion of Mr Strangways the House resolved itself into a Committee of the whole, for the further consideration of this Bill Some verbal alterations were made in the first clause Mr Strangways explained that the effect of this clause would be to repeal Clauses 182 and 183 of the Supreme Court Procedure Act In reference to observations which had fallen from the Hon the Attorney General upon the second reading of the Bill, he would suggest that, if the hon member desired to introduce a clause which would have the effect of giving the Judges of the Supreme Court a modification of the power which they at present possessed, the best way would be to repeal clauses 182 and 183, by the clause which he had just read of the Bill before the House, and introduce another clause in the Bill, giving the Judges the power which he desired to give them His own opinion was that it was not desirable to introduce a clause giving the Judges even a modified power, but that the best course would be to repeal the two clauses, 182 and 183 In reference to the objection which had been raised by the hon member for the city, Mr Solomon, that it would be exceedingly prejudicial to the mercantile community to take from the Judges the power of referring cases to arbitration, he would point out that the Judges would not be deprived of that power, as clause 2 of the Supreme Court Procedure Act of 1855 and 1856 give power to the Court or Judge to direct an arbitration before trial, when it should be made to appear upon the application of either party, that the matter in dispute consisted of matters of account which could not be conveniently tried in the ordinary way In the second clause which it was proposed to repeal the Judge had power against the wish of either party in the cause, to refer the matter in dispute to arbitration, and this power did not extend merely to actions involving matters of account, but to actions for assault or trespass, &c He believed there was one instance in which this power had been acted upon, and the parties in the cause who came to Adelaide prepared to go to trial were referred to arbitration and thereby incurred expenses exceeding £150 In cases where parties themselves were desirous of going to a Jury, it was better that they should, but, as he had before stated, the Act of 1855 and 1856 gave the Judge power to refer matters of account to arbitration He did not suppose the hon member for the city (Mr Solomon) would be in favor of cases of assault or trespass, for instance, being referred to arbitration, but as regarded complicated matters of account, the power to refer them would still be left to the Judge by the Act to which he had alluded He apprehended, having shown that the power to refer such cases would still be retained by the Judges, the clause now before the House, the first clause of the new Bill, would meet the views of all hon members With regard to clause 182, the object of repealing that clause was to prevent the Judge from putting questions of fact as had hitherto been the case He had with him numerous reports of trials at the last sitting, which if necessary, he should be happy to refer to for the purpose of showing how this clause had operated When this clause was repealed the Judge might still have a common law right, which would not in the slightest degree be interfered with The only power of which the Judge would be deprived would be the power conferred upon him by the clause which it was sought to repeal That clause conferred a power which the Judges in England did not possess The clause was either superfluous upon the ground that the Judges had the power which it professed to confer without it, or it gave them a power which the House of Commons in England thought it unadvisable to place in the hands of Judges

The Attorney-General stated his intention to move an amendment in accordance with the view adopted by that branch of the Legislature when a similar Bill was under consideration during the last session of Parliament He thought it would be a wise and beneficial thing that the Judges should retain, in a modified form, the power conferred upon them by the clauses which it was proposed to repeal It was, however, a matter entirely for the House to decide, after considering the question in all its bearings, whether the power should be taken away or limited The clause of the Bill before the House, as it at present stood, destroyed the power altogether, but if that clause were modified, as he should propose, it would still leave the power in the hands of the Judge, but prevent it from being exercised except upon the application of one party, nor in any case could the Judge direct matters not in dispute to be referred except by the consent of both parties in open Court He would therefore move as an amendment the insertion of words to the effect—"and the power given by the said section shall not be exercised except upon the application of one party, and in no case shall the Judge direct matters not in dispute to be referred except upon the consent of both parties in open Court" This would leave a power which he believed would be found extremely useful in the hands of the Judge Where it was wise to exercise it, it could be, but its exercise would be prevented in opposition to the wishes of both parties to the cause He would move that the clause as originally proposed be struck out and that a clause such as he had just read be substituted

Mr Bagot must oppose the amendment of the Attorney-General, which he thought would leave the matter in as bad or worse a position than it was at present By clause 182 of the present Act the Judge might in every case direct a Jury to give a special verdict, and he could not see the advantage of depriving the Judge of the power if it were to be done on the consent of one party He had heard no argument from the Attorney-General to shew him where the difference would be It appeared to him that in these particular clauses they went a step beyond what was considered right in England, and in matters of this kind it appeared to him that in a small community such as this was it would be well not to step beyond what was considered right and proper in the home country There they were feeling their way step by step and were going forward gradually He scarcely ever knew a case there in which a Jury refused to give an answer to a question put by a Judge There might, it was true, be political cases or cases of libel in which the Juries took the law into their own hands and refused to give anything but a general verdict, but in nineteen cases out of twenty they answered the questions of the Judge In the way the law at present stood here the effect was to create antagonism between the Judge and the Jury He felt there was nothing more destructive to the course of justice than that any antagonism should exist between Judges and Juries He thought they should do everything they could to smooth the

way, so that Judges might decide the law, and Juries the facts, and that the Judge might put what question he wished to the Jury, the Jury feeling no antagonism in answering the question, feeling that they were not bound to give a verdict contrary to their convictions, in fact, that in the face of answering questions, they were at liberty to give any verdict they pleased He thought the power of referring with the consent of both parties was a power which might be usefully used The power given to the Judge, of referring without the consent of either party, might be abused He did not say that any case of the kind had occurred, but it might occur, and be attended with injurious results to the suitors He preferred, however, supporting the clause as it stood, and falling back on the Acts of 1855 and 1856, which gave the Judge power to refer certain matters He had intended to go more fully into the subject, but had stated sufficient to shew his feelings, and the desire which he had to assimulate the laws of this colony with those of England

Mr BAKEWELL felt it his duty to support the Bill as it stood, and to oppose the amendments which had been proposed by the Attorney-General, which he hoped would be withdrawn The Judge already possessed power to refer cases by the consent of both parties, and it appeared to him to be an interference with the rights of parties to refer upon the consent of only one He believed that trial by Jury was the best course which could be adopted, except in cases of complicated accounts, in which cases he preferred arbitration The law as it at present stood gave the Judge power to refer to arbitration against the consent of the parties in the cause, but he thought that power should be limited, and that parties should have the right of going to a Jury The great recommendation of the Bill before the House was, that it assimilated the law of this colony to the law of England, and it would be far better to assimilate it than to tinker it in any other way No doubt the commission appointed to consider the question in England had well considered every possible suggestion, and he was quite sure the House would be acting wisely by adopting the law of England He trusted the Attorney General would withdraw the amendment

Mr STRANGWAYS could not adopt the amendment of the Attorney General, as there would be constant squabbles betwe n the Judge and the counsel as to what questions should be asked One counsel might wish to ask what another would object to, and the Judge would take one side or the other, and then there would be squabbles whether the questions should be put or not His desire was to assimilate the law to the law of England He should press the clause, and, if necessary, divide the House upon it

The ATTORNEY-GENERAL had no desire to press the amendment if the House disapproved it, but would say a few words with regard to what had fallen from the hon members who had spoken In the first place he for one protested against being bound by the example of England on legislation, Many gentlemen between 50 and 100 years of age might remember the phrase that "it works well" was used in reference to the old system in the Courts of Chancery All those who profited by the system declared it worked well, but that was not sufficient to prevent them forming amendments to Acts in order to make that which worked well, work still better The other argument was that "it was more safe" The colony had set an example to England in legislation in two important points With respect to "compulsory reference," it had been adopted to a great extent by the English Legislature, which had passed an Act giving that power An Act for providing for equitable defences was also passed in the colony before it passed the English Legislature, and taking the facts mentioned into consideration, he did not think the desire on the part of the Colonial Legislature to follow humbly and exclusively in the footsteps of the English Legislature would be wise He considered it of comparatively little importance whether the clause was altered or not, for from 1853, when the Act was altered, to the present time there had not been one, at all events he did not think more than one instance of that power being acted on by the Court He considered that the strongest reason why it was unimportant to retain it in legislation, but if hon members imagined they were legislating against the power of asking questions the legal gentlemen in the House would know it was a mistake altogether, for that power was founded on the Common Law right of Judges He had no desire to press the amendment, and would withdraw it

Mr SOLOMON said that the information given him by the hon member for Encounter Bay (Mr Strangways) in regard to the Bill, induced him to give his support to it He thought the allusion made to the Act of 1853 not having been acted upon, was the strongest reason why it should not exist It was evident there had been no occasion for its use, and when an Act was inoperative, it was best off the Statute-Book altogether Believing that the object of the mercantile community would be gained by power of reference being given in questions of accounts, he would give his support to the Bill

Mr NEALES believed the mercantile community would be satisfied if that Bill were passed He could tell of several cases of reference In the case of Chaloner v Chaloner —

Mr BAGOT said the Attorney General was referring to clause 182, not clause 183

Mr NEALES said several cases had occurred which had caused great public inconvenience, and the sooner the law was restored to the state in which it was before the better The submission of the Attorney-General to the legal members of the House would be thankfully received by the mercantile community

Mr LINDSAY endorsed the sentiments of the Attorney-General that the colony ought not to follow in the wake of England, but that the House ought to be guided by common sense, and in every case make our Legislation consistent with itself He thought the powers of the Supreme and Local Courts should be assimilated, for many Magistrates in Local Courts might think themselves unable to give a legal illusion and might wish to arbitrate, whereas such would not be the case in the Supreme Court Believing it more expedient that the consent of both parties should be given, he supported the amendment of the hon member for Encounter Bay

The amendment was carried

The clause passed

The remainder of the clauses and the preamble were passed

The House resumed, the Speaker reported the Bill, and the consideration of the report was made an Order of the Day for Friday next

Mr DUFFIELD, before moving that the Speaker leave the chair for the purpose of considering the motion standing in his name, would refer to a question of order He found on the notice paper that the hon member (Mr Neales) moved that on a certain day the House should resolve itself into Committee for a certain purpose The House resolved so to do, but on that day the House did not

The SPEAKER requested the hon member to proceed with his motion The hon member had been informed that he must move that the Speaker do now leave the chair

ROAD THROUGH GAWLER TOWN

On the motion of Mr DUFFIELD, the House resolved itself into a Committee of the whole for the consideration in Committee of an Address to His Excellency the Governor-in-Chief, requesting that he will be pleased to place a sufficient sum on the Estimates for the purpose of granting the prayer of the petition of the Mayor and Corporation of Gawler Town, presented to this House on 15th September last

Mr DUFFIELD moved that the petition be read

The petition was read accordingly

Mr DUFFIELD said the reading of that petition would obviate the necessity that might otherwise have existed for occupying the time of the House in bringing the question before it When first the inhabitants of Gawler Town had their petition granted in giving them a Corporation they were ignorant of the position in which they would be placed in regard to the main road to the north, a portion of which passed through their district In fact, it was not decided by the Central Road Board whether they had the power to spend money on roads in a corporate town or not until after the Corporation had been granted He believed that money had been spent by the Road Board within the limits of Corporations previously to that time Two or three Corporations had avoided the position in which Gawler Town was placed by excluding the main roads passing through them from their jurisdiction, and those were now kept in repair by the Central Road Board It was well known that a portion of that road was in very bad condition, being in fact a bed of sand, and the sum asked was £1,000, or such sum as was necessary £1,000 would not do more than place the road in a state of repair The Road Board had cut away the hill a few years ago, but the Corporation had made the cutting wider and the road safer He thought, therefore, the House would be justified in voting the sum asked, it would be satisfactorily expended there and would be advantageous to the public and to Gawler Town It might be said that the road ran parallel to a line of railway shortly to be opened, but that would not relieve the traffic upon it, for a considerable portion of that traffic came from the east, the south-east, and the north-east, to the Town of Gawler, which was the only outlet for those districts Should the House vote that sum it would not establish a precedent for the Corporation to go back to them and ask for more They only asked to be placed in the position in which they expected to be placed when first the petition was presented for making Gawler Town a corporate town, for had they believed that the maintenance and repair of that road would have been thrown upon them, the inhabitants would not then have petitioned to be incorporated The passing of that resolution would shew the country at large that the House was ready to establish Corporate bodies and District Councils, and to grant such reasonable assistance as was asked for when circumstances justified them, and it would tend to bring the various districts of the colony under self government

Mr BAKEWELL thought the petitioners had made out a strong and reasonable case for having a sum of money voted to them It appeared that a portion of the great trunk line of the North-road had ceased to be a main line of road, and was subject to be maintained by a body who were comparatively uninterested in it But it was for the good of the community generally, and not merely for the inhabitants of Gawler Town, who might leave that line of road unrepaired without any great disadvantage to themselves It seemed to him that the House could not do less than vote the amount

asked If it were not voted the consequence would be that the road would be left out of repair, to the danger of persons travelling along it, and of the inhabitants of the district

Mr Burford felt it his duty to oppose the motion One of the reasons for granting Corporations was that the roads would be repaired, and now the granting of that Corporation was put forth as a reason why the relief asked should be voted But the House ought to take it for granted that before the petition was signed asking for the incorporation of Gawler Town, the circumstances had been well considered, for he could not believe such a petition would be presented by an unenlightened community The rule for supplementing aid to District Councils and Corporations was that the Government would add a sum for carrying out the objects contemplated equal to their own contributions, so that if they collected £3,000 in Gawler Town the Corporation might expect £3,000 more He therefore thought it too bad for the Corporation to ask to be assisted in the expense of improving any portion of their district Again, if that source of revenue failed, Gawler Town, of all other towns with which he was acquainted, was admirably situated for a toll, for they had high ground on one side, and a line of railway on the other, and they could thus compel all the traffic to go in a particular direction, and levy a toll for passing over the road He thought therefore that it was little short of being absurd for the House to pass that vote There must be a limit to the distribution of the public money, and that was reached in the way he had alluded to—(oh, oh) namely, the system of supplementing out of the revenue, and to go beyond that limit would be unjust The language of the petition itself stated that the Central Road Board had put the road in repair It was clear therefore that the Corporation were not in a state of ignorance, but the thing not being to their mind, they now came down and asked a considerable sum—he forgot what it was—£1,700 he believed—(laughter)—to put them in a state of enjoyment (Laughter)

Mr Hawker should support the motion of the hon member for Barossa, and was astonished at the arguments brought forward by the hon member for the city Had the Corporation of Adelaide been perfectly immaculate in asking for money? If so, the hon member would have come forward in his opposition with a better grace He believed some time ago, however, a sum (£400) was asked for by the Corporation of the city for making a road between the Hospital and Frome Bridge He believed also the road to and the iron bridge across the Torrens was done by the Government He He, therefore, could not see how the arguments of the hon member could tell against the argument for making a road through Gawler Town A small portion of the road in question was through the main street of Gawler Town, the largest part was between Gawler and the Woolleston Bridge, and it was impossible, within 20 or 30 miles of the city, to find such a bad road There was another point to be considered During the last twelve months the traffic that used to go through Port Wakefield went through Gawler Town, and, therefore, the road was very much injured by traffic, in which the people of that town had no interest whatever

Mr Neales should now have his revenge He should vote for the resolution because he believed it correct, but how those gentlemen who voted against the grant to the Port-road could vote for it was difficult to explain He considered them parallel cases (No, no) The House was now asked for something for a public work, and not to vote money for a District Council, and the other grant was asked for on similar grounds The inhabitants of Gawler Town did not ask for the road to be repaired after they had it in thorough repair, but that the road should be made, and then they would take it for ever That was also stated in the other case, and on the principle of doing good for evil he would vote for the motion

The Commissioner of Public Works thought the inhabitants of Gawler Town had made out a good case, and there was another feature in it that he liked, there was no likelihood for afterclaps in the matter, and, therefore, he should vote for the thousand pounds It was a distinct understanding that they should afterwards keep the road in repair, and long might their traffic pass over it

Mr Solomon would vote for the motion, for he did not like the idea of City *versus* Country, or Country *versus* City He believed the House could do justice to both, but whether it was for the city or the country, he should always vote for those measures he believed founded in justice, and he considered the claims of the inhabitants of Gawler Town just The road was a main trunk line, used by all the North, and hon members had only to pass through Gawler Town to see in what a disgraceful state it was The hon member for the city had propounded something like a system of tolls in Gawler Town, with a view of making parties trafficking there pay for the repairs of the road He never had any idea that that hon member (Mr Burford) was in favour of tolls He thought that system was exploded in the colony

Mr Burford explained that he suggested it only as an ultimate resource

Mr Solomon understood that Gawler Town was so beautifully situated that it was hedged in, and a toll could easily be laid He was glad to hear the hon member (Mr Neales) say he should support that vote, but could not think the case parallel to that of the Port road

The Chairman wished the hon member to confine himself to the question before the House

Mr Solomon would endeavor to do so, and would only say that he considered in passing that resolution the House was doing an act of justice to the people of Gawler Town

Several members rose to speak in different parts of the House.

Mr Barrow would also support the motion before the House Had he not been strongly inclined to do so he should not have risen five times for the purpose of expressing his opinion—(great laughter)—he having risen four times previously and sat down again, without being fortunate enough to catch the Chairman's eye (Laughter) The application he considered a just one, and though the hon member (Mr Burford) had somewhat ridiculed the idea of the people of Gawler Town trusting to the generosity of the House, he (Mr Barrow) hoped they would see that the people of Gawler Town had formed a more correct idea of it than had the hon member who taunted them with their misplaced confidence He hoped also that the hon member, Mr Neales, would have at some future time the consent of that House to an address on behalf of a road which he must not name on account of the rule just laid down (Laughter) Gawler Town ought to have that sum of money voted, because the road was a main line of road when the Corporation there was established He thought the case was a good one, and with respect to the road not being put in a state of complete repair, he drew a different inference from that circumstance from the hon member, Mr Burford, and believed it to be an additional reason why the people of Gawler Town should not be expected to make that portion of the main line which, it was said, was beyond their ability to put in repair He was glad to find it was their intention to keep the road in repair at their own expense in future, and so far from looking with disfavor at such applications, it would be wise and judicious to entertain them as far as the funds of the colony would admit There was no necessity to do injustice to another district because justice was done to one It was not as if it was necessary to divert the funds from other works to meet the expense of that In that case it might be advisable to refuse to Gawler Town the sum its inhabitants asked for, but under present circumstances he thought them entitled to it

Mr Peake was glad that the hon member for the city would be revenged for the vote against the Port (Laughter)

The Chairman requested the hon member to abide by the rule laid down

Mr Peake would touch on the question then—(laughter)—and would support the application because a large portion of the road to Gawler Town had never been made, and was still in a state of nature, being nothing but drift sand Before the Corporation of Gawler Town were called upon to expend their funds on that road, he thought it only fair that a sum of money such as that asked for should be expended upon it, but he thought the motion did not go far enough, and that the House were called upon to know the mode of expenditure before the money was voted, and would recommend an amendment to the effect that £1,000 should be placed at the disposal of the Central Road Board, to be expended in repairing the main North-road through Gawler Town It was better to avoid differences between the Engineer of Gawler Town and the Engineer of the Central Road Board, and by the mode proposed, the House would be protected, and there would be a guarantee that the money was expended in the usual manner

Mr Strangways would second the amendment of the hon member for Burra and Clare, believing that it would be in accordance with precedent That course was followed in the case of the Glenelg road, about 12 months ago Many roads within the boundaries of District Councils were kept in repair by the Central Road Board, and he thought some principle should be laid down in regard to such grants He believed, as according to the wording of the original motion, His Excellency might direct any sum to be put on the Estimates, he would suggest that a certain sum necessary should be named, and would recommend the hon member for Barossa to adopt the amendment

Mr Hay hoped, if the sum was voted it would be placed in the hands of the Corporation of Gawler Town He agreed that the amount should be stated, but considered it unwise to have two parties—the Central Road Board and the Corporation of Gawler Town—repairing the road in the same locality He considered it also unwise for that House to distrust any corporate body until they had reason for doing so He trusted the hon member for Barossa would not consent to alter his motion and to leave the money in the hands of the Central Road Board While, however, he intended to support the motion, he considered the House laid itself open to many similar calls He knew the Corporation of the city had similar claims In one instance application was made for a road, which was refused He thought it would be wise to state that in such cases where main lines of road ran through the district within the boundaries of a Corporation, the Central Road Board should keep them in repair He believed the new District Councils Act would do away with the necessity for dealing with a Corporation such as that of Gawler Town

Mr Lindsay supported the motion, because he saw no reason why a main road passing through a small area within

the jurisdiction of the Gawler Town Corporation should be excepted from the system of main roads passing through the jurisdiction of District Councils There seemed to be no reason why a distinction should be made between Corporations and District Councils, and further he supported it because he believed that principle of construction only without maintenance, must be embodied into the main road system whenever they legislated upon it.

Mr Duffield could not consent to the amendment of the hon member for Burra and Clare, but was willing to insert the sum of £1,000

The amendment of the hon member, Mr Duffield, was put and carried

The motion in its amended form was carried

The House resumed, the Speaker reported the resolution, and obtained leave to transmit it to His Excellency

INTRODUCTION OF MONEY BILLS

Mr Peake in rising to move the following resolution standing in his name on the notice paper —

"That, in the opinion of this House, no Bill for imposing a tax on the people should be proceeded with unless the same be founded on a resolution of this House, and that the rules and orders of the Commons House of Parliament with respect to all Bills for imposing a tax on the people be in future acted on by this House "

said, that he had found on consulting the Act of the Imperial Parliament which empowered the Legislature of this country to pass the Constitution Act, that the first portion of the resolution would be illegal He therefore desired to amend the resolution by striking out all the words from the word "House" in the first line to the word "the" in the third line. The hon member then read the motion as it would stand, if amended in accordance with his motion

The Speaker said the hon member could not bring forward a motion which would have the effect of rescinding the Standing Orders without giving notice of his intention to do so Besides which the Standing Orders were then before His Excellency for confirmation, and could not be dealt with before returned, any more than a Bill could be when transmitted to the other House

Mr Peake accordingly withdrew the motion

EXTENSION OF PORT LINCOLN JETTY

Mr Macdermott moved that the House resolve itself into Committee for the purpose of considering the following resolution —

" Consideration in Committee of an Address to His Excellency the Governor-in-Chief, requesting him to place a sufficient sum on the Estimates for 1859, for the purpose of extending the Jetty at Port Lincoln, in conformity with the prayer of the petition of the inhabitants of that place "

The motion was agreed to, and the House went into Committee accordingly

Mr Macdermott said that in moving this address he would observe that the whole, or nearly the whole of the traffic passed through Port Lincoln The House had already affirmed the necessity of constructing a jetty at the place, but it was found not to be efficient, owing to the shallowness of the water close by the township The extension necessary to make it efficient would be, as the petition stated, one of about 150 feet, as that would enable the coasting vessels which traded to Port Lincoln to lie at the end of the jetty, whereas at present the whole of the traffic had to be lightered to the vessels and landed by the same means, as the vessels could not approach sufficiently near the jetty to load or unload The question had been asked, when he brought this subject before the House previously, whether the jetty abutted on Crown lands and he was at that time unable to reply to it, but he had since ascertained that such was the case The jetty abutted on Tasman's-terrace The cost of the proposed extension would be about £800, and as the inhabitants of Port Lincoln had hitherto been very moderate in their demands on the liberality of the House, he hoped the House would not object to this sum for making the jetty efficient, especially as it had already declared the necessity of a jetty

Mr Reynolds asked the Commissioner of Public Works whether the statement of the hon member that the proposed extension would cost £800 was correct, and if so how it was that 150 feet of jetty should cost £800? Had the hon member made an estimate of the probable cost?

The Commissioner of Public Works believed that £800 would be the cost of the work

Mr Reynolds wished to know how 150 feet of a jetty would cost £800, considering the sum set down for another jetty, which was to be 1,900 feet in length?

The Commissioner of Public Works replied that it was owing to the differences in the length of the piles

Mr Mildred would repeat the question He wished to know the length of the present jetty, and what it had cost? He did so, because when the sum was asked for, he had stated that to grant it would be only locking up capital in a useless manner, as in all probability the jetty would be allowed to rot unused, and there were other more suitable places for a jetty on that part of the coast When the money was voted the House was told it would be sufficient, yet now an additional sum was asked for

The Commissioner of Public Works was not prepared to answer the question at the moment The construction of the jetty had been authorised by the Legislative Council of the province

Mr Strangways said, as the hon the Commissioner of Public Works knew nothing of the matter—(a laugh)—he should move its further consideration be made an order of the day for that day week

Mr Macdermott hoped that the House would not agree to the amendment He never spoke from memory, but he believed that the length of the jetty was 1,300 feet, or rather that the cost of the work was about £1,300—(laughter)—and that it amounted to about £3 10s a foot, so that he supposed the length was about 400 feet A sum of £2,000 had been voted in a previous session for the jetty, and also for sinking some wells, but he imagined that the difference between £1,300 and £2,000 had been saved to the Government, as he was not aware that the well had been sunk

Mr Solomon supported the adjournment, as he could not vote money for a work respecting which the House had no information, and the postponement would probably afford an opportunity to the hon the Commissioner of Public Works of obtaining some information on the subject

The Commissioner of Public Works rose to speak, but—

The Chairman said he must put the amendment, as it was a motion for adjournment

The amendment was then put and carried without a division

The House then resumed

Mr Macdermott enquired whether he could ask for a division

The Speaker replied in the negative.

Dr Wark said as the business of the day was now concluded, he would ask leave to move the motion which had lapsed from the paper of the previous day

The Speaker ruled that it was not competent for the hon member to do so

The House adjourned at a quarter past 3.

Thursday, October 28

The Speaker took the chair shortly after 1 o'clock

MR ABRAHAM LONGBOTTOM

Captain Hart presented a petition from Mr Abraham Longbottom, asking leave to bring in a Bill for a patent in reference to the manufacture of gas

PORT LINCOLN JETTY

The Commissioner of Public Works begged to inform the House that he had laid upon the table of the library plans of the Port Lincoln Jetty to which reference had been made upon a former occasion He had laid the plans upon the table of the library instead of the table of the House, because in the latter case they would have become portion of the records The whole of the other information in connection with the jetty was comprised in a paper which he now laid upon the table of the House

CIVIL SERVICE BILL

Upon the motion of the Treasurer, the House went into Committee for the consideration of the Civil Service Bill

The preamble was postponed

The first clause repealing Acts No 9, of 1852, and No 21, of 1854, was passed as printed

Clause 2 provided for the classification of officers, and was as follows —

'2 And whereas a new classification of salaries was made in the Estimates of 1858, in lieu of the classification authorised in the said first-recited Act, and also certain amounts were voted as good-service pay to certain officers in said Estimates in respect of their claims arising under the said Act—Be it enacted that the amounts of salary and good-service pay received during the year 1858, by any officers who were classified or entitled to be classified under the provisions of the said Act heretofore repealed, shall be deemed and taken to have satisfied all claims of such officers in respect of such salary and good-service pay, except such as may arise under the Act

Upon the Treasurer moving that it should be passed as printed,

Mr Strangways suggested that an appropriate marginal note for the clause would be " repudiation of existing claims " He should oppose the clause, and though he stood alone, should divide the House upon it Under the Acts referred to in the first clause he could not see why the claims of persons under these Acts should not be recognised If the clause were passed as it at present stood he contended it would amount to a repudiation of existing claims It would be highly unwise that the House should pass any clause which might in the slightest degree be interpreted into a repudiation of existing claims, particularly when the House constantly authorized the Government to increase the liabilities of the colony If the House repudiated one claim the natural inference would be that they would repudiate others The clause was unnecessary, if the Government intended to act fairly to the 48 persons in the Government service who had claims under the Act which it was proposed to repeal By a return, moved for by the late member for the Port (Mr Hughes), it appeared there

were only 48 persons who had not accepted in full satisfaction of their claims the amounts they had severally contributed to the fund, and interest at the rate of 10 per cent. If the Government desired to place these parties in a fair and proper position, those entitled to pensions should receive them, or the Government should calculate the money value of those pensions and tender the amount. Again, as there were some who would not be entitled to pensions for many years to come, the Government should make out a full account.

The TREASURER rose to order. The hon. member was discussing a subject which was not introduced in the Bill. The clause under discussion referred solely to the Clerks Salaries Bill, and not to the Superannuation Bill.

The CHAIRMAN said the hon. member must confine himself to the clause under discussion.

Mr. STRANGWAYS said the clause stated that by its provisions any officers who were classified or entitled under the provisions of the said Act heretofore repealed, and as the framers of the Bill had not stated to which Act they referred, he submitted he was perfectly in order in making the remarks which he had. He would ask if he was not in order in referring to either or both of the Acts which were to be repealed.

The TREASURER said the clause referred to No. 9 of 1852.

Mr. STRANGWAYS said the clause left hon. members in the dark. It did not show which Act was referred to.

The CHAIRMAN said the clause referred solely to the classification of officers, and the hon. member, in his arguments, must confine himself strictly to that question.

Mr. STRANGWAYS would then confine himself to the Act to which it appeared the clause was intended to refer. Taking the clause as it stood it was an admission on the part of the Government that there were some persons who had claims, and the Government now called upon the House to repudiate those claims. He would be no party to such an act of injustice to public officers. He should oppose the clause, as either it was necessary because there were persons who had claims, and if so he was not prepared to repudiate them, or it was unnecessary because there were no claims, so that in either case the clause should be struck out. He should oppose the clause, and though he stood alone should divide the House upon it.

The TREASURER would say a few words for the purpose of setting the hon. member who had just sat down right. It was quite clear that the hon. member had been arguing in the dark. The hon. member could not have considered the clause or he would not have fallen into the error which he had in reference to the Superannuation Act. The clause under discussion, instead of repudiating existing engagements, was intended to have a directly contrary effect. They could not repeal an Act which gave certain advantages to individuals unless they replaced it by another. The Act under which certain advantages were conferred was repealed by the first clause of the Bill, and he wished to explain that as that Act had been repealed the present clause was intended for the purpose of replacing the beneficial provisions which the former Act contained. Nothing was easier than to devise or constitute a claim, and many claims would no doubt arise, for which there was not a shadow of foundation. It was considered that the claims under the old Act should merge into the new one, so that no injustice should be done to those who were deprived of their increase under the Act which was repealed. They could not deprive officers of advantages which they had had for some time past without substituting some Act for the purpose of giving them a compensation or equivalent. It was so considered last session, and that the new classification of officers was an equivalent for that which they had under a former Act. Formerly there were three classifications, but there were now five, so that it was impossible to meet each case exactly. There must be some compromise in every case, and this was sought to be done when the Estimates were under consideration. The Treasurer of that day (Captain Hart) went very closely into the calculation, and submitted a scheme to the House which was supposed to place every officer upon a fair and equitable footing, as regarded the claims which had been alluded to by the hon. member who had last spoken. All in fact which was sought to be done by the clause under discussion was to legalize that which was done last year and prevent other claims arising. There was no intention to repudiate any claims which had arisen and he would remark that funds had been already voted by the House to satisfy all claims which could arise under the Estimates of last year. This clause would not prevent the Government from satisfying any claims which might be proved at the present moment. He thought the House would see that the hon. member for Encounter Bay had been arguing in the dark when he attempted to fix a charge of repudiation.

Mr. REYNOLDS asked if this clause was intended to bar any claim which might be made under the Act which had been repealed?

The TREASURER said that it was.

Captain HART would point out to the hon. member (Mr. Strangways) that he must have forgotten the discussion which took place last year, as it was clearly pointed out in the classification of officers their claims under the old Act would be strictly regarded and provided for. There could be no doubt that under any circumstances the late Clerks Salaries Act must be repealed. It was a gross absurdity in the first instance, and looking at the change of times which had taken place it was perfectly inapplicable. It was passed at a time of great excitement, when people thought that £500 a-year was scarcely sufficient remuneration for a doorkeeper. It was under the feelings which obtained at that time that the Act was passed, but it was a gross absurdity to say that a young man of 18 or 20 years of age upon entering the Government service should receive an increase of salary to the extent of £10 per annum for 15 years, no matter whether during that period he became competent to hold a higher situation or not. It was absurd to say that a man holding the lower office at 120*l.* a year, should at the end of 15 years have 270*l.* a year, however unequal to fill a higher office. The House, at the present day he was satisfied would not take such a view as was taken by the House at the time the Act was passed. The claims under the Clerks' Salaries Act must be dealt with in a manner somewhat different to that suggested by the hon. member for Encounter Bay.

Mr. STRANGWAYS contended that if the amount of salaries and good service pay were voted last year there was no necessity for the insertion of this clause. It appeared, however, from what had fallen from the Treasurer that the House was called upon to state what were its intentions last session. He believed it was a most objectionable principle to call upon the House to state now what it intended to have done last session. It appeared to him that the clause was either unnecessary, upon the ground that there were no persons affected by it, or if there were persons affected by it, it would be most unjust.

The clause was carried.

Clause 3 related to the minimum salary of each class, and that officers, commencing at the minimum salary, were to be increased by a moiety of good-service pay. It was as follows:—

"3. From the 1st day of January, 1859, any public officer who shall then be serving, or who shall be thereafter appointed to serve, the Crown in the said province, whose salary as fixed for the said year 1859, shall not exceed £280, nor be less than £120 per annum, shall be ranked in one of five classifications, to be called respectively the first, second, third, fourth and fifth class. The minimum rate of salary for each of the said classes shall be as follows, that is to say:—For the fifth class £120; for the fourth class, £160; for the third class, £200; for the second class, £240; and for the first class, £280; and any officer appointed to any office, or raised to any superior class shall receive only the minimum salary, until the same is increased by the moiety of the good service pay hereinafter provided, which is not required to be carried to the credit of 'the Retirement Allowance Fund.'"

Mr. GLYDE hoped that the Government would assent to an alteration in the latter part of clause, by striking out "moiety" and inserting "portion." He wished this alteration to be made for the purpose of paving the way for an amendment which he intended to propose in the fourth clause.

The TREASURER stated that he had no objection to the alteration.

Mr. REYNOLDS begged to ask the Treasurer, whether officers in the police force, constables, messengers or letter carriers, were intended to be included in this clause, and if not, why not? Why should such parties not be entitled to good-service pay as much as other parties in the Government service?

The TREASURER before moving that the clause pass as amended, would afford the hon. member for the Sturt the information which he desired. The clause under discussion did not include members of the police force or police officers, nor messengers nor those receiving daily pay in the public service. The great advantage of the present Bill over that of last session, was that it limited the number of persons who could claim under it. With regard to the police force it would be impossible to lay down a rule applicable to them which would be applicable to all other branches. There must be a rule in reference to the police force, and others specially applicable to other public officers. Those parties who were in public departments and were in the receipt of daily pay were liable at a week's notice to lose their employment, and under such circumstances it would be rather hard upon them to require them to contribute towards the Superannuation Fund. The number of such parties was also very shifting and was of course regulated according to the requirements of the various departments with which they were connected. In one year the police force might be very much increased, and in another it might be very much diminished, according to the requirements of the colony, and the same remark would apply to the Survey department. The classes which had been referred to by the hon. member for Sturt were too fluctuating to render it desirable that they should be placed on the fund. The Bill was intended to apply only to those who had an annual salary, and were upon a fixed establishment in the colony.

Mr. REYNOLDS said, that being the case, why were the classes which he had referred to not excluded from the operation of the Bill, as it was quite possible that those parties might prefer claims if the clause were passed as it at present stood. The parties he had referred to were a very deserving class, and he did not see why they should be debarred from good-service pay. The hon. the Treasurer had remarked that it was hard that this class should be called upon to contribute, but it appeared

they did not contribute, and that the Government made them a present of a certain fund towards a pension list.

Mr STRANGWAYS thought it an extremely bad principle to go on increasing the salaries of officers whether they were capable of filling higher offices or not. There was one civil service which was remarkable for the excellence of its arrangements. He alluded to the civil service of the East India Company. In that service a certain salary was attached to each office, and certain deductions were made from that which were set apart towards a retiring fund. There were various funds to which the officers were called upon to contribute. It would be well to consider whether the course adopted by the East India Company might not be advantageously adopted in this colony. There, as he had already stated, the various offices under the Company had certain salaries attached to them, and a percentage was deducted as a contribution towards the fund. That system worked remarkably well in India, and he could not see why it should not work well here. The system here was not that each officer should contribute towards the fund, but that the Government should set aside a certain sum for the benefit of the officers. Let every office have a certain salary attached to it, but let them abolish this good service pay entirely. If a higher office were vacant, let a subordinate, if competent, be appointed to it as a reward for his services. In the one case, the officer himself would contribute towards the fund from which he subsequently derived advantage, but in the other the whole burden was thrown upon the colony.

Mr NEALES certainly could not understand the logic of the hon. member for Encounter Bay. What were the facts of the case? Here we gave officers a salary with a rising scale, but the East India Company, according to the statement of the hon. member, had no rising scale. He could not conceive how the hon. member could attempt to show that the fund here was not created by a deduction from the salary. The salary was subsidized by another payment and from the subsidy a certain sum was stopped for a particular purpose. It was playing with words to say that it was not a deduction. (Hear, hear.) It appeared to him monstrous to say that there should be no promotion in pay except the party were removed to a higher office. The service here if based upon such a principle would present no inducement to parties to enter it. He approved of the system by which parties by length of service and goodness of conduct would get an increase no matter whether the officers above them died or gave up their berths. He could not conceive a greater inducement for officers to remain in the service, than giving them an annual increase, from which there should be a deduction for the purpose of affording them security for a comfortable provision in old age. He had carefully considered the measure, and was of opinion that it would be a great injustice to Government officers if it did not pass. All the objections which had been raised had he was satisfied, merely been brought forward for the purpose of impeding the settlement of a very difficult question. There could be no doubt that a blunder had been committed in passing the Act of last session, but this Bill appeared to him to be a perfect remedy and to do justice to all parties. It did not exclude rights which arose before the end of 1858, but all claims would be dealt with equitably between the Government and the claimants. The object of the Bill was to prevent any more claims from arising. He thought the hon. the Treasurer had given a sufficient reason for not including the police force and other classes but he should have no objection to support a Bill by which a mutual insurance would be established amongst employees of the Government not included in this Act. He believed it would be a very good thing to encourage such a course in order that parties might be enabled to make a provision for their old age. If such parties were included in the present Bill it might be a temptation to Government, from political motives, to dismiss such bodies of men, and under all the circumstances he thought it was undesirable that such shifting bodies should be included in the present Bill.

Mr REYNOLDS said if mutual insurance were such a good principle, why not support it in a more extended view. As it appeared that the police were not to be included in the present Bill, he would ask the Treasurer if it would not be necessary to exclude them from the Bill. The House having affirmed the principle of the Bill, he could assure the House that his only desire was to make the Bill as perfect as possible. There was another class whom he was desirous of knowing whether it was intended to include in the present Bill. He alluded to officers under various Boards. It was true that the Public Works Bill had not yet passed the House so that it was difficult to say what officers would be affected, but he was desirous of knowing whether it was intended that officers in connection with Boards should be brought under the operation of this Bill.

The TREASURER said, with respect to the officers referred to, it was clear that those who did not at present appear upon the Estimates could not come under the operations of the Bill; but if any officers of the Central Road Board for instance, or in the Public Works Department were placed on fixed establishments then they would be classed as officers, and would come under the operations of the Act, but not otherwise.

Mr REYNOLDS pointed out that the words used in the clause were "any public officer." He wished to ask whether all clerks in the Government service were to have good-service pay no matter whether they were good, bad, or indifferent clerks. He saw no provision in the Bill that there should be a certificate from the head of the department to the effect that they were entitled by good conduct to good service pay. He should like the pay to be really good-service pay, and not that it should be given indiscriminately, whether the officers were good, bad, or indifferent.

Mr BARROW thought the principle referred to by the hon. member was recognised in the 8th clause, and if that principle were applied to the clause under discussion, it would be an improvement.

The clause was passed as amended.

Clause 4 provided for a retirement allowance fund, and was as follows:—

"4. For the purpose of forming a fund to provide for the retirement of officers in the service of the Crown in the said province, and for the continued payment of the annuities of persons who have retired under the provisions of Act No. 21 of 1854, the Treasurer of the said province shall carry the unexpended balance of all moneys by law appropriated towards the payment of such last-named annuities, and also the whole of the sums hereinafter provided as good service pay, in respect of officers whose salary at the commencement of this Act shall amount to £300 a year and upwards, and one moiety of such good service pay in respect of officers included in the aforesaid classification, to the credit of a fund to be called 'The Retirement Allowance Fund,' and shall invest the same every year in South Australian Government securities. Provided that if the sum so authorised to be invested shall at any time exceed £10,000, any surplus beyond that amount shall be carried to the General Public Revenue of the said province, for the public use thereof."

Mr GLYDE rose for the purpose of proposing an amendment, remarking that he had not opposed the second reading of the Bill because he felt that the Act 21 of 1854, which was repealed by the present Bill, ought to be repealed. That Act was evidently a great mistake, and he could not think how the Legislature could have been betrayed into passing it. Any man acquainted with pounds, shillings, and pence, must ridicule the idea of charging every man, whatever was his age, 2½ per cent. It was most absurd. Another objection to that Act was that the payments were not compulsory but merely voluntary. It was impossible to strike an average with anything at all like safety. He trusted that the House would assent to the amendment which he was about to propose. He held that the clause as it stood was a rough attempt at the establishment of an Insurance Company. The hon. member read his amendment, which proposed that the whole of the good service pay in respect of officers who at the commencement were above 45 years of age should be carried to the fund, three-quarters of the good service pay of those between 35 and 45 years, one half the good service pay in respect of those between 28 and 35 years, and one-fourth of the good service pay of those who had not attained 28 years. He considered that a better proportion than that which was contained in the clause as it stood. The principle was that younger men should pay less than those of more advanced years. He had that morning been to various insurance offices to see if he could obtain a table of rates, but he found that none of the offices here did business in that way. It should be borne in mind that it would be unfair to the junior officers in the service if the clause were passed as printed, because the younger men would have to pay for a greater number of years before they could avail themselves of the fund, and they had a less chance of living to become pensioners upon the fund; that is, a man who had arrived at 40 years of age had a better chance of arriving at the age of 60 years than a man of 30 years of age had. A young man for instance 30 years of age would have to contribute towards the fund for a period of 30 years, and if he died before that period, he forfeited all that he had contributed. He was satisfied the amendment would, upon consideration be regarded as an improvement. He could not believe that the Government would be acting rightly in going into this matter at all. In theory this attempt at life insurance should be left alone, and let the Government pay a fair day's salary for a fair day's work, leaving Government officers to provide for themselves. He believed however that many would not make a provision, and that it would be desirable that old officers who had become unfit for their various offices should retire. He believed that whoever had prepared the last portion of the clause, must have done so in a satirical mood in alluding to the surplus of the £10,000, as in the course of a few years the probability was that, instead of a surplus there would be a tremendous pull upon the Treasury. When the schedule was under consideration he should feel bound to move some amendments, feeling satisfied that they were making a bad bargain. The number of Government officers was so small that it was impossible to strike a fair average, and the result would be found to be that though the senior officers had made a very good bargain the junior officers had made a very bad one. The reason he had moved the amendment was, that he felt the clause, as it stood would be unjust to the younger and more clever officers in the public service. If a man at 30 years of age had, by his abilities and energy, risen to a position to which a salary of £700 a-year was attached, it was

unfair that he should in consequence be called upon to contribute the whole of the good-service pay.

Mr BARROW hoped that the clause would be postponed, as many hon. members were not such adepts in figures as his colleague (Mr Glyde), in order that those hon. members might have an opportunity of checking the figures of the amendment.

Mr HAY hoped that before the calculations of the hon. member (Mr Glyde) were gone into, the clause itself would be closely examined. He thought the junior members would have an advantage by the proposed arrangement, as they would get one-half their good-service pay, whilst officers in the receipt of £300 a year would get none at all. If there were to be any alteration in the clause, he would say, "Do away with good-service pay being given to anybody, and let it all go into the general fund." The amendment of the hon. member for East Torrens (Mr Glyde) would be unjust, unless Government officers could at all times claim a retiring allowance. The great object of the Bill was to do away with all appeals to the House for pensions, but that when the time arrived for an officer to retire from the service he should have a claim upon the Government, and this was highly desirable inasmuch as nothing could degrade an officer so much as that he should be compelled to curry favor with a member of that House in order to have his claim for an allowance brought forward. Again, if an officer was connected with some society such as the Oddfellows, or the Freemasons, although he might be an inefficient public servant, he might by means of members of the House who were members of the same society obtain an allowance, whilst another officer not having friends could not procure one. He thought that every officer should have a claim, and that the House would not have to give them allowances through charity. He should support the clause as it stood.

Mr SOLOMON would not have risen to address the House at all, but for the remarks of the previous speaker. He was neither an Oddfellow nor a Mason, but the hon. member (Mr Hay) had touched the very chord which showed that it was unnecessary to provide this fund at all. For if an officer was an Oddfellow or a Mason, by paying considerably less than the Government now asked, he would have a claim on the society to which he belonged, which would render it unnecessary to ask any hon. member of that House to claim for him a pension which he was entitled to. He would support the amendment of the hon. member for East Torrens, for he was not at all convinced by the arguments of the hon. member for Gumeracha, when that hon. member attempted to show that so far from there being an injustice to the junior clerks there would an injustice to the seniors. Well as he knew figures, and he did know them pretty well, he was not able to discover how the amendment could lead to such an issue. A great injustice would be done to the junior officers by compelling them to pay the same rate for insurance (for he could regard it as nothing else) as was paid by the seniors. He would support the amendment of the hon. member for East Torrens, for if a fund was to be created he could see no better mode of doing it.

Mr NEALES said that by the amendment a poor fellow in the third class might have £5 deducted from his good-service pay whilst a gentleman with £300 a year would have only £4 to pay.

Mr GLYDE said he did not propose to use the classification of offices at all.

Mr NEALES said that was just what he complained of, as the effect would be that the higher class of officers would have less deducted from their pay than the lower.

Mr GLYDE said that his amendment did not touch the question of salaries at all. It was only that according to the age of the officer a certain amount of good service pay should be deducted.

Mr NEALES said that only made the case worse, and if the system was to be carried out they had better abandon the Bill altogether. If the amendment was carried, the Bill would be quite useless inasmuch as it would never provide sufficient funds. He believed it was quite fair to deduct one-half the good service pay from officers who had a certain amount of pay, but when they arrived at the comparative independence of £300 a year, they should contribute more. It was a mere contract between parties. When the question was before the House previously, he did not believe the allowance was a pension, and now he did not regard it as an insurance. It was merely a certain condition which officers with certain salaries agreed to. There would be no injustice in taking the whole of the good service pay from officers with £300 a year, as these persons were comparatively independent. As to the talented young men with £300 a year, the terms were offered to them and they were not compelled to accept them. It was not like cutting down an old establishment, and with respect to the classification of last year it was successful, and had had the effect of raising salaries.

Captain HART would vote against the amendment. The hon. member himself (Mr Glyde) if he entered into calculations, would see that in attempting to make what he considered a more fair arrangement, he had left out one important ingredient altogether; for whilst a young man would have to pay a certain sum for a certain number of years, the payment he received was in proportion to the time he spent in the service. If for instance, he served for 30 years, he would get six-eighths of his pay, whilst the officer who had only served 20 years would only get four-eighths. But, would the House say, that if this Bill did not pass, they would give for the present good service of the junior officers, this £10 a-year. If so, it would be necessary to go into a different calculation, and to take the individual position of each officer, before knowing what pay he was to receive. This necessity was obviated by the course proposed to be adopted in the Bill, and the next question was, is the sum to be raised sufficient for the purposes of the Bill. If such were the case he would not alter the Bill at all. But the hon. member who had just spoken said the sum was not sufficient, and yet he proposed to reduce it. The hon. member forgot that the junior officer's pay increased according to the time he was in the service, and that his pension was calculated by that time. Hon. members would do well to take the same trouble which the members of the Select Committee which produced this Bill had taken, and if so, they would come to the same conclusion. He would refer to the members of that Committee, to the hon. members for Gumeracha, Mount Barker, and the Light. These hon. members were opposed to a pension list, if it could be got rid of, but they saw that it was a question which must be grappled with, and they came to the conclusion which they arrived at after very serious consideration. As to the amendment, if carried it would at once defeat the Bill. (No, no, and hear, hear.) Hon. members might say "no, no," but he would show that it would at least defeat the vital principle of classification. It would bring a man of lower class, incompetent though he might be, to a higher salary than a man of a higher class. The £35 which a man would gain in seven years would bring him within £5 of the class above him. The maximum of good-service pay amounted to £70, and half of this went to the officer, but if he got more than this, he would have more than the class above him. He thought that before adopting the amendment, the House should be in a position to know whether it was based on proper calculations or not.

Mr LINDSAY could not understand the amendment, and thought it impossible to say what its effects might be. He should therefore, support the motion of the hon. member (Mr Barrow) that the clause be postponed.

The CHAIRMAN said it was the amendment that was before the House.

Mr LINDSAY still hoped that the clause would be postponed. Whatever might be the amendment of the hon. member for East Torrens, the clause could not be made worse than it was. (Laughter.) For instance, a man entering the service at 18 and remaining in it until he was 60 would contribute £1,260, whilst a man with £500 a-year, would only contribute £1,500, although the first-named individual would only get £117 a-year, and the other £375. There was no proportion here. Again if two officers, entered the Government service at 25 years of age one having £120 a-year, and the other £500, the individual who received £120 would contribute £1,015 to the retiring allowance fund, whilst the officer with £500 would only contribute £1,220 or a very little more, whilst the amounts they received were £117 a year for the low class, and £376 for the high. Again suppose that two individuals entered the service at 36 years of age, the clerk of £120 a year would contribute £630, whilst the man at £500 a year contributed but £780, and the lower class man would retire on a pension of £78, whilst the high class officer would receive £250. He did not see how it was possible to alter the clause so as to make it more unjust. How it would affect parties making jumps from one class to another he could not say, but he would ask the hon. the Treasurer whether an officer of a low class stepping into the next rank would have to begin *de novo*, or whether he would occupy the same position as if he had remained in the service at a lower rate of salary.

Mr REYNOLDS said that something had been said about calculations, and he would like to know from the Hon. the Treasurer, what sum the Government would have to pay for this fund during the next eight years. The hon. the Treasurer would correct him if he was wrong, but he found according to the Bill, that the country would have to pay no less than about £60,000 during that time. He thought this would be paying too dearly for their whistle. He agreed with one hon. member who thought the fund would not be sufficient to meet the cases which would come under it. Take the case of His Honor the Chief Justice, who had been now nearly 20 years in the service, and who would therefore be entitled to four-eighths of his pay, or instead of £1,500 a-year to £750 as a pension. Then there were two other officers at £600 a year each, and one at £700. For these officers the country would have to pay £3 284 in pensions or superannuation allowances. He had only taken these four gentlemen who might claim their retiring allowances, but there might be others, and he (Mr Reynolds) questioned whether the £60,000 which we would have to pay would be sufficient for all the claimants. This certainly did not look like economy but far otherwise. But it also appeared that the good services of an officer receiving £1,500 a-year were only worth £10, whilst the good services of an officer with £120 a-year were also worth £10. In fact all good services, whether good, bad, or indifferent, were worth £10 a-year. (Laughter.) There were about 56 officers with salaries of £300 a year and upwards, and these would have each to pay £10 a-year, and about 130 whose pay was under £300 and who would have to pay £5 each, making a total of £1,210,

and the sum to be paid altogether for good-service pensions in the first year would be £1,860

Mr GLYDE, in explanation, stated that as a sequel to the amendment he intended to propose an amendment in the next clause to the effect that the word "ten" be struck out, and the word "five" inserted

Mr SCAMMELL thought if the amendment was carried, it would be necessary to have every Government officer duly examined with the stethescope, and his previous habits inquired into before a new classification was made for the public service But it might not be known to some hon members that a practice prevailed in England of deducting from the salaries of Government officers at the rate of two per cent on salaries of £100 a year and below that amount, and of four per cent on salaries over £100, and this money was paid into the retiring allowance fund The fund had proved equal to all emergencies, to such an extent, indeed that he believed it was a historical fact that Lord North many years ago borrowed from it a million and a half of money for the public service He would move as an amendment that all officers receiving £200 a-year or below that amount should pay two per cent to the retiring allowance fund, and all officers having over that amount should pay, say four per cent (Laughter from Mr Glyde) In spite of the laugh of the hon member for East Torrens, this amendment would be an improvement on that of that hon member, inasmuch as it would not entail an additional staff of medical men, and constant fees for the examination of officers entering the service He found too that under this Bill a considerable branch of the Government service would be excluded, which until recently would have come under its provisions He alluded to the Trinity Board, several of whose officers had been many years in the public service He thought there would be no difficulty in placing these officers on the same footing as other persons in the public service

The ATTORNEY-GENERAL would oppose the amendment, and in doing so would say a few words with respect to the character of the opposition offered to the Bill Objection had been taken to the statement made during the present session of the intentions of the House as to this matter during the last session, but in spite of these objections he contended that the Bill was in accordance with the former intentions of the House He deducted these intentions from the declarations of hon members during the last session and the act of the House Inasmuch as this Bill was almost the same as the one which received the sanction of the House on its second reading, he contended what was then said and done formed a sufficient basis for argument in favor of the measure The Bill originated in the discussion of the Estimates, in reference to the good service pay, last session, when there was a strong feeling manifested in favor of abolishing the good service pay A suggestion was made by an hon member that it might be made the basis of a retiring allowance, and the matter was referred to a Select Committee, and the Committee was of opinion that good service pay should be granted in the case of clerks He denied that any injustice had been done to junior clerks by the arrangement proposed, for if it were not for the introduction of the Bill of last session, the Estimates would have been passed without any good service pay at all The House had affirmed the Estimates in the belief that the Bill would pass The principle of the Bill was to do away with good service pay except in the cases of persons holding no definite appointments, but who were simply clerks, and to substitute for this pay, retiring allowances There was no intention of going into elaborate calculations and saying such a person is entitled to so much and such another to so much more, but merely to substitute retiring allowances for good service pay The amendment would destroy this principle Did hon members remark how eagerly all those who opposed the Bill adopted the amendment by way as it were of improving the measure, and bearing this in mind, he asked the hon member (Mr Glyde) to consider whether he had not mistaken the character of the Bill One hon member (Mr Reynolds), who he regretted was not now in his place, had said that the good services of all officers were worth £10 each, and assuming that estimate to be absurd, how could the hon member support the amendment which left that principle as it was Hon members might often judge of the motives of individuals by contrasting their arguments and their votes There was no reason why the hon member (Mr Reynolds) should support the amendment, inasmuch as it did not affect any objectionable principle of the Bill, but he did so, believing that it would be the destruction of a Bill to which he was opposed He was sorry the hon member who sat on that (the Government) side of the House did not employ some of his time and ability in improving the measure instead of waiting until he was on the opposite side and then opposing it He should be sorry that an hon member should be compelled under different circumstances to support a measure which he had previously supported, but in such circumstances the tone and language of his opposition would be very different from that which had been adopted on this occasion As to the money derived from the good service pay being inadequate for the purposes of the Bill, unless ill-health visited the public officers to such an extent as was never known there or indeed in any part of the world, he believed it would be impossible to show how the fund could be exhausted But if the provision which the Government intended to make was inadequate, why was it to be diminished by one-half?

Mr BURFORD said that his feeling was that the title of the Bill should be altered He regarded it as a Bill for "gulling" the public—(laughter)—and sacrificing the junior for the senior officers It was evidently a Bill emanating from persons favorably inclined to the old hands It had been shown that it would bear hardly on the junior officers, and there had been a petition presented from 75 clerks

The CHAIRMAN stated that there had been no petition presented to the House on the subject (Laughter)

Mr BURFORD continued—He understood there had been an expression of opinion from a large majority of the Government clerks, showing their disapproval of the measure, and their desire that it should not pass If this was the judgment of the junior officers themselves, he asked whether it would not be gross presumption in the House to legislate for them against their own interests, minds, and wills The Bill was an ingenious contrivance, whereby to gull the public When they spoke of engagements in any other establishment than one under Government, the thing was easily understood, but under Government, there was some mystery about it They should tear this veil away, and have no shifts or contrivances to entice young men into the Government service It was said the question must be grappled with——

The CHAIRMAN said the hon member was going into the principle of the Bill, and not addressing himself to the clause before the Committee

Mr BURFORD said that the clause dealt with the money, and the mode of its appropriation

The CHAIRMAN said the clause did not relate to the appropriation of the money

Mr BURFORD found it difficult to separate the appropriation of the money from the question before the House He would ask why this question must be grappled with? Was it because the Government had introduced this fictitious mode of rewarding the services of persons in their employment? There was no necessity for grappling with the question, and his conclusion was that they would do best by not grappling with it in any other way than by throwing it under the table If he was a Government officer he should feel humbled and disgraced by the remarks which had been made as to their position, and what they were likely to do or not likely to do, or what they were capable of doing or not capable of doing The Government officers had been most mercilessly treated It was said by one hon member that they were not capable of taking care of themselves, and that, therefore, the House must take care of them, that they had so little providence or forethought, that the House should say to them, "Poor fellows, you are so little acquainted with this wicked world, and the character of its temptations, that we must take care of your money for you" (Laughter) This was not a payment for services rendered, but would be taken from the public revenue, and put aside to the tune of some thousands by way of a donation to make things comfortable for those poor fellows when the got into a crippled condition If the House suffered this Bill to pass, they would deserve the epithet of being soft (Laughter) He would say that the public would call them a soft lot—(laughter)—if they allowed the Bill to pass

The TREASURER would call attention to the object of that particular clause There could be no doubt if that clause were negatived it would be fatal to the Bill, because the Bill provided a substitute for the Superannuation Bill which now existed, and was unworkable The hon member for East Torrens had proposed an amendment to the clause which, if carried, would really upset the Bill altogether His argument was, that there would be a great outlay of funds—that the amount proposed by the Government was not sufficient and in the face of that he introduced an amendment which would render the fund smaller still After the last Bill for providing retiring allowances had passed the House, it was found that the fund was not sufficient The House ought, therefore, to be very careful to provide sufficient funds, otherwise they would be drawn into the same vortex as that from which they wished to escape and which would involve also all the officers in the public service who were classified Under the Bill before the House it was intended to make the system of retirement compulsory in every office in the service, and he considered the fund created by that Bill sufficient He thought the old Treasurer must have been joking, when he said £10,000 would be found sufficient It was possible that such a contingency might arise that a balance over and above the requirements of the service might be in hand Into that question he need not enter, but the hon member for Encounter Bay (Mr Strangways), in estimating the contributions of an officer under 20 years of age, made it £1 260, and the utmost pension he would receive £117 per year He (the Treasurer) could not arrive at that conclusion, for if an officer contributed 30 years, the maximum contributed could only be £35 per annum Supposing him to be such a donkey as not to rise above the lowest classification, his contribution would be about £1,050, and as to the pension he could not suppose a clerk would remain thirty years in the public service at £120 a year, and supposing he never got above the highest in his classification, he would enjoy a salary of £280 a year, and £35 more good service pay, or a salary of £315 a year, and his pension would be £236, which differed materially from £117 per year That put him in a

much more favorable position than he would have been in by subscribing to an insurance office

Mr Townsend hoped the Government would withdraw the clause until the amendment of the hon member for East Torrens was committed Not having been in the House during the former debate he did not clutch at the amendment in order to get rid of the Bill, but he wished for more information on the subject, and he therefore wished the Government to postpone the clause in order that due consideration might be given to it With regard to the remark of the hon Attorney-General, that it was strange that the hon member for Sturt could forget the course he took on that Bill when before the House last session, he (Mr Townsend) had been surprised to find that in one session a person could vote in favor of free distillation, and in another against it

The Chairman begged the hon member not to allude to what took place this session

Mr Townsend claimed the right to reply to the remarks of the hon Attorney General He considered it a lamentable fact that members of the Government could change the views they had formerly expressed when they took their seats on that side of the House He did not hesitate to say that now that photographic pictures could be taken, some artist would record the different aspects which members assumed when sitting in opposition to, and on the Government benches He wished the Government to postpone the clause

Mr Strangways wished the clause to be postponed, in order that the Government might give more information than the House had at present When the Act of last session was passed, the Treasurer was Colonial Secretary, and if he could be guilty of a blunder then, he could be guilty of a blunder now The only way to convince the House that the funds would be sufficient, would be by getting some one to compute the amounts to be paid during the next five years, and the amount likely to be drawn from the fund, and by setting the amounts one against another, hon members would have an opportunity of considering the probability of the amounts being sufficient He did not like the principle of superannuation being considered good-service pay If clerks were entitled to good-service pay, let them have it irrespective of the superannuation fund He thought the Government might find some person who could tell them the amount of superannuation paid to officers in the Civil Service in India The East India Company's plan had worked well, and the funds were rapidly increasing, and it would be better to adopt their principle Some one had said that the payments during the next eight years would be £60,000, The sum on the Estimates was £1,540 for an amount of £3,000 a year That would not be sufficient for the claims within the next twelve months, for there were persons in the Government service who would be entitled to retire, the most of them at one half of their salary, and the total amount of their pensions would be between three and four thousand pounds a year, which would have to be added to the pensions already existing, so that the total would be £5,000 a year, and the accumulations only £3,000 He hoped he should not be considered out of order in referring to a subsequent clause relating to the expenditure of that fund In clause 6——

The Chairman thought the hon member would be out of order On the second reading of the Bill the whole principle was discussed, and therefore hon members should confine themselves to the objects and scope of the clause under consideration

Mr Strangways would only say that if he had an opportunity he should move that it be reconsidered He hoped the Government would consent to the postponement of the clause under consideration, and give such data as would enable hon members to form a conclusion as to whether the fund proposed would be sufficient or not

Mr Barrow said—It was no doubt a good rule to require hon members to confine their remarks to the particular clause of a Bill before the House, but it was impossible strictly and literally to adhere to that rule, for one clause depended sometimes so absolutely upon another, that an alteration in one necessarily involved the consideration of the effect it would have upon all the rest For instance, he intended to move an amendment on the 7th clause, and to propose a maximum of £350 a year in it It was therefore necessary to allude to that in order that hon members might take it into consideration in voting for or against the amendment in the 4th clause He was glad that the term "good-service pay" was used instead of "pension," for he was desirous to exclude the word pension altogether from the requirements of the civil service In voting the clause affirming good service pay it was necessary not only to understand what the following clauses proposed to do with that pay, but even to consider the effect which their vote would prospectively have upon the Estimates then lying on the table He (Mr Barrow) would distinctly assert, that if a Retirement Fund was not to be created out of the good service pay, he would not vote one shilling of such pay when the Estimates came on (Hear, hear, from the Attorney-General) So far as related to the different sets of figures submitted to the House, those by the hon member (Mr Glyde) might possibly be preferable to those of the Government, but as the House did not know that to be the case, they could not come to a correct conclusion without entering into calculations, and checking the reckonings of that hon gentleman He believed that the Government had availed themselves of the record of the labors of the Select Committee which had investigated the subject, and before whom a competent actuary was examined The House had, therefore a right to assume that those figures were the result of close calculation, and it was impossible to attach the same confidence to figures arrived at on the spur of the moment, as to those which had been the subject of close investigation He thought therefore that sufficient time should be given for members to satisfy themselves on this point, and he hoped that no attempt would be made to force the amendment through the House that evening The 4th clause related to the raising of a fund, the 7th to the expenditure of it, but though the 7th was not then before them, it was really necessary to know how much money was wanted—(hear)—as well as how it was to be obtained, and if they might consider, first how much was needed, and then how they were to get it, the proper course to be taken would be to make the 7th clause the 4th, and the 4th clause the 7th He believed that by providing a retiring allowance in this manner for decayed Government officers, instead of taking money out of people's pockets, it would put money into them—(hear)—as it would prevent the necessity of retaining incapable men in office, because they could not, for humanity's sake, turn them adrift in old age He wished that the public should have a good day's work for a good day's pay It was desirable therefore to average for the retirement of officers who were no longer able to discharge their duties The hon member (Mr Burford) had said it was presumptuous of the House to meddle with the arrangements of officers in the civil service, he (Mr Barrow) could not see why it was so He thought it right of that House to take measures for avoiding the public inconvenience and loss which would result from retaining in the service those officers whom, although incapacitated for duty, humanity would not allow them to dismiss He hoped therefore, sufficient time would be allowed by the Government for members to consider that clause in the Bill, and to ascertain whether the proposition of the Government or the amendment of the hon member for East Torrens, was the better

The amendment was then put and negatived

Mr Strangways moved that the House resume, and the Chairman report progress

The motion was negatived

The question was put that the clause stand as printed

Mr Glyde did not wish to defeat the Bill His object was to improve it It had been asserted that in the arrangement he proposed the provision would be considerably less than in that proposed by the Government

The Chairman asked whether the hon member was speaking to the amendment or the clause

Mr Glyde was speaking to the clause, and submitted he was in order

The Chairman said the hon member was referring again and again to an amendment that had been negatived

Mr Glyde submitted he was perfectly in order The question had been put that the clause stand as printed, and he was giving reasons why it should not do so He could not understand how the Attorney-General could think that the clerks would be satisfied by the clause as printed Under his arrangement a young man at 25 years of age would receive, after he had been five years in the service, 10*l* per annum, out of which 2*l* 10s would be taken to provide a retiring fund, and he thought that better than being mulcted in favor of the senior members He hoped the Government would not press the clause to a division, as perhaps the amendment might be amended or other arrangements made, and if the clause were pressed to a division he would oppose it

Mr Peake wished the consideration of the clause to be postponed He did not think the Attorney-General had any right to attribute factious motives to hon members who opposed the Bill He considered that what he had formerly called a pension list should be called an insurance list (Laughter) He had hoped that the Government would have proved that £10 000 would be a sufficient sum to carry out the object of the Bill, but he had heard nothing of the kind He denied the doctrine contained in the Bill which ignored the usual calculations of the relative value of lives, and substituted the schedule in lieu of it The schedule ought to have been submitted to an actuary (Hear) The Government were departing from the ordinary rules of insurance offices, and establishing a principle never tried It therefore required much caution before the House adopted the system He hoped the clause would be postponed

The Attorney General said the Government would not oppose the recommittal of the Bill, in order to consider the amendment of the hon member for East Torrens, but could not consent to the postponement of the clause The calculations in which the figures on the clause were based were not undertaken by the Government, but by a body appointed by that House, and the House had twice sanctioned the scheme of that Committee by twice sanctioning the second reading of the Bill The only motive he attributed to the hon member for Burra and Clare was the motive of throwing out the Bill, he having on a prior occasion protested against it and voted against the second reading He considered him sincere in his opposition, and did not think he was wrong in attributing to him a desire to destroy the Bill, but he feared the support of hon members, (whose object was not improvement but destruction), to alterations in the Bill (Hear, hear)

Mr Reynolds, in self defence, must make some remarks He had been charged with inconsistency The Bill of last

year, he was told had had his support. As being based on the recommendation of the Committee the Government were bound to bring in this Bill, and were always ready to bow to that House. So that if he had been inconsistent the Attorney-General had been ten times more so.

The clause then passed.

On clause 5 being put,

Mr GLYDE moved an amendment on line 45, to the effect that £10 be struck out, and all the words in the fifth line of the third page. That was carrying out his idea of classification, as regarded age. It appeared to him absurd that if good-service pay were taken into consideration they should stop at the end of seven years, and four years, in some cases. He thought that if members remained in the service 20 years, their good-service pay should be allowed to accumulate.

Mr STRANGWAYS asked what sum was to be added to the salary of public officers at first. The clause was only to increase at the rate of £10 per annum.

Mr GLYDE asked if it was intended that the Judges should be included in the operations of the fund. He thought by the clause it might include the Governor himself.

The TREASURER believed that the Judges and parties mentioned by the hon member for East Torrens were not included in the operations of the Bill. As to the amount of good-service pay, the intention of the Bill was to settle it at £10 a year to be paid into the Treasury by every officer after three years' service, half of that amount only to be given to himself as pay, and the other half to form a superannuation fund.

Mr REYNOLDS asked the Attorney-General whether the Judges would be included in the operations of that Bill. They were not excluded, and it was to include all officers except responsible Ministers.

The ATTORNEY-GENERAL said, according to the phraseology of the Bill, whether the Judges might or might not be brought under it he could not say, but the intention of the Act was that they should not. Their salaries were already fixed by an Act of the Legislature, which had received the assent of Her Majesty. Over their salaries the Legislature had no control except for the purpose of increasing them. There was a sufficient reason for their not coming under that Bill because they stood apart from all other persons in the public service. So long as they lived they could not be removed from their office, except by Her Majesty on an address from both Houses of the Legislature. And even were that address presented for their removal on account of age or sickness, Her Majesty would not dismiss them without special provision being made for them, and therefore it was not likely they would attempt to avail themselves of the provisions of that Bill. He believed they did not come within the scope for the Legislature, but fixed their salaries absolutely by the 13th, and 14th Victoria, which prevented any alteration being made.

Mr BAGOT thought that the argument of the Attorney-General was the strongest reason why the Judges should be included in the Bill, because as the House had no power to compel them to retire without an address from both Houses, there should be some means of giving them a retiring allowance when they passed that age that the good of the country rendered their retirement necessary. At home great inconvenience arose from gentlemen holding on to office in order to gain a certain amount of pension. He hoped therefore the clause would not be altered.

Mr BARROW said the argument of the Attorney-General would include not only the Judges, but the Under Secretary, the Auditor-General, and the Crown Solicitor. It would be well for the House to know what officers on the Civil list were included, in order that the House might know what claims for superannuation might be made, for on the scale laid down by the Bill, very large retiring allowances might be claimed by the superior officers of the Government. The clauses were so mixed up that it was necessary to refer to them prospectively unless clause after clause was recommitted in order to reconcile previous clauses with amendments which it was intended to move on subsequent ones. If it were stated that officers on the civil list were not eligible to be included in the operations of the Bill, it would avoid a difficulty, but it would not remove all difficulty. For instance, some future Registrar-General might claim six eighths of £1,000 a year, which would be much more than he (Mr Barrow) would be inclined to vote. The object of the Bill was not to place superannuated officers in luxury, but to provide for them moderately, and relieve the Government from the necessity of dismissing them. While an officer might retire with credit on £350 a year, and while the House might grant that sum, it was very different from granting a pension of double the amount.

Mr STRANGWAYS thought the clause itself was a sufficient answer to the questions put. No one could imagine the Attorney-General would have included in the Bill an unnecessary clause, therefore, the exception would be totally unnecessary. He, however, should imagine that all persons in the service of the Crown not excepted by that clause would be entitled to pensions. He thought it quite clear from that clause that it was optional on the part of the Government to place on the Estimates any sum they chose for the first year, as good-service pay, and as it was the intention of the Bill that the advance for the first year should be ten pounds, he would move that that sum of ten pounds be inserted. To remove also the objections that still existed as to its being probable under that clause that the Judges of the Supreme Court and His Excellency the Governor might be entitled to pensions, in the event of sufficiently long service, and as it was not intended to include them under its provisions, he would move that His Excellency the Governor and his successors in office, and the Judges of the Supreme Court should not be allowed to claim retiring pensions under the provisions of the Bill.

The TREASURER suggested, before the amendment was put that the Judges should be excluded. He had no objection whatever to the insertion of words which would have that effect. He would, therefore, suggest that, after the Ministers of the Crown, the words "or Judges of the Supreme Court" should be inserted.

Mr NEALES would prefer the clause remaining as it was, and when they came to the clause as to the amount, they could regulate the matter then. A case might occur in which a Judge might be very much disposed to retire upon a pension of £500 a year, and, under the circumstances, it occurred to him that it would be far better to let the clause under discussion remain as it was, making the necessary provision in a future clause.

Mr STRANGWAYS was not altogether clear that it would not be advantageous to the public service that the Judges should not be excluded. He wished the Government to state what were their views or wishes upon the point, if they had any. He suspected that the Government wanted to carry the Bill as it was, and then to put their own construction upon it afterwards. No doubt when the Bill had been passed it would be found that the Government had committed a great blunder as before. If the Attorney-General thought it desirable to include the Judges, he should be happy to consider the point. In all other parts of the world Judges after serving a certain time were entitled to pensions, the length of service varying accordingly to the country in which they served. He could not see why an officer connected with one department should be excluded from benefits in which the officers of another department participated. As the clause stood all but responsible Ministers of the Crown were entitled to pensions. It might be highly advantageous to the public service that a Judge should under certain circumstances receive a pension, and it would be for the House to consider whether it was desirable that Judges should be brought under the operations of this Act or that their claims should be separately considered.

Captain HART should support the view of the Treasurer that the Judges should be excluded. It was an omission if they were not by their position already excluded. He should oppose the proposition of the hon. member for East Torrens, because to make an amendment to tally with an amendment which had been lost would be a silly thing. There would be no difficulty, however, in recommitting this clause, if it were found necessary to make it tally with any amendment which had been proposed. On looking at this clause, the fallacy of the argument previously used in reference to injustice to junior members was shewn, as the good service pay of a junior officer might amount to £70 a year, whilst with no other class could it amount to more than £40.

The clause was passed with the various amendments which had been proposed.

Clause 6 provided how officers should be placed upon the retired list, and was as follows:—

"Any officer, clerk, or other person as aforesaid, desiring to avail himself of the retiring allowance hereinafter provided, shall notify such desire in writing, addressed to the Chief Secretary, accompanied (if such officer shall not have attained the age of 60 years) by a certificate, signed by a medical practitioner, and by the head of the department in which he shall be then serving, that, by reason of permanent bad health, or other infirmity, he is no longer capable of performing his duties, and the Chief Secretary, if satisfied as to the allegations contained in such certificate, if any, as aforesaid, shall thereupon direct such officer, clerk, or other person to be placed on the retired list."

Mr STRANGWAYS proposed to strike out "60 years" and to insert the words "If he has not served 20 years." If a young man entered the service at 20 years of age, he must, as the clause stood at present serve 40 years before he would be entitled to retire, whereas if he did not enter till he was 40 years, he would only have to serve half the time, that is, the latter would gain the same advantages by a service of 20 years that the former gained by a service of 40 years. He saw no justice in such an arrangement, and certainly no advantage to the public service. It was frequently desirable to have fresh blood in the public service, and therefore he thought a service of 20 years quite long enough. Both the public service and the public would be benefitted by it. In India men who served 20 years received a certain pension, but if they served 25 or 30 years they received so much more, and sometimes the full amount of their salaries was given to them. He was not wedded to 20 years, but thought some time should be specified.

Captain HART could not understand the motion of the hon. member for Encounter Bay. If the hon member looked at the schedule he would find that an officer after 20 years' service would receive half salary, but if he served 30 years he would receive six-eighths. The hon member had endeavored to make it appear that an officer entering the service at a late period of life received the same advantage after a service of 20 years that a younger man entering the service received at the expiration

of forty years, but this was not the case. If the hon. member wished to carry out the views which he apparently entertained, he should have moved that after a service of 40 years the officer should receive his whole salary. He had no objection to the proposition, feeling satisfied that there were very few men who would enter the service at 20 years of age, and remain there till they were 60. A long time must elapse before such a contingency could happen. It certainly would not be in the time of hon. members of that House.

The ATTORNEY-GENERAL thought there was some force in the first part of the amendment proposed by the hon. member for Encounter Bay. Was it fair that a person should enter the Government service at 50 years of age, and after a service of 10 years be allowed to retire. It was true that he would then receive little more than a half what he would receive if he remained for a longer period, so that there would be little inducement for a person to retire at 60 years of age unless he had served for a longer period than 10 years. Still it was a question for the House to consider whether, in the event of an officer being in good health, he should be able to retire at 60 years of age. The House should guard against the adoption of any course such as that which destroyed the former measure, and consider whether it was desirable that parties in the full possession of health and faculties should be entitled to retire. He did not think the House had any right to agree to such a proposition. That House had a duty cast upon it to provide the means of support to those who were incapacitated from performing their duties, and, having served the Government so long a time, had a just expectation of being able to retire, but he did not think they were justified in making provision for parties who were in the prime of life. The only way which occurred to him of meeting the views of the hon. member for Encounter Bay was to introduce both the 60 years and the 20 years' service, but he must confess he felt disposed to support the clause in its present form.

Mr STRANGWAYS found, upon consulting the schedule, that a party entering the service at 30 years of age would be placed in the same position as one entering the service at 20 years of age. What he wished the House to decide was whether the right to retire, or the amount of pension received should depend upon old age or length of service.

Mr HAY thought there was a good deal of inconsistency in the opposition which was shown. It had been repeatedly stated during the discussion that this Bill was only intended to apply to those who were incapacitated from performing their duties, yet the hon. member for Encounter Bay now came forward and wanted to give pensions for length of service only. He should oppose any such proposition, thinking that provision should merely be made for those who were incapacitated from performing their duties. He should have no objection if the age at which parties could retire were 65 instead of 60 years, and would move an amendment to that effect.

The amendments were lost, and the clause as printed carried.

Clause 7 was as follows:—

"The Treasurer shall periodically, at such times as the Governor may appoint for that purpose, pay to every officer, clerk, or other person, whose name shall appear on such retired list, such sums as he may be entitled to receive in accordance with the schedule to this Act annexed."

Mr BARROW moved, as an addition to the clause, "provided that no sum thus paid shall exceed in amount one-half of the salary the retiring officer had been receiving, the same to be computed on an average of three years preceding his retirement, nor shall exceed the maximum amount of £350."

The TREASURER hoped the hon. member would not persist in the amendment. The hon. member seemed to have an impression upon his mind, to which indeed he had given expression, that the House were only bound to keep retiring officers above the pressure of want. The pressure of want, as applied to different classes, however, was very different. The pressure of want might in many cases be amply met by the proposition contained in the amendment in the case of a single man, but not in the case of parties who had held high positions, and who had large families. The sphere of such parties, and their social position, would be completely lowered by the acceptance of a pension of this kind. He believed that the proposition if carried out would tend to materially damage the public service, as the moment a party found that he had attained a position by which he could claim the maximum pension of £350, he would leave the public service, although he might be still qualified to be highly useful in it.

Mr NEALES hoped the Treasurer would submit to the proposition of the hon. member (Mr Barrow), or to something like it, for he was quite certain that at least two thirds of the House were prepared to support the proposition. If the hon. member would assent to alter the amount from £350 to £400, he was quite satisfied the proposition would be carried by a large majority. The argument of the hon. the Treasurer would not hold water, the clause which had been previously passed, having effectually prevented parties from retiring when they were not incapacitated or had not served the requisite time. Unless parties got a false certificate as to the state of their health, no such contingency as that referred to by the Treasurer could arise. He believed there were very few even amongst those who had enjoyed incomes of £3,000 or £4,000 a year, who under the pressure of old age or ill health would not consider £400 a year a very ample allowance. Let hon. members consult some of the shopkeepers and auctioneers, and see how glad many of them would be to retire to a cheap country, if they could only get £100 a quarter.

Mr BARROW had no objection, if it were the wish of the House, to alter the amount to £400. He had been requested to make the amount £300, at which rate he knew that he should have had some support, but still he had no objection to increase the amount to £400. He had proposed £350, thinking that amount a very ample one, and could not see why the Treasurer should consider it so small when by the Constitution Act the pensions varied from £425 down to £250, at which latter rate no doubt the late Commissioner of Crown Lands was living happily enough. (Mr Neales—"He could live for half.") Here, then, was a constitutional standard. (A laugh.) When he spoke of the retiring allowances being sufficient to keep parties beyond the pressure of want, he spoke loosely, but he remembered that when he spoke of want he also spoke of luxury, and had said that it was not the intention of the House to provide means for retired Government officers to live in luxury, but merely to give them such a pension as would relieve them from embarrassment and want. He had introduced in the amendment not only a maximum amount, but a provision to preclude Government officers from receiving more than half the amount of their salary, such salary to be computed from an average of three years preceeding their retirement. If the maximum rate only were fixed, it might happen that an officer receiving a much less salary might attain the same pension as another. In order not only to have a maximum rate but a graduated one, he had worded his amendment in the particular manner which he had. If it were the wish of the House he would alter the maximum amount to £400.

Mr STRANGWAYS should support the £350 as originally proposed by the hon. member, Mr Barrow. The Government he presumed would support one or the other proposition, as it was quite clear they were not disposed to place themselves in a minority. By limiting the amount to £350 he did not deem it probable that parties in receipt perhaps of £1,500 a-year would desire to avail themselves of so small a pension unless there were good grounds for so doing. Notwithstanding the alterations which had been made in some of the clauses, he believed that a Judge might come in under the 7th clause.

Capt HART remarked that they would do away with the spirit of the Act if the schedule were interfered with, and he should oppose any proposition to do so.

The ATTORNEY-GENERAL said if the hon. member, Mr Barrow, would fix the amount at £400 he should have no objection to it, but he must object to the proposition that, however long the service of an individual might have been, that, after a period of 20 years no additional continuance in office should entitle him to any additional retiring-allowance. He hoped the hon. member would strike out the portion of the amendment having reference to half salary. It would be unwise in principle to say that a person continuing to serve, after a period of 20 years, should not receive any additional retiring allowance.

Mr BARROW said that the portion of the amendment alluded to by the Attorney-General was no portion of his original suggestion, but he adopted it upon the suggestion of some hon. members, and the adverse wishes of others in reference to it, would justify him in withdrawing it. In reference to the maximum amount, however, he should, if necessary, divide the House.

Mr HAY remarked that an officer receiving a salary of £525 and another receiving £1,000 per annum would, if the amendment were carried, be placed upon the same footing. He thought this was inconsistent.

Mr BURFORD should vote for the amendment of the hon. member, Mr Barrow, the odd £50 were of no consequence. (Laughter.) He thought it would have been well if the hon. member could have carried the other part of his amendment too, for it was their duty, he considered, to modify the extreme extravagance connected with this measure. He was very glad, indeed, that the amendment had been moved. The hon. member for Gumeracha complained of inequality, but he contended there was great equality, for no matter what the officers had been receiving when they were incapacitated, they were both placed upon the shelf, and should he thought receive the same amount. There would be equality with all when they got into their six feet by two, but till they did, he thought £400 a-year, payable quarterly, a very comfortable allowance.

Mr BARROW having consented to abandon the former portion of his amendment, it was negatived, and the latter portion, fixing the maximum rate at £400, was carried.

Clause 8, provided that officers dismissed or resigning should forfeit all claim to the fund.

Mr GLYDE wished to insert a provision to the effect that parties leaving the colony unless from ill-health should forfeit their allowances. Absenteeism was the curse of this colony, and if these parties after obtaining pensions left the colony there could be no doubt it would be most injurious. He would therefore move as an amendment that parties leaving the colony for more than a year unless, under a medical certificate should forfeit their allowances.

Mr. NEALES thought this proviso would really amount to nothing, as certificates could be so readily obtained.

Mr. BARROW thought the clause had better stand as it was. It was quite refreshing to find the hon. member (Mr. Glyde) protesting against absenteeism. Seeing that the hon. member was so extensively interested in that question, he would no doubt some day cordially support a proposition for an absentee tax.

Mr. BLAKE thought the hon. member (Mr. Glyde) might safely allow the clause to pass as printed, and before long the House would no doubt find a mode of meeting the hon. member's views in reference to absentees.

The clause was passed as printed.

Clause 9 merely provided how retiring allowances were to be computed.

Mr. HAY asked if a person left the Government service, and after an absence of three or four years returned to it, from what period would his services be computed? Would they be computed from the date at which he first entered the Government service?

The ATTORNEY-GENERAL imagined not. The party having left the Government service forfeited all claim.

Mr. GLYDE, in order to make this perfectly clear, suggested the insertion of the word "consecutively."

Captain HART was afraid if this were introduced that the clause would not only have prospective but retrospective effect. It was not right, he thought, that parties should be prejudicially affected because they had been out of the Government service some little time. He knew several officers who were in that position. The Judge of the Insolvent Court had been in and out several times, and there were several others who, he thought, should not be debarred from the benefits of this Act merely because they had been out of the public service for a short time. He had no objection whatever to give the clause prospective effect.

Mr. BARROW suggested the introduction of a provision by which only officers who left without leave of absence would be affected.

Mr. GLYDE would not press his amendment. He wished it, however, to be distinctly understood from what date service would count.

The ATTORNEY-GENERAL said that circumstances might arise, as they had arisen in the colony, which would render it absolutely necessary that a number of public servants should be dispensed with, not because they had been guilty of any misconduct, but because the revenue was insufficient to keep up the various establishments, and it was very possible, as had been the case, that a short time afterwards these parties might be taken on again; and he would ask, would it be fair because they had been discharged for a short time that they should lose the benefit of their previous services. The Government were unable at the period to which he had referred to keep on these persons in consequence of misfortunes in which every person in the colony shared. He thought parties should have the advantages of their services unless they voluntarily resigned, or were discharged from incapacity. In the case of one officer who had been prominently alluded to, the first Governor of the colony suspended him, but the Commissioners directed Governor Gawler to re-instate him. Governor Gawler did not carry out these instructions, but appointed some other person. Still he thought that in such a case the party should have the benefit of the services which he had actually rendered.

Mr. STRANGWAYS suggested that there was another class of cases in which it would be extremely hard to deprive parties of the advantages of past services. He alluded to cases in which offices were abolished by that House, refusing to vote the salaries. He should like to ask whether, when an officer left the service in consequence of the House refusing to vote his salary, it was intended to repay him his contributions to this fund, or to give him an equivalent?

The ATTORNEY-GENERAL said such cases would be equitably dealt with.

Mr. GLYDE withdrew his amendment, and the clause was passed as printed.

Clause 10, providing that deductions under No. 21, of 1854, should be repaid with interest, was passed as printed.

Upon clause 11, providing for the payment of existing allowances, being proposed,

Mr. MILNE said he had an amendment to propose of the same character as that which was introduced last session. The clause, as it at present stood, would enable those parties to whom pensions had been granted to claim them for their natural lives; but they had really no reason to expect that this should be the case, for in 1856, when it was quite evident that the amount which had been voted would not be sufficient to pay pensions for life, a number of gentlemen very hastily retired and saddled the country with pensions. These gentlemen thought that, though £10,000 would not be sufficient to pay the pensions for life, they would still have a good claim upon the Government. He was sorry that the House had been placed in this awkward position, but what he proposed was, under the circumstances, to compromise the matter. Last year it had been proposed that with the exception of the pensions granted to Messrs. Thos. Lipson and Thos. Gilbert, these pensions should be paid for a period of four years; but he now proposed that a sum equivalent to six years' allowance be given to the parties, and that the pension list be thus got rid of altogether.

Mr. STRANGWAYS hoped the House would not agree to so iniquitous a suggestion as to repudiate the just claims upon them. Why, he would ask, should persons retiring under the Act of 1854 be placed in a worse position than those who would probably retire within six months of this Bill being passed? He believed that in the course of six months a pension list of between £3,000 and £4,000 per annum would be established under this very Bill. He hoped the House would not sanction repudiation, otherwise he should recommend parties who were in a position to retire to do so at once, in order that they might get as much as possible out of the House before it repudiated the claims under the Bill which they were engaged in discussing. The only argument he had ever heard in support of the proposition which had been made by the hon. member (Mr. Milne) was, that the parties who retired must have known that the Bill was a gross piece of folly.

Mr. TOWNSEND should support the amendment. Many of the parties who retired under the Act of 1854, were in their full vigour, and it was quite clear that if the 10,000*l*. had been left to work itself out, it would have done so in a few years, and the parties would then have been placed precisely in the same position in which it was now proposed to place them. The parties in fact found there was a loophole in the Act, and took advantage of it to leave the public service.

Mr. BURFORD said his feelings were precisely in accordance with those which had been expressed by the last speaker; the similarity was indeed wondrous. He should support the amendment, but would not have it said that he had been guilty of repudiation. There was no repudiation, but it "sarved 'em right."

The ATTORNEY-GENERAL said he had been one of a Committee who recommended that an Act should be framed in accordance with the amendment which had been proposed. The Government introduced that measure upon the recommendation of the Committee, but when the clause was under discussion there was an unmistakeable expression of opinion against it on both sides of the House. The opinion was to the effect that the Legislature were bound to respect the claims of those who had retired upon the faith of an Act of the Legislature, based upon a calculation made by the Legislature. In consequence of the very preponderating opinion against the Bill, and in accordance with what he believed to be the feeling of the House, the Government prepared the present Bill. He hoped the House would allow the clause to pass as it at present stood, and not say that the parties who took advantage of the Act of 1856 should be left to the consequences of an error of the Legislature.

Mr. GLYDE presumed that an account had been kept of all sums placed to the credit of this fund, and of all sums paid out on account of it. Supposing the present clause were passed as it stood, he wished to know whether, when the Treasurer found that the sum paid out exceeded the amount paid in by £10,000, he would feel bound to pay any more.

The TREASURER said he should clearly be justified, under the 4th clause of the present Bill, in continuing the payment.

Mr. MILNE said the hon. member Mr. Strangways had asked the House not to repudiate just claims, but he had failed to shew that these parties had any just claims. If the Act under which these parties retired had been kept in existence, they would actually not have been so well off as he now proposed to make them. The hon. member had asked why place parties who retired under the present Bill in a better position than those who retired under the previous one, but no such effect would be produced, as under the Bill under discussion parties could not retire except from old age or ill health, whereas the parties who retired under the old Act were in their full vigor.

Mr. HAY said that if the proposition had been to divide the balance of the £10,000 amongst the parties, he should have supported it, but it appeared to him scarcely worth while to support a proposition to give them six years pension. It was, however, most unfair that the revenue should be burdened on account of these parties with a larger sum than £10,000.

The TREASURER pointed out that by the proposed amendment a distinction was drawn in favor of some officers to the exclusion of others. If the principle were good it should apply to all. All should be included in the same category. He would also point out that a different position obtained this year from last, as the greater portion of the fund had been absorbed by repayments to the contributors.

Mr. BURFORD said the question had been fully gone into last session, and there were good grounds for excepting the two gentlemen referred to in the amendment.

The amendment was lost, and the clause having been passed as printed, upon the motion of Mr. Strangways, the Chairman reported progress, and obtained leave to sit again on the following day.

WATER SUPPLY AND DRAINAGE BILL.

Upon the motion of the COMMISSIONER OF PUBLIC WORKS the second reading of the Bill was made an Order of the Day for the following day.

The House adjourned at 20 minutes past 5 o'clock till 1 o'clock on the following day.

FRIDAY, OCTOBER 29

The SPEAKER took the chair shortly after 1 o'clock

THE UNEMPLOYED

Mr COLLINSON presented a petition from 167 unemployed laborers at the Port, praying the House to proceed immediately with such public works as had been determined upon The petition was read, and stated that a large number of laborers at the Port were destitute of the actual necessaries of life, and prayed that the spoon-barge might be employed, as this would be productive of great benefit not only to the residents at the Port but to the colony at large The petition also prayed that public works which had been determined upon at the Port and in the city of Adelaide, might be commenced forthwith, so as to enable large numbers of laborers at present unemployed to earn an honest livelihood The petitioners concluded by stating that the large majority of them had been brought out by money voted by that House, and had emigrated upon the assurance that they would obtain plenty of employment upon their arrival here

THE SMILLIE ESTATE BILL

Mr MILNE brought up the report of the Select Committee upon the Smillie Estate Bill The report stated that the Committee considered the preamble proved, and saw no reason for the House to delay the passing of the Bill The report was ordered to be printed, Mr Milne giving notice that on Wednesday next he should move that the Bill be read a second time

THE ABORIGINES

Upon the motion of Mr MILNE, a petition recently presented by him from the Aborigines' Friends Association was read by the Clerk of the House, and the hon member then moved that on Wednesday, Nov 3, he should move that the House resolve itself into a Committee of the whole, for the purpose of considering the expediency of presenting an address to His Excellency the Governor, praying that a sum of £500 might be placed on the Estimates for 1859, for the purposes contemplated by the Aborigines' Friends Association The House was probably aware that this association had been called into existence at a public meeting held in Green's Exchange, at the end of August last It had been felt by a large number of citizens for some time back that the country was not doing its duty in reference to the native population The feeling which he had alluded to was strongly evinced at the meeting at which this association was formed, the room being full to overflowing, and many who were desirous of being present being prevented from gaining admission All classes took part at the meeting, from the representative of royalty downwards They were too much in the habit of taking it for granted that it was impossible to improve the social and moral condition of the natives, and that it would be throwing time and money away to attempt to do so He differed from this view, and indeed the success which had attended some efforts to improve the condition of the aborigines, showed, to a certain extent, that the idea was fallacious Whatever difference of opinion might exist in reference to the adults, he apprehended there could be no difference of opinion as to the advantages which would arise from educating the native children There could be no doubt that the education of the children would advance their position intellectually and morally As a highly civilised nation, there could be no doubt that we were perfectly justified in taking possession of this fine country, seeing that the natives in their rude and degraded state were unable to turn the country to profitable account But there was no doubting that our advent upon the shores of this country had been attended with disastrous results to the natives We had derived vast benefits from coming to this fine country, where the rich soil enabled us to grow the finest grain in the world—where we were enabled to plant our vineyards and orchards, and live in peace and security Nor was this all, for we dug a great deal of mineral wealth from the bowels of the earth All these advantages we had derived, but the fact must not be lost sight of that we had brought disease and misery upon the original possessors of the soil in this colony However degraded in one sense the natives might have been prior to this country having been wrested from them, the House could not help admitting that there was something in the wild and uncontaminated savage to admire His erect carriage and free and unrestrained movement shewed that physically he occupied a high position, but the result of introducing him to civilized life was that they soon found him in a most degraded position, in fact the natives soon acquired all the vices of civilized society without improving by their virtues The position of the natives at the present moment might to a great extent be attributed to the course which had been pursued towards them by the civilized portion of the community, who had adopted certain schemes for the improvement of the aborigines, but because they did not realize all their anticipations, those schemes were abandoned in disgust They were bound to try every possible scheme for the advancement and improvement of the aborigines, no matter what the result might be, as they would then at least have the satisfaction of knowing that they had done their duty It might be said that the moral and spiritual welfare of the natives should be left to private charity, but he contended that this, unlike many other philanthropic movements, came home to every individual in the colony, and they could with great propriety ask funds from the general revenue to carry out the objects of the Association Every week they were alienating lands in the country for ever, and they were bound to look after the interests of the original possessors He would draw the attention of the House to Council Paper No 17, which contained the new commission of His Excellency the Governor, and contained also instructions in reference to the aborigines The 21st paragraph of those instructions stated—"And it is our further will and pleasure that you use your utmost power to promote religion amongst the natives" These instructions emanated from Her Majesty, who had enriched us by the splendid gift of the lands of the colony, and it would be no strained inference to draw the conclusion that a condition of that gift was that the spiritual and physical wants of the native population should be attended to He admitted that the present Government had done their duty so far as attending to the physical wants of the aborigines, but they had no right to stop short in the advantages which they were bound to confer, or attempt to confer He thought that as the Government sold lands they should lay aside from time to time sections for aboriginal reserves These could be let, and in the course of time, yielding a very handsome revenue, it would not be necessary from time to time to come to that House for the purpose of asking for a special vote for the native population The Aborigines' Friends Association proposed, if the money were voted, to erect a native school at Goolwa, in order that the children of the natives might receive a certain amount of education, and being trained to industrial pursuits might ultimately become useful colonists At the same time what could be done to supply the spiritual wants of the adults would, of course, be attended to The association had fixed on the Goolwa as a fitting spot at which to erect the school, because the natives were in the habit of assembling there in great numbers He was happy to say that he did not anticipate any opposition from the Government, and he hoped the House would feel it to be their duty not only to go into Committee upon the subject, but to grant the money which was asked for He found in one of the morning papers a suggestion that there were other parts of the colony to which similar aid might with advantage be extended, and he should be happy to test the feeling of the House as to whether the operations of this Association should be extended to other parts than the Goolwa

Mr ROGERS felt great pleasure in seconding the motion It was clearly the duty not only of that House but of the whole colonists to do the utmost in their power to improve the condition of the native population He quite agreed with the remark that they had all derived great benefits from becoming possessed of the soil of which the natives were dispossessed, and under such circumstances he considered it most praiseworthy not only of the Association who now asked for this grant, but of any of the colonists to endeavor to ameliorate the condition of the aborigines

Mr BURFORD was not opposed to efforts to ameliorate the condition of the aborigines, but still he felt some little difficulty in connection with the subject before the House, inasmuch as he considered there should be a universal application as opposed to the selection of any particular locality It was true that the sum which was asked was small, but the House should remember that they already had officers appointed in connection with the aborigines whose duty, in fact, it was to minister to their necessities to the extent which the liberality of the Government allowed There was no stinting in that direction on the part of the Government, as they were always ready to furnish to the Inspector and Sub-Inspector such assistance as those officers considered necessary It was proposed by the resolution before the House to place the sum asked for under the management of an Association termed "The Aborigines' Friends Association" but he conceived that two organizations should not be permitted to exist to accomplish a single purpose He could not see, if the House sanctioned this vote, how they could consent to retain on the Estimates the items for the Inspector and Sub-Inspector The duties of these officers would, in all probability, clash with the duties of the Association, or if not, their duties with their wishes The probability was, that parties in power, though not by Act of Parliament, would oppose or disagree with the persons recognised as servants by the Government He considered that either the items on the Estimates should be struck out, and all should be handed over to the Association, or else the Government should extend operations through their own immediate officers, and allow any Committee to act voluntarily in furtherance of the measures which the Government pursued He was persuaded that the Association and the officers would not co-operate, it was in the nature of things that disagreement should arise, and inconvenience would follow Under the circumstances he should like further time to be allowed before the question was disposed of, in order that it might be discussed in all its phases and all its consequences traced Desiring that good should be done to

the aborigines on a more extended scale, and in all parts of the colony, he begged to move the previous question

Mr Cole supported the motion before the House with much pleasure He felt that in doing so he was merely doing his duty as an Englishman and one who had adopted South Australia as his home He thought the aboriginal population, or the few who remained, demanded serious consideration They were entitled to something more than good wishes, They should have something substantial allotted them He was glad to find that hitherto the aborigines had received consideration, so far as their physical wants were concerned, though at the same time, though in advancing what he was about to, he might be thought a disciple of cant and hypocrisy, he contended that not only their physical but spiritual wants should be attended to It had been argued by some that the race were of that stamp that they could not comprehend religious instruction, but he denied this, as he had had evidence brought before him in more ways than one, to shew that the reverse was the case Twelve or thirteen years ago, whilst coming overland with his family from Portland Bay—a journey which at that time was an affair of some risk—he encountered a large body of natives, the great bulk of whom, he believed, had not seen a white face before At that time he was, unfortunately, without water, and made known his want to his sable brethren, for he must term them brothers, though of a different color They supplied his wants without making any claim for a return, but left him to his own impulse, and he felt pleasure at being enabled to reward them The chief asked him his course, which he pointed out, but perceived that he had to go through a thick forest, which laid before him The chief saw the difficulty and volunteered to escort him alone, and did so for some miles through a gap until then unknown to him, and saw him safely through The act would have been a graceful one on the part of a civilized man, but how much more so upon the part of one of the degraded and ill-used natives of this country Not many weeks since, amongst the poor people, aborigines, receiving aid at Goolwa, was a girl about 12 years of age, who had a sick and aged mother residing at a distance of 9 or 10 miles The girl knew that her mother was dying for want of the comforts which the society at Goolwa were distributing, and lost no time in proceeding to her aged parent, whom she implored to follow her to what she termed the good place, where the good things were being dispensed The mother said she could not go in consequence of physical weakness, and the girl then placed her mother upon her shoulders and carried her to a spot where she received comforts Were they, after witnessing such instances amongst these people, to say that they had not feelings which were susceptible of the best impressions? Would the House say that the race could not be elevated by having religious principles instilled in them? It was then duty as Englishmen, legislators, and brothers, though of a different color, to spare no effort to improve the condition of the aborigines They had taken possession of their lands, they had grown rich upon what they had taken from the aborigines, and the time having arrived when they could render some assistance in return, it would be a disgrace to South Australia if they did not do so In the mother-country they bore a high name for morality and humanity, and let them not tarnish it by denying the aborigines a right to which they were entitled

Mr Peake was sorry that he could not go with the motion, because no one was more desirous than he was of improving the condition of the aborigines as far as possible He was pleased and glad to refer to the legislation which had already taken place in reference to this question The governing power of this colony had from the beginning acknowledged the principle that it was the duty of those who took possession of this colony to succor and protect the aborigines Feeling at the outset this view, he confessed he felt great difficulty in opposing the motion, but still he felt bound to oppose it because he considered it impracticable It was proposed as he understood to expend the £500 in the establishment of a school at Goolwa If there were a comprehensive scheme for the succour and improvement of the aboriginal race, and that scheme appeared practicable, he should be happy to support it, but it was quite clear to him that the sum of £500 would be quite futile to accomplish this If they were bound, as no doubt they were, to give all the protection and succour they could to the aborigines, the House must not lose sight of another obligation, and that was, that the aboriginal race must give their co-operation It would be quite useless for the House to vote money for the instruction of the aborigines, or for the Executive to devise means for their instruction, if there were not cordial co-operation on the part of the aborigines If the aborigines refused to come within the pale of civilised society, and were determined to follow their wild and savage customs, he would ask how was it possible for the civilised community to deal with such a people, as he was sure every member of that House, and every member of the Government, would like to deal with them if they would co-operate with the efforts for their improvement and advancement He felt that the subject was beset with so many difficulties, that it could not be dealt with from any single point, but that it must be left to the Executive to deal with in accordance with the views expressed by the House from time to time If the Executive found it necessary to take any decisive stand in the matter, no doubt they would come down to the House after taking the necessary steps, and the House would indemnify them for what they had done He could not support the hon member for Onkaparinga in selecting a solitary point at which to commence operations, and ask the House to throw away £500 in a visionary scheme He was satisfied that the grant asked for would not effect the object which the hon member had in view Building a school would not feed the hungry or clothe the naked, nor take away that love of perfect and unrestrained freedom which seemed life long in the aboriginal race He was satisfied that the House could not take any action in the matter with a prospect of success, without the co-operation of the aboriginal race.

Mr Strangways seconded the motion for the previous question, though not at all opposed to what he presumed was the object of the Association, namely, to benefit the aborigines He objected, however, to the manner in which it was proposed to benefit them He must oppose the motion upon the same ground that he recently opposed a similar motion in reference to camels (Laughter) Hon members might laugh, but he would show that there was great similarity between the two motions In this instance, the House was asked to cause to be placed upon the Estimates a certain amount without any guarantee that the money would be expended as stated, and in the previous instance the House was asked to grant a sum of money to a Company without any guarantee that it would be devoted to the purposes mentioned He did not mean to compare an aboriginal with a camel (Laughter) He only wished to show that the Association was placed in the same position as the Society, by affording no guarantee of the application of the funds The hon member had gone at great length into the claims of the aborigines, but that really was not the question The question was simply whether the amount should be paid to the Association It appeared to him that the amount would be quite useless, as it would scarcely build a scholroom or provide a teacher Many years ago there was a row of habitations upon the Park Lands erected for the aborigines, and these were considered quite sufficient, although they were such as were usually devoted to the occupancy of pigs From the smallness of the sum, he presumed that the accommodations contemplated by the Association were somewhat similar He feared if the motion were assented to that they would have the Protector of Aborigines pulling one way and the Directors of the Association another

The Commissioner of Crown Lands should support the motion, and thought that hon members and the colonists generally were very much indebted to the philanthropic gentlemen who formed themselves into a Committee for the protection of the aborigines They had taken a great deal of labor and trouble in the matter He should have no hesitation in affording the Association the assistance from the public funds, which they asked for to afford them an opportunity of putting into operation the plans they had formed for the promotion of the welfare of the aborigines The House were aware that a liberal sum was voted every year for the bodily wants of the aborigines, and as the expenditure of that fund came under his supervision, he was enabled to state that so far as their physical wants were concerned, he believed the aborigines fared exceedingly well There were numerous stations throughout the country from which they were supplied with food and clothing It was to be deplored that the efforts of former years on the part of the South Australian Government, having in view the moral cultivation and elevation of these poor people, had not produced those fruits which could have been wished for The school formerly established in Adelaide had been done away with, but the establishment under the charge of Archdeacon Hale had sprung from it, and he believed a great deal of good had been done by it. The Association referred to in the motion was endeavouring to establish on a small scale a school in that quarter of the colony where, more than in any other place, a large number of aborigines were in the habit of locating themselves Knowing the respectability of the Committee, he thought the House could have no hesitation in entrusting the expenditure to them No doubt there were great difficulties in the way of doing good for the aborigines When they considered that in North America, where the natives were very superior in physical conformation and mental ability to those of South Australia, they had nearly vanished from the earth, they could scarcely wonder that the natives of this continent, who, in the scale of humanity, were so much inferior, were rapidly vanishing before the progress of civilized man There were more than ordinary difficulties in attempting to civilize them, and bring them to a better state Still, though they might fail, they had a duty to perform, and he would remind such hon members as were present at the breakfast recently given to the Rev Mr Binney, that gentleman eloquently discussed and explained his experience and enquiries relative to the aborigines All who heard the reverend gentleman must have been convinced of the entire truth of what he said He admitted there were great difficulties, but they had a duty to perform from which they must not shrink

Mr Solomon considered it the duty of the colony to endeavor to elevate the aborigines from the degraded position

in which they were placed He had been many years in the colonies, and knew numberless instances where not only had education been successfully imparted to children, but a love of Christianity had been implanted too He thought, therefore, such efforts would probably succeed with the young (Hear) Only twenty years ago the inhabitants of New Zealand were cannibals and it was said they were the lowest and most degraded of the human race, but now they had Joint Stock Companies and mills, and they were building ships That was the result of well-directed efforts to civilize them If, as the hon member for Encounter Bay said, no effort was to be made to reclaim them, the next generation would be like the last, and would be no better than their fathers He believed, therefore, it would be an act of justice to make the attempt, and he would support the motion

Mr TOWNSEND regretted to hear it said that it was no use legislating in the matter, unless the natives co operated with the colonists in efforts to reclaim them He thought that instead of such excuses for inaction, the House should give ear to the feelings and promptings of our better nature—should do their duty in endeavouring to reclaim the aborigines, and leave the result to a higher power He was not aware whether or not it was possible to elevate them, but considered it a duty to make the attempt The motion before the House was to vote £500 to be placed in the hands of a Committee of the Association, composed of members of the religious bodies in the colony, and of merchants of high standing, who were willing to give their time to the work He should support the motion, which he considered reflected honor on the mover

Mr MACDERMOTT felt bound to support the motion of the hon member for Onkaparinga It would be in the recollection of the House that £1,500 was formerly voted for Poonindie, of which sum £500 was withdrawn He thought that £500 might be applied to the object of the Association There was no association for that purpose on a large scale and in fact very few portions of the country in which operations could be rendered useful, but Goolwa was one of the best points, and until a better plan was organised, the House was bound to support the Association, and place the supervision under the Government as a controlling power over the expenditure As for the old among the natives, it was to be feared they would not be reclaimed, but he felt convinced that the young were capable of moral and religious training The natives were fast disappearing Their numbers were not one quarter what they were when first the country was occupied as a colony, and the colonists were bound to make to the remainder a good return for having possessed their country

Mr LINDSAY would support the motion before the House, for the amount asked was so small compared with the property taken from the aborigines as not to merit consideration It had been objected that the money would be thrown away, because the efforts would not be successful, and that the natives must disappear because the tribes of North America were disappearing since the colonization of that country by the whites He denied that asserted fact They had not disappeared, but it was a curious fact that wherever England, or rather the Anglo-Saxons, with the Protestant religion settled, the native tribes disappeared, but wherever the Catholic religion prevailed, then they did not disappear (Great laughter) In Mexico the native race was more numerous than any other, and throughout South America, while in those parts of North America, where the Anglo Saxons settled, they were disappearing (Laughter) The South Australians were said to be an inferior race, but he recollected when the New Zealanders were considered the lowest on account of their cannibalism They had, however, been reclaimed, and he believed that under proper treatment such might be the case with the aborigines of South Australia

Mr HAWKER moved that the House divide

The question was put and negatived

Mr HAY had no intention to oppose the motion, but when he saw the votes for the aborigines amounted to £1,150, it was time to adopt some general system instead of supporting those isolated attempts to reclaim them He knew several parties connected with the Association, and therefore was satisfied that the money would be faithfully expended The vote only applied to the natives about Port Lincoln But there were other tribes about Mount Gambier and further up the Murray who were equally entitled to consideration He hoped before the Estimates were prepared for 1859 the Government might mature some system whereby a sum could be voted, and that they would call on six eight, or ten individuals who took an interest in the aborigines, to give advice how best to expend the money for their benefit He believed there was some property at Port Lincoln, over which the House had no control, that was applicable for improving the condition of the natives, he hoped when they were able to manage their own affairs that might be left with them He understood that some of that property was in the hands of private individuals He hoped, however, that £500 would be the beginning of some general system

The ATTORNEY-GENERAL did not like the question should go to a division without saying a few words in regard to what had been said He had not expected that a motion simply asking the House to consent to a motion for a simple address of that description would have been met by such opposition, but was glad to find that a strong feeling in favour of it appeared to pervade the majority of hon members He had always felt an emotion of shame in considering the way in which the aborigines had been treated It must be evident that everything done and accomplished in the colony was the result of taking possession of the land that had been occupied by them from time immemorial, and it must not be forgotten in doing it there was no intention on the part of the colonists to injure them Still the actual if not the inevitable result was, that a large proportion of the native population had died without children to fill their places, and perhaps the remaining population was slowly melting away It was, therefore, a solemn duty laid on the community, of which they had been too negligent, to make some provision for them, however inadequate, not merely for their sustenance, but as far as possible to elevate them in the scale of society He thought the hon member for Burra and Clare altogether mistaken in the principle which should actuate them, when he said the House should expect the natives to co-operate with them in those plans It was because the natives were not in a position to co-operate that the colonists should step in and do something for them As they were not able to co-operate, it became the duty of the House to provide for them in the same way as they provide for destitute children When he listened to that speech of the hon member (Mr Peake) he thought it must be irony on his part (Great laughter, during which Mr Peake explained that he was sincere.) If so he (the Attorney-General) did not think he had improved his position (Renewed laughter) The hon member for Encounter Bay (Mr Lindsay) made an observation so utterly at variance with fact that it must be noticed He had said, wherever the Spanish and Portuguese Catholics had settled the native races had been preserved He would, probably, say there were more natives in Cuba, and in Hispaniola, or in the islands of the Spanish Main, than there were at the present time in Canada Had he read history he must be aware that within two or three generations after the Spaniards took possession of those islands there was scarcely an aboriginal native in the islands The American Indians had probably not suffered more by the vices introduced by the colonists than by the refusal to recognise their peculiar social rights, but to speak of the bad effects produced by British colonists as contrasted with those of the Spanish and Portuguese, was to ignore the facts of history, and to libel the race of which the hon member was a descendant

Mr BARROW said if it were necessary to have the co-operation of the native races in all grants and on all questions concerning them, the best way would be to have some intelligent native sitting in the House—(great laughter)—able to state his views on those subjects from his own standing-point —(great laughter)—so that whenever questions like the one under discussion were introduced, the House would have aboriginal support (Laughter) But he thought the House would be quite prepared to do justice without a sable representative being present (Laughter) He considered that to care for the aborigines was an act of justice, and although he would not support the doctrine that, because they were the first occupants of the land they, exclusively, were entitled to hold it, it must not be forgotten that the colonists, having taken possession of their country and the land of their fathers, were bound to make them some return No doubt the colonists were lawfully on the land It had been stated by the hon member for Gumeracha that whatever was done in the direction of improving the condition of the aborigines should be done in some general and settled plan He (Mr Barrow) supposed that pointed in the direction of the revival of a protectorship of the aborigines, but it was a question whether an officer of that class should superintend the distribution of the money voted by the House But he thought that if movements of a local character were originated, and if it were ascertained that they were under the influence of respectable and responsible persons, and were movements over which the House could have some control, they should be supplemented by the House He considered the present question not a general but a particular one He was glad to find the House so generally favorable to the motion When the hon member for Victoria called for a division he agreed with the proposition, but as hon members appeared to want a few more speeches on the subject he had thought it best to say two or three words on the motion (Laughter)

The amendment having been put and negatived, the original motion was carried

HARBOR TRUST FUNDS

Mr PEAKE asked leave to amend his motion by adding to it that there should be also laid on the table a lithographic plan showing the soundings in various parts of the harbor, before and after the improvements in it were made

Leave given

Mr PEAKE said that the motion was little more than a consequence of a previous motion

The SPEAKER requested the hon member not to introduce any allusion to previous debates

Mr PEAKE proposed to speak to the motion, and would say that many hon members agreed with him in his construction of the Act of 1851 as to the course that should have been taken in expending the £100 000 placed under the control of the Harbor Trust He thought it would be satisfactory to hon members to be in possession of the information he moved for, relative to the expenditure of that money in Port Ade-

laide. He had heard many remarks made with regard to the object of his moving in that matter. It was said he wished a vote of censure to be passed on the Port Adelaide Harbor Trust. He did not pretend to censure those gentlemen for having misappropriated the public moneys, nor did he intend to say they had not expended those moneys without improving the Port.

The SPEAKER reminded the hon. member he was not speaking to the motion before the House.

Mr. PEAKE thought it extremely important that the House should know how it was proposed to expend the money in deepening Port Adelaide, and therefore a lithographed plan of the soundings in the harbor, shewing the difference between the present depths and the depth of water before the improvements were made was desirable. He had no doubt the Harbor Trust would be rather pleased to have the opportunity of giving the information, and he would move "That a return of the manner in which it is proposed to apply the balance now in the hands of the Port Adelaide Harbor Trustees, be forthwith laid on the table of the House," with the amendment he had already read.

Mr. COLLINSON moved as an amendment "That a Commission be appointed of Civil Engineers who should report upon the improvements already effected in the Harbor of Port Adelaide, and the best means of carrying out further improvements." The statement of the balance in the hands of the Harbor Trustees should be laid on the table as soon as possible.

Mr. SOLOMON would second the amendment. In moving the resolution before the House the hon. member for Burra and Clare said he did not wish to imply any censure on the Harbor Trust. He believed the Harbor Trust would not shirk inquiry into anything they had done. He was glad to find the hon. member (Mr. Collinson) had brought forward an amendment asking that House to make enquiry into the conduct of the Harbor Trust. He was glad to support it, for it not only included the information asked for by the hon. member for Burra and Clare, but would give such information as would enable them to judge whether they had been censured justly or not.

Mr. MACDERMOTT thought the tendency of the motion before the House would be to supersede the functions of the Harbor Trust. He thought the Hon. Commissioner of Public Works should have been requested to place that information on the table of the House. He thought when responsible Boards were placed in situations of trust they should be allowed to exercise their trust, except it could be shewn that its funds had been grossly misappropriated.

The ATTORNEY-GENERAL would be rather disposed to support the original motion of the hon. member for Burra and Clare, assuming that the motion was not put in such a way as to imply discourtesy towards the Harbor Trust, but he thought application should be made for that information to the proper officers. He had no objection to referring the question to a Commission of civil engineers, excepting on the score of expense, but if the Harbor Trust made a return which would be satisfactory to persons conversant with those matters in the House, as to the manner in which they propose to expend the money in their hands, the Commission would be needless. He objected to it still further, as implying a distrust in the judgment of the Harbor Trust. He thought it reasonable that the House should know how they were going to act in regard to further expenditure, but until some objection was taken to the proceedings of the Harbor Trust, he should not support the amendment of the hon. member for the Port.

Captain HART was sorry that the hon. the Attorney-General opposed the amendment, for the motion before the House should be looked at in all its bearings. The Harbor Trust felt that they had escaped severe censure by a very narrow majority in that House, and they were desirous that a Commission should be appointed to enquire whether censure was merited or not. He was sure the result would be to free them from all blame. Were he a member of that Trust, he should wish the enquiry to be made forthwith. (Hear, hear.)

The COMMISSIONER OF PUBLIC WORKS said an enquiry by a Commission would tend to retard the report which the Harbor Trust were requested to present to the House. He was not surprised that the Harbor Trust felt sore about the matter, but every hon. member, knowing the way in which they had performed their duties, would give them support. It would be necessary that the information should be communicated to the House in the usual official way. He had no objection to the amendment as a substantive proposition standing by itself any more than to the motion of the hon. member for Burra and Clare, but he had no wish to censure the Harbor Trust. He hoped both the motion and amendment would be passed by the House.

Mr. STRANGWAYS hoped the House would not agree to the amendment of the hon. member for the Port, for the House would have to appoint the Commission, and, therefore it would result in nothing; and of whom would the Commission be composed? Of civil engineers. The Attorney-General was of opinion that any question respecting Port Adelaide should only be considered by nautical men. (Hear, hear.)

The ATTORNEY-GENERAL explained, that on account of its being a land question the hon. member must know a great deal about it.

Mr. STRANGWAYS supposed if that Commission were appointed, the Engineer of the Waterworks would have a billet. (Hear, hear.) He had no wish that such a Commission should be appointed, for if the House left it to the Government, they would only appoint incompetent persons. (Laughter.) Had not the hon. member for Burra and Clare disclaimed any intention to reflect on the Harbor Trust, the motion would not have had that effect but it should not be connected with a previous motion. (The hon. member checked himself, amid loud laughter.) It was merely calling the Government to lay on the table of the House information that they ought to possess, and therefore he could not see why it should be objected to.

Mr. BURFORD was surprised that hon. members could not see that the lithographic map asked for would cost a considerable sum of money. It appeared to him to be a curious way of making use of the balance in the hands of the Harbor Trust.

Mr. REYNOLDS said it was not proper to refer to previous debates—(laughter)—but something had been said about censure. It seemed only to be a difference of opinion with regard to the interpretation of an Act. He must support the motion of the hon. member for Burra and Clare, as it would give the Harbor Trust an opportunity of making their statement. If it was a difference in the way of reading the law, how could engineers decide?

Mr. PEAKE must oppose the amendment, for there was no insinuation in his motion in regard to the Harbor Trust. His object was merely to obtain information as to how the money was to be spent. It was simply for a return. Had he had no confidence in the Harbor Trust he should have introduced a motion to that effect.

The amendment was put, and negatived. The motion, with the addition, was carried.

EDUCATION.

The ATTORNEY-GENERAL laid upon the table a return of all licensed schools within the city of Adelaide, and also an approximate return of schools within ten miles of the city, together with certain particulars respecting the number of scholars and other matters.

CIVIL SERVICE BILL.

Mr. STRANGWAYS moved—

"That there be laid upon the table of this House a copy of the memorial recently addressed by the Government officers to the Chief Secretary on the subject of the Civil Service Bill."

The TREASURER laid on the table a copy of the memorial referred to, and also a copy of another memorial on the same subject from another class of officers in the same service. He moved that both be printed.

Agreed to.

COLONIAL DEFENCES.

On the motion of Captain HART, an extension of time for a week was allowed for the bringing up of the report of this Committee.

SUPREME COURT PROCEDURE FURTHER AMENDMENT BILL.

Mr. STRANGWAYS moved that the report of the Committee on this Bill be adopted.

The motion was agreed to, and the third reading of the Bill was made an order of the day for Wednesday, November 3.

PORT LINCOLN JETTY.

Mr. MACDERMOTT moved that the House resolve itself into Committee for the consideration of an address to His Excellency the Governor-in-Chief, requesting him to place a sufficient sum on the Estimates for 1859 for the purpose of extending the jetty at Port Lincoln in conformity with the prayer of the petition of the inhabitants of that place. The information called for by the Committee the last time this matter was under consideration, was now on the table. (Cries of "No," from some hon. members, and "hear, hear," from the Commissioner of Public Works.)

The CHAIRMAN said there was a report but no plan on the table.

The COMMISSIONER OF PUBLIC WORKS said the plan was on the table of the Library, as otherwise it would become part of the records of the House, and could not be removed.

The CHAIRMAN said the House had no library of its own. It was for the House to say whether the plan should be laid on the table.

Mr. MACDERMOTT said all the necessary information was before the House, but of £2,000 voted last session £1,639 had been expended, leaving a balance of nearly £400, so that he hoped a small sum in addition would suffice for the work. There was not one single line of road made in the district, whilst most other districts had considerable sums spent in this way.

Mr. HAWKER supported the motion. The district was growing in importance every day, and it was necessary that every advantage should be given to the settlers to ship their produce. The sum previously voted had not been expended, and the sum now asked, considering the amounts voted for jetties in other places, was very moderate. A good deal of land was sold in the neighborhood, and from the discoveries in the north and north-west, the place was rising in importance every day.

Mr. REYNOLDS asked to have the report read.

The CLERK read the report accordingly.

Mr Strangways asked whether it was true that the jetty was in such a position as to be of very little use indeed, and that the extension would in consequence be a waste of time. No doubt shipping accommodation should be afforded. The only question was, if this was the proper way of doing it.

The Commissioner of Public Works replied that no report to that effect had reached him. He believed the reason of the jetty not being availed of was that the Marion steamer could not get alongside it. He believed the district was important, as years back it had shown symptoms of its being a mineral country, and he hoped that before long the mines would be worked there. There were also large numbers of sheep in the district, and it had contributed much to the revenue, but had received very little in return. With respect to the sum voted for the wells, a further sum for that purpose had been placed on the estimates for 1859, which, with the balance of the previous vote, he believed would suffice for the prosecution of the work.

Mr Reynolds supported the motion, believing that the outlying districts should be attended to.

Mr Peake supported the motion, but wished to know, as the plans laid on the library table were those of the old works, whether the new works were to be executed on the same designs.

The Commissioner of Public Works explained that he had laid the plans on the library table in accordance with the advice of the Speaker in order to avoid expense. Of course the extension of the Jetty would be in conformity with the portion of it which now existed. No new plans were yet prepared, but they would be immediately got ready if the vote was passed.

Mr Peake said it appeared that the hon the Commissioner of Public Works had resolved to carry out this undertaking in defiance of the report of the Jetty Commission, which specially condemned this Jetty. He would call the attention of the hon member and the House to the report, which said that the smallest piles should be of 12 inches, whilst those in this Jetty were of 10 inches. The hon member read an extract from the report. Were we to go on perpetuating the catalogue of evils detailed in that report? He hoped as the attention of the hon the Commissioner of Public Works was now called to the report that he would not persevere in his plan.

Mr Lindsay thought the hon member for the Burra and Clare had done good service in bringing forward the matter as he had done, but that would not prevent him from voting for the item. ("Hear, hear," from Mr MacDermott.) He thought the inhabitants of the district were entitled to the expenditure, and that instead of entering into engineering details, they should take it for granted that the Government engineers were competent for their work—("Hear, hear," from the Commissioner of Public Works)—and that the hon the Commissioner of Public Works would prevent the repetition of the egregious errors into which the Government fell on former occasions. It was no fault of that hon member's if the jetty at Port Elliot was originally built too high, and had subsequently to be cut down—(laughter)—or that the jetty at Yankalilla was put in the wrong place, and was washed down directly after it was built. (Laughter.) The Argus eyes of the House would prevent such occurrences in future.

Mr MacDermott, in reply, thought the hon member for the Burra and Clare might have saved the whole of his remarks as they did not apply to the work before the House. This jetty was in still water—in harbor—and, of course it would be folly to put the same strength in the work which was absolutely necessary in a sea jetty.

Mr Peake supposed it was a freshwater jetty, as the hon member said it was not a sea jetty.

Mr MacDermott—A harbour jetty.

Mr Peake thought his remarks were pertinent to the question. His object was to draw from the hon the Commissioner of Public Works the explanation which he was sure that hon member would give.

The Commissioner of Public Works said if the hon member could show that the Port Lincoln jetty, with all its defects of construction and other faults, had been washed down, or required to be removed in consequence of the piles being too small, he could understand the course taken by the hon member. He would take the hon member's advice and read the report of the Jetty Commission, and would take care that the new jetty should be sufficiently strong to prevent his being placed in the awkward position of having to account for its being washed down.

The report was then agreed to, and, the House having resumed, was finally adopted.

CIVIL SERVICE BILL

The House having gone into Committee,

Mr Reynolds enquired whether the hon the Treasurer had made any calculations as to whether the schedule would bear curtailment.

The Treasurer had made a calculation, and found that the fund would be sufficient to meet all charges against it. It had been remarked that the number of officers likely to retire within the next two or three years would entirely absorb the fund. But he found that within the next 10 years only fifteen officers could by possibility retire, and these only in the following order. The largest possible payment for the first year would be £1809, and this included all officers who had already retired under the former Act. In the second year the amount would be the same, for during these two years only one officer could retire, and this was a complete answer to the hon member for Encounter Bay, who spoke of the whole fund being absorbed in two years. In the third year the amount would be £2,363, in the fourth, £2,663, in the fifth, £2,723, in the sixth, £2,783, in the seventh, £3,139, in the the eighth, £3,780, in the ninth, £4,130, and in the tenth, £4,320.

Mr Strangways asked whether the Treasurer would give further data. The hon member was a member of the Government which perpetrated some gross blunders four years ago, and he might do the same on the present occasion. It was not sufficient to say that at a certain date so many will retire. He wanted to know whether, within 12 months, there might not be a pension list of £3,000 or £4,000? He should also ask the hon the Attorney-General, in connection with the 6th clause, whether a Judge of the Supreme Court could not come in under that clause, although by a previous clause he would not get good-service pay? This might make a difference of some £400 a year. If this argument held good, then those on the Civil List would take advantage of the Act. The Auditor-General and the Under-Secretary might then come in, and this would make a difference of some hundreds at once. He had put this question to the hon the Attorney-General on the previous day, but the hon member had not then answered it. Perhaps he had since time to make up his mind.

The Attorney-General enquired whether the hon member was serious. Did he really think that a Judge of the Supreme Court receiving from £1,300 to £1,500 a-year, and holding a position from which he could not be removed, except by Her Majesty, would retire from such a position unless some suitable provision was made for him? The hon member could not be serious. With regard to the other part of the question, he would remind the House that the calculations were made by a Select Committee, and that the general results of the provisions of the Act as affected by the state of the service, and the persons employed in the service, were shown by the statement of the hon the Treasurer. He thought hon members would see that it was not likely that persons of 20 years' standing in the service would retire in order to get half their salary, and these persons might therefore be set off against those who would retire through illness or casualties. There would also be some deaths, so that in a few years the fund would be free from the payment of many charges upon it.

The Treasurer said he would now notice a remark in reference to himself which he had not noticed, although it was made before. The hon member for Encounter Bay said that owing to the blunders which had been made by, he believed, himself (the Treasurer) in respect to the former Bill, he (Mr Strangways) could have no confidence in the calculations made by him (the Treasurer). But the calculations were not made by him, but by a Committee. He was no party to a single calculation of the Bill, and though a member of the Government, he stated distinctly, to guard himself against what he knew to be a faulty principle in the Bill, that he would not be responsible for it, and that the House would have to remodel the Bill, and the second reading was passed with that understanding.

Mr Strangways explained. What he said was that the Treasurer was a member of the Government which made the blunders, not that he was the party who made them. As to the hon the Attorney-General, he had asked that hon member a plain question to which he shirked giving an answer. He simply asked whether a Judge of the Supreme Court could come under the Act, and the hon member replied that he did not think it at all probable. He (Mr Strangways) did not care whether it was probable, he only wanted to know whether it was possible. He hoped the hon member would also answer whether the Auditor-General and Under-Secretary would be excluded from the Act, as the hon member had stated on the previous day that persons on the civil list were not excluded.

The Attorney-General said he always felt called upon to answer a question which appeared to be put for the purpose of acquiring information, but a question like that of the hon member he declined replying to. It was not a question of fact but of opinion, and the hon member could form his own opinion.

Mr Reynolds submitted that the hon member on a point of law should answer any question put to him, and therefore he was not showing sufficient respect to the House. When the hon the Treasurer said he had made calculations, and that the fund would meet the claims upon it, he was bound to believe these statements. But he would like to know how the hon. the Commissioner of Public Works felt on this subject. That hon member occupied the position which he (Mr Reynolds) once filled, and, after the strictures which had been passed upon him (Mr Reynolds) on the previous day, he thought the hon member (the Commissioner of Public Works) could not feel very comfortable. (Laughter.) There was a time when the hon. member would have no superannuation fund—when he considered that such a Bill as this would be the foundation of a pension list. He (Mr Reynolds) did not know how his dear friend opposite felt after the severe strictures passed upon him (Mr Reynolds) on the previous day. (Laughter.) He was afraid that association with hon gentlemen opposite had sadly led him astray (much laughter), but having now

left them he hoped to redeem his character and to pursue the independent course which he had pursued before (Laughter)

The COMMISSIONER OF PUBLIC WORKS would relieve the mind of the hon member (Mr Reynolds) by referring him to the division on the third reading of last session, where he would find his (the hon Commissioner's) name in the minority

Mr SCAMMELL did not rise to enter into these personal questions, but to ask whether the officers of the Trinity Board, who had served for many years, could not be included in the Bill, as up to a certain date they would have been

Mr PEAKE asked the hon the Treasurer whether in his calculations for the next ten years, he had estimated how many might retire through sickness or accident? He would also like to know from the hon the Attorney-General how far the Act would affect officers under the following circumstances —Supposing that an officer who had been in the service 20 or 30 years, and who had not attained the age of 60 years, but who had contributed during all that time to the fund, died from some sudden accident and left his wife and family unprovided for, would all the money contributed by him to the fund be lost to his family?

The ATTORNEY-GENERAL said he might appeal to numerous members of the House whether on questions involving points of law he had ever refused to reply, but whilst he did this through courtesy, still hon members had no right to ask his opinion except as a member of the Government, on matters of fact In reference to another personal matter, he would not trouble himself to reply, but would leave his character for consistency, and that of the hon member opposite (Mr Reynolds) to be judged by the public He only regretted that that hon member had made up his mind to act as an independent member, because it would deprive them of the pleasure of soon seeing the hon member on that (the Government) side of the House (Laughter) The suggestion of the hon member for the Burra and Clare (Mr Peake) had received the consideration of the Committee, but it was thought impossible to lay down a plan to meet that and other analogous cases These should be matters of special arrangement by the Government, subject to the sanction of the House

Mr STRANGWAYS said that the hon the Attorney-General stated that no hon member could demand his opinion on a matter of law If so what was the use of an Attorney-General at all? (Hear hear) In the House of Commons, members from all parts of the House asked the opinions of the law officers of the Crown, and if these officers refused to answer, they would very soon change their positions The doctrine of the hon the Attorney-General was most convenient He could lay down the law, and if hon members chose to accept it, they could do so, and if not, the hon the Attorney-General could fall back upon his right to reserve his opinion If the Attorney-General held that opinion and acted upon it when asked his opinion as the first law officer of the Crown and of that House, he might find out that his seat was not a freehold (Hear hear) There could be no doubt that it was the duty of the law officers, as members of the Government, to advise the House or any member of it upon points of law when called upon to do so Now he had asked the Attorney-General's opinion, and the hon member replied that it was merely a matter of opinion—that any hon member might form an opinion for himself He felt greatly complimented when the Attorney-General told him that his (Mr Strangway's) opinion was as good as the hon gentleman's own He knew the hon member did not mean to pass such a compliment, but still he felt exceedingly grateful and complimented (Cries of hear, hear, and laughter from the Government benches) The hon member concluded by again putting the question

Mr SOLOMON thought the question should be answered He had certainly listened with some surprise to the reply of the Attorney-General, for he was always under the impression that the hon member sat in his place as the law adviser of the Crown, and that on any matter affecting the colony, he was bound to answer any question put to him, or to acknowledge that he could not (Cries of "hear, hear") If, as a private individual, he (Mr Solomon) wanted the hon gentleman's opinion, he should go to his office and pay his fee, but when an hon member put a question in that House, the Attorney-General was in duty bound to answer Hon members were not lawyers, but he presumed the hon the Attorney-General was paid as a lawyer to give his advice (Cries of "hear, hear") If the Attorney-General said that he was not prepared to give an answer, the question might be postponed until he had consulted the necessary works, but he (Mr Solomon) as an independent member, was not disposed quietly to submit to the dictum of the Attorney-General, that he would withhold his opinion if he chose (Cries of "hear, hear") If that was the position of the Attorney-General, he (Mr Solomon) was much deceived as to the reason of the hon gentleman's holding a seat in the House. He trusted the Attorney-General would reconsider his decision, and a sense of the duty for which he was paid and courtesy to the House would induce him to give his opinion on this matter

Mr TOWNSEND also hoped the Attorney-General would answer the question It was quite true that questions might come from individual members which the hon member would not be bound to answer, but this was not the case at present If the hon member declined to answer, he (Mr Townsend) would warn him—(laughter)—that during the present year in England one of the most powerful Governments which ever existed there, backed by a House of Commons pledged to support them, by a similar proceeding to the present lost their hold of power, and that however clear the head, and however high the position of the hon the Attorney-General, the country might find a way of doing without him

Mr BURFORD thought the cases suggested by the hon member for the Burra and Clare could not be provided for But the next question he came to was, what was the use of an Attorney-General (Hear, hear, and laughter) He was of great use and was very necessary outside but an Attorney-General—(he did not speak of the hon member Mr Hanson)—was of no use in the House His proper place was outside, but the proper place of the hon member on his left (the Attorney-General) was in the House He (Mr Burford) wanted the hon member's person in the House, and his office outside He had no business in the House as Attorney-General, but the Constitution Act provided, and we must submit to it He hoped hon members would bear this in mind in the first session of the next Parliament, and that the matter would be rectified

Mr YOUNG was more satisfied by the last hour's discussion of the injustice and incompleteness of the Bill than he had ever been before Last session the Bill had made as great progress as this had done, yet it was thrown out, and he thought this would probably share the same fate It was a a measure for inflicting injustice on many, in order to do justice to a few He hoped some further light would be thrown on the Bill, or he must vote against its third reading, regarding it as the thin edge of the wedge, to introduce a general pensional list, and trusted it would be thrown out on the third reading again, though such a course was unusual

The TREASURER hoped the House would not throw the Bill out. With reference to the remarks of the hon member for Encounter Bay, he would remark that he had gone into details, and found that during the next ten years there would only be 15 officers in the service, exclusive of the judges who could by possibility retire, that is, there were only 15 who would have attained the requisite age His calculation was based upon the assumption that every officer, upon reaching the age of 60, would take avdvantage of the fund, thus placing the fund in the most unfavorable position He had been asked if he had taken into consideration claims arising on account of sickness or death he could only take an average in such cases, and he thought it might be fairly assumed that the chances occurring from death within 10 years and the chances of those arriving at the age of 60, not immediately availing themselves of the fund, would certainly overbalance any extra charge upon the fund on account of sickness or death He had taken all reasonable precaution to satisfy himself that the payments which he had mentioned would not be exceeded

Dr WARK intimated that he should oppose the Bill at the third reading After a period of quiescence, it appeared the House had roused itself, and had asserted that those in office should perform the duties appertaining to office He contended that the Attorney-General had a right to answer any questions of law put to him affecting any Bill before the House. It might be that the manner of the hon member for Encounter Bay was not very pleasant, but the question which he had put was certainly a very important one If the Attorney-General would not answer questions of law which were put to him, it was possible that the House might consider it would be better to have a second-rate lawyer filling that office, who would pay proper attention to his duties, than a first-rate one who neglected them, and constantly kept the House waiting, independently of giving saucy answers The hon gentleman proceeded at some length to state that he considered the Bill was defective in consequence of not making any provision for the widows and orphans of officers, thus placing Government officers in a worse position than parties in a more humble position in life, who were enabled by resorting to Insurance Offices and various Societies, to make such provision The hon member (who was called to order by the Chairman for discussing the principle of the Bill), said he should certainly oppose the third reading

Mr LINDSAY said the discussion had taken a rather irregular turn By the Act of 1852 Government officers were entitled to a certain amount, but the Bill before the House deprived them of one-half of that amount He wished to know whether in the event of a Government officer dying before attaining the age of 60, the money which he would be forced to contribute out of what he would be entitled to under the Act of 1852, would be devoted to the benefit of his family He must be satisfied upon that point, and should wish to see some clauses amended, or he must certainly oppose the third reading

The TREASURER remarked the Government on the previous day had stated that they would not object to the Bill being recommitted for the purpose of enabling the hon member (Mr Glyde) to bring forward a proposition, and they would extend the same facilities to other hon members He would remark in reference to an observation which had fallen from the hon member for West Torrens, that the officers of the Trinity Board were not included in the present Bill, because they did not appear upon the Estimates as classified officers, but if the hon member wished them to be included,

and would bring forward a scheme to effect that object, the Government would be disposed to consider it No provision was made for the widows or orphans of officers in this Bill, as it was already sufficiently complicated It was never contemplated that any advantage would be conferred upon the families of officers, but no doubt if an officer had contributed to the fund for a number of years without receiving a pension, that would be regarded as a strong case, and the Government would no doubt ask the House to authorise them to make it a special case for the benefit of the family

Captain HART said the misfortune appeared to be, that each member had his own calculation in connection with this Bill, and his own notions of what it ought to carry out It was never intended that the Bill should provide for the widows and orphans of officers, if so, there would have been a different system proposed, but it proposed to do for the officer what he could not do for himself, and that was, to provide him with an annuity in his old age The officer could provide for his wife and family in the usual way by insuring his life. It was absurd for hon members to base their calculations upon the rates chargeable at home, as the principal ingredient, the interest of money, was so different The hon member repeated the statement which he made on the previous day in reference to the principle of the Bill, and cautioned the House against rejecting it, as by the Act which it proposed to repeal the value of pensions to which parties were already entitled was £13,000, whilst the amount at the disposal of the Government was only about £7,000 He believed every objection which had been made to the Bill had been answered If the schedule were not passed the Bill of course would be lost The Bill grappled with the claims not only of those who had retired under the former Act, but with the claims of those who had not retired He could not conceive any measure better calculated to meet the difficulties of the case

Mr TOWNSEND reminded the Chairman that Dr Wark had been called to order for discussing the principle of the Bill, instead of the schedule, but that Captain Hart had been allowed to make a speech on the principle of the Bill

The CHAIRMAN said that Captain Hart had been out of order, and that the debate had grown very irregular

Mr HALLETT moved that the House divide

Carried

The schedule was then put and carried by a majority of 4 The votes—Ayes 15, Noes 11, being as follows —

AYES —The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Hallett, Macdermott Hawker, Hart, Scammell, Rogers, Hay, McEllister, Milne, Bagot, Harvey, the Treasurer (Teller)

NOES —Messrs Peake Burford, Strangways, Reynolds, Wark, Young, Glyde, Cole, Lindsay, Townsend, Solomon (Teller)

The ATTORNEY-GENERAL stated that the Government were desirous of affording an opportunity to recommit the Bill in order that the hon member (Mr Glyde) might propose the amendment of which he had given notice He should oppose the amendment but not the recommittal of the clause

The CHAIRMAN then reported progress, and obtained leave to sit again on Tuesday next

THE JEWS

Mr SOLOMON asked the Attorney-General whether the Act No 18 of 1852, or any other Act passed in this colony, makes it imperative upon the person acting as officiating minister for the time being, or upon any other person appointed to perform the marriage ceremony among the Jews of this colony, to be registered or licensed in that behalf? The hon member stated that some doubts had arisen amongst the members of the persuasion, who were very numerous in this colony, and they were desirous that those doubts should be set at rest

The ATTORNEY-GENERAL thought no license was necessary for the performance of the ceremony according to the usage of that body, but if the officiating minister wished to give licenses under the Act of 1852, it was necessary he should be licensed by the Governor

MAGILL INSTITUTE

Mr WARK moved—

"That the House, on Wednesday, 3rd November, go into Committee of the whole for the purpose of considering an Address to His Excellency the Governor-in Chief, requesting him to place on the Estimates for 1859 the sum of £175, in aid of the funds of the Magill Institute"

The hon member stated that £225 had been expended upon the building alone, independently of £75 for other purposes The only amount which had been received from the Government was £50

Mr HARVEY seconded the motion, remarking that a precedent had been established in the case of the Burra Institute

The ATTORNEY-GENERAL would not oppose going into Committee, as he had no objection to a discussion upon the claims of this Institute, but he cautioned the hon mover that he would have to show there were some exceptional points in the case of the Magill Institute, as compared with similar institutions throughout the country

The motion was carried

MR A LONGBOTTOM

Upon the motion of Captain HART, Standing Order No 302 was suspended, in order to admit the presentation of a petition from Mr A Longbottom, in reference to a patent for the manufacture of gas

THE POLICE FORCE

Mr MCELLISTER moved that an address be presented to His Excellency the Governor-in Chief, requesting him to alter the regulations under which the Police Force of this province is regulated, so as to alter that portion which gives the Commissioner power to dismiss without investigation The hon member observed that he had for 16 years been connected with the Police Force in various parts of the world, and that he had never, except in this colony, known of a regulation by which men could be dismissed without a fair trial

Mr HAWKER seconded the motion

Mr STRANGWAYS moved the previous question, upon the ground that this was a question of a purely executive nature, and that the House had nothing before it to show that such a regulation really existed

Mr BAGOT considered if such a regulation existed, it certainly ought to be altered The resolution could not do any harm

Mr HAWKER said the hon mover showed him the printed regulations on the previous day, and called his attention to one to the effect that the Commissioner might dismiss a member of the force without assigning a reason

At the suggestion of the ATTORNEY-GENERAL, the words "or assigning a reason" were added to the motion, which, thus amended, was carried

WATER-WORKS AND DRAINAGE ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the second reading of this Bill was made an Order of the Day for Thursday

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the consideration in Committee of this Bill was made an Order of the Day for Thursday

DATE OF ACTS BILL

The COMMISSIONER OF PUBLIC WORKS having moved that the second reading of this Bill be an Order of the Day for Thursday,

Mr STRANGWAYS asked if the Government really intended to proceed with it, as it had been upon the table for a great length of time

The COMMISSIONER OF PUBLIC WORKS said he was prepared to proceed with it at once, and was explaining its provisions, when Mr Strangways called the attention of the Speaker to the fact that there were not 12 members present, and the House adjourned shortly after 5 o'clock till 1 o'clock on Tuesday

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LEGISLATIVE COUNCIL

TUESDAY, NOVEMBER 2

The PRESIDENT took the chair at 2 o clock

Present—The Hon the Chief Secretary, the Hon A Forster, the Hon Dr Davies, the Hon H Ayers, the Hon Major O'Halloran, the Hon Captain Scott, the Hon John Morphett, the Hon Captain Bagot, the Hon Dr Everard, and the Hon Captain Hall

The Hon Mr FORSTER presented a petition signed by 1,243 persons residing within the Hundred of Nuriootpa, in the neighborhood of Greenock Creek, praying for the abolition of restrictions on free distillation

The petition was received, read, and ordered to be printed

The Hon Major O HALLORAN presented a petition from the Chairman of the District Council of Brighton praying that the Public Works Bill should not be passed in its present shape and that the Central Road Board should be omitted from its operation

The petition was received, read, and ordered to be printed

The CLERK of the House read a message from the House of Assembly on the subject of the Railway Clauses Consolidation Bill

The Hon the CHIEF SECRETARY said that no new principle was involved in the Bill, as it had been fully discussed during the last session, and consequently its consideration need not be delayed He moved the second reading of the Bill on the following day

The Hon Dr EVERARD considered the intervening time too short, twenty-four hours was too limited a period for the proper and careful consideration of the separate clauses of the Bill

The Hon the CHIEF SECRETARY would take the sense of the House on the subject It was immaterial to him whether the Bill were read the following day, or the day after that. He therefore moved that the second reading of the Bill be the Order of the Day for Thursday next, which period would afford hon members an opportunity for proper consideration of the Bill

LUNATICS IN REDRUTH GAOL

The Hon Dr DAVIES gave notice that he would ask a question of the Chief Secretary relative to two persons named Wisker and Fawkner, who were at present confined as lunatics in Redruth Gaol, he would ask on the certificates of

what medical men they were placed in confinement, whether retained there at Government expense, who were the medical attendants, and whether they were now eligible inmates for an hospital or lunatic asylum

The Hon the CHIEF SECRETARY would make enquiries, and be prepared to answer the question on the following Tuesday, by which time the required information could be obtained

PUBLIC WORKS BILL

The Hon Captain BAGOT gave notice of the following amendments in this Bill —

"That all the words after the word 'that' in the second line be struck out, and that the following be introduced —'A supervising power shall be exercised by a person directly responsible to the Legislature of this province, and whereas by an Act, No 17, 1852, "For Making and Improving of Roads in South Australia," certain persons, to be elected and appointed as therein provided were constituted the Central Board of Main Roads, and whereas by an Act, No 20, of 1854, "To authorize the raising of the sum of One Hundred Thousand Pounds for the Deepening and Improving of the Harbour of Port Adelaide, and for other purposes therein named," certain persons therein designated and named were appointed to form a Trust for the purpose of the said Act, and whereas by the "South Australian Railway Act," No 27 of 1855-6, the Governor was authorised to appoint South Australian Railway Commissioners for the purposes in such last-mentioned Act expressed, and whereas, by an Act, No 28 of 1855 6, "To provide for the Water Supply and Drainage of the City of Adelaide," the Governor was authorised to appoint a Chief Commissioner and two other Commissioners, for the purposes of such last-mentioned Act and whereas it is expedient that the said Board, Trusts, and Commissioners, and all or any other Boards, Trusts, and Commissioners that at present exist, or may be hereafter appointed, and all persons whatsoever who may at any time be entrusted with the execution of any public work in this province, should be liable to the immediate supervision of the Commissioner of Public Works, be it therefore enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows — That the enacting clause be struck out, and that the following be substituted therefor—1 That on and after the passing hereof, the person holding the responsible office of Commissioner of Public Works shall possess and exercise the right and power of supervision over all Boards, Trusts, Commissioners, and persons entrusted with the direction and execution of public works within this province, and that he, the said Commissioner of Public Works, shall have full authority to call for all such reports, returns, and accounts as he from time to time may deem expedient, and that he shall have full power and liberty personally to inspect all such works, or to cause such inspection to be made by such person or persons as he may appoint thereunto 2 And it is hereby enacted that all Boards, Trusts Commissioners, or persons as hereinbefore named or described, who have been or who shall hereafter be entrusted with the direction or execution of any public works within this province, shall be considered, and they are hereby placed under the immediate supervision of the aforesaid Commissioner of Public Works, to whom and at whose desire and demand they shall make all such reports and returns as he shall require from them, and shall also furnish him with full, true and faithful accounts of the expenditure of all public moneys that may be entrusted to them, and in such forms and details as he may from time to time direct'"

BREAKWATER AT GLENELG

The Hon Captain BAGOT gave notice that he would ask the Chief Secretary if it was the intention of Government to proceed with the iron breakwater at Glenelg

BILLS OF EXCHANGE BILL

This Bill was read a third time and passed

The Hon the CHIEF SECRETARY moved that the Bill be sent to the House of Assembly, with a message that it had been agreed to with certain amendments

Carried

WASTE LANDS BILL

This Bill was read a third time and passed

On the motion of the Hon the CHIEF SECRETARY the House adjourned to the following Thursday, at 2 o clock.

HOUSE OF ASSEMBLY

TUESDAY, NOVEMBER 2.

The SPEAKER took the chair at 10 minutes past 1 o'clock

The COMMISSIONER OF PUBLIC WORKS presented a petition from Abraham Longbottom, praying for leave to bring in a Bill to secure to him the advantages derivable from the discovery of a novel process for the production of gas from fatty substances

The petition was received, and the Bill introduced accordingly

TELEGRAPH CHARGES

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return of the rates of charges on the various lines of intercolonial telegraph within this and the neighbouring colonies

THE ESTIMATES

The TREASURER moved that the House resolve itself into a Committee of the whole, for the consideration of the Estimates for 1859

Mr STRANGWAYS moved as an amendment that the consideration of these Estimates be made an Order of the Day for that day week They had been previously postponed in order that the report of the Committees on taxation and on the Assessment on Stock, be laid upon the table Both these reports would be laid on the table during the present week, and he believed the Committees were now in a position to bring them up If it was desirable during the previous week that the Estimates should be postponed to allow of these reports being brought up, it was equally desirable that they should be postponed now He thought it unnecessary to remark upon the effect which these reports would have on the Estimates, but he trusted hon members would agree with him in thinking that the Order of the Day should be postponed

Mr. BURFORD seconded the amendment

The amendment was then put and carried

MAIN ROADS OF THE COLONY

The COMMISSIONER OF PUBLIC WORKS moved that the House resolve itself into a Committee of the whole, with a view to consider the following resolutions, viz —

"I That, in the opinion of this House, it is desirable to maintain the distinction at present existing between Main and District Roads

"II That, in the opinion of this House, the whole amount which can be spared from the General Revenue for road purposes should be devoted to the construction of roads and bridges, but that the maintenance and repair thereof should be provided for by funds drawn from some other source than the existing General Revenue

"III That it is the opinion of this House that the necessary funds for maintaining and repairing the main roads and bridges of this province should be raised by rates upon a general assessment of property, aided, when practicable, by a system of tolls

"IV That it is expedient to provide for the widening of the tires of waggons and carts which transport heavy goods

"V That the salaries of all officers employed in carrying out the provisions of the Road Act should annually be submitted for the consideration of Parliament"

The motion was agreed to, and the House resolved itself into Committee accordingly

The COMMISSISSIONER OF PUBLIC WORKS said that perhaps there was no subject of more general interest to the community or of greater difficulty to deal with, than that which by the present resolution he sought to form a basis of action upon Every man took an interest in the road question, and at every public meeting it was either directly or indirectly alluded to The main difficulty in providing good roads was the financial difficulty We had nearly 700 miles of main roads in the colony, of which 136 were formed and metalled, and these had cost an enormous sum—nearly approaching to three quarters of a million of money With respect to the resolutions, the first, fourth, and fifth would not require so much discussion as the remaining two, but the other two were of great importance But before referring to them he would say one word in justification of the course which the Government had taken in the matter It was no new course, either here or in other parts of the British dominions A similar course had been taken by the Government which preceded the present Government, and, to compare small things with great, the great difficulty of Indian legislation had been treated in a similar style in the British House of Commons The extension of main roads could only be accomplished by separating the construction and maintenance of these roads The average cost of making the main roads at present was £2,000 per mile, and it required £200 per mile to keep them in an efficient state of repair Considering that we had now 700 miles of main roads, it was manifest we could not bear this expenditure, even omitting from consideration other roads whose claims to be treated as main roads could not be overlooked These 700 miles of road would require an immense deal of money to make them, and it was only by very gradual degrees that money could be found for the purpose Every mile of road made required a certain expenditure for repairs, so that in course of time it was capable of arithmetical proof that the resources of the colony available for the making and maintenance of the roads would all be required for the maintenance of roads already formed It was commonly asserted that, in Scotland, Ireland, and London, the toll-bar system had been found so great a nuisance that it had been done away with, but then it was only done to make room for a system of rates which provided the funds hitherto drawn from the toll-bars From a report sent in some time since by Captain Freeling, the head of the Road Board, and whose knowledge of the subject would be admitted to be greater than that of almost any other person in the colony, derived as it was from long experience, it appeared that the means available for the construction of roads would be sufficient if the roads when made were handed

over to the District Councils. But the main lines of road had been made the boundaries of District Councils, and therefore it would be exceedingly difficult to make all main lines district roads, besides which it would in his (the hon. Commissioner's) estimation, be a breach of faith to do so. He anticipated little difficulty with respect to the first resolution. The second was to the effect that the construction of roads was the purpose for which the Legislature should vote all the money it could spare. In 1857 the Surveyors of the Central Road Board had sent in reports to the effect that a sum of £25 ,000 would be required for the roads, but the House was only in a position to vote £70,000, and everybody who looked into the subject must see that there would be a great and growing demand for this purpose. He thought the country would be able to meet these demands provided we devoted all our means to the construction of roads, but if we had likewise to pay for the maintenance of the roads at the rate of £200 per mile the House would see that we must soon come to a point when we could not even pay sufficient to keep in repair the roads already made. This was proved by a Parliamentary paper No. 71, by which it appeared that the cost of the maintenance of roads had been in 1856, £25,000 , in 1857, £25,431 , in 1858, leaving out the Port, Gawler Town, and Lower North roads, £20,436, leaving in 1858 only £43,513 available for the construction of new works. If we were to continue this system the remote districts would be long before they could be reached by metalled roads. Moreover, we were fast selling the available lands portion of the proceeds of which were originally devoted to the construction and maintenance of the main roads, and it would be hardly fair to go spending the money in the vicinity of Adelaide unless the burden was thrown upon some different source. The fourth resolution would solve to some extent the question as to the sum required per mile for the maintenance of roads, inasmuch as it had reference to the widening of the tires of wheels. This was a matter of some difficulty, but he did not think there was any other place where loads of three and four tons were drawn with such narrow wheels as in South Australia. Any person seeing the heavy loads and narrow wheels upon the South-road must admit that no road could for any time stand such a description of traffic. As to the fifth resolution, if the clerks in other Government offices had their salaries submitted to Parliament, why should not those in this branch of the public service. He now moved the first resolution.

Mr. Peake had to find fault with the very meagre and unsatisfactory character of the resolutions. He confessed he was surprised after all that had passed during the last and also the present session, and the many a time and oft repeated expressions of opinion of the hon. the Commissioner of Public Works, that that hon. member should have omitted all mention of railways. The question of railways had been so extensively discussed, and their relative bearing on the main roads of the colony so frequently dwelt upon by himself as well as by other hon. members, that he was surprised they had not been introduced into the resolutions. It was said over and over again that wherever railways were made they should be the main roads of the colony, and therefore it was very unsatisfactory to him that they should not have been mentioned. He felt some doubt about moving what might be termed counter resolutions, but he would do so in order to elicit the opinion of the House. He agreed with the hon. the Commissioner of Public Works that it was thoroughly impossible to carry on our present plan of road making and maintenance. That was as plain as that two and two made four. If hon. members wanted any proof of this more striking than another, it consisted in the fact of £250,000 received from the Government in three years £163,513 was expended on new works, whilst nearly one-half that amount went in the cost of maintenance of old works. He would now read the few ideas on this subject, which he had put in the shape of a resolution, which he would not call a counter resolution, inasmuch as it had the same object in view as the original resolution. It was "that this House is further of opinion that it is desirable so far as the resources and natural features of the country will permit, to construct main trunk lines of railway in this province, and that as wherever lines of railway have been or may hereafter be made, the same shall supersede other main roads adjacent or parallel to them." He thought the hon. the Commissioner of Public Works could scarcely object to that, which was more explicit than the very dubious wording of the original resolution. He would next move "That the policy hitherto pursued of constructing and maintaining main roads and bridges out of the general revenue, fails to give an adequate supply of road accommodation for the wants of the colony, and each year diminishes the revenue available for construction by increasing the amount required out of that revenue for the maintenance of such roads." It was better that the proposition should be put clearly before the House, and persons out of doors would then see why we could not go on with the present system. He would also suggest that they should go a little further, and would therefore move "that in the opinion of this House it is expedient to capitalise all that can be spared from the construction of main roads and bridges, and that in future all main roads which do not yield a revenue equal to the cost of maintaining the same in repair, should be maintained by other means." When he spoke of lines being self-supporting, he meant either railways or tramways. With respect to the fourth and fifth resolutions, he saw no objection to them at all.

Mr. Strangways seconded the amendments. Hon. members would remember that a short time back there was a Bill introduced called the Public Works Bill, for the purpose of placing all Boards under the Commissioner of Public Works, but it appeared the Government had now great doubts as to the fate of that measure, and they brought these resolutions as a quiet way of letting the matter drop. The hon. the Commissioner of Public Works had given very little information as to the management of the main roads, or as to whether there were to be any main roads at all. The hon. member seemed to look upon receiving the assent of the House as a matter of necessity, whatever policy the Government might choose to advance. But the question before the House necessitated an expression of opinion as to whether in any case a main line of road should run in the immediate neighborhood of a tramway or railway. This would affect 50 miles of roads which would entail a vast expense on the districts through which they passed. His own opinion was that in the immediate vicinity of centres of population it would be necessary, although there were iron roads, whether railways or tramways, to have macadamised roads also, but this was not the case in outlying districts. He believed it was the opinion of Mr. Jackson, a Melbourne engineer, that if iron roads were constructed to carry the heavy traffic of this country, the natural surface would be sufficient for the light traffic, and that there was scarcely a part of the colony which a man on horseback could not pass over at any time. It was impossible to perpetuate the present system, and if the resolutions passed they could lead to nothing, as the hon. the Commissioner of Public Works seemed desirous should be the case. The House should consider not only the roads in this and the neighbouring colonies, but also the turnpike roads of England, which were analogous to ours. When these roads were constructed by private companies, these persons had authority to levy tolls and when it was found that these parties did not receive sufficient remuneration, authority was given to them in many cases to levy tolls for a certain number of years, a certain portion of these tolls being allowed for the payment of interest, and the remainder for the repayment of principal. The time would yet come, though it might not be immediately, when we would have all district roads, and when no road would be maintained by the Government within the settled districts. He believed the hon. the Commissioner of Public Works himself had stated that in two or three years time, even if the Legislature placed a large sum in the hands of the Road Board it must be expended in repairs and not in the construction of roads. Again, to spend all the money in the neighborhood of Adelaide would not be fair to the outlying districts. The roads should be made by the Government and maintained from other sources. He would not say that the means for this purpose should be derived from a general assessment on property. The question might be affected in a great measure by the report of the Select Committee on taxation, if that Committee ever reported at all. He doubted, however, whether the report of the Committee would seriously affect the question.

Mr. Townsend rose to order. Was it right to reflect upon the Committee before they had brought up their report?

The Chairman thought such a mode of proceeding was undesirable.

Mr. Strangways wanted to show that the question might be affected by matters now under the consideration of the Committee, that they should not pass resolutions, which if an unmentionable contingency arose—(laughter)—they would have to recal. He wished to know whether the resolutions would be put *seriatim* or the whole of them together.

The Chairman said he had already put the first resolution separately.

Mr. Strangways said hon. members must also consider the effect which one of the resolutions might have upon another. His opinion was that it was not desirable to maintain at all times the distinction between main and district roads.

Mr. Solomon congratulated the Government on having brought before the House a matter of such importance to the country. It was said in the House that the Ministry was a "do-nothing" Ministry. (Oh, oh.) Or that, if they wished to do anything, that they always came down to feel the pulse of the House before doing it. He was glad the question had been brought on, for it was a matter which required very grave consideration. First, how our roads were to be constructed, and secondly, how they were to be repaired. It was admitted that wherever roads and streets were required there must be an increased rate imposed on the community, and, therefore, the general question was how the community should contribute for this object. He maintained that we had a right to fall back on our borrowing power. He did not think it right where both the present community and those who came after them were to be benefitted that the present community were to bear the whole burthen of the cost. In the first place the country was bound to make good roads, and then it should call on the districts through which the roads passed to undertake the keeping of them in repair. He wished it to be understood that in supporting this view he did so not as a city member but as a representative having the interest of the country at heart. This was not a question of to-day, for he remembered one very nearly the same agitating the country some years ago, and the same principle which he

supported at that time he supported now The whole duty of the Government was to lay the burthen as lightly as possible, and let after generations pay their share of the principal and interest He was very glad the Government had come to ask the opinion of the House before bringing in a Bill for the purpose of doing what they might afterwards see the undesirableness of doing

Mr BURFORD said this was a subject on which every one in the colony was equally interested, and like many other topics which had been brought before the House it would drive them to consider the question of taxation, for that was the perpetual stumbling block The hon member who had just sat down, remarked that the Ministry were not exposing themselves to the censure more or less conveyed in the remark that they did nothing without first ascertaining the feeling of the House, but what was the fact? They had not before them a Bill ready cut and dry in all its parts, but resolutions that according to the opinion of the House some Bill should be founded upon This was feeling the way He did not say it was an unhealthy course of action, it might be wise policy, though he would rather see a Bill to which the responsible Executive of the country had committed itself He believed that a distinction might be made between main and district roads, but that would throw them into the second resolution As to an assessment, he would be rather more ready to agree to one on property generally We were now at that happy point in our history when it was necessary to revise our position altogether, for we were stepping from the mud into the mire He had himself drafted an amendment to the effect that in the opinion of the House a Bill should be passed authorising the Treasurer to borrow at four separate periods, a sum of say £1,000,000, redeemable in 28 years The interest of £1,000,000 would be £6,000, and he thought we should not burthen ourselves or run too a great a risk if we allowed seven years to pay back, each £250,000, which would be quite a sufficient sum to raise at one time, inasmuch as it would keep all our idle hands employed for a considerable time It would be folly to borrow more than could be profitably expended, and this would be the only way of progressing in one direction without hampering ourselves in another It would allow us a free course, and would leave still in abeyance more than one question now unsettled in the minds of hon members and before Committees of the House

MESSAGE FROM THE GOVERNOR

A message was received from His Excellency the Governor intimating that he complied with the terms of the addresses from that House, with respect to the Strathalbyn Tramway and the main road through Gawler Town

DEBATE RESUMED

Mr TOWNSEND said that the course adopted by the Government on the present occasion, in bringing forward the resolutions then before the House, was an exceedingly novel one It appeared by this plan the weaker the Government the better All they had to do when they doubted their position was to bring forward a series of resolutions to ascertain the feeling of the House as to any particular measure they might wish to introduce, and then subsequently to supplement it by a Bill if those resolutions should happen to be agreed to Surely they could not call this responsible Government, in fact, so far from its being responsible Government, it was a systematic course of submitting every question to the House for an expression of opinion before the Government would decide upon any distinct policy In fact, they had no policy, and as to responsible Government this system was far from approaching to its spirit

Mr REYNOLDS considered the question an important one, and one of the political problems of the day They were restricted to the first resolution, and he should, therefore, in the remarks he should make, confine himself to that He could not help expressing his regret that the Government had not seen fit to bring forward a Bill, and his disappointment was the more confirmed when he considered the experience the Government had already obtained on the subject, and the expression of opinion which had been freely taken from the Chairmen of District Councils He regretted the course the Government had adopted in bringing forward these resolutions, for it would tend to a waste of time, for they would have one discussion on the resolutions and then another on the Bill, and the House would be kept in a constant state of excitement It might be said that the introduction of the Bill without resolution would have "settled" the Government—(a laugh)—but he maintained that the Government were settled already (Laughter) They were settled in their willingness on all occasions to bow to the wishes of the House, and their consent to be a set of obedient machines They were always ready to yield readily to impressions, and in all this they must be considered as settled With respect to the question itself, he thought there could be no doubt as to the first proposition—"That in the opinion of this House it is desirable to maintain the distinction at present existing between main and district roads" If the Government took the district roads into their own hands, it would be impossible for them to make them, and therefore it was desirable that district roads should be left in the hands of District Councils, and main roads in the hands of the Government There was another question to be considered, that was whether the Government could afford to continue the contribution to District Councils With regard to the amendment of the hon member for Burra and Clare he would go with him

Dr WARK was disappointed with the resolutions before the House, inasmuch as allusions had been frequently made by the Government to a Road Bill which they proposed to introduce, and which he understood as forming a very important part of their policy But now they brought forward a set of resolutions on which they might found a Bill The fact was Select Committees were too stale It was a dodge too often repeated (A laugh) It had been said that they had a precedent for such a course of action in the British Parliament, but he begged to say that when it was practised, it was practised only by independent members, and not by any member of the Ministry It appeared on the part of the Ministry here that, when the Select Committee dodge got to be old, then they brought up something new, viz, legislation by resolution He considered that this was not an open or straightforward course, that whoever held office should declare a policy of their own, and abide by it It was unmanly to do otherwise—to saddle the House with a responsibility which they should take upon themselves There were a few points he would refer to, and with respect to the distinction of main roads from district roads that he thought had been partly grappled with by the hon member for Burra and Clare But with respect to those lines running parallel to lines of railway, if this resolution was to pass what would become of them? According to this resolution they were to be kept up as main roads He did not object to the principle of the amendment of the hon member for the Burra and Clare, but he thought that in any scheme devised, railways should be considered by themselves It was too momentous a subject to be treated slightingly

MESSAGE FROM LEGISLATIVE COUNCIL

A message was received from the President of the Legislative Council, intimating that the Bills of Exchange Bill had been consented to with certain amendments, included in schedule Also, that the Waste Lands Act Amendment Bill had been consented to with certain amendments, included in schedule

On the motion of the ATTORNEY GENERAL, the consideration of these amendments was made an Order of the Day for Thursday

DEBATE RESUMED

The ATTORNEY-GENERAL said the position taken by the hon member opposite might be well expected, for it was the policy of that hon gentleman to shift his ground as the emergency of the case required it, without any regard to consistency of opinion When the Government introduced a Bill affecting the question of taxation, then that hon membre brought forward a motion calling upon the House to affirm the principle that no Bill for the purpose of imposing a tax should be introduced except by resolution of the whole House And now, when the Government sought, in accordance with a previous intimation from them, to amend a certain principle in the construction and maintenance of the main lines of road, and did so in accordance with the spirit of the hon member for the Burra and Clare's suggestion, their position was deprecated Then with regard to another point One hon member had spoken of the Government, having taken the House by surprise in their submitting a series of resolutions Why, in the speech by which that Council was opened it was stated that certain resolutions, would be introduced, and the Government were only acting in accordance with that intimation With regard to the position of the ministry in introducing these resolutions, and in the propriety of their so doing, he had said before what he would again repeat, that nothing was more easy in the event of the Ministry not meeting with confidence, than for the House to declare its opinion of their conduct in the usual manner It was only for those hon members who were discontented to so express their feelings, and the moment that opinion was held by the majority of the House, he for one should bow to it One hon member had spoken about the emolument pertaining to his office as Attorney-General in an equivocal manner inferring that the position he held was maintained from considerations of profit, but he could assure them that his office as Attorney-General was, on the contrary, a positive source of loss to him, and those in the profession in any way acquainted with the duties of his office would no doubt admit that his statement in this respect was in accordance with fact And as to any member of the Ministry being influenced by considerations of emolument in opposition to what they thought right, he thought such an opinion would not be harbored for a moment by those members who properly reflected on the subject With respect to the resolutions before the House, the Government had no desire nor right to dictate to the House the course they should adopt in this instance After alluding briefly to the system of the construction and maintenance of the roads as at present existing, the hon and learned member said with regard to the amendment of the hon member for the Burra and Clare (Mr Peake), that the latter portion of it was in accordance with the views of the Government, but as to the construction of railways, it was a question with the present Government whether they should pledge themselves to it at this time The essential prin-

ciple now introduced in the House, was the distinction sought to be placed between main and district roads

Mr ROGERS said this was a very important question He did not object to the principle of the first resolution, but he thought there should be a general system of roads, in which the taxation should fall equally upon those having locomotive lines, and those with common roads only, and in which all parties would pay in equal proportion He thought the Government should introduce some self-supporting system The plan proposed by the hon member for the city (Mr Neales) was a good one, and one that would work well They should try a cheaper system of roads They did not want expensive railroads It was clear that the present system could not be carried on for long, as their borrowing power must soon become exhausted He thought a lighter system of railroads would be necessary or a system of common roads constructed on the same principle as railways, that is by borrowed capital

Mr NEALES suggested that the Commissioner of Public Works should alter one word in the first resolution which said "that in the opinion of this House it is desirable to maintain the distinction," &c He proposed that "the distinction" should be altered to "a distinction The hon member thought this alteration was very necessary, as from the confusion which had already existed with respect to main and district roads it was a question whether that distinction was so positive as the resolution seemed to infer

The COMMISSIONER OF PUBLIC WORKS agreed to the amendment, and the resolution was altered accordingly

Mr HAY considered that the business of the House was, apart from any consideration of what was the practice of the House of Commons, which had been referred to by previous speakers, to take that course which would tend to bring out the greatest amount of information, and enable the House to frame the best Bill to meet the exigencies of the case If by bringing forward resolutions of the nature before the House that object could be best attained, then the Government had taken a proper course With regard to the present resolutions he was opposed to any system of tolls It would be impossible to collect them in this colony From Adelaide to the Burra Burra the country was so level, that there were only one or two places where toll-gates could be established To point to Gawler Town, for instance, but in that or other similar places the whole of the funds derived from such toll must either go to the local Corporation or to the Central Road Board, besides the toll would be unjust Taking the whole country through, he thought the system of tolls would not be fair or proper The hon member for the city, Mr Solomon, had said the construction and maintainance of the roads should be paid by the District Councils, but it had been shewn by previous speakers that such a system would be unjust In such a case the assessment now made would have to be doubled In discussing the present resolution, the House was not exactly in a fair position, as the Public Works Bill, which in a considerable measure affected the substance of these resolutions, was yet under consideration His view was that the country might be divided into north, south, and eastern portions and that a properly-constituted Board should be appointed or elected in each district, to which the Government might severally hand over the control of the main roads in each district respectively, and such a sum voted out of the general revenue as could be conveniently spared It was obvious at the present time that some radical change was required At the north there were constant applications for the construction of main roads, and in the eastern district, in addition to the already increasing lines of main roads, they did not know how soon they might be appealed to for the construction of new lines His belief was that the best course would be to hand over the main roads to responsible bodies, and vote such money in assistance as could be afforded out of the revenue If they did not adopt this course, then they must let the Public Works Bill be passed at once, and take the main roads into their own control And while the Government kept the control of the roads in their own hands let them provide the funds One advantage which he thought would be gained by the course he had proposed was that a great deal of the expense of the Central Road Board would be done away with One Surveyor in each district might do all that was necessary

Mr LINDSAY agreed with the first resolution which said that it was desirable a distinction should be made between district and main roads, but he thought also that a distinction should be made amongst district roads, between those which were likely to be lines of communication and those which would be for ever useless He would have this distinction made so that District Councils should spend the money intrusted to them in a proper manner, and not construct a road and then abandon it for one supposed to be better That had been the case already, deviation after deviation had been made at a considerable waste of money He agreed with the opinion of the hon member for the Burra and Clare (Mr Peake) that they should make their main lines of road if possible, self supporting But it was impossible to do this by tolls In England turnpike roads had thrown companies into irretrievable debt, and their only chance of escape would be by becoming insolvent The advantages which accompanied locomotive lines of road was that railways were in all countries self supporting and in some countries were immensely reproductive, if not in profit, in the decreased cost of transit of goods The hon member for Mount Barker had said they should have some cheaper system That was indisputable But that system should not be confined to the transit of goods only, but the transit of passengers should also be included The great question, however was, how the roads first constructed were to be maintained whether out of the general revenue or from some other source He thought the best system would be for the Government to survey and appropriate to public use the best of road, secondly, to construct them so far as their funds lines would allow, and thirdly hand them over to local bodies for maintenance The amendment of the hon member for Burra and Clare was, he considered, an improvement, and he should vote for the first resolution, as amended by that hon member

Mr MILNE also felt inclined to give his support to the resolution before the House, with the intent of which he agreed With respect to the second resolution, "That in the opinion of this House the whole amount which can be spared from the general revenue for road purposes should be devoted to the construction of roads and bridges" Knowing the policy of the Government in pushing forward railway communication, especially to the north, he thought it was very little that would be spared after the interest on the bonds was paid He should therefore prefer that a minimum sum should be named With respect to the third resolution, he agreed to it, understanding that it meant that the whole property of the colony should be assessed, and the funds so derived placed together for the general advantage of the whole, not that the funds of each particular district should form a separate fund Mr Solomon had talked about saddling the maintenance of main roads upon District Councils That, he thought, was met by the remarks of the hon member for Gumeracha (Mr Hay), but with respect to those districts through which railways passed, they should contribute in the same proportion as those who were compelled to keep up a system of main roads As to the question of tolls, such a mode of raising a revenue was open to many objections At the same time he could not forget that there were two or three lines of main road in Victoria which were self-supporting But he thought such a system would not work well here There was one portion of the traffic, however on which it would be advisable to impose a toll, that was on the cartage of stone There was no description of traffic that cut the roads up worse than this The hon member for Onkaparinga had propounded a scheme by which the colony was to be divided into different districts But the principle of this scheme was embodied in the Bill that was thrown out during the last session This scheme proposed to throw the burden of the maintenance of the main roads upon District Boards, and there was the contingency that such a body might not satisfactorily attend to their duty He thought therefore that the maintenance of the main roads should not be left to such a contingency He saw no course but to leave the construction and maintenance of the main roads in the hands of the Government, and if the revenue was not capable of supplying the funds, they should be raised by some general assessment on property

Mr DUNN would speak to the second and third resolution, as other hon members seemed not to confine themselves to that more especially before the House He had gathered some information with respect to the cost of transit in the south-eastern districts, and he found that from Strathalbyn to Adelaide the cost of cartage was 30s per ton of 2,000 lbs, and the cartage up from Adelaide to Strathalbyn varied from 50s to 80s per ton The distance to Strathalbyn was 35 miles He would compare this with the distance to Gawler which was 28 miles and to which the cost of transit was only 13s per ton Again, at Mount Torrens, which was about the same distance from Adelaide as Gawler Town, a friend had informed him that he had, during the last season, sent 600 tons, principally of grain, at a cost of 35s per ton, so that, instead of paying 4½d per bushel cartage as in Gawler Town he paid no less than 8½d extra This he considered placed the settlers who had not the advantage of railways in a disadvantageous position, and the proposal to assess all round would act in an unfair manner He thought the Government might well double the tolls on the railways, and then even the settlers in those districts would have the advantage of expedition over their neighbours, who would be taxed in another way to a similar amount As to the levying of tolls, he thought the feeling of the whole country would be against it As to the proposition for widening the tires of drays, it was preposterous, as it would take a quarter of a million to replace the vehicles in an efficient manner He thought a better system might be devised—that of regulating the carriage by the number of wheels—Two-wheeled carriages were much more injurious to the road than others with more wheels A cart with two wheels loaded with two tons would do as much injury to a road as a cart with four wheels loaded with five tons, and where the road was irregular it would do more injury, as when the two-wheeled carriage lounged over into a rut the weight was not equally divided He had had some conversation with several smiths, and he had been assured that it would be impossible, from mechanical difficulties, to put on six inch tires So it was perfectly useless to introduce a system which could not be carried out

The SPEAKER put the first resolution, which with the amendment which had been adopted, was carried

The COMMISSIONER OF PUBLIC WORKS begged to make an alteration in the second resolution by introducing the word "appropriated" and striking out "be spared." Hon members in discussing the first resolution had travelled a little from the subject, but probably they had been induced to do so by the example which had been set by himself. He pleaded guilty to having been led in that direction. He should be very brief, because he believed with the hon member for Burra and Clare that it was as plain as two and two made four that the construction and maintenance of main roads could not at the same time be provided for. He would state that a decrease might naturally be expected from the land sales. He believed that if the whole of the proceeds of the sale of land were devoted to the construction and maintenance of main roads that for a few years there would be no complaints, but that every one would be well pleased at getting what they wanted. At no distant period however it would be found that the land sales would be insufficient to provide for the maintenance of the roads, and consequently that no more roads would be constructed. He believed that it would be the best for the colony at large to spend as much as possible upon the main roads, no matter whether locomotive, as they had been termed, or macadamized, but if they sought to do too much and to maintain as well as to construct the roads, he believed they would infallibly break down. That was a great truth, which he believed must have impressed every mind which had at all thought upon the subject. He was not wedded to the precise wording of the resolution, but merely sought to lay down a broad proposition. He should always advocate a certain sum being devoted every year to main lines of road and should endeavor to make that sum as large as possible but he should always endeavor to separate the construction and the maintenance.

Mr TOWNSEND moved as an amendment—"That in the opinion of this House the construction and maintenance of main roads should be provided for by the general revenue." He need say very few words in support of the amendment. A number of persons had bought lands upon the faith that the main lines of road would be maintained out of the general revenue, and upon the faith of that they had settled upon those lands, but it was now proposed that they should be assessed for the maintenance of those roads. This he felt would be an injustice, and when they were discussing the third resolution he should ask whether it was proposed that the assessment should be throughout the colony or only in the district through which the roads passed. If it were proposed that the assessment should be general, then his amendment precisely carried out that proposition, but if it were intended that the roads should be maintained by a taxation upon the district through which the roads passed, then he contended it would be a gross injustice, and he should oppose such a proposition. He believed the colony generally was in favor of the roads being maintained out of the general revenue.

Mr STRANGWAYS said no doubt it was a very general view that everything which could be done out of the general revenue should be, but the general revenue was limited, and if the ideas of many in reference to payments out of the general revenue were to be carried out the revenue would not bear it, though it were ten times larger. The last speaker had contended that if the main roads were not maintained out of the general revenue it would be a gross breach of faith towards those persons who had bought land upon the faith that they would be so maintained. But the general revenue of the colony being so limited, the maintenance of roads within a circuit of 30 miles of Adelaide, would absorb all that was applicable for such a purpose, and as it would be impossible to make main roads in the outlying districts, where parties had also purchased land, there would be complaints of as gross injustice having been committed in those quarters. The House must not look to one particular district, but the whole question of the construction and maintenance of roads must be considered. It appeared to him that there was a disposition on the part of some to make this a question of the town against the country, but he could not view it as such. If all the main lines of road which had been declared main lines, within a circuit of thirty miles of Adelaide, were to be fully constructed, all the revenue would be absorbed, and the roads in the more remote districts never would be constructed. If road accommodation were not given to the outlying districts, the value of land in those districts would of course be depreciated. He thought with the Commissioner of Public Works—with whom he occasionally differed—that the decision of the House should be separately taken as to the construction and maintenance of the roads. The amendment proposed that the construction and maintenance of main roads and bridges should be provided for out of the general revenue, whilst the third resolution referred entirely to the maintenance and repair. The second resolution referred also to the maintenance, but it appeared that portion might be struck out, as it was referred to in a subsequent resolution. He was desirous of proposing an amendment, but the difference between it and the amendment of the hon member for Onkaparinga was that whilst that hon member's amendment provided for the construction and maintenance, his (Mr Strangways's) provided for the construction only, leaving the maintenance provided for by a separate resolution.

Mr SOLOMON was desirous of moving an amendment to the second resolution.

The SPEAKER said there was already one amendment before the House, which it would be necessary first to dispose of.

Mr LINDSAY thought the proposition to separate the construction from the maintenance of roads a most important one. The hon member for Onkaparinga had said that it would be unjust to parties having property in the neighborhood of existing main roads not to maintain them out of the general revenue, but it would be a greater injustice to those who had purchased property in the neighborhood of nominal main roads if such main roads were never constructed at all. Ever since the first Road Act which had been introduced in the colony there had been nominally a main road to Encounter Bay, but the greater part existed only in the imagination. If the principle of the hon member for Onkaparinga was carried out, that the construction and maintenance of main roads shall be defrayed from the general revenue, such portions of road as existed only in theory would, he feared, never be constructed at all, and greater injustice would be done in that case than in the other in which roads had actually been constructed.

Mr REYNOLDS should support the amendment of the hon member for Onkaparinga, which embodied a principle which he had enunciated some time ago. It appeared that the Government were of opinion that all the money which could be spared should be devoted to the main lines of road, and that no portion should be appropriated to the District Councils for that purpose. That was what he understood from the former portion of the resolution, and if that were the intention he agreed with that portion, thinking it wise to withhold the £25,000 or £30,000, which they had been in the habit of handing over to the District Councils. If there were to be an assessment levied upon the districts themselves, this would be a much shorter way, instead of handing over £25,000 or £30,000 in aid of the rates. If the House husbanded that sum the amount would go a long way towards keeping the main lines of road in repair. If they kept what they had been in the habit of handing over to the District Councils there would be no necessity for a special rate to keep the main lines in repair. Supposing, however, that the District Councils kept the main lines in repair, why, in the district which he represented, there were 25 miles running through, which at £200 a mile would amount to £5,000. It might be said that the road intersected two districts, so that there would be only a moiety to provide for, but he believed that Sturt and Mitcham would be called upon for at least £3,000. He believed these districts would be better satisfied, and that it would be the best way not to grant the District Councils sums in aid of the rates, nor to burden themselves with the main lines through the districts.

Mr BURFORD could not agree with the last speaker relative to District Councils. He should be sorry to refuse them a subsidy to their rates. He believed that by doing so they would be departing from their duty and losing sight of the best interests of the country. Hitherto the District Councils had been to a great extent justified in looking to that House to assist them in repairing the roads in various neighbourhoods, but if the recommendation of the hon member for the Sturt were to be followed, that arrangement would be interfered with, and they would stop the proceedings of District Councils for all future time. He would much rather, both as regarded them and the Corporation of Adelaide, that property should be equally assessed, rather than that House or the Government should be so hampered as to be unable to extend to those bodies that supplementary vote which they had been in the habit of giving. He believed it would be nothing short of folly to adopt the suggestion of the hon member for the Sturt, and that nothing would tend more to keep the country back instead of promoting its advancement than that very proposition. There were other ways open, which no doubt would be seen, by which the necessary funds could be provided without interfering with the advancement of the country in other directions. If they could accomplish that they would have reason, he was going to say, to congratulate themselves, or at all events they would have no necessity to pass a censure upon their own proceedings. He had shadowed forth his ideas upon the subject in an amendment, which he should introduce at the proper time; but in order to convey his ideas to hon members, he would read his proposition, which was to the effect "That a Bill should be introduced for the purpose of raising a loan of one million, in four separate sums, and separate periods, of £250,000, at 6 per cent, repayment extending over a period of 23 years, and interest to be provided by a general assessment of property throughout the colony." He thought the country would not be incurring any risk by merely incurring a liability upon the amount of 6 per cent per annum.

Mr BEAKE must oppose the amendment of the hon member for Onkaparinga, as he did not believe in the soundness of the principle which it contained. He had already read an amendment condemnatory of the system they were now following, and which he understood the hon member for Onkaparinga was desirous of perpetuating. The hon member for Encounter Bay had stated that the toll or turnpike system in Great Britain had proved a failure, and that the road trusts were in fact in a state of insolvency. If the system were tried here he felt satisfied a similar result would follow, and that the whitewashing system would very soon

follow. He trusted it would never be tried, as he did not believe it was possible it could prove remunerative. It was the maintenance of the roads which constituted the difficulty and not the construction. At present the toll which was levied upon railways or locomotives for passengers or goods in the shape of freight rendered the railway most likely to be reproductive, and it was most necessary that they should keep in view such terms as would continue to develope that self-supporting road system. He hoped the House would go with the resolution which he had previously read, and that the Commissioner of Public Works would not hesitate to adopt a course which he believed would find favor out of doors when information upon the point was diffused. The principle enunciated in the amendment was that the policy heretofore pursued failed to give adequate road accommodation, and that the means of doing so became yearly diminished. It must be obvious to all that there was not sufficient road accommodation in this colony. The hon. member for Mount Barker had by figures illustrated this in a most remarkable manner, though he (Mr. Peake) should use the illustration for a different purpose from that which the hon. member had intended. The hon. member's argument, as he understood it, went to show the necessity of doubling the present railway tolls. The hon. member had stated that a farmer from the south had had 600 tons of produce carried to market at a cost of 35s. per ton, the distance being about the same as the present railway accommodation, and the gross cost of the carriage being £1,050, whilst from the north a farmer could bring a similar amount of produce to market for £330, in other words, that the Strathalbyn farmer had to pay more than three times the amount for bringing his produce to market than he would have had to pay by railway. He did not say that he would commit the impolicy of doubling the railway tolls but he should be pleased to reduce the cost of bringing produce to market to the Strathalbyn farmer, and he thought that by capitalising the revenue set apart for the construction of roads, and getting on with the work on an extensive scale, they would ultimately benefit the Strathalbyn farmer and others similarly situated and enable them to bring their produce to market at 11s. per ton instead of 35s. The figures quoted by the hon. member for Mount Barker illustrated the policy of adopting such a system as would blot out the 35s. and substitute the 11s. He would ask the Commissioner of Public Works to go a little further, and say that it was expedient to capitalize so much of the revenue, as was set apart for roads and bridges, and that such main lines as did not yield sufficient to keep them in repair should be maintained by a special tax for that purpose. This policy had clearness and distinctness to recommend it, and he believed was correct. He hoped the House would adopt the idea, and that parties out of doors would see the policy that they were aiming at. No doubt there would be an expression of public opinion upon the point, and that the subject would be well ventilated.

The COMMISSIONER OF PUBLIC WORKS said there appeared to be some misapprehension existing in the minds of some hon. members. He wished it to be understood that, in speaking of roads after the first resolution, he invariably meant main roads, he did not mean any district road. To make it more clear, he would insert the word "main" before roads.

Mr. DUNN should support the amendment of the hon. member for Onkaparinga. He understood the general revenue to be created by a general tax, and if so, he saw no necessity for any second system, which was in fact, in many instances taxing one portion of the community at the expense of another. It was, he considered, unfair to tax one man more than another, merely because he happened to be living in another part of the country. If main roads were to be constructed and maintained by a general tax, why not increase the general revenue by some other taxation. He did not want to double the cost of carriage on the railway, but he did not want parties residing in other localities to be called upon to pay for a luxury which others enjoyed. The interest on the money borrowed for the construction of the railway came out of the general revenue, and what he wished was that all portions of the community should be taxed alike. It was particularly desirable that this should be the case in the agricultural districts.

Mr. MILNE could not adopt the amendment of his hon. colleague. It was quite notorious that the general revenue as it at present existed was quite unable to meet the cost of maintaining as well as of constructing the main lines. The hon. member for the Sturt had attempted to show the expediency of doing away with the supplementary aid to District Councils, but he must object to such a proposition. Looking upon this as a general question, he thought it would only delay the settlement a little longer if they withheld the aid to the District Councils. It was true that withholding that aid would give the House a greater command of money, but every year that they went on constructing additional main lines of road, they would be called on to devote a larger sum to the maintenance fund till very shortly they would be in the same difficulty again, only to an increased amount. It was impossible that they could withhold the aid. There was no doubt a difficulty connected with the question, but the better course would be at once to grapple with it. Let them at once say that the difficulty should be met by an assessment on the property of the whole country.

Mr. ROGERS supported the proposition of the hon. member for Onkaparinga. He did not object to particular parts being favored with railroads, but he contended that the tax should be put on all equally alike. If the general revenue were not sufficient for the purpose let them devise means to increase it, or see if they could not curtail their expenses a little. He certainly could not agree to the proposition to withdraw the aid from the District Councils, as if they did they would stop the operations of all corporate bodies. He believed the money with which such bodies had been subsidised had been well laid out, and that the colony had been advanced to a very great extent by the exertions of the District Councils. If those bodies had not been supplied with funds he believed that it would have been impossible to travel at all in many parts of the colony. He must object to a direct tax upon parties in the outer districts from which those in the neighbourhood of railroads were exempt. He could not believe it just that parties should be called upon to pay for advantages which were exclusively enjoyed by others.

Mr. NEALES said the last speaker had told the House to devise means of raising the revenue but he had not offered any remedy for the present shortness of revenue, and indeed he feared he would be puzzled to do so. He believed they must trust to the revenue as they had it in hand or as they expected to have it, certainly they would not accomplish the object which they had in view by carrying out the proposition of the hon. member for Onkaparinga, for that hon. member had proposed precisely what they wanted to get rid of. If the construction and maintenance of the main roads were to be paid out of the general revenue, the result would be that the revenue would be all taken up by this source in three or four years, and the bulk of the main roads would not be made at all. This would certainly be the case if they did not divide the construction from the maintenance. If the House thought well of the proposition of the hon. member for Onkaparinga, there was no necessity for legislation upon the subject, but let them throw out the Public Works Bill, and give the £70,000 to the Central Road Board. They would then shortly come to a standstill. They must divide the construction of roads from the maintenance. He objected to capitalizing any amount that could be spared for roads, as that looked too much like an eagerness to borrow. But they borrowed for railroads, and could go to the same source to borrow, if it were thought advisable to make any more macadamised roads. He believed that eventually, though the district roads would be macadamised roads, all the main roads would be either tramways or railways. He believed that the resolution did all that could be expected, though there might, perhaps be another resolution to carry out the views of the hon. member for Burra and Clare, but he did not pledge himself to vote for such a resolution, though it might be worth consideration. The resolution merely affirmed that all that could be spared for the main roads should be devoted to that purpose, that is, for their construction, not repair. They need not go back to the proposition of the hon. member for Onkaparinga, because that was in fact the present state of things, and a state of things which he was not disposed to continue. He did not like to see the hon. member for Mount Barker (Mr. Dunn) put down so completely, because the hon. member for Burra and Clare had not shown that the railway was paying interest and current expenses, and until he had done so, he would not consent to the difference between 11s. per ton and 35s., the cost of carriage to which residents in the south were subjected, was unfairly borne by the residents of Strathalbyn, Mount Barker, and other districts. If railways did not do all that the advocates of railways promised they should do, the charges should be adjusted at once, otherwise it might be argued that one district was robbed to give an advantage to another which had the advantage of railway communication.

Mr. PEAKE said the hon. member for the city (Mr. Neales) had said that unless he (Mr. Peake) could shew that the railway paid its current expenses and the interest of the money which had been expended upon it, he in fact proved nothing, but the hon. member appeared to forget that the Mount Barker road had had a very large sum expended upon the main road both in the construction and the maintenance. He was aware that a railway line was more expensive, but he believed this was compensated for by the self-maintaining power of the railway over the macadamised road. In reference also to cost, the expense of making as well as maintaining the common road must be computed.

Mr. DUFFIELD felt it to be his duty to oppose the amendment of the hon. member for Onkaparinga, as it had been patent for years past that the continuance of the present main road system was utterly impracticable. There was no better proof of this than that they had sold all the good land within a hundred miles of Adelaide, and had only made the main lines of road for about 25 miles. If it absorbed so large an amount of the general revenue to make a few miles of road, it must be patent that the funds to make the whole of the main lines were insufficient. It would be folly to perpetuate the system under which they were living as regarded the main roads. He did not know that there was any great objection to the resolution as it stood. He did not know that it could do much injury, he believed it to be very harmless, as it would be merely adopting a bare proposition, but the machinery to

carry out that proposition would be a subject for after discussion He did not think the resolution could do any harm, but he was satisfied they would be doing great mischief by passing the amendment, as it would perpetuate a system under which they were at present existing and delay the improvement which was so clearly necessary in the main road system It was hardly necessary to advert to the arguments which had been used by various members representing various parts of the colony, but he could not help remarking that he thought there was too much of a district feeling brought to bear upon the question Hon members forgot that they were representatives of the Parliament of South Australia as well as the representatives of a particular district When he stood before the constituency of Barossa he told them that where the interests of the whole colony were at stake he should feel it his duty, perhaps, to sacrifice the individual interests of the district which he represented for the purpose of serving the country at large. He was afraid that broad principle was not so fully observed by hon members as it should be. Remarks had been made in reference to the relative cost of carriage from the northern districts and from Strathalbyn, but he would remind hon members that the Government could not carry out all public works which were necessary at one and the same time. Two hon members representing the district of Mount Barker had spoken upon the question, and had apparently forgotten that only a few days ago the House passed a resolution for a survey with reference to constructing a tramway from Strathalbyn so as to enable the farmers in that district to bring their produce to market at a lower rate than hitherto He thought this alone should remove complaints emanating from that district, as it showed the House were not disposed to favor one part of the country and forget the interests of other districts He thought this explanation would remove a difficulty which appeared to have been felt by the representatives of the special neighborhood to which he had alluded The hon member for the Sturt had said that it would be well for the House to consider whether it would not be desirable to withhold aid from the District Councils, but he could not assent to that proposition, and indeed must express an opinion that if any money had been spent with public greater advantage than another to the people of this country it had been the money which had been placed in the hands of the various District Councils He should oppose as long as he could any resolution to stop giving that assistance to local bodies which had been hitherto afforded, having seen how that money had been expended It was not necessary to follow the hon member (Mr Neales) through his various arguments, as the hon member had in fact confuted himself He gathered from the hon member that until it could be shewn that railways were paying their current expenses, and the interest of the money expended upon them, it was demonstrated that railways were a failure or something of the kind He thought that railways should be considered upon the same footing as main roads, as they were alike made for the use and convenience of the people, and although they did not at once pay their working expenses, still they were of such vital importance to the colony at large, that they conferred more than an equivalent, and although railways might yield a considerable revenue to the country, main roads did not pay any return to the general revenue They should keep that view of the subject in mind, because he felt that wherever a railway was practicable to connect a market with water communication it was desirable it should be laid down, and in fact, that the railway system should be extended throughout the country It would not be wise to expend any further sums upon macadamized roads where ultimately they would be called upon to construct railroads Macadamized roads were in fact almost exploded in the present day, and railways were admitted to be the best and cheapest in the end He need merely refer to the experience of the different countries in Europe Up to the present day the main roads in England were enormously in debt, and as had been stated there were no other means of the Road Trusts extricating themselves but by a declaration of insolvency He believed the main lines in England were in debt to the extent of £300 for every mile of road in England at the present time

The TREASURER had a few remarks to make in reference to the statement of the hon member for Mount Barker He would compare the cost of the roads to Mount Barker and Gawler Town The hon member had based his statements upon the assumption that the residents of Mount Barker and other districts were paying the interest of the outlay upon the railways In order to look at the question in its proper light he would consider what sum was fairly due for main roads The railway was extended so far as Kapunda, and that would probably be the whole expense in that direction for main roads He would see what the cost amounted to, and if it were larger than the amount which the general revenue paid to other districts If, however, it were found that the North only got its fair share, of course the argument of the hon member for Mount Barker fell to the ground The sum of £53,000 a year was a permanent charge for the various railway works as far as Kapunda Out of that £53,000 a year the receipts for 1859 amounted to £9,000, so that the general public only paid £44,000 a year for this system of roads, and he would ask if this were too large a sum? The whole contributions from the general revenue for other districts amounted to about £100,000 a year, so that whilst other districts cost £100,000 a year, the North cost only £44 000 a year Thus he had, he thought, shewn that though the North was benefitted by railways it had not received more than its fair proportion The East, the South, and the South-Eastern districts were getting sums expended upon them which would never be replaced, whilst the North was receiving a contribution which it would gradually diminish

Mr LINDSAY wished to correct some errors into which the two or three last speakers had fallen The hon member (Mr Neales) and the hon member (Mr Peake) were to a considerable extent right and to some extent wrong The argument of the hon member for the city was perfectly correct, assuming that railways did not pay their working expenses, and the interest upon the capital invested, but if they did his argument fell to the ground It was generally felt that the northern district had had a large sum expended upon it, in fact, from a return which he had procured, it appeared that whilst £560,000 had been expended upon the north, only £160,000 had been expended upon the southern district This shewed that there was a considerable sum due to the south which no doubt would be eventually paid If as the hon member for Mount Barker stated the agriculturists in the north only had to pay 11s per ton for the conveyance of produce to market, whilst the farmers of the south had to pay 35s and that the south contributed what in fact the north ought to pay, it shewed there must be something radically wrong in the way in which our railways were managed It was always assumed that railways were self-supporting, and not only that but that they would produce something to the revenue If the present rate of tolls were not sufficient, they should be increased; but if they compared the rate of charges with those of other countries, it would appear that there must be something radically wrong in the whole system, for he found that the present charges amounted to 7d per ton per mile, and if the railway were not paying expenses at that rate, there must be something radically wrong, for in other countries the charge was not more than one-sixth of this rate In the Western States of America the farmer could get his produce conveyed into market for three farthings per ton per mile, and although we could not hope to work railways so cheaply here, he believed that the charges might be approximated within 200 or 300 per cent

Mr ROGERS moved that the House divide This motion was carried, and upon the SPEAKER putting the question, the amendment was lost

Mr SOLOMON was desirous of moving another amendment, affirming the principle that they should raise funds for the purpose of making main roads The amendment was to the effect, that in the opinion of the House it was desirable that for the purpose of constructing main roads, a million of money should be borrowed at a rate of interest not exceeding 5 per cent, the sum borrowed not to exceed £200,000 in any one year, and the loan to be redeemable in 28 years, the roads after construction to be maintained by assessment upon the property in the districts in which they were situated

The SPEAKER pointed out that the amendment could not be put, as it would be in contradiction of a portion of the original motion, which had been affirmed

Mr STRANGWAYS said he too was desirous of introducing an amendment, but wished to know how he was to introduce it

The SPEAKER said another amendment could be proposed if it could be so framed as to come in after those words in the original motion, which it had been resolved should stand part of the question

Mr BURFORD almost thought he would be enabled to make his proposition to dovetail in He would move as an addition to the motion, that a Bill be introduced authorizing the Treasurer for the time being to bring in a Bill to borrow a million of money at 6 per cent., to be repaid at stated periods within 28 years The House would perceive he had so framed the resolution that time could be chosen by the Executive for making their calls

The SPEAKER said the hon member had better move the resolution as an amendment to the next resolution, and Mr Burford having acquiesced, the resolution as originally proposed was carried

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the CHAIRMAN then reported progress, and obtained leave to sit again on the 10th instant

MR STUART'S DISCOVERIES

The COMMISSIONER OF CROWN LANDS laid upon the table the journal connected with the recent exploration by Mr Stuart, which was ordered to be printed

THE IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS the House went into Committee upon this Bill The 46th to 49th clauses, relating to the delivery of cattle upon payment of the sum claimed for damage, order for delivery of the cattle, compensation for trespass, and effect of judgment on conviction under the Act were passed as printed

The COMMISSIONER OF CROWN LANDS suggested that the House should allow the Act to be reprinted with the various amendments, as he did not intend to take it out of Committee Its provisions could be considered on a future day

The SPEAKER reminded the hon gentleman that several clauses had been postponed

The COMMISSIONER OF CROWN LANDS was aware of this He was desirous of introducing a new clause, to the effect that fences should consist of two rails or three wires, or something equal thereto, and should not be less than four feet from the ground

Mr MILNE considered this clause of such importance that he trusted it would not be entertained till it had been printed

The SPEAKER said the object of bringing forward the clause now was that it might be printed with the Bill

The ATTORNEY-GENERAL explained to the House the object the Government had A great number of amendments had been passed which affected the character of the Bill, and they consequently wished the Bill to be reprinted, when the Government would move the recommittal of the whole Bill, so that the whole question might be again brought forward

Mr DUFFIELD certainly did not like the clause in its present form He did not see the use of it, as it really did not describe what a fence was or should be, but merely said "something equal thereto," so that the decision of the whole case would in fact be left to two Justices, as under the old Act, which had not worked well

Mr STRANGWAYS said the Commissioner of Crown Lands in framing this clause had apparently forgotten that, in country districts, there were a large number of fences known as log-fences, kangaroo-fences, &c, nor did it appear that walls were included under the head of fences He should have no objection, however, to assent to the clause, upon the assurance given by the Attorney-General that the whole Bill should be reconsidered

Mr HARVEY thought it would be of the utmost utility to have this clause It was the very thing that had given rise to so much dispute as to what was a fence, but this clause would settle the matter At present there were a number of what he could only term cattle-traps, as the moment a beast touched the fence it fell down, and then the owner claimed full damage for trespass If it were properly defined what constituted a fence, a great deal of the existing evil would be done away with

Mr LINDSAY would not oppose the clause if it were distinctly understood that another opportunity should be afforded of discussing the whole Bill, but the custom of the Government appeared to be first to thrust things down members' throats, and then to say, "Oh, you've passed them, you've passed them, and they can't be altered "

The clause was then passed , also clauses 50 to 52

Upon the 53rd clause being proposed,

Mr STRANGWAYS moved, that the Act take effect from the passing thereof

The COMMISSIONER OF CROWN LANDS thought it would be better that it should take effect from the 1st of January, as it was necessary that a number of poundkeepers should be gazetted under it

Mr HAWKER wished to make a slight addition to clause 18, which he had been requested to make by the hon member for Light

The SPEAKER said the hon member would have an opportunity of doing so when the Bill was recommitted

Upon clause 24, which had been postponed being proposed, providing that poundkeepers should give notice in the *Government Gazette* to the owners of cattle impounded,

Mr HAWKER said it was the universal wish in the country districts that the insertion should not be in the *Government Gazette*, but in the two weekly newspapers This had also been stated by many members of the House and there could be no doubt that publicity would be gained better by advertising in the two weekly papers than by forcing Poundkeepers to advertise in a paper which was never seen The House would meet the wishes of the country districts in a very peculiar manner, by assenting to the amendment, and he would therefore move that the notices of impounded cattle be published in the weekly newspapers, instead of the *Government Gazette*

The COMMISSIONER OF CROWN LANDS pointed out that in one or two subsequent clauses which had been agreed to, the *Government Gazette* was mentioned The subject had been fully discussed, and he could not believe that the general sense of the House was against advertising in the *Government Gazette* which was certainly the most convenient publication for reference where proceedings were taken There were a great number of subscribers to the *Gazette* which was also sent to the various District Councils, and he could not see any difficulty in persons obtaining access to it The alteration proposed would be productive of great additional expense, and this expense would of course be deducted from the proceeds of the cattle

Mr STRANGWAYS moved the insertion of words requiring the poundkeepers to keep copies of the *Government Gazette* open for inspection between the hours of sunrise and sunset free of charge He believed this would meet the view of many hon members With respect to the publication in the newspapers, if it were proposed to publish in them as well as in the *Government Gazette*, he would give in, but newspapers must publish the impoundings as news, and he could not see why the owners of impounded cattle should be taxed for the benefit of the newspaper proprietors

Mr HAY supported the proposition of the hon member for Victoria, which he did not believe would be attended with more expense than the present system

The COMMISSIONER OF CROWN LANDS stated that the amount paid into the Treasury for impounding notices for 1857, was £164 He did not think that either of the daily papers would publish the impounding notices for anything like that sum

Mr DUFFIELD thought there must be a special record of impounding notices and he was not aware that any official record could be obtained by placing the notices in the weekly papers A short time ago only one weekly paper was published in Adelaide, and such might occur again He should certainly oppose any course which would add to the expenses, which were already so heavy that when cattle were sold after being impounded, it was seldom that anything was left for the owner

Mr HARVEY supported the proposition of the hon member for Victoria, being satisfied there was no use in advertising in the *Government Gazette* He believed the course proposed by the hon member for Victoria, was that which would meet the cordial approval of the country districts

The clause was carried as originally proposed with the addition proposed by Mr Strangways

Mr STRANGWAYS proposed another clause imposing a penalty of £20 upon any poundkeeper incorrectly describing the brands of a beast He had been informed that it was no uncommon thing for poundkeepers erroneously to describe the brands of cattle, in order that they might not be recognised by the owners and that they might be sold a bargain

The COMMISSIONER OF CROWN LANDS would be glad to have the clause printed, and it could afterwards be struck out if it were not considered desirable to retain it Poundkeepers could readily ascertain the brands of cattle if they chose to take the trouble to do so

Various other clauses which had been postponed having been passed the Attorney-General reminding the House that the Bill would be recommitted after it had been reprinted, the CHAIRMAN reported progress, and obtained leave to sit again on Thursday week

CIVIL SERVICE BILL

Upon the motion of the TREASURER, the consideration in Committee of this Bill was made an Order of the Day for Thursday next, and the House adjourned at 25 minutes to 6 o clock till 1 o'clock on the following day

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WEDNESDAY, NOVEMBER 3

The SPEAKER took the chair shortly after 1 o'clock

MR JOHN MACDOUALL STUART

Mr STRANGWAYS presented a petition from Mr John Macdouall Stuart, stating that he had discovered a country to the north-west of the head of Spencer s Gulf and had furnished his journal to the Commissioner of Crown Lands The petitioner prayed that the House would take steps to stay the publication of the journal until the conditions precedent to its publication had been assented to by the House

The petition having been read—

The COMMISSIONER OF CROWN LANDS wished to make a few remarks in connection with this subject upon a point of privilege

The SPEAKER thought the hon gentlemen had better not do so at present

The COMMISSIONER OF CROWN LANDS said his object was to support the prayer of the petition that the printing of the journal be stayed

The SPEAKER said that when the House was fuller and there were 18 members present the hon gentleman could then move the suspension of the Standing Orders, to enable him to make a statement upon the subject

Mr STRANGWAYS gave notice that on Friday next he should move the petition be printed

Mr MACDERMOTT, with the permission of the House, begged to ask the Commissioner of Crown Lands whether the allegations contained in the petition just read were correct

The COMMISSIONER OF CROWN LANDS said that in answering the question he should be enabled to state the various points of the case, which he had previously been desirous of communicating to the House He had been in communication with Mr Stuart since that gentleman's return on the subject of his recent discoveries Several letters had passed between them, copies of which had been laid upon the table of the House In the course of the correspondence he had intimated personally to Mr Stuart that it would be better he should confide his journal to him confidentially, in order that he might be in a better position to judge of Mr Stuart's labors and discoveries and of the course which he should recommend the House to pursue in rewarding them This was done Mr Stuart handed him his journal and on the previous day he had an interview with Mr Chambers and Mr Stuart to whom he stated the heads of the resolution which he would introduce to the House upon the information being furnished to the Government which was in Mr Stuart s possession The heads of that resolution were embodied in a letter which he wrote to Mr Stuart, who then placed his journal and map in his hands, with the distinct understanding that they should be laid upon the table of the House The two gentlemen, Mr Chambers and Mr Stuart, did not deny that the distinct understanding was, that the journal and map should be laid upon the table of the House, but unfortunately they did not know and it did not occur to him to inform them that the result of laying them upon the table of the House would be that

they would be printed as a matter of course On that point there had been a misunderstanding on the part of the two gentlemen to whom he alluded, although there had been none on his own They distinctly understood that he was to have permission to lay the journal and map upon the table of the House, but they did not understand that this would involve the printing of the documents As they had stated to him personally, and Mr Stuart had stated to the House by petition, that it was desired the journal should not be printed, he was happy to support the prayer of the petition

Mr STRANGWAYS called the attention of the House to the question of privilege involved in this case, and moved that the Standing Order relative to the matter be suspended, and that the Order of the previous day relative to the printing of the journal be discharged

Mr MILDRED seconded the motion, which was carried, and the order for printing the journal was in consequence rescinded

WINE AND BEER LICENCES

Mr BAKEWELL moved, according to notice, for a Select Committee to enquire into the operation of the existing system of granting wine and beer licences, whether the law can be improved, and if so, to prepare a Bill for that purpose He would state to the House the grounds upon which he thought the House would be justified in acceding to this motion They were aware that in the colony there were two descriptions of licenees, the one being a publican's general licence, and the other a wine and beer licence The licence called the publicans' general licence placed the holder under certain restrictions and disabilities, for instance, he had to pay 25*l* for a licence, and the licence would not be granted unless the house were fit for the reception of travellers, and he must find sureties for the due fulfilment of the provisions of the Licensed Victuallers Act Nor was this all for the holder of a publican's general licence was subject to certain police regulations, he was subject to the surveillance of the police, and was compelled to close his house at 11 o'clock at night, and open it at a certain hour in the morning The holders of general licences were subject, no doubt, to very proper restrictions, and he did not complain of the position in which the holders of general licences were placed, nor, he believed, did the licensed victuallers themselves complain, but he would proceed to direct the attention of the House to the position of the holder of a wine and beer licence, who paid £12 a year for this description of licence, which was granted to any one who chose to apply for it without making any enquiry, in fact, the occupant of any "shanty" or pigstye could get a licence When he had got the licence he was free from all the restrictions which attached to the holders of general licences The holder of such a licence had nothing to do but to sell wine and beer at any hour he pleased, and was not subject to the surveillance of the police, but was at liberty to sell at all hours of the day and night, and on Sunday as well as on any other day The Police Force, from the construction placed upon the Act, did not consider that they had any right to interfere with the holders of wine and beer licences The houses which were so licensed were open from morning to night, and from night till morning They were frequently he was informed crowded at 12 o clock at night, and were promoters of drunkenness and vice in every form He believed that the House would be surprised when the evidence which could be obtained upon this subject was laid before them A great many of the houses were no doubt respectably kept, but the majority were most improperly kept and were the resort of bad characters and drunken persons The information which he had given to the House he was not personally possessed of, but it had been communicated to him by persons well acquainted with the subject He held in his hand two letters from highly intelligent persons perfectly competent to form an opinion upon the subject, expressing the strongest opinion as to the mode in which such houses were conducted, they considered them most detrimental to the public morals He believed it to be most impolitic that there should be any distinction between the general licence and the wine and beer licence as regarded the surveillance of the police He believed that when the report of the Committee was laid before the House it would be deemed absolutely essential that there should be an alteration in the existing system It appeared to him that there should be no distinction, but that the holders of licences, whether general, or wine and beer, should be subject to the same regulations. The holders of general licences were bound to keep a lamp burning in front of their premises from sunset to sunrise, and this involved a cost of £15 a year, but the holder of a wine and beer licence was not bound to do this. The holder of a general licence was bound to entertain travellers, but the holder of a wine and beer licence was not There was no reason why the holder of a wine and beer licence should not be subject to the same police restrictions as the holder of a general licence He believed the question would be best dealt with by a Committee, and if the Committee reported that wine and beer licences were a great advantage to the community, and that they were an accommodation to parties who did not like to enter a public house, then a positive advantage would be conferred upon the holders of such licences, but if the allegations to which he had alluded were correct, the House would agree with him that it was time action was taken to place the holders of both descriptions of licenses upon the same footing

Mr SOLOMON seconded the proposition of the hon member for Barossa He thought the House would see the necessity of appointing a Committee for various reasons, and amongst others the necessity which existed for the protection of the public revenue He believed the fact was notorious, or at all events he had been informed by an authority which he relied on, that coffee-houses—the owners of which held wine and beer licences, and the owners of oyster shops and various other establishments, instead of restricting themselves to the sale of wine and beer, supplied spirits as well If the holders of wine and beer licences were under the surveillance of the police as were the holders of general licences, he could understand that very many of the evils now complained of would cease to exist, but whilst the holder of a general licence, who paid £25 per annum for a licence, was compelled to close his doors at a reasonable time, parties holding wine and beer licences, under cover of coffee and oyster shop-keepers, were enabled to keep their establishments open all night, and he believed, not only sold grog, but that these establishments were the resort of very improper characters That such a system should exist in such a city as Adelaide he thought would be admitted was wrong, and upon an enquiry before a Select Committee he believed it would be fully established that all the abuses to which he had alluded in reference to the holders of wine and beer licences did really exist He thought the House would feel that they would only be doing their duty in granting the Committee now asked for, and if it should be shown, as he believed it would, that such establishments were perfectly independent of the interference of the police, that they evaded the payment of a just amount to the revenue, and were detrimental to the morality of the colony, the House would see the necessity of effecting some alteration in the existing system

Mr MILDRED said he should support the motion generally upon the grounds which had been stated He had had opportunities for a great number of years of seeing the working of the system, and he believed that persons holding wine and beer licences in nine cases out of ten violated the law The only excuse he had ever heard for these licences—the only pretext he had ever heard brought forward was, that they approximated to free trade If that principle were introduced in every department he should have no objection to it He wished to see all placed on the same footing It would, however, he thought, be worthy of consideration whether the licence fee, payable by parties carrying on business in the country, should not be reduced

Mr MILNE had great pleasure in supporting the motion Allusion had been made during the debate to certain abuses which existed in town under wine and beer licences, but whether these allegations were true or not he objected to wine and beer licenses existing in a large town like this, because he believed that great injustice was done to the holders of licences of another class and for which a higher fee was exacted It was never intended that wine and beer licences should be issued in places where there was a large trade, the object of such licences was to afford accommodation to outlying districts, where the trade could not be expected to be large and where the holder of a license could not afford to pay a high amount for a license, nor afford that accommodation which was expected from the holder of a general licence Still some accommodation was considered necessary for travellers, and hence it was that wine and beer licences were introduced He hoped the enquiry would result in wine and beer licences being altogether done away with in large towns

Several other members rose to address the House, when

Mr HAWKER moved that the House divide, which course was adopted, and the motion was carried, the Committee appointed being—Messrs Lindsay, MacDermott, McEllister, Mildred Solomon, Strangways, and the mover

The Committee had leave to report on the 11th inst, and to call for persons and papers

MR STUART'S EXPLORATION

Mr NEALES said that on Wednesday last he put a notice on the paper of a question to the Commissioner of Crown Lands relative to a letter which he believed had been received from Mr Stuart, who had recently made large discoveries in the north, but the question had lapsed in consequence of the pressure of business, and he was now desirous of asking the Commissioner of Crown Lands whether such a letter did exist, and if so, whether there was any objection to it being laid upon the table of the House He believed the letter would shew that most important discoveries had been made

The COMMISSIONER OF CROWN LANDS said the letter referred to he had laid upon the table of the House on the previous day He had no objection to state the purport of the letter Mr Stuart's exploration was certainly one of the most extraordinary ever performed with such small means within the range of the Australian continent It would be shown by the correspondence that he was prepared to recommend the House to deal most liberally with the discoverer

THE COLONIAL SURGEON

Mr BAKEWELL moved the notice in his name—

"That there be laid on the table of this House a return showing

"1 The reason assigned by Mr Nash for being obliged to give up his private practice to attend wholly to the duties of Colonial Surgeon together with copies of any correspondence that may have taken place between the Government and Mr

Nash on that occasion, such return to contain the name of the Assistant Surgeon receiving Government pay, before and after such alteration took place, together with the date and year thereof

"II The number of patients, male and female, at that time in the General Hospital, Lunatic Asylum, Gaol, and Destitute Asylum each to be given separately

"III The number of patients, male and female, at the present time in the General Hospital, Lunatic Asylum, Gaol, and Destitute Asylum—each to be given separately, such return to contain the number of cases of midwifery that have occurred in the latter since the present Colonial Surgeon has been appointed, and the name of the doctor who attended such cases

"IV The number of the out-door sick poor, claiming public aid, attended by the Colonial Surgeon daily, at their own homes, during the four weeks prior to the return being made

"V The number in the horse and foot police, or any other class (excepting the poor) whom the Colonial Surgeon is bound to attend

"VI The number of deaths that have occurred to all persons relieved out of the public funds, since the present Colonial Surgeon has been appointed, such return to state the abodes, names, sexes, ages, diseases year and date, when, and where such deaths may have taken place

"VII The amount of salary paid Mr Nash prior to his giving up all private practice, to attend wholly to the duties of Colonial Surgeon

"VIII The amount of salary paid Mr Nash after giving up all private practice, the better to enable him to devote his entire time to the discharge of the increased duties of Colonial Surgeon

"IX The amount of salary paid the present Colonial Surgeon, with any and what may be the extra amount allowed for incidental expenses of horse, gig, &c, and whether the Colonial Surgeon is allowed the privilege of pursuing his private practice"

It was unnecessary to detain the House by stating the reasons which had prompted him to ask for the information The question, it would be observed, had reference to the condition of the destitute poor of this colony, and the information asked for would throw light upon the question whether the arrangements for medical attendance were the best which could be devised He did not say what the result of these returns would probably be, but he would remark that many were of opinion a better system in reference to medical attendance than that which prevailed could be adopted He believed that the returns would speak for themselves He did not wish to impute any neglect to the medical gentleman at present filling the office of Colonial Surgeon, as no one could be more attentive to his duties, the fault rested not with that gentleman but with the system, and the gentlemen with whom he had communicated thought that a much better system in reference to attendance upon the destitute poor might be adopted

Mr MILDRED seconded the motion

Mr BURFORD supported the motion, remarking that he felt particularly interested in the subject, as it affected the public welfare, and he believed the state of the poor at present was far from satisfactory Greater facilities for relief under their sufferings should be afforded

The motion was carried

The ATTORNEY-GENERAL laid upon the table copy of a letter from the Chief Secretary, appointing the present Colonial Surgeon, which would answer one portion of the returns asked for, as it would show the terms upon which the Colonial Surgeon held his appointment, and the duties which he was expected to perform

The letter was read

Mr STRANGWAYS wished for further returns, but if the Government would undertake to furnish them without notice he would not burden the notice paper The information he asked for had reference to the number of patients in the Hospital, Destitute Asylum, and Lunatic Asylum, attended by the Colonial Surgeon during last month

The ATTORNEY GENERAL said he should be happy to afford any information in reference to this or any other department without notice, if hon members would give him in writing a statement of the information which they required He had no doubt he should be able at once to give the information which was required but if there were any objections, he would state the reasons which prevented the Government from giving the information asked for

CAPTAIN JOHN FINNIS

Mr NEALES moved that the petition of John Finnis, respecting the completion of the first number of the Hansard be referred to a Select Committee, for the purpose of ascertaining what claims he has for the payment of such work It would appear from the petition, that the petitioner completed a contract which was undertaken by the proprietor of the *Times*, for whom he had become surety, and the whole amount of the contract would have become forfeited in consequence of the non completion of the contract, owing to the insolvency of the party by whom the work was originally undertaken The petitioner advanced a considerable sum to the contractor, but was afterwards placed in such a position that he was compelled in self-defence to save himself as surety to complete the contract It was clear that the work had been completed, for he held a copy of it in his hand It had been well got up, and although the whole amount which he believed was claimed by Captain Finnis were immediately paid to him, he would still be a very heavy loser by his unfortunate connection with the work All that he wanted was that a Select Committee should be appointed for the purpose of ascertaining to what amount the petitioner really had a claim The existence of the work could leave no doubt that the petitioner had a claim, and it would be for the Select Committee to determine what was the amount The operations of the Committee need be but very brief, as the petitioner was prepared immediately to produce the necessary evidence to enable the Committee to determine what was really due

Mr STRANGWAYS, in seconding the motion, remarked that if he remembered rightly the House had already voted £500 for this very work, that amount being included in the £1,300 upon the Supplementary Estimates, a portion of which was for the "Hansard" of the present session He was at a loss to imagine how the Government could refuse to pay what it certainly appeared the petitioner was in a position to claim Whenever any person had a claim upon the Government, which was partially recognised, but virtually refused, it was the duty of the House, he considered, to appoint a Committee of Enquiry

The ATTORNEY-GENERAL said it would be in the recollection of hon members, that when the sum of £500 was voted for this work he had stated on the part of the Government that they would not make the payment until they had obtained from the House an opinion as to whether the work had been performed in a proper manner, and that the amount claimed was really due He believed there was no better way of testing this than the course proposed by the hon member Mr Neales, and had great pleasure in supporting the proposition for a Select Committee.

The motion was carried, and the Committee appointed were The Commissioner of Crown Lands, Messrs Bagot, Collinson, Hawker, Hart Strangways, and the mover, with liberty to call for persons and papers, and to report this day week

MR JOHN HINDMARSH

Mr NEALES postponed till the 17th inst, the motion in his name, that the report of the Committee on the petition of John Hindmarsh, be adopted by this House

MAJOR WARBURTON'S DESPATCHES

Mr STRANGWAYS moved "That in the opinion of this House the Commissioner of Crown Lands and Immigration, Mr Dutton, in shewing to persons connected with the public press, public despatches, which he (the Commissioner) considered it would be undesirable to lay on the table of this House, acted injudiciously and improperly Hon members were aware that the despatches alluded to were certain despatches from Major Warburton, who had been lately appointed to the command of the exploring expedition An analytical report of the contents of these despatches had appeared in the public press, and the contents of the despatches had been commented upon Although these despatches had been furnished, he presumed by the Commissioner of Crown Lands, or at his request, to persons connected with the public press, that hon gentleman, in his place in the House, in reply to a question put to him, had stated that it was undesirable these despatches should be laid upon the table of the House It appeared singular to him that a Government officer should exhibit public despatches to parties connected with the public press, when he considered it undesirable to make these despatches public in the ordinary way by laying them upon the table of the House He considered conduct of that kind perfectly inexcusable, as it amounted to this—that members of the House could not be trusted with public despatches which might with safety be entrusted to persons connected with the public press He believed the House would not agree to such a proposition, but would consider that public despatches might with as great safety be entrusted to members of that House as to the editors or reporters of the public press With reference to this motion he would refer to the course which was pursued in other countries Not long since a member of Lord Derby's administration was censured for publishing a despatch to Lord Canning censuring him relative to his conduct in India If that were the custom in England, how far more reprehensible was it for the Commissioner of Crown Lands to show representatives of the press despatches which it was considered undesirable to lay upon the table of the House The fact no person could venture to dispute as hon members had no doubt seen the contents of the despatches in the public press, and were also aware that the Commissioner of Crown Lands had stated it was undesirable to lay them upon the table of the House

Mr REYNOLDS seconded the motion

Mr BURFORD would be sorry to inconsiderately censure the hon the Commissioner of Crown Lands but perhaps that hon member would oblige the House with some explanation such as he had no doubt the hon member could give (Laughter)

Mr DUFFIELD was not prepared to take part in the discussion, for he must admit that he hardly expected that the matter would be entertained very seriously by the House, but as no one else had risen to speak on the subject, he felt called upon to move as an amendment the previous question

He did not express any opinion as to the expediency of the course taken by the hon the Commissioner of Crown Lands in the matter He would not say that that hon member had acted judiciously, but he could not, nor did he think the majority of the House would say that he had acted improperly (Hear hear) If the House thought it desirable, or if any hon member moved that it was desirable that the non the Commissioner of Crown Lands should leave his present post, he (Mr Duffield) could understand the question being entertained, but to pick out the members of the Government one after another, and bring up discussions of this kind was merely wasting time as it could lead to no satisfactory conclusion either in the mind of the hon member himself (Mr Strangways) or in that of the House

Mr NEALES supported the previous question He would be quite prepared when any member of the Government offended public opinion or the opinion of that House, to join in such a censure against that individual as there could be no mistake about but he would not hedge about between such phrases as "improper" and "injudicious" If any member of the Government was not suited to the public service, let him be censured in such a way that there could be no mistake about it, but in a case of this kind one man might stomach such a word as "improper" whilst another would not do so If this motion were to be brought forward at all, it should be as a direct censure, and a recommendation that the officer complained of should be dismissed He should therefore vote for the previous question It appeared that the hon the Commissioner of Crown Lands did put the letters at the disposal of the two daily papers of the province, and that the conductor of one of those papers did not think by the words of the permission given to him he was justified in going to the extent to which the other paper proceeded, for no one could advance the statement that both took exactly the same course But the letters were thrown open to every member of the House (Loud cries of "hear, hear," and "no, no") It was a statement which he was prepared to stand to, that every hon member could have read the letters if he chose, and those who did not avail themselves of the opportunity or who were not present should not cry "no, no" now It was said that other parties besides hon members had got hold of the letters, and if so the members who gave the letters had done wrong, but they could not blame the hon the Commissioner of Crown Lands That hon gentleman had said that there were portions of the letters which he thought would be very painful and trying to some parties, meaning the female portion of Mr Babbage's family, inasmuch as these passages referred to the dangers which Major Warburton believed Mr Babbage had run into The article in the paper showed that the writer was well informed, but it suppressed the facts which the hon the Commissioner of Crown Lands assigned as one of the reasons for not publishing the despatches in full (Hear, hear) If they were inclined to blame the Ministry or any other body of men, let them attack these persons fairly and openly, but he would never be entrapped into a vote of this description as it was one which might be read differently by a person of callous disposition, or by a man of nervous or sensitive temperament (Laughter)

Mr HAWKER moved that the House divide (Cries of "No")

Mr MILNE thought as there was a strong censure attempted to be thrown upon the hon the Commissioner of Crown Lands it would be time to move the previous or any other question when the hon gentleman had explained the circumstances He quite agreed with the hon member for the city (Mr Neales) that every hon member had an opportunity of reading the letter, but the gist of the matter was, as the letter was not laid officially upon the table of the House, whether it should have been given to any person connected with the press for the purpose of being printed in the newspapers

Mr BURFORD rose, but being received with cries of "Spoke," resumed his seat

The COMMISSIONER OF CROWN LANDS said that perhaps hon members would like him to say a few words on the matter (Hear, hear) He had always been actuated by a desire of laying before the public information relative to this expedition, in which the public as well as the House took a deep interest When the despatch of Major Warburton arrived, he considered that it contained matter which, if published, was calculated to cause great anxiety to the friends of Mr Babbage, and which he thought on that account it would not be desirable to publish (Hear, hear) In accordance with his practice on former occasions he showed Major Warburton's despatch to a gentleman whom the hon member for Encounter Bay termed a person connected with the press, but whom he would call the hon member for East Torrens—(hear, hear)—and requested that hon member to publish an outline of the information contained The hon member (Mr Barrow) understood that the document was not to be published *in extenso*, and he (the Commissioner of Crown Lands) fancied that no harm would have been done if the hon member had limited himself to conveying the information, and had not coupled it with comments of his own He thought it scarcely fair for the hon member to comment upon matters which he did not put before the public in their entirety, so that the public could judge of the correctness or otherwise of those comments He could not agree with the hon member for Encounter Bay that his conduct in showing the documents to the hon member for East Torrens was wrong, but if he had made an error, it was from his desire to prevent the family of Mr Babbage from experiencing pain and anxiety He had also stated that all the despatches were at the disposal of hon members for perusal They were perused by many hon members and he was not aware until now that there was any hon member who had not seen them He had not shown the despatches to any person unconnected with the Legislature

Mr BARROW said it was evident there had been a sort of semi official publication and those hon members who loved precedents would find many such cases in the old country He could quite go with the hon the Commissioner of Crown Lands, when that hon member stated that the letters were freely circulated amongst hon members He had seen them passing from hand to hand both in that chamber and in the library of the House He had seen them handed from one hon member to another when the hon the Commissioner of Crown Lands was not standing by, and if any hon member gave the letters to persons not connected with that House, such hon member was alone to blame for doing so (Hear hear) He could not agree with the hon member (Mr Milne) that the letters handed to persons connected with the press were not so handed with a view to publication for of what use would they be if they were not for publication ? (Hear, hear) The hon the Commissioner of Crown Lands said that he had given the letters to him (Mr Barrow) not as a member of the press, but as a member of that House Whether fortunately or unfortunately, he (Mr Barrow) held the double position and was therefore enabled to exercise his discretion in making public such information as he received in the House But the hon the Commissioner of Crown Lands said he gave him (Mr Barrow) the letters, in order that he might furnish the public with an outline of the information contained in them (Hear) He had done so, and, therefore, the hon Commissioner could not censure him for that But then the hon gentleman said that there would have been no harm done if he (Mr Barrow) had not offered comments upon the information Perhaps it would have been as true if the hon member had said there would have been no good done (a laugh) but for these comments He held that the House had nothing to do with the comments (hear hear), but only as to whether a certain official document had been handed over to the press, directly or indirectly, for publication But unless the House could show him (Mr Barrow) that he was precluded from using the information which he legitimately obtained as a member of that House he should consider himself justified in what he had done Unless anything could be shown in the Standing Orders or rules of Parliament to preclude him from making use of the information legitimately obtained in that House, he would continue to believe that any information which he procured in the House he would be at liberty to use out of the House—("Hear hear," from the Attorney-General)—and that he would not be responsible to the House, but only to individuals, if he made any illegal or injurious comments in connection with such information The hon the Commissioner of Crown Lands said that the reason he considered the publication of the despatches injudicious was that there was a portion of them calculated to alarm the members of Mr Babbage's family That was the portion which referred to the imminent perils, the awful the almost indescribable dangers—(a laugh)—which Mr Babbage had gone into (Laughter) Now although he (Mr Barrow) could not get over the feeling that Mr Babbage knew what he was about better than Major Warburton knew, still in deference to the opinion of the hon the Commissioner of Crown Lands he suppressed this portion of the document —(hear)—as hon members would see when the letters were before them As a matter of course he made no reference to this portion of the report in the comments that accompanied it, and therefore the objection to the comments shared the same fate as the objection to the report Both in his report and in his comments he had suppressed what he understood the Commissioner of Crown Lands to object to being published As to the rest, of course when he received permission to publish an outline of the information, it mattered not whether he interwove it with comments, or made the comments in another part of the paper He thought the hon member for Encounter Bay would accomplish the object which he had in view, next to that of having another little fling at the Government—(laughter)—inasmuch as the hon the Commissioner of Crown Lands would in future be very careful not to show to any hon members letters which he could anyhow keep back, and would, further doubtless, consider himself duly admonished by the course which had been pursued (Laughter) But he (Mr Barrow) thought it would be unwise to tie up the hands of the Government too tightly—(hear, hear)—as it might be sometimes desirable for the House to obtain even an inkling of information as to matters in the hands of the Government If hon members thought otherwise, they would vote with the hon member for Encounter Bay, and if that hon member believed that "ignorance was bliss," it would of course be folly in him to be wise—(loud laughter)—so that he would do well to prevent even a gleam of information coming to hon members prior to the full blaze of official notification (Hear, hear)

Mr PEAKE thought the hon the Commissioner of Crown

Lands would feel slightly admonished—(laughter)—and that he would be more careful in future, and, therefore, he would be sorry to administer anything more (Laughter) The hon member for Encounter Bay was not wrong in framing this motion, inasmuch as formerly the House found a difficulty in obtaining information (Hear, hear, and no no) Before the publication of this information he had asked the Commissioner of Crown Lands whether he had any objection to lay the letters on the table, and the hon member (the Commissioner of Crown Lands), after the letters were published stated that it was not expedient to lay them on the table or print them It seemed strange to him that the hon member should state this after the letters were published, and had received such a severe handling from one portion of the press (Hear, hear and no, no) He had put a motion on the notice paper for the production of the letters, but owing to the pressure of business, it had lapsed and was taken off

Mr Solomon supported the amendment, as the question was one of censure or no censure (Hear, hear) It was said that the hon the Commissioner of Crown Lands had laid the despatches before the editor of a newspaper, but this had not been proved (Cries of "Oh! oh!") It was true that the contents of the letter had got into the papers, but it was not shown how The hon member for East Torrens might or might not be the editor of a paper, but the House had no right to know him as an editor, but as the member for East Torrens (Oh! oh!) They had no more right to know the hon member for East Torrens as an editor than they had to know him (Mr Solomon) as an auctioneer (Loud laughter) He had as much right to see the despatches as an auctioneer as the hon member had as an editor, but he did not make use of them in his profession If the hon the Commissioner of Crown Lands laid the letters before hon members individually, and if any charge was to be made at all it should be made against the hon member for East Torrens, either in his capacity of member or editor If such a charge was made against the hon member as an editor he presumed the House would call the hon member before it and reprimand him He was sorry to see so much stress laid upon this matter by the opposition (Hear, hear) He used the term "opposition" because the hon members who occupied the benches opposite to the Ministers had proved themselves to be nothing else than an opposition, inasmuch as they were opposed to everything which came before the House (Cheers and counter cheers) He could not see that any vast amount of injury had been done It appeared to him that if the hon the Commissioner of Crown Lands had erred it had been from the best of motives, namely to keep back from the family of a man who was employed in exploring the country, a knowledge of the dangers which he had incurred (Hear, hear) But the hon member had not kept this knowledge from the members of the House, for he (Mr Solomon) believed that every hon member had access to these documents (Hear, hear) He himself saw them both in the House and in the library, and he recollected hearing the hon Commissioner of Crown Lands say that he did not wish the whole of them to be published, lest their contents should alarm the friends of Mr Babbage He could not see that the circumstances warranted the hon member for Encounter Bay in bringing forward a motion which amounted to a vote of censure (hear, hear), for he would go farther than the hon member (Mr Neales), and would say that the hon the Commissioner of Crown Lands must have a very strong stomach if he did not resign in the event of this motion being carried (Hear hear)

Mr Townsend rose amidst cries of "divide" He could not agree with the hon member for the city as to the impropriety of putting this notice upon the paper That hon member had said he would not put such a notice on the paper, unless he had ceased to have confidence in the person against whom it was directed

Mr Neales rose in explanation He had never said anything of the kind

Mr Townsend said the hon member had such a happy way of framing a sentence that it meant neither one thing nor another But the hon member had said that he could not agree with the motion, because, though one person's stomach might be strong enough to bear it another's might not But what was the motion? [The hon member here read the motion] Now the question was, first of all, did the hon the Commissioner of Crown Lands show the letters to the hon member for East Torrens as a member of the House or as a member of the press The hon Commissioner said he gave the letter to the hon member for East Torrens and told that hon member that he might make use of it, which he did, by extracting portions which he might fairly give to the public But the hon the Commissioner of Crown Lands objected to the comments which had been made He (Mr Townsend) thought the hon member had acted injudiciously in giving the letters, for if he had not done so the comments could not have been made What was the object of giving the information to the press but that it might be commented upon? The hon member (Mr Solomon) did not agree in the motion but he (Mr Townsend) did, believing that after the discussion which had taken place, if the hon the Commissioner of Crown Lands was in the same position to morrow he would not act in the same way Under these circumstances, though believing the act of the hon the Commissioner of Crown Lands to have been injudicious and improper, he would not vote for the resolution

The Attorney General regretted that the previous question had been moved, as he would rather the House should express a decided opinion upon this important matter (Hear, hear) The question raised by the hon member for Encounter Bay was whether a member of the Government being in possession of information which he believed to be important and interesting as affecting an object for which the public money had been devoted, and in which the whole community was interested—whether a member of the Government possessing such information and believing that its publication *in extenso* would be inconvenient and in some respects injurious—whether in such circumstances a member of the Government had a right to put the public in possession of any information on the subject at all The question was in fact whether the Government of a country where the press possessed great power and influence, was to ignore the press altogether as a means of conveying information and intelligence to the public (Hear, hear) To say that a member of the Government acted improperly and injudiciously in giving information to the press in order that the public might be put in possession of it, showed a misapprehension of the functions of Government and of the position which the press occupied in this country (Hear, hear) Such at least was his impression, and in all cases where it appeared to him that information should be given to the public, and where there was any difficulty in the way of putting the documents *in extenso* before them he would be glad to avail of the facilities for communicating through the press those portions which he did not think it inexpedient or unadvisable to publish at the time There was another point as to whether the Government were justified in showing despatches to members of the Legislature (for it was not pretended that anybody else saw them) He considered the fact of one member of each branch of the Legislature being a member of the press an advantage to both Houses But to say that because these hon members were members of the press they were to be forbidden from seeing matters affecting the public interest, or that seeing these documents they were to be prohibited from making use of them, was to impose a limit upon the privileges of these members which did not exist in the case of other hon members (Hear, hear) For his part he should wish to give a decided negative to the motion, but as the previous question had been moved he should support it, as he felt that every hon. member who voted for it would be opposed to the original motion (Cries of "Hear, hear," and "No, no")

Mr Reynolds had intended not to speak at all but for one or two statements of the hon the Attorney-General, and which he could not help comparing with the remarks of the hon the Commissioner of Crown Lands That hon member said he had committed an error, and the Attorney-General said he had not He could not understand this But as the old adage said that the next best thing to not committing a fault was admitting an error he would recommend his hon friend on his right (Mr Strangways) to accept the admission, and withdraw his motion It appeared this paper had been given to the hon member for East Torrens to be published, or to give such an outline of it as he thought proper, and the House was told that this was given for the public information But why was the information given to the public when it was denied to members of that House? (Cries of "No, no," and "hear, hear") He (Mr Reynolds) had tried frequently to get a sight of the letter, but could not obtain one (Cries of "Oh!") He had seen it handed about, but he could never get a sight of it (Much laughter) He hoped the House would excuse him, as he was not an Irishman, (continued laughter), but what he meant was, that he could not get the letter into his own hands to read He thought if the letter could be handed about it could be placed on the table of the House (hear, hear), as well as the journal of Messrs Stuart and Foster, which had never been ordered to be printed How were hon members to know but that there was something in the letter which rendered it necessary to screen the gentleman now in charge of the party—something which might call down censure upon the Government for sending out such a man at all He thought from the statements of the hon member for East Torrens that there might be something very extraordinary in the letter

The Commissioner of Crown Lands said, in explanation, that what he had stated was, that if he had erred, it was through the desire to prevent the family of Mr Babbage from being exposed to alarm and anxiety by the statements in the despatch

Mr Strangways rose amidst loud cries of "divide" He should say a few words in reply, and would address himself first to the hon member (Mr Solomon), who had stated that hon members upon that bench opposed every thing as a matter of course The fact was that the grapes were sour When the hon member for the Port vacated the seat which he (Mr Strangways) occupied, the hon member (Mr Solomon) was a candidate for the place, and being unable to obtain it, he now censured those whom he would have sat beside He could very easily understand this conduct of the hon member

Mr Solomon rose to explain

The Speaker ruled that the hon member should not interrupt a member who was speaking

Mr Strangways resumed—The hon the Commissioner of Crown Lands had admitted his error and apologised for it, and he (Mr Strangways) would take it for

granted, as the hon member said that he would not be guilty of such conduct again (Laughter) The hon the Attorney-General said that where the press was such a public institution as it was here a member of the Government might contribute information to it The doctrine was a convenient one, and was worthy of an Attorney-General who did his duty as an act of courtesy But in England, where the press was as important or more important than it was here, hon members would find if they read the *Times* of last May that action had been taken similar to that now taken and that the Earl of Ellenborough was censured by both Houses of Parliament for publishing a despatch of Lord Canning, and had to resign his office in consequence Yet the hon the Attorney-General said that the course now taken was a right and proper one, and that the Commissioner of Crown Lands was justified in making public the documents which he should have kept locked up in his office Then the hon member had started another equally curious doctrine that hon members, who supported the previous question, were opposed to the original motion He (Mr Strangways) always understood that the reason of supporting the previous question was, that hon members did not wish to vote either way He understood from the hon members who had spoken, that they would like to support the original motion (Cries of "No, no.") It was only some two or three hon members who cried, "No" As the hon the Commissioner of Crown Lands admitted his error, he (Mr Strangways) would ask leave to withdraw the motion

Mr SOLOMON rose to explain in reference to some remarks of the hon member for Encounter Bay

The SPEAKER was understood to rule that the hon member was out of order He also ruled that the original motion could not be withdrawn unless the previous question was withdrawn

The previous question was then put and carried without a division

SELECT COMMITTEE ON TAXATION

On the motion of the TREASURER, a further extension of time for a week was granted to this Committee

PETITION OF JOHN FINLAY DUFF

Mr BAKEWELL rose to move—

"That the petition of John Finlay Duff be referred to a Select *Committee, for the purpose of examining into his* claim, and reporting on the same to this House"

The facts were as follows —In the month of May, 1857, Mr Duff was owner of the Anna Dixon, which was then lying at Port Adelaide and was manned by a crew of Lascars, from the Mauritius From some cause not necessary to mention, the crew refused to work and were committed to gaol for six weeks, with the understanding that at the end of that time they were to be put on board the Anna Dixon The ship went to Melbourne with a white crew, and in less than a month came back, and Mr Duff applied for his seamen He was told the men had been shipped in another vessel—the Carlisle, whether by accident or design he (Mr Bakewell) was unable to say, nor was it material as far as Mr Duff was concerned That gentleman was obliged to ship a white crew, by which means he lost considerably He thought he was damnified to that extent, and sought to lay his complaint before the House He (Mr Bakewell) believed that other facts would transpire before the Committee which he need not refer to, but he thought it clear that Mr Duff had met an injury through the act of the Government.

Mr NEALES seconded the motion Although they had been encumbered with an immense number of Committees, still when the Executive would not entertain a claim like the present, he did not see what other course was left than the appointment of a Committee He thought the Government should have settled the claim, especially in the case of a very old colonist who had done great service in former days, and should have seen that he got at least a portion of what he claimed

The motion was then agreed to, and the following hon members were elected as a Committee—The Attorney-General, Messrs Cole, Collinson, Hallett, Neales, Hawker, and Bakewell

MAJOR WARBURTON'S DESPATCHES

Mr REYNOLDS asked the hon the Commissioner of Crown Lands where these despatches could be seen

The COMMISSIONER OF CROWN LANDS replied that he would either bring them down to the House next day, or the hon member could see them at his (the hon Commissioner's) office

Mr REYNOLDS would be obliged if the hon member brought them to the House

ASSOCIATIONS INCORPORATION BILL

On the motion of Mr BAKEWELL, the Order of the Day for the second reading of this Bill was postponed to Friday the 5th instant

ASSESSMENT ON STOCK BILL

The report of the Select Committee on the Assessment on Stock Bill was brought up by the hon member for East Torrens (Mr Barrow), and read The evidence and appendix to the report were, on the motion of that hon member, ordered to be printed

Mr TOWNSEND asked whether the Government could say when they would move the second reading of the Assessment on Stock Bill (Laughter)

The ATTORNEY-GENERAL could not say until the Government had had an opportunity of perusing the report of the Select Committee (Hear)

GRANT TO THE ABORIGINAL FRIENDS' ASSOCIATION

Mr MILNE moved the House into Committee for the consideration of an address to His Excellency the Governor in-Chief requesting him to place the sum of £500 on the Estimates for 1859, for the purpose contemplated by the Aboriginal Friends' Association

Carried

In Committee

Mr MILNE said on a previous occasion when he asked to go into Committee on this question, the general merits of it had been so plainly put before the House that he need not go into a repetition of them now He would therefore content himself with moving the substance of the resolution, viz —"That an address be presented to his Excellency the Governor-in-Chief requesting *him to place the sum of £500 on the Esti*mates for 1859 for the purpose contemplated by the Aboriginal Friends' Association"

Carried

The House resumed, and the report was brought up and adopted

SUPREME COURT PROCEDURE FURTHER AMENDMENT BILL

Mr STRANGWAYS moved that this Bill be read a third time, which was agreed to

The Bill was read a third time and passed

MAGILL INSTITUTE

Dr WARK moved that the Speaker do leave the chair, and that the House resolve itself into a Committee of the whole for the consideration in Committee of an Address to His Excellency the Governor-in Chief, requesting him to place on the Estimates for 1859 the sum of £175, in aid of the funds of the Magill Institute

Carried

In Committee.

Dr WARK, in moving this address, would first premise that the Attorney-General had called for some proof of this being a *special case, and it would be his endeavor to show* that it was so The House was doubtless aware that a sum fo £500 had been voted by the Parliament in support of country Educational Institutes, by which each Institute applied and received, when deserving of it, a sum of £50 The Committee of the Magill Institute, in accordance with this vote, had applied for and received the sum of £50 The prayer of the petition in this instance was, that a supplementary sum should be given in aid of the expense in building the institute, which had been erected at a cost of £225 The building, and the land on which it rested, was secured to trustees in a permanent manner, and had been reconveyed to the Central Board of Education, from which a sum of £200 had been received The sense of the petition was that this property being conveyed in a permanent manner, under which conveyance there was no danger of its being appropriated to any other purpose than that which was intended, the House should award a special sum to meet the expenses of the Institute, It was the only instance in the colony of such an Institute being conveyed to Trustees, and then reconveyed to the Central Board of Education The sum expended by the Committee had been £175, which had, with the exception of £4 6s 8d, which was advanced by them, been raised by private subscription He trusted if the House agreed to the spirit of this resolution it might be considered as a precedent in a favor of others somewhat similarly situated

Mr MILDRED supported the request, as he thought every facility should be given to education, and however limited the means at present at their disposal, any increase in the facilities for education would meet with corresponding good There were defects in the present system of education no doubt, but such reforms as those contemplated in the motion would in a measure tend to do away with them In the neighborhood of the Magill Institute there were a number of *young men who gathered together in the evening for the* purpose of mutual instruction, and where this spirit existed the money he was sure would be spent profitably A considerable sum of money had been subscribed, the property resulting from that had been safely put apart for the purposes intended The meetings of the Institute were well attended, and a general desire had been manifested for self improvement amongst the residents, and therefore he considered it a sufficient argument in favor of the sum being granted But he would not confine the principle to this Institute, but he hoped it would be recognised as a precedent by the Ministry, by which they should advocate that the Government should supplement the private subscriptions in the cause of education in each district by a like sum from the general revenue It was a principle he would like to see adopted

Mr TOWNSEND said the hon member who introduced this motion deserved the thanks of the House, if it only served to induce the Government to declare on what principle they would act in the matter He thought some general principle should be established, and with that view he would like to know from the Ministerial benches whether the Government

would be prepared to supplement private subscriptions for Educational Institutes by votes from the revenue Although agreeing with the tenor of the motion, he moved that the sum be reduced to £100

The ATTORNEY GENERAL said the advantage and expediency of supporting secular education to the fullest extent had ever been acknowledged in that House, and it was an opinion in which he cordially concurred The Government had adopted this principle in the vote which had been passed to the Central Board of Education, and in the assistance which had been afforded to educational purposes throughout the country districts But, at the same time he thought they should not discuss the claims of every institute separately, but, when the Estimates were brought forward, determine what amount should be placed on them for the support of education, and then it would be for the House to affirm a principle as to the distribution of that sum throughout the various institutes having valid claims upon it As to the case immediately before the House, which was put forward as a special case he would say that he was hardly able to recognise the validity of the claim A building had been erected, and he was glad to hear it, he was glad to find that the neighborhood was sufficiently prosperous to enable such a work to be carried out successfully But then they must remember that there were other places not similarly situated He might suppose several localities where they might not be able to raise such a sum for the purposes of education, but where a desire for self-improvement was equally great and where persons met together with the same end in view Such persons he considered were as much entitled to the assistance of the Government as those who were in a more wealthy position He should not on the ground of persons being less wealthy though not less willing establish a precedent of exceptional treatment What he would suggest would be that the hon member should withdraw his motion, and on the Estimates being brought forward the House would be in a position to say what sum should be devoted to the purpose, and the Ministry would be prepared to enunciate their views on the question

Mr STRANGWAYS was glad to find that in one instance at least the Government were going to declare a principle, and it was one that would meet with his cordial concurrence The simple fact that some districts were more wealthy than others was no argument in favor of supporting the former to the neglect of the latter, for if that principle were adopted the less wealthy districts would get no assistance whatever It was very necessary that in all cases there should be some guiding principle by which the support should be afforded without respect to position in point of wealth

Mr BARROW was of opinion that sufficient arguments had been already adduced in favor of voting sums of money for adult education He did not think, however, that the argument was a sound one, that wealthy districts should be supported to the exclusion of those which were in a less favorable position Although favorably disposed to the address, still he was not wedded to it if the Government would say that some principle should be introduced on the consideration of the Estimates—some general scheme devised which should provide more liberally than hitherto for adult education

Dr WARK was a little surprised at the course which had been adopted by the Government in reference to his motion for an address He could only suppose that the principle adopted in junior education was repudiated, for all that was asked was that this principle should be extended to adult education He did not ask for any exclusive or special assistance to the Magill Institute, for he considered whatever was given to it should be given to others similarly situated He had been asked to show in what way the present case should be considered a special one, and he had told them that this Institute was the only one conveyed to Trustees and reconveyed to the Central Board of Education He considered the ground taken by the Attorney-General was untenable, as a grant had been made to the Burra Burra Institute, which was not so special a case as the one now before the House Why, then, should this case be cast aside? It was unfair to those persons who had made great exertion in a good cause. If the Government, however, would say that some system should be introduced to meet the question, then he would withdraw his motion, with the leave of the House The hon member withdrew his motion

The House resumed

RETURNS FOR TRENCHING PARLIAMENT GROUNDS

Mr DUFFIELD moved—

"That a return be laid on the table of the House showing the number of men which have been employed the number of days they have been so employed in trenching the land adjoining this House, the number of rods which have been trenched, the depth, and the cost per rod of such trenching"

He did not bring the motion forward with any view of finding fault but because, as there were a large number of men out of employment, he thought it desirable that those who were willing and able to do a day's work should have the advantage over those who were less competent With regard to the return asked for, he was not prepared to say whether the work in question was done by contract, but from the appearance of the men at work, and the evident display of the "Government stroke," he rather supposed it was day work He thought if these returns were made, they should find that if the Government had made a donation of 4s 6d per day to each man employed, and let the job by contract to other persons so as to allow them to earn 7s per day, the amount saved by contract would be considerable He considered the Government should afford every facility of employment to those men who would do a fair day's work for a fair day's pay He was sorry to say our railway works were likely to carried on on the same principle When he was a young man he remembered on works at home they would not put four men to the tail of a cart to fill it, because it was objected that some of them must of necessity be idle Now at Gawler Town he had seen as many as ten men at the tail of a cart, four of which would have done more than the whole put together His only motive in moving for these returns was, that they should give work to those who were willing and able to work, and that those who would not work should suffer for their laziness If such a principle were perpetuated as that which he had alluded to, he was satisfied that our railways would cost £1,000 per mile more than they should do

Mr NEALES seconded the motion, because he thought employment should be given to those who would do a fair day's work in preference to those who would not He had employed a good many men lately in raising stone, and some of them had earned 12s per day, while some scarcely earned half the amount. If the system of piecework were established, they would have fair value for their money, but clumping people together only tended to make the more industrious men as bad as the others

The COMMISSIONER OF PUBLIC WORKS would not, of course, oppose the production of the return Seeing the motion on the notice paper, he had given instructions for the returns to be prepared, and he was only sorry that he had not them ready then to present to the House He would, however, ask hon members to pause before they came to any conclusion on the subject, as although the return might not be so satisfactory as might be desired, the work had not been done at such an extravagant rate as was supposed The fact was that some men on the railway works had been sent for relief, as being in a state of destitution, and rather than issue rations to them, it was decided to put them to work, so that some return might be had for the money Even the "Government stroke" which had been spoken of had not made the rate per rod so much in excess as was thought.

The motion for the return was agreed to

SMILLIE ESTATE BILL

Mr MILNE moved the second reading of the Smillie Estate Bill, and repeated that the object of the Bill was to enable the trustees of the estate to carry out the intentions of the trust-deed The whole of the allegations contained in the Bill had been referred to a Select Committee, and that Committee had come to an unanimous approval of them

Mr STRANGWAYS said it appeared to him that the House was not justified in passing this Act, or else the Act had been drafted in an improper manner His opinion was that the House should not interfere with marriage settlements The hon mover had referred to the existence of legal technicalities only, but surely if this was all that was wrong it was not necessary for him to come to that House to correct such a trifle There was an Act passed during the last session, which provided for such cases But it appeared to him that it was something more than a legal technicality, and his opinion in this was confirmed when that House was called upon to legislate in a case in which parties sought to dispose of property without any provision being made for the disposition of the funds so derived, and the persons so interested sought to bring another portion of the property under their disposal in opposition to the deed of 1844 He thought it a very unwise precedent to establish that marriage settlements should be rendered liable to be upset by permitting persons to come to that House, and obtain a resettlement of such property He saw no reason that the House should assent to the Trustees bringing another section of the property under the original trust deed

Mr NEALES supported the second reading of the Bill, seeing that there had been a Select Committee of seven hon members appointed who had unanimously decided in favor of the Bill He thought it, therefore, rather premature on the part of the hon member for Encounter Bay (Mr Strangways), although he might have had a legal education, to force objections which had no foundation to support them The evidence brought before the Committee fully satisfied them of the validity of the Bill, and with regard to the inconvenience which had been alluded to of allowing persons to come to that House for redress, he could only say that if they were subjected to such inconveniences, they would with perfect justice come to have them remedied He (Mr Neales) knew something about the case, and did not hold with the view that he should therefore be prejudiced in his notions, for he believed the more a man knew about a subject, he was the better fitted to form a correct opinion on it—(laughter)—and from what he knew, he thought it would be a long time before the hon member for Encounter Bay (Mr Strangways) could prove his logic to be better than his (Mr Neales's) This was not a case like the Hampstead Heath one, where a large commonage was turned into private property, there was merely a difficulty in the execution of some private deed,

which he supposed had been slighted on the principle of doing it cheap, and he did hope a mere technical difficulty would not be allowed to defeat the original intentions of the deed.

The SPEAKER put the question, which was carried, the Bill was read a second time, and the House then went into Committee for its further consideration.

In Committee

Mr BAKEWELL remarked that no person could read the settlement without being impressed with the conviction that Mr Smillie always intended that there should be a power to revoke the settlement.

The various clauses were gone through, but the Attorney-General stated he should like to have time to consider the effect of one of the clauses, and the Chairman in consequence reported progress, and obtained leave to sit again on Friday next.

PROBATES, &c

The ATTORNEY-GENERAL laid upon the table returns which had been called for, shewing the number of probates and letters of administration which had been taken out, and the number of deeds and other documents registered from September 1854 to August 1858.

ASSESSMENT ON STOCK BILL

Mr HAWKER rose to a point of order. The hon the Speaker in a former portion of the day had ruled that the Assessment on Stock Bill had been read a second time.

The SPEAKER had merely said he believed that it had been at the time he so stated, but had since ascertained he was in error.

DATE OF ACTS BILL

Mr STRANGWAYS, in moving the second reading of this Bill, remarked that its object was to make the Clerk of the Legislative Council endorse upon Acts the date at which they received the Governor's assent, but it had been suggested to him that the Acts should be endorsed by the Clerk of the House in which they originated, and that the endorsement of the date at which they were assented to should be taken as the date of the Bill. Other portions of the Bill related to Acts which His Excellency reserved for Her Majesty's assent. It provided that intimation of Her Majesty's assent should be advertised within seven days of such intimation having been received, and that should be the date from which they should take effect. The Act would prevent the necessity of a short clause in every Act stating from what date it should take effect.

The ATTORNEY-GENERAL seconded the motion for the second reading which was carried, and the consideration of the Bill in Committee was made an Order of the Day for Friday next.

CIVIL SERVICE BILL

The TREASURER stated for the information of hon members, that the Government proposed to make the Civil Service Bill the first business of the following day.

The House adjourned at 5 o'clock till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

THURSDAY, NOVEMBER 4

The PRESIDENT took the chair at 2 o'clock.

Present—The Hon the Chief Secretary, the Hon Mr Morphett, the Hon Dr Davies, the Hon A Forster, the Hon Major O'Halloran, the Hon Capt Bagot, the Hon Capt Scott, the Hon H Ayers, the Hon Dr Everard, the Hon Capt Hall, and the Hon the Surveyor-General.

MR STUART'S DISCOVERIES

The Hon A FORSTER was desirous of asking the Chief Secretary a question, which probably the hon gentleman would have no objection to answer at once. He perceived by the papers that it was stated a correspondence had taken place between the Commissioner of Crown Lands and Mr Stuart, the discoverer of a country in the north, in which the Commissioner of Crown Lands proposed to give Mr Stuart 1,000 square miles of country, upon certain terms, subject to the approval of the House of Assembly. As such a grant could only be made in violation of regulations issued in conformity with an Act which had been passed by the Parliament, he wished to ask if it were the intention of the Government to violate the provisions of that Act without the sanction of both Houses of the Legislature.

The Hon the CHIEF SECRETARY said his attention had also been drawn to the statement to which the hon gentleman had referred, and he had drawn the attention of the Commissioner of Crown Lands to the circumstance. No doubt the necessary steps would be taken in consequence.

AGRICULTURAL STATISTICS

The Hon A FORSTER asked the Hon the Chief Secretary whether any arrangements had been made for collecting the agricultural statistics?

The Hon the CHIEF SECRETARY said if the hon gentleman referred to the Estimates he would find that a sum had been provided for collecting the census and agricultural statistics, it being the wish of the Government that both should be collected together.

BREAKWATER AT GLENELG

The Hon Captain BAGOT asked the Chief Secretary, *pursuant to notice, whether it was the intention of the Government* to proceed with the erection of the iron breakwater at Glenelg, and if so, whether any reliable estimate had been obtained as to the cost of its erection. He was induced to put the question in consequence of observing the other day that a movement had taken place in reference to the irons intended for the breakwater. From the little which he knew of engineering he felt satisfied that the expense of erecting that toy, for he could call it nothing else, would be very great, probably much more than many persons imagined. It was very desirable before they commenced an additional outlay that they should ascertain what additional outlay would be required to that already incurred.

The Hon the CHIEF SECRETARY said the Government had not yet decided whether they would proceed with the work or not. A reliable estimate had been sent in by the Engineer in charge of the works, by which it appeared that the additional amount required would be £3,200, and that the work would take 12 months to complete. There were no funds in hand voted by Parliament for the formation of the breakwater though there were for the completion of the jetty.

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, remarked that the House would be aware in the Railway Extension Bill of last year two clauses existed, and with the intention of carrying them into effect they had been embodied in the present Bill. Those clauses had been objected to by several hon members, upon the ground that they were foreign to the purposes of the Bill. The clauses were struck out upon the assurance that the Government would introduce an enactment at an early date to carry them into effect. The intention of the present Bill was to give power to the Commissioners to remove gates at level crossings, and not to compel them to make railways as at present constructed. The Engineer's report was to the effect that if the provisions of the Bill were carried out they would effect a saving of £3,000 per annum, without there being any additional risk to life and limb. *The Engineer had instanced in support of this assertion* that the alteration proposed by this Bill had been adopted for many years past in the United States of America. Although accidents occurred on the American railways, probably more frequently than upon the English railways, he believed it would be found that these accidents arose principally from the inefficient manner in which the American railways were constructed, and from the breaking down of the bridges, not from cattle encroaching upon the lines of railway.

The Hon Captain SCOTT seconded the motion for the second reading of the Bill.

The Hon Dr EVERARD opposed the second reading of the Bill, conceiving that the provisions proposed would create great additional risk to life, and that no effectual methods were proposed to prevent cattle from trespassing upon the lines. He believed that very great danger would be caused by cattle passing from one side to the other, for it was a well known fact to every one at all acquainted with cattle, that cattle were more likely to place themselves in a position of danger than in any other place. For instance, cattle in moving from one side of the road to the other, invariably stopped in the centre. There was nothing in the Act to prevent cattle from placing themselves in a position of the greatest danger. He should have no objection to the Bill if it proposed merely to remove the gatekeepers from the district roads, and rendered it imperative upon every person passing through to open or shut the gates under a penalty. In divers parts of the colony there were slip panels, and no person who wished to pass through objected to take them down and put them up again. Therefore he could not see that there would be any difficulty in inducing parties to shut the gates at level crossings. The expense of having a gate at each level crossing would not probably amount to more than £20, and he believed that with a ditch and a gate there would in fact be more safety than without a ditch and with a gate and gatekeeper. If the Bill were so amended as to meet his views in this respect he should support it, but if not he should vote against it.

The Hon Captain BAGOT could not, notwithstanding the great respect which he had for the last speaker, support the views which the hon gentleman had taken. He believed that the course which was proposed to be adopted by this Bill would ensure greater safety to the public than if there were gates and gatekeepers at level crossings. During the short time which railways had been in operation, there had been perhaps two, three, or four accidents in consequence of the carelessness of gatekeepers. The plan proposed had long been adopted by a country from which they had better draw their precedents than the old country, namely America. It had been so successful there that the probability was there was not a single gatekeeper upon the American lines except in immediate proximity to the large towns, and every day the prejudice was getting less and less, and through large towns the only precaution considered essential was that the trains should travel slowly, and give notice of their approach by a whistle. It was the duty of the House to adopt any system which would lessen the present extravagant expenditure upon railways. He believed the present Bill to be a move-

ment in the right direction, and that it would be the means of taking off a vast useless and extravagant expenditure

The PRESIDENT put the question that the Bill be read a second time, which was carried, and upon the motion of the Chief Secretary the House went into Committee upon it. The first clause was passed with verbal amendments "54th and 55th clauses" being struck out In the second clause verbal amendments were also made upon the motion of the Chief Secretary, the word "open" being inserted before "ditches," and the words "or horses" after "cattle"

The Hon C DAVIES pointed out that by Act 47 gatekeepers were appointed to superintend the crossings, and this clause did not remove them He wished to know whether the gatekeepers were to be retained Was it intended, instead of the gatekeepers, to keep parties in the neighbourhood to superintend the crossings, as if so, there would be a material reduction in the saving which it was supposed would be effected by the present Bill

The Hon the CHIEF SECRETARY said the object of this Bill was to do away with gatekeepers and the expense which was involved by retaining that class That was really the object of the passing of the present Bill, but there were also persons employed who would be constantly up and down the line, so that there would be no fear of accidents occurring

The Hon Captain HALL drew the attention of the Council to the fact that authority was given to the Commissioner of Public Works to do this thing and that thing He supposed that was upon the supposition that the Public Works Bill would pass the House, but he thought, under the circumstances, it would be well not to take the Bill before the House out of Committee till the fate of the Public Works Bill had been decided The Commissioner of Public Works was not at present the executive officer of the railway

The Hon Captain BAGOT said it did not appear to him that the manner in which the Commissioner of Public Works was introduced would affect the position in which he trusted he would be placed when the Bill alluded to was under consideration, namely, that he should exercise a controlling power over all works The Commissioner would have power to remove the gates, but the clause did not interfere with the manner in which they should be removed He thought, however, that the clause might be worded more cautiously, as it might be necessary to have some of the gates which were near the city retained For instance, he thought it would be better that power should be given to remove all or any of the gates or gatekeepers He had not looked into the old law, but he believed there was some doubt as to the removal of the gatekeepers

The Hon the CHIEF SECRETARY referred the hon member to the 42nd section of the old Act, relative to the appointment of gatekeepers, but that Act had been repealed The clause under discussion was permissive but not imperative, as the Commissioner would have power to except any gates which he might think fit

The PRESIDENT stated that the words were imperative and not merely permissive

The Hon the CHIEF SECRETARY remarked in reference to the observations which had fallen from the Hon Captain Hall, the Commissioner of Public Works was the head of the Railway department, and possessed that power whether the Public Works Bill passed or not, but he had no objection to keep the Bill in Committee if it were desired

The Hon A FORSTER would not offer any remarks upon the subject alluded to by the Hon Captain Hall, as the Chief Secretary had stated it was not his intention to take the Bill out of Committee, but he certainly thought that the intention of the Bill was to vest functions in the Commissioner of Public Works which he did not possess at present As the Public Works Bill had not yet been disposed of, he thought it would be undesirable to take the Bill before the House out of Committee

The PRESIDENT pointed out that it was desirable to remove all doubtful expressions, and to preserve only those in reference to which there was no doubt In certain cases the words "it shall be lawful" were peremptory, but as hon members might not be aware of this, all doubt would be removed if it were stated the Commissioner of Public Works shall do so and so He would suggest that attention should be paid to the phraseology of Bills before the Council

The Hon A FORSTER remarked that he should certainly have taken the words referred to to be permissive

The Hon the CHIEF SECRETARY quite agreed with the Hon Captain Hall, that they should be permissive, and would alter them so that they should be before the Bill was taken out of Committee

The Hon Captain BAGOT thought the difficulty which he had referred to would be got over by the introduction of the words "all or any"

The Hon the CHIEF SECRETARY postponed the further consideration of the clause

The third clause was passed with verbal amendments

The Hon the CHIEF SECRETARY moved the addition of a fourth clause to the effect that the Act should take effect from the passing thereof

The clause was carried, and the CHAIRMAN then reported progress, and obtained leave to sit again on Tuesday

The Hon A FORSTER called the attention of the Hon the Chief Secretary to the fact that the following Tuesday would be a public holiday, and he wished to know whether the Government also intended to take a holiday upon that occasion

The Hon the CHIEF SECRETARY thanked the hon gentleman for reminding him, and moved that the further consideration of the Bill be postponed till Wednesday next, also, that the business standing on the notice paper for Tuesday be postponed till Wednesday

Carried

SUPREME COURT PROCEDURE BILL

The Hon the PRESIDENT announced the receipt of a message from the House of Assembly, stating that the Assembly had agreed to a Bill to further amend the Supreme Court Procedure Act, and desired the concurrence therein of the Legislative Council

Upon the motion of the Hon Mr MORPHETT, the Bill was read a first time, and the second reading was made an Order of the Day for Wednesday

The House adjourned at 20 minutes to 3 o'clock, till 2 o'clock on Wednesday

HOUSE OF ASSEMBLY.

THURSDAY, NOVEMBER 4

The SPEAKER took the Chair at 10 minutes past 1 o'clock

CIVIL SERVICE BILL

The House having gone into Committee on this Bill,

The TREASURER said the Bill had passed through all its stages, but the Government had kept it in Committee in order to redeem a promise made by the hon the Attorney-General, that the hon member (Mr Glyde) should have an opportunity of introducing an amendment in the first clause With respect to that clause, when the hon member put his amendment he would, no doubt, state the argument upon which it was based, and until he (the Treasurer) heard that argument he could only take the course which the Government had all along pursued The Government considered that the Bill, although not a perfect measure—for what measure was perfect—met the difficulty in which the House was placed with respect to the repeal of two Bills now on the Statute-book, and the positions of the various officers of the Civil Service under the Estimates It appeared to him that there was no other way than that in which the Government proposed to deal with the matter for getting rid of the existing difficulties He had already stated that it could not be a perfect Bill, and he was sure that hon members would agree with him that if the hon member (Mr Glyde) succeeded in passing his amendment, it would not make the Bill perfect, but that contingent notice, if carried, would alter the principle of the measure to such an extent that it would require to be remodelled if not withdrawn altogether The Bill had not been prepared at the suggestion of the Government of to-day, but on an Order of the House, and a report of a Select Committee which sat to investigate the subject The principle of the measure was considered and prepared by that Committee after a very careful examination of evidence, and the Government now felt that they were bound to support that principle If the House carried the amendment they would not only alter the amount of the Superannuation Fund and the amount payable annually by the several officers, but they should also touch other portions of the measure, such as the schedules, in order to make them consistent with the amendment He would not go further into the amendment, but it appeared to the Government that there was no better method of escaping from the anomalous position in which they and the House now stood towards persons in the public service Under the Superannuation Bill of 1854, the public faith was pledged to certain officers who had retired in the expectation of receiving certain annuities The Government had taken action on the Bill by resolution authorising the Government to repay to those officers who had subscribed, the amount of their subscriptions, and therefore the fund created by the former Bill was broken up Another anomaly was that last year the House had passed the salaries of officers according to a different qualification from that allowed by law, and the House would never have passed the Estimates—the Estimates of last year—unless on the understanding that the classification was to be settled by the Clerks' Salaries Act, or, as it was now called, the Civil Service Act He moved that the report be brought up

Mr BURFORD said that if this was the proper time to oppose the measure he would feel it his duty to do so He judged from the last few remarks of the hon the Treasurer, that the Government took it for granted that some such measure, if not this precise measure, must be passed But his feeling was, that they ought not to pass anything of the kind, but that the Bill should be thrown out From calculations which he had made he was led to the conclusion, that so far from this Bill being a benefit to those parties whom it professed to serve viz, the junior officers, and still less to others, a sum of 6 per cent would be paid for the whole period of 42 years by these persons, and, therefore, they would be paying at an amazing rate for the privilege of an annuity after they attained the age of 60 years, in fact, more than 10 per cent To pay at this rate for the benefit of an annuity after 60 years of age, was most preposterous It was only leading men to put aside money which they might much more economically and profitably employ otherwise It had

been intimated by an hon member that the Bill was in the character of bribery, and he concurred in that view, it went upon the principle that unless a bait was held out, Government officers would not be so diligent, or do their duty so well as they ought This was a most humiliating position to put the matter in He could understand very well, in the case of criminals in the stockade, such a principle being applied as that if they turned out a certain quantity of work, they would so have many marks per day put down to them, and that these would go towards diminishing the terms of their sentences ("Oh, oh," and laughter), but to apply such a principle in the case of gentlemen was most disparaging, and he could not conceive that gentlemen selected from the better class of society should require such a spur to cause them to perform their duty, or that without it such persons would neglect their duty, and that therefore the public interests would suffer Some of the incidents connected with the Bill were of a somewhat amusing character He could not but be amused, when he detected the carping casuistry of one hon member of the Government—(laughter)—the hesitating calculation of another—(laughter)—the whimpering placidity of a third, showing how much he was under the control of his colleagues—(laughter)—and the sort of 'jolly indifference' of a fourth—(much laughter) He could not but expect something not of a homogeneous kind, some such product or creature in fact, as he saw in this Bill It had the curious features of a monster, and should be smothered When he looked at the manner in which the Bill was introduced, he was equally amused by the earnest protestations of one hon member, the deprecatory tone of another, the sly sarcasm of another, and the solemn declamation of another for the effigy of poor "Pam" was brought up by one hon member to frighten the hon the Attorney-General from his propriety He felt no wonder at all this, seeing what a deformed monster the Government had brought before the House (Laughter) Some hon members advocated the measure, and their advocacy reminded him of the verdant mud in the "Groves of Blarney" It resembled the beautiful peat in an Irish bog (Loud laughter) There was nothing good in the measure, but everything pernicious and damaging to the officers of the Government They should advance a man according to his merit, and not set up a pauper scale He moved that the Bill be read a second time that day six months

The SPEAKER ruled that the amendment would not be in order

Mr STRANGWAYS would call attention to certain clauses which should be recommitted, in order to correct errors in the Bill There were other portions of the measure also which he objected to, but before going into them he would again ask the Government as to whether they were prepared to give an answer as to one clause His question was whether, under the 6th clause, a Judge of the Supreme Court, or any officer whose salary was fixed by the Civil List, could claim a pension That question ought to receive an answer It was immaterial which member of the Government might answer, but it was the duty of the Government to answer the question as to the construction of a measure which they introduced He saw that the chief Law Officer of the Crown was not in his place, or he should address himself to that hon member But if the question was not answered upon that ground alone, if there were no other he should oppose the passing of the Bill, for he contended that questions as to the legal effects of every Bill should be answered by the person introducing a Bill If a private Bill was brought in by a private member, and that member refused to give an opinion respecting the Bill which he had introduced, what would be the effect? Why the House would scout the Bill at once, if for no other reason, because the member refused to give the required information He again put his question, and when it was answered he would be prepared to state his views upon the answer In the fifth clause hon members would see that officers who had not been three years in the service received good service pay, but there was no provision that these three years should not be included in the time which reckoned for the granting of a pension One would imagine that these three years should be excluded from the time, but there was no such provision Again, in clause 7 it was admitted that officers in the civil service of the Government were entitled to sums in accordance with the schedule That was an admission on the part of the House in passing the clause, and yet it was provided that no sum shall be paid by the Treasurer, and it was only by him it could be paid, exceeding £400 a-year Thus, if an officer received £1,500 a-year, he would be entitled to £750, or one half the amount, but the Treasurer could only pay him £400 He presumed that the intention of the clause was that no person should be entitled to a sum exceeding £400 a-year There were only about a dozen or fifteen persons who would be affected by the clause, and he presumed the intention was that those parties receiving high salaries should not be paid at the same rate as persons with lower salaries Again, under the 8th clause, strictly considered an officer retiring from the service at 60 years of age, would forfeit all the advantages which he was supposed to be entitled to, though that was probably a technical error, but it would be desirable to amend the clause The hon member for East Torrens (Mr Glyde) had not, he believed, taken any steps to move the amendment of which he had given notice, and he (Mr Strangways) had great doubts whether such an amendment would be a very great improvement, but whether the amendment was carried, or the Bill stood as to the fourth clause, the Ministry would find themselves in three or four years in precisely the same state they were in last year with pensions amounting to £4,000 to £5,000, and an income of not half that amount, so that they would be in just as great a mess as that they were trying to extricate themselves from by this Bill

Mr GLYDE, in order to give hon members on the Treasury benches a chance of the hon the Attorney-General coming in, and so enabling them to reply to the question of the hon member (Mr Strangways), would move the amendment standing in his name asking leave to alter the words "twenty-eight" to "thirty" It was not a perfect amendment, and if it was carried, the Bill would not be perfect, so that he (Mr Glyde) might still be forced to vote against it, but the amendment would be a great improvement on the original Bill The clause in the Government Bill must be very imperfect, inasmuch as they had offered no amendment upon it when the amendment of the hon member (Mr Barrow) was carried, though that amendment altered the whole of the provisions of the Bill In theory this question ought not to be brought before the House at all The public servants should be paid well, and left out of their incomes to make provision for their old age Next to this system, he would prefer, instead of a retiring allowance for our small number of public servants, granting retiring pensions, where they were required, but with our limited resources and uncertain future we might not be able to meet these claims, and hence it was necessary to have a retiring fund. His object was to show that the Government scheme was imperfect, and that his (Mr Glyde's) was a great improvement upon it, and he would quote a few figures for this purpose He would first take the case of a young man (A B) entering say the Customs department under this Act at 20 years of age At 23 he began receiving his good-service pay, at 35 his salary would probably exceed £300 a year, and at 60 years of age he might retire, having been Collector of Customs for three years previously He (Mr Glyde) had made his calculations at 5 per cent, partly because it was easier—(a laugh)—and partly because we could not expect a higher rate for the 20 years over which our debentures had to run The individual whose case he had taken would pay up to the age of 60, £2,429 15s into the retiring fund He would now take another case A man entering the Customs at 35, at a salary exceeding £300 a year, and retired at 60, having been Collector for three years previously This person (C D) would have paid £1,386 against C D's £2,429 Thus A B would have paid nearly double that paid by B C, having also 15 years' longer risk of not living to enjoy his pension, and yet both would retire on £400 a year, but the young man, A B, received in cash £350, and interest £519 15s The hon member proceeded to demonstrate that, deducting the cash and interest received, A B would have paid more by £174 than C D Under the amendment the young man (A B) would pay £2,016 15s, and receive £1,252 15s in cash and interest, leaving £794 as the actual amount contributed by A B, and the elder man (C D) would pay £1,139, and receive £113, therefore contributing a total of £1 026 C D would thus pay £230 more than the younger man (A B), notwithstanding A B's greater length of service, and longer risk of not living to enjoy a pension, being a much fairer plan than making A B pay £274 more than C D Whilst mentioning the risk of not being able to enjoy a pension, he would read a copy of the rates payable for annuities which he had received from the People's Provident Society The annual premiums for annuity of £100 per annum, after attaining the age of 60, were—For a man of 20 years of age, 9 per cent, for one of 30, 16 per cent, of 40, 30 per cent, and of 50, 80 per cent Thus not only did the older man pay a great deal more per annum, but the table was calculated on the supposition that a man of 20 would never live to enjoy his annuity The premium paid would be for a man of 20, £360, of 30, £480, of 40, £600, of 50, at the rate of 80 per cent, or £800 From this it would be seen that Government plan was manifestly unfair He would now the take another case A B has been in the Government service on the 1st January, 1859, 10 years, and is 35 years of age, and in consequence of ability and industry has worked his way up until he is in the receipt of £300 a year He contributes £1,650 to the fund, and if he rises to £700 a year, retires on a pension of £400 C D, on the 1st January, 1859, at 45 years of age has been 10 years in the service, receiving £280, and at about 50 is promoted He retires at 60 from a salary of £700 a year on a pension of £400 But A B has contributed £1,650, whilst C D has paid £798 15s, and received £288 15s, making his actual contribution £510, yet both retire on £400 a year, though A B has had 10 years longer risk of not living to enjoy his pension But under the amendment A B would contribute £1,447 10s, and receive in cash and interest £202 10s, leaving the actual amount paid 1,245*l*, whilst C D would pay 1,087*l* 10s, or about seven-eighths the amount paid by A B, instead of paying less than a third, as would be the case under the Bill If hon members endorsed the Bill after hearing these figures he would be much surprised It was said that young men would declare their ages falsely, but this could be easily guarded against He did not charge the Ministry with any intentional unfairness in the Bill He now moved the amendment standing in his name

Captain Hart said that from a calculation which he had taken the trouble to make, he could show that the hon member (Mr Glyde) had left out one or two essential elements in his calculations, which a little consideration would probably have prevented his omitting The hon member had drawn a vivid picture of the difference of position of the young and old officers, but he had left out a good deal of coloring in the foreground of the Act, which altered the whole features of the calculation The hon member forgot that when the elder officer retired he got no good service pay, but the whole went into the fund He could show the hon member (Mr Glyde), if that hon gentleman sat down with him for some time—and it would require a good deal—the fallacy of his calculations When the hon member had supposed that a young man entering the service at the age of 20 paid a certain sum, how did he arrive at that calculation? Had he taken into account the various steps by which an officer rose to the rank of Collector of Customs? Did the hon member take into consideration that the moment an officer entered a higher class, he ceased to have his good-service pay for the time, that until he was in the new class a year he had but £5, and until he was there seven years he had but £35, whilst an officer, remaining in one class, had £40 a-year all the time The hon member had forgotten to take that into his calculation ("No, no," from Mr Glyde) He (Captain Hart) maintained that the hon member could not have taken it into his calculation, as if he had, he could not have fallen into the error which he had made Taking a man entering the service at the age of 20 he commenced paying at 23, for the first year he had paid £5, and for the seventh £35, but when he got a step above his class, the pay was reduced The hon member had not taken that into consideration at all, and therefore his calculations were altogether fallacious He did not think the hon member could frame a Bill or schedule which would compel every officer to pay what, according to his health and age he should pay But if health was not to be taken into consideration, what would become of the calculation? (Hear, hear) There were many lives of forty that were worth more than others of twenty (Hear, hear, and laughter) With this element, the calculation of the hon member was worth nothing, and it could not be introduced If the hon member proposed an amendment that no person under a certain age should enter the service, he (Capt Hart) could understand it, but this plan had its disadvantages as well as its advantages, and that was the reason of its not being put in the Bill, for it was felt that it involved calculations which would be likely to keep out of the service men whom it would be a public benefit to have in it The hon member said that the amendments of the hon member (Mr Barrow) altered the calculations of the Bill, but it would not do anything of the kind That amendment which limited the retiring allowance to £400 would touch no officer at present in the Government service, with the exception of three, namely, the Postmaster-General, the Collector of Customs, and the Auditor-General Supposing the salaries of these gentlemen to be of the maximum rate, they alone would be touched by the amendment, and therefore the amount of difference which the amendment would make in the calculations was so small as to be in reality of no moment whatever But what would become of the funds if the amendment was passed as it was now proposed? (Hear, hear) They would be so reduced that the whole calculations as to whether they would be sufficient or not would have to be entered into again At present they were sufficient, but it was impossible to say whether they would be if the amendment was passed By this Bill, as it now stood, they would have a pension list—("Oh, oh!")—or rather a pension fund provided at a less cost than by a payment for good services To say that after a service of fifteen years a man was to have a permanent income of £225 was a gross absurdity, whilst the House was in the habit of paying such liberal salaries as it had been doing, and to say that this was to be given whether a person was fit to be promoted or not was a still grosser absurdity The present Bill was intended to repeal the Act which allowed these things to occur The hon member (Mr Glyde) had not taken into consideration the ingredients essential to this calculation, and therefore the calculations were of no value for the purpose for which he intended them In reality the young officer paid nothing—the money was given to him The whole question was, "did the House consider it necessary that a sum should be provided to pay retiring allowances for those officers who in sickness or old age may require it The hon member admitted himself that the fund was necessary, and the next question was, did the Bill provide an adequate fund If it did so that was sufficient to recommend it, and if the fund was too large, the balance would only go to the Treasury (Hear, hear) The amendment would upset the calculations and prevent the sum from being sufficient It would, in fact, be a death-blow to the Bill, and would prevent it from passing at all

Mr Barrow said if the House had to go into the question of the comparative scales of payment put forward by his hon colleague, and the Government, the House had better adjourn for a week in order to enable hon members to go into the calculations His hon colleague might express his belief in the accuracy of his figures, or the hon members of the Government might do the same, but it was impossible to catch the elaborate schedules which had been put forward, and one of which reflected so much credit on his (Mr Barrow's) hon colleague It was impossible, from listening to the reading off of a column of figures, for hon members' minds to follow the calculations so as to perceive their correctness or incorrectness It might be asked why, if the figures of his hon colleague required to be checked, those of the Government did not require to be checked also, but the answer was that the Government were responsible to the House for the correctness of their calculations, whilst the hon member (Mr Glyde) was not responsible for his It should also be borne in mind that the Government were standing upon the calculations of a Select Committee composed of persons very competent to examine into the subject These were two strong arguments in favor of the Government scheme Moreover, if the Government after the great blunders which had been committed on a former occasion in connection with a Bill of the kind now before the House, introduced another Bill embodying a similar blunder, the Government would be held justly amenable to the censure of the House—(hear, hear)—and he had no doubt the censure would fall heavily upon them (Hear, hear) The Government must have been sufficiently warned by the past to take the precaution of ascertaining that their calculations would stand the test of time ("Hear, hear," from the Ministerial benches) It was impossible that hon members could pronounce an opinion on a column of figures unless they had them printed, so that they could take them home with them, and reflect upon them, and digest them in the evenings Without for a moment affirming that the schedule of figures of his hon colleague (Mr Glyde) was not better than those of the Government—for such might be the case—still as the Government were responsible for theirs, and the hon. member (Mr Glyde) was not for his, he (Mr Barrow) should feel compelled to vote for those of the Government if he voted at all It had been said that in theory they should reject the Bill, but the House in passing the Bill through its second reading had affirmed the principle of the measure The hon member (Mr Burford) had said that the Bill had all the features of a monster, but if the hon member had defined what were the features of a monster, the House would be able to distinguish the monstrosity of a Bill (laughter), and could reject it on its first reading But as the hon member had not done this, he (Mr Barrow) could not see how this Bill was open to the charge The hon member (Mr Glyde) said that his amendment was not perfect, and that even if the amendment was passed, he might vote against the Bill If so, what was the use of passing the amendment He (Mr Barrow) could not understand the views of the hon member, and he did not know whether the hon member could vote against a Bill embodying an amendment of his own, but that was a point which would rest between him and the hon the Chairman He (Mr Barrow) however, could not reconcile it to himself to act in such a manner The hon member also said that the amendment which he (Mr Barrow) had introduced had brought a new principle into the Bill, but the effect of that amendment would be to make the Bill more secure instead of making it as the hon members would do, less secure His hon colleague said that the money was not enough, and yet he sought to make it less, but he (Mr Barrow) said that without making the money more he would make the demands upon it less, and therefore his alterations strengthened the Bill, whilst the hon member's weakened it (Hear, hear) He would like to know if the hon members who opposed the Bill would vote the good service pay in the event of the Bill being lost The junior officers might fancy they would receive that pay, but he (Mr Barrow) would say that if these officers did not wish to form a retiring fund, he would not vote the good service pay (Hear, hear) The hon member (Mr Burford) spoke of preventing the officers from investing their money in a better manner, but he (Mr Barrow) denied that this good service pay was their money (Hear, hear) He considered it not as a portion of their regular salaries, but as a free gift of the House, and if the conditions on which it was bestowed were rejected, then it should be withdrawn (Hear, hear) He said if there was to be no retiring fund there would be no good-service pay, at least so far as his vote was concerned (Hear, hear) He did not agree with some of the remarks of the hon member (Mr Burford) He did not think there was any discredit or dishonour to a Government officer in recognising his merit—(hear, hear) -by voting a sum to reward his efficiency If this principle was to be carried out at all, to receive a salary would be a humiliation—(hear, hear, and laughter)—and they would soon have these gentlemen offering premiums to the House to give them situations (Hear, hear, and laughter) He felt obliged to support the clause, because he had no present means of testing the two sets of figures before the House, but as the Government had gone into the question, if they were misleading the House, on them the responsibility must rest, and upon them the censure must fall

Mr Mildred said, in reply to a remark of the hon member (Mr Barrow), as to the Government being responsible for their calculations, that it could not be expected that the same ministers would sit in office for a sufficient number of years to test the calculations So much for the responsibility of ministers He did not think they would do well in providing a pension list or fund, as he was very desirous of seeing every

officer under the Government placed in the same position in which he himself was, so that they should exercise prudence whilst they could do so, in order to make a provision for the future. The House had no right to calculate upon the improvidence of officers in the public service. It was clear that any reasonable man by investing a portion of his income in an annuity fund would secure a provision which would be more satisfactory to himself and the country than the system proposed by this Bill. The Government seemed to think that from the improvidence of their officers, it was necessary to provide for them, but the officers themselves, with the exception of those who had no right to expect pensions, were not willing to accept the plan. All that the junior members said, was, "Give us our money and let us do what we like with it." The names of two or three senior officers had been mentioned who were likely to benefit by the Bill, and he (Mr Mildred) respected these gentlemen highly, but they had come to the colony old enough, as he himself had done, and consequently, had no right to expect pensions, inasmuch as they had not spent great portions of their lives in the public service. He would not feel justified in putting these gentleman in a position to avail of a retiring allowance. It was not a system which could be realised, as it was quite clear that in a few years the Government would be obliged to subscribe to the fund in order to carry out the project. Whatever views the House might take, the views which he held would be that taken by the country generally, for it was an universal feeling that nothing in the shape of a pension list should be adopted amongst us.

Mr SOLOMON having spoken to this question on a previous occasion, would say but little, but he would remark that anything he had heard from previous speakers had failed to convince him against his former opinion, that the passing of this Bill would do a great injustice to a large number of young men in the Government service. The hon the Treasurer had informed the House that there were but 15 officers who could retire under the Act which it was proposed to pass, and he would ask the hon the Treasurer whether in the calculations which had been made in framing this Bill, any provision had been made in the case of sickness or accident, or even in death, for paying over to the widow of the deceased officer the amount of subscriptions paid in during his lifetime. It had been admitted by the member for the Port, who was a staunch supporter of the Bill, that it was virtually a pension list. ("No, no.") Hon members said "no," but he could assure them that he had taken the words down, and that that hon gentlemen had admitted it as such, that it was nothing more or less than a pension list. This coming from one of the supporters of the measure was the best argument which could be found against its being passed into law by that House. The hon member for East Torrens (Mr Barrow) had remarked that if this Bill were not carried he could see no use in continuing the good-service pay, and that he (the hon member for East Torrens) would consequently vote against its continuance. But what did that proposition amount to? Why, to this—that we (the Government) are willing to give you young men a certain emolument for the good service you have rendered if you will give us the liberty of taking it away from you again. However twisted might be the argument used against this view of the case, it amounted to no less than this, that an amount was placed on the Estimates, professedly with the view of benefitting those who from long service had a claim upon the country, and was taken away from them again under the guise of a benefit, which there was no prospect of being realized. It was a case in which a *certain number of gentlemen, under the* guise of good service pay, had an amount set apart to them, but which was simultaneously abstracted from them by a feat of legerdemain. This Bill in his opinion was nothing more nor less than the initiation of a pension list, but he thought the House had too much good sense to permit the Government to plant upon them, if he might use the expression, this Bill, but would on the contrary throw it out and leave the Ministry to bring in another Bill which should provide for justice being accorded to those ready to retire under it, and to those who would do so at no remote period. With respect to the remark of the hon member for East Torrens (Mr Barrow) that the Government would be responsible for any defects in the Act, and that, therefore, they should allow it to pass on their assurance, he did not hold with that opinion. Blunders had been committed already in a former Act, and probably would occur again. But supposing the Ministry to be reckoned accountable for these blunders, where would they be when the mistakes had been discovered? Were those gentlemen so sure of their places that they could be answerable at all times for such defects? They all knew that from the Constitution under which the lived those gentlemen were "here to-day and gone to-morrow," and he, therefore, viewed the hon member for East Torrens (Mr Barrow's) argument as a fallacy. He (Mr Solomon) should vote against the Bill.

Mr BAGOT must say, in the words of the hon gentleman who had just down, that he would always set his face against the introduction of a pension list—(hear)—and having said that, he would give it as a reason for supporting the Bill then before the House—(oh!)—for it would just have the tendency of preventing the establishment of a pension list in the colony. What were they to do with old Government officers whose lives had dwindled away in the service? Would any hon gentleman pretend to say that in the case of persons who had served the Government for a long series of years and who had become decrepid in the service, that there would not be a call upon that House for assistance and relief, and that some would not come to that House and say "what are we to do with this old gentleman or that?" For this reason he would compel those in the service to save money to provide a fund which would do away with the necessity which would otherwise exist for a pension list. (Hear.) The hon member for the city (Mr Solomon) had stated that a blunder had been committed in the former attempt at legislation on this subject, and he (Mr Bagot) believed it, but that hon member had said that the present Bill before the House would prove to be a blunder also. But why did not that hon member show in what that blunder consisted? If that hon member had studied the evidence taken by the Select Committee before the introduction of this Bill, he thought he would find that no blunder had been committed. For his own part he looked upon this measure, in providing an assurance fund, as the only means of avoiding a pension list.

The COMMISSIONER OF PUBLIC WORKS said, in answer to the remark of the hon member for the city (Mr Solomon) that a blunder had been made in the former Act, that no one would of course deny this, but he thought members who had carefully studied the present measure, and the care which it had been framed with, must be of opinion that everything had been done to prevent the recurrence of such blunders in the Bill then before the House. A Select Committee had been appointed to consider it in all its bearings, the calculations were made by able actuaries, and everything had been done to ensure the perfecting of the scheme so that it appeared to him that those hon gentlemen who objected to this measure on the ground of its being insufficient had only one alternative—that of moving for the appointment of another Select Committee to go over the same ground again. (No, no, and laughter.) It was very well for them to say "no, no," for their object was clearly to get rid of the Bill altogether. During the discussion, he had, he confessed, felt inclined to let the cap fall upon his head in remarks which were addressed to the Ministerial benches, but language such as "jolly indifference," and a variety of other epithets, having been used, he had resolved to put all the caps on when he would be sure of getting the one that fitted. (Laughter.) He believed this measure would conduce to the good of the country, and be productive of benefit in getting a better class of officers in the service. He should, therefore, vote against the recommittal of the 4th clause. Although some hon member had described this Bill as the commencement of a pension list, but he (the Commissioner of public Works) denied it—(oh! oh!)—and would ask them not to allow themselves to be influenced by that opinion. Nothing was so easy as to put a few figures together for the purpose of carrying a point. He believed, however, that proper calculations were made in introducing that Bill, and he believed they would prove to be correct. He trusted, therefore, that the House would vote for it.

Mr HAY supported the Bill in opposition to the amendment of the hon member, Mr Glyde, which he considered to be no improvement. The objection of Mr Mildred, that in the case of the death of a Government officer, there was no provision made for handing over the amount subscribed to the widow and children entailed a degree of inconsistency on that hon member's part, and looking at the objections which had been made by previous speakers, one after another, he could not help thinking that there was a considerable amount of inconsistency manifested. This Bill was to provide for the retirement and support of officers in the public service when they could not fulfil their duties by reason of age or other inaptitude. It was a claim for which the Government were liable, and it could not therefore be looked upon in the light of a pension list.

Mr MILDRED explained in reference to some remarks of his which the last speaker had referred to that what he said was that there was no provision in the Bill for the return of the money subscribed, to the heirs of any person in the service, who might become deceased perhaps at the age of 59 years.

Mr LINDSAY was not altogether decided as to how he should place his vote, but from present appearances he thought it probable he should vote against the Bill. (A laugh.) He objected to the Bill because it did not compel officers in the service to contribute to the fund in proportion to the amount of their salaries, and because it did not give them a pension in proportion to the amount contributed. It had been said that the good-service pay was a free gift, but he could not view it in that light, as many officers had entered the service since the Act which provided for the good-service pay had passed. If the Government would so alter the 4th clause as to make them (the Government officers) contribute a certain percentage on their salaries, or alter the schedule so that the pensions should be in proportion to the amount contributed, then he would have no objection to support the Bill.

The CHAIRMAN put the recommittal of the 4th clause, when

Mr Glyde rose and briefly observed that, on careful consideration of the Bill, he found he should have to vote against the Bill even were the amendment carried It had been said that under his amendment the total of the fund would be reduced, but he thought it would have a contrary effect, and that the amount subscribed would be greater under his amendment than under the Bill as introduced by the Government What he wished to establish was, an equitable system between the officers themselves, and not between the Government and the service

Mr Hawker moved "That the House do now divide," and

The Chairman declared it carried

A division was called for

Ayes, 20—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Bagot, Bakewell, Barrow, Collinson, Duffield, Hallett, Hart, Harvey, Hawker, Hay, Macdermott, McEllister, Milne, Neales, Scammell, Shannon, and the Treasurer (teller),

Noes 12—Messrs Burford, Cole, Dunn, Glyde, Lindsay, Mildred, Peake, Reynolds, Solomon, Strangways, Wark, and Townsend (teller)

Making a majority of eight in favor of the Ayes

The Chairman then put the question that clause 4 be recommitted, and declared it negatived

The Treasurer moved that the Bill be now reported, with the amendments

Mr Reynolds observed that he had serious objections to the Bill, but he would reserve them until the third reading was called on

Mr Townsend rose to speak to the amendment

The Chairman informed the hon member that there was no amendment before the House

Mr Strangways would ask the Attorney-General whether under the 6th clause of the Bill the Judges of the Supreme Court, or the responsible Ministers of the Crown could claim under it as well as other officers in the Civil Service

The Attorney-General replied that in his opinion neither the Judges nor the responsible Ministers of the Crown would be entitled to the good-service pay under that Act

The Chairman put the question "That the Bill with the amendments be now reported," and declared the ayes had it A division was called for, which was as follows —

Ayes, 20—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Bagot, Bakewell, Barrow, Duffield, Hallett, Hart, Hardy Hawker, Hay, Collinson, Macdermott, McEllister, Milne, Neales, Scammell, Shannon, and the Treasurer (Teller)

Noes, 12—Messrs Burford, Cole, Dunn, Glyde, Lindsay, Mildred, Peake, Reynolds, Solomon, Strangways, Wark, and Townsend (Teller)

Making a majority of eight in favor of the Ayes

The House resumed, the Speaker reported the Bill with amendments, and on the motion of the Treasurer the adoption of the report was made an Order of the Day for Friday

MR STUART'S DISCOVERIES IN THE NORTH

Mr Hawker rose on a question of privilege, to move that the journal of Mr Stuart's discoveries in the North, which had been conditionally submitted to the Commissioner of Crown Lands pending an arrangement with the Legislature, should be returned to that gentleman

Mr Reynolds asked whether any petition had been presented, or reason assigned for this request?

The Speaker replied in the affirmative and explained to the hon member that the course adopted was a regular one

The Commissioner of Crown Lands said the reason why it was requested that this journal should be returned was that he had already given notice of an address to His Excellency on Mr Stuart's claim for reward, and it was thought desirable that in the mean time the document in question should be taken out of his (the Commissioner of Crown Lands) possession, as if it were laid upon the table it would become the property of the House The journal could be returned and placed in the charge of some hon member, who in the mean time would be able to shew it those who were desirous of seeing it

The motion was carried

PATENT FOR THE MANUFACTURE OF GAS

Mr Hart moved, pursuant to notice—

"That he have leave to introduce " A Bill intituled an Act to secure to Abram Longbottom, for the residue of a term of fourteen years, the exclusive right to use, within the Province of South Australia, an invention for certain improvements in the manufacture of Gas, where oils and fatty matters are used "

The motion was agreed to, and the Bill was ordered to be printed

RETURNS FOR TRENCHING PARLIAMENT GROUNDS

The Commissioner of Public Works laid upon the table the above returns as asked for by the hon member for the Burra and Clare (Mr Peake), and they were ordered to be printed

DISTRICT COUNCILS ACT AMENDMENT BILL

In Committee

The Commissioner of Public Works laid upon the table an amended print of the District Councils Act Amendment Bill He stated the amendments were merely verbal ones, and he begged to move that the amended print be substituted for the former one

Carried

The House resumed, and leave was given to sit again on Thursday the 11th instant

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

The Commissioner of Public Works, in moving the second reading of this Bill said he was sorry the preparation of other Government business had delayed the introduction of this measure On a former occasion a pledge had been given to the House that an amended Bill would be introduced by the Government as soon as the defects in the working of the measure were discovered, and the experience which had been gained by the Commissioners of Waterworks—amongst whom he might mention the Mayor of Adelaide, whose experience in those matters was doubtless of great service to the Commission—enabled the Government to prepare a Bill more suitable to their requirements, and which he now submitted to the House. Amongst the alterations made from the former Act was the omission of the drainage portion of the scheme Again, the construction rates had been done away with, and a new scale of rates had been introduced as in Schedule A These rates were exceedingly moderate and not more than one-half of the amount as proposed to be levied under the former Act There were other improvements made in this Bill, such as empowering the Commissioners of Waterworks to purchase land, which should vest in the Commissioners, to make roads, and it also omitted the restriction in the former Act requiring the sole supply of water to be taken from the River Torrens With respect to the drainage portion of the scheme, it was proposed under the amended Act to defer it until a sufficient sum had been accumulated from the unexpended balance of rates He hoped the House would agree with him that these were great improvements He thought the waterworks would prove a great source of profit inasmuch as it was invariably the case that the attempt, in most countries, to meet the demand for the supply of water in towns was attended with great success But if this were the case in other countries, where the climate was more temperate, what advantage must ensue in a climate like this from the plentiful supply of water?

Mr Strangways said, from the remarks of the hon Commissioner of Public Works, it appeared that the principal reason given for the passing of this Bill was that the Mayor of Adelaide whose experience was so great in these matters was one of the Waterworks Commissioners (Laughter) For his part, judging from the experience of that gentleman's abilities, as one of the Waterworks Commission in the construction of the River Weir, he thought it was every reason for dissenting to the Bill And he (Mr Strangways) should like to know whether it was intended to keep the present Commissioners of Waterworks in office after they had constructed such a disgraceful piece of engineering, which would entail a loss of £7,000 in money and much more in time He thought provision should be made for the appointment of more competent persons for if their conduct in the construction of the River Weir was to be taken as a specimen of their ability, he thought the sooner they were dismissed the better A new engineer had been already appointed, and that gentleman had declared the work should be done all over again As to the schedule of the Bill he saw very little substantial alteration in it from the previous one The water rate in London amounted to about 3d in the £1, but here he found that the water rate on stores shops, and other buildings would amount to 6d in the £1 on the annual value He should like to know why the Government should be placed in a position to compel persons to receive water whether they were willing or not Private companies had no such immunities as this, and his opinion was that those only who used the water should be made to pay for it That was the principle adopted in other parts of the world, and it was this that made water-works so profitable He considered the Government should stand on the same footing as private companies Why should the Government be in a position to say, we have gone to an expense of £250,000, and we want some return for our money The principle which he thought should be adopted was that of supplying the water at lower rates, and putting the competition of other parties out of the question Again, if any persons had private wells on their premises, and many had, and were independent of any supply from other sources, why should they be compelled to pay for that from which they had received no benefit Again, in Clause 52 there was a strange provision, by which the rates were to be paid in advance This, he considered, was putting the cart before the horse Public companies got their rates after they delivered their water, and why should not the Government do the same. He hoped too the House would consider whether unoccupied land should be subject to water-rates, or whether any other than those who used the water should be made to pay

Mr Solomon said the points argued by the hon member who had just sat down, were the very ones which he had determined to urge upon the House, viz, with respect to the Schedule It appeared that not only were the rates to be expensive, but they were to be unjustly levied Banks, stores, shops, or public offices were to be

charged with an additional annual sum of 2½ per cent on the rental of the property. On reference to clauses in the Bill it would be found that a house of two rooms at an ordinary rental would be subject to a rate of 30s per annum, and other houses in proportion, according to the number of rooms. In Sydney the rate was just one-third of this sum, for the rate on a two-roomed cottage would only amount to 10s per annum. But here there was an attempt to charge three times the amount. In London, where he had resided for three years, his experience of the rates levied there was that they did not amount to more than 2½ per cent per annum but here in South Australia a two room cottage rented, say perhaps at £10 a-year, would be subject to a rate of 15 per cent on the rental. He did not object to a rate being made on vacant land, because he believed such works improved the value of the property. This he thought necessary and just, but he objected to the excessive rate to which small cottages would be liable. That being 30s on a two-roomed cottage, or at the rate of 15 per cent per annum. He was not dissatisfied with the Bill generally, but principally with the schedule. There was one other remark he would make with reference to the scheme of bringing water into the town without a proper system of drainage. He opposed this, and, however, much the introduction of water into the town might be considered a boon, he thought without a proper system of drainage it was likely to be turned into a curse in the prevalence of sickness and disease which would follow. He did not think of the question as one always in this colony, for he had had some experience in tropical climates, and knew the blessings which resulted from a proper supply of water, but unless accompanied with a thorough system of drainage, that blessing would cease to exist, and would probably be turned into a curse.

Mr HAY should support the second reading of the Bill. He must say he had heard with considerable surprise the objections which had been taken by the hon member for the city, Mr Solomon, regarding that portion of the schedule which proposed a rate of £2 10s for every £100 assessment upon stores, shops, or banks. If the proprietors of any class of buildings had reason to congratulate themselves upon this Bill, it was the very class referred to in this portion of the schedule. The former Act placed them in a most unamiable position. The proprietors of premises in Rundle or Hindley-street, who had valuable stocks, he had no hesitation in saying, were called upon to pay £40 or £50, where by the provisions of this Bill they would only be called upon to pay £2 10s, and he had no doubt that the payment of this amount would go far to reduce the premiums of insurance to which they were at present subjected. It must be clear to every one that the expense of bringing water to the premises of such parties under existing regulations was excessive, but it could not be said that under the Bill before the House it would be excessive. With regard to the rate to be charged upon vacant lands he hoped the Commissioner of Public Works would see that the rates were framed in such a manner as would be fair and just to the owners of such properties. If, however, there were to be a rate of £2 10s for every £100 of the annual value, he would refer to the great number of disputes which had taken place with the South Australian Company and others relative to the value, that is, the annual value of vacant land. He believed, however, that it would be quite possible to ascertain the market value of the land, and place a rate upon that, but there was such a difference of opinion as to the annual value of land leased for a period of 21 years, that they would scarcely get two land agents in Adelaide to agree upon the annual value of any portions. Whilst this difficulty, however, existed in determining the annual value, there was no difficulty in determining the value of the fee-simple, and he would suggest that a rate should be put upon that amount. The rule which applied in England in reference to 21 years' leases would not apply to a new country like this. He would, therefore, suggest, as the only means of getting over the difficulty, that a rate should be put upon the actual market value of the land, and he should endeavour at the proper time to introduce an amendment to that effect. He agreed with hon members who had previously spoken that the rate proposed to be charged did appear high, but still it was nothing like so high as the rate generally paid at the present time for water. The hon member for the city (Mr Solomon) had remarked upon the extortionate character of the rate, but he would remind that hon member that the rates which were proposed were such as it was presumed would enable the Government ultimately to pay off the capital which had been absorbed in the construction of the Waterworks and then the rates for supply would be much lower. He looked upon the rates named in the schedule as the maximum rates. With regard to the remarks which had been made by the hon member for the City, relative to drainage, he agreed that where a large quantity of water was brought into town, provision should be made for drainage, but this would necessarily involve great additional expense, and there was an express clause in the Act for the purpose of providing drainage when they were prepared to incur the additional cost which would be necessary. The House, he thought, would readily admit that it was absolutely necessary as the city became more thickly inhabited, that there should be a better supply of water, and he believed that the Bill then before the House would be found a great improvement on the existing system.

Mr BARROW should support the second reading of the Bill, although he thought it very likely that many clauses would have to be altered in Committee, and more particularly that it would be necessary the schedule should undergo careful revision. The hon member who had just sat down had addressed his observations principally to the third clause, but had entirely overlooked the fourth. It was true that the third clause provided an assessment of 2½ per cent. upon shops, &c, but the fourth clause provided that they should pay at the rate of 2½ per cent per annum in addition to what they would have to pay if they were assessed as private dwellings. But this was not all, for, after they had paid all they could be called upon to pay under these two clauses, it would be found that they might be called upon for a further payment under the 49th clause. (Clause read.) Thus it was quite possible under the operations of the schedule to the Bill before the House, taken in connection with the 49th clause that certain buildings might be called upon to contribute three times over, and that the aggregate amount would be something very considerable. At the same time he felt that the present mode of water-supply was not only the most unsatisfactory, but the most costly which could be obtained. That, however, was no reason that the House should not carefully consider the various clauses of the present Bill, and see how they could obtain a sufficient supply at the lowest possible remunerative rate. He could have wished, under existing circumstances, that the Commissioner of Public Works, in introducing this Bill for its second reading, had said something with regard to the River Weir, for although that subject was not technically before the House it was impossible to forget the disclosures which had been made in reference to the state of things in connection with that question. He thought it would not have been wandering so far from the subject under discussion as they had wandered on other occasions, if the Commissioner of Public Works had given the House some information in reference to the investigation which took place a few days ago in connection with the River Weir. Some remarkable disclosures had he believed been made, and he had certainly received, some few nuggets of a remarkable character, such he believed as had never before been dignified with the name of concrete. At present all they knew was, that a large sum of money had been squandered or misapplied, but they knew not who was to blame—whether the Commissioners, the Engineer, the contractors, or the Clerk of the Works. All that they knew was that somebody was to blame somehow, and there, perhaps would be an end of the matter. He hoped however, that the matter would not end there, but that they would go a little further into it and endeavour to ascertain with whom the blame really rested. He would not offer any further observations upon the subject than that they had gone to great expense in obtaining water supply for the city, and it was only necessary to go to the north-east corner of the Park Lands to see the tremendous array of pipes to afford an argument for proceeding with the works with all possible expedition, and as the various clauses passed one by one before the Committee in review, they should endeavour to economise and remedy the defects which would no doubt present themselves. He should support the second reading of the Bill, reserving his right to offer amendments in Committee.

Mr LINDSAY supposed he must vote for the second reading of the Bill, in order to tinker up past legislation upon the subject, but it was really disgraceful that the Bills which the House passed one session, they should be called upon during the next session either to supersede or amend. It appeared, however, that they could not legislate in any other way. The hon member for the city (Mr Solomon), in alluding to the schedule, had described the rates as excessive, and had compared them with the rates charged in Sydney and other places. There could be no doubt that the rates which were proposed were excessive, but it appeared that there was no remedy for this, that they must submit to these rates or be without an adequate supply of water. He entertained the opinions which he had previously expressed, that the Government had adopted an expensive—a most unnecessarily expensive—scheme, and that a scheme which would not have cost more than one-half could readily have been pointed out. But the Government had commenced this expensive scheme, and had blundered, but as it had been carried on to a considerable extent, it must be completed, and the rates which were charged must be such as would suffice to pay the interest upon the outlay, and all the expenses of supplying the water. If he had understood the Commissioner of Public Works correctly, that hon gentleman had stated that the drainage portion of the scheme was omitted from the present Bill, if so, he regretted that it should have been, because he considered it would have proved most economical, if both schemes for water supply and drainage had been undertaken at the same time. He fully agreed with the hon member for the city (Mr Solomon) that water supply alone without drainage was likely rather to prove prejudicial than beneficial. Wherever surface house drainage and was not carried off entirely, it became exceedingly offensive. He wished, at the same time, that an efficient scheme for water supply had been proposed, there had also been an efficient scheme for drainage. He felt assured it would prove most prejudicial if the present scheme were not immediately followed by a scheme for the drainage of the city in the most effectual manner. He should support

the second reading of the Bill, as he could see no good which was likely to arise from throwing it out

MR NEALES believed the last speaker had hit the mark If there would be no good in throwing the Bill out, he was sure there would be no good in passing it (Laughter) Parties both in and out of that House might say that he should be shy in speaking about the Water Works, as he nearly lost his election in consequence of speaking about the previous Bill which was declared by the Government to be perfect There were all sorts of mistakes in the Bill before the House It did not undertake to do what any Water Company should, yet it charged fully five times as much as it should It actually proposed to charge 30s per annum for two rooms six feet by five (Laughter) It was so stated in the Bill, at least, it mentioned rooms of 30 feet, and rooms of the measurement he had stated would amount to that Why, the rent of the rooms would actually not come to as much as it was proposed to charge for water supply No man if he were to build a row of cottages each containing two rooms six feet by five, would get 30s a year for each, yet that was to be the charge under this Bill for the water supply It would be positively a farce to go on with the Bill unless they were prepared to alter almost every word of it There was one thing, however, they knew, and that was that £7,000 had absolutely gone, and, perhaps, the Commissioner of Public Works would tell him how much more was contingent upon that sum? Would £10,000 suffice? No, he believed that it would require £15,000 It was now proposed to go a little further up the river, and that would of course make the affair a little more expensive, although it would have been an easy matter to procure a supply within a stone's throw of Government House, and to have supplied the inhabitants at one-fourth of the rates which were now proposed, but there appeared a determination to spend a frightful sum in connection with Waterworks Under the proposed scheme it would cost the Government considerably more to lay on the water to some streets than treble the rate which they would receive But still he considered the Government were bound to provide the supply, though it should be at a fair advance upon London prices With regard to the 2½ per cent which had been referred to by the hon member for Gumeracha, he thought it quite possible that if the hon member got brought under the three rates, which it had been shown was possible, he might find that those three rates amounted together to something like eighteenpence in the pound, whilst in London the charge varied from a penny seven-eighths in the pound to threepence In London parties were not charged for water if they did not use it, but here it was proposed to exact a rate no matter whether the water was consumed or not He had been opposed to the Bill throughout, and felt bound to continue his opposition Since the first Bill had been introduced they knew this to be the fact that they were in a worse position by £10,000 than they were before

Dr WARK said that when the Commissioner of Public Works rose to move the second reading of the Bill with such a flourish of trumpets, he did not know whether it arose from the hon gentleman's disposition to put a bold front upon everything, or from the goodness of the cause which he had in hand, but he now felt satisfied that the hon gentleman had put a bold front upon a very rotten cause, as rotten as the River Weir, from top to bottom He was perfectly surprised that the Commissioner of Public Works should have brought forward a Bill of this magnitude without giving the House any idea of the state of the works in progress He believed that the people of Adelaide would look upon the present Bill as a curse instead of a blessing He was surprised that the hon gentleman should ask the House to assent to the second reading, without giving some idea of the profit and loss although he believed they would be right in assuming that there had already been a most serious amount of loss At present the House had no idea how the works stood, or what it would cost to complete them He believed the Ministry were in possession of information in connection with the subject which they had not yet laid upon the table of the House, although it had been supplied to the press At least some of the members of the Ministry had seen the Weir, and he thought it would have been only right to afford the House some information upon the point It was the duty of the House to see that the country at large was not subjected to enormous expense, merely that the city might be supplied with water He believed that works of this character were generally carried out better by private companies than by Government It appeared by the present Bill that the present Commissioners were to be kept in office, but he would ask, was there a man in that House who had confidence in any of the Commissioners with the exception of the Chief Commissioner? If the other Commissioners had not seen the work as it progressed, they should It was the duty of the Commissioners to inspect the work, if not, where was the use of having them, if they permitted their officers to mislead them as they had? They owed a deep debt of gratitude to the Chief Commissioner for bringing about the investigation which he had After the works had been completed, it would be the duty of the city members to see that the citizens were not assessed too highly, but he would ask, reverting to the Commissioners, what confidence could there be in a body who held their meetings with closed doors If the press had been admitted it was more than probable that things would not have gone so far wrong

MR TOWNSEND would not detain the House for more than a few moments He merely rose for the purpose of pointing out that it appeared to him the 5th clause was inconsistent with the Public Works Bill Under the provisions of the clause to which he had alluded, Commissioners were to be appointed for the purposes of the Act, so that it appeared Government were still to have the power of appointing Commissioners after they had passed an Act bringing the works referred to in this Bill under the Commissioner of Public Works He found from the testimony of those who had visited the Weir, that there could be no doubt £6,000 or £7,000 had been thrown away in the Torrens, and what he wished to know was how had this mistake occurred? The House was certainly entitled to some explanation from the Government upon the subject, because the Commissioners appointed by the Government certainly had not, in his opinion, done their duty It did not appear that the Commissioners had taken a single step till the present Chief Commissioner joined them and proceeded to test the capabilities of the Engineer The only answer to all this mismanagement appeared to be, "It's true the money's gone, and you must put up with it" He considered it was the duty of the Government and that House to ascertain whether the two Commissioners had done their duty, and, if not, they should be called upon to resign

The ATTORNEY-GENERAL would endeavor to confine himself to the question before the House, that is, whether the Bill should be read a second time or not He would call the attention of the House to the existing state of the law upon the subject The House had decided that no provision should be made for drainage, because they had appropriated the money voted for the purpose by a former Legislature to another object It was that which determined the Government not to introduce the subject in the present Bill With regard to the other important question—the essential feature of the Bill—the schedule, or the rates which the various buildings should be charged for water supplied and the construction of the necessary works, hon members would bear in mind that the utmost amount proposed by the present Bill was 6d in the pound, whilst by a former Act, all the valuable buildings in the city—the banks, auction-rooms, &c—might have been taxed to the extent of 2s in the pound, so that the difference between the present Bill and the former was that, whilst this proposed a rate of 6d in the pound, the other proposed a rate of 2s Although he had no practical knowledge of the subject, he believed that a shopkeeper having valuable goods upon his premises would save in insurance a considerably larger sum than it was proposed he should pay under the present Bill With regard to the objections of the hon member for the city (Mr Neales), who had spoken of rooms six feet by five being rated higher for water supply than their actual rental, he could only say that if it were possible a person could think of building rooms of such dimensions, he thought they should levy the highest possible rate, in order to discourage parties from building rooms not fit for pigstyes But supposing the rooms to be only six feet by five, what would the rate amount to?—why 30s per year, or not quite 1d per day, for an ample supply of water, ascertained to be of admirable quality Now, the occupants of such a building would have to pay a much larger sum for a very small quantity of water, so that the present Bill would render them absolute gainers in money, and to a still greater extent in health From the price of water supply now, the constant tendency of persons whose incomes were small was to economise as much as possible the use of water, and this was attended by results which modern society was beginning to recognise, and which modern legislation was beginning to guard against The law at the present time was substantially as he had stated, and the substantial difference was contained in the schedule, but if the hon member for the city believed that it would be better to remain taxable at the present rate, he did not know that the Government would offer any objection to it The Government had always recognised an obligation to propound a scheme of a more general character, but if those who had to bear the burden preferred the present system to the one propounded by this Act, as a much larger burden would have to be contributed by the City of Adelaide, he did not know that there would be any objection to it on the part of the Government The sum applicable to drainage would be much larger and probably it would be the wealthier class who would be called upon to contribute the larger amount He repeated that if hon members preferred the present system be apprehended there would be no objection on the part of the Government, but the system was supposed by many, particularly by the hon member (Mr Neales) to require revision, and the present Bill provided for so doing

MR REYNOLDS should support the second reading without committing himself to the various provisions of the Bill He believed that it required many amendments and had not received due consideration He particularly referred to the drainage system He had hoped that in introducing the Bill the Commissioner of Public Works would have given some information in reference to drainage, for he could not agree with the statement which had been made by the Attorney-General that the House had agreed that drainage should be deferred The hon gentleman was in error in supposing that such was the case He had had something to do with the matter and when the House were asked to apply £80 000 provided by a former Bill, to other purposes, it was distinctly

stated that £40,000 would be available for the drainage of the city He now found, however, by this Bill that the simple cost of bringing the water in would be £200,000, and that the drainage was to be provided for by a rate not out of the £200,000 The drainage he believed had been under the consideration of the intelligent Commissioners for four years, and under the circumstances he certainly thought that the Commissioner of Public Works in moving the second reading of this Bill should have made some statement in reference to a subject in which the House and the city felt so deeply interested, and which indeed was of the deepest interest to the country at large. He hoped when the hon gentleman replied, that he would afford some information upon this most important subject In voting for the second reading, he wished it to be understood that he did not support the system that Commissioners should carry out the Water Works What had taken place they had seen in the public press, and it was utterly impossible that after that they could have any confidence whatever in the Commissioners The Chief Commissioner was entitled to the thanks of the House and the country for having taken the initiative in an investigation which had developed such frightful mismanagement in reference to the Weir He hoped this question would come prominently before the House, and that the House would express an opinion in reference to the gross mismanagement which there had been in connection with this matter How the Government, after what had taken place, could have appointed the Engineer to another office, he could not conceive, unless they were influenced by favouritism or prejudice He should certainly feel it his duty to draw the attention of the House to the disclosures which had been made in connection with the Weir, and he hoped the Commissioner of Public Works would at once furnish the House with some information upon the subject There were many details which would have to be attended to in Committee For instance, in reference to apartments six feet by five, it appeared to him that a man would be rated for every cupboard or other apartment which he had about his House He thought that power should be given to extend water supply to the suburban districts of Kensington, Norwood, &c, and even to the Port, if the Weir were capable of holding a sufficient quantity, which he questioned Another thing he should have liked the Commissioner of Public Works to have done, would have been to have shown whether the rates proposed would be sufficient to meet the principal as well as interest He wished it to be understood that in supporting the second reading, he did not support the continuance of the Commissioners

The Commissioner of Public Works would say a few words to endeavor to make up for any omissions in his opening address He did not think there was any necessity for going into a history of the Weir in moving the second reading of the Water Supply Bill He was very glad to give any information in his power whenever he had been asked about the River Weir, which he was about to visit on Saturday next, after which he should be happy to afford any additional information which he might acquire It was intended to proceed with the drainage out of the sum in the hands of the Commissioners after the payment of all liabilities, and this was provided for in clause 45 The rates in the schedule had been very carefully gone through and he was satisfied there would be a very large sum available for drainage besides paying all expenses Hon members generally had, he observed, settled down upon that important portion of the Bill—the schedule—and although some difference of opinion had been expressed, it had been generally assented to With regard to the dimensions of rooms, he thought it would have been better if discussion upon that point had been postponed till the Bill was in Committee All were fond of dwelling on their own individual case, and he might mention that, in one case in which he was interested, he found that this Bill would effect a saving to him of a very considerable sum in the reduction of insurance Hon members were aware that the insurance offices were constantly raising their rates of insurance, and as constantly stating that, as soon as there was an abundant supply of water, the rates would be reduced This had been the cry every time that he had been called upon to insure, and, no doubt, other hon members had experienced the same thing, so that he expected the citizens generally would receive very considerable benefit from this Bill The rates were based upon the assessment of the city, but in one clause it was provided that there should be a special assessment of buildings which were not so assessed The question of supplying the suburbs with water had received considerable attention, but it had been determined after mature consideration not to make any provision in the Bill for that purpose, leaving the object of the Bill simply to supply the city He thought hon members agreed with tolerable unanimity upon the broad principle of the Bill, and that it was an improvement upon the present law After Saturday he should be happy to afford any additional information he acquired in reference to the river Weir A great number of papers in connection with the subject were before the House, and as the hon member for the Sturt had intimated his intention of drawing the attention of the House to the subject, it would probably be as well to postpone further discussion upon the question till then

The motion for the second reading was then carried, and upon the motion of the Commissioner of Public Works, the House went into Committee upon it The first three clauses were passed as printed

Mr Strangways moved that the 4th clause relating to the appointment of Commissioners be postponed, as he believed the Commissioners were abolished by the Public Works Bill

Mr Reynolds thought it would be better to abolish the Commissioners in the present Bill, rather than run the risk of the other Bill not passing

Mr Hay believed it would be wise to alter the clause, considering that these works should be under the control of the Commissioner of Public Works

The motion for the postponement of the clause was carried by a majority of 1, the votes upon a division being—Ayes 12, Noes 11, as follow —

Ayes, 12 —Messrs Strangways, Wark, Mildred, Cole, Captain Hart, Messrs Lindsay, McEllister, Hay, Shannon, Rogers, Townsend Reynolds (teller)

Noes, 11 —The Treasurer, the Attorney-General, the Commissioner of Crown Lands Messrs Burford, Macdermott, Glyde, Dunn Solomon, Hawker, Duffield, and Commissioner of Public Works (teller)

BILLS OF EXCHANGE BILL

Upon the motion of the Attorney-General the amendments made by the Legislative Council in the Bills of Exchange Bill were agreed to, and a message to that effect was ordered to be sent to the Council The amendments were merely verbal

WASTE LANDS ACT AMENDMENT BILL

The Attorney-General said he would take time to consider the amendments made by the Legislative Council in this Bill, and the consideration of them was postponed for a fortnight

The House adjourned at ¼ to 5 o clock, till 1 o'clock on the following day

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Friday, November 5

The Speaker took the chair shortly after 1 o'clock,

ABSENTEEISM

Mr Barrow gave notice that on Wednesday, 10th November, he should move for the appointment of a Select Committee, to consider the question of absenteeism, as affecting the prosperity of this colony, and to report upon the practicability of levying a tax upon the property of absentees, in aid of the general revenue of the province

MR STUART S EXPLORATIONS

Mr Strangways moved that the House, at its rising, adjourn till Wednesday next, at 1 o clock His reason for so doing was, that Tuesday next would be a public holiday The hon the Commissioner of Crown Lands and Immigration had a notice of motion on the paper, which it was desirable the House should entertain as quickly as possible, in order to enable Mr Stuart to resume his usual occupations without delay If hon members who had notices of motion previous to it upon the paper would allow them to stand over, he (Mr Strangways), who also had a previous notice of motion upon the paper, would be perfectly agreeable that the notice of motion of the hon the Commissioner of Crown Lands should take precedence

The Commissioner of Crown Lands seconded the motion, that the House at its rising adjourn till the following Wednesday, which was carried, and the House assented to the proposition that the motion of the Commissioner of Crown Lands take precedence of other business

PETITIONS

Mr Lindsay said that he had given notice some days back for the printing of a petition which he had presented, but in consequence of the pressure of other business the notice had lapsed, and he was desirous of reviving it

The Speaker informed the hon member that he might bring forward a motion upon the subject when there was no other business before the House

GRANT TO MR STUART

The Commissioner of Crown Lands asked hon members who had got notices of motion preceding that in his (the Commissioner of Crown Lands), name to give way, as it was desirable that the very important subject which was embraced in that resolution should be proceeded with at once If hon members would do so, and the notices of motion were not disposed of at 3 o clock he would then move that the notices of motion be proceeded with before the Orders of the Day The House assented

SEMAPHORE JETTY AND PORT-ROAD

Mr Collinson said that whilst the Commissioner of Crown Lands was collecting his ideas, he would ask the Commissioner of Public Works a question of which he had given notice, and which he believed the hon gentleman would have no difficulty in answering He was desirous of obtaining a reply, in order that he might have something to say to his friends below The question was, when the Commissioner of Public Works would be ready to commence the Semaphore Jetty and repairs of the Port road, with a view to afford employment to the persons who signed the petition which was read to the House on Thursday last, the 28th October

The COMMISSIONER OF PUBLIC WORKS said he should be in a position to advertise for tenders for the Semaphore Jetty in 14 days With regard to the repair of the Port-road, he would mention that he had received a letter from the Central Road Board, stating that a tender had been accepted last week upon the understanding that stone was to be supplied as required but in consequence of the Comptroller of Convicts having intimated that he would be unable to furnish stone from the Dry Creek till the 1st January, the contractor would not sign the contract On the previous day, however, the Board had readvertised for tenders in order that the necessary repairs might be proceeded with forthwith

GRANT TO MR STUART

The COMMISSIONER OF CROWN LANDS moved—

"That the House resolve itself into Committee for the purpose of adopting an address to His Excellency the Governor-in-Chief, requesting that he will take the necessary steps for granting unto John McDouall Stuart, in consideration of, and reward for, his important discoveries of new country on the north-western side of Lake Torrens, a lease for pastoral purposes of 1,000 square miles of country, in blocks not less than 200 square miles of rectangular form, whose length shall not be more than twice its width, the grantee to be allowed four years for stocking from January 1, 1859, and the 14 years' lease to date from the expiration of this period, when the runs are to be subject to such regulations as may then be in force, the situation of the several blocks to be marked by Mr Stuart on the map of his exploration"

On this occasion he had the honor of bringing a subject before the House which, he was sure, must be productive of the greatest gratification to hon members, as it brought before the public of the colony, and also under the notice of the neighbouring colonies and of England, the particulars of one of the most extraordinary explorations ever performed with such small and insignificant means It was unquestionably the most extraordinary and successful exploration upon the Australian continent He felt satisfied that the individual enterprise which had been exercised upon the occasion in so efficient and extraordinary a manner, would be considered well worthy of the reward which he was about to propose, and that the House would favorably receive the proposition He believed that the encouragement of individual enterprise was the true way of becoming acquainted with the unknown portions of the territory Within the last few months they had all received a practical lesson in reference to explorations which they would not soon forget He believed that the true way of exploring a country was to liberally reward private enterprise, and to allow it to be generally known that exertions, fatigues and dangers would be properly rewarded and appreciated (Hear, hear) Let it be known that the exertions of private individuals would be appreciated by the public, for whose benefit explorations were undertaken It should be remembered that whatever benefit private individuals derived from these discoveries, the colony at large was benefitted to a far greater degree Hon members had no doubt read the notice which had been placed upon the notice paper, with the view of rewarding Mr Stuart, but he would, with the permission of the House, amend that notice by the insertion of words proposing an amendment in the Waste Lands Regulations, for the purpose of carrying out the proposed grant He would by and by explain how the addition of these words would accomplish the object in view without the introduction of a Bill In the early part of the present year the Messrs Chambers fitted out a small party, comprising Mr Stuart, one man named Foster, and a blackfellow The party had five horses with them, and were provided in other respects in the most moderate manner They had with them a small quantity of flour and tea, a few legs of mutton, and a very few pounds of dried meat They proceeded to the unknown country by Lake Torrens, and had scarcely left the settled districts when difficulties beset them For three or four days they were without water, and had great difficulty in reaching the Elizabeth They then proceeded northward, not knowing what country they were going to, or whether they would meet with any fresh water Fortunately they met with not only one waterhole, but a number of other places, which enabled them to extend their journey to a very great length It must always, however, be a subject of intense surprise how this party could have done what they had When Mr Stuart's journal was published, as he hoped it would be shortly, he believed that the perseverance, endurance, and courage shown by Mr Stuart and his party would be subjects of surprise and admiration to every one who would read the journal The horses belonging to the party lost their shoes in passing over stony ground, and became lame The party were exposed to frightful storms of rain, and were compelled to take refuge under the brow of a bare hill for two days, having no shelter whatever The little provision which they had was so reduced that for weeks the party lived upon two pounds and a half of flour per week per man In Mr Stuart's journal he recorded with feelings of exultation how the party caught an opossum which gave them a meal such as they had not had for weeks previously Sometimes they were fortunate enough to catch a few mice on which they existed, but upon reaching Streaky Bay, on the threshold of the accomplishment of their journey, they were nearly lost, in consequence of not having a morsel of any kind to eat For three days they were literally upon the verge of starvation After the display of such energy and perseverance, and the endurance of such difficulties, he thought that Mr Stuart and his party might safely take up their position in the lists of Australian explorers and in the history of Australian exploration The party deserved to be looked up to as most enterprising, courageous and enduring persons He found that the extent of country which Mr Stuart passed over had been 1,650 miles, an extent of country nearly equal to that travelled by Mr Gregory from Moreton Bay to Lake Torrens Mr Gregory's expedition was thought a very extraordinary one, but when he compared the small means possessed by Mr Stuart's party with those possessed by Mr Gregory, who when he arrived here had provisions sufficient to last his party for two or three months longer, he thought they must agree that Mr Stuart's expedition and its astonishing results together with the hardihood displayed by that gentleman far exceeded anything which was to be met with in connection with Mr Gregory's expedition Mr Stuart had found many creeks containing fresh water, and after reading carefully the journal in connection with the exploration, he (the Commissioner of Crown Lands) had arrived at the conclusion that although the country which had been discovered was useful for pastoral purposes, whoever stocked the country would have to undergo great risks The distance was very great from the settled districts unless they could pass across Lake Torrens They would be cut off from the settled districts as they could not pass from Port Augusta to the Elizabeth during the summer months Under all the circumstances he believed it was the duty of the House to deal in the most liberal manner with Mr Stuart Mr Stuart did not ask for any money, indeed one of the most encouraging and recommendatory points in connection with his discoveries was that he merely asked for a liberal grant for pastoral purposes, and was satisfied to take as a reward for himself and the parties who had sent him out, a run, which he was prepared to run the further risk of stocking, and no doubt this would operate as an inducement to other parties to settle upon the country The real effect of carrying the resolution would be that for a period of four years the country would allow Mr Stuart to risk his and other persons' fortunes in stocking the country South Australia would not derive any benefit from the grant for a period of four years, but at the end of that period, when the lease commenced, so far from the country paying Mr Stuart, that gentleman proposed to pay the country for the use of the run Under the circumstances, he was of opinion that the House might not only safely concede all that was asked for by Mr Stuart, or rather all that it was proposed by the resolution to give him, but that they would consider the terms proposed liberal, and that Mr Stuart was highly deserving of all that was embodied in the resolution With regard to the way in which the objects of the resolution should be carried out, in the first place some hon members had mentioned to him whether it would not be desirable (although it was admitted on all hands that the exploration had been of an extraordinary character, and that the explorers were deserving of great reward), whether as a matter of common prudence, there should not be some limitation, and that the discoveries mentioned in the journal should be verified He would mention, however, that he had carefully perused the journal from first to last, and that truth was impressed upon it in every portion Any one reading the journal would, he was sure, say that it carried truth upon the face of it That was one view, but there was another, and that was the proof of the truth of the discovery afforded by Mr Stuart undertaking to stock the country If Mr Stuart had come to that House to ask for a large sum of money, he should have said that the Government would act rightly in saying they could not recommend the request being complied with before they were satisfied as to the discoveries which had actually been made, but when he merely asked leave to occupy a portion of the country which he had discovered, and undertook to stock the country, which he could not do without great risk to himself and others who sent stock there it was not necessary, he considered, to couple the lease with any condition which would be offensive to Mr Stuart He hoped no amendment would be proposed having that object in view He would draw the attention of the House to the present state of the law in reference to the waste lands of the colony, and shew how he believed a grant to Mr Stuart might be made without the introduction of a Bill He did not think that it would be found necessary to introduce a Bill, but that the case might be dealt with by an alteration of the Waste Lands Regulations The House would remember that in the regulations of last session, power was given to the Governor to make alterations or additions to those regulations The Waste Lands Regulations were published on 13th December last year, and if an alteration were made to the effect that power was given in certain exceptional cases to issue leases for a period not exceeding four years for new and distant runs, the whole matter would be met The Waste Lands Act for last session provided that no lease should be issued for pastoral purposes beyond 14 years, and he was of opinion that the alteration which he had suggested would be satisfactory and would meet the difficulty If hon members referred to the correspondence which had taken place between the Commissioner of Crown Lands and Mr Stuart, it would be seen that there had been some difference as to the quantity of land, as Mr

Stuart had suggested that 1,500 square miles of country should be granted to him, but after a perusal of Mr Stuart's journal, and an inspection of the very interesting map which that gentleman had prepared, he had come to the conclusion to recommend a grant of 1,000 square miles in blocks of 200 square miles, so that there would be five runs, which would no doubt embrace the most valuable portion of the country discovered by Mr Stuart He believed that this would be a very liberal grant, indeed it was almost unprecedented He (the Commissioner of Crown Lands) thought the grant of 1,000 square miles would be sufficient, but at the same time he had told Mr Stuart that if hon members thought he was fairly entitled to 1,500 square miles he and his hon colleagues would not oppose the proposition He would conclude by moving that the Speaker leave the chair for the purpose of considering the motion of which he had given notice

The SPEAKER remarked that the resolution affected the revenue, and the hon member would therefore have to give notice that he would bring forward the resolution on a future day

The COMMISSIONER OF CROWN LANDS said that perhaps the House would not object to a suspension of the Standing Orders, as Mr Stuart had duties to attend to which were far away from Adelaide, and had already been waiting for some time in town for the purpose of procuring a recognition of his claims, independently of which it was desirable that the information contained in Mr Stuart's journal should be made public as soon as possible

The House having assented to the suspension of the Standing Orders, the COMMISSIONER OF CROWN LANDS moved an address to His Excellency the Governor, embodying the resolution in his name

Mr STRANGWAYS desired to move a slight amendment by moving the insertion of 1,500 square miles instead of 1,000 This was not a question of the town against the country, and, as a proof, they would he believed soon see the hon member for the city (Mr Neales) supporting the proposition It was sometimes his lot to differ with the hon member, but in this instance he found himself in the singular position of supporting the same proposition They had heard from the papers, the Commissioner of Crown Lands, and the chart which had been laid upon the table of the House, that Mr Stuart had discovered 15,000 or 16,000 miles of good country, hitherto entirely unknown, and which had never been trodden by the foot of a white man Mr Stuart, as a reward for his services, made a very fair offer to the Government, and that was, that they should receive his Chart and Journal, which would give them information of 15,000 or 16,000 square miles of country, of which they knew nothing, and in return he asked them to give him, for a period of four years, 1,500 square miles, which he undertook to stock, and at the expiration of that period he asked for the privilege of paying the Government £750 per annum for the land He considered this a fair offer, and that the House should at once accept it They ought not to deal with explorers as Yankee pedlars, but when a fair offer, such as that which had been made by Mr Stuart, was made, the Government should accept it The difference in the two quantities was practically very small, and he believed it would be the best for all parties that Mr Stuart's offer should be accepted A very simple offer had been made by Mr Stuart It was either fair or unfair if fair, it should be accepted, and if unfair, it should be rejected He thought the House would agree that the offer of Mr Stuart was a fair one, and that they would agree to the amendment which he proposed by the substitution of 1,500 square miles for 1,000

Mr NEALES said as the hon member who had brought forward the amendment had named him, he had great pleasure in seconding the amendment, and should be very sorry to give way to any one in so doing It appeared to him, from looking at the map which had been furnished by Mr Stuart, that scarcely sufficient had been said in reference to the discovery, for Mr Stuart, in accomplishing a journey of 1,680 miles, had discovered 40,000 square miles of country, but with the judgment which he had displayed in previous explorations he had declared 16,000 miles only to be good pasture country, and asked, as a reward for his discovery, something like 10 per cent of the country he had so discovered, for four years, upon conditions named in the resolution When the House did a generous thing, let them do it in such a manner as should encourage other people to do as Mr Stuart had, because, although it was said that only 16,000 square miles were good of the 40,000 miles which had been discovered, old hands would remember when very little of the land except in the immediate vicinity of Adelaide was considered good, when, indeed, Gawler Plains were called very stony, although it had since been ascertained to be the best land in the colony (No, no) Some hon members said "no, no," but he could only say that the price showed it to be the best land in the colony, either the purchasers were wrong, or the land was good They might fairly assume that 16,000 square miles were not the utmost extent of the good land, probably a considerable portion of the remaining 24,000 miles might yet come into use The best way was to afford an opportunity of stocking the country, and it was well known that there were men of large means who were prepared to back up Mr Stuart If there were no means likely to be forthcoming it might perhaps be wise for the House to pause, but it was well known that there were parties who had a large stake in the colony who were prepared to aid Mr Stuart in carrying out his project of stocking the country which he had discovered Perhaps within a few hours of the House assenting to the grant, cattle might be on their way to the new country Some gentlemen outside had said that this grant would possibly take the eyes of the country, but all he could say was, that if out of 10 per cent Mr Stuart could take the eyes of the country, he must be a very clever fellow No doubt the remainder of the land would be hastily scrambled for, and the Treasurer would shortly come down to the House with a smiling face and announce that in consequence of this grant the greater portion of the new country had been taken up He was aware that some claims had been put in to supersede that of Mr Stuart, but he trusted the Government would not allow the claim of the party really entitled to the grant to be prejudiced There could be no doubt that Mr Stuart had a servant, and that he fed him and clothed him as well as he could, though he was free to admit that both came back rather badly off in the hat and breeches line Still, however, the servant fared as well as the master, upon mice and other game, therefore he hoped the Government would not in consequence of any of the claims to which he had alluded allow the first claim to be ignored Although the expedition had been of rather a primitive character, there were some serious expenses connected with it For instance, he believed that the outlay upon horses was about £300, the wages of Mr Stuart's man Foster for six weeks would amount to £28, and these had been paid The "grub" came to rather less than £10 As Mr Stuart had been successful, he supposed the House would consider he was entitled to as much as the country were paying to gentlemen in charge of similar expeditions, consequently, his salary would amount to between £200 and £300 Then, again, there were the instruments, and, however primitive these might be, Mr Stuart had, it was quite clear discovered the country by the aid of them, and therefore he thought credit should be given in reference to them for something like the cost of instruments on similar expeditions At all events, an outlay had been incurred of from £700 to £720 There was another contingency to which he would allude The House were aware that £7,000 had been expended in exploring in the same direction, and he believed that this would be created a reproductive fund by the information which Mr Stuart had communicated to Mr Babbage Although that information would help to place Mr Babbage in a better position with that House and the country, still they ought to look to who gave that information He would inform the House that this Mr Stuart was no other than the draftsman to Mr Sturt's expedition, and had gone through all his difficulties with old Sturt, upon whom they had bestowed a pension, and though opposed to pensions, he would, if it were to come over again, vote for that pension being bestowed Mr Stuart was the man who helped to sustain Mr Sturt in the extremity of the junctures in which he was placed When Mr Gregory arrived from his exploring expedition, he was met by the citizens with cheers, and a most substantial meal was given him in the presence of all the great little men of the place (Laughter) But what did Mr Gregory do? Why, he merely joined Cooper's Creek with the Victoria of another colony He felt assured the House would not consider that they were too liberally recognising Mr Stuart's exertions and discoveries by giving him the grant of land proposed for a period of four years Mr Stuart in fact asked to be allowed to pay the Government £750 a-year, at the end of four years Although he asked that a lease should be granted him at the expiration of that period, it would of course be subject to the regulations of the day, and might not be so advantageous as under the regulations of Messrs Bonney, Macdonnell, and Sir H Young, for it could not be said that those regulations were framed by the country

Mr SOLOMON supported the amendment, thinking that the country could afford to deal liberally with a man who had, by his indomitable energy, raised the colony in the estimation of the neighboring colonies, and of other places with which we had transactions If they might judge from the journal of Mr Stuart, the discoveries which had been made were of the highest importance to this colony The reward asked for astonished him by the moderation of the party seeking it The whole amount asked for actually did not amount to ten per cent upon the quantity of land discovered, and this, too, only for a period of four years At the expiration of that period the Government, as had been observed by the hon, member (Mr Neales), would receive a first-rate return for the amount which had been wasted in sending out an exploring party which had not been quite so successful as that of Mr Stuart He felt assured it would be most unpalatable to the country if any attempt were made to curtail the amount asked for, and he trusted that no such attempt would be made by that House The quantity of land asked for was of little importance compared with the quantity actually discovered After the address had been agreed to by the House, he had not the slightest doubt that every inch of land available for pastoral purposes would be eagerly applied for, and the country would realise great advantages in consequence The hon member who moved the amendment expressed astonishment at finding the hon member, Mr Neales amongst its warmest supporters, but he believed that not only the hon member, Mr Neales, but every other member for the City would always be found voting with motions having for their object the benefit of the

colony generally. This was not merely a question of town or country or town against country, but it was a question which affected the whole colony. The country might live without the city, but the city could not live without the country. The interests of all classes would be promoted by the country being fully developed. It was by such development that the interests of those in the city were advanced. If the resources of the colony were not developed, as a commercial community they must cease to exist. Allusions had been made to Mr. Stuart's expedition having been a very primitive affair, but he believed it was capable of giving the Government a very useful lesson, to the effect that it was not necessary to fit out large and expensive exploring parties in order to secure the greatest amount of benefit to the colony. In more than one sense had Mr. Stuart been of advantage; for not only had he made large discoveries, but he had shown that a small party of determined and courageous men could perform that of which a large party of highly paid men were incapable. He should support the amendment, because he believed that the request made by Mr. Stuart was perfectly reasonable, and he was sure the Government, in dealing with a man who had rendered such important services to the colony would not act the part of Jew pedlars. He used that term, considering it more significant than the term Yankee pedlars, which had been used. He strongly urged the House to act liberally in this matter, as, by so doing, they would create in others a disposition to enter upon similar expeditions, and the most important and beneficial results might be anticipated.

Mr. BURFORD must oppose the amendment, though not because he was indisposed to reward Mr. Stuart liberally. On the contrary he was disposed to do so as heartily as any other member, but still he thought they should guard against being too liberal. ("Oh.") The House should consider that they were not legislating even for the present but for subsequent generations. When he looked at the vast extent of a thousand square miles, it reminded him of a continental province, he might say a nation, and anticipating what might possibly occur in a few years, he had much hesitation in recommending an increase in the grant from 1,000 to 1,500 square miles. He thought 1,000 square miles would be an ample reward. He gathered from the correspondence which had taken place between Mr. Stuart and the Commissioner of Crown Lands, that it would be quite as much as Mr. Stuart would be in a position to stock, though backed by all the capital to which the hon. member Mr. Neales had alluded. He thought under such circumstances the House should be careful in extending the grant, and he would like to direct the attention of the House to one point, which he considered of great importance, and that was, that the grant should only be made subject to a verification of the report contained in Mr. Stuart's journal. The motion before the House did not contain that stipulation, and he was desirous that such a provision should be added. It would be remembered that only a short time ago Lake Torrens was described as being a paradise, with beautiful lakes, delicious water and scenery, and in fact everything to attract those who had a tendency to squatting habits; but after a short time all this vanished into mirage. Suppose, when that description was given, the House had met in session, and in the great exhilaration of their feelings had passed some such resolution as the present, how chagrined would they not have looked when they came to meet again, and found that the report given by Mr. Goodiar had vanished into thin air? He therefore proposed to add that the grant should be made subject to the verification of the statement of Mr. Stuart. The hon. member for the city (Mr. Neales) had said it was well known that Mr. Stuart was well backed up by capital. That might be, and no doubt there were one or two men of capital interested in this matter; but still he contended that the precaution which he had suggested was necessary. The hon. member for the City (Mr. Solomon) had, quite unintentionally, he was sure reflected upon the Commissioner of Crown Lands, when he had spoken of substituting 1,000 square miles for the 1,500 originally asked for by Mr. Stuart, but he believed that the Commissioner of Crown Lands had done his duty in the matter. The remarks of the hon. member (Mr. Solomon) had been that it would be a reflection upon that House if the grant were reduced to 1,000 square miles; and, consequently, it amounted to a reflection upon the Commissioner of Crown Lands who proposed the reduction. With regard to the remarks which had been made relative to exploring parties, it was true that we had hitherto been unfortunate, but still the Government must not give up such modes of legitimately opening up the country wherever inducements justified such a course. It might even be necessary to send out an exploring party to verify the discoveries of Mr. Stuart, or to ascertain what country there was beyond those discoveries. This was not an idle remark, for it was well known there was a strip of country in that neighborhood which we were desirous of obtaining from New South Wales for the purpose of attaching to this territory. He was as desirous, as any other hon. member could be of seeing Mr. Stuart properly rewarded, but he cautioned the House not to be extravagant in gifts. "Enough was as good as a feast," and he believed that the thousand square miles would be sufficient to satisfy all the desires of Mr. Stuart for life. Such being the case, the House had no right to legislate for his children or grandchildren. With the permission of the House he would move that the amount of land be one thousand square miles, and that the grant be subject to the verification of Mr. Stuart's statement.

Captain HART voted for the amendment, being satisfied that, if the House had divided previous to the discussion being made known, they would have voted a much larger remuneration for such a discovery. The real fact was, that all the advantages which may yet be derived from the discoveries which Mr. Babbage was now likely to make would arise from the discovery of Mr. Stuart. Mr. Babbage would never have penetrated so far without the information he obtained from Mr. Stuart, and Major Warburton had, it was understood, given his opinion to that effect. It was clear that the entire merit of these discoveries would rest with Mr. Stuart, as in all probability the term for which it was proposed to grant the 1,500 square miles in accordance with the amendment, would have long passed away without any discoveries having been made if it were not for Mr. Stuart. We would have known nothing of the country for four years but for that gentleman, as from the accounts received from the expeditions it was not likely that another would have been fitted out for some time. The entire merit rested with Mr. Stuart, and in reality the House would not be liberal enough in giving him a vote according to the terms of the amendment. (Hear, hear.) He (Mr. Hart) believed that no information which had been received with regard to the interior of the country since the establishment of South Australia was of so much importance as this. The fact that what we believed to be a desert up to the Gulf of Carpentaria, and which was supposed to be so by Mr. Gregory, was proved to be false, and that the desert within the discoveries of Mr. Stuart was bounded by really fine country, was most gratifying. He was certain this discovery would only be the commencement of others and that discoveries would yet be made in the same direction of land superior to any in either of the colonies—a country of unlimited extent and only unavailable owing to its distance from the sea. He hoped the House would be unanimous in carrying the amendment, for he was satisfied the Government would join heartily in supporting it by withdrawing the original motion, inasmuch as the only fear of the Government was that the House would not go to the extent of giving the amount which Mr. Stuart asked for. The very fact of the quantity of land applied for being so large showed the value of the discovery, for unless the country was of such a nature as it was represented to be the grant would be of no value at all. It was only in case the country was as good as Mr. Stuart represented it that the value of the grant could be considerable. The hon. member who had last addressed the House spoke of the value of the runs, but he (Mr. Hart) could not think what value the hon. member set upon them. After they were stocked they became more valuable to the country, but until they were stocked, they were neither valuable to the person who held them nor to the country. The sooner the country was stocked, and the greater the facilities given for occupying it, the better for the country. (Hear, hear.) He (Mr. Hart) would remove every difficulty in the way of stocking the country, and would hold out every inducement for the bringing from the other colonies the stock which we stood in need of.

Mr. BARROW said the question was, had Mr. Stuart discovered all the tract of available country which he reported; and next was it too much to allow that gentleman 10 per cent. of his discovery for a limited period, in order that he might put stock upon it, which the House might assess hereafter—(a laugh)—but for which at all events, he would pay a fair rent. (Hear, hear.) It might possibly be the case—though it was very unlikely—that this new country was a mirage, as the hon. member (Mr. Burford) had described it to be. (Laughter.) But if Mr. Stuart had only discovered a mirage, let the House give him 10 per cent. of his mirage, and he would soon find out that the compensation was as ethereal as the discovery. (Laughter.) If Mr. Stuart asked for a reward in hard cash, he (Mr. Barrow) might be inclined to meet the claim differently. In such a case, if they found that his country vanished on approach, and

"Like the baseless fabric of a vision,
Left not a rack behind,"

then indeed, they would be in the humiliating and mortifying position which the hon. member for the city feared they might be in now. But as Mr. Stuart asked his reward, not in cash, but in the occupation of the land, if the land was not available then it was Mr. Stuart himself and his backers who would be in the humiliating position which the hon. member described. The hon. member (Mr. Burford) also objected to increasing the extent of land to be placed at the disposal of Mr. Stuart, on the ground that surely every man should be satisfied when he had enough. (Laughter.) But when Daniel O'Connell was asked what was 'enough,'' he answered "a little more." (Loud laughter.) He (Mr. Barrow) did not know whether Mr. Stuart was avaricious or not, but in asking for the temporary use of 1,500 square miles, he had given a sufficient proof that he did not consider 1,000 miles enough. (Hear, hear.) He (Mr. Barrow) did not think it was worthy of the House to bargain as to the extent of country which Mr. Stuart should have—(hear, hear)—for the country would be as useless, until it was stocked, as it was before it was discovered. It was not discovery, but occupation, which would confer a value upon it. (Hear, hear.) Mr. Stuart sought to occupy the country, and although that gentleman only asked for 10 per

cent of the area, did any hon member believe that there would be immediately such competition, that if Mr Stuart got only 5 per cent, the remaining 95 per cent would be applied for and stocked by private enterprise (Hear hear) He (Mr Barrow) believed that if Mr Stuart got his 10 per cent, there would be plenty left for those who might afterwards apply, and, moreover, the fact of Mr Stuart, and those who backed him, stocking the country as he (Mr Barrow) knew they were prepared to do—(hear hear)—would draw large numbers in their wake who would not go by themselves (Hear, hear) It was not sufficient for Mr Stuart to have discovered the country, he must also lead the way into it For these reasons he (Mr Barrow) would allow Mr Stuart 1,500 square miles believing that there would still be plenty left for others, and they would at the same time secure a tenant for 1,500 square miles at the end of four years, instead of a tenant for 1,000 They should not run away with the idea that the country discovered by Mr Stuart, though available for pastoral purposes, would be highly valuable in a market point of view (Hear, hear) He (Mr Barrow) had been informed by an hon member that he had some time since sold to a well known member of the other House who had lately left for England a tract of 1,750 square miles on the Darling for £1,000 When he took these facts into consideration, it appeared to him that, so far from the demand of Mr Stuart being unreasonable, it was exceedingly moderate (Hear, hear) He would ask hon members supposing that, prior to any intimation being given of this discovery, Mr Stuart, or any other gentleman had come to the House and said, "I am of an enterprising turn of mind I have two or three good horses, and I have also a friend who is a good bushman I will go out to look for a new country It may probably turn out a mirage, but we will go at our own risk, and if we find any new country, will you allow us 10 per cent until we can stock it, and after a time pay rent for it?" If that offer had been made prior to the discovery, the House would have said "take 10, 20, or 50 per cent if you like Our object is to get the country occupied" (Hear, hear) Entertaining these sentiments, he should vote for the amendment. He quite agreed with the hon member for the city (Mr Neales) that no claims should be allowed to interfere with those of Mr Stuart, until it had been shown that they were of equal weight He (Mr Barrow) did not know who the other claimant could be, as he scarcely supposed that it could be any person who was engaged at weekly wages by Mr Stuart But no person whatever should be allowed to interfere with the well-established claims of Mr Stuart, until his claims also were well established, and fully tested He would freely reward any one who opened up the country which had too long been a *terra incognita*, and must support the amendment

Mr Peake also supported the amendment, or rather the motion, for the Government did not oppose it He was satisfied from the tone of the House that there would soon be a change in the unwise policy lately pursued on the land question He was glad the hon the Commissioner of Crown Lands was not going to carry out the policy which that hon gentleman had declared his intention of upholding in reply to a question of his (Mr Peake's) the other day, and that we were coming to a more rational system of dealing with the waste lands He would suppose the case of paying Mr Stuart in money for his discovery Mr Stuart declared himself ready to accept 3000*l* or the occupation of 1,500 square miles of the land Taking the cost of the expedition at 800*l*, Mr Stuart offered in fact to take 2,200*l*, or to pay after four years 750*l* a-year The House would see that this was giving Mr Stuart by no means a high rate of reward It would be a cheap bargain, and a good arrangement, and he should compliment Mr Stuart and those who acted with him, on the manner in which they had acted If they asked for money he (Mr Peake) should treat them in a different way, but when an enterprising man asked only a field to prove the value of his discovery, the House should not lose a moment in acceding to the request (Hear hear) He thought the 14 years' lease would be practically a delusion, and that it would never be granted, inasmuch as a subsequent portion of the resolution said that the lease was to be subject to such Crown Lands regulations as might be in force at the time of issuing it He (Mr Peake) believed the present system of leases would not be in force in four years time He believed they had taken the first step that day towards abolishing the 14 years lease, and he would ask the House and the Government to go with him in expunging them The House should not, therefore, pledge itself to granting a lease under a system which would probably not be in force With this exception he would support the motion before the House as he considered it only fair to encourage legitimate enterprise, and the House without being Quixotic or overrunning its proper limit, as it had been termed by the hon member (Mr Burford), could do so in this instance

Mr Neales rose to explain If the motion was altered to the effect proposed by the last speaker, it would amount to this—that Mr Stuart might as well at once claim his 14 years lease, and thus make sure of the land for 10 years subsequent to the four years which he required to stock it The grant would not be worth a farthing if not made in the words of the resolution, or to that effect, for if legislation took effect which would destroy any lease now in force, it would affect this lease also, notwithstanding anything the House or the Government could do to prevent it He hoped the House would never interfere with any leases once granted If the resolution were passed without a guarantee to Mr Stuart that at the end of four years he should have his lease, they would send away a discoverer actually disgusted with the action of the House (Hear hear) If Mr Stuart had made harder terms if he had sent a note down to him (Mr Neales) saying, "I am on my road down and I have discovered a certain thing, do you make a bargain for me" If Mr Stuart had done this, would not the House have jumped at an offer coming from him (Mr Neales) If the guarantee of the lease at the end of four years were struck out of the resolution, he would recommend Mr Stuart to apply for his lease at once, and if Mr Stuart afterwards applied for a money reward, perhaps the House would be so much ashamed of its treatment of him (Mr Stuart) that it would give him £3,000

Mr Hay supported the amendment, but there was one matter which he should most decidedly oppose, and that was the granting of an 18 years lease It might be put in any form the House pleased, but that was what the proposal amounted to The 12th clause of the Waste Lands Act said that no lease should be granted for a longer period than 14 years The hon member (Mr Neales) said, whatever was done, let the lease be granted from the present time He had no objection to give the land to Mr Stuart for the first seven years for nothing, but let the House not curtail the reward which any discoverer earned (Hear, hear) Still hon members who made the laws in that House should not be the first to break them—(hear, hear)—and the 12th clause of the Waste Lands Act was distinct enough (The hon member here read the clause) He would sooner see the extent of country increased to 2,000 square miles than that a longer lease than 14 years should be granted (Hear, hear) Let it be distinctly understood what was to be given when the vote was passed, and then Mr Stuart could not say four years hence that he had been treated in an improper manner The words "within the limits of his discoveries" should also be inserted in the resolution, although no doubt Mr Stuart intended to take his land within these limits There should also be a limit fixed within which Mr Stuart should mark upon the map the country he was about to take up This should be fixed say within 10 days or a month as at present Mr Stuart could mark it out at any time within four years, and in the meantime, parties might go to look at the country and find, on coming back that the part they wanted was one of the portions which Mr Stuart intended to take (Hear hear) Whilst giving a full reward to Mr Stuart or any other explorer the House should always meet those who made discoveries when they came down and announced them in a fair and liberal spirit

Mr Hawker would support the suggestion of the hon member for Gumeracha and he was aware that Mr Stuart would be willing to accept the terms proposed by that hon member, viz, that he should have a lease for 14 years from the present time, and the land free of rent for the first seven years He might say that, if hon members unacquainted with the bush were struck with this extraordinary exploration, he, who was well acquainted with the bush and the character of the country was much more surprised He had traced on the previous night Mr Stuart's journey, and he would say that for enduring courage, indomitable perseverance, and unmitigated pluck—(a laugh)—no such journey was ever made in this country (Hear, hear) Hon members knew that the country Mr Stuart found was good, but they did not know the difficulties and dangers he had to pass through in order to get there (Hear hear) When the journal was published they would see how he had pushed on for three or four days without water, and not knowing whether there was any in the country into which he was going Before he made Mr Gibson's station at Streaky Bay, on the 27th July he came upon the track of a horse, which gave him the idea that some one had been in that country before He could then retrace his steps to the settled country where he could relieve the necessities of himself and his companion, but instead of doing this, he struck out to the north-west, although he did not know whether there was any water in that direction On the 30th July, three days afterwards his man baked the last of their flour, 10 lbs weight, into two dampers, and this 10 lbs of flour was all that Messrs Stuart and Foster had to subsist upon until the 22nd August, when they reached Streaky Bay, All the provisions they obtained on the way consisted of a few Kangaroo mice a few wallabys and a crow—(a laugh) and he would ask if any hon gentleman in the House would not feel very hard up—(laughter)—if he was kept upon this stock of provisions for the same time (Laughter) So far from the demand of Mr Stuart being excessive, he thought that gentleman had evinced great moderation If, as the hon member (Mr Burford) said, the country was nothing but a mirage, in giving these 1,500 square miles of mirage the reward would be as misty as the country discovered He could not look on the matter from the same point of view as the hon member for the city (Mr Burford), as he considered the reward given to Mr Stuart should be proportionate to the benefit that gentleman had conferred on future generations Under the suggestion of the hon member for Gumeracha, if Mr Stuart did not stock any portion of the

country within seven years, that portion would revert to the Government, and Mr Stuart would derive no benefit from it. Hon. members might think it was a very easy matter to stock such a country, but as the nearest point of it was from 250 to 300 miles from Port Augusta, and there was 100 miles without water to be traversed, in order to get there, unless some new road was discovered from Fowler's Bay or to the north-east of Lake Torrens, there was no getting stock into the new country except in the very wettest part of the winter. He believed it would be many years before the country would be available for sheep, because of the difficulty of bringing down the wool, in consequence of the scarcity of water.

Mr. McELLISTER seconded the amendment of his hon. colleague. He objected to handing over so large a quantity of land to any individual. Before 18 years had passed we would have to bear a heavy burden of taxation, and therefore he could not see why we should give up the income derivable from the public lands. He would give a lease for 14 years, with seven years free, but no longer.

Mr MILDRED also supported the proposition of the hon. member for Gumeracha. It was an occasion on which the House should show that it would deal justly and liberally. (Hear, hear.) He would merely offer one suggestion. He hoped it would be distinctly understood that the land was to be stocked within four years and not within seven, as he could fancy great evils arising if this provision was not made.

Mr. SOLOMON said that when he supported the motion of the hon. member for Encounter Bay (Mr. Strangways) he saw nothing better before the House, but the proposition of the hon. member for Gumeracha was still more liberal and therefore met his (Mr. Solomon's) views better. He would therefore support the proposition of the hon. member for Gumeracha. He made this explanation to show that there was no inconsistency in the course he intended to pursue.

Mr. GLYDE asked the hon. the Attorney-General whether under the Waste Lands Act the Government could grant a lease without charging any rent, whether, in fact, the lowest rate at which a lease could be issued was not a rent of 10s. per square mile.

The ATTORNEY-GENERAL was disposed to think that an alteration in the regulations might be made which would have the effect of enabling a lease to be issued without payment of rent.

It being now three o'clock the Standing Orders were, on the motion of Mr. NEALES, suspended in order to allow of the debate being proceeded with.

The ATTORNEY-GENERAL resumed—As the rent was not fixed except in the case of mineral lands, it was not fixed in the case of pastoral country, an alteration in the Waste Lands Regulations might enable the Government to carry into effect the present intention of the House. If it involved only such an alteration the Government would wish to have the concurrence of the other branch of the Legislature. If, however, on further consideration, he should be of opinion that a Bill would be requisite for the purpose, it would, of course be necessary to obtain the assent of the other House. He should carefully consider the matter, and would take an early opportunity of informing the House how any address could be carried out, but his present impression was that the object could be effected without passing a new Act.

Mr. COLE said that, according to the resolution, the land was to be divided into blocks of 200 square miles but Mr. Stuart might take these in such a manner as to secure all the valuable country.

The COMMISSIONER OF CROWN LANDS pointed out that this was provided for by the resolution.

At this stage of the proceedings, Mr. STRANGWAYS withdrew his amendment.

Mr. HARVEY considered Mr. Stuart deserving of great credit for his discoveries, and in reference to the stocking of the runs, he knew that there were gentlemen connnected with Mr. Stuart who would be in a position to accomplish this in accordance with the resolution before the House. He would move that the resolution be amendeded in such a manner that Mr. Stuart should have a lease of 1,500 square miles for 14 years from the 1st January, 1859 the land to be rent free for the first seven years, to be stocked by the end of the fourth year and after the end of the seventh year to be subject to such regulations as may then be in force respecting the waste lands.

An amendment embodying these propositions was then drawn up and agreed to, and inserted in the original motion.

Mr GLYDE moved the insertion in the amended resolution of the words "described to the Government, and marked by Mr. Stuart upon his map of his explorations within three months from the 1st January, 1859."

The COMMISSIONER OF CROWN LANDS said that Mr Stuart was quite ready to mark out the runs at once, but it would do no harm to add the words though they were quite unnecessary.

Mr STRANGWAYS said it would be immaterial when Mr. Stuart marked out his runs as the date of all his leases would be from the 1st January, 1859.

Mr SOLOMON said that if Mr Stuart did not mark out his runs it might have the effect of deterring other persons from taking out runs. (Hear, hear.)

The ATTORNEY-GENERAL said it would be a wise precaution to insert the words unless some objection existed on the part of Mr Stuart, and so far from that being the case Mr. Stuart was prepared to mark out the runs immediately.

Mr DUFFIELD said that, though Mr Stuart was quite prepared to mark out his runs still the words should be inserted to remove obstructions from the way of other persons desirous of taking up country. He would, however, suggest an alteration of the date to the 1st January, 1859. Mr Stuart would be quite satisfied with that amount of time.

The suggestion was adopted, and the words so amended were inserted in the resolution.

Mr BURFORD suggested the addition of the words "subject to verification of the discovery." This addition could do no harm, and might prove useful.

Mr. REYNOLDS did not quite understand whether the hon. member (Mr Burford) intended to go up himself. (Loud laughter.)

Mr. BURFORD reminded the hon. member, that he (Mr Burford) had not yet sat down, but he would not detain the hon. member long. He was about to say there was a possibility—for he remembered a saying of the eminent writer Locke, that in temporal matters we are saved, not by faith but by the want of faith. (Great laughter.) Supposing that outside the 1,500 square miles there were not 2,000 square miles of good country, then we would be chiselled altogether—(great laughter)—and therefore he would move that the grant be subject to verification of the discovery.

Mr. REYNOLDS said if the hon. member (Mr. Burford) went to verify the discovery, perhaps the hon. the Commissioner of Crown Lands would go with him during the recess, and perhaps he (Mr Reynolds) might make a third for a pleasure trip to the desert. (Laughter.) He had not had an opportunity before of expressing an opinion on this matter, but he might now say he thought we should give the greatest encouragement we can to explorers, or rather to the squatters themselves to explore the country. (Hear, hear.) The explorations of Mr. Chambers, or he should say of Mr Stuart, had saved the country a large sum. We need not have sent out Mr Babbage or the other party which went after if we knew that the squatters themselves were exploring the country. 1,500 square miles seemed a very large tract of country, but we were in the habit of handing over hundreds of square miles as if we had a great deal of territory, and perhaps we had. He could not but be amused at the hon. member (Mr Burford's) reference to Lake Torrens, and the refusal of the Government to grant leases there. It would have been better to have allowed the gentlemen who applied to take out hundreds of square miles there, as by that means we would be in possession of a large revenue, which we had not now. Whilst he considered 1,500 square miles a large block, still we should not be niggardly in such a matter. We need not act like Jew pedlars—(loud laughter)—or persons of that sort, but should act with liberality.

The amendment of Mr Burford was negatived.

The original motion as amended was then put and carried without a dissentient voice.

The House resumed, and the report was brought up and adopted.

The COMMISSIONER OF CROWN LANDS moved that the resolution be referred to the Legislative Council with an address, requesting the concurrence of that hon. Chamber therein.

Agreed to.

The COMMISSIONER OF CROWN LANDS laid on the table Mr. Stuart's journal of his explorations, with its accompanying map, and moved that the former be printed and the latter lithographed.

The motion was agreed to.

SURVEY OF FOWLER'S BAY

The ATTORNEY-GENERAL laid upon the table of the House a return of some instructions given by the late hon. Treasurer with respect to the survey of Fowler's Bay, which were ordered to be printed.

COLONIAL DEFENCES

On the motion of Mr. HART, the bringing up of the report of the Select Committee on Colonial Defences was postponed until Wednesday.

THE ASSOCIATIONS INCORPORATION BILL

The second reading of this Bill was postponed.

SMILLIE ESTATE BILL

In Committee.

Mr. MILNE moved some verbal alterations in this Bill.

Clause 4 was recommitted, and in the second line, after the word "is," the words "lawfully executed" were inserted.

The clause was passed as amended.

The Preamble was recommitted, and in the second page at the 44th line after the word "certain," the words "the whole of" were inserted, and in the 42nd line after the word "Smillie," "bearing date to the 30th of June 1851." Another verbal alteration was made, and the preamble was passed as amended.

The title was reconsidered, and with a verbal alteration it passed as amended.

The ATTORNEY-GENERAL observed that it was his opinion that the principle the House should go upon in these cases was, that in enlarging the powers of trust deeds they should not

act in a manner that would defeat the original intentions of the testators He was satisfied with respect to this Bill that it would have no prejudicial effect

Mr STRANGWAYS said, after that expression of opinion from the Attorney-General, it would do away with many objections which he had previously raised

The House resumed

The SPEAKER reported the Bill with the amendments, and the adoption of the report was made an Order of the Day for Wednesday

DATE OF ACTS BILL

On the motion of Mr STRANGWAYS the further consideration of the Date of Acts Bill was made an Order of the Day for Wednesday

CIVIL SERVICE BILL

On the motion of the ATTORNEY-GENERAL the consideration of the report of the Committee of the whole House on the Civil Service Bill, was made an Order of the Day for Thursday

COUNTRY MAIL SERVICE

Mr HAY rose pursuant to notice to move—

"That, in all future arrangements of the mail service to the various parts of the Colony, regard should be had to the number of letters carried and expense of service, in deciding the extent of accomodation to be given to each district"

He said he had an amendment on his motion to propose, which was that after the word "accommodation" in the last line, the words "beyond a weekly mail" should be inserted He said that it had been a matter of frequent complaint that some districts enjoyed greater advantages in point of mail communication than others, though not more entitled to it in respect to their resources, than those which were neglected Persons interested in this had hitherto refrained from applying for redress as they did not know the real expenditure in mail communication in proportion to the income This was from motives of consideration, but he found from Council Paper 98, which hon members were no doubt fully familiar with, that the revenue was greatly in excess of the expenditure in the inland postal service generally There were several districts in which mail communication was well established, but in the North-Eastern District there was only a mail twice a week No doubt in this instance the expenditure was large, but there were other districts with a larger expenditure and a less revenue He thought that in deciding the amount of accommodation to be afforded to each district the amount of letters carried would form a very good criterion

Mr ROGERS seconded the motion, and thought that as the attention of the Government had been called to the matter, they would take steps at once to revise the existing regulations with regard to the postal service throughout the country

The motion was carried with the amendment proposed by the mover

WASTE LANDS REGULATIONS

Mr PEAKE moved, pursuant to notice—

"That, in the opinion of this House, the Waste Lands Regulations adopted and upheld by the present Government, fail to secure a fair and adequate revenue to the State, and do not recompense private individuals for their discovery of new country in a manner best calculated to reward them, and at the same time secure the public interest in their discoveries"

He stated that the reason he had tabled this motion was that some short time ago he had put a question to the Commissioner of Crown Lands, the scope of which was as to what policy the Government intended to adopt with respect to new discoveries of country—whether they would be considered under the present Waste Lands Regulations, or that new regulations would be introduced, and the answer he then received from that hon gentleman was that the Government did intend to deal with such cases under the existing Waste Lands Regulations But the flagrant impolicy of such a principle on the part of the Government had been clearly demonstrated that day, for the first time that hon gentleman was called upon to act in the cases he had suggested—that is, the new discovery of country—he had abandoned the policy which he had previously pledged himself to in favor of one bearing a more liberal construction This surely was a system of tergiversation He (Mr Peake) did not object to the new policy of the Commissioner of Crown Lands, for he was very glad to find that that hon gentleman was reforming his ways But he (Mr Peake) had tabled this motion also with the view of ascertaining from that House whether they approved of the existing system in the disposal of our waste lands, and if they did not, to ask them to express their disapproval He believed the existing regulations with regard to the disposal of our waste lands were most unthrifty and impolitic, and he considered the House could have no stronger argument in favour of this view than that every member of the Government, and the majority of the members of the House had decided that those Waste Lands Regulations did not provide an adequate return to the revenue in proportion to that contributed by other classes of property in the colony The House had affirmed, in the most clear and distinct manner, that the system was not a perfect one, and the Commissioner of Crown Lands had endorsed that opinion Next, as to whether an adequate amount was contributed to the State under these regulations He (Mr Peake) recollected that during the last session a castigation was inflicted by the now Commissioner of Crown Lands on the Treasurer, then Chief Secretary, and how he told him that he was pandering to public opinion—how he was studying popularity rather than consistency, when that hon gentleman (the then Chief Secretary) declared in favor of the popular feeling with regard to the Waste Lands Regulations Yet, nevertheless, that hon gentleman (the Commissioner of Crown Lands) now repudiated his formerly expressed convictions, and now asked them to do that which, on a former occasion, he had so determinately opposed He thought the House would admit that this was a very unwise and shaky sort of policy as exhibited by one of the members of the Ministry That hon gentleman (the Commissioner of Crown Lands) declared when the Assessment on Stock Bill was introduced, that the squatters did not pay their fair share towards the revenue of the province, and this opinion was endorsed by the hon the Attorney-General and every member of the Government

The ATTORNEY-GENERAL rose to a point of order He did not think the hon member was in order in referring to any debate which had occurred during the present session

The SPEAKER ruled that the hon member for Burra and Clare was certainly out of order

Mr REYNOLDS would then ask, with the permission of the Speaker, whether it was not in order to refer to what had transpired during the last or any previous session

The SPEAKER said it would be in order to do so.

Mr PEAKE resumed and said, he would then simply say that the Commissioner of Crown Lands did say what he had attributed to him But with regard to the ruling of the Speaker, he thought it would be impossible to elicit truth if hon members were prevented from referring to matters bearing upon the subject of their argument

The COMMISSIONER OF CROWN LANDS asked the hon member for Burra and Clare (Mr Peake), to read the question and answer which he referred to as printed on the records of the House

Mr PEAKE would read the question and answer (Read the question, the answer to which, from the Commissioner of Crown Lands, was to the effect that the action of the Government would be in accordance with the existing laws, and that the Government had no present intention of introducing new regulations) He (Mr Peake) would ask the House whether that answer did not infer that the Commissioner of Crown Lands intended to uphold the existing regulations, if it did not do so, there was no meaning in the English language, and they would have to go to school again He had said that every member of the Government had agreed that the squatters did not pay their fair share towards the support of the revenue, but it was intimated from the Commissioner of Crown Lands that the Government did not intend to alter the existing regulations in dealing with new discoveries ("No, no," from the Commissioner of Crown Lands) The hon Commissioner of Crown Lands said "no, no," and he might be right or he might be wrong, he might prove that a chesnut horse was a horse chesnut—(a laugh)—or the converse At the same time, to his (Mr Peake's) weak and inferior judgment it appeared that the Government were not acting consistently or properly The Waste Lands Regulations were, in principle, in direct contravention to the practice common to private estates No man would think of alienating his estate for a number of years at a mere peppercorn rental The landlord would, doubtless, make a proper allowance for the outlay on his property in the shape of capital and labor, but then he would look forward to the time when he would be able to come in and reap the benefit The House has been asked to go on with that very system which was tantamount to a tax upon property That system was an attempted justification of a tax upon the produce of land—which was a tax upon the consumer and not upon the producer He thought it impolitic that such an unthrifty system should be perpetuated For that reason he had tabled the motion now before them, and he hoped the House would go with him in endeavoring to do away with such an imperfect system, and in obliging the Government to deviate from the principles hitherto advocated by them

Mr YOUNG seconded the motion, and thought there was no time so suitable as the present for enunciating such a principle as that embodied in the hon member for Burra and Clare (Mr Peake's) motion The motion declared the present system to be inadequate, that had been affirmed by the majority of the House, and in order to meet this an assessment upon stock had been proposed This they were led to believe, by what had transpired within the last day or two, would be objected to, and some other means must be devised to satisfy the community It was not, he was sure, questioned by any hon member that the squatters wished to evade payment of just dues to the country, but the alternative that would have to be resorted to if the assessment were not assented to, would be that of altering the existing regulations Although the Commissioner of Crown Lands had denied the allegations of the hon member for Burra and Clare (Mr Peake) he (Mr Young) did not think the former hon member had got out of the difficulty, as he had shown so clearly to the House that day by the resolution which had been passed, that the existing regulations were totally insufficient to meet their requirements

Mr BAGOT would ask the hon member for the Burra and Clare what system he proposed to substitute for that which he denounced

The COMMISSIONER OF CROWN LANDS trusted the hon member for the Burra and Clare (Mr Peake) would not think he underrated his motion, because he thought there was not sufficient ground for assenting to it He would remark with regard to his expression of dissent by crying "no, no," when the hon member for the Burra and Clare was speaking, that it was simply a denial of the words attributed to him by that hon gentleman, and not a denial of his answer as given in the records of the House That answer was given in writing, and it would indeed have been strange if he (the Commissioner of Crown Lands) had repudiated it The hon member for the Burra and Clare (Mr Peake) had made two objections to the existing regulations The first was that they were unworkable, and the second that they did not provide a sufficient income to the country He had also said that this opinion had been endorsed by the House but if it were so he (the Commissioner of Crown Lands) was certainly in ignorance of it He would say in reply to that hon gentleman that he found those regulations worked well in the great majority of cases, and though there were occasional exceptions these were incidental to the drought which had taken place during the last season, and were not to be considered as forming any objection to the working of the system When he said a short time since that the Government were not prepared to alter the existing regulations, no inference could be drawn from that expression that he was now prepared to uphold them At the time that answer was given to the hon member for Burra and Clare, he (the Commissioner of Crown Lands) was conducting the negociation consequent upon Mr Stuart's discoveries, and he could not then say in what way the regulations might have to be altered to meet that case It did not however follow, that because he was not at the moment prepared to alter the regulations, that he intended to uphold them for the future if good grounds were shown for altering them hereafter for the benefit of the public Then, again, the hon member had alluded to the Waste Lands Regulations as not calculated to give a fair return to the revenue He (the Commissioner of Crown Lands) agreed to this being the case, but he would remind that hon member that these regulations only applied to new runs in distant districts, where the runs were so indifferent that it was imperative that every facility should be given to those willing to stock them, and these new runs could not afford to pay more than 10s a square mile, rent The Government, however, had not lost sight of the fact that the old-established runs did not pay a fair return to the revenue, which was evident by their having brought in a Bill to levy an assessment on stock But the feeling seemed to be against that They all knew that the leases of the old runs had six or seven years to run yet, and the Government had no power to increase the rental upon them They would therefore, have to wait until the expiration of the leases, when no doubt steps would be taken to establish the leases on a different footing, and obtain the full value from them It was utterly impossible to raise the rental during the currency of the old leases and for that reason the Government had introduced a Bill to provide for an assessment upon stock, but which by present appearances did not meet with acquiescence Everything had been done in fact to meet the deficiency which was in strict accordance with justice On the whole the regulations had worked well Such a discovery as that made by Mr Stuart might easily be legislated upon according to its merits, and he thought that the resolution passed that day by the House, conferring upon Mr Stuart a tract of country of an area of 1,500 square miles would form a very good precedent for action by that Legislature in any future discoveries of a like nature, and any discoveries of new country of a less important character, would be amply recompensed by the grant of a loan of 200 square miles without going to auction, as at present provided by the regulations

The ATTORNEY GENERAL would make a few remarks, as he had been alluded to in the discussion It would be in the recollection of that House that, when taking his seat, he stated that the policy of the Government would be not to throw difficulties in the way of the appropriation and stocking of new runs, but to offer every facility for the runs being taken up and partially stocked, and that, when the first difficulty was over, an assessment proportionate to the value of the run could be levied, by which the public interest would be secured, and no obstructions thrown in the way of the settlement of the runs He thus distinguished the difference between that principle and the policy adopted by his predecessors, in refusing to grant land on the easy terms before mentioned The regulations had been drawn up with the view of offering every justifiable facility for the stocking of the runs, subject to a reasonable assessment after the first difficulties had been overcome The hon member for Burra and Clare (Mr Peake) had said that these regulations were unworkable, but he would tell that hon member that no general regulations possible to be framed by finite beings would have the effect of providing for every contingency or of meeting the conflicting differences of opinion which would operate upon them

Mr PEAKE briefly replied, and recapitulated his views on the question His reason for bringing forward this motion was that such a system as that now existing might not be perpetuated He urged upon the House the necessity of so expressing their disapproval that the Government might be induced to remodel the existing regulations

The SPEAKER put the motion, which was negatived without a division

The House then adjourned to Wednesday at 1 o'clock

LEGISLATIVE COUNCIL

WEDNESDAY, NOVEMBER 10

The PRESIDENT took the chair at 2 o clock

Present—The Hon the Chief Secretary, the Hon Capt Bagot, the Hon Major O'Halloran the Hon Capt Scott, the Hon S Davenport, the Hon H Ayers, the Hon Dr Everard, the Hon A Forster, the Hon Dr Davies, the Hon Capt Hall, the Hon J Morphett, the Hon E C Gwynne, and the Hon the Surveyor General,

THE PUBLIC WORKS BILL

The Hon Major O'HALLORAN had a very important petition to present, from the Associated Chairmen of District Councils, representing the whole districts of the colony The petition was signed by 21 District Chairmen, and prayed that the Council would not pass the Public Works Bill in its present shape, but would omit the Central Road Board from its operations

The petition was received, read, and ordered to be printed

The Hon Major O'HALLORAN presented a petition upon the same subject from the Chairman of the District Council of Aldinga He remarked that the petition sung the same song as the preceding one, eulogising the Central Road Board and praying that it might not be dissolved

The petition was received, but upon being read, proved to be informal, and was consequently withdrawn

The Hon Dr EVERARD presented a petition upon the same subject from the District Council of Noarlunga, praying the House not to pass the Public Works Bill in its present shape, but to exempt the Central Road Board from its operations

The petition was received, read, and ordered to be printed

The Hon A FORSTER presented two petitions upon the same subject from 115 rate-payers in the hundred of Talunga, praying the Council not to pass the Public Works Bill in its present form, but to exempt the Central Road Board from its operations

The petition was received, read, and ordered to be printed

BILLS OF EXCHANGE BILL

The PRESIDENT announced the receipt of a message from the House of Assembly, intimating that they had agreed to the whole of the amendments made by the Legislative Council in the Bills of Exchange Bill

MR STUART'S EXPLORATION

The PRESIDENT announced the receipt of a message from the House of Assembly, intimating that the Assembly had adopted an address to His Excellency the Governor, requesting him to take the necessary steps to effect an alteration in the existing Waste Lands Regulations, with the view of granting a lease of certain lands to Mr J M Stuart in the country recently discovered by that gentleman

PUBLIC WORKS BILL

The Hon A FORSTER presented a petition from the District Council of Mount Barker, praying that the House would not assent to any alteration in the constitution of the Central Road Board, except such as was indicated in the petition

The petition was received, read, and ordered to be printed

The Hon H AYERS presented a similar petition from the Mitcham District Council, which was received, read, and ordered to be printed

THE INSOLVENT ACT

The Hon H AYERS gave notice that on Tuesday next he would move an address to His Excellency the Governor, requesting him to lay on the table copy of the despatch received from the Secretary of State on the subject of the Insolvent Act, and suggesting alterations therein, and the opinion of the Hon the Attorney-General thereon

PUBLIC WORKS BILL

The CHIEF SECRETARY, in rising to move the second reading of the Public Works Bill, said the House were probably aware that it was a Bill to bring the great public works of the colony, namely, the construction of main lines of road, the management of railways, the improvement of the harbor, and the construction of waterworks, under the direct management and control of the Commissioner of Public Works He did not wish to imply that the previous management of these works had not been perfectly right and proper On the contrary he believed that the works to which he had referred had been well managed by the Boards having the control of them, but hon members would recollect that the constitution of the present Boards had been effected at a time when the character of the Government was different, the Executive of that day were not in any way responsible to the Legislature It was thought that better management and control would be effected by the large expenditure upon these great public works being directly under the responsible Minister of the Crown, the Commissioner of Public Works He was informed that a considerable saving would be effected by the passing of the present Bill, as the various offices of secretary, clerks &c attached to the existing Board would be abolished It, how-

ever, he might judge from the number of petitions which had been that day presented, it appeared there would be considerable opposition offered to the second reading He would suggest that the House should assent to the second reading, and that such alterations should be effected in Committee as appeared to be in conformity with the views of a majority of the House If the House of Assembly did not agree to the amendments which were made by the Council, it was still possible that upon a conference a Bill might be passed which would give satisfaction to all parties

The Hon H AYERS seconded the motion for the second reading

The Hon Captain BAGOT did not rise for the purpose of opposing the second reading of the Bill, but would take that opportunity of stating that he did not oppose it simply because he had given notice of his intention if the Bill were proceeded with, to propose amendments which would altogether alter the character of the Bill He thought from the expression of public opinion in reference to the usefulness of the Central Road Board, of which such ample evidence had that day been afforded by the presentation of petitions, praying the Council to exempt that Board from the operations of the Bill, that the Council would agree with him to abolish that Board would be very unwise He had hoped that when the Chief Secretary brought forward this measure he would have shown just grounds for the sweeping alterations proposed by the Bill in vesting all the powers at present possessed by these Boards in the Commissioner of Public Works He was not prepared to say that the various Trusts and Commissions which were included in the Bill were the very best that could be constituted, but having been established and having worked well, he thought it would be extremely unwise to take the works upon which they were at present engaged from under their management, particularly as all these works would shortly have a termination, and were not to continue for ever, or for any lengthened period The Chief Secretary had stated that under responsible Government it was desirable that the Commissioner of Public Works should have the entire management and control of public works but he begged to differ altogether with the hon gentleman, believing that though the Commissioner of Public Works should have the control and supervision of such works the management should not be undertaken by him It was impossible, indeed, that the Commissioner of Public Works could undertake their management, and, consequently, if it were nominally vested in him, they must in reality be undertaken by some one appointed by the Commissioner of Public Works If the various Commissioners and Boards at present existing were displaced, some one else must be appointed, there must be some head to look after the management of the various departments, therefore, he thought it would be very unwise to displace the present parties, who had been tried, for the purpose of appointing others Nothing had been shown in that House or elsewhere that he was aware of to convince him that such a course would be desirable, and he was prepared with some amendments which, if the Bill were read a second time, he should move in Committee, and he believed they would be found to carry out the prayer of the petitions which had been presented that day It might be necessary that there should be some alteration in the Central Road Board, but all he thought must admit that it would be unwise to abolish it The great objection which had been raised to the Central Road Board was that it was not sufficiently responsible to the executive Government, and to remedy that he had drawn up amendments which would be found upon the table of the House His object was to place the Commissioner of Public Works in the position of General Supervisor and Comptroller of all the public works that he should be enabled to enquire at any time into all matters connected with them, and that he should have power of inspection either by himself or others It was essential that the Commissioner of Public Works should be placed in this position in order that he might be prepared to afford the Legislature the fullest information upon all matters with which expenditure upon public works was at all connected In the printed amendments upon the table of the House, he felt that he had not gone far enough in explaining as he ought, what he considered to be the duties of the Commissioner of Public Works, and he was therefore prepared to move an addition to the first clause, if the House determined upon considering the Bill in Committee He would not oppose the second reading, but if the amendments which he intended to propose were not acceded to, he should be compelled to join in voting that the Bill be read again that day six months

The Hon A FORSTER had no desire to oppose the second reading, if it could be shown that by going into Committee there was a better chance of an understanding being come to than by throwing the Bill out at once He felt, however, that he was bound to oppose the Bill in the absence of all explanation of the benefits which they had a right to expect from it (Hear, hear) The Chief Secretary had stated that dissatisfaction had been expressed at the expensive mode in which public works had been conducted under the administration of Boards, but suppose that was the case, and that dissatisfaction existed to a large extent the hon gentleman had not intimated in what way it was intended by the Bill before the House to remedy this The hon gentleman had not shown in what way public works would be more efficiently conducted for the public service by the present Bill, but, on the contrary, he had borne complimentary testimony to the manner in which public works had been conducted by the means of existing Boards Not having shewn that they would be better conducted by the sole and arbitrary administration of the Commissioner of Public Works and seeing that the Bill involved most sweeping and important changes, he felt bound to oppose the second reading of the Bill, though he should be exceedingly glad if the Chief Secretary would give such information to the House as would satisfy him, that the plans proposed by the hon gentleman were better than those which he proposed to supersede He should be glad if he were able to vote for the second reading in order to assist the Government in carrying out some arrangement for the better conducting of public works At present he simply asked for information, reserving what he had to say for another opportunity From present appearances, however, and the expression of public opinion, he was inclined to object to the Central Road Board being included in the Bill Generally he should be disposed to accept gratuitous services, or next to gratuitous services from practical and experienced persons, and he believed a large amount of valuable service, gratuitous service was rendered by the Chairmen of District Councils in connection with the operations of the Central Road Board For a compensation merely nominal he believed that several members of that body were rendering good service to the country He should certainly hesitate before he transferred the usefulness of that Board to the Commissioner of Public Works, until he knew how that power was to be exercised

The Hon Mr GWYNNE upon entering the House, felt indisposed to take any part in the discussion, feeling that the question was of such great importance, and had probably been so well considered by other hon gentlemen, that it would be indiscreet for him to take any active part upon the present occasion From the speeches which he had heard delivered, however, since he had been in the House, he saw his way clearly as to the course he should take in this instance It was a most refreshing circumstance to hear the Hon Mr Forster advocating a preservation of the existing institutions till he was assured that some benefit would result from a change He was opposed to setting aside institutions which had stood the test of experience till those organizations, as he might term them, which it was proposed should supersede existing institutions, had been shown to possess some advantages over existing systems Those were the principles which he (Mr Gwynne) had always entertained He objected to change merely for change sake He objected to make changes in any existing institution shewn to work moderately well till he had been fully satisfied that the scheme which it was proposed to substitute would, in all probability, work better than that which it was proposed to set aside That was the great principle which he had ever advocated, and to which he was glad to see that the Hon Mr Forster had become a convert Without calling the attention of the House to all the Boards which were referred to in the present Bill, he would particularly allude to one, but his remarks would more or less apply to the others The Central Road Board was that to which he would particularly direct attention That Board had existed for some time, and was organised upon a popular basis It depended upon election by the people, and to a great extent possessed the public confidence When the Board was first formed it did not obtain the amount of confidence which it at present possessed, but after the whole organization had been gone through, after the members had obtained a certain amount of experience, had exercised a sound discretion in the selection of officers, and had, in fact, gone through a long, expensive, and painful process, they attained some of the attributes of perfection, and hence the increased confidence which they had obtained The Board throughout its ramifications had performed its functions creditably, efficiently, and to the public satisfaction, and he should be extremely loth to throw money aside which the Board had expended in litigation alone, in preparing their forms, for instance, construing their Acts, and various other matters connected with their organization The Board had learnt what its powers were, they had learned that they were dependent upon public opinion, they had bowed to that opinion, and when it was found that it worked so well, and afforded so much satisfaction, he could not vote for abrogating it until he had been fully informed of the extent of the power which the Minister of Public Works would have under him in carrying on the onerous duties of the Central Road Board As regarded that Board, he should certainly give the Bill his opposition, and the remarks which he had made in reference to that Board were to a considerable extent applicable to other Boards, which it was proposed to set aside He thought the best plan would be to throw out the Bill, and he should go with that vote if he found it were the general sense of the House.

The Hon J MORPHETT would make a few observations upon this most important Bill He would state at the commencement that he should decidedly oppose the Bill He did not know whether it could be shewn that it would be desirable to go into Committee, but as the Bill at present stood, he was quite prepared to vote against it He should do so principally upon the grounds which the Chief Secretary had advanced in favour of the Bill, that is, that the whole power

and responsibility would be thrown on the Commissioner of Public Works. No man could effectively perform the functions of the various Boards and Trusts. If the hon. gentleman spoke of responsibility in a parliamentary sense, he contended that the Commissioner of Public Works was responsible now, and not only the Commissioner of Public Works, but the whole of the gentlemen upon the Ministerial benches. Those honorable gentlemen were bound to satisfy Parliament that public works were properly and efficiently done. He believed that the work performed by the various Boards included in this Bill was effectively done. He fully agreed with the remarks of the Hon. Mr. Gwynne, in reference to the Central Road Board, and although he did not know much about other Boards he believed the various works which were undertaken by them were most effectively done. One object in going into Committee would be to consider the amendments proposed by his honorable friend Captain Bagot. He was not quite sure whether those amendments amounted to a practical proposition, or whether they would tend to throw greater responsibility upon the Commissioner of Public Works than at present. He did not clearly see the benefits which would be derived from the clauses which it was proposed to introduce, but he was quite sure he would oppose the Bill as it at present stood. If the Hon. Captain Bagot thought it was desirable to go into Committee for the purpose of considering the resolutions of which his hon. friend had given notice he should have no objection, always however reserving to himself the right of moving that the Bill be read again that day six months.

The Hon. Captain HALL, in rising to remark upon the second reading of the Bill, would observe that, so far as the title of the Bill was concerned, it proposed to do what was highly desirable—more efficiently and economically to conduct public works; but that assumption was unsupported by facts. The hon. the Chief Secretary had stated that the works were most efficiently conducted by the present Boards, and had not shown how they would be more efficiently conducted under the management which it was proposed to substitute, namely, that of the Commissioner of Public Works. No machinery was set forth in the Bill to replace the system which it was proposed to pull down. The hon. gentleman was not prepared to show any other erection which could be raised. The House must not take all for gospel that they heard. Several memorials had that day been presented to the House reflecting high credit upon the Central Road Board, yet it was proposed by the Bill before the House to abolish that Board. The hon. the Chief Secretary was himself a member of another Trust, of the working of which he must have had experience, and he believed the hon. gentleman could not charge his conscience with any mismanagement. It appeared to him not within the range of possibility that one individual could overlook the whole of the public works of this colony. He would require the stride of Colossus, the eyes of Argus, more than the universal genius of the Admirable Crichton, and still not have sufficient power to carry out the provisions of this Bill. Supposing, however, that some Commissioner of Public Works should have the modesty to undertake what would be required of him by this Bill, what would be the effect of this centralization of power and patronage? Would the Bill before the House secure the more efficient and economical conduct of the public works? Would the public service be protected by it? He very much feared that directly the reverse would be the case. The responsibility of the Commissioner of Public Works to the Legislature in reference to public works could not be doubted. What then did the Bill propose to effect, if the Commissioner of Public Works was already responsible? He (Capt. Hall) was a member of one Board, and he could only say that he considered that Board responsible to the Commissioner of Public Works, and that hon. gentleman was in a position every day, if he liked, to demand of the Secretary and Chairman that they should report their proceedings to him day by day. It was very desirable, he thought, that the Bill should not be thrown out altogether, but that something like amendments of which notice had been given by the Hon. Captain Bagot should be introduced for the purpose of setting aside any doubt as to the responsibility of Boards to the Commissioner of Public Works. Some Boards had afforded information to the Commissioner of Public Works as a matter of courtesy, but he thought they should understand that they should do so not merely as an act of courtesy, but as a matter of duty to the Commissioner of Public Works. He thought that was the only ground upon which any alteration should be effected. The Board with which he was connected had never understood otherwise, but if that point were cleared up there would be no necessity for the Bill before the House, and he should oppose the second reading.

The Hon. Captain SCOTT had expected, when the Chief Secretary moved the second reading of the Bill, that it would have been found the hon. gentleman had some heavy charges to bring against the Boards, Trusts, or Commissioners at present existing, and that it would not have been attempted to effect the changes proposed by the Bill before the House without there being some objections to the present systems. No such objections, however, had been pointed out by the hon. the Chief Secretary, nor had any charges been made against the existing Boards, many of which had been in existence for a long time without any complaints having been made respecting their proceedings. It appeared that the change which this Bill sought to effect was merely a change for change sake. He believed that it was very desirable that every person or every body of persons to whom public money was entrusted for the purpose of carrying out public works, should be responsible to the Minister of the day, that he should be prepared at any time to call for the fullest information in reference to such expenditure, in order that he in return might account to the representatives of the public, whose money these various Boards had been using. The Bill proposed that one thing should be given up, but it did not state what the public were to receive in return which would be for their benefit. The House had not been told the particulars of the new plan which it was proposed to substitute for the present one. All that they were told was that the Commissioner of Public Works was to have a good deal to do, or which must be done by those whom he appointed over one place or the other. He could not see what improvement the plan proposed would be upon the existing system; on the contrary, he believed that the effect would be directly opposite if they were to put all those works under the Commissioner of Public Works, which were now undertaken by the various Boards which this Bill proposed to abolish. It was quite clear that the Commissioner of Public Works could not personally superintend these various works, but that he must appoint some person to superintend each of the works which were now managed by Boards. The Commissioner of Public Works could not be in every place, and it was clear that his judgment must be guided in a great measure by the opinions of the party whom he appointed. No doubt the Commissioner of Public Works would for his own sake be careful in selecting the best men to take charge of the various departments, but he must be guided by their report. He felt that this was a question which affected the interests of the country to a great extent, and the country should have some better security for the economical and proper conduct of public works than was proposed by this Bill. Moreover before the House could assent to this Bill it should be shewn that there was a greater probability of the works being better managed by the single person in each department appointed by the Commissioner of Public Works to superintend them than by the Board at present constituted. He believed that the very reverse would be the case. If it should be said that the Government might appoint one or more individuals to Boards or Trusts who were not quite competent, still, although they were not quite competent he would ask if the inexperience of the party appointed by the Commissioner of Public Works would not be quite as injurious to the good working of the Board or Trust as though the Commissioner of Public Works had the whole management himself. If this party appointed by the Commissioner of Public Works were incompetent, or had a particular leaning, he might inflict paramount or permanent injury in the one case, whilst only partial injury could be inflicted in the other. Then again, the individual, let him be as upright as possible, might commit an error in judgment, and he would have no one to consult with, but it was not the case with a Board, for if an error in judgment was committed by one member, it might be corrected by his colleagues. The hon. the Chief Secretary had said that this Bill would effect a saving in the management of works which were now managed by Boards or Trusts, but he (Capt. Scott) was at a loss to see how this could be. He was persuaded, indeed—though perhaps it might be contended that he was not competent to form a correct opinion—that the very reverse would be the case. He felt satisfied that the business of the Board of which he had the honor to be a member if conducted by a private individual, would be very much more costly. The whole of the members of the Board received for their labors a sum in the aggregate which would not be sufficient properly to remunerate by one-half an individual as the head of the department. Supposing for instance, that the Central Road Board were done away with, it would be impossible that one individual could superintend the whole of the operations, and precisely the same number of clerks and officers as at present must be retained. The fees which were paid to members of the Board would, he felt assured, go but a small way to pay one individual as the head of the department; consequently where would be the saving? Under the proposed system, the country would not have the same security that the works would be properly done as at present, for upright as the individual upon whom the management devolved might be, he was liable to commit an error in judgment—far more liable than if there were four or five other individuals with whom he could consult. All that he wished was that Boards should know that they would be compelled to lay out public money for the purpose for which it was voted, and that if at any time they should omit to do so they could be called to account. He was not sure how other Boards were managed, but he could only say that the Board of which he was a member, before commencing any work, furnished the Government not only with a plan of the work which they proposed to undertake, but an estimate of the cost was submitted to the Government, and the Board were not in a position to do anything or to obtain a sixpence until the plan and estimate had met with the approval of the Government. There was a complete understanding that they were under the control of the Government. Besides this the Bill came before the House now as if all the works which had been performed by the Government had been done so well and so economically

that there was just cause for censuring all Boards for the extravagant and inefficient manner in which works performed by them had been executed. Now they had only to go along the coast and every jetty which they came to would rise up in judgment against the Government as the most useless, costly, and unsatisfactory of any public works which had been constructed in the country. He thought the Government should set the example and be able to say we can perform works so cheaply and so well, whilst Boards are so extravagant and so unsatisfactory that we must dispense with them and take the management on ourselves. But could they do so at present to justify such a Bill as this? Why, the very reverse was the case. The Chief Secretary had made out no case to warrant the passing of the Bill before the House, but he should like all Boards and Trusts distinctly to understand that they were so far under the control of the Government that they could not lay out sixpence of the public money except as Parliament intended it should be laid out at the time it was voted. He should like to hear what other hon. members had to say upon the subject, but at present his feeling was to oppose the Bill; if, however, any more light could be thrown upon the subject he should be glad to hear it.

The Hon. H. AYERS supported the second reading of the Bill, principally for the purpose of getting it into Committee. He did not mean to cast any reflection upon the management of Boards, and, indeed, thought it rather unfortunate that the hon. member (Captain Scott) had drawn comparisons between the operations of Boards and the Government. No doubt, if an investigation were held, it would be found that sometimes works undertaken by Boards were defective, as well as those undertaken by the Government. An instance had indeed recently occurred, a portion of the works undertaken by the Waterworks Commissioners having proved very defective. He did not think, however, that had anything to do with the question; but the great question was, the responsibility of these Boards and Trusts. He understood there was no direct responsibility on the part of these Boards to the Government, and that impression was strengthened by the contingent notice of motion given by the Hon. Captain Bagot. It seemed by the clause it was intended to add, if the Bill ever reached Committee, that it was intended to give—not direction or control—but supervision only, if he understood the clause. This was a strong proof, to his mind, that he was right in assuming that Boards were not responsible at present. If the Bill passed its second reading, he should be happy to make such alterations in reference to the Central Road Board and others as would make them more responsible, as at present he understood that the Board could give their clerks what salaries they liked. He objected to this as he considered the Central Road Board as much a Government establishment as the Treasury or the Custom-House. It was likely to create great dissatisfaction where there was a difference in the salaries paid by such Boards and in other Government establishments. He wished the various sums which were required to be submitted to Parliament, and also the salaries which it was proposed to pay to officers. He should have no objection to vote for the measure in that form. The only reason that he had for voting for the second reading was, that the House might go into Committee and endeavour so to moderate the measure as to make it conform to the wishes of the various petitioners who had addressed the House upon the subject. Every petition, he believed, which had been presented to the House, urged that the Board should be made responsible but did not wish that it should be removed altogether, and placed solely under the control of the Commissioner of Public Works.

The Hon. Mr. GWYNNE asked if any amendment was before the House.

The PRESIDENT said that there was not.

The Hon. S. DAVENPORT said that the course which he intended to pursue was to vote against the second reading. If, however, any doubt existed amongst members of the Government, as to the individual member connected with public works requiring legal powers of which he was not at present possessed, he should be most anxious to introduce a law to give him the required facilities. He took that to be the expressed opinion of the House. Before he came to the House he made up his mind not to oppose the second reading, but in Committee to support to some extent the amendments of which notice had been given by the Hon. Captain Bagot, which he thought would prove desirable, but he would suggest to the Chief Secretary that he should withdraw the present measure, and when the Government had recognised where the feebleness of the Minister in connection with public works existed, they could then introduce a measure to give that member of the Government his proper powers. He never liked to oppose Government unless he felt it necessary. He liked a Government to be strong, and believed that the better they were supported the better it was for the community. He felt happy on this occasion in reflecting that he was not opposing a measure upon which the Government were unanimous; for however much the Chief Secretary might have done his duty in introducing this measure, as a member of the Government he felt assured from what had fallen from the hon. gentleman that all the members of the Government did not go with it. For a short time he held the office of Commissioner of Public Works, and from the slight experience which he then gained he felt assured that no one person could take charge of the whole of the public works referred to in this Bill. The Commissioner of Public Works was a responsible Minister of the Crown, and was not selected for his ability to conduct public works, but he was a political party, and as such parties were changing, the probability was that a party would enter upon office with antagonistic views to his predecessor. The result of such an arrangement as that proposed by this Bill would consequently be that there would soon be confusion, the officers would be at loggerheads, and great loss and suffering would accrue. It would be impolitic for the Government to bring themselves into direct communication with the parties affected by the class of works undertaken by Boards. Those works were not public works of an ordinary character; they were not the mere building of public institutions, or of Houses of Parliament, but they were public works for which the community were directly taxed. It was, therefore, impolitic for the Government to bring themselves into such direct contact with the community. It was impolitic to introduce a measure of that kind; and as he liked to see a Government strong he raised the objection to the second reading. He sympathised with the Chief Secretary when that hon. gentleman moved the second reading of the Bill, for he could not but recollect when he (Mr. Davenport) was placed in a similar position, when he introduced a Bill of the same kind, feeling at the same time that he could not support it, as the then existing Boards were really doing so well. He said little upon the occasion, but merely introduced the measure and on that occasion the Chief Secretary opposed it. It would be a bad compliment to the hon. gentleman to suppose that he had not grown wiser since. He moved that the Bill be read a second time that day six months.

The Hon. Major O'HALLORAN seconded the amendment.

The Hon. Captain FREELING supported the second reading of the Bill. It appeared to him that the country generally were of opinion that the Commissioner of Public Works should be in a position to demand information which at present was only afforded by courtesy. The Commissioner of Public Works had no power which he was aware of, particularly in connection with the Central Road Board and Railways, to demand the information which he desired, nor could he interfere in the execution of any works; thus these Boards might perform what work they liked, quite irrespectively of the authority of the Commissioner of Public Works. It appeared to him a fallacy to expect responsibility on the part of the Commissioner of Public Works when they did not give him power. He believed the railway management had induced the Government to introduce this Bill. A former Commissioner of Public Works endeavored to enforce certain views which were not entertained by the Railway Commissioners, and it appeared the Commissioner of Public Works was powerless. The Central Road Board was very much in the same position, being irresponsible to any power but themselves, as those representatives who were selected by the District Councils must remain in during the period for which they were elected. If it were expected that the Commissioner of Public Works should be responsible, it was only reasonable that he should have full power. In departments where there was only one executive officer he would endeavor to understand his business, and immediate action could be brought to bear upon him upon all subjects entrusted to him. It had been said that the Central Road Board was working so well that there was no necessity for an alteration. It was to a certain extent popular; but it should be remembered that only a short time ago the Board was execrated from one end of the country to the other. Everything that the Board did was wrong, or at least it was said so, and he was at a loss to judge how it was that it had become popular, for there was the same executive as before, the same division of work, and the same number of persons constituted the Board. There were also the same rules in existence as when the Board was so unpopular. The Board, though carried on in the same way as at present, might become as unpopular as before. He did not place much reliance upon its popularity. Questions coming before the Board were more or less of an engineering and scientific character, and if these were discussed by qualified persons a true result was more likely to be arrived at, than if they were dealt with by parties unfitted by education for the consideration of questions which required persons of peculiar and scientific education to understand them. He trusted the House would not throw out the Bill.

The Hon. Dr. DAVIES recapitulated some of the remarks of the Hon. S. Davenport and the Hon. the Surveyor-General, and remarked that the reason the Central Road Board had become popular probably was that they had had a lesson taught them. He believed that in connection with that Board and the Harbor Trust were gentlemen, in whose knowledge of the works which they were called upon to perform they should have every confidence. He was not prepared to go against the sense of the country at large, and the Central Road Board should certainly be excluded from the operations of the Bill. He should oppose the second reading.

The Hon. the CHIEF SECRETARY said in reply that he introduced the Bill as a member of the Government. He would remind the House that an entirely different state of things existed now to that which existed when the Boards which had been referred to were created. Hon. members generally appeared to agree that certain Boards should be made more responsible to the Minister of the Crown in connection with public works than they were at present, and

feeling that, he could not think they would act wisely in opposing the second reading of the Bill, but they could move amendments in Committee He hoped the House would reconsider the decision at which they appeared to have arrived, and agree to the second reading of the Bill

The second reading was in fact lost by a majority of 10 to 3, the votes upon the motion that the words proposed to be omitted stand part of the question being—Ayes 3, Noes 10, as follows —

AYES—The Hon Captain Freeling, the Hon H Ayers, the Hon Chief Secretary (teller)

NOES—The Hon Messrs Gwynne, O'Halloran, Everard, Scott, Bagot, Davies, Forster, Morphett, Hall, Davenport (teller)

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

Upon the motion of the CHIEF SECRETARY the House went into Committee upon the Railway Clauses Consolidation Act Amendment Bill, when

Dr EVERARD renewed his objection that the proposed ditches at level-crossings would not afford sufficient protection to life and limb, and intimated that he should vote against the Bill

The Hon Dr DAVIES remarked that the system of ditches had not been adopted in England, and he thought it should be tested here in the outer districts before the gates which already existed were removed He therefore moved that neither the gates nor the gatekeepers be removed until the efficacy of the proposed plan had been tried

This proposition was declared lost, upon which the Hon Dr DAVIES called for a division, when the votes—Ayes 2, Noes 11, were as follow —

AYES 2—The Hon Dr Everard and the Hon Dr Davies (teller)

NOES 11—The Hon Messrs Gwynne, Ayers, Davenport, Freeling, O'Halloran, Scott, Hall, Morphett, Forster, Bagot, the Chief Secretary (teller)

The Hon Dr EVERARD moved a further amendment to the effect that all district roads abutting upon any railway should have a swing gate in addition to the ditches contemplated by the Act, such gates to be without gatekeepers, and to be opened and shut by the passers by

The Hon S DAVENPORT seconded this proposition, remarking that any one acquainted with cattle must know that there was no place to which they were more likely to take themselves than the elevated gravel which constituted the railway line

The Hon Captain FREELING thought the remedy worse than the disease, for a person passing through these gates in a carriage would have in reality to cross the railway five times instead of once for the purpose of opening and shutting the gates, and each time he would run the risk of being run over by the train

The Hon Captain SCOTT wished to know at whose expense the gates were to be maintained, as the probability was that from the carelessness of parties in leaving them open they would soon be smashed

This proposition was declared to be lost, upon which the Hon Dr EVERARD called for a division, when the votes were—Ayes 4, noes 10, as follows —

AYES—The Hon Captain Hall, the Hon S Davenport, the Hon H Ayers the Hon Dr Everard (teller)

NOES—The Hon, Messrs Scott, Davies, Forster, O'Halloran, Morphett, Bagot, Gwynne, Freeling Chief Secretary (teller)

Some verbal alterations were made, and at the suggestion of the Hon E C GWYNNE, the words "at his discretion" were introduced in order to remove all doubt as to the power of the Commissioner of Public Works to retain what gates he thought proper

The Bill having been reported with amendments the report was adopted, and the third reading was made an Order of the Day for Tuesday next

SUPREME COURT PROCEDURE ACT AMENDMENT BILL

The Hon J MORPHETT, in moving the second reading of this Bill, said that its object was simply to repeal two clauses in the Act of 1853, which clauses, Nos 182 and 183 gave the Judge power, the one to put special questions, questions on special facts to the Jury, and the other gave the Judge power to refer cases to arbitration without the consent of the litigants Those clauses had been felt to be a great hardship to the community at large, and it had been thought desirable to repeal them The members of the legal profession considered the clauses very objectionable, one effect of them being to place the Judge and the Jury in an antagonistic position, and tended to the discredit of the Supreme Court Of course, the Judge would still have power to refer cases to arbitration upon the consent of both litigants That power was considered sufficient, and the Judge also had power under the Acts of 1855 and 1856 to refer all matters of account to arbitration , clauses 2 to 11 in the old Acts referred to specially providing for reference The Council passed a Bill with a similar provision to the present last session, and sent it to the Assembly, where, however, such alterations were made in it as the Council declined to accede to it The present Bill, which had passed the Assembly, was precisely similar to that formerly passed by the Council, and he therefore apprehended, the principle having been affirmed, there would be no difficulty in assenting to the second reading

The Hon A FORSTER seconded the motion which was carried, and the Bill passed through Committee without amendment

The third reading was made an Order of the Day for Tuesday next

MR STUART'S EXPLORATIONS

The Hon the CHIEF SECRETARY gave notice that on Tuesday next he should move a resolution in accordance with the resolution which had been adopted by the House of Assembly, relative to a grant of land made to Mr Stuart in the country recently discovered by that gentleman

The House adjourned at a quarter-past 4 o'clock till 2 o clock on Tuesday next

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HOUSE OF ASSEMBLY

WEDNESDAY, NOVEMBER 10

The SPEAKER took the Chair shortly after 1 o'clock

FREE DISTILLATION

Mr BAGOT presented a petition praying that the restrictions upon distillation may be abolished

The petition was read and received

PRIVILEGE

The TREASURER said that before proceeding with the business of the day he rose to make some remarks upon a question of privilege He found that in reference to a grant made to a discoverer of land in the North, that a message was ordered to be transmitted to the Legislative Council with the resolution of the Assembly Unless the House rescinded that order it would place the Legislative Council in the position of dealing in detail with a matter involving the expenditure of the public money They admitted that the Legislative Council had a voice in the public expenditure in so far as that House could reject or pass the Estimates , and so, also in this matter the Council should have an ultimate voice, for when the resolution of the Assembly was forwarded to that House it could act upon it, either by amending the resolution or passing the Bill If the case was to be met by an alteration of the regulations, the House would have an ultimate voice in the matter, inasmuch as the Act provided that the amended regulations should be laid before the Council within 14 days He would now move that the order of the House of November the 5th be read and discharged, with the view of substituting another resolution to the effect that the resolution of that House be transmitted to the Council for the information of hon members

Mr GLYDE asked upon whose motion this order appeared amongst the votes and proceedings of the House?

The SPEAKER replied that it appeared upon the motion of the hon the Commissioner of Crown Lands

Mr GLYDE wished to hear from the hon the Commissioner of Crown Lands some better reason for rescinding the motion than had been assigned by the hon the Treasurer He thought that in rescinding the motion the House would be dictating in a very uncourteous manner to the Legislative Council (No, no) The hon the Treasurer had said that the concurrence of the Council would be necessary if they brought in a Bill He could not see why it was desirable to rescind the resolution, and should vote against doing so, even though he stood alone—(hear, hear)—unless the hon the Commissioner of Crown Lands assigned some better reason for taking that course than he (Mr Glyde) had yet heard

The COMMISSIONER OF CROWN LANDS said he was not prepared to give any further information than that which was already in the possession of hon members He was not aware at the time of moving the motion that it was informal

Mr NEALES said the question of the hon member (Mr Glyde) went further than the hon the Commissioner of Crown Lands seemed to perceive Was that hon member now satisfied that the motion was informal?

Mr GLYDE again rose, and said he should vote against the motion

The SPEAKER called the hon member to order He had already spoken to the question

The TREASURER said that although he had already spoken he felt bound to satisfy the hon member for East Torrens (Mr Glyde), inasmuch as the hon the Commissioner of Crown Lands was not in his place when the question was put and had not consequently an opportunity of fully hearing it The hon member, Mr Glyde, wanted to know the reason why the motion was informal It was so as it appeared to him (the Treasurer) inasmuch as it transmitted a resolution of that House (the Assembly) which would have the effect of appropriating a portion of the public revenue, and asked the concurrence of the Upper House in such a resolution This course had not been taken in reference to other addresses of the House on similar subjects It was not usual to transmit resolutions of this kind to the Upper House for its concurrence, inasmuch as the Upper House had the power of rejecting all votes when the Estimates were before it The resolution was merely an address asking the Governor to do a certain thing which the Governor would do by altering the regulations and would then lay the regulations before Parliament If on the other hand the alteration was made by a

Bill then the Council would have a voice in accepting or rejecting the Bill

Mr GLYDE rose to put another question

The SPEAKER ruled that the hon member would not be in order in doing so

The motion for rescinding the motion was then put and carried without a division

Mr GLYDE asked the Ministry whether the members of the Cabinet had yet made up their minds as to whether it would be necessary to bring in a Bill in order to give effect to the resolution previously passed by the House

The COMMISSIONER OF CROWN LANDS said that the point had not yet been decided

COLONIAL DEFENCES

Captain HART brought up the report of the Select Committee on defences, which was read by the Clerk and ordered to be printed

ABSENTEE PROPRIETORS

Mr BARROW rose to move the resolution standing in his name —

"That a Select Committee be appointed to take into consideration the question of absenteeism, as affecting the prosperity of this colony, and to report upon the practicability, or otherwise, of levying a special tax upon the property of absentees, in aid of the General Revenue of the province"

He had no intention of occupying more than a few minutes in dealing with this question, as what he asked for was a Committee to enquire into the matter It would be admitted that the question was one of great importance, and he was well aware of the difficulties of dealing with it, but those difficulties, so far from telling against his motion, should rather be viewed as favorable to it He did not ask the House to affirm the proposition that it was desirable or expedient to tax the property of absentees, but simply to enquire whether such a course of proceeding was desirable or expedient He found, on referring to the estimated revenue and expenditure for the current year, that the Legislature had to look forward to a deficient revenue for the first six months, and it was well-known that a very large proportion of the wealth of the country was expended out of it He knew the value of the influx of foreign capital into the country too well to take any course calculated to check it—(hear)—but if any description of tax could be levied upon the property of absentees which would not obstruct the introduction of foreign capital, he thought it should be adopted He would state in the broadest sense that if it could be shown that a tax upon the property of absentees would have the effect of checking the influx of foreign capital he would abandon it (Hear, hear) But he was by no means clear that such a tax would have such an effect, and hence he wished to gain information upon the point Neither would he for a moment seek to check the free choice of persons as to where they would live. (Hear, hear) The tax on absentees need not be a check upon this free liberty, but the House might, on enquiry, come to the conclusion that some kind of tax might be levied on these persons which would neither check the influx of foreign capital, nor the free choice of persons as to where they would reside Hon members frequently heard references made to the immense amount of money annually sent out of the colony, and that at a time when money was so scarce He did not refer to the money expended in the making of our railways upon which interest was allowed It would be a difficult thing to impose a tax upon the holders of our government debentures, but the case was different with persons who had purchased for shillings properties now worth hundreds of pounds,—persons who paid little or nothing into the Treasury for properties which now brought them in thousands upon thousands yearly He would like, if it were practicable, to place these persons in somewhat the same position as if they still lived in the colony, by compelling them to contribute to the revenue as they would do through the Customs department if they resided in the country His object at present was to obtain a Committee to take evidence as to the extent of absenteeism, the number of absentees, the value of their properties, the nature and classification of such properties, and the best means of reaching them for the purpose of taxation Reserving any further remarks which he might have to offer until the close of the discussion, if any discussion should arise, he now moved the resolution

Mr MCELLISTER seconded the motion

Mr BAKEWELL expressed his great disappointment at the speech of the hon member (Mr Barrow) He had thought that hon gentleman would have made out a better case before troubling the House by asking for a Select Committee The hon member did not tell the House what an absentee was (Hear, hear) Would he include amongst them the first purchasers of the land, who subscribed in London the money which set the colony going, and who it was well known never intended themselves to come to this country It would be a fraud and a cheat to tax the land of these gentlemen (Hear, hear) The colony was under the greatest obligations to them, for the English Government would not have allowed the colony to be founded unless a certain amount had been subscribed by the purchasers of land Again, would the hon member tax gentlemen who lent money in the colony at a moderate rate of interest? It would be highly impolitic to impose such a tax, as it would inevitably result in capitalists drawing their money out of the colony They would write to their constituents saying "you must pay us 8, 9, or 10 per cent for our money You must add the amount of the tax to the interest or the money will be withdrawn" The rate of interest paid here was not very large In Canada any amount of money could be lent at 15 per cent, and it was only the other day he saw a letter from a farmer resident of this country, mentioning the rates of interest prevalent in Canada. The only class of persons who had a right to be called absentees were those who came here and purchased land and who then went away It was a question whether these persons should be taxed, but we should first ascertain whether absenteeism was a pecuniary loss to a country (Oh oh!) The hon member for East Torrens should have touched upon this point, but he did not But what said the political economists from Adam Smith downwards? He was not going to trouble the House with what these writers said [The hon member here read a brief extract from a book, to the effect that it was a matter of no moment whether a capitalist resided upon his estate or not] He believed it would be found by all persons who investigated the subject that there would be no pecuniary loss sustained from this cause, and in not having proved that there would be such a loss, the hon member for East Torrens had failed in one essential point No doubt in a poor community like Ireland it was an injury that the possessors of property—the natural protectors of the people—should be absent, but in a rich country, or in one circumstanced like this, it was a matter of the purest indifference where the landlord lived (Oh! oh!) He (Mr Bakewell) did not believe the country would be any the richer for the landlord's presence, and he judged from the opinions of a man who had studied the subject No doubt there might be a little more trade and a few additional merchants employed to provide the family of the landlord with jewellery and silks, but as a matter of trade the country would be none the worse for his absence It was also a remarkable fact that no country in the universe had taxed absentees The thing was a mere theory and a dream But on the other hand some countries which ought to be studied, interfered for the protection of absentees He would instance this by an Act of Congress, passed by the United States of America in 1783 Every State had its own executive, and a certain form of Government, and in 1783 the great men who framed the American Constitution inserted a clause in the Act defining the powers of the State Legislatures, to the effect that no tax should be imposed upon land the property of a citizen of the United States, by reason of the non-residence of the owner, and in no case shall a non-resident be taxed higher than a resident The same clause was, in later years, introduced in Congress, for the Congress saw that the State Legislatures would try to tax persons who set the country a-going He thought it would be wise if such a provision was introduced here There was no country in which capitalists did not invest their money in foreign countries, and if all the capital so invested here was withdrawn, we should have a very poor place indeed Our object should rather be to encourage capitalists in buying our poor land, for the country would benefit by their buying the land even at £1 an acre He believed a mere attempt of this kind to tax absentees—the very mooting of the question—was calculated to do great injury inasmuch as it would alarm persons in other countries who had invested their money here. (Hear, hear)

Mr MACDERMOTT found he could not support the motion, as it was calculated to create alarm, and so prevent the introduction of foreign capital into the colony, which would be a far greater evil than the one which the hon member for East Torrens complained of At the same time he could not go the whole length of the hon member for Barossa, for if it should be found on enquiry that the property of absentees did not pay the same amount for its protection as that of resident proprietors, he considered that to that extent it would be a fit subject for taxation

Mr BURFORD thought there had been nothing advanced to show that it would be improper in the House to appoint a Committee The object was enquiry, and it was admitted on all hands that we could not have too much of that It was generally recognised in connection with this subject that the notions of people were much scattered—that few think alike, and fewer of these think consecutively In fact, they were all abroad, and the only means he could see of getting out of the difficulty was, the appointment of a Committee This might concentrate the ideas of hon members and put the matter in a light in which they had never seen it before Any steps whereby the public could be enlightened on the question of taxation were valuable, and on this account he hoped the Committee would be granted Remarks had been made as to the danger of preventing capitalists from investing their money, but he thought there were higher considerations involved In the first place, whatever was obviously right, they were bound to attend to (A laugh) Absentees should pay as much in proportion as other members of the community towards the expenditure of the Government which protected their properties and facilitated their operations in search of further gains There were two parties to the question So far as the man of wealth was concerned, the arguments used were all very well, but was the House justified in leaving out of consideration the industrious classes? The hon member for Barossa spoke of capitalists buying up our bad land, but it was not all bad land which

these persons took up. These capitalists had power to lock up the land until it would realise such prices as would satisfy their inordinate desire for gain, whilst the man who would work the land for the benefit of the community could not, owing to its high price, obtain any. For whatever period the capitalists held the land—even from the foundation of the colony—they must have their interest, and until they could get that, and a spanking profit, they would not let the land go. The industrious men would benefit the country and the others were drones. (Laughter.) But they were wide awake enough to know a good investment. We should protect the property of such persons, but we should open up every means of enabling the industrious man to obtain land and work it for the benefit of the country. He believed it was required by the English Government that capitalists should raise £32,000 before steps were taken to found this colony. The capitalists calculated that in all probability it would turn out a good "spec," and it did turn out so, but the capitalists were not to suppose that they were to be protected through all time. He maintained that the very object of founding the colony would be defeated by the plan which the advocates of the absentees now proposed to follow. How often we were afflicted by the complaints of old colonists as to the wants of the comforts of life in the colony, by men who, having a sort of home-sickness over them, complained of those who went away, and yet desired to follow them, and thereby add to the evil. If these men were patriotic they would stay here and give the colony the benefit not only of their wealth, but also of their knowledge and experience. These however were not the parties who we should most consider, but the industrious classes.

Capt. HART opposed the motion, as the very fact of appointing the Committee would show that the House contemplated doing a great injustice. (Hear, hear, and Oh, oh.) Every principle of political economy was opposed to the imposition of a tax on absentees, and in the very first place they had the knowledge that no other country had imposed one. Even where absenteeism was felt most strongly—where the rents were taken away by the landlords from Ireland—although it was a very serious evil, still it was found that without injustice these persons could not be taxed. Another thing to be considered was that in this country we were so dependent upon foreign capital to bring forth the capabilities of the country that to do anything which would prevent that capital from coming in would be to inflict a great national misfortune. The imposition of a tax on absentees would have this effect, and then where were we to stop? Were we to tax the bondholder? If we taxed the man who lent money to private individuals, why not tax the man who lent to the Government, and so at once prevent the Government from borrowing on the easy terms it procured at present. He would ask any hon. member acquainted with the system of borrowing and lending money whether any such restriction would do good. He was satisfied any such restriction would fall in the end, not upon the man who lent money, but upon the borrower, for the lender would take the money away unless he was paid an increased interest to cover the tax; and any hon. member acquainted with the subject would be of the same opinion. Capital was one of those kind of things which were very sensible indeed. (Laughter.) It was so sensitive, in fact, that if a tax-gatherer put his hand upon it, it vanished altogether. (Laughter.) He was satisfied this tax would have the effect of drawing away a large amount of capital from the country. Many hon. members had not the same experience as others, but if they looked back 20 years they could draw a comparison between our present position and the one we were in at that time. The hon. the Speaker would recollect when we had land and labor, but no capital to employ the labor, and in consequence the labor went away. If capital was not employed for this purpose no country could get on, and the labor would go away when there was no capital to employ it. Although he could not go the length of the hon. member for Barossa, who said that it would not be a disadvantage if all capitalists left the country, still it would not be the disadvantage which hon. members supposed. The entire advantage of the capitalists' presence consisted in the profit on the goods which he consumed. But the chief argument was that if we crushed the capitalists by means of the tax-gatherer, we would cause him to leave the country, and where were we to stop at all? If we taxed the man who lent money, why not tax the man who sends goods for sale and return? It might be said in reply that the importer paid duty, but it was the consumer who paid it. Unless we taxed the importer of goods as well as the lender of money, the system would be quite unfair. It would be impossible to tax absentees except by a general income tax, and he could understand that if it was proposed. In England there was an income tax, but it was general, and did not tax a man living in Germany more than a man living in Battersea, or any other portion of Great Britain. The very fact that we now hailed with the greatest delight the prospect of a new bank, showed that we had not a sufficient quantity of the circulating medium to meet the requirements of our trade, and if we did anything which might stop the importation of money, we would be doing a great wrong to ourselves and the colony. He trusted that the hon. member for East Torrens would withdraw his motion, or that there would be some unanimous expression of opinion that it was of a dangerous nature.

Mr. BAGOT would say but a very few words, as the hon. member for the Port had made use of every argument bearing on the subject, but he could not refrain from expressing his disapproval of the motion. He regretted that when it was made the Government did not, as was usual in other places, express some opinion upon it. It would have been better to do this than to wait until they had heard the remarks of the whole house, and then express their opinions. (Hear, hear.) He had often remarked this mode of proceeding, though he did not say so with the intention of throwing any great blame upon the Government, but if they acted otherwise, it might lead himself and other hon. members to take a different part. (Hear, hear.) He agreed in almost every word which had fallen from the hon. member for the Port, but that hon. member should not take Ireland as an instance, showing that this tax should not be imposed here, for Ireland was always the weaker party and in dealing with questions of this kind, even if the people of Ireland wished to impose a tax on absentees it would not be put on. Although he (Mr. Bagot) when he resided in Ireland was opposed to an absentee tax which had been fully discussed there, he was satisfied that such a tax would be doubly as disastrous here. The difference between the persons occupying the soil in Ireland and in this country, was that here they were masters of the soil, whereas in Ireland they were mere servants. But without going further into that point he should oppose the motion.

Mr. STRANGWAYS opposed the motion, which he believed would inflict a lasting injury on the colony. If they appointed the Committee it would be an intimation on the part of the House that it would be under certain circumstances desirable to impose such a tax. The hon. member for East Torrens seemed particularly desirous of being upon another Committee now that he had finished his labors upon one. (Laughter.) As the mover of the motion, that hon. member would of course be upon the Committee, and as he seemed not to be particular as to which Committee he was on—(laughter)—he (Mr. Strangways) would be happy to withdraw from the Wine and Beer Licences Committee, in order to make room for him. If a tax on the property of absentees were allowed, it would confer lasting injury on the country. This was a colony of absentees, and founded by absentees. (Hear, hear, and no.) The hon. member who said "no" knew nothing of the matter. It was persons in England who subscribed to found the colony as absentees—men who did not know within many degrees of latitude or many hundreds of miles where the property they purchased was situate. The capital of absentees was the main stay of the colony, and therefore, this tax, if imposed, would confer a lasting injury. There was not £150,000 of colonial capital in the country. Where would our railways be but for imported capital? Could we sell £20,000 worth of bonds but for absentee capital? If that capital was withdrawn all the members of the House could not purchase £5,000 worth of our bonds to-morrow. (Oh, oh.) Hon. members did not take it into consideration that all the capital of the banks was absentee capital. There was very little capital in the colony, and if the foreign capital was withdrawn, the colony would be injured in one of its vital interests. What was an absentee? Was a man going home for three or four years to educate his family to be considered so? If a man was very wealthy and desirous of evading the tax, he might travel backwards and forwards perpetually for that purpose. The tax would be one very difficult to levy and most injurious if it was levied. The property invested in the mines of the colony was also absentee capital, and as the hon. member for the Port had said the tax would be paid not by the absentee, but by the borrowers of money. If the £20,000 with which the colony was started had not been raised, and he believed there was a great difficulty in raising it, and that it was only procured on the very morning or within a few hours of the necessary time, South Australia would not have become a colony. The colony was not like the others. It was a speculation of absentees, who invested their money, not knowing whether they would ever get back a penny of it. The very difficulty of getting the money showed the doubts of the capitalists of England on this point, and there were persons in England who would watch with a jealous eye any proceeding of this kind for the purpose of taxing them. There was a disposition to tax the country unduly, and if it was done, no doubt the hon. gentlemen on the Treasury benches would be very happy to spend the money. (A laugh.) They were told the other day that Daniel O'Connell said that enough was a little more, therefore enough taxation would be a little more. (A laugh.) That was the information given by the hon. mover of this motion. (Laughter from Mr. Barrow.) He would not move the previous question, as he hoped the House would negative the motion at once.

The ATTORNEY-GENERAL objected to the terms of the motion, as pledging the House to lay a tax on absentees if it were practicable, without first ascertaining if it were just. He also said that the motion contained nothing to show who the absentees were. If he understood the term "absentee" it meant a person out of the colony, who was deriving an income from capital invested in the colony. But then this had an extended meaning, for there was a variety of capital invested in the colony by absentees in the shape of loans on mortgage, shares in the banking companies

and in other ways besides on fixed properties, but there was nothing in the motion to shew whether it was intended that this description of property should be made liable to a tax or not. He thought the House would not be prepared to impose a tax upon persons who, though not residing in the colony, had money out on interest and who invested it or withdrew it from circulation as suited their interest. To levy a tax on such persons would be in principle the same as repudiation. With respect to the general question of absenteeism, he would ask what position the colony would have been in were it not for the support it had received from absentees? Hon members who were acquainted with the circumstances of the colony at one period must be convinced that much good was effected by it, but he could not but suppose that if they adopted the principle embodied in the motion, of taxation without representation, that it would tend much to retard the introduction of foreign capital and to render that uncertain which was already invested in the colony. He would suppose the effect which would probably result from a tax of this nature upon absentees, in their withdrawing their capital from the colony, and would ask them in the event of all foreign capital being extracted from the colony what would be the merchantable value of the residue. (Hear, hear.) Such a course would, he believed, tend to a depreciation of the exchangeable value of their articles of produce. With regard to the first part of the question, as affecting the prosperity of the colony, was there any person who would say that the introduction of foreign capital, even though under the element of absenteeism, did not tend hitherto to increase the prosperity of the colony. Who could doubt but that the loan of money on mortgage and by other means which placed the agriculturist in the position of obtaining land on easy terms of going upon it, and of obtaining the means of supporting himself and eventually of paying back the debt, was a benefit conferred on the colony by means of the absentee having sent his money here to invest. Then, again, the investment of the money of the foreign capitalist in land tended to increase the value of land generally, which reflected an advantage upon every person in the community. And if the price of land was increased in proportion to the investment of capital, so also would it be decreased by the withdrawal of that capital. He objected to this Committee because it ignored all justice to a particular class who were instrumental in raising the colony to its present state of prosperity, because he saw no service to be derived from it except the House were prepared to adopt a system which would tend to the withdrawal of the capital of the absentee and because the Government were not prepared to introduce a measure which would place a tax upon one class of the community for the advantage of another class.

Mr SOLOMON supported the motion, as he considered it was merely a call for enquiry, and if a Select Committee were appointed, it would decide as to the expediency or otherwise of taxing the absentee. While assenting to the proposition that the withdrawal of the capital of the absentee would inflict a serious injury upon the colony, he could not see that there was any intention in this motion to tax any property otherwise than fixed property, and so far as that went, they had innumerable instances of the injustice which was committed on the resident proprietors to the advantage of the absentee. He would suppose that he (Mr Solomon) had 100 acres of land, and that an absentee proprietor had 100 acres beside him, and that he (Mr Solomon) spent £1,000 upon his 100 acres. He was at once taxed for his improvements and the absentee who reaped advantages thereby in the enhanced value of his land did not contribute one sixpence. That was his cause of complaint principally. It had been implied that it would be an injustice to the absentee to tax him, but this he could not see. What was required was that, not only in the country, but in the town, there should be an equitable rate established. At present, while he (Mr Solomon) was paying for an acre of land in the city at the rate of £100 per year, the absentee was held harmless, because his land, although immensely enhanced in value, was not improved, and he therefore was let off by paying £2 per acre. Was that justice, he would ask? As to an income tax, he (Mr Solomon) should not object to it if it were introduced in conjunction with a property tax, by which means they would then be able to reach the absentees. The hon member for Encounter Bay (Mr Strangways) had said that the colony was enormously indebted to absentees, and although he admitted we might be to some extent, he could not agree to a sequential statement of that hon member, that if all the capital of absentees were withdrawn, the members of that House could not find 5 000*l* in money between them. (Laughter.) He believed that it was from no kindliness to South Australia that home capitalists invested their money here, but that it suited their purpose. He trusted that the great bugbear which had been presented to the view of hon members throughout the debate, the withdrawal of foreign capital, would not prevent the House from sending the question for enquiry to a Select Committee. If the enquiry tended to shew that an injury would result from such a tax there was an end to it, but he could only attribute the opposition to the enquiry to the fact that the case was too strong against the absentees.

Mr REYNOLDS could not go with the motion, because he thought it would tend to frighten away, as it had been said, the capitalist. But if such a tax were imposed what was there to prevent the absentee from investing his property in a second name, and thus evading this special tax. ("Oh," and hear.) But he knew there were instances in this colony already of shares being held in companies by residents here, which actually belonged to parties in England who were absentee proprietors. With regard to the fixed property of the absentee, this, he thought, might be reached through the District Councils or the Corporation, without necessitating the appointment of a Select Committee.

Mr PEAKE opposed the motion, as he did a Bill of the same nature a short time since, as tending to introduce a system of class legislation, and he was glad to find the Attorney-General with him on this occasion. With regard to putting a special tax upon absentees he would say that he looked upon that class as a portion of the State, and which the state were bound to protect, and he would not single them out therefore to be the subjects of a special tax. In support of his views he would read a passage from Adam Smith. (Read the passage.) Every proprietor whether resident or absent, had an interest in the State, and therefore, he had an objection to any one being singled out as a subject for taxation. He did not think it wise or politic in the hon member for Last Torrens to introduce this motion. Not that he thought that hon member had any impression of its impolicy, but that he believed that there was an opening to introduce such a system. He thought it better that the House should negative the motion at once than that it should have the effect of frightening capital out of the colony although he believed, in answer to a remark from the hon member for the Port (Mr Hart) that the security against this was that the capitalist found a better return for his money in this colony than in any other country—that he received 100 per cent premium over the investment of capital in England. He (Mr Peake) was not terrified, therefore, at the prospect of any large withdrawal of capital, but, nevertheless the more they steered clear of any attempt at class legislation the better it would be for the capitalist and the country itself. The hon member for the Light (Mr Bagot) had said that the farmers paid 25 per cent for their borrowed capital. If they were able to do that all he could say was that the sooner some fiscal system was introduced which would put an end to the industrious agriculturist being weighed down by such a burden the better. The hon member for Encounter Bay had said that this colony was founded by speculative capitalists, but he (Mr Peake) thought it was founded rather by the intelligence of English capitalists who saw their state at home and wished to find a labor market for their superabundant labor, and he thought their foresight was an honor to them. He opposed this motion as inopportune and inexpedient.

The TREASURER would vote against the motion, and in doing so was not content to merely give a silent vote, because the principle embodied in it was too important for him to do so. This question had been mooted before, and after careful consideration he then stated his objection to taxing the absentee, because he was of opinion that it was most unjust to select one particular class of the community for the purpose of inflicting a tax which was not general, and which, of course, amounted to class legislation. He (Mr Finniss) felt so strongly on this point that he would be sorry to form a part of any Government which would uphold it and he would always, when out of his present post, oppose any Government holding such views. This colony owed its origin to absenteeism, and its future success depended upon it also. He entirely agreed with those persons who said that a tax upon absentees would tend to a withdrawal of capital. With regard to a remark which had fallen from the hon member for the city (Mr Solomon) that if he spent £1,000 upon his 100 acres of land, the absentee who had property beside him would reap the advantage. He would ask how it could be assumed that the land in question was the property of an absentee, but supposing it were, that was no reason why he should be subject to a special tax because a resident proprietor had chosen to improve his property. If no better argument could be brought in favor of the motion, he certainly must vote against it. Some speaker had drawn a distinction between those who were once residents in the colony, but who had subsequently left, and those who were always absentees, but this he considered would be a very inconvenient distinction. It was natural there should be with those who came to this colony from their native land a yearning towards home. This feeling, however, would have no sympathy exercised towards it by a restriction such as that which it was proposed to enact. But then, although this desire could not be counteracted in the present brief existence of the colony, it must be borne in mind that the descendants of the present settlers would look upon this country as their home, and the principle of absenteeism would not have to be combatted to such an extent as now at a future period. In some cases, the removal of persons from this colony tended to good, as in the instance of a person making money in the colony and taking his children home to be educated. Was that not an advantage to the colony—the education of their youth—who would eventually return and improve their moral position. He could not understand why there should be a distinction made between those who were always absentees and those who made their money in the colony and then removed. It would be impossible to keep up such a distinction, for there would be persons who originally invested their money in the colony as absentees, then settled in it, and afterwards removed from it. Were

such persons to be made an exception? Were such persons to be taxed because they were absentees? Such distinctions could not be justified by any policy or argument. He opposed the motion because he thought it unjust to select any portion of the community for the purpose of subjecting them to a special tax.

Mr NEALES would say to this question, as he had said with respect to the Assessment on Stock Bill, that he had quite sufficient evidence, and wanted no more. As to the absentees having an undue advantage over resident proprietors, all he could say was that they must be turned up by local taxation, but he could not see that they would benefit themselves by attempting anything beyond that. No doubt, in some cases, foreign capitalists would buy and invest for years, and hold for a market, but the District Councils and the Corporation would be able to combat with that difficulty. With respect to a tax on floating capital he was of opinion that it would be impracticable. He supposed the case of a holder of ten Burra shares which might change hands, or the holder of which might be a resident to-day and an absentee to-morrow. The income tax at home had a very unjust effect, the poor surgeon, whose means were limited, paid the same in proportion to his income as the man who rolled about in his carriage. If the facilities for communication between this and home were increased, they would eventually have something like a resident-absenteeism. He did not approve of the motion, as it had a special effect. The proper way was that if a person, whether here or in Birmingham, had property, he should be made to pay his just proportion towards the revenue, but if there was anything like unfairness in the distribution of the tax, it would have the effect of frightening away foreign capital. He would cite the case of the National Bank, where the people of Melbourne had taken a number of shares in a bank which was to be opened in Adelaide, but it could not but be believed that an imposition such as that spoken of would tend to a withdrawal of capital on their part. The motion had been brought forward by a zealous member, but he thought the more he, the member for East Torrens (Mr Barrow), thought of it, the more he would see the necessity of withdrawing it. Such a tax would tend to affect all descriptions of property, such as Bank shares, mortgages, loans, railway shares, and other securities, and as he had been a borrower all his life, and hoped he would be as long as he lived, he could not vote for that which would have the tendency of checking such facilities for the interchange of securities.

Mr BARROW, in reply, said that the hon member for Barossa (Mr Bakewell), who he was sorry was not in his place, had remarked that he (Mr Barrow) had given no reason for his wishing to inflict another Select Committee on that House, but when he remembered that the last two Select Committees appointed, were inflicted through the instrumentality of the hon member (Mr Bakewell) and that he (Mr Barrow) had only as yet asked for one Select Committee, he could not but think the hon member for Barossa was somewhat out in his reckoning. The hon member for Encounter Bay (Mr Strangways) had said that he would resign his place on the Wine and Beer Licences Select Committee, to him (Mr Barrow), were he desirous of being on another Select Committee, but he declined that offer, and if it were not out of order he would say that he voted that hon member (Mr Strangways), on the Wine and Beer Licence Committee, hoping thereby he might be used up—(Great laughter)—that he might be used up in Committees (Continued laughter)—and he should always vote for that hon member being placed on Committee with the view of preventing his active services in the House. He would say with respect to a remark from the hon member for the Port (Mr Hart), who said there was a predisposition to an act of injustice being committed by the appointment of a Select Committee, that however obviously ridiculous such an argument might be, the same thing would apply with greater force to that hon gentleman's position on the Select Committee on Colonial Defences, in which he cut so distinguished a figure. The hon member for Barossa (Mr Bakewell) had expressed his astonishment that no conclusive reasons had been submitted in favor of the necessity of taxing the absentees. But he (Mr Barrow) was not then prepared to submit direct proof of the policy or impolicy of such a tax, all he asked was the appointment of a Select Committee to consider the advisability or unadvisability of doing a certain thing. (Hear, hear.) Surely the motion could not have been read according to the terms in which it was worded, as no hon member would have made such a query. The scope of the motion was simply to enquire into the question of absenteeism, and to report either in favor of it or against it. The hon the Attorney-General had not denied the practicability of taxing the absentees, and had told the House that unless they were prepared to adopt the report of a Select Committee, they had better not appoint one. He (Mr Barrow) took that as an admission on the part of the Attorney-General that the Select Committee would gather such conclusive information on the question of absenteeism as would lead it at once to report unfavorably of it. (Hear.) The whole of the arguments raised against this motion were based on the assumption that to tax the absentee would check the introduction of foreign capital. But he could not see that it would have those alarming effects which had been so fearfully pourtrayed by some hon speakers. Still if such evil results were apparent to the members of a Select Committee, then no doubt they would report unfavorably of it. He (Mr Barrow) remembered the time when from the Treasury benches there came fearful forebodings of the irretrievable ruin which would follow any diminution in the salaries of the Government clerks—(laughter)—but those gloomy forebodings had not as yet been realised, and probably the apprehensions which were engendered as to the probable effects of the present motion might also be eradicated before long. It had been said that a tax upon the absentee would amount to taxation without representation, as absentees were not represented in that House. But he (Mr Barrow) thought they were represented and well represented in the House. There was the hon member for East Torrens—and by the way he (Mr Barrow) recollected some questions having been put to that gentleman at a certain election meeting some time ago as to his opinion upon the propriety of taxing the absentees, when that gentleman replied to the effect that he was not altogether opposed to a tax upon absentees. (A laugh.) He also remembered that the same hon member a short time since declared, when the Civil Service Bill was under Committee, that Government officers retiring should be compelled to spend their money in the colony. He had no doubt therefore that his hon colleague would be able to support some plan which might meet the question. It had been inferred by previous speakers that it was proposed to tax floating capital as well as fixed property, but this was clearly an inference which was unwarrantable, and as to the motion not being sufficiently minute, he might say that if his own mind had been made up, he (Mr Barrow) would have introduced a Bill at once instead of the present resolution, but it was because the question should be sifted—it was because a vast amount of money was being taken out of the colony by absentees, which might be made to contribute to the revenue, that he tabled his motion, which, however, did not seem to meet with general support. He had, however, accomplished his object, and that was to bring the question before the notice of the House. Though he had no wish to press the motion, still he did not fear to stand in a minority—(hear, hear)—and instead of withdrawing the motion, therefore, he would let it take its course. He believed the day would arrive when instead of being in a minority on this question, he and those gentlemen who supported him would be in the majority. All he had asked for was the appointment of a Select Committee to enquire into the advisability of taxing the absentees, if it could be done with justice to themselves or for the advantage of the community.

The SPEAKER then put the question and declared the noes had it.

Mr BARROW called for a division, which was as follows:—

AYES, 9.—Messrs Solomon, Glyde, Burford, McEllister, Rogers, Cole, Lindsay, Harvey, and Barrow (teller.)

NOES, 19.—The Attorney-General, the Commissioner of Public Works, Messrs Neales, Hart, Shannon, Dunn, Milne, Hay, Andrews, Hallett, Bagot, Peake, McDermott, Wark, Reynolds, Strangways, Duffield, Mildred, and the Treasurer (teller.)

making a majority of 10 in favor of the noes.

RAILWAY MANAGEMENT

The bringing up of the report of the Select Committee on Railway Management was, on the motion of Mr REYNOLDS, made an Order of the Day for next Wednesday.

SMILLIE ESTATE BILL

The report of the Select Committe on the Smillie Estate Bill was agreed to, and the third reading was made an Order of the Day for Thursday.

MAIN ROADS RESOLUTIONS

In Committee.

Mr MILNE moved his contingent resolution of which he had given notice, as follows:—

That he will move the following as an additional resolution, to follow No 2 and to stand before No 3, viz:—"That in the opinion of this House, at least one-half of the funds derived from the sale of Waste Lands should be devoted yearly to the construction of the main lines of road throughout the colony."

And said that as our Land Fund was at present absorbed in the general revenue, the effect of a proposal such as that embodied in the motion, would probably be lost sight of. He considered the state of the Land Fund should be the criterion of the amount to be set apart for the construction and maintenance of roads. If large quantities of land were sold, he thought it only just that access to those lands should be given by a portion of the revenue arising from their sale, and it would be productive of general good. The facilitating of communication into the interior tended to raise the value of the waste lands. As to the amounts to be devoted to this purpose, he had no objection to modify it if thought necessary, although he should like some minimum amount to be stated. He had introduced the motion more with the view of drawing out a discussion.

The COMMISSIONER OF PUBLIC WORKS explained that a larger sum than asked for by the last speaker—viz, one half of the waste lands revenue—had been applied to the roads and bridges during the last year, amounting in all to 118,000*l*, to which interest might be added. He also re-

marked, that any expression of opinion by the House now could not bind any future Government in their action in the matter

Mr STRANGWAYS hoped the House would not pledge itself to any course, as he thought it better that the sum for main roads should be voted annually The House should not pledge itself to any specific sum, as some years it might be advisable to spend the moiety of the land fund, and the next year it might not be necessary to do so

Mr ROGERS supported the motion, for the more that was expended on the roads the better it would be for the colony

Mr MILDRED opposed the motion of the hon member for Onkaparinga, and hoped he would withdraw it

Dr WARK also opposed the motion, and hoped it might be withdrawn

Mr DUFFIELD intimated his intention of voting for the motion of the hon member for Onkaparinga if he put it to the vote

Mr HAY hoped the motion would be withdrawn, as it was intended to direct the Government how they should dispose of the revenue He thought the Government should be in a position to submit these questions to the House on their own responsibility

The CHAIRMAN then put Mr Milne's contingent motion, which was negatived

The COMMISSIONER OF PUBLIC WORKS then moved the resolution standing in his name, as follows —

"That it is the opinion of this House that the necessary funds for maintaining and repairing the main roads and bridges of this province should be raised by rates upon a general assessment of property, aided, where practicable, by a system of tolls"

He explained the object of the motion, the substance of which had been previously discussed He said that at present there were 150 miles of main road in the colony, the cost of the maintenance of which amounted to £200 per mile, and experience proved that no less a sum would do The assessment proposed, it would be remarked, was to be a general one so as to affect all persons alike It was singular that, subsequently to these resolutions having been framed, he (the Commissioner of Public Works) had heard that Captain Martindale, of New South Wales, had introduced resolutions affecting the main road system very similar to those before the House As to toll-gates, and it being said that these were too antiquated to introduce here, they had proof that they worked well at home, and he thought the only objection against them would be in the cost of collection The Surveyors of the four road districts had reported that the settlers were in favor of them, and it was not a little remarkable that all these gentlemen should have been so unanimous in their opinion He left the matter in the hands of the House, for their careful consideration

Mr PEAKE rose to move an amendment or counter-resolution to resolution No 3, the substance of which has already been given in the former discussion on these resolutions The hon gentleman reiterated his former arguments and moved the amendment

The CHAIRMAN said it was at variance with a previous resolution agreed by the House, and therefore, it could not be put He returned it to the hon member

Mr MACDERMOTT said that, doubtless, the reason why the Commissioner of Public Works had introduced these resolutions was, that the difference of opinion on this question was so great He was not surprised at his adopting this course, as there were scarcely two opinions alike The best way, perhaps, would be to collect all their opinions in a hat and strike an average (A laugh) He was quite prepared to support the former part of the resolution, but with respect to the toll-bars, he was against them

Mr NEALES said the Commissioner of Public Works had told them that it cost £200 a mile to keep the roads in repair Now sometime ago he asked the House for a guarantee to a private company for the construction of a short line of rail, which would have amounted at the most to less than £200 per mile, and yet he was refused He instanced this as an inconsistency As to tolls he thought it was impossible to collect them There was only one place where it would be practicable, that was in coming out of the Little Gorge but even in that case it would be quite possible to make a private road and outflank the tollgate, which could not be met except by branch gates, which would be out of the question He proposed that they should strike out the portion referring to tolls In some instances where a toll was practicable, the settler would pay both assessment and toll, while elsewhere, where the toll was impracticable, the assessment would only be paid

Mr STRANGWAYS hoped the addition to the assessment, viz, "Aided if practicable by a system of tolls," should be struck out, as it would otherwise result in the Commissioner of Public Works being beaten on the resolution altogether

Mr LINDSAY agreed with the motion, excepting the system of tolls, which he would have struck out

Mr DUNN was also opposed to the system of tolls, which he thought unsuitable to this colony

Mr MILDRED hoped that tolls would be struck out, and a little more information given as to the mode in which the assessment would operate upon property

Mr DUFFIELD thought the hon the Commissioner of Public Works should have stated his views on the subject of tolls, as they were exploded in England, and should certainly not be introduced in this new country The Government were evidently trying to find out what was the feeling of the House, which was, perhaps, a wise course in the circumstances (A laugh) He admitted that a weak Ministry in England the other day took a similar course No arguments had been brought forward in favour of tolls, and if the hon the Commissioner of Public Works did not withdraw the first part of his motion he (Mr Duffield) should vote that it be struck out

In reply to Mr MILDRED, the COMMISSIONER OF PUBLIC WORKS said it was not the intention of Government to rate personal property Neither was it meant to assess only land which abutted on main roads

Mr ROGERS considered the agricultural interest sufficiently taxed already, and that it would be unjust to impose an additional burthen on districts which already assessed themselves The agricultural interest already paid £381,000 a year in rates and assessment He wished to know whether it was proposed to tax land rented from the Crown as well He thought also that it was a mistake of the Government not to lay a general measure before the House

Mr HAY was pleased to hear the decided stand made against tolls by the hon member (Mr Rogers) If the general revenue was not sufficient to enable us to go on patching the roads it might be necessary to fall back on an assessment, but he was entirely opposed to tolls, as the effect would be to throw the whole burthen upon the poor working man who was the occupier of a section If there was to be an assessment let it be on all the land of the colony according to its value, but tolls were partial and unjust

Mr PEAKE said his chief object in asking the House to assent to his amendment was to put a policy on the face of the resolutions, rather than shirk the question by adopting the dubious wording of the original resolution

Dr WARK was of opinion that tolls worked well in New South Wales and Victoria, but they would not answer here, owing to the great number of cross and by-roads The hon member censured severely the practice of legislating by resolution, and taunted the Ministry with not having brought in a Bill which they would be prepared to stand by

Mr TOWNSEND also taunted the Ministry with trying to ascertain by means of the resolutions how the wind blew, or what were the sentiments of the House on the subject

Mr COLE thought it unfair to tax the districts higher than they were taxed at present If such was the object of the resolution, he would oppose it

The COMMISSIONER OF PUBLIC WORKS said it would be manifestly unfair that one district having three main-roads in it should maintain them all, whilst another having no main-road paid nothing The term "general assessment" was meant to include all property at present rated by the district

The House then divided on the question that all the words after the word "that" in the original motion proposed to be struck out, with the view to introduce an amendment, stand part of the question, when there appeared, Ayes 10, Noes 12

The following is the division list —

AYES—The Treasurer, Attorney-General, Commissioner of Public Works, Commissioner of Crown Lands, Messrs Duffield, Macdermott, Hay, Shannon, McEllister and Harvey

NOES—Messrs Glyde, Strangways, Reynolds, Mildred, Burford, Cole, Lindsay, Rogers, Dr Wark, Messrs Townsend, Peake and Dunne

The question was then put that the words proposed to be inserted be inserted, which was negatived

The House then resumed, and the CHAIRMAN having reported progress, obtained leave to sit again on Tuesday, 16th inst

The House rose shortly after 5 o'clock

THURSDAY, NOVEMBER 11

The SPEAKER took the chair shortly after 1 o'clock

THE GREAT EASTERN LINE

Mr TOWNSEND presented a petition from 213 of the inhabitants upon the Great Eastern line of road, praying that they might have the use of the Great Eastern line of road The petition was read and set forth, that if the road were opened up a large quantity of available land would be brought into the market, and that a number of expensive buildings had been erected upon the road, upon the faith that the road would be opened up They therefore prayed that a sum of £5000 might to be placed on the Estimates for the purpose of opening up the road, which would afford employment for a number of those wanting employment

DESECRATION OF THE SABBATH

Mr COLE gave notice that on Tuesday next he should ask the Commissioner of Public Works if it were true that trucks had been employed for the removal of wool and other articles to the railway station on Sunday last, and if so, whether this was with the sanction of the Government?

THE SMILLIE ESTATE BILL

Upon the motion of Mr MILNE the Smillie Estate Bill took precedence of other business and was read a third time and passed The Bill was ordered to be transmitted to the

Legislative Council, accompanied by the evidence taken before the Select Committee

WINE AND BEER LICENSES

Mr SOLOMON, in the absence of Mr Bakewell, brought up the report of the Select Committee upon Wine and Beer Licenses The petition was received and read, and stated that, in the opinion of the Committee, the operation of the law gave a great and unjust advantage to the holders of Wine and Beer Licenses over the holders of general licenses, and encouraged tippling habits The Committee expressed a belief that Wine and Beer Licenses did not answer any useful purpose, and that no other than general licenses should be issued They had prepared a Bill for the amendment of the law as suggested

Mr MILDRED wished to know if he would be in order in moving that the evidence be read, as he believed it was not voluminous, and was of a very interesting character

The SPEAKER said it was not usual to read the evidence

The report and evidence were ordered to be printed

IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS, the consideration in Committee of this Bill was postponed till Thursday next, the hon gentleman stating that he wished to go through it very carefully

DISTRICT COUNCILS ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS stated that he believed the Treasurer was desirous of proceeding with the Estimates in Committee, and he would, therefore, postpone the consideration of the District Councils Bill

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

The consideration of this Bill was also postponed in order to enable the Treasurer to proceed with the Estimates

THE FINANCIAL STATEMENT

The TREASURER said that he understood the practice with regard to the financial statement was that it should be made in Committee, and that the motion that the House go into Committee upon the Estimates was merely a formal one, on a late occasion it would be remembered that the consideration of the Estimates was postponed, and he presumed that the reason upon that occasion was that he merely moved the House into Committee of the whole without offering any reason or explanation why he did so He did so because he thought it was a mere formal motion, and, as a matter of course, that the House would go into Committee to hear the financial statement upon which the Estimates were based He should follow the practice of the House of Commons and not make the financial statement till the House were in Committee, and would give some reasons for adopting that course He would at once state that when the House consented to go into Committee he did not propose to go on with the details of the Estimates at once, but merely desired to make a statement respecting them, with any explanation which it might be desired he should afford in reference to the financial policy of the Government Some of the grounds upon which the adjournment of the consideration of the Estimates had taken place were, that some Committees were sitting upon Ways and Means, at least those were some of the reasons which were given by some hon members who addressed the House On that point he would say that it was customary for the House of Commons to agree to the expenditure which was necessary, or for the Chancellor of the Exchequer to state the expenditure which he proposed, and then to proceed to show how that expenditure was to be met If the House considered that the expenditure proposed was necessary, they would of course assent to it, but if not, amendments could be moved in Committee If, however, it was considered that sums proposed were necessary for the Government of the colony, and the improvements of the colony, it could not be a matter of moment whether particular items which made up the revenue should be continued or not seeing that if a certain expenditure were necessary, the necessary ways and means must be voted With regard to the Customs, for instance, a Committee was sitting which involved distillation and there might be an alteration of the Customs duties to meet any defalcation arising from distillation, but whatever defalcations there were, they must be made up either from the Customs or some other source So with regard to the assessment on stock Whether the House sanctioned that measure or not, was not the question If, however, the House disallowed that particular amount, there would be no obligation on the part of the Government to make up that amount in any other way, as they had a balance upon the Estimates of £19,000, which would leave a sufficient balance on the six months, notwithstanding the tax proposed by the assessment on stock were disallowed by the House He thought he had shown good reasons why the House should go into Committee upon the Estimates and he would remind the House that they were now near the middle of November, and that in about six weeks there would be the Christmas holidays The expenses of the ensuing year must be authorised before the 1st January, or the Government would be placed in the position of having their supplies stopped That was an extreme measure in all parts of the world Unless the House went into Committee at the present time, and even then they had only six weeks before them, they would have the alternative of the supplies being thrown over for another year, and the session protracted beyond the new year In addition to the principle involved in stopping the supplies, unless the Estimates were at once proceeded with the House would have but a short prorogation, as there was only a period of six weeks in which to pass the Estimates, and as there must be a sitting in April if the business was not disposed of before January, it would scarcely be worth while that there should be any prorogation, and the business of hon members must come to a stand-still He moved that the House go into Committee upon the Estimates

Mr SOLOMON rose to oppose the House going into Committee, because he believed that the Government, like private individuals, before entering into arrangements to make payments, should show where those payments were to come from He had carefully looked over the Estimates and the Ways and Means for 1859, and having done so, he had no hesitation in saying, indeed he would pledge his commercial veracity upon the fact, that it would be utterly impossible that the Ways and Means as they at present appeared upon the Estimates, could ever in the present state of the colony be realised

The SPEAKER pointed out that a discussion upon the Estimates was irregular until the House was in Committee

Mr SOLOMON would then defer his remarks

Mr TOWNSEND apprehended he would be perfectly in order in showing reasons that the House should not go into Committee

The SPEAKER did not think there was an instance on record in which the House of Commons had opposed going into Committee upon the Estimates

Mr STRANGWAYS should oppose the House going into Committee

Mr TOWNSEND submitted it was quite competent for any member to shew why the House should not go into Committee

The SPEAKER repeated that there was no instance that he was aware of in which the House of Commons had refused to go into Committee All the discussion took place in Committee, but he apprehended the hon member would be in order in moving an amendment upon the motion that the House go into Committee

Mr TOWNSEND would then move as an amendment that the Speaker do not leave the Chair, but that the other business which appeared upon the notice paper be proceeded with He, for one, had come to the House prepared to take part in the business as it appeared upon the notice paper He had received no intimation that the first three matters which appeared upon the notice paper would be postponed in order to make way for the fourth, or, if he had, he would have applied his mind to the fourth instead of to the three preceding notices It was unjust to the country members to take business in this irregular order, as they came to town by certain trains, thinking that they would be in sufficient time for certain business, but upon their arrival probably found that it had been disposed of in consequence of having been taken out of its turn He contended that if the Government were to have the power upon Government days to shift from No 1 to No 5, as they might think proper, it would be great injustice to the country members

The SPEAKER said the hon member would have been more in order if he had objected to the postponement of the notices to which he had referred, but he had agreed to that motion The motion before the House was really purely formal

Mr REYNOLDS asked if the House were bound to go into Committee upon the motion of the Treasurer

The SPEAKER repeated that it would be perfectly competent to move an amendment upon the motion that the House go into Committee, but the question was never argued

Mr REYNOLDS said the Treasurer had advanced reasons that the House should go into Committee, and he wished to know if hon members were not at liberty to show contrary reasons

Mr STRANGWAYS hoped he should not be out of order in the observations which he was about to make. The hon the Treasurer, in the statement which he had made to the House, had said that it would be immaterial whether the Assessment on Stock Bill was allowed by the House or not, but why did not the Government in a manly, straightforward manner at once state what their policy was

The SPEAKER said this discussion was really most irregular Why not allow the House to go into Committee, and then hon members would be at liberty to comment upon the Treasurer's statement as much as they pleased

Mr STRANGWAYS understood the Speaker to rule that the Treasurer having made a statement, and subsequently moved the House into Committee, no hon member was at liberty to reply until the House had gone into Committee

Considerable confusion ensued, several members rising at the same moment

Mr TOWNSEND moved that the House adjourn

The TREASURER said the hon member had previously spoken

The SPEAKER wished that hon members would bear in mind that when the Speaker rose, hon members should resume their seats He should put the question that the Speaker leave the chair, and the House resolve itself into Committee upon the Estimates

The question having been put, there was a cry of "Divide"

The SPEAKER reminded hon members that they should wait till the Speaker had given his decision before they called divide

The motion for going into Committee was carried by a majority of 12, the votes on a division being, Ayes, 18, Noes 6, as follows —

Ayes—Commissioner of Crown Lands, Commissioner of Public Works, Messrs Solomon, Mildred, Macdermott, Dunn, Glyde, Rogers, Cole, Neales, Barrow, Harvey, Hallett, Milne, Shannon, McEllister, Peake, the Treasurer (teller)

Noes—Messrs Townsend, Burford, Wark, Young, Reynolds, Strangways (teller)

Mr REYNOLDS wished to ask the Speaker whether an hon member merely rising and asking a question as to the rule of the House was to be understood as having addressed the House He asked the question, because a short time previously he wished to show why he opposed the House going into Committee, and merely put a question to the Speaker before doing so, but in consequence of having done so, the Speaker afterwards ruled that he had already spoken

The SPEAKER said, as a general rule, asking a question upon a point of order was not addressing the House, although if the question included argument, it was

Mr STRANGWAYS also wished to put a question upon a point of privilege He had been called to order, and in obedience to that call sat down as soon as the Speaker rose, but upon the Speaker resuming his chair, he certainly thought that he (Mr Strangways) should have been permitted to resume his speech

The SPEAKER said the hon member was clearly out of order upon the occasion referred to, as he had previously spoken twice upon the same subject

The House then went into Committee

Mr REYNOLDS asked if the question which he had put would be placed upon the records of the House?

The CHAIRMAN—Certainly not

Mr REYNOLDS—Then what course——

The CHAIRMAN—Order, order The House is in Committee on the Estimates

The TREASURER would endeavor to give the House as clear and full a statement as possible of the expenditure proposed by the Government as appeared upon the Estimates upon the table, and would then proceed to state in what way it was proposed to raise the ways and means It was well known to the House that the Estimates which had been laid upon the table embraced a period of six months, ending on the 30th June next When the Governor opened the House it would be in the recollection of hon members that His Excellency explained the reasons that the Government intended to propose an Estimate for six months instead of twelve months, namely, to bring about a change in the financial year It was supposed that there would be great advantage in the annual expenditure being voted for the year commencing on the 1st July, instead of the 1st January The public expenditure involved in roads, and bridges, and railways, could be more economically arranged at that time of the year than at any other It was this circumstance which had had great influence upon the Government in making this arrangement It was, indeed, the chief influence It had been long represented to the Government, especially by the Central Road Board and the Railway Commissioners, that the expenditure upon those objects could be better carried on during the dry than the rainy season It would be a most important advantage in economy that sums should be placed at the disposal of these Boards on 1st July, because they would be enabled to make all their preliminary arrangements before the summer commenced Another advantage under the new arrangement would be that the House would not meet, or be sitting, as heretofore, at a busy season of the year—during sheep-shearing, or the wheat or hay harvest, but henceforth the Legislature would be called upon to meet about March or April, instead of in August or September as heretofore Those reasons were of sufficient importance to induce the Government to change the financial year to 1st July, and so far as he had been enabled to ascertain the feelings of the House, the change would be in accordance with their feelings The Estimates before the House, as he had already stated, merely included six months The only objection which could be raised to the new arrangement was, that it might interfere with statistical returns or statements, but that objection after all he thought was rather imaginary than real, as there would be no reason under the new system that the returns should not be made up as usual There was no reason for departing from the system which had been adopted heretofore, as quarterly accounts of receipts and expenditure would be made up as hitherto, and it would be an easy matter to arrange those returns into annual statistics to 31st December All the statistics could be arranged upon this principle, so that, he apprehended, no inconvenience could result, but even if the new arrangement did disturb these statistical returns, that would not balance against the positive loss to the public resulting from the existing system, and the inconvenience which resulted to hon members from the particular time at which the House, from necessity, had hitherto been called upon to sit He would proceed to explain these half-yearly Estimates Hon members would perceive that the total expenditure proposed for the half-year was £254,843 4s 7d Hon members would, perhaps, refer to the 5th page of the Estimates, which would enable them to follow him with greater ease The Ways and Means, it would be observed, included £10,000 for assessment on stock the total amount being £274,311 7s 7d leaving a balance at the close of the half-year of £19,468 2s 2d He did not wish at the present stage to allude in detail to the £10,000 included in the ways and means for assessment on stock, but would merely repeat that by including that sum, the total amount of ways and means was £274,311 5s 7d, leaving a balance, after deducting the proposed expenditure, of £19,468 2s 2d, so that, even assuming assessment on stock should not be allowed by the House, and deducting the £10,000 which it was assumed would be derived from that source, there would still be a clear balance in hand at the termination of the half-year of upwards of £9,000 In analyzing this expenditure, he would call the attention of the House to the mode which he had adopted, or purposed adopting, of classification From the abstract of the Estimates laid upon the table, it would be seen that they related to the permanent and fixed expenditure, in order to shew the actual cost to the Government, and the amount permanently appropriated, which the colony was bound to make provision for as distinguished from that portion of the expenditure which, though necessary for the improvement of the colony, was still variable according to the ways and means The establishments and incidental expenses, including the items under the head of Miscellaneous, amounted to £128,440 8s 0d Those were charges of a permanent character, and the amount required for railways during the half-year would be £30,755 The cost of the Government, including salaries, contingencies, allowances, education, hospital, destitute establishments All these establishments necessary for carrying on the Government amounted to £162,195 8s 0d That was one classification, the fixed expenditure Then came public works Under the head of railways the sum of £67,975 appeared—that was because he added to the sum of £57,975 the £10,000 for carrying on the Kapunda railway, the Bill for which, however, had not yet passed into law He had no reason, however, to believe that the Bill would not pass both Houses The Emigration and balance of Pension Fund amounted to, as would be seen by the abstract, 24,616*l* 16s 7d, and these three sums, the 162,195*l* 8s, the 67,975*l*, and the 24,672*l* 16s 7d made up the grand total of expenditure proposed by the Government for the first six months of the ensuing year It would strike hon members no doubt, upon looking at the Estimates, and would be made the subject of comment probably by both sides of the House, that there appeared to be an increase in the estimate for establishments, the amount being 95,195*l* 18s against 85,132*l*, 2s 7d the expenses during the corresponding period of the previous year but he would point out at once that this was a comparison between the estimated expenditure and the absolute expenditure for the same period The estimated expenditure always exceeded the absolute expenditure, because on the estimated expenditure the fullest amount was taken to meet the probable expenditure, and the Government exercised their discretion in economising that amount In illustration he might refer to the Supplementary Estimates which had been passed, where it would be seen that a very large amount was stated as the probable saving, and which, upon the whole year, that is, the current year, amounted to £19,632 on the whole estimate, so that the House must bear that in view, that the amount of £95,000 was arrived at as the estimated probable expenditure, and in comparing it with the actual expenditure there would no doubt arise those savings in the year which were always shewn in a financial statement That then would account to some extent for the difference He would proceed to give the increase and decrease which appeared upon the present Estimate, and it would be seen that so far from the expenditure having been increased by £10,000 and upwards, the increase was in reality only £2 092 Upon the item, the Governor-in-Chief there was an increase of £109 1s, Legislature, £175, Audit £25, Police £205, Gaols £135, Convicts £340, Post-Office £122 10s, Education £744 2s, Registrar of Births, &c £125, Medical £397 12s 6d, Destitute poor £200, Public offices £47 10s, Military £120 15s, Law offices £40, Supreme Court £10, Magistrates and Local Courts £890 5s, Court of Insolvency £600, Registrar General of Deaths £2164 10s, Office of Treasurer £60, Customs £140, Agent in England £50, Office of Commissioner of Crown Lands £150, Survey and Crown Lands £1,052 12s 6d, Office of Commissioner of Public Works £125, Colonial Architect £140, Railways and Tramways £105 17 6d, Observatory and Telegraphs £2118 2s 6d Those were all the increases upon the sums voted last year, but it was right he should also explain that in some of the same departments there had also been a decrease For instance under the head of Legislature there was a decrease of £357 10s, Audit £15, Police £205 Convicts £458, Education £20, Medical £375, Colonial stores £5, Military £199 2s 11d, Magistrates and Local Courts £515, Court of Insolvency £1, Treasury £20, Customs £222 10s, Coast Harbor Service £1530, South Australian Bank Agency 400*l*, Survey and Crown Lands 1,014*l* 12s, Immigration 1,600*l*, Commissioner of Public Works 25*l*, Colonial Architect 25*l*, Railways and Tramways 231*l* 15s, Observatory and Telegraphs 1,091*l* 5s The total increase was 10,382*l* 18s, and the total decrease 8,290*l* 14s 11d making the nett increase only 2,092*l* 3s 1d This would explain that the large increase which appeared on the Estimate was apparent, not

real. In reference to the increase of 880*l.* to Magistrates and Local Courts, he should explain that this increase arose from the Government having placed certain Clerks at fixed salaries who were formerly paid by fees, that is, they had exchanged the amount of fees, or very nearly so, for a fixed salary. Where the salary by fees exceeded 100*l.* per annum, the Government had adopted the course of paying by a fixed salary instead of fees. This had always been the intention of the Government. When the Courts were first appointed the receipts were made the test of the salary to be paid. In the first instance the clerk received the fees, but when they amounted to a certain sum then the fees were exchanged for a fixed salary. The increased expenditure was nearly balanced on the other side by the revenue deriving the receipts from these Courts which were now transferred to the Treasury. In the Court of Insolvency there was an increase of about £600, but the principle of that increase had been allowed in the Supplementary Estimates, and arose from a change in the law. In the Registrar-General of Deaths department there was an increase of £2,164 10s., but that item had already been fully discussed and explained. In the Survey and Crown Lands department there was an increase of £1,052, but the saving in that department had been £1,014, and the difference was so small that it was unnecessary to dwell upon it. In the Commissioner of Public Work's department there was an increase of £125, and in the Colonial Architect's, of £140. In Railways and Tramways there was an increase of £105 17s. 6d., but the House would observe there had also been a saving of £231 15s. Under the head of Observatory and Telegraph, the increase appeared to be very large, but he would observe that the increase did not arise from an increase in the salaries for there had in fact been very few increases of that nature, and those only of a minor character, but the increase in the estimate arose from the necessary expansion of these departments coming under the head of reproductive works. He would proceed to give the House some idea of the number of departments which were self-supporting, so that the House would see that, although there was a large sum on the Estimates for salaries, in reality the departments to which they were paid produced a large revenue. He would select only a few. The Supreme Court cost 2,465*l.* and produced 750*l.* 8s. 7d. The Insolvent Court cost 1,055*l.*, but produced 924*l.* 0s. 5d. The Adelaide and Port Adelaide Courts cost 1,115*l.* and produced 1,296*l.* 17s. 8d. The District Courts cost 3,213*l.* 7s. 6d., and the amount received from them had been 820*l.* 18s. 7d. A further sum of 840*l.* was expected from them. Clerks and officers connected with those Courts cost 1,209*l.* 10s., but the total fines received amounted to 1,661*l.* 7s. 1d. The Post-Office cost 8,702*l.*, and the receipts were 5,989 19s. The Registration of Deeds cost 944*l.* 5s., and the amount received had been 3,001 2s. 4d. The Printing Establishment cost 1,582*l.* 10s., and the receipts had been 438*l.* 0s. 6d., but, independently of this amount, the various Government Departments had been supplied gratuitously with printing from this department, the cost of which should be added to the profits, because, if the printing had not been obtained from that source, it must have been paid for elsewhere. The public cemetery cost £287 10s., and had yielded £57 7s. 6d. The convicts cost £2,472 12s. and had yielded £1,113 4s. 3d. The labor of the convicts, in fact, paid half the entire cost of the establishment. The Customs cost £3,709 4s., and brought in £80,089 10s. 9d., thus it would be seen that the Customs revenue cost less than 5 per cent to collect. The Land and Survey Department cost £8,170 1s. 6d., and the land sold amounted to £102,284 17s. The goldfields cost £125, and had produced £103 10s. The Inspectors of Scab cost £743 2s. 6d., and produced £513 4s. The Railways had netted £2,391 16s. 5d. after paying all expenses. The Port Elliot and Goolwa Tramway cost £1,095 7s., and produced £956 19s. The Telegraphs cost £3,913 3s., and produced £753 17s. 8d. These sums were the proposed cost for the half-year of 1859, and the returns were for the half-year of 1858. He had entered thus fully into an explanation of the various items, because, otherwise, it would probably have been urged that the Government had been extravagant in increasing the expenditure at the rate proposed, but he had shewn the actual increase upon the half-year would be only £2,092, and that involved several new departments—the Registrar General's department, and an enlargement of the Telegraph department. With respect to public works and buildings, for which a large sum appeared upon the Estimates, he would call the attention of the House to one fact. It was the desire of the House to vote a much larger sum during the current year for roads and bridges than had been previously voted, and the House took from the sum intended to be appropriated for the coming year the sum of 20,000*l.*, and added it to the Supplementary Estimates for this year. The amount upon the present Estimates was consequently less by 20,000*l.* than it would otherwise have been. Under the head of miscellaneous expenditure, was included a sum of 7,000*l.*, being a subsidy for steam postal communication, and there were items of 4,500*l.* for military, for the defence of the colony, and 2,500*l.* for the collection of the census and statistics. It was proposed at the time the census was taken, also to obtain other returns. The sum of 4,500*l.* for military defences was based upon a report which had been laid upon the table of the House, which had reference to the cost of maintaining 100 volunteers. On referring to the report before the House, it would be seen that the cost of 100 volunteers, merely at 1s. an hour, sufficient to pay their travelling expenses would amount to 876*l.* 5s., and assuming that 700 were called out, which was the lowest number they ought to have, if they were to be of any use for defence at all and for anything better than amusement, the cost would be 6,139*l.* per annum; but he had fixed the annual cost at 4,500*l.*, and had taken the amount which appeared upon the Estimates as about the proximate amount for the first six months when the heaviest expenses would be incurred. He thought he had travelled through almost all the items of expenditure in a general way, and would advert to one branch of the subject, which was the classification under the head of "appropriation." He had stated to the House that the permanent appropriation for railways and other works was 33,755*l.*, and that brought him to the subject of the loan. He would state that the colony was liable for the payment of this amount every six months, being the payment of redemption and principal upon loans which had been raised upon the authority of that House. On the subject of debt he would state that the amount authorized by that House was 889,000*l.*, but that did not include the Kapunda Railway loan, which had not been included, as the Bill authorizing it had not yet become law. Under the authority to which he had referred bonds had been issued to the extent of 685,000*l.*, but the amount had been reduced by 61,000*l.* since the first issue, so that the total debt now amounted to 624,400*l.* He would not go further into the subject because he made a statement in detail in reference to it when the Supplementary Estimates were under discussion, and should be happy to furnish any further information which was required. He would now pass to the other side—the estimate of Ways and Means. Before he went into a detail of the sums which it was expected would be realized by the Government, he would make some statistical statements to the House upon which they might form an opinion of the probable prosperity of the colony during the rest of the year. Since the Supplementary Estimates had been before the House, the Customs returns showing the imports and exports for the quarter ending 30th September had been published, and they showed that the imports for the third quarter of the year amounted in value to 323,217*l.*, whilst the imports for the corresponding quarter of the previous year had been 300,832*l.*, showing an increase in the imports of 22,386*l.* This was a very trifling increase, it was true and might arise merely from a single shipment, but upon referring to the exports, he found that for the past quarter they had only been 244,531*l.*, whilst for the corresponding quarter of 1857 they were 331,525*l.*, showing a decrease in our exports for the past quarter of 86,994*l.* He should not comment upon the causes and effects of these increases and decreases, because he believed that these matters would always right themselves. As soon, for instance as the imports increased to such an extent that they ceased to find a market, importers would cease to import. He admitted that they could not judge very properly or very conclusively of the progress of the colony from any such comparison, but they might judge of its prosperity by the estimated value of its exports. To that test he would proceed to draw the attention of the House. He would read to them tables showing the staple produce exported for the quarter ending the 30th September last, as compared with similar exports for corresponding quarters in previous years. The tables were, he thought well worthy of consideration. The total value of the exports from the colony for the fourth quarter of 1856 was 415,441*l.*, for the first quarter of 1857 it was 444,899*l.*, the second quarter, 318,681*l.*, the third quarter, 331,527*l.*, the fourth quarter 614,694*l.* The first quarter of 1858 316,252*l.*, second quarter, 297,765*l.*, third quarter, 244,531*l.* The total of the exports for the first four quarters he had quoted had been 1,510,549*l.*, and for the last four 1,383,242*l.*, so that there had been a decrease during the last four quarters, there was a falling off in the value of exports of 127,307*l.* These sums were made up during the first four quarters, of various products, the value of which was as follows:—Wheat and flour, 608,318*l.*, other cereal produce, 67,090*l.*, mining produce 439,375*l.*, wool, 376,403*l.*, other produce, 19,363*l.* During the last four quarters the relative value of the exports was as follows:—wheat and flour, 492,758*l.*, other cereal produce, 50,019*l.*, mining produce, 391,084*l.*, wool, 417,445*l.*, other products, 31,936*l.*, so that the decrease in the value of wheat and flour upon the last four quarters compared with the preceding ones was in wheat and flour, 115,560*l.*, other cereal produce, 17,071*l.*, mining produce, 48,291*l.* The only items of increase were wool, 41,042*l.*, other products, 12,573*l.* These tables disclosed an important feature in colonial history which could not be too closely studied. It might be said, however, that notwithstanding the reduction in the value there had been an increased quantity exported; but this was not the case, for the tables to which he had alluded shewed that during the first four quarters, namely, the last quarter of 1856 and the first three quarters of 1857, the exports were as follow:—28,620 tons of flour, 206,568 bushels of wheat, 53,133 cwt. of copper, 45 tons of regulus, 9,333 tons of copper ore, and 416 tons of lead ore, but for the last four quarters, or the last quarter of 1857 and the first three quarters of 1858, the quantities were:—24,533 tons of flour, 199,040 bushels of wheat, 47,005 cwt. of copper, 165 tons of regulus, 5,868 tons of copper ore, and 1,700 tons of lead ore, so that there was a decrease of 4,087 tons of flour, 7,258

bushels of wheat, 6,123 cwt of copper 3 465 tons of copper ore, the only items of increase, 122 tons of regulus, and 1,284 tons of lead ore It would be seen then that there was not only a considerable decrease in the value but in the quantity of our exports The deficiency in the cereal produce shipped during the last quarter might arise from the failure in the harvest, and during the present quarter there was generally less ore and wool shipped than at other times, and again, parties might be holding back their produce in the hope of getting better prices next year, but still the facts which he had stated were on record, and he gave them to the House as he found them The effect of this diminution in exports had caused a pressure upon the money market and he could not help remarking that the produce of the land sales had been maintained in a most unexpected degree, but he would not ask the House, from that circumstance, to suppose that it would continue, because that was a source of revenue which depended upon particular lands being put up, and there had been large sales lately upon runs, the proprietors of which had bought these lands themselves, and that was a system which could not be calculated upon to continue It was impossible to strike an average in reference to such sales He would now go into details of several sources of income as they appeared upon the Estimates With regard to the revenue, he would observe that was to a great extent the data upon which they must base their expectations for the future He would inform the House what was likely to be realised to the end of this year, and explain the reasons which had induced the balance of £15 000 to be brought forward in addition to the balance formerly appearing upon the Estimates The hon gentleman went through the various items, showing that from the amount which had been received during the first nine months of the year there was every probability of the sum set down for the last three months being realised With regard to the Customs Department he held in his hand a very interesting document, showing the quantity of wine and spirits imported each year, which showed one remarkable fact of great value in connection with a branch of industry which was being developed – he alluded to the manufacture of wine It appeared from this return, as he should shortly show, that two-thirds of the wine drunk in the colony was made in the colony The quantity of wine imported to the colony did not now amount to half a gallon-per head annually In 1851 the quantity of wine imported was 69 264 gallons, of spirits, 66,516 gallons, and the population was then 66,538, the quantity of wine imported being, per head rather more than one gallon, and of spirits one gallon In 1852 the wine imported was 52,865 gallons spirits, 67 886 gallons, population 68,663 In 1853 the quantity of wine imported was 169 093 gallons, spirits, 169,992 gallons, population, 76,050 In 1854 the quantity of wine imported was 145,900 gallons, spirits, 106,418 gallons, population, 83 530 In 1855 the quantity of wine imported was 83 957 gallons, spirits 126,175 gallons population, 96,982 In 1856 the quantity of wine imported was 65,497 gallons, spirits, 131,576 gallons, population, 104,708 In 1857 the quantity of wine imported was 55,680 gallons, spirits, 134,041 gallons, population, 109,917, so that the quantity of imported wine consumed was insignificant, and this might be accounted for by the masses consuming the wine manufactured in the colony Under existing circumstances he saw no reason to suppose that the revenue during the first six months of the ensuing year would be lower than was stated upon the Estimates Taking the Land Sales, not at the figure of 1858 but at a much lower figure, that which he first assumed for this year and he hoped they would be realised In no one year had so small a sum been estimated from this source With regard to the Customs Revenue having, during the first quarter of this year received 80,000*l* from that source, there was no apprehension that the amount calculated upon would not be realised The same remark would apply to Harbor Dues and Rents As to assessment on stock, he would not state at that time what were the expectations of the Government from that source, because the House had not yet come to a decision upon the matter, and indeed further allusion to the subject might with propriety be deferred till the report of the Select Committee appointed to investigate the subject had been discussed, or till the Government had declared what course they would take in reference to the matter He had already shewn the House that, if that Bill was disallowed and the item of 10,000*l* consequently struck off, there would still be a surplus of 9,000*l* —not so insignificant a sum, when it was considered that these Estimates were only for six months and that the balance was consequently at the rate of 18 000*l* per annum With regard to the item for publicans' licenses, he thought there could be no doubt about that item being realized, as there was no indication of the number of public houses being diminished The hon gentleman went through the various other items, pointing out that there was every probability of the sums set down being realised and concluded by stating that in moving the House into Committee, he did not propose to discuss any item upon the Estimates, but intended immediately to ask the Chairman to report progress

Mr SOLOMON said that if hon members supposed he rose upon this occasion to have what was vulgarly called "a slap at the Government," they were very much mistaken He should be sorry to do anything of the kind but in the face of the documents which had been laid before the House showing the probable Ways and Means for the year 1859 he felt that he should be wanting in his duty to himself and other hon members if he failed to call attention to what he believed to be mistakes in the figures, for he believed it was beyond a doubt that some of the amounts set down could never be realised (Hear, hear) There were only one or two items to which he had paid particular attention, and to these he would now direct the attention of the House, beginning with the department of Customs The estimated income from this department was set down at 77,007*l* for the first half year, or being at the rate of 154 000*l*, as the amount of duties derivable from the Customs On referring to the year 1857 he found that the amount of duties for that year amounted to 151,960*l* He was anxious to know why, even in a trifling degree, the estimate for the present year should be above the actual receipts of 1857—why it should be set down at 154 000*l*, when the actual income of 1857 was not quite 152,000*l* He was at a loss to understand how this result was arrived at True, the hon the Treasurer had told the House that he had no doubt that the items upon which he calculated would be realised, but he (Mr Solomon) must join issue with the hon gentleman upon this point He would say that with commercial matters in the state in which they now were in the colony, for the hon the Treasurer to come down and tell the House that English importers or men in the colony who had their warehouses stocked to the very ceilings, with the bonded stores crammed, and every private store as full of goods as they could possibly be stowed, with probably enough of goods in the colony to last for the whole of the next year –under such circumstances for the hon the Treasurer to come down to the House and say that such an amount would be available from the duties on imports as he had set down, was almost an insult to the House (Hear hear) In 1857, the duties on spirits amounted to 66 971*l*, giving the enormous quantity of 130,000 gallons of spirits imported, on tobacco, the duty was 16,191*l*, giving an importation of 330,090 lbs, on tea, 5,203*l*, which would give, at 89 lbs the chest, 7 804 chests, on sugar, 5 810*l* which would give an importation of 2 900 tons on beer, 6 885*l*, giving an importation of 413 000 gals, on wine, 2,938, giving an importation of 58,763 gallons There were other items which raised the amount to 102,450*l*, besides the proceeds of ad valorem duties from which £49 417 was derived This sum of £49 417 to be obtained from articles of luxury, which could only be consumed in times of prosperity What amount of goods would therefore be requisite for next year to make up the amount of Customs duties estimated by the hon the Treasurer? We should receive a million's worth in the shape of drapery goods slops, boots and shoes and other necessaries, but with our warehouses as full as they were, this was an impossibility The hon the Treasurer asked the House in the first place to go into the question as to whether we should spend the money which he had put down as the estimated expenditure for the year, but he (Mr Solomon) thought the House would be wrong in endeavouring to spend money until hon members were quite satisfied that it was money which they could get it The hon the Treasurer had not shown this He had merely hazarded a supposition that at a time of unprecedented commercial panic and depression we were to expect as large a revenue as we had in 1857, when the country was prosperous to a degree Were we to expect a repetition of the same enormous imports this year which we had in 1857 He (Mr Solomon) would say Heaven forbid for the sake of our commercial prosperity that such should be the case (Hear hear) If it was possible that the estimate of the hon the Treasurer could be borne out by facts the colony would be in a decided state of bankruptcy, inasmuch as it would not for a considerable period be able to pay for the goods which had been imported The hon the Treasurer said he would not comment on the overplus of imports as compared with our exports inasmuch as he believed this disparity would right itself that importers abroad and also persons in this country would cease to introduce goods But if so what would be the result? Why, that it would be impossible that the amount put upon the Estimates for Customs revenue could ever be realised (Hear hear) He would take the hon the Treasurer's own argument, and would say when the disproportion between our imports and exports righted itself, then would be the time to put down an estimate such as could not be realised now when there was a commercial panic in the colony He would now refer to another point The hon the Treasurer had said he would not allude to a sum of £10,000 which appeared on the Estimates as the sum anticipated from the assessment on stock But he (Mr Solomon) as a supporter of the Government on the subject with which that vote was connected, intended to allude to it For whilst he fully held that the Committee had done their duty, he and those who supported the Government had been sold inasmuch as the Government failed to call such witnesses as would have given evidence favorable to the assessment The Government had not called witnesses who could have shewn that it was just and necessary that the assessment should be carried out Why had not the hon the Treasurer alluded to this £10,000? He contended that that hon member should have shown where the Government intended to make their stand on the matter He, as one of those who supported the Government, could not but feel indignant, for he considered that the Government had sold him It was an old commercial axiom

and a true one, that "you should cut your coat according to your cloth," and certainly the House should know what they were going to spend and by what means they were to raise it before setting about spending it. But so far from doing that the hon. the Treasurer had merely laid before the House a document which could not possibly be borne out by facts. Having already referred to the Customs estimates, he was confident that commercial members of the House knew it could not be borne out by facts, and he would, therefore, leave the matter in the hands of these hon. members. He would next refer to the sales of Crown Lands, which were set down at £90,000, as he wished to know where that amount was to come from. Were the people of the colony in a position at present to buy land at that rate? He maintained that they were not, and the banks would tell hon. members that they were not. The banks for a long time past were contracting their discounts as much as possible, and these afforded the only means of purchasing land unless the land was forced on the market in such a manner as to evince a determination to sell it to the injury of every other interest of the country. It was impossible that 90,000*l.* could be available from this source, although he did not profess to know as much upon this subject as he did on that of the Customs duties; with respect to the Customs Estimates, he would still pledge his veracity, that unless a gold-field should be discovered, or some other great change took place, these estimates could not be realised. He would leave the other points of the hon. the Treasurer's statement in the hands of hon. members, as he had only risen to give vent to his opinion on those matters to which he had referred, and would probably be followed by other hon. members who were better able to deal with other portions of the statement.

Mr REYNOLDS would say a few words in reference to the land revenue. He felt fully persuaded that the sum of 90,000*l.* could not be raised from this source for the first half of 1859. The hon. the Treasurer had supplied him with an argument on this point. That hon. member stated that the land revenue was kept up by forcing the squatters' runs into the market, and the squatters were obliged to buy the land in self defence. The squatters were a wealthy class, but they had not an unlimited amount of capital, and could not, therefore, buy an unlimited quantity of land. He (Mr Reynolds) was of opinion that the Land Fund would fall off to a very serious extent. He also thought that in forcing the land into the market they would be adopting a policy far from beneficial to the colony. If the squatters were not forced to buy land by the land being forced into the market, a great deal of the money now in the hands of the squatters would find its way into the hands of the commercial community, and form a sort of floating capital. Again, we were to send a large portion of the money derived from the sale of land out of the colony for the purpose of importing labor, and that at a time when we had not sufficient money to employ the labor already in the market. There was a sum of 20,000*l.* down upon the Estimates for the first half year of 1859 for the purpose he presumed, of paying a moiety of 40,000*l.* proposed to be devoted to immigration during the year. The question was did we want this labor? Let hon. members look at the laborers working on the rail way from 3s. 6d. per day, and ask themselves whether we wanted this additional labor. The hon. member for Onkaparinga had brought forward a motion on this subject the other day, and he (Mr Reynolds) did not vote for it, believing that it could not do any good, inasmuch as the immigration could not be stopped immediately. But he felt it his duty not to vote a further sum for this purpose at present, and if the vote was persisted in, he should feel it his duty to oppose it. With regard to the Customs duties, he concurred with the hon. member, Mr Solomon; and if he wanted an argument in favor of that hon. member's views, the hon. the Treasurer had supplied it, inasmuch as he stated that we were now using native wines to a considerable extent, which would cause a considerable falling off in the import of spirits and other imported articles. There was also a large quantity of goods in stock in the country, upon which duty was already paid, so that we should be prepared for a falling of in the Customs. The Government should have placed upon the table the quarterly Customs' returns up to the end of September, which he (Mr Reynolds) had not received, and which he believed was not printed. Hon. members had received the returns of revenue and expenditure, but he referred to those of imports and exports. He had the returns for the year ending 31st December, but could not find the quarterly return amongst his papers, and he found it a great disadvantage, as it had prevented his making certain calculations. The relation of our imports and exports was not in the healthy ratio he would wish to see maintained, although it was true that the exports were large. In 1856 as compared with 1855, the imports showed a fractional increase of say 20,000*l.*, whilst the exports showed an increase of 100 per cent. In 1857 as compared with 1858, the population had increased about 6 per cent., the imports about 40 per cent., and the exports only about 25 per cent., being an increase of exports of 300,000*l.* over and above imports. But the three quarters of 1858 show an increase of nearly 400,000*l.* of imports over exports, and a large falling off of staple products. These facts showed that we had not the materials to export which we had in previous years, whilst the prospects of the coming year were not so cheering as he could wish them. It therefore became us to be very chary of keeping up expensive public establishments. We should use the pruning knife freely in order to keep up something like a proportionate ratio between our income and expenditure. The rate per head of the ordinary revenue to the population in 1850, was 43s., whilst the cost of establishments or rather the sum required for the purposes of government, amounted to but 26s., per head of the population. But in 1858, he found that whilst the revenue averaged about 42s. per head the cost of Government was 37s., or an increase in proportion to the population of about 50 per cent. for cost of government. It was time to strike out some more moderate and economical course, and to reduce the cost of government, which now amounts to 190,000*l.* or 200,000*l.* If the Government struck out the 12,000*l.* for immigration, it might to a great extent meet the deficiency caused by the assessment on stock, that is if the Government were not disposed to go on with the assessment. He did not know whether the sum for Immigration would be struck out of the Estimates, but he would be glad to support the Government in dispensing with it. He did not know in what position the Government would place him in reference to it. He thought the Government was right in putting the sum on the Estimates, for they had no right to suppose what the House thought upon the subject, and they of course put the sum on to test the feeling of the House. He would not refer at present to other items which he would like to strike out or modify. The first was the snagboat on the Murray, about which he had a little to say, but he would not trouble the House at present.

Mr STRANGWAYS remarked that the Estimates showed a deficiency of 10,000*l.* in the revenue as compared with that of last year, for which he could not account. Towards the end of the Estimates he saw a considerable sum for public works and buildings, but the hon. the Treasurer had not informed the House what course he intended to pursue in respect of these. Neither did the hon. member refer to the Public Works Bill which he (Mr Strangways) understood was thrown out in the Upper House. The Government should have referred to this matter and informed the House whether they meant to take further action in reference to it at present or whether a further vote would be necessary. The hon. the Treasurer had however left the House entirely in the dark on these points. There was a considerable increase on the Estimates for the Surveyor-General's department, and that of the Commissioner of Crown Lands, and nearly 10,000*l.* was absorbed by the New Lands Titles Registration department. The question of the assessment on stock had not been alluded to by the hon. the Treasurer. With respect to the vote for Immigration he thought it might be desirable that instructions should be sent to the agent in England desiring him only to send out immigrants at the rate of one ship each two months instead of one ship per month as at present. Whilst he was opposed to the entire stoppage of immigration, he thought it desirable that it should be regulated fairly in accordance with the supply and demand for labor. But hon. members should bear in mind when they came to deal with this matter, that any action they might take in reference to the question could not take effect in the colony for six months at least. He hoped hon. members would not be led away by any impression that their refusal to grant this money would have any effect on the superfluity of labor here, if there was a superfluity, for some time to come. He would merely call attention to Parliamentary Paper 118, on the trenching of the Parliament Houses ground, where they would find some explanation of the alleged superfluity of labor. The items of expenditure could be best considered in detail, but there was one statement of the hon. the Treasurer which surprised him (Mr Strangways), that was, that the exportation of copper was less by 6,000 tons than it had been during the previous year. He (Mr Strangways) believed that the annual export did not amount to 6,000 tons, and he thought that either the hon. the Treasurer had made a mistake, or he (Mr Strangways) and some other hon. members, must have misunderstood him.

The CHAIRMAN then put the item—

Private Secretary to His Excellency the Governor, £200.

The TREASURER said that he had already stated he meant to move that the items be proceeded with on a future day. If, however, hon. members wished to proceed at once with some unimportant items, he would do so.

Mr REYNOLDS understood the items were not to be proceeded with.

The item was then agreed to, and on the motion of the Treasurer, the House resumed, and the Chairman having reported progress, obtained leave to sit again the following day.

DISTRICT COUNCILS ACT AMENDMENT BILL.

The House went into Committee on this Bill, resuming its consideration at clause 61.

Clauses 61 to 67 inclusive, were agreed to without discussion.

On clause 68, "Money to be paid into bank, and payments to be made through the banks,"

Mr YOUNG suggested that the Councils should have the power of paying small sums without restriction.

The COMMISSIONER OF PUBLIC WORKS, in his own experience of District Councils, had found the proposed plan much more convenient.

Mr Harvey moved that Councils should be compelled to pay in any money they might possess upwards of 5*l*

Mr Peake supported this clause

Mr Neales also supported the clause believing it to be a great advantage that everything should appear in the cheque book There were constantly cases arising in the Councils which proved the necessity for some such regulation as the one proposed The *Observer* newspaper contained a library of information in support of this view of the matter

Mr Mildred supported the clause

Mr Rogers suggested that the cheques should be signed both by the Chairman and the Clerk of the Council

Mr Glyde moved that the word "all" be prefixed to the clause, and that the words "within seven days after the receipt thereof" be inserted, and the words "and countersigned by the Clerk" be added

The amendment for the insertion of the word "all" was agreed to

Some desultory discussion ensued, in which various limits were proposed to be set to the amount retainable in the hands of the Council

Mr Rogers proposed that the clause should provide that no money should be paid except by cheque As the clause stood, it was possible to pay sums of money otherwise than by cheque

Mr Duffield proposed, as an amendment, that "all moneys of every District Council should be paid into the bank whenever the sums amounted to £20, and that no money should be paid except by cheque"

Mr Mildred thought the latter portion of the amendment would be inconvenient, as very often small amounts were required to be paid away He objected to the limitation of the amount to £20 to be paid in, as it would be quite possible for an officer of a District Council to keep £19 19s 6d in his breeches pocket for a considerable period, and so evade the provision He proposed that the clause should be altered, compelling the money to be banked when it amounted to £10, also, that all moneys above £5 paid should be paid by cheque

Mr Duffield's amendment was then put and carried, and the clause as amended was then passed, and stands as follows —"That all moneys of every District Council, whenever the same amounts to £20, shall be paid into some bank, and no money shall be paid except by cheque, signed by the Chairman and one other Councillor"

Clause 69, "Assessment of Rateable Property"

Mr Mildred asked the Attorney-General if he would explain what was meant by the expression, "estimated annual value?"

The Attorney-General said that as it was understood in England, it was what a person as tenant would give from year to year for any property For instance, if a vineyard were planted the "estimated annual value" was what rental it would fetch, or if a man rented a piece of ground it was what he would be able to pay in rent that would enable him to plough sow and reap it for his advantage This was the course adopted in England in deciding the annual value of any property

Mr Strangways asked whether it was not usual at home to deduct the outgoings from the annual value

The Attorney-General said that what the tenant paid in England in the shape of rental was paid after those outgoings were liquidated Of course what a tenant would give in the shape of rental would be a net amount after reckoning the expense of ploughing, sowing, reaping, and getting in his grain

Mr Shannon thought it a great hardship that farming improvements should be taxed This clause was the most objectionable part of the District Councils Act In his district there was no Council established, and he had pointed out the advisability of having one, but he had been always met with the answer that so long as the present assessment was continued there would be no steps taken to establish one, for all the improvements a farmer made upon his property only involved his being rated at a higher assessment He considered the tax upon improvements put a damper upon any desire to improve one's property, and he should therefore propose, as an amendment, that farming improvements should be exempt from this assessment

Mr Mildred was sorry to say that the Attorney-General's answer to him was not a satisfactory reply to his question For instance, the South Australian Company had land in the town, some of which was valueless, and other portions of great value, and he would like to know how the Attorney-General's principle could be applied to such property, as well as to throw some light upon his own mind in the event of his being called upon as a Magistrate to adjudicate in such cases If his mind was not satisfied on this point, he should propose that instead of "property," and "annual," they should substitute the words subject to the usual covenants of a lease for 21 years

Mr Strangways said the hon member's proposition was untenable, as there would be as much difficulty in ascertaining the annual value under a 21 years lease, as in the case as it now stood In the present state of the Act, the district obtained advantages from the use of unoccupied land, but the proposition of the hon member for Noarlunga would tend to do away with this He believed the present system worked well, and he should oppose the amendment, as it tended, if possible, to make confusion worse confounded

Mr Mildred said he would tax land, but not improvements nor industry, and whether by District Councils or by the State, he would impose a general rate, and if that were not sufficient he would double it The "annual assessment" was not a just or proper way of raising the revenue

The Attorney-General said the doctrine held by the hon member for Noarlunga was certainly a convenient one, and one which would be certainly approved by those who were only self-interested, but he supposed that if persons escaped paying the revenue in one way they would have to pay in another He could understand with the hon member for the Light that it was hard for persons to pay for their improvements, but then it must be remembered that the probability was that those persons who improved their property became more necessitated to use the roads than others, and were, therefore, entitled to pay in a greater proportion than others for these conveniences The principle hitherto adopted was one which had been recognised ever since local taxation was introduced It was a principle which had been adopted in Europe for centuries, and was he, thought one as free from objection as any other

Mr Peake agreed that if the principle of the hon member for Noarlunga could be introduced, it would, as well as to himself, be a salve to many persons But it was a well recognised fact in political economy that as property increased in value, so did the necessities for improvement increase With respect to the Attorney-General's definition of the words annual value, he would say that it was the custom at home, if he did not mistake, to empower the valuator to deduct a certain amount from the annual value as would pay for repairs, improvements, &c, and then it was usual to determine the residue as the rateable value Perhaps the Attorney-General might deem it advisable to introduce such a system here, say deduct one fourth or one-fifth from the gross annual value, and let the remainder stand as the rateable value

Mr Duffield said the doctrine of the hon member for Noarlunga was certainly a new one, and one that privately he should have no objection to see carried out in his own district The sense of that hon gentleman's proposition was this, that he, as Chairman of the District Council of East Torrens, might, in directing the assessor to assess the property of the district, say to him, "Now, this is the property, but you are not to take it as you find it, but as it was in 1840 ("No, no," from Mr Mildred) The hon member said "No, no," but that was surely the sense of his proposition, if improvements were not to be assessed, and he thought it to be a fallacy He (Mr Duffield) had had several arguments with gentlemen in the country, but he could never bring them to a point, nor could they give any reason for their faith, except that it should be so He thought the House would find no suggestion so much to the purpose as the course which was at present laid down in the Act The only amendment he should propose was, that the last five words should be struck out which provide that the Assessment Book should not be deposited in public-houses, as he thought this would be an inconvenient restriction, the public-house being very often the most suitable place to deposit the Assessment Book The matter might be left with the Councils

Mr Mildred could not but express his gratification that there were other gentlemen, as the last speaker had intimated, who held opinions similar to his own He would explain, with reference to the views he had stated to the House, that he did not intend it to be implied for one moment that he would place the assessment on land at its first cost, which in some cases was 12s per acre, but that they should commence at once, say to morrow, and take the present annual value, and not include any future improvements A section of land near Adelaide, worth 1,000*l*, he would assess at 1,000*l*, and another, at Mount Remarkable, he would rate at its proper value He knew this step was in advance of the practice in England, but it was not the only thing in which we were in advance of the mother country, and he felt proud of it He repeated that he did not intend for a moment to shackle the industry of the poor man

Dr Wark had no doubt of the clause having a prejudicial effect It was a difficulty which at present they did not see their way out of It tended to retard improvements There was one point which struck him after he heard the Attorney-General's definition of the "estimated annual value" and that was this He would suppose a person laid out a vineyard and that it remained unserviceable for the first four or five years, would such property be rated during its unoccupancy He thought in such a case the assessment should not be levied

Mr Hay thought some alteration was requisite so that improvements should not be taxed The hon member for the City (Mr Solomon) had very forcibly pointed out on the absentee question the disadvantage which the improver of property was at to those who allowed their land to be idle, and he thought it was an apposite argument in this case He thought in any alteration they might make they should define some improvements which should be exempt from taxation, and others which should be liable to it He supported the amendment that the covenant for a 21 years' lease should be considered a rule as to the annual value, as he thought it would to a certain extent meet the difficulty which had been raised

Mr Lindsay was perfectly sensible to the objection against

this clause, but did not see how it was to be got over. It was a difficulty which had been experienced in his district. He was aware that the objection had been met by some District Councils, although in an illegal manner, and that was by instructing the valuator to assess that description of improvement likely to yield an annual return, such as in clearing land and fencing: whilst houses, or what were considered as conveniences, were exempt. It was certainly an illegal act, as the terms of the District Councils Act were not thereby complied with, which implied that all improvements should be rated. He did not see, however, that it was possible to introduce any system which would obviate this difficulty.

The clause was then passed, the only amendment in it being the omission of the last five words, which left it optional to deposit the Assessment Book at a licensed public-house.

The House resumed, the Chairman reported progress, and leave was given to sit again on Wednesday next.

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL.

The further consideration of this Bill in Committee was made an Order of the Day for Friday.

CIVIL SERVICE BILL.

The consideration of report of Committee of the whole House on the Civil Service Bill was postponed until Friday.

ASSESSMENT ON STOCK.

Mr. PEAKE put the question to the Commissioner of Crown Lands, standing in his name *seriatim*: First, "Whether it is the intention of the Government to proceed further with the *Assessment on Stock Bill this session?*"

The COMMISSIONER OF CROWN LANDS: Unless the report of the Select Committee should be adopted by the House, the Government does intend to proceed further with the Bill.

Mr. PEAKE would then ask, secondly, "Whether this House is to understand that the present Government, in proposing to place an assessment on the stock depasturing on the Waste Lands of the Crown, held under lease for 14 years at 10s. per square mile, does so with a view to supplement the rent for which those Waste Lands are now let?"

The COMMISSIONER OF CROWN LANDS—The Government in proposing to place an assessment upon stock, intended to make the occupiers of the waste lands of the Crown held under pastoral leases contribute more equally to the public revenue than at present.

Mr. PEAKE asked, thirdly, "Whether, in the event of an assessment on stock being adopted as a supplemental payment of rent for such Waste Lands, any distinction as to their liability for assessment for purposes of General Revenue will be made between lessees holding their leases under the present Waste Lands Regulations, and those persons who hold their leases under the regulations previously in force in this colony; and if so, what will be the nature of such distinction?"

The COMMISSIONER OF CROWN LANDS—The details of the Bill explain how it is proposed to deal with old and new runs.

Mr. PEAKE asked fourthly and lastly, whether the leases of Crown Lands holding under the present Waste Lands Regulations, can claim an exemption from assessment on the ground that they hold their leases under an implied covenant that the runs are not to be assessed for purposes of General Revenue."

The COMMISSIONER OF CROWN LANDS—No exemption can be claimed on the grounds stated.

PETITION OF JOHN FINNIS.

An extension of time (till next Wednesday) was given to bring up the Report of the Select Committee on the petition of John Finnis.

PARLIAMENTARY PRIVILEGES.

Mr. STRANGWAYS asked the Attorney-General whether it was the intention of the Government to introduce a Bill this session to define Parliamentary privileges.

The ATTORNEY-GENERAL said it was the intention of the Government to do so, and he hoped by the middle of next week to be in a position to ask for leave to introduce such a measure.

The House then adjourned to 1 o'clock next day.

FRIDAY, NOVEMBER 12.

The SPEAKER took the chair shortly after 1 o'clock.

NOTICES OF MOTION.

Several notices of motion were given.

POINT OF ORDER.

Captain HART rose to a point of order, which he considered one of great importance, so much so that he believed the hon. the Speaker and the House would see the necessity of considering it at once. The point which he alluded to was in reference to the ruling of the Speaker on the previous day upon the motion of the Treasurer that the Speaker leave the chair, and the House resolve itself into Committee upon the Estimates. He thought that the hon. the Speaker, upon consideration, would feel that his ruling upon that occasion was not in accordance either with the rules and regulations of that House or of the House of Commons. In the first place he would remark that there could be a debate upon any motion except two, the one was when the House was called upon to divide, and the other was that the House adjourn. Those were the only two questions which could be put from the chair upon which no debate could take place, and any debates which took place upon any other motion would be perfectly in order. On that point alone he believed that the hon. the Speaker would feel that he was wrong, and that the hon. member who wished to move an amendment was perfectly in order in so doing, but the particular question before the House was one in which the ruling of the Speaker was directly opposed to the custom of the House of Commons. The question was one on which, when brought before the House of Commons, more amendments arose than on any other which was put to the House of Commons. It appeared to him that the ruling of the Speaker arose from a mistake in having confused the question brought before the House on the previous day with that which immediately succeeded the reading of the Queen's speech, that the House on a certain day go into Committee for the purpose of voting supplies for Her Majesty's service. That, however, was not the corresponding question which was before the House on the previous day. The question which was before the House on the previous day corresponded with the motion for the House of Commons going into Committee on supplies. The question that supplies should be voted to Her Majesty was always passed without comment or debate. The question before the House on the previous day, however, was for going into Committee upon the Estimates. On that question, in 1837, being put to the House of Commons, there were 85 amendments. The question that the House go into Committee on supplies was 85 times put to the House, and out of the 85 times there were only 14 upon which it did go. He had always understood that it was a portion of the rights of the Commons of England that upon the question of supply was the proper time for bringing forward every grievance which the Commons had before going into Committee. It appeared to him that the ruling of the Speaker was most inappropriate in that respect, particularly at the present time, when so many things might be urged for a postponement of the consideration of the Estimates, when a Select Committee was sitting upon a question of taxation, and when it had not been determined whether there should be an assessment upon stock or not. Before the question of going into Committee had been decided, if amendments had been allowed, it would in all probability have been determined that there should be a postponement till the questions to which he had alluded had been settled. He contended that the ruling of the Speaker was against all rules and regulations of the House of Commons, and was directly opposed indeed to the very principle which governed the House of Commons in reference to this question. The hon. member quoted from "Hansard" what took place in the House of Commons in 1837, when on a motion of supply to be considered in the whole House, 85 amendments were brought forward, and only in 14 instances was the question considered. On each occasion that the motion was brought forward, some hon. member rose with some notice of motion, and all matters of grievance were brought forward. For instance, one hon. member referred to a disgraceful assault committed by the military in the city of Bradford, and another hon. member asked whether a question which had recently arisen in Canada had been brought under the notice of the Ministry. In fact every grievance which the Commons had to complain of was brought forward and considered, a debate ensuing on each—and these amendments, if he might so term them, were perfectly in order upon the motion for going into a Committee of Supply. He thought the House and even the hon. the Speaker must now agree that the Speaker was in error on the previous day in ruling that there should be no debate and no amendment upon the motion. He believed the point was a most important one, and might mention that had he been in the House on the previous day, when the motion for going into Committee was made, he should certainly have advocated a postponement till the question of assessment on stock had been determined upon and till it had become known whether the Committee upon taxation recommended any alteration in the mode of raising the revenue. According to the Speaker's ruling it would have been impossible that the Estimates as a whole could have been debated. Neither the financial position of the country nor the necessity for any change could have been discussed. Nothing in fact could have been entered upon but the particular item which was proposed. The debate must have been confined to that item, and that which was of so much importance to the country, the Estimates themselves, or any matters of grievance, could not have been brought forward. It was most important that the practice of the House of Commons should be followed in this respect. By the Standing Order 198 of the House of Commons, questions upon supply and ways and means were excepted from the general rule, that when once considered in Committee, the Speaker should leave the Chair without the question being put. On the very question of Estimates, which corresponded to the question of Ways and Means, it was competent that a debate should take place after having been in Committee. Although a great part, or any part, of the Estimates had been considered previously, a debate could take place every time that the House went into

Committee. This was sufficient to shew that the Speaker in his ruling of the previous day had departed in an extraordinary way from the practice of the House of Commons. He felt, when he entered the House on the previous day, that it was impossible the House could be in Committee, feeling assured that there would have been a long debate upon the financial policy of the Government, a debate which would probably have extended over three or four days. He was surprised when he entered the House to find that the salary of the Private Secretary was under consideration. He thought the hon. the Speaker would, upon consideration, feel that he had committed an error, and he should propose that upon the next occasion that the Order of the Day was called on for going into Committee, there should be a free and open debate upon the general financial policy of the Government.

The SPEAKER asked if the hon. member would be kind enough to point out the particular ruling to which he alluded.

Captain HART said that, according to the *Advertiser*, Hansard, and statements made to him by various hon. members, the Speaker had ruled that no amendment could be put upon the question, that the House resolve itself into Committee upon the Estimates. He had understood that the Speaker had ruled it was the custom of the House of Commons, upon going into Committee of Supply, which corresponded with our going into Committee upon the Estimates, that there should be no debate or amendments.

The SPEAKER said if the hon. member had been in the House on the previous day at the time the circumstance to which he alluded took place, he could not have been led into the error of supposing that the Speaker had ruled as the hon. member had stated. So far from having ruled that there could be no amendment upon the motion that the House go into Committee, he had clearly and distinctly stated that it was in the power of any hon. member to move such amendment, but it was not moved. It was however totally unusual in the House of Commons to throw any obstacle in the way of the financial statement being made to the House. The hon. gentleman quoted from May, to shew that his statements in reference to the practice of the House of Commons and his ruling on the previous day were perfectly correct. He had carefully looked through "Hansard," and could not find any instance on record in which the House of Commons dissented from the Minister making the financial statement when the proper time came. Even after an amendment upon the motion that the House go into Committee had been carried, it was still competent that the Minister, the Chancellor of the Exchequer, should move the House into Committee.

Mr STRANGWAYS stated that he understood what the hon. member for the Port, and he and other hon. members objected to was, that any member of the Government should be permitted, upon moving the House into Committee, to make any statements which he might think proper, and yet that other hon. members should not be permitted to give any reasons for their opposition. That he understood to be the opinion of the hon. member for the Port, and he must say he thoroughly coincided. Whether there was any record or not of any such instance having occurred in the House of Commons was not the question. The simple fact of there being no record of any amendment having been moved when the motion was brought forward in the House of Commons, was no proof whatever that such an amendment would be out of order. It was quite possible that such a course might be perfectly in order, although there was no record of any such course having been pursued in the House of Commons. He objected to the Treasurer being allowed to make a financial statement and to enter into the question of the Estimates, urging reasons that the House should go into Committee upon them, and yet that no other hon. member should be permitted to urge reasons that the House should not go into Committee. Again, he begged to call the attention of the Speaker to another point of order. On the previous day he (Mr Strangways) was called to order and resumed his seat upon being so, but the point of order having been settled, upon resuming his speech the Speaker ruled that he had previously spoken and could not again address the House. Upon afterwards bringing this matter under the notice of the Speaker the hon. gentleman said that he (Mr Strangways) was clearly out of order in again addressing the House, as he had previously addressed the House twice upon the same subject. That, however, was not the reason which the Speaker assigned when he called him to order, the reason assigned by the hon. gentleman was that he was travelling from the question, and not that he had spoken twice previously. The hon. member for Onkaparinga (Mr Townsend) rose to oppose the motion for going into Committee, and subsequently he (Mr Strangways) rose, but had no sooner done so than the hon. member (Mr Townsend) rose to a point of order. He (Mr Strangways) rose a second time, upon which the hon. member for the Sturt (Mr Reynolds) rose to a point of order. Some discussion took place, but he (Mr Strangways) had in reality not addressed the House, but had merely resumed his seat in consequence of being called to order. As he had previously stated, he was prevented from resuming his address after the point of order had been disposed of. What he wished to know was, whether upon a member being interrupted upon a a point of order, and that point of order having been disposed of, he was not at liberty to resume his address to the House.

The SPEAKER said that the Treasurer in bringing the Estimates before the House on the previous day had not made a financial statement, but the hon. the Treasurer took the course which he did because the House had twice before refused to hear the financial statement. When an hon. member upon addressing the House was called to order, upon the point of order having been decided, he was at liberty to resume his address, but he would remind the hon. member that he allowed several matters to be discussed before he again rose, and in consequence of that it was ruled that he had already spoken.

Mr REYNOLDS thought that the Speaker would find his ruling on the previous day rather contradictory. When the hon. member for Onkaparinga asked if it was not competent to move an amendment, the Speaker said there was not an instance upon record of the House of Commons ever having refused to go into Committee. (The Speaker said that he had made some additions to his remarks, which appeared in the Hansard, which would render them more intelligible.) His (Mr Reynolds's) memory corroborated the statement which appeared in the Hansard. The question which arose in his mind on the previous day was whether any hon. member did not possess as much right to urge reasons for not going into Committee, as the Treasurer had to urge reasons for taking that step. The hon. the Speaker stopped him when he was making some observation to this effect, for it did strike him at the time as being contrary to the practice of the House of Commons to allow the Treasurer to state reasons for going into Committee, and, at the same time, to prevent other hon. members from making contrary statements.

The SPEAKER had most distinctly stated that any hon. member had full power to move any amendment he pleased. The hon. member for the Port was in error in assuming that he would not be at liberty to discuss the whole question of the financial statement when in Committee. Several hon. members, indeed, did so address the House in opposition to the reasonings of the Treasurer. Two hours were occupied by the address of the Treasurer, and the addresses of other hon. members in opposition.

Mr PEAKE wished to know whether, in future, when the Treasurer or the head of the Government moved that the House go into Committee of Supply, any hon. member would be at liberty to move an amendment to the effect that the House do not go into Committee.

The SPEAKER said that any amendment whatever could be put.

Captain HART thought the House scarcely felt in a right position at present. For his own part he knew that the ruling of the Speaker was that the particular item which was before the Committee was the only one which could be considered or debated. That had been the Speaker's ruling in many cases, and he (Captain Hart) had been debarred from going into the question of the Estimates by the Speaker's ruling that on the question being put that the House should go into Committee upon the Estimates, there should be no debate. If the Speaker were against him on that point, and still contended that his ruling was in accordance with the practice of the House of Commons, he could only say it appeared to him that it was not so by the public documents which were before the House. Those documents showed that the longest and most frequent debates were raised upon the question before the House on the previous day, whether the House should go into Committee upon the Estimates.

The SPEAKER said the hon. member entirely misapprehended him. He had stated over and over again that upon the motion that the House go into Committee, it was quite competent for any hon. member to move an amendment, but there was no instance of any amendment having been made when the object in view was merely to make the financial statement, as the House generally was too anxious to hear the statement. The debate on the budget, on the other hand, was large and extended, and might extend over several days.

Captain HART believed that the ruling of the Speaker had arisen from a misapprehension in mixing up with the question, similar to that which was before the House on the previous day, one which was invariably agreed to without contradiction, which was, that the House agree to grant supplies for Her Majesty's service. On the question, however, corresponding to that which had been before the House on the previous day, there was invariably a long and protracted debate. It was then perfectly in order to bring forward any question of grievance without notice. It was quite possible that many hon. members might have such notices to bring forward, but they would be stopped from doing so by the Speaker's ruling.

The SPEAKER said that he had stated over and over again that the rule was that hon. members might bring forward any amendments they liked on the motion for going into Committee on the Estimates. He always admitted that there were many scores of motions which were discussed upon the motion that the Speaker leave the chair.

Captain HART hoped the House would agree to the proposition which he was desirous of bringing forward, that when the Order of the Day came on, that the Speaker should leave the chair and the House go into Committee of Supply, there should be a free and open debate upon the question of the Estimates. It was quite clear that hon. members who desired to open up a debate on the broad question of the

Estimates, would be prevented from doing so by the Speaker's ruling of the previous day

The ATTORNEY-GENERAL would make one or two remarks He had not been in the House on the previous day when the circumstances which had been referred to occurred, but he would state that he had always understood that the practice of the House of Commons was, that on the first proposition of what was there analogous to going into Committee upon the Estimates here, there was never any opposition or debate He believed the first motion was merely for the purpose of enabling the Minister to develop the financial policy of the Government No discussion upon the financial policy or the revenue of the country took place when the House was moved in Committee upon the Estimates, but when the House was moved into Committee of Supply, then any amendment which any hon member might think proper could be brought forward If any member, for instance, thought that a policeman in passing a chapel had not paid sufficient respect, he could move that he be censured, or if he considered that prisoners in a gaol had not been properly treated he could bring the circumstance under the notice of the House, in fact, any grievance which hon members wished to bring before the House or the country could be brought forward, because it was competent for any hon member, without notice, to move an amendment upon the motion for going into Committee of Supply He was quite sure there was not one instance of a discussion upon the Estimates when out of Committee Looking at the report of the *Advertiser* and Hansard, it appeared that the Speaker refused to allow discussion upon the Estimates before they were in Committee, but it appeared by the report that, upon two or three occasions, the Speaker intimated that any amendment would be in order and, if put, it, of course, ought to be discussed As he understood the rule, it was that after the House was in Committee, there might be a discussion upon the general question, and when this had been settled it was for the convenience of the House and the promotion of the service of the country, that members should confine themselves to particular items under discussion He believed that the opinion which the hon the Speaker had expressed with respect to the usages of the House of Commons was in precise conformity with the practice of that House

Mr SOLOMON said as this discussion had arisen in some measure in consequence of his having risen to address the House on the previous day, he would say a few words He had voted for going into Committee upon the Estimates, because the hon the Speaker had ruled that he was out of order in referring to certain matters, the House not being in Committee, but it appeared to him then, and had so since upon mature deliberation, that it was precisely the time which should have been selected for the discussion of such questions, when he was stopped in doing so If they were not to handle various matters before going into Committee it was quite clear that after they had gone in Committee, they would have no opportunity of doing so The question which he had been desirous of discussing was where were the supplies to be drawn from to meet the items which, when in Committee, they would be called upon to vote It did appear so him, without any reference to the practice of the House of Commons, that it was singular members should be prevented from shewing the fallacy of the figures of which the revenue was made up before going into Committee for the purpose of voting away that revenue He bowed with due submission to the ruling of the Speaker, and should always do so, but he believed that ruling was not in accordance with the general desire of the House He should not pretend to say whether or not it was in accordance with the practice of the House of Commons The Treasurer having exposed his budget, he believed that was the proper time for him (Mr Solomon) to make the observations which he was desirous of making when he was stopped by the ruling of the Speaker

The SPEAKER said that the Chancellor of the Exchequer might see reason to alter the Ways and Means, so that it was impossible the House could be in possession of what they were until they had heard what he had to say

Mr SOLOMON supposed he was in possession of the Ways and Means for 1859, when he received the document which he then held in his hand, but if it were not intended to rely upon the document which had been placed before the House he did not see how hon members could come to a proper conclusion hastily in Committee, when they would be engaged in disposing of each item separately It might have been foolish on his part to suppose so, but he certainly understood that the Ways and Means which were relied upon by the hon the Treasurer and the Government were developed in the document which had been placed before hon members If, however, he understood that it was within the province of the Chancellor of the Exchequer to alter and vary the Ways and Means, it appeared to him it would be useless for hon members to direct their attention to them until they came on for discussion in Committee He always understood that the Budget, as developed in the Ways and Means which were laid before hon members, was that upon which the Treasurer intended to rely, but if that were not the case, he was perfectly in the dark as to what was the usual course On the previous day, no sooner had the House gone into Committee than the first item, the Private Secretary's salary, was moved, and consequently the House had no chance of going into the whole question He wished to know, when the House went into Committee and a particular item was proposed, if hon members would be liable to be called to order merely for veering from one particular item and going to others?

The SPEAKER said the hon member totally misapprehended the real state of the case The House had full power, when a particular item was under discussion, to enter upon the whole question of the Ways and Means The Ways and Means were open to discussion at all times, although only one particular item might be under consideration The hon member himself exemplified this the day before

Mr SOLOMON repeated that it appeared to him on the previous day and did so still, that the proper time to discuss the whole question of the probable Ways and Means was before the House went into Committee The hon the Speaker, however, had ruled to the contrary and he had bowed with due submission to the Speaker's ruling He could understand, from what had fallen from previous speakers, what was the practice of the House of Commons upon this point, but he could not understand how upon a debtor and creditor account being presented to them, they could vote what appeared upon one side without seeing what was on the other, and where the necessary supplies were to come from If it were the practice of the House of Commons blindly to vote away money without first ascertaining where it was to come from, he could only say, that he and other hon members disapproved of such a course being adopted here

The TREASURER thought the discussion which had taken place might enlighten hon members upon points which had been hitherto obscure When the old Legislature was in existence, the Treasurer made his statement before going into Committee but when the old Legislature was done away with and two Houses of Legislature were substituted, it was considered better to adopt the usages of the House of Commons There was some difficulty at first in getting hon members to understand the change of systems, that which was formerly adopted certainly not being in accordance with the practice of the House of Commons It appeared to him that it was from the practice which existed in the old Legislature, and the change which had subsequently taken place, that the present confusion had arisen He regarded the Budget as a notice of motion for consideration at a future time till the Treasurer made a statement upon the paper which had been placed in the hands of hon members, but the Estimates could not be discussed till the House was in Committee Therefore it was that the Treasurer moved the House in Committee in order that the Estimates might be discussed with such explanation as the Treasurer had given, and that was what he took to be what was called in the House of Commons the budget That, indeed, was the only time at which the Chancellor of Exchequer in England or the Treasurer here could enter upon an explanation, for he would be in an unfair position if hon members were to be at liberty to enter upon a debate upon the Ways and Means before he had made his explanation in reference to them After the Treasurer had so explained then every member was at liberty to speak as often as he liked There was no mistake apparently upon this point on the previous day, for the hon member, Mr Solomon, and, several others, did attack the Estimates He would remind the House that the course which he had taken on the previous day had been pursued previously If he remembered right, when Mr Torrens was Treasurer, the House first went into Committee, and the hon gentleman then made his financial statement It was only in Committee that questions affecting revenue and expenditure could be discussed His remarks in the first instance had been explanatory, and for the purpose of deprecating discussion, as it appeared that the House were inclined to discuss the whole question before going into Committee, forgetting probably that the practice of the House was now different from what it was under the old Legislature What he had endeavoured to do was merely to prevent discussion till he had explained

Mr GLYDE said it might perhaps remove some misunderstanding if the hon the Speaker would favor him with his opinion and advice upon a matter which would probably be brought under the attention of the House that afternoon He believed that in the course of the afternoon the House would be asked to go into Committee upon the Estimates, and he had prepared a motion upon the general policy of the Government in a financial sense, although he did not wish to move an amendment upon the motion for going into Committee But he presumed if he allowed the House to go into Committee without bringing forward the amendment, the Treasurer would be in possession of the Chair, and as he observed the first item in the Estimates was the salary of the Messenger, he presumed that the Speaker would rule that the discussion must be confined to that item Under such circumstances, as he did not wish to be so limited, he wished to know what course he had better pursue, or when he had better bring forward his motion or amendment Perhaps the Speaker would kindly explain

The SPEAKER could hardly give an opinion without seeing the form of the motion alluded to by the hon member He did not know the nature of the motion, but it would be perfectly competent for the hon member to move any amendment he pleased upon the motion, that the Speaker leave the chair If that amendment were carried it would subsequently be quite competent for the Treasurer to move the original

motion. The hon. member could move any amendment he pleased.

The COMMISSIONER OF PUBLIC WORKS thought that the whole of this debate had arisen from the ignorance of some hon. members of the 343rd Standing Order, which distinctly provided that matters affecting finance should be discussed only in Committee of the whole House. Nothing could be more distinctly laid down than the broad principle that matters affecting finance must be discussed in Committee of the whole House. He recollected a very similar debate to the present taking place when the financial statement was made for the first time in Committee, consequent upon the change in the Legislature alluded to by his hon. colleague the Treasurer. The Treasurer moved the first item, which was a mere formal motion, and when this was made on the previous day, he was quite surprised that there were not more speeches, for it was quite competent for hon. members to discuss the whole question of finance, but they must be in Committee.

Mr. TOWNSEND said that although he bowed to the ruling of the Speaker on the previous day, he certainly differed from it. Although the 343rd Standing Order rendered it imperative that matters of finance should be discussed only in Committee of the whole House, the Treasurer, upon moving that the Speaker leave the chair, was allowed to enter into an explanation affecting the Estimates, and not only indeed went into the Estimates, but into figures. To one new to Parliamentary life it appeared strange that the hon. the Treasurer should be allowed to make the statement which he did, and that no other hon. member should be at liberty to reply. He presumed that the Speaker was right in ruling that hon. members had not the right of reply, but he presumed that the mistake really made by the Speaker was in allowing the Treasurer to make the statement which he did. The hon. member referred to "May" to shew that the attempt to establish an analogy between the practice here and the practice of the House of Commons had failed, as in the House of Commons the Chancellor of Exchequer moved certain resolutions.

The SPEAKER said that the Treasurer on the previous day moved a resolution, as would be found by the report of the proceedings of the Committee.

Mr. TOWNSEND repeated that upon the motion that the Speaker leave the Chair, the hon. the Treasurer quoted figures explanatory of the Estimates, but no other hon. member was allowed to reply to those statements, and he could not understand how this was. He wished the hon. the Speaker to explain how it was that the Treasurer was allowed to address the House for fully twelve or fifteen minutes, and make statements explanatory of the Estimates about to be submitted to the House, and yet no other member of the House was allowed to reply to them. He vindicated, on the part of every member, a right of speech equal to that of the Treasurer himself.

The TREASURER said that in his first address to the House he carefully guarded himself against making any financial statement whatever. All he stated was that he believed some hon. members objected to going into Committee on the Estimates on account of there being certain Committees sitting on the question of taxation; but he had stated that the reports of those Committees could not affect the question of expenditure, and consequently that he saw no reason that the Estimates should not be proceeded with.

Mr. PEAKE would be sorry if the Estimates or any question of finance were discussed otherwise than in Committee. That was a cardinal principle which had been established for many hundred years, and he should be sorry to see any departure from it. He could not think that the hon. the Treasurer had guarded himself quite so carefully as he would have the House imagine, for upon referring to Hansard, he found that the hon. gentleman had stated he thought he had shown good reasons that the House should proceed with the Estimates—that there were only about six weeks to the Christmas holidays, &c. He agreed that there was not an analogy between the practice here and the practice of the House of Commons, as in the House of Commons the Chancellor of the Exchequer, when he made the statement which he called the budget, concluded by moving a resolution, which was not the case here, as the Treasurer at once moved the first item upon the Estimates. He thought it was most important that there should be some opportunity for the House to declare upon the general outline of the policy of the Government, and that would have taken place on the previous day had it been permitted.

Captain HART rose.

The SPEAKER said the hon. member was out of order in again rising.

Captain HART thought he had the right of reply.

The SPEAKER said there was no motion before the House.

Captain HART said he had proposed a motion verbally, and had it written. It was to the effect, that when the House was moved into Committee, debate upon the general question should be allowed.

The SPEAKER said the motion was not seconded.

Mr. STRANGWAYS reminded the Speaker the discussion was upon a question of privilege.

The SPEAKER said that did not alter the case; the rule was the same.

Mr. DUFFIELD had taken no part in the occurrence of the previous day, but he felt the House would be placed in a very awkward position if the Speaker's ruling that no hon. member should be permitted to reply to the Treasurer were correct. The Treasurer should not in his opinion have been allowed to make the statement which it appeared by Hansard he had. It was absurd to say that the hon. gentleman did not go into figures, as he found that the hon. gentleman had stated that if the Assessment on Stock Bill were disallowed, the £10,000 which would be swept off by that disallowance, need not be replaced, as there would still be a surplus of £9,000 upon the six months. He felt that when such a statement had been made on one side, when figures were quoted on one side, and hon. members on the opposite side were prepared to shew those figures were not correct, they should have been allowed to shew such was the case. He felt indeed, whilst desiring to vote with the Ministry that the Estimates were going into Committee under circumstances which would not justify him in voting at all upon the question, but that if the Treasurer were allowed to make a statement and introduce figures in connection with the Estimates, it would be but justice to hon. members that they should be allowed to reply.

Captain HART begged the decision of the Speaker on a point of order. The Speaker had ruled that the whole question could be discussed on the consideration of the first item, viz., the vote of 200*l*. for the salary of the Private Secretary. If so, he wished to know what was to become of a previous ruling of the hon. gentleman given upon the Supplementary Estimates, to the effect that no question which had not direct reference to the particular item before the Committee could be discussed. Either the ruling in the one case or that in the other must be wrong. If the ruling now given was right the hon. the Treasurer was in the wrong, inasmuch as that hon. member had gone fully and completely into the reasons for going into Committee on the motion that the Speaker do leave the chair. It was competent for the House to go into Committee, but he thought that it was necessary to take the opinion of the House as to whether a debate should ensue on the question that the Speaker do leave the chair.

The SPEAKER said that his ruling on the Supplementary Estimates was that when a vote of money was under discussion, hon. members could not discuss any other particular item; but he held that it was competent when discussing the salary of the Private Secretary, to go into the whole financial policy of the Government. The House could, in fact, always discuss the Ways and Means when discussing the supplies.

Mr. BARROW thought the discussion would do good, inasmuch as it would clear up things which were not clear before. His own recollection quite agreed with that of the hon. member (Captain Hart) as to the ruling of the hon. the Speaker on the Supplementary Estimates, namely, that it was to the effect that hon. members should confine their remarks to the particular item under discussion.

The SPEAKER explained. His ruling was that when one item was under discussion, hon. members could not speak upon another item.

Mr. BARROW said he felt relieved from some doubts as to the position of the House upon a matter of privilege by the decision of the hon. Speaker, in which he was supported by the hon. the Attorney-General. It now appeared that on any one item the House could discuss anything it pleased, or might introduce anything, whether relevant or irrelevant, into the discussion. For instance, in discussing the vote for the department of the Registrar-General, they might vote that the administration of the Gaol was not satisfactory. (Laughter.)

The SPEAKER said his ruling was that hon. members could discuss the financial Ways and Means of the Government generally.

Mr. BARROW resumed—It would be competent to vote that a policeman on passing by a chapel had not paid a proper degree of respect to it—(laughter)—or that a prisoner in the gaol had not been properly treated. (Laughter.) The hon. the Attorney-General had stated these cases in illustration of his meaning.

The SPEAKER said that what the hon. the Attorney-General and himself had stated was, that on the motion that the Speaker leave the chair was the proper time to discuss these matters.

Mr. BARROW congratulated the House on the fact that there was any time when such questions could be discussed. (Laughter.) With regard to what took place on the previous day, the error originated with the hon. the Treasurer in travelling a little beyond his proper limits. (Hear, hear.) He did not mean to say that the Treasurer should have moved that the House go into Committee without making any remarks. But the hon. member had not advanced his remarks merely in favor of the House going into Committee, but with the view of impressing the House favourably towards the budget. (Hear, hear.) He did not think the hon. member (Mr. Peake) had made out a case when that hon. member referred to the Treasurer's having said that unless they got on with the Estimates they would soon have the Christmas holidays upon them. That he (Mr. Barrow) considered a good argument in favor of going into Committee. But he thought the hon. member (Mr. Duffield) had made out a case when he referred to the hon. the Treasurer's having spoken on the Assessment on Stock Bill. That was clearly discussing the budget, at least he (Mr. Barrow) took it to be

so He thought as the hon the Treasurer had been allowed to make his financial statement, it would have been only justice that other hon members, even if not strictly in order, should have been allowed to make their financial statements too It was now ruled that the House would be at liberty when the first item was moved to discuss the policy of the Government with respect to the financial arrangements of the next six months As the House now understood the matter clearly he might be permitted to hope that they would not waste time, but would go into Committee as soon as hon members had sufficiently discussed this question of privilege

At this stage of the proceedings several notices of motion were given

MAJOR WARBURTON'S DESPATCHES

Mr PEAKE rose to move—

"That the despatches lately received from Major Warburton be laid on the table of this House and printed, together with all the despatches sent to Major Warburton"

He need not detain the House with any lengthened explanation of the reasons of the motion He thought enough had transpired in the House and in the public press to call for such a proceeding, and he trusted the hon the Commissioner of Crown Lands would not hesitate to accede to the proposal The anxiety so laudably expressed not to alarm the family of Mr Babbage could not be put forward now as a reason for withholding the information, inasmuch as the withholding of it, after what had transpired, would rather tend to increase such anxiety In justice to Major Warburton and Mr Babbage also, he trusted that the House would not be satisfied until the despatches were laid upon the table and printed

The COMMISSIONER OF CROWN LANDS said the Government had not the slightest objection to produce the documents

Mr STRANGWAYS enquired whether the words "all the despatches" would include a copy of Major Warburton's instructions

The COMMISSIONER OF CROWN LANDS said that any addition to the motion was unnecessary, as he would lay a copy of the instructions upon the table No despatches had been forwarded to Major Warburton since he left Adelaide, but that gentleman's own despatches would be laid on the table

The motion was then agreed to

THE RIVER WEIR

Mr PEAKE, pursuant to notice, asked the Commissioner of Public Works—

"If the Government have taken steps to punish or bring to account the parties responsible for the disgraceful manner in which the weir across the river Torrens has been constructed, and if not, whether they intend to do so Also, whether the engineer, from whose designs and under whose orders the work was constructed, the Clerk of the Works who had charge of the execution of the works, and the contractors who executed the works, are now any of them in the public service, or engaged in carrying out any other Government contracts, and whether the Commissioner of Public Works will again allow any of those persons to have charge of or execution of any of the public works of this colony?"

He would simply remark that he would withhold any special observations, reserving to a future occasion the action he should take in the matter

The COMMISSIONER OF PUBLIC WORKS replied that the Government had not taken any steps to bring to account the parties who were responsible for the improper construction of the weir, and until the whole of the evidence relating to the work was before them they could not say whether they intended doing so or not The engineer under whose orders the works were constructed had been employed to stake out the line of railway from Section 112, as stated by him (the Commissioner of Public Works) in reply to the hon member for Encounter Bay, that this work was nearly completed, and the pay of the engineer was 25s per day The Clerk of Works was not in the public service, nor engaged in carrying out contracts under the Government Messrs Frost and Watson had the contract for the extension of the Gawler Town line to Section 112, which was let to them in June last, and they were engaged in carrying on the works to the satisfaction of the Railway Commissioners The Commissioner of Public Works kept a record of the manner in which contractors and others interested in public works performed their contracts, and referred especially to such record before approving of the appointment of any person, or the acceptance of any tender

THE ESTIMATES

The TREASURER moved that the Speaker leave the chair, in order that the House should resolve itself into Committee on the Estimates

Mr GLYDE asked whether this was the proper time to move an amendment, as in doing so he should probably have to go into figures

The SPEAKER thought it would be better to go into Committee

Mr GLYDE would be happy to do so on the understanding that he would be in possession of the chair The amendment he intended to move was—

"That in the opinion of this House the Estimates of Ways and Means prepared by the hon the Treasurer for the first six months of the year 1859 cannot be realized, and that the House considers that the proper way of meeting the difficulties arising from the decrease in the revenue consists in reducing the cost of establishments and of immigration and not in diminishing the amount set apart for public works"

The SPEAKER suggested that the better course would be for the hon member to move the former part only of the resolution—viz, that having reference to Ways and Means—at present, omitting the portion which referred to expenditure

Mr BURFORD enquired what course should be taken supposing there was an inclination on the part of an hon member to move that a certain limited sum should be deducted from the estimated expenditure, leaving the Ministry to arrange the matter as they best could Suppose he were to say, taking off 25 per cent from the whole estimated expenditure.

The SPEAKER again suggested that the best course would be to move the first part of the amendment and postpone the remainder to a future time

Mr REYNOLDS wished to call attention to the circumstance that when the Supplementary Estimates were under discussion, the hon the Speaker ruled that hon members should confine themselves to the items under consideration He now wished to ask if upon a salary being moved by the hon the Treasurer, it would be competent to move the general consideration of the Estimates

The SPEAKER replied that it was competent for an hon member to address himself to the Ways and Means generally, but not to matters connected with another department

Mr REYNOLDS asked whether this could be done upon any item?

Mr STRANGWAYS asked whether he would be in order in moving that the consideration of the Estimates be an Order of the Day for another day?

The SPEAKER said that such an amendment would be in order, and hon members would bear in mind that he only expressed his own opinions as Speaker as to the meaning of the Standing Orders—(hear, hear)—but whatever was the wish of the House, he was quite willing to carry out

Mr GLYDE said if the House could enter upon the discussion of his motion, he would not oppose the motion for going into Committee, and he hoped other hon members would not oppose it

Captain HART would move that the hon member (Mr Glyde) would be in order in moving his resolution He did this because it was in accordance with the practice of the House before When there was a motion that the House go into Committee on an address to the Governor, praying for a sum of money, it was a parallel case to the motion of the hon member for East Torrens It was most convenient that the House should be in Committee, that hon members might have the opportunity of speaking two or three times

Mr BAGOT seconded the motion

The ATTORNEY-GENERAL enquired whether he was to understand that the House was about to discuss a question of finance in violation of the Standing Orders, and without suspending the Standing Orders

Mr STRANGWAYS asked if the amendment of the hon member (Mr Glyde) were put as a substantive motion whether the hon the Speaker could then put the question that the House go into Committee upon it

The SPEAKER ruled that according to Standing Order 343, nothing affecting finance could be discussed except in Committee, and, therefore, the motion of the hon member (Mr Glyde) could not be discussed otherwise

The ATTORNEY-GENERAL said that if hon members would not now discuss the amendment in Committee, the proper course would be to give notice of motion that on a future day the House should resolve itself into Committee If the motion was that the House go into Committee for a particular purpose, it could not be brought on without notice The House could now refuse to go into Committee, and any hon member would then have the right to give notice of a fresh motion

Mr BAGOT said the same difficulties would arise then, and as this was an important matter, it would be better to have it decided

The ATTORNEY-GENERAL understood that the object of the Standing Order was that, in matters of figures and details, every member of the Government and of the House generally should have the opportunity of speaking as often as he might consider necessary In a matter of this kind, it would be unfair to the hon the Treasurer, who had prepared the Estimates, and was most familiar with them, that he should only be allowed to speak once, whilst half-a-dozen members might speak against him Without a suspension of the Standing Orders, a discussion would be clearly irregular

Mr BAGOT recollected on a former occasion that a motion for a Committee which was known as the Committee on the Estimates, was discussed in the whole House

The SPEAKER replied that that was under the old *regime* According to the practice of the House of Commons, every application for money must be discussed in Committee of the whole House

Mr PEAKE quite agreed with the hon the Attorney-General that everything affecting finance should be discussed in Committee of the whole House, but this was very distinct from an ordinary motion of the kind, inasmuch as it affected the general question of finance which was before the House He would be sorry to trench upon the important principle of discussing questions of finance, and would agree

to a suspension of the Standing Orders if the hon gentleman adhered to his opinion that it was necessary

Mr REYNOLDS suggested that the difficulty might be removed by moving as an instruction to the Committee that the whole question of finance be taken into consideration That would be the most practical way of meeting the difficulty

The SPEAKER said if the Committee had full power already, the House could not give such an instruction, as it would be superfluous

Dr WARK said it appeared to him that what was sought by the motion of the hon member for East Torrens would be fully attained by going into Committee (Hear, hear, from the Commissioner of Public Works) He also thought they should suspend the Standing Orders The hon the Attorney-General had put the matter very clearly before the House, and he (Dr Wark) believed that hon members' judgment was correct He (Dr Wark) could not see any advantage in discussing the question with the Speaker in the Chair He also thought it was not fair that the hon the Treasurer should be put to the wall He did not think hon members need be afraid of that hon gentleman (A laugh) He wanted to know why the House should depart from its ordinary custom

Mr MILNE would ask another question It was, whether the proper way would not be to commence out of Committee on the general policy of finance Suppose, for instance, it was necessary to appoint another Estimates Committee If the House were at once to go into Committee of the whole to consider the Estimates, how could it appoint a Committee, seeing that a Committee of the whole had not power to appoint a Select Committee?

The SPEAKER replied that if the Committee of the whole came to a resolution that it was expedient to appoint a Select Committee, and reported the same to the House, then the House could adopt the report and appoint the Committee

Mr STRANGWAYS hoped, as the hon the Attorney General had spoken three times, he might be allowed to speak a second time If the hon the Treasurer had on the previous day adopted the course taken in the House of Commons, this difficulty would not have arisen

Mr DUFFIELD thought the hon member (Mr Glyde) might withdraw his motion and move it as an amendment in Committee

Mr GLYDE was quite willing to wait until the House went into Committee provided it was understood, and that the hon the Speaker ruled that he (Mr Glyde) should be in order in moving, and all hon members in speaking, upon the general policy of finance.

The SPEAKER ruled that the first part of the motion of the hon member (Mr Glyde) was a fair matter for discussion as an amendment, but it would be out of order in discussing one item of the expenditure to discuss all the others The hon member would be in order, so far as he meant to show that the Ways and Means as estimated by the Government were in their gross amount too large, but he could not then go into the items

Mr PEAKE suggested that perhaps the hon the Attorney-General would favor the House with his views on this important matter

Mr BARROW moved that the Standing Orders be suspended, as, instead of getting out of the difficulty, they were getting deeper and deeper into it (Laughter)

The ATTORNEY-GENERAL said if it was a matter of urgency the Standing Orders could be suspended, but he was about to move that the Order of the Day for going into Committee on the Estimates be made an Order of the Day for a future occasion, when hon members could discuss the subject after having had time to consider it If the House decided upon discussing the question at present, they would of course do so, but the reason of his suggesting a different mode of proceedure was that the course which they might take now would be a precedent on all future occasions, and it would be a pity that a precedent should be established without full consideration

Captain HART said that the hon member for East Torrens (Mr Barrow) had said that some good would come out of that debate, and he (Captain Hart) believed such would be the case The fact was they were in a regular "fix," and must get out of it if they could For his part he believed that the Standing Orders did not require to be suspended, for he considered the amendment for going into Committee was quite in order He should like to know how the hon the Speaker would report, if, on the motion that the first item be passed as printed, an hon member were to move an amendment such as the hon member, Mr Glyde, had proposed that day, and that the amendment was carried How would the hon the Speaker report as Chairman in that case? It was impossible that such a question should be considered in Committee It was not one of those financial questions which should be so considered, but something altogether different, and one on which the decision could not be reported

Mr SOLOMON did not think this was such a question of finance as should be discussed in Committee, involving as it did the whole general question of finance Moreover it was competent for the House to discuss it without going into Committee at all Suppose that the former part of the resolution was considered in the whole House

The SPEAKER said it was a question which could be dealt with only by figures, and should therefore be referred to a Committee

Mr MILDRED moved that the House divide on the motion that the Standing Orders be suspended

Mr STRANGWAYS rose to order

The SPEAKER said he must put the motion of the last hon member (Mr Mildred)

The motion was accordingly put and negatived, amidst some laughter without a division

Mr BAGOT would support the suspension of the Standing Orders, not because he thought they had not power to discuss the question, but because he thought it better they should follow in all things the ruling of the hon the Speaker, and that hon gentleman had ruled that the only way in which the question could be discussed was by a suspension of the Standing Orders

Mr MACDERMOTT would regret that the House should come to such a decision as was now proposed, inasmuch as the motion involved the whole question of finance, and could not be discussed without going into the entire financial policy of the Government

Mr STRANGWAYS moved that the House adjourn, that they might get out of the mess they were now in

Mr NEALES said if they suspended the Standing Orders it would be only to allow of a discussion taking place out of Committee which after all must be in Committee The course proposed by the hon the Attorney-General was by far the best, viz, to postpone the Estimates and go on with the next question, and allow the hon member for East Torrens (Mr Glyde) to give notice of his motion to come on for discussion on Tuesday That would settle the matter at once There was so much in the motion that it must come to a discussion, there was no evading it Let it be discussed separately from the Estimates, and if the Government chose to force on the Estimates, let them take the consequences, and do it at their peril But the hon the Attorney-General had already stated that the Government were prepared to withdraw the Estimates That was the fairest course to all parties—both to those who were in favor of the Government on the one hand and to those who were fairly opposed to them on the other He believed the Ways and Means would not come up to what the hon the Treasurer had estimated them at, but he would not go in a round-about way to discuss such a question He would like to see it set down upon the paper for discussion as a question of finance, for to say that it was not a matter of finance was ridiculous One party said "I have so much money to spend and I will spend it so and so," and the other side said "you have not so much money" If this was not a question of finance, he would like to know what was

Mr GLYDE repeated his offer to withdraw his motion, provided the Government undertook to withdraw the Estimates

The TREASURER was glad the motion for suspending the Standing Orders was withdrawn He would be happy to withdraw the Estimates But otherwise, the Standing Orders should have been suspended, for the principle at stake was so serious that it would not have been in accordance with the Standing Orders to have proceeded with the discussion without giving notice The motion was one of the most important ever tabled in that House It was, in fact, that the House had not confidence in the calculations which he had made on the part of the Government, and that the House wished to instruct the Government as to how the Estimates were to be framed Whether the discussion took place in Committee or out of Committee was perhaps immaterial, so far as the Government were concerned, but in compliance with the Standing Orders, he did not see how the subject was to be discussed out of Committee

Mr GLYDE here formally withdrew his motion

The TREASURER withdrew the Estimates, and moved that their further consideration in Committee be made an Order of the Day for Thursday, 18th instant

Mr GLYDE said he had forgotten to give notice of his intention to move the resolution which he had withdrawn

The SPEAKER replied that the hon member could give notice on Tuesday, 16th instant, for the following day

Mr GLYDE said that he hoped that in case his motion could not come on for discussion on Wednesday, the hon the Treasurer would promise that he would not proceed with the Estimates on the following day

The SPEAKER said there was no business on the paper for Wednesday to interfere with the motion of the hon gentleman

ABRAM LONGBOTTOM

Captain HART, moved that the first reading of the Bill to secure to Abram Longbottom a patent right to prepare gas from certain fatty substances, be read a first time

The motion was agreed to, and the Bill was accordingly read a first time and ordered to be submitted to a Select Committee consisting of the following hon members, viz Messrs Barrow, Burford, Cole, Lindsay, Milne, Wark, and Hart (Chairman)

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

In Committee

Clause 4 was postponed

Clause 5, "Governor may appoint Commissioners" On this clause being put,

Mr STRANGWAYS rose and asked what course the Government intended to pursue with regard to the appointment of these Commissioners, and as he had understood the Public Works Bill had been thrown out by the Upper House, whether the Ministry intended to introduce another Bill or separate Bills to bring the whole of the Boards under the control of the Commissioner of Public Works If the Government did not intend to do this, he (Mr Strangways) should be compelled to take the necessary steps so to alter the Bill as to bring the whole of the Boards under the immediate superintendence of the Commissioner of Public Works

Mr REYNOLDS said that as they had had no official intimation as yet of the Public Works Bill having been thrown out, they could only suppose that such was the case, and under those circumstances he would ask whether the Government could not adopt the same principle as that embodied in the Public Works Bill in carrying out this measure, as if the Public Works Bill had not been rejected

The COMMISSIONER OF PUBLIC WORKS made a reply, the purport of which was not caught by the reporter

Mr REYNOLDS said that his question had not been understood What he wanted to know was, supposing the Public Works Bill to be abolished, what course the Government intended to take, whether they could not introduce the same principle into the Water Supply and Drainage Act Amendment Bill as affecting that measure only without regard to the effect upon the Boards generally

The ATTORNEY-GENERAL said if the House were of opinion that it was expedient to abolish the Water Works Board and to bring it under the control of the Commissioner of Public Works, the Government would have no more objection to carry out the principle embodied in the Public Works Bill with respect to this measure, than they would have as applied to the Boards generally The clause had been prepared with the view of placing the management of the existing Boards under the superintendence of the Commissioner of Public Works, and he could not see why the Government should not take the same course with respect to this Board as any other Perhaps it would be as well to suspend the 5th and 6th clauses for the present, and go on with the details of the Bill

Mr STRANGWAYS thought that in any case the 5th clause would be superfluous

Mr BURFORD thought it might be left an open question for the present Although the House had every reason to believe that the Public Works Bill had been rejected, still they must believe it probable that the Government would introduce another Bill in a modified form, which might be passed

Mr REYNOLDS was not aware that the hon member for the City (Mr Burford) was the exponent of the views of the Government The House, he was sure, had not heard from the Government that they intended to introduce another Bill, and he could not, therefore, take the statement of the hon member for the City for granted The best plan he (Mr Reynolds) thought would be to deal with the Bills as they came before them He had great confidence in the Commissioner of Public Works, and as the Government had said they had no objection to strike out such portions as would make it inconsistent, he thought they should agree to that proposal

Mr SOLOMON did not know whether the Government intended to do away with the Commissioners of Waterworks but, if so, the 5th clause was certainly inconsistent, and should be struck out One clause in the Bill stated that the Commissioners should not hold any office under the Government, therefore the term Commissioner, as vested in the Commissioner of Public Works, would likewise be inconsistent

Mr BURFORD was not disposed to sit down under the surmise of the hon member for the Sturt (Mr Reynolds), who implied that he (Mr Burford) was acting as the exponent of the Government He did not presume to do so, but he thought the mere fact of the Government suggesting the suspension of clauses 5 and 6 showed there was a latent intention of doing what he had suggested merely might be done

The COMMISSIONER OF PUBLIC WORKS said the Government did not wish to make any distinction between one Board and another As to the Chief Commissioner of Waterworks, his confidence in that gentleman was well founded He was an active man of business, and he had conferred at various times great public services It would be unfair to make one Board responsible, and not another If this clause were struck out, it would involve some change in the management of the Board

Mr STRANGWAYS said the Commissioner of Public Works had been loud in his praise of the Chief Commissioner of Waterworks, but nothing had been said about the other Commissioners, which he considered to be an invidious distinction If the Government intended to abolish the Board of Waterworks, why not state so at once in a manly manner

Mr HAWKER supported the striking out of the clause and thought the House had special reasons for applying the principle to this Board first They had every reason to know that this Board was thoroughly inefficient, as it had been the source of a loss of £7,000 to the country by mismanagement As to making "fish of one and flesh of another" he thought the only plan they could adopt was to take them as they turned up, commencing by abolishing the Waterworks Board in the first instance

Mr NEALES thought they should accept one-third of the principle if they could not get the whole He was always for getting part of a good measure, he would therefore do away with the Waterworks Commission, and see what effect the personal exertions of the Commissioner of Public Works would have in the working of the Board

Dr WARK said the Commissioner of Public Works had intimated that he was about to visit the Weir, and would give the House every information with respect to it (The Commissioner of Public Works said he had promised some information, but that was all) The House had not had that information however They were now, it appeared, called upon to legislate anew £7,000 had been thrown away, and they were not in a position to say exactly with whom the fault lay He (Dr Wark) could give some information if others could not, and he thought any one who took the trouble to examine the weir where daylight had been let into it, would be in a position as well as himself to see the inordinate negligence which had been exhibited in its construction It was a very nice thing no doubt to laud the Chief Commissioner, and that gentleman, no doubt had done his duty in bringing the matter to light But were they to maintain the Commissioners as a body in office when they had allowed such gross negligence as that he had referred to What were these gentlemen doing if they could not see to it? He should move that the 5th clause be struck out

Mr TOWNSEND would be compelled to vote against the clause, unless the Board were placed under the superintendence of the Commissioner of Public Works It was a palpable fact that all this waste of expenditure had been entailed under the eyes of the Commissioners, and they had not seemed to have been aware of it He should have no objection, however, to the clause being withheld until the correspondence with regard to Waterworks Weir was placed before the House

Mr MILDRED thought the Commission was far from being the best description of machinery to carry out such a work The Commissioners, it appeared, up to a certain time absolutely knew nothing about the way in which the work was being conducted The system of Public Boards generally was inexpedient, and could not operate successfully He was for sweeping away Public Boards of this nature altogether

Mr HAY was opposed to the system, and thought a great mistake had been made in appointing the Waterworks Commissioners The Corporation, much as it might be charged with wasteful expenditure, had never committed such a piece of bungling as that perpetrated in the river weir Had the expenditure of the money been left to the Corporation, he was satisfied much better results would have attended it There was no doubt the Public Works Bill had been thrown out by the Upper House, and the sooner they devised some plan to bring the Boards generally under the control of the Commissioner of Public Works the better If the Corporation had had a voice in the construction of these works, he was convinced that much of the antagonism which had been exhibited would have been prevented He would suggest the withdrawal of the Bill so that a clause might be framed placing the Waterworks Board under the control of the Commissioner of Public Works

The COMMISSIONER OF PUBLIC WORKS said as to the Chief Commissioner of Waterworks and his (Mr Blyth's) previous expression of opinion as to that gentleman's abilities being called in question, he must say that his (Mr Blyth's) experience of that gentleman was, that he had been always exceedingly attentive to the duties of his department, and he (Mr Blyth) had never applied once for returns or other information without it being punctually complied with He did not approve of the practice of attacking absent persons, and he would not say whether the experience of the Commissioners was greater now than formerly With regard to the antagonism which had been referred to, he was of opinion that the Commissioners were right, and the Corporation wrong

Mr McELLISTER thought the thanks of the country were due to the Commissioners for the way in which they had fished out the robbery, he might say, which was being perpetrated upon the country (Laughter) He could not say where the blame rested, whether with the contractors or engineer If any Board were retained he thought the Waterworks Board should be

Mr SOLOMON was glad to hear the remarks of the Commissioner of Public Works, that he did not see the justice of attacking persons behind their backs He considered the fault lay with the system The fact was, men should have been appointed who really understood the work It was apparent that this was not the case, and that the appointments had been made through private friendships There were many portions of this Bill which required alteration There was one point if the Government were considered as merely the trustees of the city, then after the outlay and the interest on the construction of the Waterworks were paid, they should be made over to the citizens The hon member proceeded to refer to some clause in the after part of the Bill, but—

The CHAIRMAN said the hon member was out of order, and if discussing the general principle of the Bill that should have been done before it had been committed

Mr SOLOMON must agree that the fault did not rest with the Commissioners The Commissioner of Public Works had told them that he had had no difficulty in obtaining

information when he required it, and that spoke favorably of their having done their duty. Therefore it was a question whether the fault might not be properly attributed to the engineer. It was proper that the Government should not throw the blame on certain persons in order to take the onus off their own shoulders.

Mr TOWNSEND agreed that the appointments to the Waterworks Commissioners had been made through private friendships. He wished to know whether the Government were empowered to appoint persons to public offices for which they were incompetent. He believed that with one practical engineer, irrespective of any Commission, the loss of £7,000, which had been sustained would have been avoided. He would vote against the clause. The Commissioner of Public Works had said, "Don't make a distinction between the Boards," but he would tell him that he would make a distinction, and he would apply the same principle to other public servants, that if one person performed his duty, and another did not, he should applaud the former, and call the latter to account.

THE COMMISSIONER OF PUBLIC WORKS could hardly submit to the allusion which had been made to appointments having been made through individual friendships. He had no reason to suppose that such was the case. As to Mr Waterhouse, he repeated what he had stated before, that he thought he was well suited to the position which he held.

Mr REYNOLDS thought in this case it was the right man in the right place, but he objected to the appointment of Commissioners altogether. What had been the case? Why that these Commissioners met once a week, and then only for an hour, and it could easily be inferred what service could be done in that time. When he (Mr Reynolds) was Commissioner of Public Works, he remembered that no less than 72 reports from the Engineer had been passed by the Commissioners without a single dissent. This was certainly paying the Engineer a high compliment. But the context had shown that the Commissioners had placed too much confidence in the Engineer, and that the Engineer had relied too much on the Clerk of Works. With regard to making "fish of one and flesh of another," all he could say was, that what the House did with the Waterworks Commissioners, might also be done with other Boards.

Mr BURFORD did not see why they should endorse the opinion of one Commissioner over another. He would say this, that Mr Waterhouse, who had been particularly exempted from censure, had come into office just at the time when the bungling which had occurred was being found out, therefore any praise which he might have got was rather the effect of accident than any foresight. He thought the House had nothing to do with exalting one Commissioner over another. He might refer to the Mayor of Adelaide, who was one of the Commissioners, in answer to the statement of the hon member for Gumeracha, who stated the citizens had no voice in the matter. Now he considered the voice of their worthy Mayor was fully as sonorous as his own (Mr Burford's)—(laughter)—and the citizens were, therefore, very well represented. He thought no time should be lost in remodelling the system, and he agreed with the hon member (Mr Neales) that if the principle was affected in this instance, it would be ultimately with the other two Boards.

Clause 5 was then put and negatived, and was consequently struck out.

Clause 6. "Commissioners to appoint officers." On this clause being put,

Mr STRANGWAYS suggested that the Attorney General should adopt the same course as in the District Councils Act, by withdrawing the Bill and substituting an amended print. A great proportion of the clauses might be struck out, in fact clause 6 was quite superfluous, and so with many other of the clauses.

The ATTORNEY-GENERAL could see that the alterations required were more extensive than he had imagined. He should, therefore, propose that the House resume, and before the Committee sat again he would have an amended reprint prepared.

The House resumed, the Chairman reported progress, and leave was given to sit again on Friday next.

CIVIL SERVICE BILL.

The consideration of the report of the Committee of the whole House on the Civil Service Bill was made an Order of the Day for Friday next.

The House then adjourned until 1 o'clock on Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, NOVEMBER 16.

The PRESIDENT took the chair at 2 o'clock.

Present—The Hon the Chief Secretary, the Hon Captain Scott, the Hon Dr Everard, the Hon Dr Davies, the Hon Major O'Halloran, the Hon H Ayers, the Hon A Forster, the Hon J Morphett, the Hon Captain Hall, the Hon S Davenport, the Hon A Scott.

REDRUTH GAOL.

The Hon Dr DAVIES, in putting the questions of which he had given notice—

"That he will ask the Honorable the Chief Secretary the following particulars relative to the detention, for a period of about six weeks, in the Redruth Gaol, of two men named Driscoll and Faulkner, and one woman, all stated to be lunatics —

"1. By whose order or authority were these individuals placed in confinement and detained?

"2. Who were the two medical practitioners who furnished the certificates required by law to prove a state of lunacy?

"3. Did any medical man or medical men attend them during their incarceration, and what is his or their names?

"4. If such attendance were given, was it at the Government expense, and by whom was it authorized?

"5. If such be the case are they the same medical men who are appointed to attend the Gaol under ordinary circumstances?

"6. What is the size of the said Gaol to admit of accommodation sufficient for its being used either as an Hospital or a Lunatic Asylum?

"7. What facilities and conveniences are there in the said Gaol for the proper treatment of lunatics?

"8. The Redruth Gaol being used as a Lunatic Asylum, are any visitors appointed to supervise?

"9. Are the plan of the said Gaol (used as an Asylum), and the copy of Ordinance No. 2 of 1847, hung up in the said Gaol?

"10. Why did not the police give immediate information, and transmit these persons to town?

"11. Where are these three individuals at present, and what is their mental condition?"

said that in putting those questions, he would at once state that he knew nothing derogatory to the character of any one connected with the establishment to which his questions had reference. As it might appear that there was something like censure conveyed in his questions, he wished it to be understood at the outset that he knew nothing wrong on the part of any one connected with the gaol. He simply wished the public to feel that if individuals were confined under an assumption that they were insane, that it should be first proved that they were in that unhappy condition, and that there should be ample accommodations in the places in which such unfortunate parties were confined, so as to afford them a fair chance of recovering. If Redruth Gaol, or any other gaol, were used as a lunatic asylum, the public should feel assured, and that House should see, that there was sufficient accommodation there, and that there was proper attention to the patients, to afford them a fair chance of recovery. In the case of lunatics, it was imperatively essential that they should be properly treated. Not only should the medical attendant be fully qualified, but all parties who were at all connected with the care of lunatics should have had the advantage of experience in reference to their treatment. Another object which he had in putting the questions was that the Act distinctly stated that visitors should be appointed to every place which was proclaimed as a lunatic asylum, so that a gaol, if it contained lunatics, should have visitors appointed for the purpose of ascertaining that the lunatic inmates were properly cared for. Several cases had recently occurred in England, showing the sorry manner in which the inmates of lunatic asylums were sometimes treated. As there was a Lunatic Asylum in Adelaide, he thought the police or the Magistrates, or the parties who caused these unfortunate creatures to be sent to gaol as lunatics should send every case to the general Asylum, unless, indeed, cases of *delirium tremens*, which might reasonably be expected to recover in a short period. He believed that if lunatics were sent to the general Asylum, the expense to the Government would be very much lessened, and that the patients would have a far better chance of being restored to health than if they were kept in a common gaol. He believed that it was impossible in common gaols to make a sufficient distinction between prisoners and lunatics. As the questions of which he had given notice were numerous, and as, no doubt, the answers of the Chief Secretary would to a great extent remove the objections which he (Dr Davies) had alluded to, he should not dwell further upon the subject, but if anything should arise from the answers given by the Chief Secretary, he would at a future time call the attention of the House to additional facts.

The Hon the CHIEF SECRETARY said the questions were very numerous, and he had placed the answers in writing, which he was prepared to place upon the table of the House. He presumed the Hon Dr Davies did not wish the answers read *seriatim*.

The Hon Dr DAVIES said as the answers, he presumed, would be printed, he would for the present merely move that they be read by the Clerk of the House.

The answers were to the effect that the parties referred to were placed in confinement and detained by virtue of a warrant issued by the Special Magistrate in the neighbourhood. Drs Yates and Mayo furnished the certificates required by law in the first two cases, and Dr Mayo in the last. Drs Mayo and Morley attended them during their incarceration, such attendance being given by direction of the Special Magistrate and at the Government expense. The size of that portion of the Gaol allotted to males was 97 feet by 75, with three cells of 12 feet by 8 feet each, that portion alloted to females was of similar size and possessed similar accommodations. No portion of the Gaol was specially set apart for lunatics, nor were there any facilities

or conveniences in the Gaol for the proper treatment of lunatics. No visitors were appointed to supervise the Gaol. The Gaol was not a lunatic asylum, nor was copy of Ordinance No. 2 of 1847 hung up in the said Gaol. The Magistrate at Redruth sent to town in reference to the female patient, but thinking that the other two would quickly get better, he did not deem it necessary to send to town in reference to them. Since that period, however, the whole of the parties had been sent to the Lunatic Asylum in town.

The Hon. the CHIEF SECRETARY, in order that this matter might be sifted to the utmost, laid upon the table of the House copy of the Surgeon's Visiting Book in connection with the Redruth Gaol at the time these parties were there incarcerated. He also laid upon the table a return, shewing the names, &c., of all the lunatics who had been confined in Redruth Gaol from September, 1853, to November, 1858. By this return it would be seen that during five years 31 lunatics had been confined from time to time in the Redruth Gaol, having been committed there under a Magistrate's warrant. The parties had remained there for periods varying from a week to a month. If they recovered within that period, they were turned out, but if not, and there was no probability of their speedy recovery, they were forwarded to the Lunatic Asylum in Adelaide. This was found to be the best and most convenient course to pursue in the case of those unfortunate persons. He had not visited the Redruth Gaol, but he had permission from the Hon. Mr. Forster to state that that gentleman had recently inspected the Gaol and had found it remarkably cleanly and apparently well conducted in every respect.

THE INSOLVENT ACT

The Hon. H. AYERS moved—

"That an Address be presented to His Excellency the Governor-in-Chief, requesting him to cause to be laid upon the table of this Council, a copy of any Despatch received by His Excellency from the Secretary of State on the subject of the Insolvent Act, and suggesting some alteration in it, together with a copy of the Report of the Attorney-General thereon."

The hon. gentleman remarked that he had heard from members of the legal profession, merchants, and others competent to judge, that the Insolvent Act was not working in all its branches so satisfactorily as could be desired, and as he understood that the Imperial Government had recommended Her Majesty not to assent to the Act, he was anxious before taking steps to endeavour to remedy the defects which appeared to exist in the Act, to ascertain what were the defects in the Act which had induced the Imperial Government to recommend Her Majesty to withhold her assent. He was also desirous of ascertaining what was the opinion of the hon. the Attorney-General of this colony in reference to those reasons, and what was the probable course which the local Government would pursue in reference to the Act. Those were the reasons which had induced him to place the notice upon the paper.

The Hon. J. MORPHETT, in seconding the motion, called the attention of the Chief Secretary to the fact that if he had answered a question which he (Mr. Morphett) had asked him some three weeks ago, the Council would have been spared the necessity of listening to the motion, and the Hon. Mr. Ayers would have been spared the trouble of bringing it forward. It would be remembered that he had asked the Hon. the Chief Secretary precisely the same question as that which was now brought forward by the Hon. Mr. Ayers. He had asked for precisely the same information. The Hon. the Chief Secretary at the time the question was put had promised to give an answer to it, but had never done so, and consequently the Hon. Mr. Ayers had taken the more regular course of placing a motion on the paper upon the subject.

The Hon. the CHIEF SECRETARY was sorry it should be thought he had given unnecessary trouble in this matter or that he had withheld any information in his power to afford. On the contrary, he was at all times anxious to afford every information in his power. When the question was put to him before, he gave the Hon. Mr. Morphett the same answer as that which he was now prepared to give to the Hon. Mr. Ayers, and that was, that he would lay the documents upon the table when they were complete, which would be in a day or two. The motion was carried.

SMILLIE ESTATE BILL

The PRESIDENT stated that a Message had been received from the House of Assembly intimating that they had passed a Bill to remove doubts as to the title of lessees of land formerly held by the late Mr. Smillie, and desiring the concurrence of the Legislative Council therein.

Upon the motion of the Hon. Captain HALL the Bill was read a first time, and referred to a Select Committee, consisting of the Hon. Messrs. Morphett, Ayers, Everard, Forster and Hall, to report on Tuesday next.

MR. STUART'S EXPLORATION

The Hon. the CHIEF SECRETARY intimated that it was not his intention to proceed with the following notice which stood in his name:—

"That an address be presented to His Excellency the Governor-in-Chief, requesting that he will take the necessary steps, by amending the Waste Lands Regulations, or otherwise, for granting unto John McDouall Stuart, in consideration of, and reward for, his important discoveries of new country on the north-western side of Lake Torrens, a 14 years' lease of 1,500 square miles for pastoral purposes, to date from 1st January, 1859, to be rent free for the first seven years, to be declared stocked at the end of the first four years, after the expiration of the first seven years, to be subject to such rent and regulations as may then be in force, the runs to be in blocks of not less than 200 square miles, of rectangular form whose length shall not be more than twice the width, the situation of such blocks to be described to the Government by Mr. Stuart on the map of his exploration before the 1st day of January, 1859."

The hon. gentleman stated that his motive for withdrawing it was, that it was the original intention of the Government to effect an alteration in the Waste Lands Regulations for the purpose of accomplishing the object in view, but upon further consideration it was thought it would be expedient to introduce a Bill for the express purpose of granting a lease to Mr. Stuart. He would reserve discussion upon the subject till the Bill was before the House, and in the meantime would merely ask permission of the House to withdraw the motion.

The Hon. J. MORPHETT wished to ask the Hon. the Chief Secretary a question upon this subject. The hon. gentleman had stated that he wished to withdraw the motion in consequence of the determination of the Government to introduce a Bill to accomplish the object in view instead of altering the Waste Lands Regulations. He thought it desirable, before the motion was withdrawn, that the hon. gentleman should state distinctly what was the nature of the Bill which it was intended to introduce. He considered this should be stated before leave was given to withdraw the motion. If he had understood the hon. gentleman rightly, he had stated that the Bill which it was intended to introduce was to empower the Government to grant certain advantages to the individual named in the motion, Mr. Stuart, but he wished to put it to the hon. gentleman whether it would not be better, more in accordance with popular feeling, and altogether in better spirit and better taste, that the Bill should not be confined to Mr. Stuart, but that it should be a general measure conferring certain advantages upon successful explorers. If it were a general measure he should be happy to give it his support, but if it were merely to grant a special advantage to Mr. Stuart, it was very probable that he might feel bound to oppose it. He therefore wished to ask the Chief Secretary whether the Bill would be a general measure or a special one.

The Hon. the CHIEF SECRETARY thought he had already stated what were the views of the Government upon this question. The Hon. Mr. Morphett must be aware that it would be necessary to alter the existing Waste Lands Regulations to carry out the object which he had in view, but those regulations were found advantageous and adapted to every probable contingency. It was consequently, not desired to alter them. The case of Mr. Stuart was purely a special case, and the way in which it was intended to carry out the resolution before the House was by the introduction of a special Bill.

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

This Bill was read a third time and passed, and transmitted by message to the House of Assembly.

SUPREME COURT PROCEDURE FURTHER AMENDMENT BILL

Upon the motion of the Hon. J. MORPHETT, seconded by the Hon. A. FORSTER, this Bill was read a third time and passed, and transmitted by message to the House of Assembly.

The Council adjourned at half-past 2 o'clock till Tuesday next at 2 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, NOVEMBER 16.

The SPEAKER took the Chair at 13 minutes past 1 o'clock.

NORTHERN EXPLORATION

The COMMISSIONER OF CROWN LANDS laid on the table copies of the despatches of Major Warburton.

THE ROAD SYSTEM

The House having gone into Committee—

The COMMISSIONER OF PUBLIC WORKS rose to move—

"That the repair of the main roads, when constructed, be provided for by a special imposition upon the rateable property within the province."

It would be remembered by hon. members that when last the House was in Committee on this question there was a lengthened debate and a great deal of discussion, which resulted in the striking out of all the words of the resolution, with the exception of the word "that," and that at that stage of the proceedings the Chairman reported progress, and obtained leave to sit again. He (the Commissioner of Public Works) had since felt it to be his duty to add certain words in the room of those which had been struck out, and embodying nearly the same principle as that contained in the words struck out. He thought the House, having already come to the conclusion that if we were to construct roads we would not have the means to maintain them, would have to decide upon the plan now pro-

posed. It was always objectionable and unpleasant to pay a tax or to impose one; but, as he had said before, he believed there was no money better spent than that expended in providing the best means of internal communication. He was anxious to be as equitable as possible in providing the means for this purpose, and he believed the object would be attained by the words which he had inserted after the word "that." The assessment was to be upon the whole rateable property of the country, including the whole City of Adelaide and the whole of the land sold and occupied in the province, whether it paid rates to District Councils or municipalities or not, for he believed that all property was alike interested in the construction and maintenance of roads. He would listen attentively to what any hon. member might say on the subject, and he was sure all who were sincerely desirous of providing good means of internal communication would concur in the resolutions. It would be inequitable and unfair to exempt properties already rated to the District Councils or Municipal Corporations, and it would perpetuate the system of levying very small rates as however small the rate it would exempt the district from any further payments for main lines of road. He hoped another resolution, which would be before the House presently, and to which therefore, he should not further refer at present, would have the effect of reducing the cost of maintenance of roads from the £200 per mile which they at present cost, in which case he believed that only a small rate would be required, and for his own part he would be willing, and he hoped others would also be willing cheerfully to pay the requisite amount.

Mr. STRANGWAYS asked whether, in the event of his now moving that the House resume, and the Chairman report progress and ask leave to sit again that day six months, the House should divide at once.

The reply of the Chairman was inaudible.

Mr. STRANGWAYS said he should presently make a motion to the effect he had referred to. His reason for doing so was that he was not at all satisfied with the resolution as suggested by the Government, and if such a resolution were to pass the Government would find it totally insufficient as the basis of a "Main Roads Bill." The resolutions contained three or four abstract propositions, and even if these were carried he was confident they would not afford sufficient data for the preparation of a Bill. He should now address himself to the special resolution before the House. He should very much like to hear from the hon. the Commissioner of Public Works what he meant by main roads, and where these roads were to go to and where from. They constantly saw disputes in the papers between parties and the Road Board, as to which were the main lines of road. A scheme of main roads like the present was not one which the House should sanction. Again if they authorised a special tax on all the rateable property of the colony, there ought to be a system of main roads which would include not only Adelaide but the whole province. (Hear, hear.) What benefit would Streaky Bay, for instance, derive from the proposed plan? Before the House agreed to any resolution on the subject, the Government should come down with a system of main roads, and then they might with some justice ask the House to authorize the levying of a special tax. The main roads now laid out did not extend beyond 100 or 150 miles from Adelaide. Yet there was rateable property at Port Lincoln, Port Augusta, and Mount Remarkable. Whether there was any rateable property at Streaky Bay or not, he did not know, but there would be in a short time. All this property would, under the proposed plan have to contribute to the maintenance of main roads, and what benefit would it derive from them? Again, the House did not know whether the Government would take action on the matter this session or next session, or in three or four sessions to come. All they knew was, that they were told in the speech of His Excellency that resolutions would be submitted on the subject of main roads, upon which a Bill might be founded, but whether such a Bill would be introduced, or any discussion taken upon it during the present session, they did not know. He thought hon. members would agree that this was a bad time for levying a special tax, whilst all persons were complaining of the prospects of the harvest, and when the prospects of the mercantile community were very dull, and too many likely to prove disastrous. Such was a bad time for a special tax, unless the Government saw their way very clearly, which he (Mr. Strangways) did not. Again, the Government did not tell the House what the phrase "rateable property," meant. Some thought it should mean unimproved land, others improved land, and others that, as in older countries, it should include houses and gardens and the like. Yet notwithstanding all this, the Government had tabled a resolution, which he believed was substantially embodied in the resolution previously rejected. If the hon. the Commissioner of Public Works would withdraw the whole of the resolutions, and not again bring them forward during the present session, he (Mr. Strangways) would withdraw his amendment; but if not he would move it.

The TREASURER said if the motion was carried it would have the effect of setting aside the first and second resolutions already agreed to in Committee and reported to the House. If the hon. member meant to ask the Committee to consider that all the discussions for days past were to be set aside as useless, then indeed he would come forward with some propriety in asking the Committee to affirm his amendment. But he (the Treasurer) believed that when hon. members considered the resolutions before they were in earnest, and intended in discussing them to agree upon the general principle of a new Road Bill. If the House affirmed the amendment—which he could scarcely suppose it would—the Government would have so far attained their object that they would have ascertained that the House wished for no further reform in the existing Roads Bill, and that hon. members were of opinion that this was not a proper time for any such reform. He did not, however, expect that the House would agree in any such conclusion. The hon. member for Encounter Bay had said that before the Government asked the House to assent to a special tax, some plan of main roads should be laid before the House. But all the House need do was to admit that the general revenue was insufficient for the maintenance, in addition to the making, of the roads, and that the after repairs must be provided for by a special tax on rateable property; and when that principle was affirmed the Government would introduce a Bill giving effect to the principle embodied in the resolution. Then would be the time for a special tax to be raised, with such modifications as the circumstances of the case might require; and then would be the time to fix a limit to the amount of taxation. When the revenue was supplemented by the tax for road purposes, the House would annually have it in its power to say what roads should be maintained out of those funds and what should not. Each year a scheme of the main roads to be repaired would necessarily be submitted to the House, and according to the proceeds of the tax the House would regulate the expenditure of the money. These remarks showed that a special system of roads need not be laid down in the resolution at present. As to the prospects of a bad harvest, and the commercial depression, the hon. member was a prophet of evil—(a laugh)—but he (the Treasurer) could not join his voice to that of the hon. member in any such proposition. For the hon. member to say that we had a bad harvest at this time of the year was premature. ("Oh, oh," and "hear, hear.") He heard some cry "oh! oh!" and some "hear, hear," which he took to mean dissent (hear, hear)—but he had heard hon. members of the House state that their crops had not suffered in the slightest degree, and that they had fair prospects. Through all the hill districts it was said that the crops would be of an average description, and the only prospect of failure appeared to be in the plains where the crops must be always precarious owing to their dependance on the early or late prevalence of dry weather. He should not therefore, join in the cry that we were to have a bad harvest. As to the commercial depression there could be no doubt, as we had tasted its effects; but the Roads Bill was not to come into operation for the next six months merely, but for a series of years; and to say that we were not to introduce such a Bill, because for a particular year or a particular part of a year there was a certain commercial depression, was an argument not founded on reason.

Mr. MACDERMOTT opposed the amendment, as he thought it quite time that our road system should be put on a more satisfactory basis. There was no subject which could occupy the attention of the House more important to its well being. He quite concurred with the hon. the Treasurer, that the general revenue would not suffice to construct and maintain the roads, and that there must be some special fund for the latter object; and he knew of no means to attain this object more equal and general in its character than a rateable assessment. The House had been rather prodigal in declaring main lines of road, and he (Mr. Macdermott) should be very glad to see a Select Committee appointed to consider the question, and strike out all roads not found to be necessary; for as long as the present system remained in force the House would be constantly called on for funds for such objects. He saw that one of the contingent notices of motion was in favor of capitalising the sums proposed to be expended on main roads. He could not concur in the opinion that it would be wise to capitalise the sum to be expended in macadamising the roads, as there was nothing permanent in them, and instead of being reproductive works they were a steady and constant source of expenditure. (Hear, hear.) He thought the public creditor would require something more real and substantial as security for his capital. Railroads were the proper and legitimate objects on which to borrow capital. He should oppose the amendment, though he would like to see the number of roads curtailed.

Mr. HAWKER rose to order. He wished to ask whether the resolution was not in substance the same as that which had been negatived on Thursday.

The CHAIRMAN read both resolutions, and said it rested with the hon. the Commissioner of Public Works to point out wherein they differed. (A laugh.)

The COMMISSIONER OF PUBLIC WORKS said there was a substantial difference between the two resolutions, inasmuch as one objection to the former was that it was not sufficiently distinct to be understood, whereas he had put this one in a form in which it could be clearly comprehended.

Mr. REYNOLDS said if his recollection served him, that when an objection was made to the words "general assessment on property" the hon. the Attorney-General explained the phrase as applying to rateable property. That being the meaning attached by the Government to the resolution which had

been rejected, the present one could not be maintained, inasmuch as the same interpretation was put upon it

The CHAIRMAN thought the language was sufficiently changed to make the resolutions different and therefore it would be better that the House should either agree to or negative the present motion than merely reject it on a point of order

Mr BURFORD did not consider this resolution putting the matter in a clearer light He thought the previous resolution was even clearer He could guess that a very wide distinction might be drawn under the phrase "rateable property" One hon member might name the land lying outside District Councils, and paying no rates either to Councils or Corporations Many others might object that beyond these boundaries property could not be rated, as he judged from the votes given when the question of absenteeism was before the House (Order, order, from the Chairman) That was a strong objection to entertaining the resolution at all The more he looked at the matter, the more he saw its complications Their ideas as to what should be the proper source of revenue were too floating and vague to enable them to come to a resolution on this matter, especially as it was intended to last for years to come There were various questions pending now which would necessarily act on the minds of hon members in considering this question There was, for instance, the assessment on stock—("Order, order," from the Chairman)—because if the one was abandoned the other might be adopted He was only speaking suppositiously (A laugh) If it should be thought necessary to tax runs instead of stock, they would come immediately to the question of rateable property, and he (Mr Burford) maintained that the runs were rateable as they were something which had a fixity about them There was also another Committee sitting, whose deliberations embraced a subject more or less connected with the present question, and until the decision of that Committee was laid before the House, they would not be in a position to entertain this question He could not, of course, be sanguine that the opinions to which he (Mr Burford) was attached would be held by that Committee, but he still maintained their correctness, and he believed, until they adopted his system, they would never arrive at a healthy one at all There was another point, which had been raised before, viz, that it was very unfair to tax one portion of the community whilst another went free But how would this resolution touch the capitalist or the money lender? Such a man would go on prosperously, and yet contribute nothing to the maintenance of the roads, although these roads brought in the produce by which the capitalist throve That was not fair He would not object to any system which affected us all alike, but we must lay hold of these gentlemen The Treasurer reminded the House by way of recommending this resolution, that if they passed it they would be in a position each session to single out what roads should be kept in repair, and what roads should not He (Mr Burford) did not see that they would be in any more advantageous position then than they were in now The roads were likely to be under the superintendance of the hon the Commissioner of Public Works, and if so, that hon gentleman could single out such as should be kept in repair, or if he wanted the directions and advice of the House he need only ask it in order to get it That, therefore, was no reason to justify the adoption of the resolutions, supposing them to be objectionable in another particular He thought the Corporation of the City of Adelaide, and those hon members who represented the City of Adelaide—(a laugh)—were bound to look seriously at this question The citizens were pretty handsomely taxed as it was, though they were not complaining, but were quite willing to pay the rates for the improvement of the city (A laugh) But under this resolution the city would be rated for the maintenance of the roads according to the assessment in the city rate-books, which was known not to be a light one The whole proprietary in the District Councils, on the other hand, would pay a mere nominal sum Under all the circumstances he felt that they were not in a position to come to a definite resolution, and that it would be far better to defer the matter for another year Let hon members first get a little settled down as to their ideas, and the course which lay before them It would be far better than to go on precipitately (A laugh)

Mr TOWNSEND said that the hon member (Mr Burford) wished to claim an exemption from taxation for himself The hon member claimed exemption for anything which had not fixity, and he (Mr Townsend) thought that Mr Burford could claim it on the ground of not having fixity of purpose (A laugh) The hon the Treasurer had spoken in reference to the harvest He (Mr Townsend) was not one of those who took a gloomy view, but the more he heard of the prospects of the harvest at the Bremer and Langhorne's Creek, and every part of the plains, the greater seemed the probability of a bad harvest As to the commercial depression, every one felt it, and the general impression was, that we had not touched the bottom yet This was certainly not the time to put an additional tax on property But he was opposed to the resolutions on other grounds Why should there be a special tax for this purpose? Why should not the rate go to the credit side of the general revenue? The object of the resolution was to induce the House to assent in a bald resolution to a principle which hon members would not assent to in a Bill He should oppose the resolution, but if the Government fell in with the views which he expressed, and introduced a Bill, he should give it his best consideration

The ATTORNEY GENERAL said it would be recollected that originally five resolutions were proposed by the hon the Commissioner of Public Works The first of these resolutions was amended for the purpose of asserting a principle, and the second, which was with regard to the carrying out of railways, was adopted by the House The opinion of the House had been expressed that the whole of the money which could be spared from the general revenue should be spent in the construction of main roads, and that the funds for their maintenance should be raised from some other source The House had adopted that principle from which it appeared a necessary corollary that a resolution analogous to the present should be passed, as otherwise the Government and the country would be placed in this position—that while we went on constructing main lines of road and spending upon them all the funds which could be spared from the general revenue, we would only be doing so in order that the roads when completed, should fall into destruction Hon members must be aware from experience in their own localities and on the roads over which they were in the habit of travelling, that this process of destruction was exceedingly rapid Take, for instance, the road from Glen-Osmond and the Mountain Hut, and if no funds were expended upon it from the general revenue, or provided from some other source, it would in a very short time be nearly impassable The process might be more rapid there than on any other road, but there was no main road which, if left to itself, would not in a very short time become useless He could understand hon members who felt the difficulty of imposing this new tax, being indisposed to accede to the proposition now made, with a view to have the matter put an end to altogether, and fall back upon the present system, which kept in a sort of repair the roads already in existence, but which restricted our progress completely The real question for the House was, whether it was prepared to continue the present system, by acting on which they need impose no additional burthen, whether they would adhere to a principle fraught with the elements of its own destruction, and which must in a short time come to an end When the question was stated in that way, the decision arrived at must be whether hon members would have main roads or not One hon member had said that he did not object to taxation in his own person Now he (the Attorney-General) did (A laugh) But, whilst he sympathized with those who were opposed to taxation, still he knew well, as a member of the community, that each and every public benefit must be procured at the public expense, and the funds must be raised from taxation Therefore, much as he was opposed to taxation, he was prepared to pay it when it was for the benefit of the country and his own convenience Some hon members might take the view that the inconvenience of special taxation would be greater than the benefit of having the roads made and maintained, and according as they believed the one or the other side of the question, so of course they would act The Government, however, believed in common with the unanimous opinion of the Road Board, that the present system was not a wise one to continue, and that the present was the proper time to provide for the maintenance of the roads from a fund specially raised for that purpose If the House, however, objected to the proposed plan, the Government were prepared to go on with the present system until the time should arrive when the House was of opinion that that system should be altered It was a question upon which hon members who knew the views of their constituencies as to which system was preferable might express opinions worthy of respect He would vote for the resolution, as he believed the money expended upon roads to be more remunerative than that spent in any other way except on railways, and that the inconvenience of the tax would be light compared with the advantage of having main roads running to all parts of the colony

Mr DUNN said that with regard to the Eastern-road which had been spoken off, and which was so cut up by the large stones and other heavy traffic carried over it, a gentleman had assured him that that road could be kept in thorough repair for £150 per mile, taking it 25 miles out This was much lower than the hon the Commissioner of Public Works' average of £200 per mile. He was also informed that £1 550 per mile was an ample sum for the construction of macadamized roads He was sorry he must go against the Ministry on this resolution, but he believed this was the worst time possible for putting a proposition before the public at large for a special tax, a general tax, or in fact a tax of any description He had been often in the House when motions came on which he did not quite understand (a laugh), and upon one of these occasions he had gone out of the House in order not to vote On another occasion an hon member, who was now sitting behind, told him that in such cases they should act like jurors, and give a verdict on the evidence before them (Laughter) He had been in the corn trade since 1844, and it had been during that time his principal business He believed the farming population had never been in so deplorable a state as they were in at the present moment (Hear hear, from Mr Solomon and one or two other members) He believed an extra tax upon the farmers now would be

tantamount to the Sheriff's Officer at once (Hear, hear) Even as it was, a great many should give up, though, of course, there were some wealthy farmers as there were wealthy merchants or stockholders If the House imposed a special tax by which the farmers would be the greatest sufferers, they would not be able to pay it Besides, why impose an additional tax now, when the country paid as much as it could bear for the expenses of government for a population of but 100,000?

Mr Barrow said the hon member who had just sat down had stated that an hon member behind him had recommended him when he did not clearly understand a question before the House, to act as a Juror, and give a verdict (Laughter) He trusted the hon member did not refer to him (Mr Barrow), as, in that case, he must disclaim the intended compliment He (Mr Barrow) was, however, at present in something of the same condition of uncertainty as the hon member had spoken of on this occasion No doubt a good system of roads would be a great advantage to the colony, but a special tax would fall very inconveniently at the present moment It was quite true, as the hon the Attorney-General had said, that if we were to have good roads, we must submit to the necessary taxation with as good a grace as possible But it was not a question of taxation, but of the time of taxing—(hear)—and matters were not now in that flourishing condition which would induce people to look contentedly on the imposition of any new burthen He (Mr Barrow) thought it would be more in accordance with the views of the country, that we should reduce our expenditure—(hear, hear)—and obtain funds by this means He had no objection to an assessment on property for the maintenance of the roads if the time was favorable for its imposition, but notwithstanding what the hon the Treasurer had said concerning the impropriety of drawing any conclusions as to the prospects of the harvest, he (Mr Barrow) could not help saying that the prospects of the harvest were unfavourable. All the information which came to him lately was adverse to the conclusion that the harvest would be a good average He had had communications of an adverse character not only from the plains, from Gawler, and Kapunda, but from Clare and Riverton, whence he heard some time ago very favorable reports, but from which localities he had more recently received gloomy advices Around the Bremer and Lake Alexandrina, the crops were very bad, and even at Mount Gambier, and many other localities where some time since it was thought there would be an abundant harvest, later accounts show that if it reaches an average it was as much as could be expected From all he could learn he was compelled to think that the harvest would be below the average In such circumstances he thought it would be rather hard to levy a special tax on those who would suffer most considerably from the deficient harvest (Hear hear) He had calculated that if they were to levy a rate of 1s on all the assessed property in the districts, excluding Adelaide, and the other incorporated townships, it would produce about £22,500 a year, as the value of the assessed property in the 43 districts was about £450,000 If they were to pay at the rate of £200 per mile for the maintenance of roads, this rate of 1s in the pound on all assessed property, not including that in Adelaide and the other Corporations, would enable them to maintain about 112 miles per annum The Corporate towns would, he supposed, maintain their own roads as at present The amount of work thus done in return for a special tax would, he thought, scarcely be looked upon as sufficient value received by all those persons upon whom this assessment would fall with great weight It was a most inopportune time to impose such a tax (Hear) He could not say that on principle he objected to the proposal, but would rather take exception to the unfavourable time for giving effect to it There was also much uncertainty in the wording of the resolution What was called "a special assessment," might be endurable or unendurable (A laugh) There was something very indefinite in the wording, so that he scarcely knew how to vote for the resolution, though for some reasons he should like to do so It was also worthy of consideration whether there could be no better means devised than the present for making and repairing the roads He himself had sometimes seen good natural surface, which would have lasted for light traffic for many years, with an inconsiderable outlay, cut up and the natural footpath at the side excavated, in order to be thrown into the middle of the road, there to be pulverized into the finest dust the work of destruction, in fact, going on under the name of road-making (Hear) He could point out numerous places where he had seen these things done, whereas if the holes had been filled up with a little gravel or metal, a better result would have been attained at a tithe of the expense Of course, he did not then allude to the great central lines of heavy traffic, but it was a question whether they also should not be constructed on a different principle The Glen Osmond-road had been mentioned, and it was a question whether some sort of light tramway should not be substituted for the present expensively-metalled road At present, the country was sinking vast sums on the various roads, and getting very little return Whatever was done, they must have roads The colony could not develop itself without them, but still, the levying of a special tax, at the present moment, might be a remedy worse than the disease Taking into consideration, therefore, the prospect of a bad harvest, and the existing commercial depression, he scarcely saw his way clear to vote for new and additional taxation at the present moment

Mr Reynolds said if it was desirable to levy the tax it need not take effect for 12 months to come ("Hear, hear," from the Government benches) Even though things looked a little gloomy, he was surprised that the feeling of the House should be of such a desponding character He did not know whether this might arise from anticipated misfortunes, from the political results which might take place next week (Laughter) He did not know whether the prospect of losing our Government officers might have influenced the hon member for East Torrens (Mr Barrow) in giving so gloomy a picture of our condition (A laugh) He hoped that neither the Government nor the country would suppose that he was opposed to providing good roads, because he opposed the resolutions, though the hon the Attorney-General had put it in the light that if the House could not see the immediate necessity of an assessment of rateable property it could not want good roads In the next place he did not see the justice of levying an assessment on rateable property when there was such an assessment already in the District Councils. He (Mr Reynolds) did not like the idea of taxing the districts twice, and that merely in order to hand the Councils back a certain amount again He found that most Councils levied a rate of one shilling, and the Government was in the habit of giving an equal amount as a grant in aid for public works Why then should they levy an assessment on property in order to give back the 1s levied by the Council Why not levy 2s at once and not give Government the trouble of levying money in order to give it back again—taking it from one pocket to put it into the other?

The Commissioner of Public Works said it was true that many Councils levied one shilling, but in many important districts there were no Councils at all For instance, in the County of Light there was no Council, though it contained the town of Kapunda and the mines of Kooringa and the Burra The traffic from these mines destroyed a great portion of the main road, and it was but fair that these mines and townships should contribute equally with the rest of the colony to maintain the roads There were also a great number of Councils which did not levy a shilling rate, it was becoming less regular than formerly All persons in the colony, all who used the roads, were interested in their maintenance, and, therefore, the whole of these persons' properties should contribute He was aware that this was a very unsuitable time for levying a tax, but he could have wished that hon members had not held up such a gloomy picture of affairs He was not of a sanguine temperament, on the contrary, he erred rather on the other side, but he could not take so gloomy a view He knew one circumstance of a commercial character which he would mention to the House in refutation of what had been said At one of the banks of the province on the 4th of the present month there was not a single dishonored bill (Laughter) Hon members were aware that this was a very heavy month, and that almost all bills were payable on the 4th, so that this was a fact of great commercial interest If mercantile men attended to their business a little more, and curtailed their expenses—(cries of "hear, hear")—they would not be suffering so severely He was satisfied the colony was in a healthy state He had none of the gloomy anticipations of other hon members, and he believed we were passing through the worst of the crisis The Government put the question to the House, "How are we to maintain our main roads?" and hon members could not get out of the difficulty by saying that this was not a convenient time to answer He would leave the resolution in the hands of the Committee

Mr Lindsay said some hon members seemed to be impressed with a great horror of taxation, and no doubt it was a very unpleasant thing, and if they could do without taxation in constructing their roads, he for one should feel exceedingly pleased But they must be taxed either one way or the other, and if not for roads it would be in the extra cost of cartage His hon colleague had said that the Government should have introduced some general system, and no doubt it was desirable that they should do so, but that was not the question they were called upon to decide then Their business now was to say whether the repair of the main roads when constructed should be provided for by a special imposition on the rateable property of the province It had been said by the hon member for Flinders that the construction and maintenance of their roads should be placed on a better footing, which indeed was their object, and it had been likewise said that they had been prodigal in declaring their main lines of road He thought they might agree to both of these propositions, and with respect to the latter, that they would have to strike out some lines of main road which had been uselessly declared and add to others With respect to a remark which had fallen from one hon member, it was a fact that many of their lines of main road were not permanently laid out, and it was desirable that they should be made permanent as soon as possible The Attorney-General had said that if there was not a special tax imposed, the alternative would be that the roads would have to be neglected, but instead of adopting either of

those propositions, he (Mr Lindsay) thought they might entertain the principle of making the roads, and of then handing them over to local bodies for maintenance This principle has been adopted in connection with the Port-road, and also on the main road through Gawler Town, and if it was a correct one, he did not see why they should not entertain it He could not see any good in deferring the present question to a future time, and if they discussed the matter now, they would be better able to fix upon some perfect system the next session He was convinced that if they did not submit to be taxed for the construction and maintenance of their main roads, they would have to pay a tax in some other form

Mr Solomon said those hon members who had gone before him had argued that this was not the proper time to impose a fresh tax He perfectly agreed in this expression of opinion, and for that reason he should support the amendment before the Committee In the present gloomy state of affairs, which had been referred to, he could not see any inducement to levy a fresh tax without some commensurate advantage were to be derived from it, and that had not been proved He was certainly rather surprised to hear the Commissioner of Public Works state as an evidence of things not being so gloomy as had been supposed, that on the 4th of this month not a single bill had been dishonored But if that hon gentleman could only have a peep into the counting houses of Messrs Wicksteed, Botting, and Co, and Messrs Solomon and Co, he would perhaps come to a different conclusion The fact, he believed, was that merchants and others had to renew those bills which were said not to be dishonored It was a very easy thing to say, when the Banks had contracted their discounts that no bills had been dishonored, and if, as he anticipated, the Banks still further contracted their discounts, then no doubt they would have no dishonored bills at all (Laughter) The Commissioner of Public Works had said that he saw the necessity for the Kapunda Mine contributing a fair share to the support of the roads, and no doubt it was quite just that it should do so, but then they must remember that the assessment would be general, that the agricultural interest was at that time in a most depressed state, and that therefore the effect of carrying out his (the Commissioner of Public Works') proposal would be this, that instead of doing a little evil that great good might come, it would be doing a great evil that a little good might come (A laugh) He (Mr Solomon) was not sanguine, like the hon Commissioner of Public Works, of the prosperity which was looming in the future He had formed this impression from the depressed state the agricultural interest was in at the present time (Hear) This was not likely to be alleviated, for in his opinion they would only get deeper and deeper into their difficulties It was not the time, therefore, to impose a tax upon persons who already were weighed down by their difficulties and he should therefore oppose the original resolution and vote for the amendment

Mr Duffield said in some respects he agreed with the last speaker but in others he totally differed from him They all knew the beneficial effects produced to the farming population in the reduction of their expenses, by the improvement of the roads Those persons who had any experience in the matter would know the expense to which the farmer was sometimes exposed in putting perhaps eight or ten bullocks into a dray with a light load, and then probably winding-up with the loss of the pole and other considerable inconvenience He could not agree that this was not the time to alter a system which was confessedly admitted to be a bad one, and he thought the sooner it was remedied the better for the agricultural interests and the community generally He had been surprised at the contrary opinions which had fallen from the Treasury benches, inasmuch as one hon gentleman on those benches admitted the colony was at present in a depressed state, and another (the Commissioner of Public Works) declared that it was not so He (Mr Duffield) was convinced that so far as the agricultural interest was affected there was nothing which could happen at this late period of the year to make the crops even average ones It would be remembered that in September last, when the Governor s speech was discussed, he (Mr Duffield) expressed it as his opinion that that portion of it which referred to their then alleged "commercial prosperity" was not justified by their position That expression of opinion was then challenged by the hon member for East Torrens, and ——

Mr Barrow submitted to the Speaker that the hon member was not in order in referring to a previous debate

The Speaker ruled that he was not in order

Mr Duffield was under the impression that he was travelling within due bounds

The Speaker explained that no hon member could refer to a previous debate in that session, unless it were upon the motion under discussion

Mr Duffield proceeded, and said that the opinion he had then expressed fully tallied with the experience of their present "commercial prosperity," and was, therefore, fully justified It was a well ascertained fact that the colony was not now in a prosperous state He was not second to any one in stating his views when called upon to do so, and he would say that the same perseverance and energy which had always characterised the colonists of South Australia would enable them to pass through their present state of financial depression They must only make up their minds to husband their resources, and continue the same energy and perseverance which they had hitherto exhibited, and no doubt their difficulties would be surmounted, One hon member had suggested that a Select Committee should be appointed to enquire into the matter, but he (Mr Duffield) thought if he knew who were the gentlemen who were to form that Select Committee he would also be able to tell in what districts the roads would be constructed and cared for (A laugh from Mr Townsend) No doubt the hon member for Onkaparinga would, if on that Committee, get a road to Nairne, and the hon member for Burra and Clare, if in the same position, would take care that the roads in that district should occupy a place on the new schedule But he was not sure but that it might be desirable to appoint a Select Committee to enquire into the whole system of the maintenance and construction of our main roads As to the resolution before the House, he could assure them that the people were opposed to it, nor was it likely that a Road Bill, embodying the same principle, would be passed through that House He considered that the best course to adopt would be for the House to resume, and for a Committee to be appointed to enquire into the whole subject He could not agree to the amendment proposed, that the resolution should be read that day six months, nor could he support the resolution itself, as it was too bald He thought some system might be devised to meet the difficulty, such as a tax upon vehicles—that those persons who used the roads should pay for their maintenance By this means the produce from the mines would be indirectly taxed

Mr Strangways asked the Speaker whether his amendment had been put

The Chairman replied that it had not yet been put to the House but that of course he should feel it incumbent upon him to do so

Mr Mildred opposed the resolution, but thought at the same time that postponing the question would only place them in a worse position He thought some other means might be devised by which a tax should be placed on some article of general consumption, and that they allow the roads to stand under the present regulations The proposed additional tax upon the country districts for the maintenance of the main roads was very uncalled-for and unjust The people composing each district might very properly say, "if we give you good district roads you should give us good main roads " He hoped the Government would see fit to withdraw these resolutions, as not only were they objected to by the House, but they were offensive, he was assured, throughout the colony If they (the Government) could not devise a better plan he should move, "that the present assessment made by the District Councils should be deducted from the gross assessment," that was, if the gross assessment were 2s in the pound, the shilling in the pound they were now paying should be deducted

Mr Strangways moved that the House resume

The Chairman was understood to convey an intimation to the hon member that his motion was irregular, as he had already proposed an amendment

Mr Bacot hoped the Commissioner of Public Works would withdraw his resolution, that the House might then resume He thought it would be equitable if the main roads could be kept up as in Ireland by one half of the expense drawn from the general revenue and the other half raised in the boundaries through which the roads passed There was one portion of the resolution which he was in favor of, that which provided for a contribution from those who occupied the waste lands of the Crown The general effect of the resolution, however was not politic, and in order that some other scheme might be devised he should move that the House resume, and the Speaker report progress

The motion was carried The House resumed and the Speaker reported progress

The Attorney-General said, in answer to the Speaker, that he would not fix a day when the Committee should have leave to sit again (A laugh)

MESSAGE FROM LEGISLATIVE COUNCIL

Messages Nos 14 and 15 were received from the Legislative Council, the former returning the "Railway Clauses Consolidation Amendment Bill, with certain amendments, and the latter the "Supreme Court Procedure Further Amendment Bill" with the same The consideration of the amendment in the former was made an Order of the Day for Friday

RETURN OF PRISONERS

The Attorney-General laid upon the table of the House a return of prisoners transmitted from the South Eastern District asked for by the hon member for the Burra and Clare (Mr Peake)

APPOINTMENT OF A THIRD JUDGE

Mr Barrow moved pursuant to notice—

"That the House will, on Thursday, 18th November, go into Committee of the whole to consider the question of an address to His Excellency the Governor-in-Chief, affirming the desirableness of appointing a third Judge of the Supreme Court, and requesting that the Government may be instructed to prepare and bring in a Bill on the subject "

The hon member said that in doing so he would make but few remarks He had heard it frequently stated that the administration of justice at the Supreme Court was not in

such a state as to give general satisfaction to the community, but he would wish it to be distinctly understood that in making those remarks he did not intend even in the remotest degree to convey thereby any reflection upon the learned gentlemen at present filling the high offices of Judges in this province It was not from any doubt of their learning, or superior attainments, or from any suspicion that they had on any occasion departed from the strict line of justice that he brought forward the present question, but it was because when they had two Judges only, as at present, the administration of justice was frequently in danger of being brought to a dead lock through the very conscientiousness of the Judges, one Judge deciding one way, and the other holding a directly opposite opinion This they would admit, was not a satisfactory state of things to perpetuate, and it therefore required a remedy Arguments might be brought forward in support of having only one Judge in preference to three, so that the difficulty he had mentioned might be avoided, but he would state in connection with this subject, that he did not propose the appointment of a third Judge merely for the sake of facilitating the business of the Supreme Court, but also, and specially with the view of procuring the more efficient, speedy, and economical dispensation of justice throughout the country districts (Hear, hear) Whether this should be effected by Judges going on circuit by the enlargement of the jurisdiction of the Local Courts in the country, or by any other means, he could not then affirm He repeated that he would not, as a non-professional member, have introduced the motion if it merely referred to the working of the business of the Supreme Court, but he did so because he believed that at the same time the facilities for the administration of justice in the country districts might be greatly increased, and the expense much reduced In the outlying districts at the present time it was frequently the case that criminals were allowed to escape because those who had been wronged submitted to other wrongs rather than come to town, and be thereby put to the great trouble, serious loss of time, and ruinous expense of prosecuting them He hoped the hon member for Barossa (Mr Bakewell) would not rise on this occasion, as on a former one, and declare that he (Mr Barrow) had not made out a case, — (a laugh) — on the contrary, he trusted that hon gentleman would support the motion, and, in the remarks he made, supply any deficiency of argument on his (Mr Barrow's) part, which he (Mr Bakewell) was so peculiarly fitted to do from his professional experience He would state again that he hoped it would not be supposed for one moment that he intended any reflection upon the Judges of the Supreme Court of this colony

Mr Lindsay would support the motion He thought it desirable that they should discuss whether a third Judge was required or not, although he was not prepared to pledge himself to the necessity for it There was one strong objection to the appointment of Judges, that was, their being such expensive officers In the United States the remuneration to them was considerably less than here, and he thought that there were many briefless barristers at home who would be glad to accept such an appointment at a considerably less salary than that which was now being paid

Mr Bakewell would support the motion When Judge Crawford was appointed, two Judges were considered to be necessary and he was convinced that not more than one-half of the business was done in the Supreme Court then that was now Therefore, if two Judges were considered necessary then, three Judges would not be more than sufficient under their altered circumstances Besides the Matrimonial Bill might give them more employment He was sensible of the inconveniences which at present existed in the Supreme Court from the want of a third Judge Such cases as contrariety of opinion with the Judges frequently happened at home, under similar circumstances In the highest legal tribunal at home, the House of Lords, it has been decided that no business should be proceeded with unless three law lords were in attendance (The hon member quoted the opinion of Lord Lyndhurst on the subject) At Westminster it was repeatedly the case for the Judges to differ What had happened in England might be very well anticipated in this colony He (Mr Bakewell) was of opinion that prompt judgment was better, even if erroneous, than a righteous judgment deferred for a length of time would be to one who had all his property dissipated in gaining it He considered even one Judge would be better than two Who ever heard of two arbitrators? and the same thing would apply to the action of two Judges He cordially supported the resolution

MESSAGES FROM THE GOVERNOR

The following messages were received from His Excellency the Governor —No 16, complying with the address of the House for the revival of the Gold Discovery Reward Fund, No 15, complying with the address referring to the Police Force Regulations, No, 14, complying with address on Port Lincoln Jetty, No 13, complying with address on Money Order Officers

APPOINTMENT OF THIRD JUDGE (RESUMED)

Mr Strangways said, as a discussion would take place when they went into Committee, he should move that the House do now divide

The Speaker then put the motion for going into Committee on Thursday next, which was carried

SUNDAY RAILWAY TRAFFIC

Mr Cole asked the Commissioner of Public Works, pursuant to notice—

"If he is aware of the fact of trucks having been employed in conveying stone and wool to the Adelaide Railway Station on Sunday, 7th November, and if so, is such traffic carried on with the sanction of the Government?"

He said, since he had tabled this motion, he had found that the traffic he complained of had been repeated again last Sunday. He thought if the Government were cognizant of the fact they would not tolerate such a desecration of the Sabbath

The Commissioner of Public Works said he had not been aware of the fact of the traffic having taken place as alleged However, the explanation from the Traffic Manager stated that it had been the case only three times during the past year In the cases named there had not been a sufficient number of waggons to warrant the sending out of a special engine, but quite sufficient to have put the manager to inconvenience on the Monday morning if they had not been removed on the Sunday The Commissioners had advised him also, that since they had been in office the trains had not run on either line during morning service, and every effort was made to interfere as little as possible with the Sunday He entirely agreed with the course taken by the Commissioners, and no other course would be sanctioned by the Government

Mr Duffield said, that last Sunday several trucks of wool from Gawler, and stone from the Dry Creek, passed along the line, and, if in order, he would ask the Commissioner of Public Works for some explanation of this repetition of that which Mr Cole complained of

The Commissioner of Public Works was not able to reply to the question further than he had done

Mr Strangways asked whether it was not often the case in England for goods vans and trucks to be attached to the passenger trains

The Commissioner of Public Works was not in a position to reply to the question

MAIN ROADS

Mr Rogers's motion with respect to the introduction of a new system of main roads lapsed

MAGILL LINE

Mr Townsend moved that the petition from the inhabitants of the Great Eastern or Magill line of road, should be printed

Carried

The House then adjourned at 20 minutes past 3

Wednesday, November 17

The Speaker took the chair shortly after 1 o clock

RETURNS

The Commissioner of Crown Lands laid upon the table various returns which had been called for, and which were ordered to be printed

DATE OF ACTS BILL

Mr Strangways said that he had intended to move the House into Committee for the consideration of the Date of Acts Bill, but before doing so, he would state that he had been informed the Attorney-General was desirous of moving some amendments and if those amendments were likely to occupy any considerable time, he would move that the consideration of the Date of Acts Bill be made an Order of the Day for some future day, as he observed a very important notice of motion upon the paper

The Attorney-General said that the amendments which he was desirous of proposing were simply to bring the provisions of the Bill into conformity with what had been the previous practice of both Houses of the Legislature The object of the Bill was one in which he concurred He concurred in the general principle of the Bill, but he was desirous of making some amendments in order that there might be no alteration in the existing arrangements Unless the hon member had some objection to such amendments as he had suggested, he believed that the whole of them might be got through in a quarter of an hour

Mr Strangways said his own view in reference to the amendments which he had heard it was the intention of the hon the Attorney-General to propose was, that he did not think he could acquiesce in them If the hon the Attorney-General would state what his amendments were that he and other hon members might have an opportunity of considering their effect, he would move that the consideration in Committee of the Date of Acts Bill be made an Order of the Day for that day week

The Speaker said that the better way would be for the hon member to move the House into Committee, and then the amendments which the Attorney General intended to propose could be printed

Mr Strangways having acquiesced, the House went into Committee

The Attorney General moved an amendment to the

effect that Bills should be endorsed by the Clerk of the Council or the Clerk of the Assembly, according to the branch of the Legislature in which they were originated. At the present time, as the House were probably aware, the practice was in accordance with the amendment which he proposed. The practice was that Bills which were originated in that branch of the Legislature, after being assented to with or without amendments, were sent by the Speaker of that House to the Governor, and Bills which were originated in the other branch of the Legislature were sent by the President of the Council to the Governor, so that the proper plan, or the plan at present in existence, was that the Bill was endorsed by the Clerk of the House in which the Bill was ultimately passed. No reason had been suggested for any alteration, nor was he aware of any cause for such an alteration as the Bill before the House proposed to effect. He, therefore, moved an amendment to the effect he had mentioned.

Mr STRANGWAYS believed that the amendment which was proposed was in accordance with the present practice of the Legislature, but in order to assimilate the practice to the practice of the Imperial Parliament, it was desirable or necessary that the Bills should be endorsed by the Clerk of the Legislative Council, who would be required in fact to act as Clerk of Parliament. It was customary for His Excellency the Governor to go to the Legislative Council for the purpose of giving his assent to Acts and the Clerk of the Council made his endorsement upon the Acts whether they had been assented to, dissented from, or reserved for the Royal assent. If the amendment proposed by the Hon the Attorney-General was carried the effect would be that two persons would be required to do the work of one man. The object of introducing the present Bill was in fact to do away with the necessity of introducing in every Bill a short clause stating when the Act should take effect.

The ATTORNEY-GENERAL said the hon member was in error in presuming that the Bill proposed to assimilate the practice here to the practice of the Imperial Parliament. In England the Bills were endorsed, not by the Clerk of the House of Lords, but by the Clerk of Parliament. Here, however, there was no such officer as the Clerk of Parliament, and he thought the only proper course was that the Bills should be endorsed by the Clerk of the particular branch of the Legislature in which they originated and were formally passed. It was the duty of the Clerk of such branch of the Legislature to endorse the day upon which they received such assent.

The amendment was carried and some other amendments having been agreed to, the Bill was reported, and the consideration of the report in Committee was made an Order of the Day for Friday.

LANDS TITLES REGISTRATION OFFICE

Mr STRANGWAYS moved—

"That there be laid on the table of this House the following returns from the Lands Titles Registration Office, viz —A return of the number of applications to bring property under the Real Property Act, the number of properties brought under the Act, and the number of applications rejected, the number of land grants issued since the 1st of July last, the number of transactions that have taken place under the Act, specifying the nature (whether mortgage, lease, &c), the gross amount of fees received, stating in detail for what the fees were paid, the gross amount of sums received for the insurance fund, the number and nature of transactions that have been attempted under the Act, and have not been carried out giving the cause of failure when known, and a return of the average weekly receipts of the office."

The hon member with the permission of the House amended his motion by the insertion of the words "giving the amount of insurance paid upon grants of land purchased since the 1st of July last." He believed that there would be no objection on the part of the Government to furnish the return in the form in which he desired it, so that it would furnish all the information which he desired, but if that were not the case he must again ask permission to amend his motion, though the effect would be to make the returns much more voluminous. The reason of his asking for such returns was to place the House in possession of information in reference to the working of the Real Property Act. At present there were all kinds of reports in circulation in reference to the working of that Act, some asserting that it was working as well as its most zealous supporters could desire, others, that there was nothing at all doing under the Act, and others that, although it cost £500 per month, the receipts under it did not exceed £70. He wished to have an opportunity of ascertaining whether these reports were correct or not, he wished to know how the Real Property Act was really working. He was informed moreover that before any very great time had elapsed hon members would be called upon to consider very considerable amendments which would be proposed in the Bill, but before they were called upon to consider such amendments they should, he considered, have the most accurate information before them in reference to the working of the Bill. With reference to the amount which was received from the insurance fund, he believed that by the provisions of the Act insurance could only be charged on property brought under the operation of the Act which had been sold before the 1st July last but he had been informed that the Lands Titles Office was in the habit of charging insurance upon property sold since the 1st July, and he was informed that one gentleman had been subjected to a charge of £16, which was never contemplated by the Act. This might or might not be correct, at all events, it was desirable the House should be informed of the number of applications which had been made to bring property alienated from the Crown before the 1st July last, under the operations of this Act. He did not want the return to extend to every separate portion of a section, but it would be sufficient if they were in accordance with the *Gazette* notices, that is, if six or eight notices were included in one application, he should consider that one application. He had been informed that numerous applications which had been made to bring property under the Act had been rejected, though upon what grounds he had not ascertained, but it was right the House should be informed. He apprehended there would be very little difficulty in giving the return which he asked for in reference to the amount of fees but at the same time, as he had before stated, he did not wish to have a return of the fees charged upon every property, though at the same time if any charges had been made which were not mentioned in the Act, he should like to have a return of them. He also wished for a return of the gross amount of fees received under the insurance fund, and he also wished to have a separate return of the fees received in respect of property purchased since the 1st July last.

Mr GLYDE seconded the motion.

Mr MILDRED wished to ask the Attorney-General whether it was true that an Amended Real Property Bill was in the hands of the printer.

The ATTORNEY-GENERAL said if so, it was without his knowledge.

Mr BARROW said the hon member for Encounter Bay had stated that he believed that House and the country stood in need of information in reference to the Lands Titles Registration Department, and he (Mr Barrow) thought so too. It would be in the recollection of the House that only a short time ago he tabled a motion upon the subject, but that motion, in consequence of other business, disappeared from the paper. He would venture to express an opinion that more information than that which was alluded to by the hon member for Encounter Bay was desirable and might readily be procured. If mere answers to the questions referred to were received, there would be a considerable amount of information withheld, and he (Mr Barrow) therefore thought that the motion of the hon member had better be amended in some such manner as the following:—

"That there be laid on the table of this House the following returns and reports from the Lands Titles Registration Office, viz —

"1 A return of the number of applications to bring land under the Real Property Act, the number of applications rejected, the number withdrawn, the number remaining under consideration, the number approved, the number of transfers executed under the Act, the number of leases, the number of mortgages, the number of encumbrances.

"2 A return of the total value of the land represented by approved applications brought under the Act, the total value of land brought under the Act by alienation from the Crown, the amount secured by mortgage or encumbrance.

"3 A return of the fees collected and payable, distinguished under the several heads of 'Application fees, payable to the Commissioners,' 'Fees for assurance of title,' and 'Registration fees, payable to General Revenue account.

"4 A return of the number and nature of transactions that have been attempted under the Act, and have not been carried out with the causes of failure as far as known, the causes which have operated to retard the general adoption of the Act, as far as such causes are known.

"5 A return of the principal defects of the Act, as yet developed in its working; the beneficial results as yet developed in its working.

"6 An explanatory statement, with forms and examples, exhibiting the procedure and working of the system pursued in the Lands Titles Registration Office, with estimates of the cost of conducting the entire business of the colony under that system.

"7 A report contrasting that system with the method of registration as conducted in this colony under Acts prior to the 1st July last, with any suggestions the Registrar-General may be enabled to offer for reducing the large expenditure at present incurred for registration generally in this colony. Such returns and reports to be brought down to the latest convenient date."

If that information could be obtained and he was in a position to say it could be obtained, the House would have a much more complete case before it than if the information were confined to what appeared in the motion of the hon member for Encounter Bay. Unless the hon member was prepared to adopt the amendment in preference to the proposition which he (Mr Strangways) had brought before the House, he (Mr Barrow) should certainly feel disposed to bring forward his proposition as an amendment.

Mr MILNE seconded the amendment.

Mr STRANGWAYS would have been most happy to adopt the amendment of the hon member for East Torrens, Mr Barrow, indeed if he had not been in a hurry when he drew up his motion, he should certainly have asked for more information than was at present involved in the motion, but he felt there were some returns asked for in the amendment

which would considerably pose the Registrar-General. However glad, indeed, the Registrar-General might be to afford the information referred to or however happy the House might be to receive it, he felt that the Registrar-General would have considerable difficulty in furnishing it. The Registrar-General would certainly have to consult the Attorney-General upon the subject, for from the information which was asked for, the Registrar-General would require to be a perfect master of real property law, past, present, and future. However deeply the Registrar-General might look into real property law, he questioned whether he would be enabled to afford the information which was asked for. He should, however, be happy to adopt the amendment.

Mr. Barrow asked if the hon. member was replying?

The Speaker presumed so.

Mr. Strangways said that after the hon. member for East Torrens had brought forward his amendment, he waited some time, but as no other hon. member appeared disposed to rise, he rose for the purpose of stating that he should be happy to adopt the suggestion of the hon. member for East Torrens. He repeated, however, that whilst the returns asked for by the amendment would afford most useful information to the House, and would enable hon. members to become excellent real property lawyers, he believed the Registrar-General would have great difficulty in furnishing those returns. He adopted, however, the amendment in place of the original motion upon the understanding that the returns as to facts were to be furnished as quickly as possible and those as to effects after being fully considered by the Registrar-General, the Lands Titles Commissioners and their legal advisers, should also be furnished with as little delay as possible. His object in making this proviso was that if the House were to wait till the whole of the returns had been prepared he believed they would not be presented to the House during the present session, but this difficulty would be got over if the questions of fact were to be answered now, and those of law afterwards.

The Attorney-General quite agreed, as he was sure the House would, that it was important the questions of fact should be distinguished from those of opinion. It was quite right, if the House required it, that they should obtain the opinion of the Registrar-General or any other officer of the Government, but after all it was for the House to form an opinion from the facts before it, and the facts should be carefully separated from the inferences. He should take care in furnishing the report that the facts were separated from the other portions of the report.

The motion (that is the amendment brought forward by Mr. Barrow) was carried.

WAYS AND MEANS.

Upon the motion of Mr. Glyde, seconded by Captain Hart, the House resolved itself into a Committee of the whole for the consideration of the following resolution, viz.:—

"That this House is of opinion that the estimated amount of Ways and Means for the first six months of 1859, as laid on the table by the Treasurer (Mr. Finniss), will not be realized, and considers that the best and most prudent method of meeting the financial difficulties arising from a decreasing revenue, will be by reducing the expenditure on establishments and immigration, and not by curtailing the amount appropriated to public works."

He regretted that the mention of this motion should have led to an hour's useless discussion on Friday last, but he would endeavour to explain in few words how this occurred. He and other hon. members were completely taken by surprise on Thursday last upon finding the first item on the Estimates under discussion so much earlier than was anticipated. He had been in consultation with the hon. member for the Port (Capt. Hart), and expected that a long debate would take place upon the financial policy of the Government, but finding that the first item on the Estimates had been put, he presumed it was too late to ask the House to enter upon a debate upon the financial policy of the Government, and therefore it was that upon the following day he prepared the motion which he had now the honor to bring forward and which he had presented to the House on Friday last. He wished to enter upon this explanation to shew that there was nothing extraordinary in taking the course which he did as the acknowledged friend of the Government. (Laughter.) He contended there was nothing at all extraordinary in taking the course which he was now taking. He was a professed friend of the Government. (Laughter.) He did not wish in introducing this motion to shew any hostility to the Government, but as an honest independent member, he claimed the right of expressing an honest opinion upon all measures affecting the general prosperity of the colony. He had always supported the Ministers when he believed they were right, but he was perfectly prepared to oppose them when he believed they were wrong. He believed that hon. members would give him the credit of saying that he did not often trouble the House with long speeches; in fact he should have been better satisfied on the present occasion if he could have sat still and assented to the Estimates which the Treasurer had placed before the House. But he felt that he could not do so when he found that during 18 months they had spent £115,000 more than they had earned, that during the last 12 months they had spent £86,000 more than they had earned, and that during the last quarter they had spent £60,000 more than they had earned. The estimates of expenditure for 1858 were £136,000 more than the actual revenue, and he found that the balance in hand as savings was gradually slipping away, and that the country would not have more than £150,000 in hand at the end of the present year. If the estimates of expenditure as at present before the House were adopted, he believed that at the end of 1859 the Government of the colony would be something like insolvent. When he remembered that they had had an exceedingly bad harvest and that the prospect of the coming harvest was worse, when he remembered that the exports of the colony during the past 12 months had decreased to the extent of a quarter of million sterling, when the warehouses were glutted with imported goods—he could not sit quietly down and vote away the sums which it was proposed to expend by the Estimates before the House. He could not support the Government in what he must consider an extravagant expenditure compared with their means. He could not support them in voting away the public money in the extravagant manner which was proposed. It had been said by some hon. members and others that it was a very injudicious thing on his part to bring forward a motion of this kind; it was said that it was injudicious to talk about the difficulties under which the colony was laboring. It was said that to talk about their difficulties was the way to increase them; but he must beg to differ with those who held such opinions, believing that it would tend to advance the prosperity of South Australia to look their difficulties in the face, and to let people outside see that they were not afraid to face them. He believed that the people generally would be more likely to put their shoulders to the wheel to advance the general prosperity of the colony, if they found that their representatives in that House sympathised with them, and endeavored to overcome the difficulties by which they were surrounded by retrenchments in Government departments. Again, it had been said by some that it was imprudent to bring forward the motion, as it would tend to injure the colony at home with the holders of South Australian bonds; but he must entirely differ with those who held such an opinion, believing that parties upon the Stock Exchange would be more likely to lend their money when they found there was a disposition to reduce the extravagant expenditure in the colony and thus meet their difficulties instead of going on in the extravagant way which they hitherto had. It was absurd to suppose that parties upon the Stock Exchange were ignorant of the financial position of the colony. So far from such being the case they were not only perfectly well acquainted with the financial position of the colony, but with her expenditure, and in the course of another month those parties and the holders of the bonds of the colony would be in possession of the fact that the colony had only £165,000 left. When this fact became known and the further fact that the expenditure of the colony was upon as extravagant a scale as ever, parties who had hitherto advanced money upon the security of the colony would button up their pockets and refuse to make further advances. If the House took the course which he trusted they would on the present occasion, the debate would do good, as when parties at home ascertained that retrenchment had been determined upon, they would say that the people of South Australia were determined to act like honest men, and to reduce their expenditure by turning off their servants rather than not meet their liabilities. Before proceeding to examine the estimated Ways and Means in detail he would refer to the statement, the financial statement of the hon. the Treasurer. He presumed he would be permitted to quote from what he presumed would be recognised as a faithful record of the hon. gentleman's statement.

The Treasurer said he had not yet had an opportunity of examining the statement, the figures in which might or might not be correct.

The Speaker said the hon. member, Mr. Glyde, would be perfectly in order in referring to the statement of the hon. the Treasurer, but it must be from his own memory alone, as he would see by turning to Standing Order 120.

Mr. Glyde was not aware that he would have been prevented by the rules of the House from quoting from the published statement of the Treasurer's statement.

The Treasurer had not the slightest objection to the hon. member quoting from the paper, but he merely wished it to be understood that he should not consider himself bound by the figures.

Mr. Townsend presumed that if the hon. member were allowed to depart from the rules of the House in this instance that other hon. members would be allowed to do so on other occasions.

Mr. Glyde would get over the difficulty by putting the paper aside. He did not wish to read it, but would trust his memory. The Treasurer in introducing the Estimates to the House had stated in a particularly jaunty manner that it was immaterial whether the £10,000 proposed to be raised by assessment on stock were allowed or not, as if the House did not vote it, if it were disallowed there would still be a surplus of £9,000. There was another statement which was made by the hon. gentleman, which had particularly struck him and no doubt had struck other hon. members. He alluded to the statement made by the hon. gentleman in reference to the money which he asked for the defences of the colony. The hon. gentleman had stated that 700 men would be necessary for the

defence of the colony if they were to have a force fit for anything better than amusement or than for playing at soldiers The hon gentleman estimated the cost of these 700 men at £6,300, but though the hon gentleman had said that if the number were less the money would be thrown away, that it would in fact be expended in nothing more than an absurd amusement, he had still estimated the annual cost at £4 500, and put down a proximate amount for six months—he had been surprised to find that a sum of £4,500 was required for the first six months In reading over the Treasurer's statement, it struck him that the hon gentleman's statements and figures justified quite as gloomy a prospect as he (Mr Glyde) could draw, but the hon gentleman's inferences and deductions were quite different After telling them that there was a great decrease in the importation of wines, that there was a great decrease in their exports, and that in the land sales they must expect the falling off would be considerable, after telling them that the monetary pressure was extreme—still the hon gentleman went on to say that he believed the revenue for the first six months of 1859 would be maintained The mere reading of the Treasurer's speech was quite enough to make any hon member of that House look into details He (Mr Glyde) had gone into detail, he had gone into the Ways and Means, and he was no alarmist, he was not disposed to exaggerate, but he could not believe that the proper course for hon members to pursue after ascertaining how matters really stood, was to say "it's all right," but to look the difficulties under which they were laboring in the face He took the first item of Ways and Means, £27,661 6s 9d, the estimated balance available for the service of 1859 brought forward from Supplementary Estimates He presumed that this would be realised but he hoped the Treasurer would kindly explain why he brought down an item of £4,300 as a probable saving, as it appeared by a paper which had been laid upon the table of the House, that the sum of £73,000 to which it had reference had been raised and spent He presumed that some satisfactory explanation could be given on this point The second item was, "probable excess of receipts over estimated Ways and Means for 1858, £15,000" He felt satisfied in the first instance that this amount would not be realized, but he had subsequently seen reason to change his opinion, and he believed it would be. He found the estimated revenue for 1858 was £414,000, to which adding this £15,000, the amount would be £429 000 Now the revenue for the first three quarters of the year had been only £332,000, leaving a sum of nearly £100,000 to be gained during the last quarter He had felt pretty confident that this sum would not be realised but he found that this quarter had received the advantage of a £20,000 land sale at the end of September, so that it was not improbable this £15,000 would be realized Still he considered it would have been quite sufficient to have taken credit for £10,000 The revenue for the last quarter only amounted to £100,000, and consisted of several items which would not be realized during the present quarter He did not object to the item of £15,000, but he threw out the remarks which he had for the consideration of hon members whether implicit dependence could be placed upon it He now came to the principal source of revenue, £90,000 from the sale of Crown lands He had no hesitation in saying that amount would never be realized during the first six months, and he would state the reasons which had led him to that conclusion There could be no doubt that the monetary pressure was extreme The small farmers and the large squatters were alike in the same position and consequently they must expect a gradual falling off in the land sales It was true that last month there was a haul of about £7,000, but of this amount Mr Leake took up about £5,000 worth The amount taken up during the present month by private contract was only £400 worth, and the total amount during the present quarter had been only £21 000 He had conversed with half a-dozen of the leading land agents in the colony, and had asked them what amount would probably be realized from land sales to the end of the year, and they had agreed with him that half of the lots would be passed At the end of the year he observed there was a land sale which would probably realize £3,000 or £4,000, but in the present state of the money market this would be equivalent to giving gentlemen who it was known would buy, land at £1 1s per acre The Government would thus be giving away the property of the people at a very unremunerating price He had also taken the opinion and advice of half a-dozen leading land agents as to the amount which would probably be realized during the first six months of 1859, and all agreed with him that it was impossible unless indeed some thing most unforeseen should occur, that anything like £90,000 could be realized All sorts of opinions were, it was true, held upon the point, some being of opinion that not more than £50,000 would be realized He had no wish to exaggerate the monetary depression which existed, but it was notorious that the banks would not advance a shilling to parties to assist them in the purchase of land, the farmers were as bare of cash as possible, the crops were exceedingly deficient, and there was no prospect of a remunerative market on the other side It was notorious that parties who had been in the habit of purchasing for re-sale were choked with land Let them look down the columns of the *Advertiser* or the *Chronicle* and they would see advertisements of hundreds of sections for sale, so that it was quite clear that nothing like £90,000 would be realized In fact as he had before stated, some were of opinion that there would not be a larger sum than £50,000 realized from the land sales He was not disposed to think that the sum would be quite so low, but he did not think the amount would much exceed £60,000 He would, however give the Government credit for receiving £70 000 during the first six months He had made his calculations upon the assumption that the land sales would be conducted in a fair and proper manner, but even if the Government picked out the choicest sections they could find he did not believe that such a sum as £90,000 could be realized He would now proceed to the item of Customs, in reference to which there were, perhaps more reliable data than any other The first thing which struck him in looking at this item was that the Treasurer had taken credit for £4 000 more than had been derived from this source during the last six months, the amount set down being £77,000, whilst the amount realized during the last six months had been only £73 000 The Treasurer might not be aware of the depression which existed in commercial circles, but that great depression did exist was beyond all doubt The hon gentleman should have borne in mind that the imports for the first six months of 1859 depended upon the orders from merchants which had gone home during the last two or three months, and it was notorious that during the last few months the colony had been laboring under great monetary depression, and consequently, that very few orders had gone home The colony was, in fact, glutted with goods to a greater extent than had been the case for many years It was consequently improbable that during the next six months anything like the quantity of goods could arrive that had arrived during the past It might be said that importations did not depend upon orders sent from this, but that parties were in the habit of consigning large quantities of goods to the colony He was convinced that at least two-thirds of the imports to the colony came out on account of South Australia It was notorious that every shopkeeper in Adelaide imported more or less on his own account If he did not import direct, he sent home indents, which amounted to the same thing It was true that in many instances the manufacturers to whom these indents were sent, sent out duplicate goods upon their own account (A voice—"More shame for them") He agreed that in many cases it was shameful, but still that it was done was notorious No orders, then, having been sent for goods, they must not shut their eyes to the fact that during the first six months of 1859 there was a very strong probability of a falling off in the importations of drapery, boots and shoes, and luxuries of various kinds He totally differed with the Treasurer as to the amount which would probably be realized from duty on spirits, for there had been a decline from that source observable for months past, and it was by no means difficult to account for this, as there was a considerable amount of illicit distillation, and a rumor having existed that there would probably be a reduction in the duty had operated upon the minds of holders, and a large quantity of spirits had in consequence been kept in bond He found that the duties upon beer and wines had fallen off considerably, and the fact should not be lost sight of that fewer ships came to the port during the first six months of the year than the last He could not see how the Treasurer could shut his eyes to this fact and put down £77,000 as the amount which would probably be realized, when his own figures showed that last year the amount realized had only been £73,000 He (Mr Glyde) put down the item at £70,000, but was inclined to think that even that amount would not be realized The next two items, Harbour Dues £900, and Rents, £13,000, would probably be realized He would not enter upon the next item, Assessment on Stock, £10,000, because a battle would be fought upon that question on the following day, but he would venture to state that he did not think the Government would get the amount The next two items, Licences, £12,500, and Postage, £6,000 might be realized The item Fines, Fees, and Forfeitures, £8,000, he considered very doubtful The Treasurer, in his financial statement, had alluded to a change which had been made in the payment of Clerks of District Courts, by giving them a fixed salary instead of fees, but he would remark that although Clerks might have been in the habit of receiving £100 from fees when those fees constituted the emoluments of their office, it did not follow when the fees became the property of the Government, that a similar amount would be realized, because there was such a thing as encouraging or discouraging litigation, and when a Clerk had no direct interest in the fees, he was very likely to tell parties who came to the Court that instead of taking out process, they had better go and settle their disputes amongst themselves It was a most extraordinary thing but there was not in the Estimates before the House a single farthing brought forward to the credit of the Government from Torrens's Bill The House was asked to vote the sum of £5,000 as the expenses of carrying out that Bill, and yet it appeared it was not expected that the office would yield a farthing He found that in the General Registry Office no falling off appeared to be anticipated yet at the termination of the first six months of the coming year, Torrens's Bill would have been in operation for a considerable time, and every land grant after the 1st July last must go through Torrens's office, so that he

could not see why the amount taken to be earned by the General Registry Office should be the same as hitherto He certainly considered that the business of the General Registry Office would fall off, and that most of the attorneys' offices would be crying out that they had no business to do But the fees of the Insolvent Court might perhaps bring up the amount a little, but he thought they might fairly reduce the gross amount of fines, fees, and forfeitures, from £8,000 to £7,500 Miscellaneous receipts, £900, would probably be realized In reference to the item "Reimbursements in aid of expenses incurred by the Government, £2,250," he wished to state that he believed more money would be realized if at the Government Printing Office the price for documents were reduced from sixpence per sheet, at home, he believed it was twopence Special receipts, put down at £2,000, he believed were over-estimated, for this reason, that he observed they had not averaged anything like the amount for the last few years They could not expect much from special receipts on account of immigration, as there was not much inducement for parties to bring out their friends He believed that at least £500 of the amount should be struck out. On railways he found the sum of £3,348 put down for the first half-year of 1858, but in this sum he found was included a sum of £2,193 as earned by the City and Port Railway in 1857, and if only that amount were realized in 1857, which was a busy year, was it probable that as much would be made during the first six months of 1859 The City and Gawler line was not mentioned at all, and he, therefore, presumed it was a tacit admission that the line did not earn sixpence of profit If the House were to understand that, he was sure it would be admitted it must be a mistake to bring forward the sum of £4,000 as the amount which would be derived from railways during the first six months of 1859 They might certainly strike £1 000 off the amount The next item was Telegraphs, £1,600 He certainly thought this amount was over-estimated, particularly as he found that during the last three months the amount earned was only £753 The Telegraph was opened to Melbourne about the middle of July, and had it been opened all the time, it was probable the amount earned would have been about £1,000 It was proposed to extend it to Burra and Kapunda, but the receipts would be inconsiderable, and why it should be presumed there would be such a large increase in the receipts he could not see Presuming even that there were an increase of 50 per cent, the amount would be only £3,000 The total amount of over-estimated revenue, including the £10,000 assessment on stock, was £40,000, and he believed that the actual revenue for the first six months of 1859 would not exceed £200,000 at the very outside The colony had not been earning more than that lately He had gone through the various items, and had endeavoured calmly to prove the first part of his proposition, that the Ways and Means, as stated upon the Estimates before the House, would not be realized, and he would now proceed to the point, that the proper way to meet the difficulty would be by reducing establishments, and not by reducing public works He did not intend to say much upon this question, satisfied that he had only got to broach the subject to induce plenty of hon members to come to the attack He was not prepared to say at that moment how the reduction should be effected Some would perhaps say "cut them down in a lump, take off 20 per cent, hand them over to the Government and say, there, you must do with them as they are," but he was not prepared to do that He would, however, point his finger to three or four departments where he believed retrenchments might be effected without at all impairing the efficiency of the public service Although not prepared to point out where all the necessary retrenchments could be effected, possibly the hon member for the Port (Captain Hart), or the hon member for the Sturt (Mr Reynolds) would be enabled to do so The first item to which he objected was £200 for travelling expenses for the Governor and suite That amount he contended never ought to have been asked It was one which was particularly calculated to make people grumble, for they paid the Governor the handsome salary of £4,000 a-year, and the Ministry under such circumstances never ought to have allowed themselves to be induced to ask for £200 for His Excellency's travelling expenses He next came to the department of audit, and here he thought they might even take a lesson from their expensive neighbors in Victoria, where, although they turned over seven millions annually, they got it done for £7,000, but here, where the amount turned over was not more than one-seventh what it was in Victoria, it actually cost £2,500 The Burra Mine turned over as much as the Government did, and there the cost of audit was 40 guineas per annum (A laugh) Here it was deemed essential to have an Auditor-General responsible to the Ministry, but he would recommend that the example of Victoria should be followed, and that a commission of audit should be appointed who should be responsible to this House Turning over the pages he came to the police item, in which he was sure it would be admitted a very considerable reduction might be effected The foot-police he observed cost about £10,000 a year, but as a member for a country district he must contend that the country districts should not pay for the maintenance of the foot police If the people of Adelaide wanted an ornamental police to walk about let them have a metropolitan police Application had been made by the residents of Kensington and Norwood for police protection, but the answer had been that the Government would supply them if the inhabitants would pay half the expense Let that principle be carried out in Adelaide, for he contended that the residents of the city had no right to expect protection at the expense of others He was sure that the House, upon reflection, would see that a change was necessary, and he would suggest that the mounted police should be made a charge upon the general revenue, and that in reference to any other police protection all the country should be placed upon the same footing The next item to which he would direct attention was "Registrar General," and here he would repeat that it did appear to him a most extraordinary thing that whilst they were paying so dearly for their little toy—the Lands Titles department—it actually appeared that department was earning nothing Not one shilling appeared to be saved in other departments, although the House were asked for a vote of nearly £5,000 a year under Torrens's Bill If the department were doing anything he thought one or two clerks might be dispensed with from the Registrar of Deeds department He observed that in the Survey of Crown Lands and the department connected therewith, the Treasurer had taken considerable credit, because there was only an increase of £40, but if hon members looked they would find that a mischievous system had been introduced, for there had been an increase of parties on the establishment and a decrease of those who were temporarily employed Under the former system, when a man was no longer required he was no longer paid, but now a great number of parties had been put upon the staff, and no doubt they would be half their time unemployed At all events if anything happened so that their services were no longer required, there was the necessity to find them another billet He had referred to the only items which he had marked, because he felt assured when he brought forward his motion hon members would come prepared, each with his particular grievance He would refer, however, to an item for the Government Farm The House was asked last session for £500 for a fence At the time he asked if it was to be a fancy one and was told no, but that it was to be a good substantial affair, and they were now asked for another £500 for the Government Farm This item might, he thought, be dispensed with Then, again, £3 000 were put down for collecting the census and statistical returns It was quite necessary no doubt that there should be statistical returns, but he thought they could dispense with the census being taken so frequently He believed the rule was to take it every five years He had a few words to say in reference to Immigration, for which he observed the sum of £20,000 put down He did not go to the extent of saying that he would strike off that item altogether, considering that it would be foolish to do so, having organised a staff at home in connection with this subject, but he certainly thought the amount might be reduced by one half He was sure it would gratify the people outside to do so, a general opinion existing that they would be doing wrong by sending home sixpence for immigration He thought they might safely try the experiment of reducing the amount to £10,000 The Agent had made arrangements, perhaps, for shipments so late as April, but the May and June shipments might be stopped It would be injudicious that immigrants should be sent during those months, as they would arrive here in the dullest season of the year, and as the House would meet again in April, if it were then the opinion of the House that immigration should be resumed, instructions could be sent to Captain Dashwood to revive immigration He could not vote to strike off the item entirely Before quitting the subject he would remark that he believed arrangements might be made with the neighboring colony of Victoria, which only spent £50,000 upon immigration, and that principally upon single females Why cannot this Government say to the Government of Victoria, you have seven times the income which we have, and five times the amount of population, we will put down £50,000 per annum if you will put down five times that amount or £250,000, which would be very little for Victoria, and the suggestion would probably be adopted He was no advocate for stopping immigration, but still there could be no doubt that a very large number of immigrants imported at the expense of South Australia went to Victoria This was very easily seen by looking at the Customs returns of passengers for the first few weeks after the arrival of an immigrant vessel, the emigration to Victoria greatly increased at those periods, and there could be no doubt that a large proportion of those who left these shores we had paid £15 per head to import He proposed, then, to save £10,000 from the vote for immigration, and to devote the balance to public works, say a tramway to the south After alluding to one or two items which he considered required explanation, the hon member said he had gone as briefly, quietly, and calmly as possible through the reasons which had induced him to put the motion upon the paper He had not asked any hon member to second it, but had placed it upon the paper with the view of directing the attention of hon members to it He was glad that an opportunity had been afforded the hon the Treasurer of shewing how he expected to get the revenue which appeared upon the Estimates before the House He should be happy to be convinced that he was wrong in his prognostications as to the position in which they would be placed if those Estimates were

assented to His interests were identified with South Australia, and thanking the House for the attentive manner in which they had listened to him, he begged to propose the motion in his name

Mr Townsend had to congratulate the Government and the House on the manner in which the motion had been introduced Hon gentlemen who sat upon that (the left) side of the House, were sometimes charged, because they sat there, with being hostile to the Government, but this motion, this friendly motion of the hon member for East Torrens, emanated from the other side. If he (Mr Townsend) understood the proposition aright, it was to this effect—"Mr Treasurer, you cannot get the money you hope for, and if by any possibility you should obtain it, you are about to spend it wrongly" But in considering this friendly motion of the hon member for East Torrens, one could not help taking cognizance of what might be the issue of it, if successful If it should appear that the hon the Treasurer was wrong and that the hon member for East Torrens was right, and if the Government were defeated, he presumed the hon member for East Torrens would be sent for, and that the Government would devolve upon him (Laughter) He (Mr Townsend) would not go with the hon member in that event for though the hon member was very calm and quiet, and a very nice young man for a small tea party, still he was not just the man the country required The hon member was quite a new fledged politician—one who had never been heard of before The people even about the hills did not know what sort of man he was, whether he was a tall man or a short man, they only knew that he was a glidey sort of a man (Laughter) But his (Mr Townsend's) opinion was that the hon member wished to glide into the Government benches He (Mr Townsend), though he was considered an opponent of the Government, and even supposing the hon member to be right, would sooner discuss the question when the Estimates were before the House, and leave the Government where they were at present He would move as an amendment, "That the best and most prudent method of meeting the financial difficulties likely to arise from the probable deficiency of the revenue, is by reducing the establishments, and the sum set apart for immigration, and not by diminishing the vote for public works, but that this object can be best carried out as each item of the Estimates comes on for discussion" He could not but admire the calm and quiet manner of the hon member (Mr Glyde) when, after drawing so gloomy a picture as that the revenue, instead of being £274,000, would be only £200,000, he proposed to ask the Government of another colony to vote £250,000 to aid us But how did the hon member deal with the responsibility of other members? In this he was very politic, for he relieved himself from all responsibility He could say to the Government, "My dear fellows, I brought forward the motion because I thought the Treasurer was wrong, and that I had a chance of getting in myself It is true I was followed by a number of those confounded radical fellows, but beyond disallowing the Governor his travelling expenses and cutting down the estimate for police and one or two other little matters, I threw upon the independent members all the unpleasant part of the task" If the hon member only wanted the means of reciting a speech got up during the night, he (Mr Townsend) would dismiss him by saying "you have been a good boy, and, knowing something of figures, you got up a nice little speech, but you looked so pale and careworn even after this one night's work that I cannot allow you to come into the Government" When the Estimates came on for discussion he should be prepared to go into them He should want to know, for instance, from the hon the Treasurer whether it was necessary to retain a Superintendent of Police, in order that he might go hunting after Mr Babbage, and when he got half-way turn cowardly and come back He would also like to know whether it was necessary to have Inspectors of Police in silver lace to attend public breakfasts and balls He presumed also that it was considered necessary for the protection of life and property that these gentlemen should learn to speak in a particular style, but he (Mr Townsend) did not believe this to be absolutely necessary He found that when these gentlemen were appointed it was argued that it was necessary to have mounted Inspectors to visit the outlying districts and see that the police did their duty When he (Mr Townsend) was in some of the country districts, he asked how often the Inspectors were there, and the people did not even know them At Woodville and Nairne, these Inspectors were not seen at all At the latter there were three constables, but as there was no place to put the prisoners in, they escaped He believed if we did away with the Superintendent and a couple of Inspectors life and property would be more respected Again, taking a calm and quiet view of the exigencies of the colony, he believed it would be wise that not a farthing should be expended with the exception of money for nomination orders on immigration With regard to the £50,000 referred to by the hon member (Mr Glyde) as voted by the Victorian Government for this purpose, it was only a special vote for a special purpose, and not the regular annual vote With regard to the £4,000 estimated under the head of Telegraphs he did not consider it too much He believed that if the Government reduced the charges, there would be an excess over the vote, and so far from there being less than £4,000, there might be £5,000 Again, when the hon member referred to the office being opened in July, he should remember that it was not in efficient working order for a month subsequent to that time With respect to the item of £10,000 for the assessment on stock he understood the hon member to speak as a prophet He (Mr Townsend) would advise the hon member not to prophesy either that the revenue for 1859 would be only £200,000 or that the House would not vote this £10 000 assessment on stock He warned the hon member that prophecy was an unprofitable game He believed no hon member of the House would wish to do an injustice, but he did not believe that the squatters paid their fair share to the burthens of the colony, and that therefore this item would be carried He would not, however, refer further to the subject, as it would come under consideration the following day, but would leave the hon member to have another calm and quiet night, or rather day, before entering on the discussion With respect to the Customs he could not see or understand why they were set down at £4,000 more than they realised last year He also believed that for the last two months a smaller amount of indents left the colony than for the same period during any year for three years before But the hon member for East Torrens should bear in mind that just at this time, when no goods were shipped from England to order, was the time when the outsiders from England flooded the market with their goods, and having at present large quantities on hand, they would ship them, and therefore the decrease would not be so large as the hon member supposed The hon member had used a good argument for the abolition of fees, and the clerks of the Local Courts would no doubt be obliged to him for the compliment He (Mr Townsend) did not think the hon the Treasurer had put down too large a sum under this head, but he would leave that point to be settled by the hon the Treasurer himself He (Mr Townsend) put it to the House, and to the hon gentleman himself, to say whether, if he wished the Estimates cut down in detail, he could not do it when they were under consideration in Committee, and if the hon member desired to see the amount set down for works increased, he could effect his object in the same way, so that, in fact, all the purposes he contemplated could be attained—even after the gloomy picture which the hon member had drawn (A laugh) He thanked the hon member for that laugh, as a laugh did good to the system But he would put a case to the hon member The hon member said that members on that (the left) side of the House were opponents, and on the other side friends of the Government Now he (Mr Townsend) believed the question could be discussed upon his amendment If the amendment of the hon member did not mean the same, if under the cover of a friendly motion there were concealed aspiring views and a proper and reasonable ambition to sit upon the Government side of the House, if the hon member thought "that Government is not what it should be, and never will be till I glide into it," then he (Mr Glyde) might press his motion But believing that the hon member could attain all his views by supporting his (Mr Townsend's) amendment, and believing that the country was in favour of the Government remaining in the hands of the gentlemen at present conducting it, he would move his amendment

The Treasurer said that, on the present occasion, he would have to travel over a great deal of the ground he had passed over on a former occasion, as he could not meet the statements of the hon member for East Torrens without going into figures, many of which he had laid before the House previously The hon member said he would endeavour to review the Ways and Means and financial policy of the Government with calmness and coolness The hon member did display a considerable degree of coolness and candour He (the Treasurer) would not address himself to the personal remarks which had been made in reference to the hon member, for if the House was to discuss the Ways and Means deliberately, it could only be done by avoiding all personalities (Hear hear) The hon member (Mr Glyde) had opened his remarks by observing that the moving of the first item of the Estimates on a previous occasion had precluded him (Mr Glyde) from making certain remarks which he wished to have made On the part of the Government he (the Treasurer) was prepared at that time to go into an examination of the Ways and Means, but no steps were taken by hon members for that purpose He regretted that the present debate did not come on upon that occasion, as it would have enabled the House to advance one week at least with the Estimates He supposed the difficulty arose from some misunderstanding as to the proper mode of proceeding He was now prepared to discuss all the items of Ways and Means and of the proposed general expenditure Most of the remarks which had been made as to the anticipated deficiency of the revenue, were based on the deficiency of our exports to meet imports He should therefore first allude to that point, in order to enable the House and the country to judge of the extent to which we fell short, both in exports and imports In doing so, he should merely take the general totals For the first quarter of 1857, both the imports and exports were far greater than at the present time The imports since that time were, for the first quarter 1857, £361,546, second quarter, £381,447, third quarter, £300,832, fourth quarter, £412,671 First quarter 1858, £479,681, second quarter, £363,305, third quarter, £323,217, total for the seven quarters, £2,592,699 The exports during the same period were first quarter, 1857 £444,699, second quarter, £318,684, third quarter, £331,525, fourth quarter, £614,694, first quarter,

1858, £316,252, second quarter £207,765, third quarter, £244 531, giving a total of exports for the seven quarters of £2 478,350 Thus, striking a balance of imports and exports, there was an excess of the former of £114,349 If he was to take a single quarter in estimating the balance of imports and exports he would be liable to error A fair deduction was only to be made by carrying the calculation back for a considerable time and hence he had done so But he had not gone back beyond the year 1855, because the Estimates Committee sat in that year, and the result was that the country started fair from that time However, going back to the first quarter of 1857, and taking the imports and exports for the seven quarters—since that time there was a balance of £114,349 against us during 21 months He thought that was not such a loss as would justify us in supposing, in the language of the hon member for East Torrens that we were rapidly rushing into a state of insolvency, for although we had not a very glowing prospect coupled with this loss, still we were not likely to be in a state of insolvency, and he (the Treasurer) must say he did not share the gloomy apprehensions for the revenue of 1859 which the hon member entertained He would enter presently into the condition of the Customs revenue, but as the Estimates of Ways and Means formed the subject of the first part of the resolution, he would first state generally to the House what means the Government had of meeting any deficiency which might occur in their Estimates, and what allowances the Government had made for this purpose The total estimated revenue for the first half year of 1859 was £274,311 Now in order to compare the revenue expected in the first half year of 1859, with that actually received in the first half-year of 1858, it would be necessary to omit those heads of receipts which were not common to both half-years In the first place there was a balance from last year of £42,661 and adding to this the £10,000, anticipated from the assessment on stock, as there was no means of comparing this with a similar sum in 1858, there would be a total of £52,661 to be deducted from the total estimated revenue, leaving a balance of £221,650, to be compared with similar heads in 1858 The actual receipts for 1858, under the same heads was £232,155 This gave £10 000, as the falling off in the revenue in the half year But the Government had also made a further allowance, for as the population had increased, and was still increasing, they would be entitled in a time of ordinary prosperity to add five per cent to the revenue of the previous year, and they had not done so He would say therefore that the total allowance made for depression was £22,112, which was equivalent to £44,000 a year

It being now 3 o clock, the Chairman left the chair in accordance with the Standing Orders

The ATTORNEY GENERAL moved the suspension of the Standing Orders, with a view that the debate be proceeded with

The motion was agreed to, and the House again went into Committee

The TREASURER resumed The Government then allowed at the rate of £44,000 a-year for the present year below their estimate of what the revenue would produce in an ordinary year, in order to meet the depression which existed now, and which, as hon members were aware, had existed ever since the beginning of 1858 But although the Government had made this allowance the hon member (Mr Glyde) did not think they had made enough The Government might be right or they might be wrong, but they had made what they considered a reasonable allowance They could not prepare to meet extraordinary fallings off of which they had no means of judging They might make a guess, seeing that things were falling off and strike off so much but that was not the proper way of making an estimate He thought the Government had made a very proper allowance But notwithstanding all this, if things were to become as bad or even worse than the hon member (Mr Glyde) anticipated, if the banks were to close their discounts and that we were to have no banks at all except for deposits, then, indeed, we would have a state of things he did not anticipate, but supposing even this to occur still the Government would be able to meet it, and would not be as had been said in a state of insolvency The total estimate of the revenue for the first half year of 1859 was £274 311, including the balance of revenue in excess of the expenditure according to the Estimates of last year, and which amounted to £15,000, they would have £10 000 more at the end of this year of depression and loss That he could prove by figures very shortly, as he had the receipts for all the sums up to within six weeks of the present time and could very easily make up the amounts for the remaining six weeks of the year This balance would raise the revenue to £284,311 Now the proposed expenditure amounted only to £254,843, which would leave an available balance of £39,468, without any diminution of the proposed expenditure He would allow in the Customs a falling off of £5,000 He would suppose, for argument, that the Customs only realized £141 000 during the entire year That would give £72,000 for the first half-year The estimate was £77,00, but he would assume that there might occur a deficiency of £5,000 Next he would go to the land sales He would suppose, merely to meet the case and show how well the Government were able to meet any falling off, that the land sales should fall to £150,000 for the year He assumed this, although in 1858 they amounted to £205,000, in 1857, to £220,000, in 1856, to £331 000, and so on increasing But, allowing the land sales to fall from £205,000 last year, to £150 000 for the present year, or for the half-year to £75,000 The estimate for the half-year was £90,000, so that there would be a deficiency of £15,000 He would also assume the loss of the assessment on stock He would assume even as a possible contingency, a deficiency of £30 000 in the Ways and Means, but he would show it to be a very improbable one presently He would assume this in order to show the hon member that at the utmost to which he could carry his supposition there would be funds in the Treasury to meet the deficiency He had already stated that there would be £39,468 to spare in order to meet the contingency of the estimated revenue not being realized If the revenue was not realized, if there was a loss of £30,000 on the half year, there would still be £9,468 to meet it Even although the hon member should be able to maintain that in the words of the resolution the Estimates would not be sustained this result might ensue, that the Government would have Ways and Means sufficient to meet all the expenditure stated on the Estimates He had not put before the House an estimate of expenditure which would exceed the possible, or, he believed, probable, means of the colony but had made as safe a calculation as could well be made The hon member when he looked to the waste lands, did not think they would realize more than £140,000 for the year, but on the Estimates they were put down at £90,000 for the half-year He would state the monthly receipts in this year of financial difficulty and depression—and hon members would bear him out in saying that the pressure did not exist more now than it did many months ago Hon members knew that the screw was put on long ago for he (the Treasurer) had waited upon the banks and asked the question (A laugh) Hon members laughed, but he had asked the question not on his own account but on account of others (Much laughter) The sales of Crown Lands for the various months of the present year were, in January, £12,134, February, £10,094, March, £13,080, April £21,541, May, £28,168, June, £17,266, July, £14,114, August, £16,389, September, £15,468, October, £32,880 He would now dwell upon the fact that the receipts for the last month were £32,880, for the hon mover of the resolution had stated that the land sales for the last quarter only realized £21,000 The hon member was, therefore, quite in error unless he (the Treasurer) had misunderstood him. He stated these facts with confidence, inasmuch as he had a vote of the cashier in the Treasury to bear him out

Mr GLYDE explained that what he had remarked was that the receipts for this quarter would be greater on account of the large sale in September, but that the sales since October would not exceed £21,600

The TREASURER stated that the explanation only relieved the hon member from the charge of having made an unfounded statement He could show by figures the amounts paid into the Treasury In October, as he had said, the amount paid in was £32 180, making a total for the ten months of £181,438 That gave more than the average assumed for the whole of the next year It gave £18,000 per month as the receipts from land sales, or a total sum for the year of £216,000 The Government had not however taken any such amount They allowed a very large margin in that respect Besides, they only estimated for half the year, and at the end of that time they could frame a new estimate They had, however, estimated the land sales at £180,000 instead of £216,000, the average of the last twelve months They had allowed a fair deduction for the existing state of things It was possible they might be mistaken, as they could not calculate exactly the pressure out of doors or the effect upon many individuals They could only make a large allowance, equal to what had been made on a former occasion, when a similar state of things was said to exist Before going into the Customs he should tell where the surplus of £10,000 was to come from, of which he had previously spoken The hon member (Mr Glyde) had candidly admitted that the Government might realize £15 000, but that he thought £10,000 would be as much as should be allowed The hon member might have been still more candid if he had the information which he (the Treasurer) had, and might have allowed nearer to £25,000 From sales of Crown Lands the receipts would be £186,869 to the 14th Nov taking the lowest average for six weeks lately Assuming the sales only produced £2,000 per week, it would give £12,000 more for the land sales, up to the end of the year, This was founded on a very low estimate Thus we should gain on the land sales £25 869 The Customs receipts up to the present time were £134,751, and taking the average of the last few weeks as the basis of the receipts for the next six weeks they should amount to £15,000 more, making a total of £150,351 From this there was to be a reduction made of 3 351*l*, for repayment of duties to New South Wales and Victoria, for goods sent up the Murray River, so that the net Customs receipts would be 147,000*l* The estimated revenue was 154,000*l*, so that there would be a loss of 7,000*l* on the Customs In harbor dues, there had been received up to the present time 1,562*l*, in addition to which he anticipated 240*l*, giving a total of 1,802*l* The estimate was 2,200*l*, so that there would be a loss of 398*l* On rents there would be a gain of 86*l* The licences received amounted to 13,577*l*, amount expected, 200*l*, estimated amount 13,000*l*, gain, 577*l* Postage received, 12,111*l*, expected, 800*l*, estimated, 10,020*l*, gain

2,111*l* Fines and fees received, 14,483*l*, expected, 1,500*l*, estimate 17,000*l*, loss, 2,127*l* Sales received, 788*l*, estimate, 2,000*l*, loss, 1,212*l* Reimbursements in aid, received, 3,849*l*, expected, 500*l*, estimate, 5,000*l*, loss, 1,151*l* Miscellaneous, received, 1,554*l*, probable receipts, 50*l*, estimate, 2,000*l*, loss, 446*l* Special receipts, 3,796*l*, probable receipts, 500*l*, all gain Interest received, 4,076*l*, probable receipts during six weeks, 478*l*, being one-half the quarter's receipts in 1857 against an estimate of 2,000*l*, gain, 2,076*l* With regard to the railways, the hon member had said that the City and Port Railway was the only one mentioned but it was only from that the Government had as yet derived any profit, as the Gawler Town line was only opened in November, but for the next year there would be a profit on the Gawler Town line also For 1858 the profit on the railways was 5031*l*, being a gain on the estimate of 2,554*l* The telegraphs had already brought in 2591*l*, and he (the Treasurer) had assumed 500*l* more, against an estimate of 4000*l*, giving a loss of 1409*l* He might remark that during the current year the working of the telegraph was not fully developed The receipts of the overland telegraphs were not balanced Thus the total gains amounted to 37,069*l*, and the losses to 12,531*l* leaving a balance of gain of 24,538*l* There would, therefore, be a clear balance of nearly 25,000*l*, instead of the 15,000*l* which appeared on the estimates, and this was not a matter of probability, but almost of certainty, as the receipts were ascertained for the whole year with the exception of six weeks and the receipts for the remaining period were taken at the lowest average of the year With respect to the Customs receipts, he would now state the different items on which his expectations were based He would first take spirits The actual revenue for the first half year of 1858 was 29,354*l*, and the actual receipt for 1857, 60,493*l* He now expected again 30,000*l* during the first half year of 1859 It was an item which did not depend on the extent of our imports or exports It was a luxury which would be obtained whatever its price at the time He would take half the receipts for 1857, and throw over the increase to our population between 1857 and 1859, and that difference would make up any possible deficiency Then the actual receipts from wine in the first half of 1858 were 1,884*l*, but he had only estimated them at 1,500*l*, because he believed that imported wines were chiefly consumed by the upper classes, and these classes might feel the propriety of curtailing their expenditure From tobacco the actual receipts for the first half year of 1858 were 5,529*l* and he had estimated it at 5,600*l*, as this also was a very regular article of consumption, and depended more upon population than upon any other circumstance The actual receipts from beer in the first half-year of 1858 were 3,625*l*, and he had assumed them at 3,700*l* for the first six months of the present year In 1857 the total duty from beer was 6,740*l* On tea, the actual receipts in the first half year of 1858 were 3,280*l*, but he had assumed that he should receive 3,500*l*, adding slightly for the increase of population In sugar, the receipts for the first half-year of 1858 were 4 703*l*, but he had taken it at 4 000*l* to allow for the stocks in hand Next came drapery, and ad valorem goods, and these were the things on which the existing depression was most likely to tell He had estimated these at 7,400*l*. for the first six months of the year against 9,383*l* for the first six months of 1858 Groceries brought in 803*l* for the first half year of 1858, and he had taken them at 900*l*, which he believed was not excessive From apparel, the receipts in 1858 were 1,691*l*, and he had taken them at 1,500*l*, from timber, 1,364*l*, and he had taken them at 1,300*l*, from iron, 1,673*l*, and he had taken them at 1,600*l*, from other goods, 16,501*l*, now taken at 16,000*l* By these means he made out a total of 77,000*l*, and though he might have over-estimated, at all events he had some good grounds, as he had made allowance for those goods said to be in excess in the market He would now compare this estimate with the receipts for a great many years back The duties on slops were in 1851, 665*l*, in 1852, 535*l*, in 1853, 2,775*l*, in 1854, 2,466*l*, in 1855, 1,566*l*, in 1856, 1,189*l*, and in 1857, 2,115*l* On drapery and haberdashery the receipts were, in 1851, 9,759*l*, in 1852, 5,558*l*, in 1853, 25 239*l*, in 1854, 28,562*l*, in 1855, 12,151*l*, in 1856, 10,600*l*, and, in 1857, 15,527*l* He had now travelled over the subject in sufficient detail, and he did not think there was any point to which the hon member (Mr Glyde) had alluded, on which he (the Treasurer) had not touched The hon member had charged him with having passed over in a very jaunty way the question of an assessment on stock, but the hon member himself had treated it in a similar manner and as it was to come on for discussion on the following day perhaps the less said on the subject at present the better After some few remarks in reply to an observation of Mr Glyde's, respecting the Harbor Trust, the hon member proceeded to say, as to the proposed expenditure, there were a few points which the Government would wish to submit to the House With respect to Immigration the House during the last session had fixed the Government to one ship a month, and the Government had not thought proper to alter that arrangement, but the Government wished to place the subject before the House that the House might exercise the discretion which properly belonged to it Subsequent events seemed to show that the amount might be wisely diminished, and the difference thrown into the Treasury Then with respect to volunteer forces, when the Estimates were prepared, it was not known what would be the decision of the Committee on this subject or of the House as to the provision which should be made for the defence of the country The Government felt that there were rumours of wars in various parts of the world, and that it would not be right to omit bringing the question of defences before the colony They, therefore, placed a sum upon the Estimates to meet any expenses which might be incurred He (the Treasurer) was, however, willing to admit that there was no occasion to go to any expense in the present position of affairs, and that we might put off all preparation for a time This was, therefore, another item which the Government would not press upon the House, but upon which they would be glad to have the advice of the House The amount set apart for this purpose would form a considerable sum to be appropriated in aid of roads and public works For some years past, the sums voted for roads and bridges had been diminishing, but the reason of this was, that we were capitalising our surplus revenue, which would otherwise have gone to the formation of roads and bridges But this money was now being expended in a manner which would give employment to a much larger number of persons, and which would be much more advantageous to the country If we were still to go on capitalising our balances for permanent works, of course we could not have the same amount as we otherwise would for roads Nor should we merely take an account of the money actually expended on these public works, but we should also bear in mind the amount annually paid for interest and the liquidation of loans, for these sums taken together with the amounts upon the Estimates were really and properly the full amounts to be expended on public works

Mr Strangways had heard the address of the hon member for Onkaparinga (Mr Townsend), and he confessed he was never more surprised with anything than the display made by that hon member He (Mr Strangways) imagined at one time that he was sitting in Burton's Circus (Laughter) He had heard almost every address which had been made during the present session, and most of those made during the previous one—for then, being not a member of the House he attended in the gallery—and he believed he was strictly correct in saying that such an exhibition had never occurred in that House on any former occasion, and he hoped they would never be treated again to conduct approaching to personal abuse of the most offensive character He was inclined to believe that that hon gentleman's case must have been a very bad one, when he required to abuse his opponent Again, that hon member (Mr Townsend) had very offensively referred to the hon member for East Torrens (Mr Glyde) as being an "unfledged politician" But what was the case? Why, that the hon member for Onkaparinga had taken his seat in that House a month or two after the member for East Torrens Who, then, was the "unfledged politician?" (Laughter) Then the hon member for Onkaparinga had supposed a desire on the part of the hon member for East Torrens to obtain a seat on the ministerial benches, but he thought when that hon member indulged in this and other reflections, it must have been under the smart of the allusion which had been made in a previous debate to old Icarus, whose flight was so high that it proved fatal to him, for the sun melted the wax which cemented his wings together, and he fell into the Ægean Sea. (Great laughter) Otherwise he was quite sure the hon member for Onkaparinga would not have indulged in such a personal attack He (Mr Strangways) would venture to say, however, that if the debates in that House were to be frequently characterised by such an exhibition as that indulged in by the hon member for Onkaparinga, this Legislature would very soon rank in an inferior position to even that of Van Diemen's Land, and hon members might know that there had it been found necessary to suspend a member for misconduct in the House He hoped that the Speaker would never have occasion in that House to adopt a similar line of conduct to any hon member (a laugh), but he must say that, if personal abuse such as that which he alluded to were indulged in, and which had undoubtedly never before been witnessed in that House, were to form a feature in any hon member's speech, it would go a great way towards necessitating such a penalty He hoped, therefore, that all hon members who had any respect for decorum would put their face against anything of the kind in future. He (Mr Strangways) trusted that he had never—and he thought hon members would bear him out in this statement—during the whole of the time he had had a seat in that House, said anything that could, even in the remotest degree, be interpreted as being personal or vulgar, and he hoped that if at any time he should so far forget himself as to adopt any other line of conduct, hon members would call him to order, and they should have his thanks for it

Mr Reynolds rose to order He was present when the hon member for Onkaparinga spoke, and he heard nothing which could be construed as being personal abuse. (Hear, and no) He said this because the hon member for Encounter Bay's remarks appeared to reflect upon the Speaker and hon members in submitting to the alleged irregularity

Mr Townsend asked the Chairman whether his language had been unparliamentary

The Chairman said that certainly the hon member had indulged in strong terms, but he could not say they were

unparliamentary The less, however, that members indulged in such personalities, and the more they confined themselves to orderly debate, the more satisfactorily would the business of the House be carried on

Mr TOWNSEND—"Did I not understand you to say, Mr Chairman, that my language was not unparliamentary?"

The CHAIRMAN—"In England it is frequently the case for members of Parliament to use very strong terms, but I think the habit there, or elsewhere, is very much to be deprecated"

Mr STRANGWAYS continued and said, that when the hon member for the Sturt rose to order, he was not accusing any hon member of indulging in personalities but he said that if he (Mr Strangways) were to indulge in them, he should be glad to be called to order He had done what the hon member for East Torrens had done he had looked into the probability of the "Ways and Means" being realised He thought no hon member would accuse him of being a supporter of the Government, though he should oppose the resolution of the hon member for East Torrens (Mr Glyde) He would also oppose the amendment of the hon member for Onkaparinga. Whilst he agreed with one statement made by the hon member for East Torrens, viz —"That it was desirable to reduce the amount of immigration one half, still he would say it was not desirable to reduce the money amount as entered on the Estimates for that purpose, and for this reason, that he was convinced that even should they have only one ship in two months, as the hon member proposed, instead of one per month, the expense of that would fully equal the amount placed on the Estimates, viz, £20,000 The expense of 200 statute adults which was about the number each ship contained, would, he believed, according to the contract price, and the other additional expenses of agency, &c, absorb the £20,000 placed on the Estimates at the rate of one ship in two months If it should be discovered, which he very much doubted that the sum entered on the Estimates was more than sufficient, then of course he should have no objection to reduce the amount There was one point which had not been touched on, and that was, the statement of the former Treasurer (Mr Torrens) that there was an amount of £190,000 to the credit of the revenue when that gentleman resigned his office He wanted to know what had been done with the money it this were the case for the statements that were now made to the House did not all coincide with that of Mr Torrens, and this House could only blame itself if it submitted to the inaccuracy Again, the hon member for East Torrens had said that the stores in Adelaide were glutted with imported goods He (Mr Strangways) knew this was the case in some instances, but he also knew there were very many cases where it was not so, (no, no)—he knew many stores that instead of being glutted, were completely empty (A laugh) And then, it must be remembered, that there was a great quantity of imported goods which could not be stored for any length of time, as they were liable to decay, such as woollen goods and drapery, bales of which were frequently opened, he was assured, and found to be destroyed with moths But admitting that there was a large quantity of imported goods in the market, yet the demand was regular for them, especially for drapery, and boots and shoes They were articles of which there was a regular consumption Then as to the falling off in the consumption of wine, spirits, and beer, which had been looked to as indicative of a probable reduction in the Customs' dues on those articles for 1859, hon members should remember that it was the cold season of the year, and therefore, the consumption was less For instance, a man in the cold month of June would not drink so much as he would in the hot month of December Any apparent falling off, he considered, therefore, might be very well attributed to that circumstance The member for East Torrens (Mr Glyde) had said that a resolution of the nature of the one before the House would not be injurious to the sale of their colonial bonds, but he (Mr Strangways) was at a loss to think how that hon member had come to such a conclusion For if he (Mr Strangways) were to ask for a loan of £1,000, he would surely be asked what he had to repay it with, and if he could not satisfy the lender as to the state of his finances, of course it would be refused But if, on the contrary, he went to some Bank and said "I want so much money, and my revenue is greater than my expenditure," then, no doubt, he would have a better prospect of getting what he wanted He apprehended the principle would apply equally as well in the sale of their colonial bonds If their financial circumstances were weak, hon members could very well understand that no money-lender would advance money on bonds proceeding from a colony the financial position of which had been stigmatised He thought such a resolution would have a highly injurious effect If the colony was not in such a healthy position as they might wish, still he could not agree with some hon members who took the number of insolvencies as indicative of their commercial depression, for he maintained that it was frequently indicative of the contrary It was clear that there was always a certain class of traders who lived upon the public, and whose downfall was rather productive of good than otherwise He would mention one case which had occurred in this colony A man commenced business in 1854 on the sum of £6 8s 6d, he carried on four years, expended privately from £1,000 to £2,000 per annum, and was in debt when he gave up business to the extent of £8,000 Such persons as these should be decidedly cleared out from commercial circles No person who really traded with capital would be able to compete with them, and it was that very class of persons who produced, more than any other, an excess of importation The hon member for East Torrens had said the Government could not realize on the sale of Crown Lands, and, no doubt it was to the advantage of the land agents to hinder the sale of Government land as much as possible Land agents, no doubt, would be glad to see no more land sold, as it would thereby enhance the value of the land which they traded upon He was sure that if that House were to adopt any course to prevent the sales of Government land to any extent, the land agents would feel exceedingly grateful, as private land must of necessity be increased in value There was one thing which appeared to be omitted on the Estimates, at which he felt surprise, and that was, the probable revenue from the Northern Railway for 1859 This, he thought, was an item of revenue which should not have been left out, and he hoped the hon the Treasurer would afford some explanation as to the omission

The TREASURER explained that in the Estimates for 1859 the probable revenue from the railways was put under one general heading, including all returns from railways and tramways The Northern line was included under that heading

Mr STRANGWAYS said he found on page 7 of the Estimates the sum of £2,391 16s 5d against the City and Port line, but he could see no mention made of the North line That only tended to prove that the revenue from railways might be considerably increased The hon member for East Torrens (Mr Glyde) said that the item of telegraphs was over estimated at £4 000 for the half year, and he (Mr Strangways) was inclined to support him in that view, as it was a very considerable increase from the previous year But from what he knew of the working of telegraphs, he believed that by judicious management they would become one of the most important items of the revenue, and if, in addition to the usual telegraph business, the facilities for sending messages were so great as to include much of that correspondence which at present passed through the Post Office then, he believed that instead of £4 000 being the amount they should receive, it would be considerably more It was utterly useless to adopt a high rate of charges At the present time the charge for a message from Adelaide to Goolwa was 2s Some short time ago he had seen a person go into the office in King William-street, with the full intention of sending a message to the Goolwa, supposing, perhaps, it was not more than 1s, but when he found that the cost was 2s he declined to send the message In all parts of the world the expense was the great drawback to the success of telegraphs He hoped the Government would see fit to give instructions to the Superintendent of Telegraphs to introduce a lower rate of charges The hon member for East Torrens (Mr Glyde) had said that the Revenue to the 30th of June, 1859, would not amount to the sum estimated by the Government That was, of course, a question of opinion He (Mr Strangways) had looked into the estimated revenue and had formed his own opinions He had heard the speech of the hon member for East Torrens, and it amounted to this proposition—'Shall we take the opinion of the hon member for East Torrens who has had no other than ordinary means of judging, or shall we take the estimate of the Treasurer, who has had all the official data by which to compile it" As this House had no opportunity of judging of the relative correctness of the figures of either party—for it was not sufficient to say "it is so," without proof—he (Mr Strangways) should stand aloof from either party, and judge for himself as the Estimates were proceeded with ("Hear, hear," from the Treasury benches) His conviction was that, leaving out the question of the assessment on stock, the other items would not be far wrong, and would be realized As to the item of "Police," he agreed with the hon member for East Torrens that the expenses attached to that body might be considerably reduced He saw no reason why the metropolitan police should be kept up at the expense of the general revenue. When in East Torrens they asked for police protection, they were told "You must pay half the expense." It was an unjust system, and one which he hoped to see done away with The London police, which he might say were superior to any other in the world, were maintained by a special rate, and, except in the city, where they were under the control of the Lord Mayor, were placed under a General Commissioner of Police He thought this system might be very advantageously introduced here The mounted police he thought it desirable to maintain, and make their head quarters in Adelaide By this, they would get a fair share of protection Then, with respect to the Lands Titles Department, hon members who had supported this measure were not justified in now objecting to the expense Those hon members had been cautioned, and he thought from the working of that department, hon members who supported the measure, even the most sanguine of them, would see that the expense of that department was not justifiable. He considered that this item of expenditure might be reduced to one-half or two-thirds without departing from the strict justice of the case, that was if they went upon the principle of remunerating persons according to the amount of work they did (A laugh) There was another item

which he objected to, and which he thought should be struck out altogether—"the agency in England." He had found that in Melbourne they derived a revenue from the "agency." One of the large Melbourne contractors paid several thousand pounds for it, and when he (Mr. Strangways) asked how they could afford to do this, he was told that the merchants or contractors made the profit by the large number of ships which were thereby consigned to them. That was a question which Government should inquire into; and as to the colonial Bonds he was satisfied any one of the banks would be glad to do that business for nothing, from the fact of the large number of persons it would bring into connection with them. The colonists would also have better security through the banks for their business being safely and properly performed. With respect to decreasing immigration, he had already stated that he would reduce it to one ship every two months, but that he considered the item on the Estimates of 20,000*l.* would be required to carry this out. He was opposed to stopping immigration altogether. Their circumstances in this colony were not like those of America. The Government there did not find it necessary to assist emigration, for at one time persons could get a passage there for as low a sum as 30s. Certainly they were not carefully provided for on the way, and if they could live they lived, and if not they died. (A laugh.) But that was a system which could not be adopted in this colony. Here the average cost to the colony of each statute adult was 15*l.*, and that being the case no ordinary laboring man at home could pay the expense of his passage to this colony. How was it possible for an agricultural laborer to pay such an amount, which would be the work of a lifetime to raise, independently of the expense of his wife and children, if he had any. He thought the House would at once see that to expect that the description of labor which they wanted, would come out without assistance, was perfectly untenable. Then as to the resolution generally, as proposed by the hon. member for East Torrens, he could not agree that the "Ways and Means" would not be realised, or that it was undesirable to curtail any of the public works. He had looked into the Estimates, and found that a large sum was put down to public works. £10,000 of this might be struck out. There was 4,000*l.* for the National Institute. That ought to be postponed. Then for a Post-office and Court-house at Port Adelaide there was a considerable sum, that might be omitted. Then there was for a new Government Printing-office, 2,000*l.* If the finances of the colony were in such a low state, they might do very well without this increase to their expenditure. He had had the greater reason to object to the foregoing works, because they were not calculated to give employment to ordinary labor. Fine buildings, with four or five different styles of architecture, was not likely to give employment to that class of persons who were principally out of work. He would at least postpone this proposed expenditure, and hon. members would, no doubt, find some six months hence that their Ways and Means were not so much reduced as they had anticipated. As to the amendment of the hon. member for Onkaparinga, it amounted to nothing. Perhaps that hon. member wanted the £20,000 proposed for immigration spent amongst the artizans in the city. (A laugh.) He should oppose the resolution.

Mr. BURFORD moved that the House resume, and the Speaker report progress.

The motion was put, but it was negatived.

Mr. HART thought the House had reason to thank the hon. member for East Torrens in bringing forward this resolution, so that hon. members might be in a position to discuss the Estimates as a whole, without being restricted to the limited discussion which only could take place in Committee. He must say, with that hon. member, that he had no desire to censure the Government by siding with this resolution. His object was simply to be enabled to consider thereby the Ways and Means as a whole. With respect to the Estimates, then, he would say, as regarded the Customs dues for 1859, he did not think the Treasurer had over-estimated them. The hon. member for East Torrens declared it as his opinion that they would be decreased some £7,000, but he thought that hon. member had overlooked the fact that our population had increased, and as the Customs revenue was principally derived from tobacco and spirits, of which there was a regular consumption, he (Mr. Hart) did not see why they should anticipate a falling off. Although there might be, as had been stated, a large amount of imported goods at present stored in Adelaide, yet he believed that the fact had been overlooked that there were also very considerable quantities of goods in the bonded warehouses at the Port, on which duty would be paid during the ensuing financial year. Therefore on this head he could not see that there would be any diminution in the revenue. With regard to the estimated revenue from the sale of Crown lands, he thought this item would not be realized. There had been a falling off in 1858 from the previous year, and he thought in the ensuing year they might look forward to a still further reduction, and that they should find a greater disparity in the revenue of 1858 with 1859, than that of 1857 with 1858. The effect of that depression in their land fund would no doubt be felt to a much greater degree for the next 12 months, than they had experienced for many years. To meet this he must confess that he went with the hon. member for East Torrens in saying that the cost of their establishments should be reduced in the first instance, and that as the general revenue was decreasing so ought they to limit their expenditure. In some instances, no doubt, establishments required to be increased, as in the Observatory and Telegraph Department. But with respect to these establishments he would say that it was not politic to introduce them into the general Estimates. He should take the profit and loss on each department, and let that only appear on the credit or debit side of the Estimates. Again, the profit made on the colonial bonds transactions should not be carried to the general revenue. There was an amount of this nature that accrued from the sale of the Waterworks and Drainage bonds of 513*l.* Now he recollected some time ago, the House receiving with strong marks of approbation an opinion expressed by the Attorney-General, that amounts of that nature should be passed to the credit for which the bonds were sold.

The ATTORNEY-GENERAL explained that on the Estimates for the ensuing year there were no items of that nature. It was on last year's Estimates that the items referred to appeared.

Mr. HART continued, and said he was proceeding to show that it would be a difficult thing for the Government, if they adopted the plan of carrying such amounts to the general revenue, to keep a proper account with the city on the Waterworks and Drainage Loan, inasmuch as the city having to pay back the amount of the loan, should have credit for the the profits on these bonds. Again, with respect to the amount to be realized by the Land Fund, he thought if they got £150,000 next year, it would be as much as they would get, and that the estimated amount by the Treasurer of 180,000*l.* would not nearly be reached. Take for instance the sale of Crown lands in the first quarter of the present year, which realized 17,000*l.*, and in addition to which some 6,000*l.* or 7,000*l.* worth more were sold. There was no prospect of their having such lands again as these, for some time to come, to submit to the public, such as those in the Mount Gambier district; and even if they had, the public had not got the money to pay for them. Then, again, the pastoral interest was suffering equally with the agricultural, and the agriculturists had suffered more the last two years than for many years previously. If the estimated Ways and Means could not be realized, then how necessary it was to reduce their expenditure. In the Survey department there was an increase in the present Estimates; and here, he thought, some reduction might be effected. Seeing that the cost of survey ought to be in proportion to the revenue to be derived from the quantity of land sold. With regard to railways he could not take the same view as the hon. the Treasurer had, viz., that £8,000 would be realized on that head as from the agricultural produce being less the traffic must of necessity be reduced. He was convinced that no larger amount of traffic would take place than in 1858, when there was no profit at all except on the Port line. Therefore, there was no probability of the £4,000 for the half year being realized. As to the £10,000 from the assessment on stock, that he supposed was consigned to "the tomb of all the Capulets." (A laugh.) As to the assessment, if it had been allowed, amounting to more than £10,000 for the half-year he thought it was doubtful. As to the Customs dues, however, he felt convinced that as a large quantity of goods, as he had previously stated, were in bond, and as the duty on these goods would go to their credit for the ensuing year, that there would be no falling off. He hoped, in conclusion, that the House would not object to the laudable desire on the part of some hon. members to thoroughly revise such portions of the Estimates as were palpably inconsistent with their probable revenue for the ensuing year.

Mr. SOLOMON had no object to serve in throwing impediments in the way of the Government; all he wanted was to have those impediments which already existed removed, and when he saw from their Ways and Means that there was no chance of the estimated revenue being realized, he thought it to be his duty to come forward and call attention to it. It had been said that the figures which had been advanced against the estimated Ways and Means of the Treasurer were suppositious, but surely they had the same right to deduce from the experience of former years what would be their future revenue. It had been stated by the hon. member for the Port, that large quantities of goods were stored in the bonded warehouses, and that a revenue would be derived from these in the shape of duty which had not been calculated, and which would go to swell their Custom dues. Now, he could not agree with the hon. member for the Port (Captain Hart), for while he (Mr. Solomon) admitted that there were considerable quantities of goods bonded, yet he could not forget, what was equally true, that there were very large quantities of goods out of bond, and stored in merchants' warehouses, which in the total would, he thought, be equal to the year's consumption. There was one remark he would make on a matter on which the Select Committee sitting on Taxation would, no doubt, give a report; that was the duty on corn-sacks. In 1857 he found that the amount paid in duty for corn-sacks amounted to 1,980*l.* Now, when the Government talked about their estimated Ways and Means he submitted that they should take facts and items of this nature into consideration. Then, again, he found that in 1858 that even a still larger number of corn sacks paid duty; and he would state what might or might

not be believed, that they had as many cornsacks in the colony as would supply them for the next two years to come, without being under the necessity of paying one farthing of duty He (Mr Solomon) had taken the trouble to calculate the quantity of bags on which duty was paid in 1857, and he found they were capable of containing no less than 77 727 tons of flour They would all admit that the colony did not possess the means of carrying out agricul ture to the extent that would be commensurate with this He could not see how anyone could go through the various items of Customs revenue, and say that the same amount of duty would be paid in 1859 as in previous years They had only to look at those Estimates, and they would see there was something radically wrong in them There was an estimated revenue on goods ad valorem, which there was not the slightest prospect of being realized, for instance, on boots and shoes, which were not paying invoice cost at the present time On such goods the duty paid in 1857 was 3,800*l*, but could they anticipate anything like this in 1859? But there was a larger item he would call attention to, and that was "cutlery and hardware." In 1857, a sum of 15,367*l*, ad valorem duty was paid on this class of goods, now were they to be told that they were to have one-half or one-third of that quantity paying duty in 1859? He should say no—for if they depended upon such a contingency he thought they would be "reckoning without their host" Again, in hops 2,150*l* was paid for duty in 1857 In 1858, the low price of hops at home had considerably increased the importation of this article, and the stores were so full of them that they were not to be sold at the mere cost of freight and duty Then, again, with "bottled beer," if hon members took the trouble to go through the stores in town, they would find out that they were full of bottled beer True, there was some in bond, but it was only bonded to save warehouse room There was enough bottled beer in the colony to last them six months to come without paying any duty whatever The hon member for the Port (Mr Hart) had said that his reason for believing the Land Fund would not be maintained was that the agricultural interest was in such a depressed state, but in the same breath he also said he saw no reason to suppose there would be any falling off in the Customs dues Now, he (Mr Solomon) thought that these opinions were very incompatible The hon. the Treasurer had said he had made no allowance for the falling off in the duty on spirits, because the men who consumed them would always have them But he (Mr Solomon) would ask how they were to get them Was a man with 4s per day able to treat himself to the same luxuries as when he was in receipt of 8s per day? (Hear, hear) Another point worthy of consideration was this, that the exports for 1858 had fallen considerably short of those of 1857, and he doubted whether there would be any improvement in 1859 He had now made all the objections which he had intended to make He might say that he agreed with the hon member for the Port (Mr Hart) that their Land Fund would not be realized It was a fact that a large portion of the land which was sold last year had been bought by persons who had supplied the other colonies with sheep, and who invested the product of their sheep in land But no such market was open this year He supported Mr Glyde's resolution, but not with the view of impeding the Government He trusted the Treasurer would attend to the hints and suggestions which had been made that day, that he would see that the proper course to take to meet the depressed state of the revenue would be to reduce establishments The fact was they were living beyond their means, and that the time for retrenchment had come

Mr BARROW moved an adjournment

The motion was carried, and the House resumed

The CHAIRMAN reported progress, and leave was given to sit again next day

CAPTAIN J F DUFF

Mr BAKEWELL obtained an extension of a week for bringing up the report of the Committee upon the case of Captain J F Duff

RAILWAY MANAGEMENT

Mr REYNOLDS said the report of the Committee was in manuscript Another week was allowed for bringing up the report.

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS the further consideration in Committee of this Bill was made an Order of the Day for Friday

ASSESSMENT BILL

On the motion of the ATTORNEY-GENERAL, the second reading of this Bill was made an Order of the Day for Friday next, the hon gentleman remarking that the adjourned debate would probably occupy the whole of the following day—for which day the Assessment Bill had been set down

The House adjourned at 10 minutes past 5 o'clock, till 1 o'clock on the following day

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THURSDAY NOVEMBER 18

The SPEAKER took the chair shortly after 1 o'clock

GOLD DISCOVERIES

Mr SOLOMON gave notice that, on Tuesday next, he should ask the Commissioner of Crown Lands if any applications had been made to the Government for the reward for the discovery of gold, and if so, whether the claim had been recognised, and whether the discovery had taken place in the country recently discovered by Mr Stuart

The COMMISSIONER OF CROWN LANDS was prepared at once to answer the question if the hon member wished No application had been put in for the discovery of gold, and that question having been answered, he apprehended that all the other questions fell to the ground He wished it to be clearly understood that no application had been put in for the actual discovery of gold

WINE AND BEER LICENCES

Mr BAKEWELL gave notice that, on Tuesday next, he should move for leave to bring in a Bill to repeal those portions of the Publicans' Act which related to the issue of wine and beer licences

INCORPORATION ASSOCIATIONS BILL

Mr BAKEWELL gave notice that, on Tuesday next, he should move the second reading of the Incorporation Associations Bill

MR JOHN HINDMARSH

The COMMISSIONER OF CROWN LANDS laid upon the table a letter which had been received from Mr John Hindmarsh, offering to sell the Government a section of land at Rosetta Head, and the answer which had been sent to that gentleman

Mr STRANGWAYS wished to ask the Commissioner of Crown Lands if he was prepared at once to state what course the Government intended to take in reference to this matter, and when they would be in a position to take action

The COMMISSIONER OF CROWN LANDS stated in reply, that a message would be sent to the House by His Excellency the Governor, recommending that the sum of £2,000 be placed on the Estimates for the purchase of the land in question

Upon the motion of Mr STRANGWAYS, the letters were ordered to be read by the Clerk of the House That from Mr Hindmarsh formally offered to sell the land referred to, 134 acres preliminary section, including all claims arising from the past occupation of the land in question by the Government for the sum of £2,000 and to execute any conveyance which might be required Mr Hindmarsh asked for a reply as soon as possible, and stated that it must be understood the offer was not to prejudice him in the event of being driven to arbitration The letter from the Commissioner of Crown Lands was to the effect that the necessary steps would be taken to procure the sanction of the Legislature to the arrangement suggested

THE UNEMPLOYED

Mr DUFFIELD, with the permission of the House, wished to ask the Commissioner of Public Works, if the Government had taken any steps to alter the arrangements under which the unemployed laborers, as they were termed were now employed by the Government He wished to know whether there had been any alteration in the system during the last few weeks His reason for asking the Commissioner of Public Works this question was, that he perceived by a return which he had moved for about a fortnight ago, that the Commissioner of Public Works was apparently not fully aware of the effect of the system which had been hitherto adopted by the Government When he had asked about the trenching of that place of worship—(laughter)—he meant of the trenching of that House, the hon the Commissioner of Public Works entered into a statement, but the statement which the hon gentleman then made showed that he was not aware of what was going on, inasmuch as the statement he made was very different in figures from what was shown to be the case by the returns which had since been rendered From those returns, it appeared that the trenching around that House cost £1 9s 8½d per rod He (Mr Duffield) had stated that he believed the trenching would cost at least four times what it ought to, and the return which had since been laid before the House shewed that his remarks were fully warranted It was quite clear that the time had arrived when it was essential that the Government should make some alteration, and——

The SPEAKER remarked that the hon member was arguing a point of which he had given no notice. The proper course would be for the hon member to put the question, and the Commissioner of Public Works having answered it, the hon member could then if he liked give notice of motion in connection with the subject

Mr DUFFIELD would then confine himself to asking the question, whether the Government had made any fresh arrangements in reference to the employment of the unemployed

The COMMISSIONER OF PUBLIC WORKS said that although he could not answer in the affirmative, he would state that different arrangements were in course of being made Those arrangements were however not yet completed, but when he was in a position to place the House in possession of them he was sure that not only the hon member for Barossa, but every member of the House would be satisfied with them Arrangements would be completed by which a most complete check would, as he believed, be obtained A simple mode of measurement would be adopted by which it would be ascertained whether the Government got a fair day's work from

the parties whom they employed. The course which the Government contemplated adopting would be perfected in a few days, and he might mention that a portion of the surplus labor of the colony would be employed in breaking stones, and the remaining portion would be employed in piecework.

WINE AND BEER LICENCES.

Mr. Bakewell gave notice that on Tuesday next he should move that so much of the Publicans' Act as related to the issue of wine and beer licences should be repealed.

THE HARBOR TRUST.

The Commissioner of Public Works gave notice that on Wednesday next he should move an address to His Excellency the Governor, requesting the appointment of Henry Simpson, Esq., as a member of the Harbor Trust, in the room of E. G. Collinson, Esq.

WASTE LANDS ACT AMENDMENT BILL.

Upon the motion of the Commissioner of Crown Lands the consideration in Committee of the amendments made by the Legislative Council in the Waste Lands Act Amendment Bill was made an Order of the Day for Thursday.

IMPOUNDING ACT AMENDMENT BILL.

Upon the motion of the Commissioner of Crown Lands, the consideration of this Bill in Committee was postponed, the hon. gentleman remarking that he was perfectly prepared to proceed with the Bill, but that the House would probably desire to proceed as quickly as possible with the adjourned debate upon the Ways and Means.

THE ESTIMATES.

Upon the motion of the Treasurer the consideration in Committee of the Estimates was postponed till Tuesday next, the hon. gentleman remarking that the Attorney-General had, on the previous day, informed the House that the second reading of the Assessment Bill would be postponed till the following day.

CAPTAIN JOHN FINNIS.

Mr. Neales brought up the report of the Select Committee upon the petition of Captain John Finnis in reference to the completion of the first volume of "Hansard." The report was read, and was to the effect that the Committee, after taking evidence, found that the allegations contained in the petition were proved, and they recommended that the balance of the contract be handed over to the petitioner, who would still be a heavy loser by the transaction. A rider was added by Mr. Strangways, expressing an opinion that the work had been too much condensed.

A THIRD JUDGE.

Upon the motion of Mr. Barrow, the House went into Committee for the consideration of an address to His Excellency the Governor-in-Chief affirming the desirableness of appointing a third Judge of the Supreme Court, and requesting that the Government may be instructed to prepare and bring in a Bill on the subject.

Mr. Barrow remarked, that he felt sure the House desired to proceed as speedily as possible with the adjourned debate upon the motion of the hon. member Mr. Glyde, and therefore, he would do no more than offer one or two brief remarks on the subject upon the notice paper, which he had had the honor of bringing under the consideration of the House. He thought there could be but one opinion amongst hon. members as to the desirableness of having a third Judge, the only question which he could suppose would be raised in opposition to this, would be a financial one. If, upon a question of expense, the proposition which he had made should be objected to, no one more than himself would feel the force of that objection. If it were shewn or even stated that the expense was a valid objection to making the appointment at the present time, he should as heartily, upon that ground, consent to waive the motion, as upon others he should contend for the adoption of the principle. He believed, that whilst there were some departments in which they might with advantage to the public service economise, there were others in which the expenditure of public money was connected with such vital interests that they ought not to allow financial economy to permit them to forget what was due to the administration of justice. He believed, however, that by the appointment of a third Judge, they might be so enabled to regulate matters in the Supreme Court, and so to economise the administration of justice throughout the colony, that what was spent in one direction would be economised in another. He thought that the appointment of a third Judge would not altogether prove an additional expense, but that when the Estimates were brought under consideration, if the motion at present before the House were carried, many of the items in connection with the expenditure of the Supreme Court would be challenged by hon. members. He believed that the appointment of a third Judge would facilitate the administration of justice throughout the colony, and thus it was, notwithstanding his desire for financial economy, that he was found urging this question. If they could facilitate and economise the administration of justice in the country districts, and in the Supreme Court of this province, they would do a good and great work, and in carrying out that work they would be supported not only by the people of Adelaide, but by those of the country districts in enabling them to obtain speedier and more effectual justice than hitherto. Not wishing to take up the time of the House, and thus postpone the discussion on the more interesting subject which had been postponed from the previous day, he would move that an address be presented to His Excellency the Governor-in-Chief praying His Excellency to appoint a third Judge of the Supreme Court, and requesting that the Government may be instructed to prepare and bring in a Bill on the subject.

The Speaker suggested that the hon. member should add, "and that this House make good the expense thereof."

Mr. Reynolds wished, before the motion was put, to make one or two observations. The hon. member who had brought forward this motion had stated that there could not be two opinions as to the desirableness of appointing a third Judge. He should like, however, to know the precise grounds upon which the House was asked to request the Governor to introduce a Bill for the appointment of a third Judge. He was not disposed to take it for granted, as had been stated by the hon. gentleman who had charge of this motion, that it was desirable to appoint a third Judge. Such an appointment would involve a large expenditure to the country. It did appear to him a most peculiar and extraordinary thing, that with a population of 110,000 or 112,000 people they should have three Judges in order that the administration of justice might be carried out properly. Unless the hon. member for East Torrens could give some better reasons for such an appointment than those which he had already given, he certainly felt disposed to vote against the proposition. The hon. member had stated that such an appointment would facilitate the administration of justice in the country districts, and therefore that they should appoint a third Judge. He could have understood the proposition if the District Courts Bill, which was introduced last session, were before the House. If District Courts or Circuit Courts were to be introduced he could understand the motion for the appointment of a third Judge, because one Judge would be required to travel; but until a District Courts Bill were introduced, he could see nothing at all to justify the appointment of a third Judge. The Supreme Court department was already a very expensive one, and unless the hon. member was prepared to reduce the expenditure connected with that department the House would certainly not be justified in assenting to the appointment of a third Judge. One point might be urged in favor of the appointment of a third Judge, and that was, that in cases of appeal or dispute, if the two Judges differed there was no third party to decide. Well, he believed there were cases of this character, but they were very few. It was very desirable whilst talking about reducing the cost of establishments that they should avoid incurring unnecessary expenditure, and, therefore, he urged the House not to assent to the appointment of a third Judge until some good reason had been assigned for doing so. He had not yet heard good and valid reasons for the appointment of a third Judge, and he should oppose the proposition.

Mr. Solomon rose for the purpose of supporting the motion of the hon. member for East Torrens, Mr. Barrow; but at the same time he trusted, although His Excellency acceded to the address, that it would not be immediately acted upon, because he considered the colony was not financially in a position at the present time to bear the additional expense. But he could not say with the last speaker that no good and valid reason had been shown for the appointment of a third Judge, nor could he agree that very few cases arose in which difficulties arose from there being at present only two Judges. There were very many instances in connection with the Supreme Court of this colony which showed that many suitors in that Court labored under great disadvantages in consequence of the two Judges who were connected with the Court being unable to agree. He thought sufficiently valid reasons for such an appointment had been given by the hon. mover. It was notorious that the residents in the country districts were deprived of facilities which they should possess for obtaining justice. It was notorious that a great number of persons committing felony in country districts escaped in consequence of the inability of persons suffering to come to Adelaide for the purpose of prosecuting. If this were a state of things which was to be permitted to exist, and was not to be deplored, then unquestionably there was no necessity for the appointment of a third Judge, but on the other hand if it were held that it was necessary to grant justice to the country districts, then he contended it was absolutely necessary that a third Judge should be appointed. He believed that Circuit Courts would be found very useful, and, no doubt, the appointment of a third Judge was merely a preliminary step to their introduction. He believed with the hon. member, Mr. Barrow, that when they came to the Supreme Court items upon the Estimates they would find that a great saving might be effected. It was principally, however, upon the ground that much benefit would arise to the country districts that he supported the appointment of a third Judge, but at the same time he hoped for the reason which he had previously assigned that the appointment would not be immediately made, but that the House would signify when they desired effect to be given to the resolution.

Mr. Hay stated that upon the very grounds which the last speaker had stated he should support the motion, he (Mr. Hay) should oppose it. In the first place the hon. member, Mr. Solomon, had stated that the colony was not in a posi-

tion to pay the salary of a third Judge, and although he should vote for the presentation of the address, yet the hon member stated that he trusted the Governor would not act upon it (No no)

Mr SOLOMON was desirous of offering some explanation, but the Speaker said the better course would be to allow the hon member, Mr Hay, first to conclude his speech

Mr HAY had certainly understood the hon member to say that the colony was not in a position to pay and he therefore hoped that the Governor would not act upon it (No, no) He took down the hon member's words and they were to the effect that although the address was adopted by the House he hoped the Governor would not act upon it (No, no) The hon member who cried "No, no" would have an opportunity of explanation, and he should be very happy to be convinced that he had misunderstood the hon member It was quite time he contended to ask for the appointment of a third Judge when the colony was in a position to pay for it In cases where the two Judges disagreed, he would suggest that the difficulty might be met by giving the opinion of the Chief Justice preference to that of the other Judge (No, no) He believed the present law as it was carried out, was one from which much difficulty could not arise He believed that the present rule was that the opinion of the Judge who presided upon the Bench when the case was tried, carried the day, that is, that his judgment was upheld He thought that was a very fair mode, and that there could be no great objection to it He agreed with the remarks of the hon member for the Sturt, that in a population of only 110,000 or 112,000 inhabitants, it did seem strange that three Judges should be required It was perfectly monstrous that they should be called upon to expend another £1,300 per annum in the payment of a third Judge This would be going far beyond their means During a debate which had already taken place in that House, they had heard so much about the financial position of the country, a decreasing revenue, &c, that he was sure the House would agree with him, it was not the time to bring forward a motion for the expenditure of £1,300 for a third Judge If, as had been observed by the hon member for the Sturt, there were a Bill before the House for the establishment of Circuit Courts, it would be a different thing, but even then, it would be a question with him whether they had not better meet the difficulty by allowing a certain sum for the attendance of witnesses, instead of appointing a third Judge, and establishing Circuit Courts He believed that there might be some reasons for sending a Judge to the far north, or to Guichen Bay, but he doubted if there were many other places to which it would be advisable to send a Judge It should be remembered that travelling was expensive, and that if they appointed a Judge, they must pay his travelling expenses, nor was this all, for if they established Circuit Courts a number of lawyers would in all probability follow the Judge and these would certainly not go unless they were pretty well sure of getting well paid The House should consider whether after all Circuit Courts would not be a greater expense to suitors than the present system, and whether, instead of establishing them, it would not be better to provide for the administration of justice to the residents in the country districts by paying a portion of the expenses of witnesses Considering that the condition of the revenue was not such as to bear the additional expense, and that the smallness of the population would not warrant the appointment of a third Judge, he must oppose the motion

Mr SOLOMON rose for the purpose of explaining what he had really said in reference to this question He had been misquoted by the hon member who had just sat down He had not made use of the remarks which had been attributed to him, but what he had really said was, that whilst he trusted the Governor would accede to the resolution of the House, he also trusted that the House would on a future occasion decide when the appointment should commence

Mr STRANGWAYS asked if it was absolutely necessary that the words should be added, "and this House will make good the expenses thereof" He had looked into "May" upon the subject, and found that those words were only necessary where the House originated a grant of public money

The SPEAKER remarked that on further reference to "May," he found it was not necessary to add the words in question

The COMMISSIONER OF PUBLIC WORKS should support the motion of the hon member for East Torrens (Mr Barrow) As one of the guardians of the people's money, he believed that in supporting the vote he was supporting true economy Although there might be only something like a population of 110,000 souls in the colony, the spirit of litigation was anything but creditable Nor was it only on the civil side that the remark would apply, for he was sorry to say that on the other side of the Court there was also a great deal of business He believed that a good deal of the litigation arose from the feeling of uncertainty which was created in the minds of suitors in consequence of there only being two Judges He believed that it would be true economy to have a third Judge, and he should therefore support the proposition

Mr STRANGWAYS said that, as the words which had been appended to the motion at the suggestion of the Speaker had now been removed a great many of his objections had also been removed He should object to any resolution of that House which pledged the House to pass a Bill founded upon the resolution before it The whole question was one of supply, and if the addition to which he had referred had not been removed, the House would unquestionably have been bound to pass the Bill when it was brought forward As those words had been removed he should not oppose the resolution, but it must be distinctly understood that when the Bill was under consideration he should consider himself at liberty to take such steps as he might deem desirable He would remind the House that the question relative to the establishment of Circuit Courts was not merely a question involving the appointment of a Judge, but Court-houses would have to be erected, gaols would have to be built, and the expense of establishing each Circuit Court would be a very considerable charge upon the revenue Whether the advantages which would be derived from the establishment of such Courts would be at all commensurate with the expenditure, was to him very problematical There was another circumstance to which he felt bound to direct the attention of the House He believed the Chief Justice had occasionally stated it to be his opinion that writs &c, could be issued from the Supreme Court in Adelaide at any period of the year, that is, that there were a very great number of steps which could be taken here at any season, which in England could only be taken during term Now if Circuit Courts were established here, it would be necessary to divide the year into terms somewhat similar to the practice adopted in England, because if legal gentlemen were compelled to attend the Judge on Circuit, it was clear they could not attend in Adelaide at the same time The Assizes in England were generally so arranged that the sittings of the Assizes took place out of term so that those professional men who had business in London and other large cities might attend Circuit without injury to their private practice But here, under existing arrangements, it was quite clear that one or other must be sacrificed to a great extent If it were intended to make the appointment of a third Judge the commencement of a system of Circuit Courts, the matter which he had referred to should be taken into consideration, and the whole matter had better be arranged in one Bill As to three Judges being too many, he believed that either two were one too many or too few, for if there were a Judge on each side, who was to decide? There was one notorious case in the colony which had been four times tried, had come before the full Court on four occasions On each occasion the judgment was set aside, and such occurrences must take place so long as the present system existed He wished also to know whether in the event of it being determined to appoint a third Judge, it was intended to appoint a local practitioner to the office or to send to England The great objection to the appointment of a local practitioner was that parties who had been in practice here many years almost as a matter of necessity had their friends, and prejudices, and animosities, but if a Judge were imported from England he would be free from anything of that kind That was the great and principal objection which he had to the appointment of a local practioner to the office of Judge If the system were once adopted of appointing a local practitioner to the office of Judge, they would never be able to put a stop to it, and the consequence would be that a person at the head of his profession would naturally expect to be elevated to the Bench as vacancies arose But whatever a man's qualifications might be as a lawyer, he would remark that a good lawyer did not of necessity make a good Judge It would, he thought, be bad policy to initiate a system which might be construed to have that effect If the Bill intended to be introduced were for the appointment of any specific person to the office of Judge he should like to be informed The House would of course be assured that the party intended was in every way competent He mentioned no name as the probable occupant of the office, nor had he heard any name mentioned, but hon members had no doubt seen a name mentioned in the paper, and he believed that a large majority of the members of that House would gladly see the gentleman who had been mentioned elevated to the Bench If, however, the object were to elevate any local practitioner, he hoped the House would well consider the point He hoped the hon member for East Torrens who had introduced this motion, would state that hon members who supported it would not be expected as a matter of necessity to support the Bill, but would state that the motion had been brought forward merely for the purpose of eliciting the views of the House His own impression was that one Judge, supposing he was always in good health, would be sufficient If one Judge were always ready to attend to work, he believed it could be got through, but as it would be unreasonable to suppose that he would be always in good health, the necessity had arisen for the appointment of two Judges, and it now appeared that if there were two it was absolutely necessary to have three

Mr MILDRED hoped the hon member for East Torrens would withdraw the motion for the present, as he believed there would be considerable difficulty in carrying it out at the present time There were many hon members who would remember that there had been but one Judge here for many years, and then the public often complained of the inconvenience to which they were subjected, but since there had been two there had perhaps been more complaints than formerly

The ground which he took was that a small community like South Australia should not be put to the expense of permanently appointing an officer for the purpose of acting as arbiter, where two gentlemen differed. If the hon. member for East Torrens would withdraw his motion, he thought that there might be an understanding arrived at that the gentleman who held the office of Judge of the Insolvent Court, should act occasionally as Judge of the Supreme Court without any additional expense to the colony. The duties were of that peculiar character that they might be performed by any person in whom the public had confidence, having a knowledge of the law, and if the course which he had suggested were followed, there would be no additional expense to the colony. If the motion were not withdrawn, or if the suggestion which he had thrown out were not adopted, then he thought, in preference to appointing a third Judge, it would be better only to have one. He had frequently attended the Supreme Court, and he must say that what occasionally took place in consequence of the different opinions held by the Judges was far from agreeable. The question was one of great and vital importance, and he for one was not disposed hastily to dispose of it, merely, as had been suggested, for the purpose of attending to other and perhaps more interesting business. He believed the end in view would be answered if the Judge of the Insolvent Court were placed upon the Bench when a difference of opinion existed between the other two Judges.

Dr. WARK was exceedingly glad to observe that the hon. the Attorney-General had taken his seat, as this was a subject which it would have been exceedingly inconvenient to discuss in the absence of that hon. gentleman. It was one, indeed, in which the presence of that hon. gentleman was essentially necessary. No one could have the same knowledge of the requirements for a third Judge as the Attorney-General, and it was therefore with much satisfaction he saw the hon. gentleman present. He believed that hon. gentleman would feel no hesitation in expressing an opinion that it was absolutely necessary there should be three Judges. No doubt the House would be ready to take a hint from the hon. member for Noarlunga, and see that due economy was observed. Economy, indeed, must be observed, all the speeches of late had tended towards economy and retrenchment, and he thought that the hint thrown out by the hon. member for Noarlunga pointed to a very economical way of getting over the difficulty, particularly as he apprehended that the points which a third Judge would be called upon to determine would not occupy a great deal of time. The hon. member for East Torrens had not, in his opinion, made out a case, the hon. member had merely stated that it would be well if such and such were done, but he advanced no proofs to support the statement which he had made. Legal gentlemen were unquestionably better acquainted with legal affairs than other people, but it did not appear from the statements which had been made in that House that there were many cases in which the want of a third Judge was severely felt. It did appear to him very extraordinary that in a small community like South Australia, containing little more than 100,000 souls, they should require three Judges. The question should be well ventilated. The opinions of hon. members should be fully elicited. His own opinion was that the financial position of the colony would not warrant them in making the appointment, or, indeed, any fresh appointments, but that they should rather endeavour to do away with some of those at present existing. It would be remembered that the business of the Supreme Court went on very well during the absence of one Judge, when a temporary appointment was made, and he could not see why a similar course could not be pursued in this case. It would be far better that a temporary appointment only should be made than that the colony should be saddled with a permanent expenditure. No Circuit Court Bill was before the House, nor was there any proof that the Government intended to carry out that system. He therefore believed that the appointment of a third Judge would be a great waste of public money, and that justice would be better administered by going on in the present system for a certain time. Trifling cases which arose could be disposed of in Local Courts, and he believed that very few cases arose either at the Burra or Guichen Bay, which were the only two places which had been mentioned as those at which it was desirable Circuit Courts should be held. Under such circumstances he should oppose the motion.

The ATTORNEY-GENERAL called the attention of the House to the fact, that during the last session that branch of the Legislature passed a Bill for the appointment of a third Judge, and that was with the view of carrying out what he believed to be a very important, useful, and necessary reform in carrying justice in all cases to the doors of persons in various parts of the country instead of compelling them to come to Adelaide to seek justice. If for no other reason he should support the motion, because he believed it would be impossible to establish Circuit Courts without there being three Judges, and because he believed that Circuit Courts would prove a great boon to the community. It was very true that the number of cases appeared to be comparatively small, in which parties residing at a distance did not possess proper facilities for obtaining justice, but he would tell the House from personal experience, and no doubt the experience of other hon. members was to the same effect, that there were many crimes committed, and still more private disputes, where the expense of bringing witnesses to Adelaide deterred those interested in settling them from taking any steps in the matter. He had known cases of litigation in which the expenses of witnesses to the unsuccessful party were more considerable than the amount in dispute, although that was not small, and in many cases, indeed, in which it was known that heavy expenses for witnesses must fall upon some one, parties were afraid of bringing the matter into Court. It was a great advantage to persons residing in a civilized community, that they should be enabled to settle their differences in a Court of Justice, and the practical recognition of this was, that we maintained a Court of Justice. The advantages, however, of that Court were limited, because it was held in Adelaide only. From tolerable experience in such matters, he would say that although the public were called upon to pay £1,300 per annum for a third Judge, he believed that Circuit Courts would save them fully three or four times that amount in the expenses of bringing witnesses to Adelaide. That was one of the grounds upon which he should support the motion, but another was in reference to the proposition that the whole of the duties should be performed by one Judge. It would be found that the duties of the office of Judge were more than could be properly performed by one person. Independently of the chances of ill health or temporary weakness, it was found that justice could not be properly administered unless there were two Judges. The consequence was that a second Judge was appointed, and the result had been what must always arise where two independent minds were called upon to form an opinion, that they sometimes arrived at different conclusions. Suitors had a right to expect that any Judge who entertained conscientious opinions in reference either to the law or evidence of a case should support that view, that there should be no compromise, and that the Judge should not give up his conscientious opinion upon law or evidence for the purpose of effecting a compromise. If, then, that view were carried out, there would be no means of deciding upon cases upon which a difference of opinion existed between the Judges but by the appointment of a third Judge. A suggestion had been thrown out that the Commissioner of the Insolvent Court might occasionally act as third Judge, and that suggestion he remembered had been thrown out last session, but it clearly could not with any propriety, be acted upon, as the Supreme Court was the Court of Appeal from the Insolvent Court, so that if the Commissioner of the Insolvent Court were appointed to act as third Judge he might be called upon to act as arbiter in cases affecting his own judgment, as well as others. The duties of the Commissioner of the Insolvent Court were quite incompatible with what had been contemplated by the appointment of a third Judge, namely, the establishment of Circuit Courts. He understood that previously to entering the House a suggestion had been made that if the motion were acceded to, a Judge should be sent for from England instead of being selected from the bar of the colony. Every hon. member of that House had probably had an opportunity of observing how colonial appointments of this character operated, and had formed an opinion whether it would be desirable to procure a Judge from England instead of availing themselves of the talent of those who were known in the colony. His own opinion was that they were not likely to select, or to have selected for them, a person more deserving or possessing more the confidence of the public than an individual who might be selected from the bar of the colony. That, however, was a question quite independent of the one which was before the House. He believed for the purpose of effecting a saving to suitors, for facilitating the administration of justice, and for saving expenses to which suitors were subjected at the present time the motion of the hon. member for East Torrens (Mr. Barrow) was a wise one, and he should therefore support it.

Mr. REYNOLDS gathered from what had fallen from the Attorney-General that something more was intended than the mere appointment of a third Judge. It appeared that it was in contemplation to establish Circuit Courts. If the hon. member for East Torrens had stated this in his motion it would have removed a great deal of the objection which he (Mr. Reynolds) had to the motion, but the hon. member had not stated that much. If the hon. member would add to the motion, "and also for establishing Circuit Courts," he would go with it, as last session he very warmly supported the Circuit Court Bill, and should do so again if it were brought forward during the present session, but if it were not to be, he felt very much disposed to vote against the present motion. He did not see the force of the objections which had been raised to the appointment of the Commissioner of the Insolvent Court to act as third Judge, for although it was true that the Commissioner would, or might be called upon to pronounce upon matters on which he had adjudicated, still it should be remembered that he would have two Judges to act with him. He saw no great disadvantage in the Judge of the Insolvent Court presiding with the two others; nor could he agree with the hon. member (Mr. Strangways) that the establishment of Circuit Courts involved a very large expenditure for buildings, such as gaols, court-houses, &c., as he apprehended there were only two or three districts in which such courts would be established, and in those places they already had suitable

buildings, all the machinery was in fact ready to carry out the Circuit Courts. There were three districts he remembered in which Circuit Courts could be established, and if it were the intention of the hon member to move for the establishment of Circuit Courts as well as for the appointment of a third Judge, he should not object to the proposition. He must confess he was rather surprised to find the hon member for the City, Mr Solomon, supporting this motion, because the hon member had on the previous day supported the motion of the hon member, Mr Glyde, in reference to the financial difficulties of the colony. Such being the case, he was at a loss to conceive how the hon member could support a motion for the expenditure of an additional £1,300 per annum if he really believed that the colony labored under such financial difficulties as he had alluded to on the previous day. The hon member said, however, that there was no necessity for the appointment being immediately made, but he did not think the House ought to legislate in that way. Rather let them say, if it were desirable that a third Judge should be appointed, that he should be appointed at once. If it were a question of economy, a Bill should be introduced at once. He should support the motion if amended as he had suggested.

Mr Burford said that for reasons recently advanced, he should feel bound to vote against the motion. It appeared to him that as a matter of necessity, if there were three Judges there would be Circuit Courts, and the additional expense would, in consequence, as he held, be very considerable. In the first place, if Circuit Courts were established, it would be necessary to erect suitable buildings in which to carry on the business, and it would also be necessary to erect Gaols. The mere shell of a Court in which to hold the sittings would not be the only building which they would be called upon to provide. There were a great many other expenses also besides the buildings. After the expression of opinion given in that House the other day, when it was proposed to levy an assessment for the construction of roads, he could not conceive how hon members could feel justified at that particular time in voting for the appointment of a third Judge with all the other expenses involved in such an appointment. He could not pretend to say what the expenditure would be, but he was satisfied it would be many thousands per annum, and when they took into consideration what the annual expenditure under the head of Supreme Court was, he felt assured the House would consider that the amount which was expended on that department was quite sufficient at the present time. He could not help alluding to the remark of the hon member for Encounter Bay, to the effect that it would be unwise to select a Judge from amongst the professional men practising in the colony. The hon member might have reasons for his remarks, but as he understood that which swayed the hon member most was that local practitioners had their local feelings in connection with local circumstances, which were calculated to warp their judgment. That reason, if Circuit Courts were established, would, he (Mr Burford) thought, be particularly applicable to those who were placed upon the Jury. The danger in the one case would be very obvious, but not so in the other. He thought it would be unwise to import a Judge from England, as if they did, he would soon form a circle of attachments and friends, and the same influences would exist as though he had been in the colony for 20 years. But they could never get rid of those feelings which permeated through country districts. There was a proposition formerly to have a Jury of four for the purpose of getting over this difficulty, but suppose they had the old number, 12, he could not conceive how the strong local feeling which would influence the minds of Jurors was to be prevented. He could conceive there were many reasons that the members of the legal profession would like the system of Circuit Courts to be carried out, as it would afford them an opportunity for many country jaunts out of term, so that when their business in the Supreme Court in Adelaide was disposed of, they might take a profitable trip out of town. They would know, of course, when His Honor was going to proceed to such and such a district, and would be on the *qui vive* to follow him, and whoever paid the expenses, it might be fairly assumed that it would not come out of their own pockets. Looking at the present critical position of the colony, he was not speaking like a croaker he must oppose the motion, as he was not prepared to incur the expense attendant upon the appointment of a third Judge.

Mr Neales should support the views which had been propounded by the hon member for East Torrens (Mr Barrow). He believed they did want a third Judge. He did not say there were a few cases, but he believed there were many very serious cases, which could only be decided either by unshipping one Judge or by appointing another to the Bench. The statement made by the hon member for Gumeracha was quite incorrect, that when a case was brought before the full Court, the Judge who had decided or tried the case, had superior power. So far from this being the case when the case was brought before both Judges, each had equal power, and if they held different opinions there was no other way of obtaining a settlement but by appointing an arbiter as was now proposed. He felt that hon members must see the arguments against appointing the Judge of the Insolvent Court to act in cases in which a difference of opinion existed between the two Judges, were so strong that it was unnecessary to allude to them at any length. If such a course were to be taken, the effect would be that the Judge of the Insolvent Court would be called upon to review his own cases, and have power to decide against the Chief Justice, in fact he would be the Lord Chancellor of South Australia. With regard to the remarks which had been made in reference to the smallness of the population of South Australia, although the population amounted only to 110,000 there were to be found amongst that population the same wants, the same feelings, the same passions as though they numbered ten millions, and if they were a civilized lot they must have the same facilities as though their numbers were greater. It would be but a poor argument to say that many of the smaller towns in England were not entitled to the same facilities as the larger ones, for precisely the same crimes, the same circumstances occurred in small towns as in large ones, and the only difference was that to afford the same facilities to the small as were enjoyed by the large, there was of necessity a little more outlay in proportion. During the previous session of the Legislature he had supported the proposition for the establishment of Circuit Courts, and should do so again. He did not believe it would be necessary to establish permanent Courts at many places, but what he would suggest was, that as circumstances arose the Governor should issue a commission to try cases upon the spot if there were no necessity that they should be tried in Adelaide. That would be one way instead of making Circuit Courts permanent, whether there were any business or not. He believed that there were a great many cases which would otherwise be brought before the Court, but that it had got abroad that the Judges frequently differed, and parties, therefore, thought it was of no use going to law until three Judges had been appointed. With regard to the remarks of the hon member for Encounter Bay, who appeared to think it would be injudicious to appoint a Judge from the local bar, he was entirely against the hon member upon that point. He (Mr Neales) had retained the services of the present Lord Chancellor of England at the Union Hall, and if the argument of the hon member for Encounter Bay was worth anything, it amounted to this, that when a Judge was required in England he should be procured from America. (Laughter.) Why a practising attorney of this colony should not have the hope held out to him of becoming a Judge he could not see. He believed, as had been stated by the Attorney-General, that they stood quite as good a chance of making a good selection here as in England, for it must be remembered that here they were not in a position to offer such inducements to accept a seat upon the Bench as in England. Independently of the case of Sir F Thesiger, now Lord Chancellor of England, to whom he had referred as having retained his services for a whole day, at Union Hall, for two guineas, he might mention that he had retained Adolphus also, and then again there was Sergeant Wylde, who began in a very small way, and was not thought much of even as a sergeant though he afterwards held the seals of England. Judge Stephen, of Sydney, practised for many years in the colony before he was made a Judge, and although some might know something not very creditable of those connected with him, still he believed that Judge Stephen was a man whose character and decisions had never been impeached. There were many rising young barristers whom he could mention as likely one day to occupy the position of Judges. One schoolfellow of his was very nearly being Solicitor-General, and would have been but for a change of the Ministry, and he had no doubt would one day be Chancellor of England. He was satisfied that in this colony no man would ever rise to the Bench if there were any suspicion that when there he could not act as fairly and impartially as any Judge in England. With regard to the local feeling which had been spoken of by the hon member (Mr Burford), he presumed that in the event of there being any reasonable grounds for supposing that local feeling would interfere with the administration of justice, there would no difficulty in changing the venue, so that a case, for instance, instead of being tried at the Burra would be tried in Adelaide. He did not think there was any necessity for running into expense immediately in establishing Circuit Courts, but he believed that every one who had been in the Supreme Court lately must be satisfied that another Judge was required, and in passing through the Estimates, it would be for them to see if they could not squeeze out sufficient to defray the salary.

Mr Strangways wished to say a few words in reference to the remarks of the last speaker, relative to having retained Sir F Thesiger. No doubt the hon member had not only detained Sir F Thesiger for two guineas, but he had no doubt that he might, if he had liked, have retained Lord St Leonard for half a-crown. (Laughter.) It was well known that gentleman rose from the ranks. There were numerous such instances, but there was no analogy between a country like this containing a population of 110,000 only equal to a third rate English city, and England containing a population of 26 millions. The Judges in a country like England had their local feeling, but it was very small indeed. Here, however, the case was very different and there was in fact no analogy between the two cases. He had made the remarks which he had, not with the view of inducing hon members to reject the idea of selecting Judges from local practitioners, but merely that the matter might be taken into consideration. In reference to Circuit Courts he believed that the advantages

to be derived from their establishment were not nearly so great as was anticipated, inasmuch as in criminal cases the indictments would have to be prepared in Adelaide, and in civil cases, all the pleadings would have to be prepared here, as very few legal practitioners he apprehended would be found scattered amongst the country districts to whom the preparation of such documents would be entrusted. Suitors would of necessity come to Adelaide for the purpose of having the pleas and indictments prepared. The special advantages which would be conferred upon the country districts, he believed would be very small.

Mr DUFFIELD, though he had last year supported the proposition for the establishment of Circuit Courts throughout the colony, should oppose the present motion, thinking that it should have been coupled with something bearing upon that point. When they were considering the subject of establishing District Courts throughout the province he thought the present Local Court Act should be taken into consideration. He believed that great benefit would result from the extension of the jurisdiction of Local Courts, say to £50, and an appeal might be given to the Circuit Courts which he presumed would be provided for in a Bill to be introduced to the House. He objected to the present motion because it proposed to provide the man before providing work for him. He believed that very large further expenses would be incurred if the House passed the resolution in its present form; in fact, he believed it would be beginning at the wrong end. If the resolution were coupled with a Bill such as was introduced last session, he should support it, but he did not now feel justified in doing so. The Commissioner of Public Works had stated, that a few cases arose requiring the intervention of a third Judge, but he did not think the House would be justified in spending £1,300 a-year merely because there were half-a-dozen people who were obstinate. If he found a Judge opposed to him, what he should endeavor to do would be to compromise the matter with his opponents, and no doubt he should succeed in coming to some arrangement. The Attorney-General had said that there were some cases which were never brought before the Court in consequence of it being known that a difference of opinion existed between the two Judges, and the hon gentleman had attempted to shew that great injury arose from this, but he did not think it at all followed it was to the injury of the suitors that they were obliged to arrange the matters privately, however objectionable this might seem to the members of the legal profession.

The ATTORNEY-GENERAL said what he had stated was that the expense of bringing witnesses to town was so great that persons were deterred from taking proceedings to enforce their claims.

Mr DUFFIELD had certainly been mistaken in the words uttered by the hon gentleman, but still the argument was the same. Persons who were deterred from going into court in all probability in his opinion were saved from costs though perhaps they did not derive what would be a satisfaction to some minds. He fully agreed with the hon member, Mr Neales, that people here had the same feelings, tastes, &c, as in the mother-country, and probably they had the same desire to go into law courts, but he might remark that we had not the same means of paying Judges that they had in England, and this point should he thought be considered before they incurred the expense involved in this motion. He hoped the Government would see the necessity of bringing forward some measure dealing with the subject in a more extensive shape than was proposed by this resolution.

Mr McELLISTER should support the proposition of the hon member for East Torrens, feeling satisfied that the only way of overcoming the difficulties under which they were at present laboring, would be either by dispensing with one of the present Judges or by appointing a third. He believed at the same time that the gentlemen who occupied the Bench were as honest and straightforward as could be found. He did not think that much should be said about the salary, seeing the vast benefits which this appointment was calculated to confer upon the community. The gentleman appointed to the office would spend his money here, and he thought they might depend upon getting an honest, straightforward, and well-qualified man, without sending out of the colony for him. He should therefore support the motion of the hon member for East Torrens.

Mr ROGERS, if he had understood the Attorney-General rightly, understood the hon gentleman to say that he would introduce a Bill for the establishment of Circuit Courts. If so he should certainly support the present motion, considering that great benefits were likely to arise from the establishment of Circuit Courts. He could not believe that the expense of establishing Circuit Conrts in the country districts would be so great as appeared to be anticipated, for in many districts buildings were already provided. In reference to the remarks of the hon member, Mr Strangways, he could assure that hon gentleman that lawyers were beginning to find their way to the settled districts, consequently a good deal of business in connection with Circuit Courts would probably be performed in the immediate locality. Upon the understanding that a Bill should be introduced for the establishment of Circuit Courts, he should support the motion.

Mr BARROW said that he was intentionally brief in introducing the question, though not because he wished to avoid giving reasons for bringing this motion before the House. He had condensed his remarks into the briefest possible space for the purpose of disposing of the question as quickly as possible. He grounded his motion on the necessity which existed for taking some steps for improving the administration of justice at the Supreme Court and preventing the difficulties which so frequently arose in consequence of the two Judges differing in opinion. But it was not merely the Supreme Court which he had in view, he wished to carry justice into the country districts and to enable country settlers to obtain more speedy and economical justice than hitherto. With respect to the financial view of the question he would state that he thought a portion of the salary might be redeemed upon other items placed under the head of "Supreme Court" upon the Estimates. Many of the remarks which had been made during the debate would have been very pertinent if the Bill itself, which some hon members sought to have introduced, had been before the House. For instance, they had been told by the hon member for Barossa that reference might have been made to the Local Court Act. Well, reference certainly might have been made to that Act, and to many others, but all he wanted by the resolution submitted to the House was that the House should affirm whether it was desirable to have a third Judge or not. If a Bill was to be introduced to give effect to the wish of the House, they could then discuss the Local Court Act or any other Act which the hon member for Barossa might think proper to introduce for the purpose of enlivening the debate. (Laughter.) He did not agree with the hon member for Barossa when that hon member stated that the necessity for a third Judge merely arose from half a dozen obstinate individuals. He could assure the hon member that there were a great many more than half a dozen individuals in that House, and he did not know how many out of it, who were very strongly in favor of the resolution which he had had the honor of submitting. He did not know that a person for merely asserting his rightful claim in a Court of Justice was to be called an obstinate individual. If so, he did not doubt that many obstinate individuals might be found; in fact, he believed that if the hon member for Barossa thought that he had a good claim against him and he resisted that claim, he (Mr Barrow) would find him a very obstinate individual. He had been assured by the hon member for the Sturt that if he would consent to the addition of the words "and for the establishment of Circuit Courts," the hon member would support the motion. Well, he had no objection to introduce Circuit Courts, or anything analogous, which, indeed, he thought was implied in his remarks, that he was desirous of carrying justice into the country districts. (Hear, hear.) How justice could be carried there unless there were some kind of legal machinery he was at a loss to conceive, and therefore he could have no objection to adopt the suggestion of the hon member for the Sturt. Whether the House would establish Circuit Courts, or enlarge the jurisdiction of Local Courts, he did not know, nor was he particular so long as he obtained what he was desirous of obtaining, namely, that the administration of justice in this province should be placed upon a more satisfactory footing, and he believed this could only be accomplished by the appointment of a third Judge, unless indeed they went back to one which would be preferable to the anomalous position of having two Judges who were called upon to decide points upon which both differed. He had been asked by the hon member for Encounter Bay whether he would consider that hon members in supporting this resolution, were pledged to support the Bill, and he would state that so far from considering this to be the case, he did not feel himself pledged to support the Bill. The House would have the Bill under their consideration as they would any other Bill, and would deal with it as they would with any other Bill. It was a notorious fact, that at the present moment there was a large sum of money, £5 000 or £6,000, kept back from an individual who considered himself the rightful claimant, because in the present state of the administration of justice it was impossible to get a final verdict. He alluded to the case of Tombe, Blanchard, and Robin. It was not right to say, as he presumed the hon member for Barossa would say, that a man was an obstinate individual, because he did not choose to give up £5 000 or £6,000. In reference to the question whether the Judge should be appointed from the colonial bar or imported from England, the House could discuss and form their opinion upon that point when the Bill was before it, but he had no wish to prejudice that question in any way at all. To meet the wishes of some hon members he would move the insertion in the motion of the words "with the view to the establishment of Circuit Courts."

The CHAIRMAN put the motion as amended, which was carried, and the Chairman then brought up the report, the House resumed, and the report was adopted.

WAYS AND MEANS ADJOURNED DEBATE

The COMMISSIONER OF CROWN LANDS said, although he could not agree with the arguments which the hon member for East Torrens (Mr Glyde) used on the previous day in introducing his motion, still he was desirous to render justice to the fair way in which that hon member had treated this important subject, and to acquit the hon member—in doing which his (the hon Commissioner's) colleagues joined him—of any desire to make a motion hostile to the Government. (Hear, hear.) That was his (the hon Commissioner's) im-

pression, and he had no doubt his colleagues would join him therein. (Hear, hear.) The hon. the Treasurer had on the previous day very fully, and he (the hon. Commissioner) trusted satisfactorily, shown by figures and other data that the Government had reasonable grounds for supposing that the Ways and Means would be realized as introduced. The House had the testimony of an experienced member (the hon. member for the Port, Captain Hart), whose conviction was that the Customs revenue was not over estimated, and he (the hon. Commissioner) was sure that all hon. members would place great reliance upon a statement coming from an hon. member of such great local experience, and particularly in matters connected with the Customs revenue. (Hear, hear.) Considering that the principal portion of that revenue was derived from spirits and tobacco, and that however bad the times might be people would not cease drinking spirits and smoking tobacco—(a laugh)—he thought the estimate would be maintained as shown by the hon. the Treasurer. The next item was more in his (the hon. Commissioner's) department, namely, the Land Sales, on the probable produce of which, for the next six months, a great deal of difference of opinion existed amongst hon. members. He did not wish hon. members to suppose that he looked upon the yield of the land sales as a thing which would continue for all time. There was an end of all things, and he believed there would be of the land sales, whatever might be the result of the sales for 1859. It struck him (the hon. Commissioner) that the hon. member for East Torrens must have had in view the estimated revenue for the whole year rather than for one half the year. But whatever might be the result of the land sales of 1859—and what man could foresee what would take place in ten or twelve months—there were reasonable grounds for supposing that they would not fall so far short of the estimated revenue as some hon. members had attempted to show the House. He might state that the Surveyor General had assured him (the hon. the Commissioner) that he had reasonable grounds for supposing that in the next six months, 53,000 acres would be bought as special sales. As this large amount would be entirely independent of the ordinary sales, it was his (the hon. the Commissioner's) candid conviction that the sales for the first six months of the year would not fall so low as the hon. member for East Torrens supposed. The revenue from land sales in 1858 was estimated at £180,000, yet there were £181,000 already received, and the sales of nine weeks were yet to come. Almost within the whole of his recollection—ever since he had held a seat in that House, and he believed it would generally be the case—every succeeding year the estimates of the produce of land sales was under what they produced. It would be unfair to shut our eyes to the fact, that there were many causes which appeared disadvantageous to the usual flourishing state of our land sales; but these causes were very much magnified, and he thought some sources of revenue had been lost sight of. The other day the House had a discussion on the expediency of taxing absentees, but he would draw the attention of the House to the fact that some of the best purchasers of our land were absentees—persons residing in England; and now we had accounts from England showing a very gratifying advance in the price of wool. (Hear, hear.) He was satisfied this would have the effect of restoring the confidence of the stockholders, and would induce them to purchase land on their runs as heretofore. He had lately received a report from the Surveyor-General to the effect that he would be able during the next 12 months to keep the market supplied with land as fully as it had been for two or three years past, and that, therefore, the people would have the same facilities for selecting the land they wanted as hitherto. The most important part of the Surveyor-General's duty was to see that the market was not supplied by fits and starts, but regularly, and that the land should be not alone sufficient in quantity but in quality. He had a report from the very able and efficient officer in question, stating that he would be in a position to do this, and, therefore, one important point might be borne in mind, that so far as the Government were concerned in that department there would be no difficulty in supplying the public with what they required. One remark of the hon. member for East Torrens (Mr Glyde) was that the Government would probably be taking the eyes out of the country in trying to support the revenue by the sale of land; but the Government had no such intention. They had never done so, and it would be unwise on the part of that or any other Government to attempt it. But because the Government could not get as much as in more flourishing times for the land, where they to suspend the sales? That would be most gratifying to those persons who had purchased land largely, but most injurious to the public. The Surveyor General would continue to put in the market the average quality and quantity of land and by this means the public interests would be secured. He (the hon. Commissioner) had lately learned that applications had been made in London to the Agent General to receive money for the purchase of land in the colony, and he considered this fact very important as showing that persons in England had sufficient confidence in the colony to buy land here. He now wished to say a few words upon the large item set down amongst the expenditure for the half-year for immigration. He would call attention to the fact that the Government had no option but to place a sum of £40 000 for the year, or £20 000 for the half-year, as the proposed provision for this service. Hon. members would recollect that it was decided by a Committee last session that immigration should be proceeded with at the rate of one ship a month. This would absorb £40 000 a year, and in the absence of any resolution of the House to the contrary, the Government had no option but to put that amount on the Estimates. If, however, hon. members considered that one ship every two months would answer, the £20,000 would be sufficient for the year. He might put down the average cost of a ship at £4,400, the average cost of the passage at £14 per statute adult, and the average number of statute adults in each ship a little over 300. This £10,000 for the half-year would be sufficient to introduce one shipload every two months. He hoped the House would not be led away in considering this important question, by what he hoped would prove a temporary depression, to strike out the whole vote for immigration. It was little more than a month since a discussion took place in the House on the subject. Since then he (the hon. the Commissioner) had felt it his duty to address a despatch to the Agent in London, mentioning an outline of the points discussed by the House and pointing out also that he (the hon. Commissioner) considered it very probable that the vote for 1859 would be reduced. He had also pointed out that the labour market was over supplied, and although he was not in a position to give absolute instructions for stopping the immigration decided on last session, he suggested that it would be desirable to restrict the immigrants as far as possible to persons nominated by others in the colony, and to postpone sending out labourers until July. He pointed out that the best time for labourers to arrive was at the time of harvest. Although he gave no positive instructions on these points, he had no doubt that the Agent would act upon the suggestions, and that in the next ship despatched he would send out principally nominated immigrants. He would here state his conviction that the nominated system as now carried out was most beneficial for all the persons who came out under it would not be at all likely to become burthens to the colony, even if there was a dearth of employment. If these persons could not immediately find employment, they would have friends to assist them during the temporary idleness. The charges which persons had to pay for passages were much more reasonable than in Victoria or New South Wales. He should express his full confidence that the regulations would work much better for the colony than the previous ones, and he should be very sorry to see them changed. He would also state that the £2,000 which the hon. member for East Torrens did not think would be realised averaged very equally about £350 per month. He would now only make a few allusions to details of his department which had been referred to on the previous day, as these would be the subject of considerable discussion. But there were one or two statements made of so important a character, that no time should be lost in setting hon. members right upon them. The hon. member for East Torrens had made allusion to the Survey Department, and had spoken of surveyors who were formerly on the temporary list being now on the permanent staff, at the same time expressing an opinion that they were not employed half their time. That was a statement which it would not become him (the hon. Commissioner) as the head of the Department to pass unchallenged. These parties were employed for the whole year round, there was never a period when they were not employed. He hoped the hon. member was disabused on that point, and he would not think there was any surveyor upon the Estimates who had any portion of his time employed unprofitably to the public. It would, perhaps, be well to inform the House how surveyors formerly on the temporary list were now on the permanent list. He would, with the permission of the House, read what the Surveyor General said on this subject—"Temporary staffs were so classified, not because the extra assistance would not be permanently wanted in future years, but because it was not finally decided whether the detachment of the Royal Engineers should not be kept up to its original strength of 15, in which case the temporary assistance would not be required. It has now been decided not to replace the men of the detachment as they leave the service by other military surveyors; it, therefore, becomes desirable to make the permanent establishment up to the strength that will be required for the conduct of the survey of this colony for future years. This has been done in the Estimates for 1859. The permanent establishment of Royal Engineers has been reduced from 15 (as originally) to seven as at present." With regard to these Surveyors being placed on the permanent staff, the Surveyor-General could not see for very many years any chance of cessation in the duty of the Survey Office. There was a vast amount of land to be surveyed. We should not lose sight of the fact, that what more than anything conduced to place us in a pre-eminent position as compared with the other colonies was the surveys were always in advance of our wants, so that the man who wanted his 80 acres could get it, and become a permanent landholder. This system had worked exceedingly well, and he should be exceedingly sorry to see measures taken by the Legislature which would retard the surveys, and prevent the country being settled by small landholders. The hon. member proceeded to defend, in a few words, the proposed outlay on the Government Farm. Before sitting down he would express a hope that the gloomy forebodings which the House had heard so much of would not be realized. It must be confessed that whether the approaching harvest

would be a small one was a matter of opinion Some hon members were of opinion that it would be very deficient, whilst gentlemen from other parts of the country spoke very favourably It was, however, a point which could not be proved until the harvest was gathered in, but hon members would have the opportunity of making such retrenchment as they considered desirable

Mr BARROW felt it his duty to say a few words on this subject, and should first address himself to the observations of the hon the Commissioner of Crown Lands That hon member had intimated that whether the harvest was to be deficient or abundant was a mere matter of opinion, but he (Mr Barrow) thought that on this point they were getting beyond the regions of speculation and rapidly entering upon the domain of facts The hon gentleman could see for himself, if he took the trouble to look how many broad acres there were which could never pay for reaping, and which if all the rains their hearts could wish for, were to fall upon them, would never be restored (Hear, hear) Of course in other parts of the colony the case was different, and it would be sad indeed if it were not so He knew that whilst the corps were deficient in some parts they were abundant in others A deficient harvest here did not mean what the same words meant in England In England a deficient harvest meant that there was not bread enough to supply the wants of the country and that there must be heavy and costly imports of food, but here it meant that whilst we had enough for our own wants, we had not so much as we wanted to sell to our neighbors (Hear, hear, and some laughter) It would be a great mistake and would inflict a great injury on the colony if it went abroad, that a deficient harvest here meant the same thing as it meant in England (Hear, hear) On this ground, though they might give utterance to their feelings when things looked a little gloomy, still there was no necessity for saying that we were in a ruined state, or on the verge of insolvency When they said that the crops had failed, they meant that there was not sufficient export harvest to satisfy the farmer He had gone carefully through the Ways and Means, and had noted in the margin many items which he thought would bear reduction, but considered it better to leave these until the House was in Committee on the Estimates, for of course notwithstanding the debate the House would go into Committee (Hear, hear) He would therefore waive the consideration of these items, a course which would no doubt be agreeable to those hon members who made long speeches, and who wished to rise, or, at all events, to those who liked short speeches and made none at all themselves (A laugh) There were three courses before hon members,—first, to support the motion of the hon member (Mr Glyde), second, to support the amendment of the hon member for Onkaparinga, which was not an amendment at all, and thirdly, to vote against both If the word "may" stood in place of the word "will" he might possibly support the motion of the hon member (Mr Glyde), but he thought it was not sufficiently ascertained or proved as a fact that the Ways and Means certainly would not be realized according to the Estimates, or if not, that they would fall so far short as to justify the deduction which formed the concluding portion of the amendment [The hon member here read the resolution] That language was too strong, inasmuch as it indicated a state of things which he (Mr Barrow) did not believe would arise He recollected some time ago, when he had not the honor of a seat in the House, that a gentleman now filling the highest position in the Government of the country laid an elaborate series of figures before the Legislature, showing that if the country was not on the verge of bankruptcy it was rapidly falling into that condition The result of that proceeding was the celebrated Estimates Committee, and whilst he believed that that Committee conferred great benefits on the people of the colony—(hear)—notwithstanding all the odium and reproaches to which its members were subjected, still it must be admitted that the forebodings of these gentlemen had not been wholly realized, and that the resources of the colony had shown themselves to be more elastic than had been supposed He thought the present position of affairs might be very much the same, and that instead of verging upon bankruptcy on the 1st July, 1859, if the Estimates were not altogether realised, they might not have fallen very short of the amount set down by the hon the Treasurer In making this statement he did not want to quarrel with the opinions of those hon members who believed that there would be a decrease in the revenue. He knew such would be the case, and the hon the Treasurer knew it also, for he had provided for such a decrease If the hon the Treasurer had not made allowance for a falling off in the revenue he (Mr Barrow) should have voted against him, but the hon member had proclaimed in the Ways and Means the extent of the anticipated deficiency That allowance might or might not be enough, but there was an allowance The hon member admitted that they would not realise as much in the first six months of the next year as in the first six months of the present year The revenue for the first six months of the past year was £232,000, and the estimate for the present year £221,000, leaving a balance of £10,505, and that not for twelve but for six months Besides, the hon member had not added what in ordinary circumstances would have gone to the credit side of his account, owing to the increase of population Thus there was an allowance for the year of 21,000*l*, saying nothing of what the increased population would consume It might be said that this decrease was not commensurate with the deficiency in the harvest, but they lived not on the profits of one harvest, but on the profits of a series of harvests (Hear, hear) One class of persons next year might be compelled to retrench, but there were others who would spend just as much as if the harvest had been abundant and plentiful At all events, whether the revenue would be realized or not, it was not demonstrated that it would be deficient He would, therefore not go with the motion of the hon member (Mr Glyde), and there was the less necessity for his doing so as he was prepared to go almost any length in making reductions on the other side of the account, which was all the House, could do even if the most gloomy forebodings of the hon member were realized They must allow something for establishments, the cost of government, and public works, but he was prepared to go through the Estimates and strike out unhesitatingly those items which had no right to appear there Then, if the revenue should fall off more than was anticipated, the House would have made provision for the deficiency by diminishing the expenditure It would be wrong for a responsible Ministry to depreciate the income of the colony They should not on the one hand delude the people with exaggerated statements of prosperity, or mislead them with hopes not to be realised, but, on the other hand, he would repeat, it would be wrong for a responsible Ministry to try to put down their income at less than they believed it would amount to They were bound to make a careful calculation, and then it rested with the House to keep the expenditure within such bounds, that if the income was not realised no disaster would ensue Disbelieving that the revenue would fall off to the extent, and being fully prepared to make the full provision for such falling off as might take place, he could not see the necessity of supporting the resolution of the hon member for East Torrens As to the amendment of the hon member for Onkaparinga, it was included in the motion of the hon member for East Torrens [Mr Barrow here read the amendment] It appeared to him that the two motions were nearly identical, indeed it was surprising after having seen the antagonistic positions of these hon members how close their views were It reminded one of the old rhyme—

> "Strange that such difference should be
> 'Twixt tweedledum and tweedledee "

(Laughter) He thought when hon members were engaged in going through the items of expenditure they would find something worthy of their financial zeal, and therefore he was prepared to let the Government produce the income which they stated they could produce, and which at least within a reasonable limit, he thought they could obtain He would let the Government be responsible for producing the money whilst the House did its duty in watching the expenditure If hon members went through the Estimates from page 8 to page 38, they would see no doubt a variety of ways in which money could be saved without inconvenience or injury to the public service (Hear hear) It would be a far shorter and easier method when the House was asked £95,000 for the first half of next year to say "we will give £85 000, the same as last year, or, as our income is likely to be less, we will take off £5,000 and give you £80,000 Go through the whole Estimates—there is your £80,000, and do the best you can with it " He (Mr Barrow) would not despair of the Queen's Government being carried on if the House said, "Gentlemen, £80,000 is the most you will get " (Laughter) He knew very well the hon gentlemen on the Treasury benches would, in such a case, find the way of saving £15,000 He would rather take his stand on this point than prove to demonstration that the Government could not get the income which the hon the Treasurer would prove to demonstration they could get (Laughter) In going through the estimates of expenditure, he saw many things which would give rise to discussion He hoped the department of Police, for instance, would be overhauled for he was confident a great saving could be effected in that department It was true they could not expect so much police display for 8,000*l* as for 10,000*l*, but let them have 8,000*l* worth of protection, and they could do without the 2,000*l* worth of display Then there was the Registration Department which was carried on at a great expense, and in the most cumbrous and unsatisfactory manner There was a gentlemen at the head of the Lands Titles Registration Department who was only desirous of having more work to do than he had at present—a gentlemen who ran the faster the more weight he carried (laughter), and he (Mr Barrow) thought it would be well to allow that gentlemen not only all the conveyancing, but also all the registration business of the colony That gentleman was so convinced of the elasticity of the office over which he reigned supreme, that he would at once recommend the abolition of the other branch of the Registration Department. The very index to the memorials (not in Mr Torrens's but in the other department), he (Mr Barrow) was informed consisted of 76 folio volumes (Laughter) Presuming that to be the extent of the index, he (Mr Barrow) should like to see the library (Renewed laughter) So complicated in fact was the system in that department that it was breaking down under its own weight He (Mr Barrow) understood that it sometimes cost £20 to make a search, and occupied three weeks of time And yet all was the work of 10 years The only consolation was that a system which could attain such a growth in 10 years, must die of premature old age before it was 30 (Laughter) It would be very easy to show in other departments how con-

siderable reductions could be made. He should support the Government in bringing in the Estimates, and oppose both amendments, and he believed the Government would meet the House fully and fairly in a reduction of the expenditure. It had been asked if the Government went out who would supply their places—(hear, hear)—and it was a very proper question to put, for he (Mr Barrow) would never assist in turning out a Government unless he knew that their successors would be wiser and better than themselves—(hear, hear), but he looked upon the retirement of the present Ministry as so unlikely to occur—(a laugh)—he regarded it as a contingency so exceedingly remote, that it needed no consideration. He had not heard the Government declare that they would stand up for retrenchment, nor had he heard them say they would stand by the expenditure. He believed they only wanted the "pressure from without," which meant, in other words, the cordial support of their friends to enlist them on the side of retrenchment. At the same time, he did not think that the men of property were the men who had the largest balances to their credit—the men who had the largest sums locked up in their chests. (Hear, hear.) It would be a false policy to censure the Government because they had not brought forward such large balances at one time as at another time. The House would remember that the Government had been frequently stimulated to expend money on public works, and it would be scarcely generous—indeed it would not be just—to turn round now and say, "nearly all the funds are exhausted, there is next to nothing in the Treasury." If the House gave the Government instructions to spend all the money in the Treasury on public works, the House could not "have its cake and eat it too." It was on public works the money should be expended, but first of all on roads. They should not be too lavish on buildings, though even on them money was better spent than on mere clerical services, or building, or works of ornament. They should keep down their mere administrative charges to the lowest point consistent with the good of the country, and the reasonable comfort of officers employed in the public service. There was no necessity that any one should be over-paid, but there was every necessity for abolishing many unnecessary officers. He was confident that if the Government obtained 80,000*l* they would take it gratefully and spend it advantageously and economically. (Laughter.) With these remarks he should reserve any further observations he had to offer until the House was in Committee on the Estimates. As the hon member for Onkaparinga (Mr Townsend) had tabled a motion so much like that of the hon member for East Torrens (Mr Glyde), and as he saw that the hon member (Mr Glyde) was not present to support his own amendment, which showed that he cared very little about it, he (Mr Barrow) should vote against both amendments, in order that the House might go into Committee on the Estimates, when he would do his best, together with hon members to reduce the expenditure as far as was consistent with the due performance of the public service.

Mr BURFORD had been a little anticipated by the hon member who had just sat down. He felt considerable difficulty from the similarity of the two resolutions, both of which affirmed the same proposition, and recommended the same course of action. The hon member for East Torrens (Mr Barrow) singularly enough had embodied both in his speech, for in the early part the hon member recommended the House to go into details and knock off sums bit by bit, but in the end he said, "we will allow you so much, and do what you can with it." That was the view he (Mr Burford) took. He did not think it at all fair that if the House found, or thought it found that the Estimates of Ways and Means could not be realised, that therefore they should be obliged bit by bit to reduce the amount. The work of the House was to ascertain great principles and request the Ministry to act upon them. The plan he proposed would be the simplest and most effectual. He found that the establishments absorbed seven-sixteenths of the whole estimated revenue before a penny was available for the improvement of the country. That was a most enormous per centage, so great that no man in his senses in business would expect to do any good with expenses in proportion. As far as observation and reading had led him to see, the maximum expenditure in all matters of production was 25 per cent. Hon members would find that some standard of this sort was necessary. He had experienced great dissatisfaction last year, after going through the Estimates, to find that what they had saved was scarcely worth a rap. This was because no standard of expenditure was recognized. He would, therefore, propose, and he hoped to have an opportunity of putting it before the House, a reduction of 10 per cent on the cost of establishments. He would leave the Government to arrange the items in which a reduction, equal on the whole to 10 per cent, should be made, because the members of the Government knew best which items to spare, which to cut off, and which to increase, all of which considerations were involved in his proposal. The Government could do this, and no doubt with comparative ease. This reduction would be a retrenchment of £54,000, and this would make hon members and their constituencies comfortable, so far as any apprehensions of a falling-off in the revenue were concerned, as it would be sufficient to cover any deficiency which might arise. As to immigration, he was not desirous of seeing it stopped altogether. He wished to see it left to the discretion of Government, and was happy to hear the explanation of the hon the Commissioner of Crown Lands. The choice lay between reducing the expenditure item by item, and knocking off 10 per cent as he suggested. He would include all pensions, gratuities, and allowances in his proposal of reduction. He would say a few words as to the Lands Titles Registration Department, which the hon member (Mr Strangways) took such delight in having a fling at, whether for the sake of the office or of the gentleman who presided over it he (Mr Burford) could not say. It was amusing to see the gusto with which the hon member went in against this department. If this arose from a suspicion that the expense of the establishment was too great for its utility, the hon member had himself to charge for such a result, inasmuch as he had been the first to prevent the establishment from being fully developed. The hon member for East Torrens (Mr Barrow) had said that the old department should be amalgamated with the new one, and that was what he (Mr Burford) thought. As individuals were obliged to retrench their expenses in trade and manufactures, so the Government should retrench theirs, and if the Government did not choose to do so, the House must do it for them.

Mr REYNOLDS said that after the lecture of the hon member for East Torrens (Mr Barrow) on long speeches, he (Mr Reynolds) should not make a long speech lest he should not be reported in the Hansard, but taking the speeches of the hon member and comparing them with those of other hon members, he found they occupied as much space as those of any other hon member. Now that hon member (Mr Barrow) had stated that he would let the Government make as large a revenue as possible and let the House deal with the expenditure. The hon member (Mr Barrow) was new to legislation or he would know that if the Government made out a good case for the revenue, they would make a good case for the expenditure also, for the larger the revenue, the larger the estimate to expend. He (Mr Reynolds) would therefore rather see what were the probable Ways and Means. (Hear, hear.) He was glad to find that the hon member, Mr Burford, was converted to the principle of economy and that that hon member had come to regard the Lands Titles Registration Office as an expensive establishment which would require retrenchment. (Ironical "hear, hear," from Mr Burford.) He was also pleased to see the hon the Commissioner of Crown Lands look so mildly and gently on the hon member for East Torrens (Mr Glyde). (Laughter.) It afforded him (Mr Reynolds) great gratification to find that there was no desire on the part of the hon member (Mr Glyde) to displace the Government, or to occupy a position on the ministerial side of the House, that he had no ambition to be looked upon as Chief Secretary of South Australia. (Laughter.) That was very gratifying to his (Mr Reynolds's) mind, because it had been intimated to him that the hon member (Mr Glyde) would not be able to work with him (Mr Reynolds), and, therefore, if he was looking for a place on the ministerial side he would be disappointed. (Laughter.) But if the hon member had no desire to displace the Government, the motion had a very hostile aspect, so that if he (Mr Reynolds) had been on the other side, and that any hon member on either side of the House had moved such a motion, he should look upon that hon member as exceedingly hostile to the Government. What else did the motion mean? [The hon member here read the motion.] It would appear from that that the Government were not capable of making a calculation, and that the hon member for East Torrens was far more capable of dealing with matters of finance than the present Cabinet. Supposing the motion carried, could the Government look at it otherwise than as a censure upon their estimate of Ways and Means. He was sure the hon the Attorney-General would view the matter in that light. But if the hon member had no desire to censure the Government, if he was as he represented himself, let him show it by withdrawing the motion. It was a most dangerous motion not only to the Government but to the colony, for it declared a state of things to exist which did not exist. It spoke of financial difficulties, but he (Mr Reynolds) could see none, even if the hon member's own estimate was borne out. The hon member had only shown a deficiency of 39,000*l* and from which he should strike off the 10,000*l* for the assessment on stock, for how did he know that the House would not endorse that Bill. If that Bill passed, our financial difficulties were at an end. But supposing the 20,000*l* for immigration struck off, and that, as the Treasurer had stated, a larger balance than he had before calculated on was brought forward, where would the financial difficulty be then? He could not support the motion, nor the amendment of the hon member for Onkaparinga, who adopted the same statement. There was no reason for reducing the expenditure on the ground of financial difficulty. He would go with any hon member in reducing the expenditure, but he did not like to see an hon member take up a subject which he did not like to handle. He still thought that neither the land revenue nor the Customs would come up to the Estimates, but he could not see the financial difficulties which the hon member for East Torrens spoke of. The motion, if carried, would have a very prejudicial effect on our bonds, as it would alarm the capitalists who invested in them. Notwithstanding all that had been said about our being a sensible set of fellows engaged in reducing our expenditure on account of our financial difficulties, it would be well to

show first that that was the case There was one matter which, if he stood alone, he would vote against, and that was the sum for immigration, To propose such a sum for the first six months of 1859 was like throwing the money away We had had one lot of nominated immigrants, and was that a good sample? Why some of them were working at 2s 6d a day, and dear at that He would say we were better without such immigrants There were some of them working at 3s 6d and 4s 6d a day on the railway, to whom he (Mr Reynolds) would not give half-a crown ("No no," from the Commissioner of Crown Lands) Of course there were exceptions

The COMMISSIONER OF CROWN LANDS said that nominees under the new system had scarcely time to arrive yet The hon member was speaking of persons who had come out under the old system

Mr REYNOLDS was speaking of the old nominees The old nominees would not do at all, and he questioned whether the new nominees were any better (Laughter) In Victoria very little was now paid for importing labor It would be better to keep the money here than send it to import labor which we would not have capital to employ when it arrived The hon member concluded by again suggesting that Mr Glyde should withdraw his motion

The ATTORNEY-GENERAL, in reference to what fell from the hon member (Mr Reynolds) as to the character of the resolution of the hon member (Mr Glyde) would say that but for the disclaimer of that hon member he would certainly have taken the motion to imply that the hon member had not confidence in the Government in reference to their dealing with the Estimates But whether the resolution had been tabled or not, it was proper that the subject should come under the notice of the Committee At the same time, he could not see any reason for the statement of our position and prospects which the resolution contained The Estimates were prepared when there was no prospect of a deficiency in the harvest, but when, on the contrary, the hon member (Captain Hart) whose position enabled him to form a most reliable opinion, thought that the crops would be so far above an average as to compensate for the deficient harvest of last year, though the character of the weather since had been such as to falsify the prediction as to some parts of the colony Speaking from the information of persons who ought to be authorities, he would say that although in some places there would be a total failure, in others the yield would not be below an average harvest But he would ask any hon member what would be his feelings and that of the House, if there was such a harvest as we had promise of eight or ten weeks ago At the time of the preparation of the Estimates the Government were abundantly justified in assuming such a revenue as appeared on the Estimates, He would not go into detail but he would say that judged by any test ordinarily applied to matters of the kind, the calculations of the Government could not be attacked But there was a very general apprehension as to some impending occurrence—something in the character of a panic which led people to think that ordinary calculation did not form a safe basis to rely upon He did not pretend to say how far this feeling was well founded or otherwise, but except it there was nothing in existing facts to lead the House to any other conclusion than that the Government calculations would be borne out These calculations, or even those of the hon member for East Torrens (Mr Glyde), might be upset Something might happen beneficial to the colony beyond what was anticipated, and the revenue might rise, or something disastrous beyond what was anticipated might happen, and the revenue fall But there was nothing in ordinary calculation to show that the revenue would not be realised The matter was not one of calculation, but of expectation It was a calculation in the American sense that hon members might guess, but it was not a calculation from figures, but in anticipation of the future from the experience of the past The object of the Government laying the Estimates before the House was, that they might be considered under every possible aspect in order that the House might make such reductions as were required or as the Estimates would admit of The hon member (Mr Burford) spoke of a fixed proportion which should exist between the revenue and the expenditure , but he (the Attorney General) would ask the House to consider that there was absolutely no analogy between the business of a productive establishment and a Government which did not pretend to produce but to administer the Government The object of a Government in this country was to protect person and property, to see that no destitute person should die of starvation, or be without medical attendance, and to provide safe custody and support for criminals and lunatics, not one of which functions was productive but all of which were essential to the well-being of the community, and to maintain our position amongst civilized states Would the hon member Mr Burford, say that we were to strike off half the amount for each of these purposes, in order to maintain the proportion between revenue and expenditure (Mr Burford—"one-tenth ") The Attorney General proceeded to explain how he had been misled by Mr Burford s having stated the sum which he proposed to economise at £54,000 Would the hon member because there was a deficient harvest, and the necessities of life were scarce, diminish the income of every schoolmaster in the country? The hon member concluded by pointing out that the Legislature must either entrust the whole distribution of the expenditure to the Government, or keep up a costly system of checks and counter-checks like that now existing, and of which the Audit-Office was about the most costly item of all

Mr MILDRED said it was hardly necessary to add any remarks to those which had been made upon this very interesting subject, which had been discussed by hon members in every tint and shade in which it could be presented He would recommend the hon mover to withdraw his motion, and considered that great good would result from the discussion which had taken place. He for one could not sanction the proposition that the House should throw £80,000 into the hands of the Government, and say "there do what you please with it " He would never sanction such a course as that The Government had prepared a plan of expenditure which they no doubt thought best for the interests of the country, and it was the duty of the members of that House to criticise every item, and either sanction or reduce each item as it came before them It would be throwing a most improper power into the hands of the Government if the House were to say "There's so much money, do what you like with it " That House should remember that it was their duty to look after the interests of the people, and to consider the interests even of the meanest officer in the Government service So much had been said upon the subject, that he trusted without further discussion the hon member for East Torrens (Mr Glyde) would withdraw the motion, or if the hon member would not consent to do so, he (Mr Mildred) would take the opportunity of moving that the Chairman report progress

Mr BARROW wished to explain that he did not recommend the House to knock off a certain sum, but he had said they must resort to that alternative and leave the Government to adjust the distribution, or they must go into detail He had stated that he was quite prepared to take up the items one by one and see where reductions could be effected

Mr GLYDE would say one or two words in reply to what had fallen on the previous day from the hon member for Onkaparinga. He hardly knew if it was worth his while to take any notice of what had fallen from the hon member, nor did he think the hon member had improved his position by the attack which he had made upon him He would just remind the hon member, however of the good old proverb, "that those who live in glass houses should not throw stones" especially when their panes are so very large Nothing would have been easier than for him to hold up the hon member for Onkaparinga to the derision of the House He might have reminded the hon member how he had attempted to snatch the reins of Government by bringing forward a motion upon distillation

Mr TOWNSEND rose to order The hon member was not at liberty, by the rules of the House, to refer to a previous debate

The SPEAKER said the hon member would be out of order in referring to a previous debate

Mr GLYDE would not then refer to the motion of the hon member for Onkaparinga, but would merely remark that nothing would be easier than for him to hold the hon member up to ridicule, by referring to his well-known antecedents and probable future Nothing would be more amusing than to allude to the personal appearance of the hon member and his peculiarities, but in that House he should be sorry to resort to anything which would detract from the high respectability and gentlemanly feeling which characterised the discussions of that House He could not agree with the hon member for Onkaparinga, in the amendment which he had brought forward He believed that amendment was calculated to do the very mischief which he (Mr Glyde) was desirous of avoiding He would say a few words in reference to what had fallen from the hon the Treasurer Since the financial statement had been made the hon gentleman had stated he had discovered that the exports had not fallen off for some months as he had expected, and that during several months there had only been a total decrease to the extent of 114,000*l* He was aware that the conclusions likely to be arrived at from a comparison of imports and exports were very likely to prove fallacious, as, for instance, goods consigned to this market might not realize nearly as much as the amount at which they were valued, and the same remark would apply to exports, so that in both cases it would appear that goods to a much larger than the actual amount had been imported or exported Looking at the returns for the last quarter of last year, it would be seen that the amount of exports had been fearfully overrated , for instance, 16 000 bales of wool were valued at 281,756*l* , being nearly 18*l* per bale, though anyone knowing anything about wool must know that nothing like that amount was realized to the exporters At least, 50,000*l* should be taken from that amount Then there were 9,000 tons of flour, which were valued at 20*l* per ton, though everyone who knew anything about the flour market, must know that it was worth nothing like that amount, that the flour trade was depressed at the time, and that 13*l* or 14*l* per ton would be the full value, so that there would be fully 50 000*l* to take off the gross amount of this item Fortunately it would be principally the South Australian Bank who would have to bear the loss Then there were 600 tons of copper exported during the last quarter of 1857, valued at nearly 120*l* per ton, and one equal to 400 tons of copper valued

similarly in excess of actual value The valuation in this instance was fully 20,000*l* too much, so that the total amount overvalued was fully 120,000*l*. It might be said that this excess of valuation was redeemed in the next 6 months, but such was not the case, for he found there were then exported 1,100 tons of copper, valued at 115*l* per ton, 7,000 bales of wool, at 18*l* per bale, 8,000 tons of flour, valued at 15*l* per ton, &c The real falling off in the exports during the last few months might he believed be put down at 250,000*l* instead of 127,000*l*, as estimated by the Treasurer He did not want to exaggerate matters, but he felt that the financial depression which existed was attributable to the falling off in the exports of our three great products He was glad to find that the Treasurer in anticipation of the disallowance of the 10,000*l* for assessment on stock had very unexpectedly discovered another 10,000*l* which had been put away somewhere Of course he would not dispute this being the case, as he had not the same access to documents that the hon gentleman had As regarded the Customs revenue he could not but express surprise that the hon gentleman should still adhere to 77,000*l* as the probable revenue for 1859 He had shown that the spirit duty had fallen off greatly, and that recently it had not exceeded 1,000*l* per week, and the House had passed a resolution to the effect that cornsacks should be admitted free, though that source had produced during the last six months £2,000 There were so large a number in store, however, that even if the duty were continued, it could not be expected to amount during the next six months to more than a quarter what it had the last The Treasurer had said that even supposing these calculations were correct, and that the amount calculated in excess of the revenue were taken off, still the expenditure would not exceed the revenue, but he would remind the House, that there were Supplementary Estimates which were always presented to the House, and the probability was that when they assembled in April they would be asked to vote another £50,000 Of this he was certain that the revenue for the first six months of 1859 would not meet the expenditure, and if that was not commencing badly he did not know what was The Commissioner of Crown Lands had made a very extraordinary statement, though a very pleasing one, to the effect that the Surveyor-General was aware of a lot of land which could be sold for £53 000 within the next month He was certainly taken by surprise to hear such a statement, but was glad to hear it, and had no reason to doubt its truth He thought, however, that the Commissioner of Crown Lands was mistaken in what he said about immigration, for if he understood the hon gentleman rightly, he had stated that every ship cost £4,400, but that if one ship monthly were sent the expense per annum would be £40,000 Explanation was certainly required on this point, as he had always understood that one ship a month could be sent for £40,000, per annum, but this clearly could not be the case if each ship cost £4,000 The Commissioner of Crown Lands had referred to the probability of the advanced price of wool having a favorable effect upon the land sales, but he questioned this, as those who would probably feel disposed to buy had no pecuniary resources, and the Banks were such severe losers last season by allowing parties to overdraw their accounts against their shipments of wool, that the probability was, they would be exceedingly cautious this time Against this good news in reference to the rise in wool he might mention, however, that the lambing season was exceedingly bad, and he did not exaggerate when he stated that the average deficiency was at least one-third His hon colleague (Mr Barrow) had stated that the hon the Treasurer had amply provided for any deficiency in the revenue, but he could not understand this when last year the amount asked for the whole year was £450,000, and it was now £250,000 for six months Every hon member, indeed, who had spoken on the subject, had admitted the first portion of his proposition, that the revenue was decreasing, and, independently of this, the balance in hand was rapidly slipping away He challenged the Treasurer whether he was not correct in stating that the balance in hand on 1st January, 1859, would only be 150 000*l*, and as 18 months ago it was 280,000*l*, it was clear that during that period the expenditure had exceeded the revenue by 130,000*l* The hon member for the Sturt had taunted him about aspiring to the office of Chief Secretary, but it was hardly fair he thought that independent members should be subject to taunts and sneers for merely standing up upon occasions when they considered the interests of the colony were so deeply involved He denied that he had any ulterior or sinister motive in bringing forward this motion Every member of the Ministry was a personal friend, and would, he was sure, acquit him of anything like intriguing for the purpose of ousting them, but he claimed his right as an independent member to put upon the paper such a motion as that to which he had drawn the attention of the House He would however state that it was his intention to withdraw the motion (Hear, hear) He repeated that he did not wish to turn out the Ministry, but he had merely drawn the attention of the House to the fact that the prospects of the colony were not encouraging, and that it was, therefore, essential they should look to the expenditure, which it was desirable should be cut down If the hon member for Onkaparinga would withdraw his amendment he (Mr Glyde) would withdraw his resolution

Mr TOWNSEND, previous to withdrawing his amendment, would make a few remarks Persons who had not been present in the House would be induced perhaps to think that he had grossly violated the forms and rules of the House, but he confidently appealed to the Speaker and hon members to support him when he stated that he had not made use of a solitary sentence or word in violation of the Standing Orders of the House When he found the hon member for East Torrens putting a motion upon the paper, and seeking to accomplish what he could readily have accomplished by other means—when he found the hon member professing friendship to the Ministry with his lips, but putting on the paper a motion of a directly hostile character, he was perfectly justified in imputing to him the motives which he had On looking at the hon member's notice of motion, he felt bound to say that he never in any deliberative assembly in his life heard a more direct vote of want of confidence in the Ministry It was one of direct hostility to the Ministry, and he was in consequence led to imagine that the hon member was desirous of obtaining a seat upon the Government benches It was not improbable that the hon member did aspire to that position, although the House had not backed his aspirations He had no desire to make a personal attack upon the hon member, but had merely made fair and legitimate comments upon the course which he had pursued He would make a few remarks upon what had fallen from the hon member for Encounter Bay, who was in the habit of dealing with all questions which came before the House in his own funny way, so that it was impossible to tell whether he intended to support or oppose them That hon member came to the rescue of the hon member for East Torrens, and made some complimentary remarks in reference to a clown in a circus He (Mr Townsend) did not know much about such things, but he believed there were generally two clowns and perhaps the hon member for Encounter Bay was aspiring to the position of second, only that some little wisdom was required for the character, and he was sure no one would give the hon member credit for possessing that (Laughter) He repeated that he had no desire to make a public attack upon the hon member (Mr Glyde) nor in any way to wound the feelings of that gentleman If he had done so in the slightest degree he begged to express his regret, and to withdraw any offensive expression which he had used He had taken an opportunity privately of stating the same on the previous evening to the hon member He believed that the course which he had taken had been perfectly parliamentary, finding as he had before said that the hon member professed friendship to the Ministry with his lips, whilst his motion was of a directly opposite character The hon member proceeded to point out the difference between his motion and the amendment, and concluded by expressing his willingness to withdraw it

The COMMISSIONER OF CROWN LANDS, in reply to Mr Solomon, stated that although he might have stated each ship with emigrants had cost 4,400*l*, at the time that expenditure was incurred the Commissioners in England had a balance in hand, so that not more than the 10,000*l* voted was actually taken from the revenue It it was determined that only 10,000*l* should be expended upon immigration, and that there should only be one ship every two months, the sizes of the ships would be so regulated that the aggregate amount would not be exceeded

One hon member, we believe Mr BURFORD dissenting from the proposition that the mover have leave to withdraw the motion, the Chairman said he must put the motion, which was negatived, and the House resumed

IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS the further consideration of this Bill was postponed till the following day, and the House adjourned at five minutes past 5 o'clock till 1 o'clock on the following day

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FRIDAY, NOVEMBER 19

The SPEAKER took the Chair shortly after 1 o'clock

THE ESTIMATES

Mr PEAKE asked permission of the House to postpone the motion in his name—"That this House considers it essentially useful to the exact performance of its duties as guardians of the public purse, that the Estimates should be presented to this House within 14 days next following the meeting of Parliament" He observed that there was a good deal of business on the paper, some of which was of a pressing nature, and he would, therefore, move that the motion in his name be an Order of the Day for Wednesday next

Carried

SELECT COMMITTEE UPON TAXATION

Upon the Order of the Day for the report of the Select Committee upon Taxation to be brought up being called on, the TREASURER stated that he was not prepared to bring up the report, and asked for the time for doing so to be extended another fortnight, the Committee having just commenced another branch of the subject which would occupy at least a fortnight

LONGBOTTOM'S PATENT BILL

The Order of the Day for bringing up the report of the Select Committee on Longbottom's Patent Bill lapsed, there being no member of the Committee present

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

Upon the Order of the Day for the consideration in Committee of the Water Supply and Drainage Act Amendment Bill being called on the COMMISSIONER OF PUBLIC WORKS moved that the consideration of the Bill be made an Order of the Day for Friday next

Carried

CIVIL SERVICE BILL

The ATTORNEY-GENERAL moved that the report of the Committee of the whole House upon the Bill be adopted

Carried

Upon the motion of the hon gentleman, the third reading was made an Order of the Day for Tuesday next

RAILWAY CLAUSES CONSOLIDATION ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS the House resolved itself into Committee for the consideration of the amendments made by the Legislative Council in the Railway Clauses Consolidation Act Amendment Bill The hon gentleman stated that the main principle of the Bill had been maintained, and that the alterations which had been made were merely verbal He therefore moved that the amendments be agreed to

Carried

The House resumed, the Chairman brought up the report which was agreed to, and a message was directed to be sent to the Legislative Council, intimating that the House had agreed to such amendments

DATE OF ACTS BILL

Upon the motion of Mr STRANGWAYS, the report of the Committee of the whole House upon the Date of Acts Bill was adopted, and the third reading was made an Order of the Day for Tuesday next

DISTRICT COUNCILS ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS stated that he was quite prepared to proceed with the Bill, but as there were other matters upon the paper which were in a more forward state, he would move that the consideration of the Bill be made an Order of the Day for Wednesday next.

Carried

ASSESSMENT BILL

The ATTORNEY-GENERAL said that in consequence of the thinness of the House he was not desirous at present of moving the second reading of this Bill, but as he observed that the consideration of the Impounding Act Amendment Bill appeared as an Order of the Day upon the paper, he would move that take precedence

Carried

IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS the House went into Committee upon this Bill The hon gentleman remarked that since the Bill had been reprinted he had gone carefully through the Bill, and found that various verbal alterations were required, but they would occupy a very short time The clauses in which such amendments were required were Nos 3 to 5, 10, 12, 14, 16 to 22, and 26 to 32

Mr STRANGWAYS understood that when the Bill was reprinted, the whole of the amendments which had been agreed to would have been made.

The CHAIRMAN stated that those amendments had been made, but that those which were now referred to by the Commissioner of Crown Lands were merely verbal

Mr SOLOMON wished to make an alteration in the 6th clause, to the effect that no publican should act as poundkeeper

The ATTORNEY-GENERAL said he would make such alteration

Mr LINDSAY wished to move a substitution for clause 9 He understood during the previous discussion upon this Bill, that free discussion would be permitted upon it when it was reprinted, and he regretted that several country members who took an interest in the Bill were absent It appeared to him that the 9th clause was really the most objectionable of this paste and scissors Bill, for he could call it nothing else, as it was only a copy of preceding Bills It contained all that was objectionable in the old Bill He hoped the House would judge for themselves, and not be led by the Government If hon members would refer to the schedule in connection with this clause, they would find the schedule unnecessarily complicated, and that the scale was unjust The object of fees was to remunerate the poundkeeper, who acted as gaoler to the unfortunate animals who were placed under his care, and he objected to the charges for some animals being four or five times as much as for others, though the animals for which such increased fees were charged really gave no more trouble than others For instance, he found that for an entire horse the poundkeeper was at liberty to charge half-a-crown per day, and for a bull a shilling a day, although these animals gave no more trouble than other descriptions (Oh, oh) Besides this, it should be remembered that the owners of these animals for which the poundkeeper was at liberty to charge such exorbitant fees, were liable to a penalty of £2 for the animals being astray He also wished some proviso to be introduced by which the poundkeeper should vary his charge for fodder according to the market price of that article. The hon member proposed three clauses in lieu of clause 9, but these were rejected, and the clause was passed as printed

Upon the suggestion of the ATTORNEY-GENERAL, an alteration was made in the 10th clause, debarring a poundkeeper from charging for two days feed until after an animal had been in pound more than 24 hours

Mr MILDRED suggested that in localities where there were no District Councils the price of fodder should be regulated by the Justice of the Peace in the vicinity

Mr DUFFIELD said that this was provided for in the District Councils Act, and also by the third clause of the Bill before the House

Mr LINDSAY moved the insertion of a clause of which he had given notice after clause 12 The clause was rejected

In clause 19, Mr GLYDE moved the insertion of a proviso that no poundkeeper should be required to deliver cattle on Sunday

Mr DUFFIELD thought at the same time there should be a proviso that poundkeepers were not bound to receive cattle

Dr WARK pointed out that milch cows might be impounded, and the animals would be spoiled for the season if they were kept in pound during the whole of Sunday without being milked

Mr LINDSAY thought the cruelty of detaining the animals in the pound far more sinful than delivering them

Mr ROGERS was in favor of putting a stop to impounding cattle on the Sabbath

Some discussion took place as to whether the poundkeeper should have power to milk cows which were impounded, in the midst of which, upon the motion of Mr STRANGWAYS, the Chairman reported progress, and obtained leave to sit again on Tuesday next

ASSESSMENT ON STOCK BILL

The ATTORNEY GENERAL rose, pursuant to notice, for the purpose of moving that a Bill, entitled "A Bill for an Assessment on Stock," be read a second time It would be in the recollection of the House that upon a previous occasion when he moved the second reading of this Bill, he was prevented from proceeding with the Bill in consequence of some hon members who expressed themselves not unfavorable to the principles embodied in the Bill, who stated nevertheless that they were not in possession of sufficient information to enable them to form a proper opinion as to whether the measure was just in itself, that is—whether it would be just to levy an assessment at all, and if so whether the amount proposed could be fairly imposed upon the holders of pastoral leases at the present time. An amendment was in consequence brought forward that the Bill should be referred to a Select Committee, and the Government assented to the proposition for the purpose of enabling the squatters, as they were termed, to appear before the Committee, and prove if they could that there was anything unjust in the principle of the Bill, or that the assessment which was proposed was excessive That Committee had taken evidence and had presented their report to the House The recommendation of that report was not in accordance with the policy of the Government nor in accordance with what he believed to be the best interests of the country Shortly after this report was laid upon the table of the House a notice of motion was placed on the paper by the hon member for Encounter Bay, asking the House to adopt the report of the Committee, and it appeared to him and other members of the Government that when that motion was brought forward would be as favorable an opportunity of discussing the whole principle involved in the report and the Bill as could be found, and, therefore, till that motion could be discussed no steps were taken for the second reading of the Bill If the discussion upon that motion had come on, and the House had adopted the report, they would of course have declared against the principle of the Bill, but on the other hand, if they had rejected the report the Government would have considered that the House were disposed to affirm the principle of the Bill When, however, the day came for the discussion of the motion to which he had alluded, the hon member for Encounter Bay allowed it to lapse, and it was then that the Government immediately gave notice for the second reading of the Bill He wished to say, in the first place, that though he considered in all cases the report of a Select Committee was entitled to the respectful attention of the House, he did not consider the House bound by the recommendation of a Committee It was the duty of the House to examine the reasons upon which the recommendations of the Committee were based No report of a Select Committee could be binding upon the House, the position really being that the House referred questions to a Select Committee in order that such Committee might collect evidence to enable them to form an opinion upon the question submitted to them, and also to enable the House to form an opinion The House would form its opinion from the character of the evidence which the Committee had chosen to call, and the character of the witnesses who had been examined He must say, in reference to the Committee appointed in this case, that upon looking at the evidence which they had called, that alone was sufficient reason to his mind to refuse to be bound by the report of the Committee, for that report professed to be based only upon the evidence which the Committee had taken The first witness was Mr

Wm Jacobs, a squatter, the next the Hon John Baker, a squatter, the next, Mr R R Torrens, to whom he would refer presently, the next, Mr John Taylor, a squatter, the next, Mr J H Brown, a squatter the next, Mr J Ellis, a squatter, the next, Mr W J Morris, who expressed no opinion, and the last, Mr Hallett, a squatter When a Committee was appointed to form an opinion upon the justice or expediency of a measure, and when all the persons who were called to give evidence upon this subject were persons directly interested in opposing the measure, that in itself was sufficient to cast such suspicion on the evidence as to justify the House in refusing to adopt the report, bearing in mind that the report was based, or professed to be based, upon the evidence alone He would direct the attention of hon members to the report, by which they would find that the report was based solely upon the evidence The Committee gave as their only reason for deciding against the Bill, that every person whom they had examined was opposed to it, forgetting apparently that every witness whom they had selected was known to be hostile to the measure and was interested in opposing it That reason alone was sufficient to induce him to refuse to give his assent to the report No one could look at the evidence called to decide upon a question between the country and the squatters, and not feel that that alone was sufficient to induce him to refuse to give any weight to the report of the Committee That one reason he considered sufficient, but the Committee had given other reasons for the conclusions at which they had arrived Those were based upon the examination of documents before the House, but the principal reason for adopting the report was the uniformity of the evidence given before the Committee The Committee, however, proceeded to give certain reasons in favor of certain conclusions, stating that though in point of law it would be perfectly legal for the Legislature to impose the assessment which was proposed, that no exception could be taken to the assessment upon the ground of illegality, still that the leases did not express the meaning of the orders in Council or the meaning of Sir Henry Young when those orders were issued The Committee appeared to imply that there would be something like bad faith in exercising the power which the Legislature undoubtedly possessed of imposing this assessment He was at a loss to conclude by what train of reasoning the Committee had arrived at such a conclusion, but so far as he had been enabled to gather, their reasons appeared to be, in the first place, that Messrs Bonney and Macdonnell in the outline of a scheme did not recommend an assessment upon the squatters in addition to the rent Another reason was that Sir Henry Young spoke of rent in lieu of assessment, and there was another passage in the despatches of Sir Henry Young in which he made use of the term "for local purposes" For these three reasons the Committee appeared to have come to a conclusion that there was a bargain between the squatters and the Government that rent should be held to be payable as an equivalent for every charge to which lands and cattle could be subjected, except for local purposes, which the Committee interpreted as the improvement of the locality in which the runs were situated He thought he should be able to convince the House that the Committee could not have found more unsubstantial reasons In the first place the opinion of Messrs Bonney and Macdonnell was asked, to show what their opinion was but it was of no value to show what were the intentions of the Government The Government consisted of the Lieutenant-Governor and the Executive Council, and their recommendations had always been regarded by Her Majesty's advisers in England in preparing the Orders in Council Mr Bonney held highly radical, almost republican opinions but he had a peculiar tendency to the class to which he originally belonged, and his virtue had an appropriate reward in a contribution from the squatters upon his departure He did not intend to dispute that Mr Bonney did not intend to secure the squatters against any other payment than the rent, but Mr Bonney was not the Government, nor could anything which he said be considered to represent the opinions of the Government It would be a monstrous thing indeed if in a great public matter mere gossip should be held to fetter a Government He put out of the question altogether the private opinions of Messrs Bonney and Macdonnell, they were the private opinions of two Government officers, and could not be regarded in coming to a conclusion upon this Bill It was said that Sir Henry Young contemplated that the rent should be equal to the assessment named in No 10, 1848, and no doubt such was the case, but what was that assessment? Why, it was an assessment which the Legislature might have raised at any moment they pleased The assessment then was about equal to the rent which it was proposed to impose The rent was in substitution of a particular assessment to which stock was liable, but that assessment was capable of being raised at any time the necessities of the colony demanded Was there, then any pretence for saying that that which was taken as a substitution for what then existed was taken as a bar to anything else which might be imposed Because in a bargain between the squatters and the Government something was commuted, was that to be taken as a bar to anything else being imposed? Would any one contend that commuting an existing payment in favour of something else, substituting a fourteen years lease for an annual license, of which the squatters might have been deprived at the end of the year (for the squatters' right was at an end at the end of the year—he had no claim whatever for a renewal—he was simply not a tenant at will, but a yearly tenant, the Government having no necessity to give him six months' notice—could any one say that commuting this into a fourteen years' lease which was the real boon which the squatter obtained, was to be a bar to assessment? But to say in addition to this that the power of the Legislature, which they previously possessed to increase the assessment, was taken away, was something which appeared to him utterly unwarranted But then came the grand point upon which the Committee relied—the expression in the despatch of Sir Henry Young, "local purposes" It was singular that this should be relied upon by the Committee, as he should have thought it would have been clear to any mind beyond the possibility of cavil that local purposes were made use of in contradistinction to Imperial purposes He was surprised how a gentleman of the sagacity of the hon member for East Torrens, who was Chairman of the Committee, had failed to see this What would be meant by the Local Legislature but the Legislature of the province, and why should any other meaning be given to local purposes than as applied to the whole province in contradistinction to Imperial purposes? At that time there were no District Councils, and absolutely no existing organization to which the term local could be applied To say that local Legislature meant the Legislature of the province, but that local purposes meant something else than the general purposes of the province, would be to place an interpretation upon the term which no one who had not some purpose to subserve would place upon it The hon gentleman, having alluded to the evidence of the Hon J Baker proceeded to state the system adopted in the early history of the colony in the expenditure of the revenue. The Committee had, he considered, committed a grievous error in placing the construction which they had upon the despatch of Sir Henry Young, or in supposing that the language in which it was couched was intended to limit the power of the Parliament of South Australia It would, indeed, have been an assumption of authority on the part of Her Majesty to attempt to impose a restriction upon the representatives of the people as to the laws which they should pass for the purpose of deriving a revenue from this particular source The recitals showed that Her Majesty had no power given to her to limit the right of the Legislature The Legislature of the colony was as independent of the right of the Crown as the House of Commons He did not claim an equality in all respects with the House of Commons, as Her Majesty had the right of refusing her assent to Bills, but she had that in England He was quite sure that so to restrict the Legislature of the colony would have been an assumption of power on the part of Her Majesty which she would never have been advised to take, and he was quite sure that no such intention was included in the expressions to which he had referred Her Majesty never would have been advised to interfere with a Legislature to which an Act of Parliament had given sanction He felt assured of this, knowing how tenderly the Crown shrunk from anything which would bear the semblance of interfering with the rights of these Legislatures In the first place, then, if such power were assumed, it was perfectly unwarranted, but he said, also, he was perfectly certain there was no intention on the part of the Crown to assume any such power He approached one portion of the subject with some little hesitation It appeared that amongst the gentlemen examined was the Registrar-General, Mr, Torrens, and if that gentleman had reconsidered his evidence he was sure he would have seen he was inaccurate in some particulars, for Mr Torrens had assumed that he was Treasurer at the time the leases were being discussed, but in reality that gentleman did not hold that office till four or five months after the leases had been signed so that at the time of which Mr Torrens spoke it was impossible that he could as an officer of the Government have been called upon to offer any opinion upon the question It was true that any officer might give his opinion to the Governor or the Government upon a question of general policy, but what he wished to call the attention of the House to was that Mr Torrens being Collector of Customs at the time, and not being in the Legislature, it was not within the ordinary scope of his duty that he should have been consulted, or have offered any opinion upon the subject Under such circumstances he questioned whether Mr Torrens was the most suitable person to give evidence before the Committee The leases were prepared by the present Commissioner of the Insolvent Court, then Advocate-General, and the first thing which he (the Attorney-General) did when he accepted office, was to settle those leases At that time he never heard it suggested by any person or from any quarter, though frequently in communication with the Commissioner of Crown Lands, that the payment of rent was a bar to the imposition of a tax upon the squatters He had never heard it said that the covenant on the part of the lessee to pay taxes was more extensive than the power of the Legislature to impose them He wished to show to the House that, although the Committee might have obtained evidence from members of the Government at the time, whose duty it was to prepare the leases, and who were consequently enabled to express an opinion upon them, still no evidence of that kind was taken, but they had apparently in preference

taken the evidence of a person whose official position gave him no peculiar knowledge upon the subject It was true that Mr Torrens might have conversed with Sir Henry Young, but Sir Henry Young was always guided by his Executive and the question, after all, was not what was the opinion of Sir Henry Young, but what were the intentions of the Government But it appeared that Mr Torrens had been called not merely to give evidence in reference to the liability of lessees, but he was asked as to the expediency or inexpediency of the proposed imposition He would allude to the scheme proposed by Mr Torrens as opposed to the Government proposition Mr Torrens proposed that instead of there being an assessment on stock there should be an assessment on the land itself, and that the amount raised should be expended in the construction of roads, bridges, and harbors, but if those were not general objects he was really at a loss to conceive what were general objects If they looked at the Orders in Council, and read them in that way, they would find they were excluded from taxing land as much as stock If the language of the Orders in Council were in reality to have the meaning which had been placed upon it by the Committee, it would be seen that the House was as powerless to place a tax upon land as upon stock It would be for the House to say whether they would adopt the conclusion that in making the Orders in Council Her Majesty had so tied the hands of the Legislature as to prevent them from imposing any tax till the leases had expired, except such tax were devoted to the particular improvement of the land from which it was levied Such a supposition was preposterous He would not refer to the evidence in reference to conversations which had taken place on the subject, but he would refer to the evidence of Mr John Ellis, who stated very truly that he saw the position in which the squatters would be placed when they accepted their leases, and protested against it, as he fully recognised the right of the Government to impose an assessment Mr Ellis took his lease with his eyes open, and every one else had the same means of knowledge Mr Bonney, he would remark, was not the authorised agent of the Government, but was a mere tool—he might say—an official (Laughter) Mr Bonney had no power beyond defining the boundaries and getting the parties to sign their leases He did not know that he had any necessity to go over other portions of the case He understood if he had read the evidence rightly, that the majority of those who gave evidence before the Committee admitted that the assessment which was proposed was moderate and reasonable Take for instance the evidence of Mr Taylor That gentleman admitted the assessment was not unreasonable, and considering the class to which he belonged, he was not likely to speak more favorably of it than it deserved, yet he was found recognising the assessment as reasonable In the case of Mr Torrens, also, he found there was no objection to the amount That gentleman pointed out the great inconvenience of the proposed assessment, but ended by saying that the theoretical inconveniences would have no practical effect He was satisfied to take it in that way Mr Torrens said that he believed £80,000 or £100 000 a year were lost by the squatters having their leases, but as the Government only proposed to raise a fourth or fifth of that amount, that surely could not be deemed unreasonable He thought he had sufficiently shewn that the House should not be restrained by any legal or moral consideration from imposing the tax, at all events, if he had not done so, or if there were doubts upon those points on the minds of any hon members, he felt assured he should be enabled to remove them in reply He understood partly from what he had heard out doors, that the objection on the part of the squatters was not so much to the nature or extent of the proposed tax, that they did not consider it oppressive or unfair, but they regarded it as it were as the thin end of the wedge They thought that if they conceded that the Legislature had a right to assess them, there would be no end to it In this respect he sympathized with them, and although he believed that the squatters did not contribute a proper amount to the revenue that they were most lightly taxed, and that they gave little in return for what they received and though he supported the present Bill with the view of equalising the taxation, still at the same time he admitted that he should shrink from anything like the exercise of unrestrained power of taxation It was desirable to conciliate the rights of the public with the claims of the squatter He was not an enemy to the squatters on the contrary, he believed that in introducing this Bill he had shown himself the best friend of the squatters, but he was prepared to assent to an amendment of this nature —The squatters said that if they were sure what was proposed by this Bill was all that they would be called upon to pay during the currency of their leases, they would have no objection, and he would say, let that compact be entered into Let the squatters give up their existing leases, and let the Governor grant them leases for the remainder of their term subject to rent and the assessment proposed by this Bill, in substitution for all charges, except those for a strictly local purpose, during the currency of such leases Let that be a compact binding upon both parties, and to that extent he was prepared to assent to an amendment But if that offer were refused, and the squatters succeeded in throwing out the present measure, then he felt bound to say, as the representative of a most important constituency, and as a Minister of the Crown representing the whole constituency, that the Government would use all the power the law gave it, for securing all the benefits it could for the public, even at the expense of the squatters He would ask hon members to read the evidence of Mr John Ellis, as to the nature of the squatters' tenure He would ask them to look to the power which the Government had to put an end to that tenure, in strict conformity with the letter and spirit of the Orders in Council He would ask the squatters or their representatives in that House, if it would be wise to drive the Government to use the power which the Government unquestionably possessed, to protect the interests of the public against what he believed to be an unwise resistance on the part of the squatters If they rejected this small demand, assuredly, at no distant period, an accumulated demand would be made upon them The people looked upon the squatters as a class possessing large public properties for which they made little or no return, that they bore but a small portion of the public burden, and would they be satisfied when as sooner or later they would be called upon to return representatives, unless those representatives were pledged upon this one point, and would they then be satisfied with the moderate demand which was now made? Resistance to moderate demands always ended in ruin to those who resisted them Need he allude to the English Reform Bill or to the French Revolution, or numerous other instances If the squatters would take lessons from these events, they would see that they would be acting wisely in agreeing to the present proposition It was, however, for them to decide, but, as a member of the Government, he would say that what was now asked was the least which the people were entitled to, and so long as he held office, he should do his best to secure it

Mr STRANGWAYS believed that hon members had pretty well made up their minds upon this subject, but as a member of the House he was desirous of commenting upon the report of the Committee before the motion was put for its adoption, and in taking this course he believed he was following the one which many hon members were desirous of taking In the first place he wished to make a few remarks as to the course pursued by the Government This Bill belonged either to the department of the Treasurer or of the Commissioner of Crown Lands, and yet it was not introduced by either of these hon gentlemen They preferred relying upon the able advocacy of the hon the Attorney-General—and he (Mr Strangways) knew that that hon member was an able advocate—instead of relying upon the justice of their cause (Laughter) The hon the Attorney-General said he was not aware that there was anything unjust in the principle of the Bill Hon members were sometimes told that the meaning of an Act of Parliament was a mere matter of opinion, and so perhaps the Attorney-General could not see any injustice in the measure, for he would do the hon member the justice of believing that if he thought the Bill an unjust one he would not have introduced it (Hear, hear) But it was well known who the prime mover of this Bill—the mainspring of this movement—was, and it was also well known that the majority of the Ministry did not from their hearts approve of the measure, though the truth of this remained to be proved hereafter The hon the Attorney-General, in commenting upon the proceedings of the Select Committee, had alluded slightly, though only slightly, to the composition of that Committee But he (Mr Strangways) would state that when a list of the Committee was prepared and shown to the Ministry, that list was approved by them The Ministry, therefore, had no right to complain, for they were privy to the arrangement of the Committee, and its constitution was approved by them The hon the Attorney-General also complained of the manner of taking evidence (Hear, hear) He complained that all the witnesses called to give evidence were squatters But who were more competent to give evidence than squatters? (Hear, hear, and laughter) Of course the squatters knew more about squatting than any other persons At the first meeting of the Committee the hon member for Victoria (Mr Hawker) was asked whom he was desirous of calling as witnesses The next person to whom this question was put was the hon the Commissioner of Crown Lands That hon member said he did not want to call any witnesses, that he would rely upon his cross examination, and a pretty cross examination it was, for by it there was more elicited against the Ministry and the Bill than in their favor. The list of witnesses handed in by the hon member for Victoria included the name of the hon the Chief Secretary That certainly did not look as if the hon member for Victoria was desirous that any unfair or one-sided view should be taken of the matter He believed the Committee had taken a fair view (Oh, oh) Hon members might cry 'Oh,' but the result of a division would show the opinion of the House. Although exception might be taken to the report, it was, individually and collectively, the report of the Committee Hon members would see how far it was borne out by the evidence, and for his (Mr Strangways') part, he believed it was fully borne out There were one or two members of the Committee who did not want to hear any evidence on the subject, and these hon members were, of course, in the same position which they were in before These hon members had stated to the House that they were fully informed already on all matters connected with the Bill He hoped the House would remember that the hon the Commissioner of Crown Lands, who held a place as a member of the Committee, called not a

single witness on behalf of the Bill. He (Mr. Strangways) did not regard the Bill as either just or politic, or one which should on any ground be permitted to pass. The hon. the Attorney-General had made a great point of the construction of the leases, but he had treated the question purely as a matter of law; whereas it was not a matter of law, but of justice and policy. (Loud cries of "hear, hear.") The hon. member had stated that if the House rejected the Bill, it would be an admission that the Orders in Council had effect, and if the Orders in Council had any effect, he attributed it to a usurpation of authority on the part of the Crown. As to the law, there could be no doubt that the House had a strictly legal right to pass the Bill, but the question was one of justice and good faith towards the squatters. Upon this point the hon. the Attorney-General had said very little. The hon. member seemed to think "the least said the soonest mended," but he had gone at great length into the law of the case, with the view, no doubt, of inducing hon. members to adopt a similar course. The hon. member (the Attorney-General) had alluded, amongst other things, to the "peculiar tendencies" of Mr. Bonney. That gentleman might have had such tendencies or not, but he was a man who had always done his duty in the colony, and who deserved a testimonial, not only from the squatters, but from all other classes in the colony. If the hon. the Attorney-General had chosen to go more fully into the justice and policy of the matter, he might have gone into the evidence of Mr. Taylor, but he had only alluded to that gentleman as one of the witnesses who had been called. He (Mr. Strangways) did not expect that the hon. member would have gone into the evidence of Mr. Taylor, seeing that it would prove that the statements of the hon. the Treasurer to the House were not warranted by the facts of the case. Mr. Taylor's evidence went to prove that the contributions to the revenue by the agricultural, mining, and pastoral interests were not nearly so disproportionate as was generally supposed, and that as concerned the agricultural and pastoral interests they were about equal. Another thing to be taken into consideration was that every 1,000*l.* worth of wool raised was a clear gain to the country. Hon. members should on this account regard the pastoral as different from the mining interest. They should bear in mind that in exporting wool nothing was sent out of the country but what was produced in it; but when ore was sent out of the country, the mineral resources of the colony were reduced to precisely the value of the ore exported. (Laughter.) Hon. members might laugh, but it had been found in old countries that mines were worked out, and he believed the same thing had occurred in some instances in this colony. (No, no.) On the other hand the increase of wealth to the country from squatting was clear gain. The squatter not only raised produce, but at the same time he improved the land. His flocks manured it and propagated grasses. The result was that there were many miles of country which a few years since were not thought fit to be occupied even by squatters now in the hands of the agriculturist and converted into good farms. The Hon. the Attorney-General had stated that his Honor the Commissioner of Insolvency, when he occupied the post of Advocate-General had prepared the leases, and that he as Attorney-General had settled them, and the Government inserted this covenant between the Government and the squatters. He (Mr. Strangways) could not see that that statement contradicted the evidence of Mr. Torrens, which was to the effect that there was an understanding between the squatters and the Government that the rent imposed should be in lieu of an assessment. If the House believed that to be the case, they could not, on any ground of justice, hesitate about throwing out the Bill. As to the policy of the measure, if it would tend, as many of the witnesses believed, to prevent the occupation of distant runs, and thereby retard the progress of the pastoral interest, there could be no doubt that it would be highly disadvantageous, as nothing could be more opposed to the progress of the colony in general. He (Mr. Strangways) believed it would be better that the squatters should have the land rent free than that it should remain unoccupied. He did not mean to say they should have the land rent free, but that even that would be preferable to its remaining unoccupied. The hon. the Attorney-General had spoken of the assessment as moderate in amount and observed that various witnesses had admitted it to be so. But the hon. gentleman also spoke of it as the thin end of the wedge, and suggested that a compact should be entered into with the squatters. But what was the value of a compact? (Hear, hear.) The Committee and the squatters said there was a compact already. (Hear, hear, and no, no.) He (Mr. Strangways) believed there was the evidence of Mr. Torrens before the Committee to shew there was a compact; and if a bargain in the one case was to be violated, could it not be in another? He (Mr. Strangways) believed it would. But the hon. the Attorney-General was not content that the squatters should give up their leases, and enter into a compact which might be broken. The hon. member also threatened the squatters that if they opposed the Bill, he (the Attorney-General), as the representative of a large constituency, and also as a member of the Government, would feel it his duty to exercise all his power to pass a measure which would place the squatters in a still worse position. The hon. member should bear in mind the majority which he (Mr. Strangways) was certain would throw out the Bill, could prevent the hon. member from attaining his object. He (Mr. Strangways) did not believe the hon. member would attempt to do anything of the kind. He believed that nothing would please him (the Attorney-General) more than to see the Bill thrown out. (Laughter.) He believed the entire Ministry were against the Bill and that nothing would please them better than to see it thrown out. He quite agreed with Judge Haliburton, and would not, therefore, attempt to drive the Government, but would use "soft solder." That was far the best way, though neither the squatters nor any other class had tried it. What the squatters said was, "You have enquired into our case now give us the justice we are entitled to." (Hear, hear.) He was sure that justice would be such as the hon. the Attorney-General would be very glad that the squatters should receive. The hon. the Attorney-General said that the squatters made no adequate compensation for the privileges they enjoyed, but hon. members would see, from the evidence of Mr. Taylor, that they did. The average of exports per head for the three producing interests were—pastoral 50*l.*, mining 15*l.* 7s., agricultural 48*l.* 10s. It also appeared in the evidence that a large number of persons set down in the census returns as engaged in agriculture were engaged in squatting. Hon. members would also see that there was a vast disproportion between the estimate of labor employed by the squatting interest framed by the hon. the Treasurer, and that in Mr. Taylor's evidence of what that gentleman and others believed to be the correct number. At the end of the report there was a return given in by Mr. W. L. Beare, a person in the employment of the hon. member Mr. Hawker, the number of persons engaged on that gentleman's station was 139 for 27,463 sheep. That was a much larger number than was stated by the hon. the Treasurer to be employed by the squatters. He trusted the House in this case would look into the matter for themselves, and that hon. members would bear in mind that the hon. the Attorney-General had most carefully avoided touching upon the justice or policy of the Bill, and confined himself merely to the question of law. No one could deny that the House had the power to pass the Bill; but as to the justice of doing so let hon. members look at the evidence of Mr. Torrens and of Mr. Bonney, that the rent on the runs was in full satisfaction of all claims and in lieu of the assessment, notwithstanding the clause in the lease. He contended after this that the Government was not justified in asking, nor would the House be in granting an assessment on stock. If the House passed the Bill, whenever any pressure or financial difficulty arose, the Treasurer for the time would come down to the House and ask for an additional assessment, perhaps of 9d. per head, as they had in Melbourne; and the House would be quite as much justified in putting such an assessment on as imposing one in the first instance. Hon. members should remember that the runs which were most valuable and profitable had only five or six years of their leases to run; and was it worth while for these few years to adopt a line of conduct which might be construed—and he (Mr. Strangways) had no doubt would be—into a repudiation of existing engagements. (No, no.) Of course, if hon. members believed that there were no engagements, there was nothing to repudiate, but that was his opinion. The hon. the Attorney-General had alluded to great popular movements—to the French revolution and others—but what had the squatters to do with the French revolution? (Laughter.) It was true that a great popular movement, if it were against them, might affect the squatters; but he (Mr. Strangways) believed that if a general election were to take place shortly, no person, or at least very few, would be returned who were opposed to the squatters. (Oh, oh.) He believed if the question was put fully and fairly before the districts, that not one of them would return a man who would repudiate existing engagements. (Oh, oh.) He (Mr. Strangways) had a better opinion of the constituencies than those hon. gentlemen who cried "oh, oh." Hon. members were evidently impressed with the idea that the constituencies would return men who would cut covenants. (Oh, oh.) If hon. members consulted their constituencies on the question, they would find themselves considerably mistaken. He had now referred to the principal matters alluded to by the hon. the Attorney-General, who had spoken only on the question of law; but he (Mr. Strangways) hoped the House would consider the questions of justice and policy also. He trusted no half-way course would be adopted; but that hon. members would say "yes" or "no," that they would either pass the Bill or reject it; and he was confident the majority would reject it.

Mr. NEALES said the last speaker had objected that the best advocates had been put forward to speak in favor of the Bill; but if the worst had been wanted to speak against it, it would have been the hon. member who had just sat down. They had heard such a rigmarole about law and justice, that if the House was pestered with much more, they would not know which was law and which was justice. The hon. the Attorney-General had addressed himself to the justice, and not to the law of the question. There could be no doubt about the law, taking it from the very lease signed by the squatters themselves. But as he had already said, there was no necessity for going into Committee in order to obtain information on this subject, which persons who had been in the colony for some years had at their fingers ends. There was not a fact elicited in the evidence before the Committee which was not known before. He did not mean

that persons who had been here but a short time could without some extra industry learn that which all old hands were acquainted with The House was legislating for the whole community, and not for the squatters, and this Bill would be justice to all others besides the squatters In England, when the people were determined to have a cheap loaf, the landlords were more powerful than the squatters here, and yet the people obtained their cheap loaf, and in like manner the people here would have an equalization of taxation When all classes came to an equalization in this respect, it would be time to think of new taxes It appeared to him that one great difficulty with the squatters was, that at the expiration of their leases the leases were to be put up to auction He (Mr Neales) considered that a miserable system, as a good tenant ought to be valued in again (Hear, hear) He had it on the word of some of the largest squatters that this was what they most complained of So long as they held leases with the tenor of what was to come in three or four years, they would oppose an assessment, but if this system was altered, the whole of the twopenny difficulty would be overcome (Hear, hear) They would not then ask for the splendid bargain which the hon the Attorney-General was prepared to give them, of a compact Not but that he (Mr Neales) as a moderate man was prepared to acquiesce in such a bargain He believed he could poll three squatters to one in favor of that arrangement The last three years of the leases would be of little value in consequence of the risk of being turned out at the end of that time He believed it a division were taken that day it might result in the defeat of the Bill by one or two votes, but if the House only allowed the Bill to stand over for a few days it would be carried It would be carried if they only waited until hon members favorable to the squatters should receive further instructions He was not in the habit of making long speeches, and as he understood that every hon member of the House was going to speak on this question—(laughter)—he would only make the one remark he had made respecting the auction system If this were abolished the opposition to a sheep tax and cattle tax would fall of itself, and hon gentlemen would be left in the extraordinary position of finding that they were demanding what their clients did not want

Mr Hay said that a good deal had been said by the hon member for Encounter Bay, about cutting covenants, but having looked through what took place when the leases now held by the squatters were granted, and having paid attention to the evidence given before the Committee, he had come to the conclusion that if hon members threw the Bill out and so acknowledged that they had no right to levy an assessment on stock they would do an injustice to the country In coming to this conclusion he had been led, to some extent, by a paper No 176, laid before the House last session When a person was about to take a lease from, or enter into an engagement with a private individual, he generally took care to see what covenants were in the lease or agreement If the squatters came to the House and said that although an absolute power was retained in the lease to levy an assessment, their attention or that of the public had not been drawn to the matter, their statement would be worthy of notice But Captain Bagot, at the time of issuing the leases, particularly drew attention to the clause in a letter dated January 26, 1849 That gentleman mentioned the clause, and objected that the rent went into the Land Fund, whilst the Assessment went into the general revenue He (Captain Bagot) distinctly stated that the rent was part of the Imperial, and the assessment, of the local revenue Messrs Bagot, Jacob, Hagen, Bonney, and Macdonald knew of this clause Had it been a matter which had been passed over and no attention drawn to it, these gentlemen might make out a case But the squatters themselves drew attention to it, and yet it was retained in the Orders in Council and in the leases The Legislature and the country must therefore have had some good reasons for retaining it Every hon member could remember how it was proposed to impose a reserve upon minerals, and that such an agitation was set up that the plan could not be carried into effect The same attention was drawn to that point as to this clause in the leases Had the public felt the injustice done in the one case as they did in the other, no such clause would have been left in the leases But in the first case all above and below the soil was given to the purchaser, and in the other it was thought better to alter the assessment to a rent He believed that a great injustice would be done if the runs were alienated for 14 years, at a rental of 10s a square mile Whatever leases were granted, must be in accordance with the Orders in Council [The hon member here quoted the passage, reserving the rights of the Colonial Legislature] When he found in the leases a provision introduced in accordance with the Orders in Council conferring upon the Local Legislature the power to place an assessment upon a run, or upon the cattle depasturing thereon, it showed him distinctly what was the intention of the Legislature of that day How any hon member could argue about cutting up covenants when it was set forth in every paper on the subject that there was a reservation to be made in the leases and signed by the very parties taking them, he (Mr Hay) could not understand He would take the witnesses examined before the Committee on the Assessment on Stock, and he would ask hon members to say from what they knew of these gentlemen whether if they were about to enter into a compact with any hon member to lease a portion of land, they would be likely to allow any objectionable clause to remain in the agreement if they could strike it out (Hear, hear) When the proposal was made to alter the assessment into a rent, every attention was given by Mr Baker and other gentlemen to get the best terms possible, and if they had the power they would have excluded this clause from the lease He was greatly surprised at one thing, and that was the addendum made to the report by the hon member for East Torrens (Mr Glyde) Knowing that hon member's character, and how attentive he was in matters of business, to think that he could have put Mr Bonney's name forward as a party to this arrangement between the Government and the squatters—to see that the part taken by Mr Bonney should have the least weight with the hon gentleman, really surprised him (Laughter from Mr Glyde) He had too high an opinion of that hon member's ability to think that if he were taking a lease, and were to enter into conversation with some clerk, who should tell him that a clause was something not intended to be acted upon, that he would be satisfied with such a statement He gave the hon member credit for greater judgment and discrimination though he thought the hon member had not shown great wisdom in signing this small document (Laughter from Mr Barrow) He believed with the hon member (Mr Neales), that it would be better if an arrangement could be made with the squatters to collect the whole amount as rent It would be better for the House to say when the first seven years of the lease had determined, "now you are in our power to assess you for whatever amount we think proper, but the clause will not be acted on if you pay an additional rent" He thought the Crown Lands should be let for the first seven years at a very low rent, and that for the second seven there should be a valuation or some understanding as to what the rent should be It was scarcely proper that a party paying rent should be liable to an increase or decrease from year to year A rent of 10s a square mile was a wholly inadequate payment, and was nothing compared to the advantages which the squatters were deriving from their leases of the Crown Lands, which the public knew well were worth £20 to £40, instead of 10s It was therefore only fair to expect the squatters to pay something more It would be better for the squatters to say "Let us come to a full and distinct understanding, and hold our runs for the next seven years, unless the land is wanted for proclamation into hundreds, or for purchase or settlement If such an arrangement was not made the present would be a fair law The squatters had no right to complain They had had their runs for seven years at 10s the square mile, although when it was proposed to issue the leases it was intended to charge 10s , 15s , and 20s , but by the influence of the Government, the whole of the leases were granted at 10s , though when the Government issued the leases at 10s they should have retained the power to raise them to 20s As to the construction to be put on the word "local," he would only refer to the letter of Captain Bagot, who was then a member of the Legislature What did that gentleman understand the word to mean ? In Council Paper 176, he (Captain Bagot) distinctly stated what interpretation he put upon the word He spoke of part of the "local" revenue in contradistinction to the Land Fund, which went into the Imperial revenue When he considered the low rate at which the lands were now held, he saw no reason why the House should not pass the Bill There would be no covenant broken Whilst he hoped to see the second reading passed, he hoped also that some attempt would be made to bring the matter to a more satisfactory issue

Mr Solomon said that when on a former occasion the question of an assessment on stock was discussed, he had been fully satisfied in his own mind of the justice of it, and he thought at the same time that the Legislature deserved the best thanks of the squatters for suggesting such a low assessment Although he had anticipated that the evidence taken on the Select Committee appointed in this case might have altered his opinions, yet the contrary had been the result, and there had not been one single answer given in the whole of that evidence, or one solitary fact elicited which had had the slightest effect in changing his views On referring to the form of the lease, which was no doubt known to all hon members, it would be seen that so far from an injustice being attempted upon the squatter, that there was a covenant in their leases which provided for an assessment With the hon member for Encounter Bay he fully agreed in saying that no covenant should be broken, he (Mr Solomon) trusted no attempt would be made to cut covenants, for if there were he should be the first to object to it But this assessment he did not consider to be any breach of faith but on the contrary, that the squatters had been let off too long without paying their fair share to the public revenue, and that they had been occupying land at one-third of what they were entitled to pay for it Of course it was natural that those gentlemen should object to this , but it was also natural on the part of the Government and the country at large, that they, the squatters, should pay a fair and equitable sum in aid of the revenue of the State When the question of an assessment was first introduced it was said to be unjust, and he (Mr Solomon) had formed an impression that it was so, but that impression had been completely dissipated by his having subsequently perused the Orders in Council But when the opponents of this assessment found that all else failed, the wind shifted,

and they turned their argument upon the word "local," which they said was intended to apply to District Councils or Corporations, but that it had not a more extended meaning. If this argument had been tenable they would have had one ground of complaint. But they had not proved their assertion that the assessment was only to be levied for strictly local purposes, or that the word "local," as used in that sense, had any other meaning than to distinguish the amount from the Land Fund. At first the rents from the runs merged into the Land Fund, but the Orders in Council afterwards separated these two sources of revenue, and made the contemplated assessment apply to local though not district purposes. He congratulated the Government upon the stand they had made on this measure, and if as it had been intimated, the question were remitted to the country by the Ministry, no doubt it would be a battle-ground worthy of their ambition, and he believed no hon. member who voted against this Bill now, would be returned a second time by his constituency. (Oh!) As to the question of justice, it had been shewn that this assessment had been provided for in the leases. Now there were large quantities of land held in this colony for squatting purposes, and held to an advantage, in all some 24,500 square miles, which produced a revenue of 13,400*l.* at the average rate of 10s. 10d. per square mile. He would take Mr. Bonney's statement of the number of sheep that each square mile would feed, viz., from 100 to 200, and he (Mr. Solomon) would strike an average on those numbers and say 150. Now 150 sheep per square mile, taking the number of sheep estimated by the Inspector, Mr. Morris, as being outside the hundreds, would give 11,405 miles; and as the average payment per mile was 10s. 10*d.*, it would follow that the squatters paid seven-eighths of a penny for each head of sheep. Then, as to cattle, taking Mr. Bonney's estimate, that each square mile would feed 25 head, or in proportion to sheep one head to every six, it would make 190,400 head, which would amount to 7,601 miles, or 5d. per head for cattle. Then, as to horses, Mr. Baker's calculation was that two horses would eat as much as three bullocks, so that one mile would feed 16 head, or 7,010 head, equal to 438 miles, which, at the average of 10s. 10d. per square mile, would be fed at a cost of 8d. per head. These three items, viz., 11,405 miles for sheep, 7,601 miles for cattle, and 438 miles for horses, would give a total of 19,444 miles as against the stated quantity of 24,500, so that there was a deficiency of some 5,000 miles. Now, the rates paid as he had enumerated were for sheep ⅞-penny per head per annum; for cattle, 5d. per head; and for horses, 8d. per head. But he had to account for this 5,000 miles which was deficient, and to meet it he would assume that the quantity of stock was under estimated, and he would allow 20 per cent. for land not stocked, and they would have 5,000 miles or 20 per cent. of the whole, thus bringing stock up as follows:—sheep, a fraction over 1d. per head; cattle, 6d. per head; horses, 9½d. per head. Hon. members would be aware of the fact, that the squatters in Victoria paid 9½d. per head on their sheep, and if after that, and the figures he had given, any hon. member, or the squatters, could say that an injustice was being attempted by the proposed assessment, he (Mr. Solomon) would give in. With respect to the Select Committee which had been appointed, and which had presented its report, he would remark that he never saw the utility of it, and his opinion had been borne out by the result. He must congratulate the hon. member for East Torrens (Mr. Barrow) on the tact which he had displayed whilst sitting on that Committee, in eliciting such answers from the witnesses as entirely supported the position of the squatters, and he thought on that account he might well aspire to the seat which the Attorney-General held, because in eliciting that evidence, he appeared to be not even second to the learned and hon. gentleman he had referred to. There was one portion of the evidence which he (Mr. Solomon) could not disregard, and that was the evidence of Mr. Jacob, from which it would appear that the squatters, instead of being a rich class of men, were entirely in a different position, and deserved a public subscription to be got up for their relief. Were this evidence correct, indeed, he should not be surprised to see the squatters passing along the highways, like the "poor frozen gardeners," saying, "pity and assist the poor sewn-up squatters." (A laugh.) But what was the truth? The squatters did not, nor ever had, contributed a fair share to the revenue, and he thought the House would not be deviating from the strict rule of common honesty in imposing an assessment. At the same time, he agreed with the hon. the Attorney General that in imposing this assessment something should be done to give the squatters a fixity of tenure.

Mr. BURFORD thought there was another thing to be shown besides that referred to by the last speaker—that was, whether the operation of this proposed tax would be of an equitable nature to the squatters. The Attorney-General had said if they adopted the language or views of the Select Committee they would have to vote against the Bill; but although he (Mr. Burford) did not adopt their views, yet he should protest against the Bill. With respect to what had been said by the Attorney-General, he thought its tendency was to drive hon. members off the proper scent. (Laughter.) The great question had been blinked, and that was the operation of that assessment upon the squatters as a class. He (Mr. Burford) knew that if he were to apply the principle on which the Government had acted in this case—and they must remember that he was no advocate of the squatters—he should be almost hooted by every member of the House. (Laughter.) Suppose he had advocated a tax upon copper, or an impost upon capitalists or dealers in money, or any other class of industry, what would be thought of it? And yet that would really be the operation of the Bill before the House. It was a system of class legislation of the most abominable character. (Oh, and laughter.) He (Mr. Burford) maintained that if he were to apply the same principle to any other branch of industry, if he were not scouted he would certainly not be listened to. If the House passed this Bill the Government would be bound to lay an impost upon all other branches of industry—(Oh, and laughter),—and if they wanted revenue there was plenty of scope before them. Mr. Neales had said—and he admired his child-like innocence in saying so—that the effect of the Bill was an equalization of taxation; but how could that possibly be? What was the object of putting a value on land unless to fix some rule of value; therefore the 10s. per square mile was a *quid pro quo* from the squatters, and the 1*l.* per acre was the same from the agriculturists. He (Mr. Burford) gave the Government credit for having done the thing right when they fixed the rate at 10s. per square mile, and if so why attempt to impose an assessment now? And again a compact was suggested. Well, suppose a compact were entered into, it might be remarked that if one compact were not binding, another would not be; and then if a compact was entered into to put away this difficulty, and the Government pursued a consistent course with every other difficulty, then they would have scores of compacts. (Laughter.) He maintained that it tended fast to this conclusion, and while going on in this piecemeal way, they would eventually get into such a position that they would have some difficulty in getting out of it. He objected to this Bill on broad grounds. Allusion had been made to a probable appeal to the country, and with him it would be simply a matter of expense, and it would be doubtless of no moment, except to those who were not honest in their views, and who wished to strengthen their position by a compact or a compromise. (Laughter.) Let the appeal come, and notwithstanding such a threatened infliction he hoped hon. members would not allow themselves to be hoodwinked.

Mr. HART thought the opposition to this assessment was not only an unwise one, but it was also unwise in those who opposed it. He thought with the Attorney-General that if the squatters succeeded in staving off this assessment now they would be subject to a more serious tax at some future time. He (Mr. Hart) had visited Melbourne lately, and he had been told that the squatters in Victoria had made a great mistake at first in endeavoring to get rid of a reasonable demand and had brought down upon themselves an enormous rate of assessment. He wondered that in this colony the squatters did not take a lesson from this, and especially so as their runs were more valuable, from the good faith which had been kept with them. In the evidence taken before the Select Committee it would be seen that every squatter examined had said the assessment was unjust. For his (Mr. Hart's) part, he did not require the appointment of a Select Committee, as he was fully informed without it; but he thought it might have the effect of satisfying the minds of others, not so competent as himself, from various causes, to come to a decision, and he therefore voted for it. The evidence, however, taken upon that Committee had been of the most meagre character, and entirely calculated to favor the squatter. But he (Mr. Hart) would have been able to call evidence to say that the assessment, as well as being just, was originally contemplated. He agreed with the remarks of the hon. member for Gumeracha that as when the leases were first granted the amounts realized were paid into the credit of the Land Fund, and belonged to the Imperial Government, it was quite clear that if the assessment was to be for local purposes that both the rent and the assessment were contemplated at the same time. Unless contemplated, why mentioned? The very fact of the assessment being called for local purposes showed that it was contemplated to impose the assessment besides the rent. It was a singular fact that every squatter who was examined on the Committee, with the exception of one, had stated that he had not read his lease, and professed to be unacquainted with its tenor. What value was such evidence as that. It was quite clear to him that the verbal understanding with the then Commissioner of Crown Lands could have no weight with what appeared in the lease itself. It was strange, too, that those who could not recollect the terms in which their leases were drawn out could yet recollect a verbal understanding upon which they based their charge of injustice, although they threw such discredit upon the compact. But all the covenants in the leases were against this alleged understanding. He (Mr. Hart) must, however, confess his dissatisfaction at the way in which this Select Committee had been managed. He felt, with other supporters of the Government, whose private sympathies in point of friendship were with those whom they opposed, that they had not been well treated. No sooner had the Chairman announced to the House the names of the members of the Select Committee, than he became convinced that their decision must be against the assessment. Who composed that Committee? Why there were three persons on it who were avowed squatters. Then another member of it was the editor and manager of a newspaper started

in the pastoral interest, and who had moved for the appointment of that Committee

Mr Barrow said he did not move for the appointment of the Committee

Mr Hart said he found he was wrong Mr Hawker had suggested the Committee be believed ("No, no, Mr Hallett," from an hon member) However, that was not the question The hon member for East Torrens was on that Committee, there were the gentlemen he had referred to as being in the squatting interest, and out of the seven members which composed it there was another member who, though not actually opposed to the Bill, was more against it than otherwise He felt that the supporters of the Bill were sold when he heard the names of the Committee, and the context had shewn that he was right Of those persons called to give evidence there was not one single person called in support of the Bill, in fact, he believed that the result intended to be brought about was that the Bill should not pass What appeared more extraordinary to him still was that they summoned a public officer who was at the time the leases were granted Collector of Customs He could understand such a gentleman being called in connection with anything pertaining to the tariff, but he really could not understand his being called on this Committee But how much more strange was it that those gentlemen who composed the Executive at the time the leases were granted were not called Why did not the Commissioner of Crown Lands call upon the members of that Executive to give evidence? Why had not Mr Hughes, who was thoroughly familiar with the pastoral interest, been called? That gentleman had declared the assessment to be a just and proper imposition But Mr John Baker had been called and examined, and he was known to be unfavorable to the assessment He (Mr Hart) had been told that it was suggested to the Ministry that Mr Hughes and the Chief Secretary should be called, who could have given good evidence on the question He was sorry to be compelled to make these remarks, but he believed the supporters of this measure had not had justice done to them, and that the measure had not been supported in the proper quarter He feared that many hon members who were wavering before would now take the side against the Bill—(no, no)—because the evidence was altogether in favor of the report, from no other evidence having been called (Hear) There was a one-sidedness about it which was not at all satisfactory, and he believed, from the way in which the thing had been managed altogether, that the Government would lose several votes which they formerly might have calculated upon

Mr Bagot said when the subject of an assessment was introduced he was against the assessment on the principle that when a person took a lease he should be bound by the terms of it But when he read the form of the leases and found that the assessment was contemplated he changed his mind If the assessment were not contemplated why should the clause be placed there? With regard to the policy of the assessment he thought every member who voted for this Bill should be satisfied of the justice of it, as well as that the squatter did not pay a fair share to the revenue For his part he could not see how it could be argued that those gentlemen who paid 10s per square mile paid taxes in the same proportion as those who purchased land at 1*l* per acre At the same time he would say that he did not record his vote for the Bill with the same pleasure as if the Government had called more explicit evidence It appeared to him that when a Select Committee was appointed, it was the duty of the Government to see that a proper selection of witnesses were called, and when he found that the Commissioner of Crown Lands had not brought forward a single agriculturist, merchant, shipmaster or any other person who would be competent to give an opinion, he had felt extremely dissatisfied It might have been an oversight, but he must, nevertheless, express his dissent to the course adopted by the Government He could not, however, record his vote against the Bill He hoped the opposition to it would be withdrawn when the justice and policy of it were considered

Mr Peake moved the adjournment of the debate, which was carried

THISTLE RETURNS

The Commissioner of Crown Lands laid upon the table the above returns, which had been previously called for

SURVEY OF NORTH-WEST COAST

Particulars of the survey of the North-west Coast were laid upon the table, and ordered to be printed

LONGBOTTOM'S PATENT

An extension of time was given to Tuesday next to bring up the report of the Select Committee sitting on the above.

PETITION OF Y B HUTCHINSON

Ordered on the motion of Mr Lindsay to be printed

The House then adjourned till 1 o'clock on Tuesday

LEGISLATIVE COUNCIL

Tuesday, November 23.

The President took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Dr Davies, the Hon A Forster, the Hon Dr Everard, the Hon Captain Hall, the Hon J Morphett, the Hon H Ayers, the Hon Samuel Davenport, the Hon Captain Scott

MESSAGES FROM THE HOUSE OF ASSEMBLY

The President announced the receipt of Message No 22 from the House of Assembly, intimating that they had agreed to the amendments made by the Legislative Council in the Railway Clauses Consolidation Act Amendment Bill Also, Message No 23, intimating that the Assembly had passed the Civil Service Bill, and desired the concurrence of the Legislative Council therein Also Message No 24, intimating that the Assembly had agreed to the Date of Acts Bill, with amendments, and desired the concurrence of the Legislative Council

CIVIL SERVICE BILL

The Hon the Chief Secretary moved that the Civil Service Bill be read a first time

The Hon A Forster wished before the motion was put to state that he would not oppose the first reading but he hoped sufficient time would be given for the consideration of the Bill before the second reading was moved

The Bill was read a first time, and the Hon the Chief Secretary stated that he had intended to move the second reading be an Order of the Day for Thursday next, as the Estimates in some measure depended upon this Bill, inasmuch as if it did not pass the Council the good service-pay might be struck out As it appeared to be the wish of the House that the second reading should be delayed for a longer period than he had intended, he would move that the second reading be an Order of the Day for the following Tuesday Carried

THE INSOLVENT ACT

The President informed the Council that pursuant to resolution he had presented address No 5 to His Excellency the Governor-in-Chief, requesting that His Excellency would lay upon the table of the Council copy of a despatch received from the Secretary of State in reference to the Insolvent Act and suggesting alterations therein Also, the opinion of the hon the Attorney-General upon the amendments suggested in that despatch

LUNATICS

The Hon Dr Davies gave notice, that on 30th November, he should move that it be an instruction to the Executive that when parties were committed as lunatics to any of the gaols of the colony, they should be transmitted to the Adelaide Lunatic Asylum so soon as they had been ascertained to be lunatics, and that it be a recommendation to His Excellency, that visitors should be appointed to all places which were used as temporary Lunatic Asylums

THE RIVER WEIR

The Hon Dr Davies gave notice that on 20th November, he should move that the Hon the Chief Secretary report for the information of the Legislative Council the opinion of the Hon the Attorney-General, as to whether any legal proceedings could be taken against the late Engineer of the Adelaide Water Works, for the unscientific manner in which that work had been constructed If so, whether the proceedings would be of a civil or criminal character, and if not, whether the Government would pass a moral censure by advertising the late Engineer in the *Government Gazette*, as unworthy of employment, and whether it was intended to dismiss him from any office under Government to which he might have been appointed

THE SMILLIE ESTATE BILL

The Hon Captain Hall brought up the report of the Select Committee upon the Smillie Estate Bill The report was read by the Clerk of the House, and stated that the Committee found the preamble proved, but suggested the introduction of a clause rendering it imperative that the trustees should invest the proceeds of future sales either in the British funds or in South Australian Government Securities Upon the motion of the Hon Captain Hall, the report with the evidence were ordered to be printed

Upon the motion of the Hon the Chief Secretary, the Council adjourned at half-past 2 o'clock, till 2 o clock on Tuesday next

HOUSE OF ASSEMBLY

Tuesday, November 23

The Speaker took the chair at a quarter past 1 o'clock

PORT GAWLER

Mr Peake presented a petition from certain landowners and occupiers of land residing at Port Gawler, praying that the Government main line of road in that district be defined The hon member moved that the petition be received

The Clerk accordingly commenced reading it, but before he reached the termination an informality was discovered, and the petition was accordingly rejected

THE ESTIMATES

The Treasurer said, as there was a great deal of business upon the paper, hon members might not feel disposed to proceed with the Estimates He therefore moved that they be postponed to Thursday

The motion was agreed to

CIVIL SERVICE BILL

On the Order of the Day for the third reading of this Bill being read,

Mr Reynolds suggested that the order should be postponed to another day, and hoped the hon the Treasurer would comply with the suggestion There were many hon members who would wish to discuss the question as to whether the Bill should pass, and these hon gentlemen would, no doubt, have been present, but that they supposed the debate on the Assessment on Stock would have been proceeded with He (Mr Reynolds) understood that there were great doubts entertained as to the value of such a Bill It was well understood that, during the last session, he had supported the Bill, because tas a member of the Government he was bound to do so, as the Bill was in accordance with the wish of the House as expressed through a Select Committee But as an individual member he should pursue a very different course, as he did not believe the Bill would be a benefit to the country, or the officers themselves, and he should therefore oppose it He could very well understand the hon member for the Port (Capt Hart) supporting the Bill, as he had taken an active part in bringing the question forward He believed the Government were bound to bring on the Bill, and as the hon gentleman had assisted in getting the Government into difficulties, he should also assist in getting them out again Still he thought that the present Bill, instead of getting the Government out of their difficulties, would get them deeper and deeper into them They might pass the Bill now, but another session would not pass before they would have to introduce another Bill to remedy the blunders of the present one

Mr Peake remarked that there was a very thin House, the reason of which probably was that it was believed the discussion of the day would take place on the assessment on stock He thought in such circumstances it would be unwise on the part of the Government to persist with the third reading He believed the calculations of the Bill were false and the conclusions equally false He believed it had been proved by unmistakeable calculation that the calculations of the Bill were incorrect He trusted the Government would waive the measure for that day at least Hon members should be thoroughly aware of what they were doing in the matter and not allow themselves to be led in a thin House to pass a Bill like this He did not wish to take any extreme action, but he would urge upon the Government to postpone the Bill

The Attorney-General said that on the second reading the principle of the Bill had been supported by more than a majority of the whole House ("Hear, hear," from the Commissioner of Public Works) The Government had framed the Estimates in accordance with the Bill, and therefore it was important that the fate of the Bill should be settled either in one way or the other If the Bill was thrown out the Government would have to reframe the entire Estimates As more than a clear majority of the House had already expressed their approval of the Bill, there was no reason why it should be postponed

The question that the Bill be read a third time was then put, and the House divided with the following result —

Ayes, 12—The Attorney-General, Treasurer, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Duffield, Macdermott, Hay, Milne, Hallett, Harvey, Barrow, and Captain Hart

Noes, 10—Messrs Reynolds, Peake, Wark, Strangways, Mildred, Dunn, Young Cole, Burford, and Rogers

The motion was accordingly carried, and the Bill was read a third time and passed

DATE OF ACTS BILL

This Bill was also read a third a time and passed without opposition

IMPOUNDING ACT AMENDMENT BILL

The House resolved itself into Committee upon this Bill, resuming its consideration at clause 25

Mr Hay moved the insertion of the words "within six hours," and also of the words, "if not claimed by the owner"

Mr Mildred said he had seen no notice in the papers in reference to clause 22 He wished to know whether the clause had passed

The Chairman replied in the affirmative.

Dr Wark believed that clause 25 was one of those which had worked well in the old Bill, and that there had never been any objection to it It had been agreed to by the House before, and its only fault was that it was a little too lenient

The amendments proposed by Mr Hay were then agreed to

Mr Strangways moved the insertion of the words, "in the *Government Gazette*, or"

The Attorney-General did not think the amendment would be a proper one The notices were not in reference to private but to a public matter, and, therefore the *Government Gazette* would not be the proper place for their publication It was true that the colony might at some time have but one newspaper, but when it came to that condition the people would be so few in number that the owner of any stray cattle would be easily found (Laughter)

Mr Strangways said that such a state of things as the Attorney-General referred to existed only a few months ago

The amendment was then put and negatived

Mr Duffield moved that the word "dogs" should be inserted in the 35th line, and that in the 41st line the word "fowls" be struck out and the words "poultry and dogs" inserted His object was that the useless curs which infested the country should be destroyed

Mr Strangways suggested that dogs with collars on their necks should be exempted

Mr Mildred said, if the clause was qualified so as to apply only to unregistered dogs, he would not object

Dr Wark supported the amendment

Mr Peake asked the hon the Attorney-General whether under the common law of England it would not be competent for any owner of sheep or cattle to destroy dogs which were injuring his cattle, and if so whether there was any necessity for special legislation on the point

The Attorney-General said it would be impossible to give a definite answer There was an action brought at one time against a person for killing a dog, and it was proved that at the time the dog was running away, and the man was held responsible A man might be justified in shooting a dog which was doing mischief, but if he halloed out, and the dog ran away, he might be held responsible, even though the dog had done mischief (Laughter) There could be no general principle laid down as to whether a person would be justified in killing a particular dog It depended upon the circumstances of the case.

Mr Duffield did not propose to confine the clause to unregistered dogs He knew a person at Gawler Town who had lately lost 36 sheep by dogs

Mr Bakewell had, during the last six weeks, seen nine sheep killed by one dog Under the clause a person would not be justified in killing a dog unless he was trespassing

Mr Strangways said the clause might work in some parts of the country, but it would not in others To permit a person to shoot a dog which was merely trespassing in a garden and doing no harm would be monstrous

The amendment applying to all dogs was then agreed to, that in reference to unregistered dogs having been previously negatived

Mr Lindsay said this was one of the worst clauses in the Bill (Hear, hear) He said one of the worst, but not the worst, as there might be others as bad (Laughter) The clause never existed in any Act in the colony until that other Parliament, known as the Associated District Chairmen, placed it in the Act some two years ago The clause was not only objectionable, but it contained absurdities which it would be well to remark on To say that a person possessed of enclosed land might destroy dogs trespassing was one absurdity In another portion of the Bill there was a clause defining what a good and substantial fence was, and it meant a two-rail fence But how was that a good and substantial fence against goats, pigs, poultry, and rabbits? Besides a garden equally valuable, but having no fence, could not be protected Again, to authorize the shooting of domestic animals would encourage people in taking the law into their own hands, and it was only in a state of savagery that people should take the law into their own hands If the House was to adopt this principle, they had better at once revert to the spear and waddy law of the natives, or adopt, as in America, lynch-law Any power of this kind would encourage ill-feeling amongst neighbours, and serious damage would be done very often A pig worth £5 would be destroyed, when he had not done damage to the value of a shilling, and the owner's feelings would be to take his gun and shoot the man who shot his pig (Laughter) He did not say the man would actually shoot his neighbour, but that would be the tendency of the law There were clauses in other Acts permitting animals to run at large, but to give other people the right of shooting them seemed to him an absurdity, to give it no worse name The true remedy was to make it unlawful for mischievous animals to run at large, and if this were made a fineable offence, there would be no necessity for such a clause He hoped members would not divide when he had done speaking, but that they would express their opinions on the clause, for it was of more consequence tha some matters to which the House devoted several days' discussion He had given notice months ago of a clause instead of this, which would be found in the votes and proceedings By that clause goats, pigs, poultry, and rabbits, would not be allowed to stray at all, and there would be a penalty not exceeding £5 for the first offence and £10 for any subsequent offence for allowing them to do so That clause would meet every object to be attained by the clause as it now stood The laws of the colony at present expressly allowed pigs to run at large, inasmuch as they were included amongst small cattle He wished also to raise the question whether such a clause as that now proposed, was not repugnant to the law of England It appeared to him to be repugnant to it, inasmuch as the English law was made to protect property, and this clause was made to destroy it It was now a question whether this clause was repugnant to English law, although an hon member had urged some days before that it was not repugnant to the law of England for a man to have six wives (Laughter)

Mr Townsend rose to order Was the hon member addressing himself to the question before the Committee?

The Chairman replied that the hon member certainly was not

Mr Lindsay said he was considering what was repugnant to English law, and he wanted to know from the hon the Attorney-General what was the meaning of that clause which prevented the House from passing laws repugnant to the law of England It appeared to him that this clause was as repugnant to the law of England as anything could be,

though he did not insist upon this being the case. But after the clause was passed, it would be for gentlemen of the legal profession to say whether it would have any effect. He hoped hon. members would consider the clause fully and fairly, and not pass it without consideration.

Mr. Reynolds said that the hon. member for Encounter Bay was decidedly at large, but he (Mr. Reynolds) hoped the Government would not be influenced by the reasons given by that hon. member against the clause. He looked upon the clause as a proof of the superior ability and wisdom of the House. He knew of no clause more useful, and if the House struck it out they would strike out the cream of the Bill. It would only render it necessary to give his neighbors notice that their pigs and dogs and goats must be kept in a proper place. The very intimation of an intention to shoot trespassing animals would be sufficient to keep them off. It often happened that a neighbor could not make compensation for the destruction of a tree or a shrub. One could not always estimate its value, and no compensation that could be given would at times be equal to the mischief done.

The clause as amended was then agreed to.

On clause 26,

Mr. Duffield moved that in the 8th line after the word "shall" the word "knowingly" be inserted.

Mr. Strangways objected that the amendment would throw upon the person laying the information the onus of proving that the incorrect description was given wilfully, and would thereby to a great extent prevent poundkeepers from being punished. The object of the clause was to throw this onus on the poundkeeper. In the event of the justices being of opinion that although the poundkeeper described the cattle in an improper manner, it was done innocently, or that the prosecution was malicious, then the justices could fine the poundkeeper sixpence, or any sum, however small, or if the prosecution was malicious, they might make the the plaintiff pay the whole of the costs.

Mr. Duffield said that sometimes it was very difficult, owing to the length of hair in the animals' winter coats, to describe the brands at all, and the consequence was that the misdescriptions occurred every week. In the very last *Gazette* there was a steer described as a heifer. (Laughter.) This occurred at Hamilton. He would move as an amendment, the addition of the words "and if any poundkeeper by error shall incorrectly describe any cattle, these cattle shall be re-advertised, and after such two advertisements, the cattle shall be kept the full time in such pounds as hereinafter provided, and that the additional cost arising from the advertisement, and maintenance of such cattle, shall be paid by the poundkeeper."

Mr. Milne considered the objection of the hon. member for Encounter Bay (Mr. Strangways) very reasonable, and to obviate it, it was necessary to throw the onus of proof on the poundkeeper. After the word "pound" he would insert the words "unless he can prove to the satisfaction of the Justices that the insufficient description has not been wilfully made."

The Attorney-General was about to propose something like the amendment of the hon. member, Mr. Milne. The mere circumstance of the cattle being incorrectly described should be a *prima facie* case against the poundkeeper. He would suggest the insertion of the words "without sufficient excuse the proof to lie with the poundkeeper." He might state that his only objection to the proposal of the hon. member (Mr. Duffield) was that the cost of advertising and keeping the cattle might be such that even if the poundkeeper saw the incorrect description he would keep up that description sooner than incur the cost.

The amendment of the hon. the Attorney-General was then agreed to.

Mr. Strangways moved that all the words after the word "pound" in the eleventh line be struck out.

The motion was agreed to.

The clause was then passed as amended, and the Chairman reported progress and obtained leave to sit again.

ASSESSMENT ON STOCK BILL—ADJOURNED DEBATE.

Mr. Peake, in rising to oppose the second reading of this Bill, would confine his address chiefly to disputing the first proposition which appeared in the preamble. The questions of the legality and fairness and justice of imposing an assessment had been argued in the House, and reported upon by a Select Committee, and it would therefore be useless for him to take up the time of the House in discussing them. But he objected to the preamble of the Bill, which said that it was expedient to impose an assessment on stock. He believed this was nothing but class legislation and bad political economy. It was a bungling attempt by legislation to cover our bungling Waste Lands Regulations. He (Mr. Peake) had on a late occasion asked the hon. the Commissioner of Crown Lands if he was prepared to uphold these regulations, and the hon. member replied that he was. He regarded this Bill as a mere expedient to raise an income which the Waste Lands Regulations were incapable of producing, but merely because these regulations were to be upheld, the House was called upon to affirm what was opposed to all the legislation of the old country, and to impose a tax upon the produce of the land. It was only part of that system of protection which was dead and gone in the old country, for if they began by taxing these persons, they would by-and-bye have to protect their produce. This was his first objection to the Bill, which he regarded as a bungling expedient to cover our bungling Waste Lands Regulations. For these reasons he would ask the Government to take a fair and business-like view of the matter, in order to get a fair return from the waste lands without adopting a system of legislation opposed to the soundest and best principles of political economy. He now felt it necessary to allude to the part taken by the hon. member who had moved the second reading of the Bill. (The hon. member was here about to quote from the speech of the hon. the Attorney-General, as reported from the Hansard.)—

The Speaker said the hon. member would be out of order in quoting from the speech.

Mr. Peake would merely allude in a few words to the address of the hon. member. The hon. member complained first of the constitution of the Committee. ("No, no," from the Attorney-General.) He (Mr. Peake) had certainly understood the hon. member to say so. (Cries of "Hear, hear.")

The Attorney-General must call the hon. member to order. What he objected to was the character of the evidence, and not the constitution of the Committee. ("Hear, hear," from Mr. Neales.) He understood that the preponderating majority of witnesses were persons directly interested in the Bill.

Mr. Peake did not wish to misinterpret the hon. member, but he certainly understood him to object to the constitution of the Committee and the evidence taken. Now, what was the constitution of the Committee? First, there was the hon. the Commissioner of Crown Lands, who was especially responsible to this Bill. Then there was another hon. member, who had looked carefully into the calculations—the hon. member for the city, Mr. Neales. What course did these hon. members take in order to prove their case? Did they examine the living witnesses who were present at the agreement between the Crown and the holders of the waste lands? The Committee reported upon the evidence; but what course did the hon. the Commissioner of Crown Lands take? That hon. member and the hon. member for the city (Mr. Neales) said that they wanted no more information. He (Mr. Peake) would do no more than quote the words in the dissenting memorial. (The hon. member here read the substance of the document in question.) From this it would be seen that the hon. member did not want any more information. But let the House see whether the hon. member had all the information which he ought to have. The hon. the Treasurer, as one of the Government, specially responsible for the Bill, had stated in the House, that the number of hands employed by the squatting interest was something like 1,600, or 1,700, yet it was demonstrated in the evidence, that the number was far larger. The Treasurer had said that the number of these persons was 1,860, but there was a calculation before the Committee which he (Mr. Peake) saw no reason to doubt, to the effect that the actual hands in the pay of the squatters numbered 4,500, and that the families connected with these persons numbered something like 11,000. (Laughter.) Yet they were told that no further information was required, although the hon. gentleman who had moved the second reading did not give one iota of evidence to show that these figures were wrong. He (Mr. Peake) did not believe that Mr. John Taylor would give false evidence, and the hon. the Attorney-General had never attempted to impugn that gentleman's testimony. The hon. the Treasurer said there were from 1,600 to 1,800 persons in the employment of the squatters, and the hon. member (Mr. Neales) said there were something like 1,500 persons so employed, so that these two hon. members had shewn that their information was very incomplete indeed; yet the hon. the Treasurer said he did not want information, although his information was very imperfect indeed.

The Treasurer would ask that when the hon. member made a quotation, he should quote an entire sentence. He had not said that he wanted no information, but that he wanted no further information than was contained in papers before the House.

The Speaker said the hon. member could quote as much or as little of a document as he pleased, and it would be for the House to judge whether the quotation was a fair one.

Mr. Peake resumed. The hon. the Treasurer stated that there were 1,800 persons employed by the squatting interest, and that they raised half a million of produce, and the hon. member, Mr. Neales, estimated the number at 1,500 to 1,600, and expressed his opinion that the squatters did not pay a fair share towards the revenue of the country. He thought the House would have been better pleased if the hon. the Attorney-General, in moving the second reading of the Bill, had met the figures of Mr. Taylor fairly, but they had never been met, and they now stood unchallenged. When the hon. the Attorney-General, moved the second reading of the Bill he should have gone a little deeper into the subject, and commented upon these figures. It struck him that hon. members had not all the information they required, and he challenged the hon. the Attorney-General with being uncandid and unfair in not having gone into these figures. He (Mr. Peake) could only exercise what little judgment he possessed in comparing the figures quoted on both sides, and he was of opinion that the Committe had found rightly and arrived at a fair and just conclusion from the evidence before them. (The

hon member was at this point about to quote the speech of the hon the Attorney-General)——

The SPEAKER ruled that the hon member would not be in order in quoting the speech

Mr PEAKE had not quoted the speech, but merely referred to it. He admitted the ability with which the hon the Attorney-General had spoken, and the great power of the learned gentleman s address But the hon member, seeing no way of contradicting the living witnesses who were present at the bargain concluded between the Government and the squatters, said that Mr Bonney was a tool, and that he had been nearly though not quite bribed This was not just, for Mr Bonney was the agent of the Government, and he (Mr Peake) had heard that gentleman give evidence before the House as to what was the agreement between the Government and the squatters He (Mr Peake) had never disputed the legality of an assessment, but left it to the living witnesses, and he considered it scarcely fair to throw discredit upon the evidence of Mr Bonney and Mr Torrens It was not quite ingenuous to throw a shade of doubt upon Mr Torrens because he was not Treasurer during the first month in which these leases were granted Mr Torrens was Treasurer within a month or two after the leases were issued, and he (Mr Peake), therefore, thought that gentleman's evidence was worth something as concurrent testimony of what took place between the squatters and the Government. There was another witness also who should have been called by the Government He alluded to Mr Macdonald, who, he believed was acting with Mr Bonney as joint Commissioner when the leases were drawn (No, no,) Well, at least Mr Macdonald was a party to the framing of the regulations If he (Mr Peake) was not so well up in this matter as the hon the Attorney-General, he trusted that hon member would correct him, while he stated his objections to the line of argument which had been adopted The hon the Attorney-General had spoken of the proportion of revenue contributed by the squatters, and had set about deducing an argument from the fact that from the proceeds of waste lands a moiety was sent home for Imperial purposes, as contr distinguished from local purposes He thought for the hon member to say that there was any difference between sending home money to bring out immigrants to cultivate our fields, man our ships, and dig minerals from the soil—that there was a difference between this and local purposes, was a very fine drawn conclusion, and he (Mr Peake) was afraid a little bit of sophism The money was sent home then just as it was now, and the people had a guarantee of protection from the Imperial Government, now that they had got the entire management of their affairs, the policy from the beginning to the end was the same The fact that they now managed their affairs better than the Home Government would not enable any such inferential argument as that of the hon the Attorney-General to be upheld He thought the hon the Attorney General was not at home in this matter The hon member could not be entirely clear, inasmuch as he had spoken of a compromise If the people s interests were sacrificed—if a bad bargain had been made for the Crown Lands, where was the necessity of a compromise? If the assessment was just and right let it be upheld He (Mr Peake) was not averse to a compromise, but he merely wanted to show that there was something on the part of the hon the Attorney-General, which indicated that that hon member was afraid of this piece of legislation which he wanted the House to enact Hon members would recollect the other day when the justice of taxing another class was considered, how strongly the hon the Attorney-General condemned class legislation He (Mr Peake) rejoiced to assist the Attorney-General in opposing class legislation at that time, and the whole of this Bill was class legislation, and a bungling expedient He had heard the address of the hon the Attorney-General with great delight because of its ability, but he had heard the conclusion of it with great regret, as he was sorry that an hon member of that House should almost threaten those hon members who might give conscientious votes in this matter—(hear, hear)—that he should have placed before such hon members the prospect of a general election if they presumed to vote as they thought right in this matter

The ATTORNEY-GENERAL said the hon member was imputing language to him which he had not used He was not conscious of having made any reference to a general election He must emphatically deny any recollection of having said anything of the sort

Mr PEAKE regretted having misunderstood the hon member, but when allusion was made to the obstinate aristocracies of other countries, he fancied that allusion was made to a possible general election (Hear, hear) The hon member seemed ready to carry the red flag through the streets of Adelaide. (Laughter) He thought it was some electioneering movement that was referred to It seemed like hounding one class against another—the million against the few It looked as if, on a pinch the hon member would be prepared to hound on the multitude against the few He differed with the hon member, and would take the liberty of expressing his dissent, and if those who sent him (Mr Peake) to the House would not permit him to vote conscientiously, they would do well to send some one else to represent them He contended that taxation should be raised from surplus and not from capital, but the tax now sought to be imposed was one upon the holders of land It was easy to see where the money must come from ultimately Hon members would scarcely take his word for it, but he would give them the opinion of a very first-class man—James Stuart Mill [The hon member read a brief extract, to the effect that the tax must ultimately fall upon the consumer, which gave rise to some laughter] He was aware that the hon the Attorney-General might say that, as the consumer would have to pay the tax, the squatter had no right to complain It was true the consumer would ultimately have to pay, but in the meantime the exertions of the producers would be hampered by this species of legislation For what would be the effect? It would be a premium to those who held a large amount of territory not above half stocked, whilst those who had their country well stocked would pay in a larger portion In fact, the man who was merely keeping others out of the land would not pay in the same proportion as the man who stocked his land well This was another objection to the Bill The measure was, in fact, only an excuse for the present imperfect Waste Lands Regulations The Government would go on letting the land on 14 years' leases, at 10s the square mile, and yet they came down to the House and complained that the land was alienated for an insufficient consideration Was this a business like way of going to work? Was there any fair excuse for singling out one class as the object of legislation and holding them up to the special obloquy of the people in the event of the Bill being rejected? There was one suggestion made by Mr John Taylor which he believed offered a more business-like solution of the question, and would prevent the agitation of classes, and the setting of one section of the community against another He believed we had not seen the end with regard to the Victorian and New South Wales squatters, although these persons were in a very different position from the squatters of this colony, in fact, they enjoyed transcendant advantages over the squatters of this country in having a better market, and better soil and territory, and many other advantages which did not exist here He believed that the system pursued towards the squatters in the other colonies might yet turn out to be a false one, that it might work great injury, and that it would lead to still greater injury here He had already alluded to Mr Taylor's proposal That gentleman had expressed his view that the squatters would not be averse to yielding to the present demand, provided they were placed in a fair position otherwise The 14-years' leases were mere bungling and should not be issued at all The unstocking of the runs which would take place for three or four years previous to the expiration of the leases would be a great evil, and the stocking of them by the new tenants on coming in would be a further source of loss The system would work very badly, and he should be very glad to see it done away with He believed that, until the lands were wanted for sale or for hundreds, there should be no break in the occupation Every hon member must see the impolicy of a break in the tenure. The way for Government to get a fair revenue from the land was to have the runs valued periodically—say every four, five, or six years—so that the squatter would have his rent regulated by falling or rising prices This was the course every man followed in the management of his private property Why not follow out the principle in the present case? Why set one class against another? and why not endeavor to get a larger rent for the waste lands than the present regulations allowed? The leases were suicidal in themselves, and, far from protecting the revenue, injured it. The operation of this Bill would interfere with the interests of those in the outlying districts who were struggling to establish themselves, notwithstanding that the Bill professed to leave the runs free for three years, in order that an opportunity might be given to the holders of them to stock them But he maintained that three years was not a sufficient time even then to enable them to stand an assessment on stock He hoped the Government would abandon this Bill, and so alter the Waste Lands Regulations, that the justice of the case might be met, and that they should hear no more of the cry of "Down with the squatters and up with other classes of the community" He (Mr Peake) had not heard that the squatters had expressed one word of unwillingness to pay a fair rent for their runs, all they wanted was that the question should be put in such a light that they might do so without compromising themselves He believed they took their runs under the understanding that there should be no contribution from them asked under the shape of rent, and this assessment was a rent although introduced under the guise of an assessment

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR

A message was received from His Excellency the GOVERNOR intimating that in compliance with addresses from that House, items for sinking wells at Blanche Town, for the erection of lock-up at Mount Remarkable, and for a grant to the Aborigines, would be placed on the Supplementary Estimates for the ensuing year Also Message No 18, enclosing to the House despatches relative to temporary postal arrangements

DEBATE RESUMED.

The COMMISSIONER OF CROWN LANDS rose to support the second reading of the Bill, and in doing so he would say that he had never on any former occasion supported a measure so just, expedient, and liberal in its principles as that before the

House. Before he proceeded to speak on certain portions of the provisions of the Bill, he would allude to one or two remarks which had fallen from the hon. member for the Burra and Clare (Mr. Peake). That hon. member had said that he hoped the House would hear no more of the cry of "Down with the squatters, and up with the other classes of the community." But he (the Commissioner of Crown Lands) thought he would be borne out when he said that anything approaching such an expression had never fallen from the present Administration—(hear)—but on the contrary the squatters had no better friends in that House than the present Government, and that, he thought, had been fully proved by the liberal measure which had been brought forward. Again, the hon. member for the Burra and Clare had raked up his oft-repeated opinion that so far as the expediency of this measure went, the Government would get a full return from the squatters by altering the Waste Lands Regulations. Now, he (Mr. Dutton) thought that that hon. member who had paid so much attention to getting up cases and to reading Council papers, would have made himself more fully acquainted with the subject, than to have made such a statement as the foregoing. That hon. member should surely know that no alteration of the Waste Lands Regulations could possibly be productive of any further revenue to the State, because the greater portion of the leases, in fact nearly all those of the most considerable value, were held at a rental fixed in the lease, and that no alteration in the Waste Lands Regulations could possibly enable the Government to compel the squatters to pay a higher rental. Again, in answer to another statement of that hon. member, he would say that the rate of 10s. per square mile for that country, lying far from the settled districts, was a very fair rental, and that the grazing quality of such land could not be compared with that granted under lease since the year 1851. The reasons therefore of the hon. member for the Burra and Clare fell to the ground, and he hoped that that hon. member would in future look more into the salient points of his case before he accused the Government under what must surely be a misconception. The hon. member for Burra and Clare (Mr. Peake) had also taken exception to the remarks of the Attorney-General, but as his hon. and learned colleague was well able to take care of himself he would leave him to reply. (Hear.) He would in the next place address himself to a few leading points which had occupied attention during the debate, in which the Government incurred grave censure as to the manner in which they had conducted the Select Committee on the Assessment on Stock Bill. And in reference to this he would remark that if it had been any other time of the year than the present, when the business of the House was so pressing, or at a season when the Government had more time upon their hands, there would have been some cogent reason for these remarks, but he trusted after the candid explanation he would now make, the Government would be absolved from any intention on their part to take any course calculated to bring about the defeat of the Bill. The Select Committee appointed on the Assessment on Stock question was entirely an exceptional one. The Government introduced the Bill, and in doing so said they were quite satisfied of the justice of imposing an assessment upon the stock of the squatter, and that they were not in want of any further information than was contained in the printed documents laid before the House. But in the debate it appeared that there were many members who thought they were not in a like position as regarded the possession of facts or evidence to lead them to such a conclusion. The Government therefore consented to the appointment of the Committee, with the especial view of enabling the squatters fully to state their objections. But this being done, at a late period of the year when the Estimates were pressing close upon the attention of the House, which the Government knew would require to be sanctioned as soon as possible to prevent financial inconvenience, it could well be imagined that it was of importance to bring up the report of the Committee as soon as possible. This Committee was appointed on the 27th September, and on the 3rd November it brought up its report. It sat, therefore, 38 days, and during that period it was found utterly impossible to have more than 10 sittings, or to examine more than eight witnesses. He hoped hon. members would just consider the limited time which was at their disposal, and the impossibility of their being able to do more than they had done under the circumstances. On the first day's Committee being held Mr. Hawker presented a list of something like 20 names, all of course intended to be produced against the Bill. These were witnesses simply to be called on behalf of the squatters, and when the Government considered that there would, at least, have to be called on the other side an equal number to give it any appearance of impartiality, they considered that it would be impossible within any reasonable period of time to terminate the labors of the Committee, and he (Mr. Dutton) therefore at once determined to call no witnesses at all, and to limit himself to cross-examination. He (the Commissioner of Crown Lands) was also influenced in his not calling certain witnesses, by the generally expressed feeling of the House, which had been reiterated by the Attorney-General, that the squatters should have an opportunity of stating their case plainly and fully, and of showing what they considered to be unjust in the assessment. That being the case, and with the desire on his part to give the squatters that opportunity, he had not summoned any witnesses. That was his candid explanation of what had tended to bring much censure upon the Government, but he considered that the House would see by this, that in taking the course they had done, it was plainly with the view of carrying out its wishes and saving valuable time. He might mention another matter—that was, that he had refused to be Chairman of that Select Committee, and his reason for so doing was, that the squatters or their friends should not have the opportunity of saying that, as he (the Commissioner of Crown Lands) was in the chair, they (the squatters) had not the same opportunity given to them for proving their case as they would have had otherwise, and he therefore had pleasure in supporting the appointment of Mr. Barrow to that post. However, independently of this, there was the hon. member for the city (Mr. Neales), who was a member of the Committee, and also a strong supporter of the Bill, and yet that hon. gentleman had not thought that the Government had taken any action, or refrained from taking any action, with the view to defeat the objects of the Bill. He might say in reference to a statement which had been made by an hon. member in that House, that it had never been suggested to him (the Commissioner of Crown Lands) to call the Chief Secretary or Mr. J. B. Hughes, for if so he certainly should have complied with the suggestion. He thought, therefore, that those hon. members who had referred to these matters in an invidious light would reconsider the conclusions which they had come to. Furthermore he would say on this subject that although the amount proposed to be raised by an assessment upon stock was placed amongst the Treasurer's Ways and Means, it would not interfere with them in the least though it should not be allowed, for the balance on the Estimates would simply be reduced by £10,000, the amount proposed to be raised, still it was desirable that the report of the Committee should be brought up before the Estimates were considered in Committee. With regard to the evidence taken upon this Committee, he would call the attention of the House to one fact, and that was, that although the witnesses examined declared the assessment illegal, yet they all admitted without exception that it was moderate in amount and unobjectionable in details. They all agreed on this point, and he (Mr. Dutton) was quite sure that amongst the body of the squatters there were some not so unreasonable as many he could name. He could speak of one case from his own personal knowledge, where one of the most extensive of the squatters, a relative of his own, who had since left the colony, had said in a conversation with him (Mr. Dutton) before he left that he did not object to a moderate assessment. He (Mr. Dutton) had forseen at the time this conversation took place that such an assessment would be sought to be levied, before long, although without, of course, the least suspicion of the part which he was to act in it, and in asking that gentleman he had referred to his opinion about it, he was told in reply that he should have no objection to a moderate assessment. And he would remark that the gentleman he alluded to paid proportionately a higher rent than any other squatter for his runs, thus shewing that at least some amongst that class of persons called squatters were not so unreasonable as might be supposed from what had been said about them. During the debate on Friday last a good deal had been said, and insinuated of the intention of the Government to "sell" the House by their action with respect to the Select Committee on Stock. He regretted that any hon. member should have indulged in such expressions when there was not the slightest ground for them. He also regretted that hon. members should do that by innuendo which they would not say openly and fairly. He did not mean that such hon. members were of the opinions they then expressed. In reply to these remarks, he would state that as far as he and his hon. colleagues were concerned, they were perfectly sincere in all they had done, and had no other view than to enforce that which they believed to be just and equitable. He would refer to one portion of the report of the Select Committee which stated that the assessment was calculated to retard the development of new country. But he would ask them to look to this Bill itself, which provided that new runs should not be assessed for a period of three years, in order to give the occupier every opportunity of establishing himself. One hon. gentleman (Mr. Baker) had said that the term of exemption should be 14 years, but, though the Government said three years, it would, of course, remain with the House to say what the length of the term should be. The hon. member for Encounter Bay had sneered at him (Mr. Dutton) in his usual happy way, in reference to his cross-examination of the witnesses on the Select Committee. But he thought if hon. members referred to that examination, they would find that it was not so bad as had been represented, for he had elicited two or three facts which it would be admitted were valuable to know. The first of these was, that stock with the run was twice as valuable as without the run. The next fact he had elicited was that extracted from a gentleman who was considered an oracle on most matters (Mr. Torrens), to which gentleman he (Mr. Dutton) had put a question, which he would read. (Read, question 222 and answer on Minutes of Evidence on the Assessment on Stock Bill.) He begged therefore to say that his cross-examination was not so profitless as had been implied. The Attorney-General had gone so fully into the question as a whole that

he (Mr Dutton) might be well excused from dealing any further in the matter. In conclusion, he would say that he could not conceive of a more liberal measure as regarded the interests of the squatters than that which was now before the House. He agreed, at the same time, with the Attorney-General, that it was desirable to place the leaseholder in a position of security. But could that be called a compromise? Certainly not; it was no compromise, but an acknowledgment on the part of the Government that though the assessment was just and equitable, yet that the squatters were entitled to protection, and that they should not be called upon during the currency of their leases to pay any further assessment to the State. And he (Mr Dutton) was quite sure the Attorney-General's statement would have due weight with the House, that it would not be interpreted as a compromise, and that much opposition to the Bill would be thereby softened down.

Mr MACDERMOTT was not disposed to consider this question in a financial point of view, and certainly not in a party spirit. On a former occasion he had called attention to the disadvantage leaseholders rested under, that was their uncertain tenure. He thought this was the proper time to deal with such a question, embracing one of the most important branches of our industry. He had also on another occasion called attention to the probability that the inconvenience to the squatter might be so great by this uncertain tenure that they would find it more to their advantage to decrease their stock than to hazard the possibility of their being outbid. If the leaseholder had a more certain tenure given to him by the value of the lease being assessed every 4th or 5th year, then he (Mr Macdermott) would vote for this assessment, but if not he should reject it. He thought, however, that it was important that all party feeling should be left out of the question—that every one should consider the question as one affecting the interest of the community at large, and that the matter should now be so adjusted as to prevent the necessity of the assessment being periodically re-discussed, and this would be an example to the other colonies which they would do well to follow. The certainty of tenure was all important, if, as the Attorney-General had suggested, there was a provision made that no further imposition should be levied during the currency of the lease, then he should support the assessment.

Mr MILNE would oppose the Bill. The question had been argued in two ways both by its supporters and by its opponents. The supporters of this measure had argued its acceptance from two points. The first of those was that the squatter did not pay his fair share to the revenue, and that therefore he should be specially taxed, and the other was that he received his runs too low, and that the country should therefore take advantage of a certain clause in the lease for the purpose of legalising a further assessment. Now with regard to the first point he took the ground that no one man could be said not to pay his fair share to the revenue, because it was entirely voluntary in one sense, how much each should pay, as it was left free to consume more or less of dutiable goods. He maintained that it was only right that a general tax should weigh upon all classes alike, and that a special tax should only be imposed for local purposes, where the occupier would get the benefit of such taxation. With regard to the squatters not paying a fair rent, he agreed that they did not do so, but that was the fault of their leases being drafted for 14 years, and he could not feel surprise that the Government had taken advantage of a circumstance to increase that rental. With respect to the understanding the squatters had when the leases were granted, he thought the balance of evidence went to show that there was no assessment contemplated, and therefore that there would be no assessment imposed. He maintained that the Bill did not meet the justice of the case in another point of view. To assess stock at the same rate in all parts of the colony was perfectly inequitable, the only proper and fair way being to assess the leases. They all knew the value of stock was very different in one part of the country and another. It was a fact certainly that runs in settled districts fetched enormous sums, but, on the contrary, that in the outlying districts their value was not in the least approximate. Therefore, to make one uniform assessment upon stock, wherever they might be depastured was, he considered, the height of injustice. He hoped the question as a whole would be met by some compromise, and that such an arrangement would be made as would preclude the necessity for an assessment at all, except for local purposes. He thought the new leases should not be issued for a longer term than seven years, with the power to assess their value, say at the the 3rd, 4th, or 5th year of the term. He thought the present mode of disposing of the leases by auction would be an objectionable mode as either the squatters would suffer oppression or they would combine not to bid against each other, and thus reduce perhaps the value of the leases, to the great injury of the colony.

Mr REYNOLDS had never listened with greater pleasure to any speech made in that House than to that of the hon and learned Attorney-General on Friday last, and the only regret he had was that that hon and learned gentlemen did not let his voice be heard before—before the Committee had brought up its report. He (Mr Reynolds) could not agree with the opinion expressed by the hon member for Encounter Bay (Mr Strangways), who said that it would have been more fitting for the Commissioner of Crown Lands to have moved the second reading of the Assessment on Stock Bill. He (Mr Reynolds) had other impressions, and he believed the reason for the Attorney-General taking the matter up was a good one—it was because his colleague made such terrible messes of everything he took in hand. (Laughter.) Why was not the Commissioner of Crown Lands entrusted with this measure? Because he was not competent for it. It was no use to entrust it to an individual who made such messes of what was entrusted to him. (Great laughter.) He (Mr Reynolds) therefore concluded that, for this reason, the Attorney-General had taken charge of the measure. He (Mr Reynolds) had listened to the reasons of the Commissioner of Crown Lands for not calling witnesses with pain and with pity. What were the reasons of that hon gentleman? Why that he found he had to call certain witnesses, but not having the time to do it, he left it all in the hands of the squatters. But that hon gentleman, said "look at my cross examination and see what a wonderful discovery I have brought out of it, which posterity shall bless me for"—(laughter)—and he supposed on the principle of being thankful for small mercies they should be satisfied. He (Mr Reynolds) did believe on a former occasion that the Government were not sincere in their advocacy of this Bill, but when he (Mr Reynolds) found that combined with other circumstances the, Commissioner of Crown Lands neglected to call evidence which would have been in favor of the Bill he could only take it for granted that the Government did not want the Committee to report in favor of the measure. What was the course usually adopted in the case of a Select Committee being appointed to report upon a Bill?—why, that evidence should be called in the first instance to prove the preamble. But, instead of this, what did they think had been done? Why, evidence had been brought to disprove the utility of the measure, and the members who had supported the Government had been sold. ("Hear," from the Attorney-General.) The Attorney General said "hear," and as that learned gentleman was so accustomed to compromise, so accustomed to look at both sides of the question, it did not come amiss from him. (Laughter.) He insisted what was the House to think, but for the disclaimer made by the Attorney-General, but that the Government did not want the Bill to pass. And as to the question of a compact, he thought it only tended to support this view of the case. His view of the justice of this assessment was not newly inculcated. Three years ago a lease was submitted to him, and he was asked by a squatter whether, under that, he considered they were liable to an assessment. He (Mr Reynolds) had answered yes, that they were liable, and that was the opinion also of the squatters themselves; as to the threat which had been made by the Attorney-General, he thought the inference plainly was that if they did not support this Bill—looking at what had taken place in reference to the Reform Bill, and the French Revolution, they the dissentients, would be referred to their constituents to be turned about their business. That certainly was his impression of what the Attorney-General had said, and he was sorry to think that that gentleman found it necessary to take such a course. It might be he meant to declare fresh hundreds, and thus get over the difficulty in that way. This Select Committee had been appointed because some hon members wanted further information—and how was that attained—why, by taking the evidence of the squatters alone, and the Government, instead of taking evidence to support their position, suffered the evidence to be confined to persons who were entirely opposed to the measure. With the views he (Mr Reynolds) had previously expressed, he could not vote against the second reading of the Bill, but he did hope that on another occasion of the members of the Government wanting support, they would adopt a different policy from that which they had pursued in this instance.

Mr MILDRED could not allow a subject of such interest to pass and give a silent vote upon it, without expressing his opinion in reference to it. He would take an early opportunity of stating that he had ever been a friend of the squatters in South Australia. He was one of the earliest squatters—that was he was one of the earliest who had sheep at a time when such really were squatters. He repeated that he was a friend to the squatters, many of whom had made fortunes. But now the class might be termed sheepowners and cattle-owners, and they had assumed the highest grade in the province, from a combination of circumstances they had become the millionaires of South Australia. They had obtained that position, however, by class legislation. The present sheep-owners and cattle-owners had been a favored class of the community, and it was now proposed, finding that others were suffering great depression, to bring them to an equality in reference to the burdens which they were called upon to bear by imposing the tax mentioned in the Bill before the House. This was proposed in order to meet the exigency of the State. It was found essential to impose fresh taxes. He regretted the position in which the Ministry were placed in connection with the present Bill, for he believed the cause was a noble one, and the ground which they stood upon was firm. The Ministry had the Liberal members at their back, and those members had the people at their back. Let the people declare upon the subject, let the Ministry take their stand, and be assured they would carry their point. Something had been said about the injustice of this measure. It was quite clear that a compact had been made between the sheep and cattle-owner and the Government, but the question was, whether he paid a

fair proportion of the burdens of the State. So long as it was not necessary that the sheep and cattle-owner should be called upon to pay more than at present, why he saw no objection to his being permitted to enjoy this fertile province. The wool would grow whilst the sheepowner enjoyed himself, golden nuggets dropped from the sheep whilst the owner was in his marble halls. (Laughter.) Sheep, instead of being only of the value of half-a-crown, suddenly rose to twenty shillings, and the sheep and cattle owners continued to depasture them, paying a mere peppercorn rent, sending sheep away to the colony of Victoria, and depriving the people of South Australia of them, or at all events so regulating the markets that the people of this colony had to pay for their supplies just double what they otherwise would. The sheepowner all this time derived large profits, and though he did not object to any man investing his capital in the most profitable way he could, he certainly objected to the sheepowners doing so at the expense of the public, as had been the case for some years. He should support the Bill, but would confess he should have been better pleased if there had been an assessment upon the land instead of the cattle. That was his theory, and he believed the time would come when it would be seen that it would be more beneficial to impose a tax upon the land than the cattle. He believed that course would indeed be most beneficial to the squatters. He was quite prepared to admit that the squatters should be allowed to hold the land which they at present held at a valuation, which should take place from time to time until the pressure of circumstances required that it should be taken from them. But those who were familiar with the subject would know that seven years hence the runs would become increased in value, and he would give the squatters the value of them just in the same way that he would give the agriculturists the value of the improvements. Such a system as that which he had suggested, that is of taxing the land instead of the stock, would prevent the runs being only a half or a quarter stocked. There would, under such a system, be as much stock upon a run as it could well bear, as parties would not take more land than they were prepared to stock, because they would have to pay for it. If such a system as that which he had suggested could be carried out or introduced in the present Bill he should have supported the Bill more freely, but although he did not think it secured all the advantages which it might secure, he should still support the second reading.

Dr. WARK could not agree with the last speaker, that the squatters had been a favored class. He was sorry that the hon. member had left his seat the moment he had closed his speech, as he should have liked to ask him how the squatters had been so highly favored. He should like to have asked the hon. member what he got for his sheep when he sold out, and what he paid for them. It was all very easy to say that sheep and cattle farmers were a favoured class, but he defied the hon. member to shew that they had been. He would grant that circumstances had placed them in a favourable position since the diggings, but he denied that any class of the community at the commencement of the colony lost so much as the squatters. Those who bought stock at the commencement of the colony paid 20s. a head for them, and many of them kept them on till they were glad to take half-a-crown for them. He had himself bought stock for 18 pence a head, for which 25 shillings had been paid. He merely mentioned this as one fact, but there were many circumstances to which he might allude to shew that there was no truth in the statement that the squatters had been a favored class. He was one of those who had gone through all the changes connected with squatters, till just at the last rise, previous to which he sold out, and consequently derived no benefit from that which benefitted many others. The squatters, however, were not benefitted till that period. The squatters were the pioneers of the colony, and though many of them were gentlemen of education they had voluntarily become the discoverers of new country. He would remind the House that the whole amount which it was proposed to raise in one year by the assessment on stock had been swallowed up by the Government sending out an incapable as an explorer—formerly an hon. member of that House. He repeated that the squatters had not been a favored class, but circumstances had placed them in a favorable position. Other classes had, however, been favored also in this respect. With regard to the remarks which had been made relative to Select Committees, it appeared to him that the Government liked Select Committees very well when they worked just as the Government liked, but when they did not, they endeavored to cast ridicule upon them. The Government did not like the report of the Committee upon this Bill, and so the Attorney-General, with the acumen peculiar to him, and his extraordinary powers of debate, had made out a noble case against it. Instead of using those powers when the Bill was first introduced he kept them back, and did not bring them out till the House, or those who were opposed to the Bill, believed that the brunt of the battle had been fought. When he and other hon. members who were opposed to the Bill considered they were in security, when they thought that the decision was against the Bill, and that it would in fact be withdrawn, then it was that the Attorney-General roused himself and came forward with that rhetoric and argument peculiar to himself in support of the Bill.

Mr. YOUNG said, that although he was sitting immediately behind the hon. member who was addressing the House, he could not hear a word which he said in consequence of the noise in the House.

The SPEAKER observed several hon. members standing behind the bar, and requested them to take their seats.

Dr. WARK was glad that the attention of the Speaker had been called to the noise in the House, as he had been unable to hear himself speak. He was talking, he believed, about the Attorney-General, and how the hon. gentleman objected to the Select Committee. He observed the Chairman of the Committee appointed to consider this Bill was in his place (Mr. Barrow), and he would much rather that he had not been, for he felt bound to say that the report prepared by that hon. member was the most perfect specimen of a report he had ever seen. (Hear, hear.) He stated fearlessly that there was not a single opinion expressed in that report that there was not data given for. He defied even the Attorney-General to say that the report was not in accordance with the evidence. He wished every Select Committee would act as this Committee had. (Laughter.) He repeated that he wished every Committee would act as this had, and in the report which they presented to the House produce an abstract of the evidence. He only wished that the Chairman of this Committee had moved the adoption of the report, he believed had he done so that he would have been successful, so well and ably had the report been prepared. He could not help expressing a belief from what had fallen from the Attorney-General in reference to this Committee, that the real object of the hon. gentleman was to get rid of one of his own colleagues. (Laughter.) He believed so from the line of argument pursued by the hon. gentleman, that evidence had only been taken on one side. The Commissioner of Crown Lands had been appointed upon the Committee for the purpose of seeing that the evidence which could be brought forward in support of the Bill was brought forward; but in what position did the Commissioner of Crown Lands now stand after having brought forward no evidence whatever in support of the Bill. Taking the matter as it stood, it would appear that the Commissioner of Crown Lands had no evidence to bring forward, for not a shadow of evidence had been adduced. That was a *prima facie* view of the case. He took it then that the Commissioner of Crown Lands had no evidence, for he regarded the statements about it being so late in the day and so on as all moonshine. (Laughter.) Why was the House not called together sooner, in order that these matters might have been fully investigated? It was all "bosh." (Renewed laughter.) If the hon. gentleman had no evidence to bring forward, he would ask, was he justified in adhering to the Bill? If the hon. gentleman, on the other hand, had evidence in support of the Bill to bring forward, he should have brought it forward, and have been true to his colleagues. The hon. gentleman had been selected as a member of the Committee for the express purpose of bringing forward evidence to show that this Bill should pass, but he had not done so. The hon. gentleman was a party to this Bill, and he would ask, was he treating his colleagues fairly if he had evidence which he might have brought forward, but which he had omitted to bring forward? If, on the other hand, he had no evidence on behalf of the Bill to bring forward, was he treating the country fairly in adhering to the Bill? If the hon. gentleman had evidence, why suppress it? Why not bring it forward? The only reason urged by the hon. gentleman was, that the season was late, and the weather was hot. (Laughter.) It was clear to his mind that the hon. gentleman was either incapable of the duty with which he had been entrusted, or he was insincere; and he believed, as he had before stated, that the object of the hon. the Attorney-General was to get rid of him. It was too bad to treat a Select Committee in such a way as this Committee had been treated. Was the Committee to be weighed down by the great ability of the Attorney-General? It was the duty of the House to weigh well the evidence which had been taken by the Select Committee. If the Government appointed an individual who was either incapable or insincere, they had themselves only to blame for it, and not that House. The Government had had every opportunity afforded them of shewing that the Bill was such as should receive the sanction of that House, but he did not believe that any member of the Government was sincere in supporting the Bill. He (Dr. Wark) did not wish the Bill to pass, nor did he believe that the Government wished it to either. He wished to see the Ministry with a policy clear and defined, and let them stand or fall by that policy. He wished them to point out clearly what they considered for the good of the country, and let them stand or fall by any measures founded upon that, but he objected to the Government having any little motions (laughter) or little amendments, such as they were constantly bringing forward to secure a majority in that House. He considered the Attorney General, in moving the second reading of the Bill, made one of the best speeches ever delivered in that House; but that arose from the merits of the hon. gentleman and not from the merits of the cause; in fact it was a piece of special pleading. Great stress had been laid upon the steps which had been in taken in connection with this question in New South Wales and Victoria, and no wonder that such steps had been taken in those colonies, for there the people were oppressed and the squatters had the rule. The squatters there had the

pre-emptive right of purchase at 5s an acre, and the people found this out and considered it an enormous acquisition A spirit of opposition was raised towards the squatters, and told a terrible tale though not a bloody one That opposition recoiled upon the squatters, but it was the pre emptive right of purchase which was considered by the people to be the sole point The hon member for the Port (Captain Hart) had mentioned what had taken place in Victoria, and he (Dr Wark) was enabled to corroborate the hon member s statements, for he had recently been in Victoria The squatters in Victoria regretted that they had not accepted the offer of the Government, they sincerely regretted they had not, for in consequence of having refused to be shorn to a small extent, they were now taxed to the extent of 8d per head for sheep The squatters here had never refused to contribute anything reasonable until their leases had been tendered to them He (Dr Wark) took his after having objected again and again to the covenant upon which the Government now relied, upon the assurance of the head of the staff again and again given, that the covenant never would be exercised except for local purposes That was the clear and distinct statement of the head of the department at the time, but the Attorney-General said this was merely a piece of gossip It was gossip, however, from a party who had been raised to the Treasury benches Gossip, indeed! (Laughter) The simple-minded squatters accepted as a substantial Government fact what the Attorney-General now wished to make it appear was mere gossip The squatters accepted it as a substantial Government fact, coming from the head of the department connected with the Government of the country But the Attorney-General had stated that Mr Bonney had a leaning to the class to which he originally belonged the squatters, and that this met its reward by the subscription which was handed to that gentleman upon his departure from the colony He would, however, remind the Attorney-General that Mr Bonney left the colony with an honorable name, to that gentleman's public career there was public testimony, and his private character was quite equal to that of the Attorney-General or any other member of the Government The statement to which he had alluded as having been made to the squatters had a fair right to be regarded as something more than gossip, as it had been fully confirmed by the statements of Mr Bonney in that House when he occupied a seat in it Even if the Bill were passed by the House, it would be an unequal measure A party within 100 miles of Adelaide, who had opportunities of bringing fat stock to market, would feel the Bill press but lightly, but those who were resident a considerable distance in the interior would be very differently affected, and, perhaps, they might some day be compelled to sell off at 2s 6d a head stock which had cost them 25s He objected to the principle of raising a rent merely because the class had been successful Such a course, for instance, would not be pursued with a farmer at home. The whole thing appeared to him to hinge upon this that, because the leases had been granted at a time when the runs were of no value, and when the squatters could hardly exist, they should, now that the class were prosperous, be exposed to additional taxation Since the period, however, at which the leases had been issued, all classes had experienced a season of prosperity, and why should the squatters be singled out to come down upon? The proper plan was, to let the squatters enjoy the lands to the end of their leases, and then let the House get from them all that could be got, or all that they could fairly be called upon to contribute The Attorney-General had entered upon a long argument in reference to the legality of the proposed tax, but he thought it useless to enter upon that point, as the legality was pretty generally admitted, and all that the House had to deal with was the equity and fairness of the proposition The Attorney-General had threatened that, in the event of the Bill being rejected, hon members should be sent to their constituents, but he (Dr Wark) for one was quite willing that such should be the case, and all he could say was, that if his constituents could find a better man than himself to represent them he should be heartily pleased, as it would be far better for him He was at a loss to conceive why the hon member for the city (Mr Neales) after so much talk in that House had not brought forward a few questions in Committee to shew that the Bill was a right one, but he had not done so (No, no) No, the hon member had not done so, and a "No," or a coarse sneer from that hon member was nothing more from him than a knock from his hammer (Laughter) He, for one, always looked for manners according to a person s position, and they must always look for grossness from a gross source (Laughter)

The SPEAKER said the hon member was not in order in imputing grossness to any hon member

Mr NEALES trusted that he would not be considered in the matter at all, but merely the House

Dr WARK considered that if, as he thought he had shewn, the Commissioner of Crown Lands had placed himself in the position of proving that he was either incapable or insincere, that the hon member for the City (Mr Neales) had done the same His opinion was that a Ministry with a little more talent could have done all that was required or was proposed to be done by this Bill without one dissentient voice. He saw as clearly as noonday how it might be done, but certainly not as proposed by a Bill which the Government endeavoured to thrust down the throats of hon members In conclusion, he moved that the Bill be read again that day six months

Mr YOUNG, in supporting the second reading of the Bill, could not avoid making a few remarks expressive of the disappointment and regret which he felt at the position in which he found the Bill that afternoon He had hoped that the report would have been adopted, and that it would have been left to the country to decide this important question His opinion was that the occupants of the waste lands of the Crown would not then be asked to accede to so mild a measure as the present If the matter had been left without discussion, it would have borne altogether a different aspect If the Government had manifested the zeal when they first introduced the Bill which they now exhibited, he believed they would have carried it by an overwhelming majority, that they would have had the thanks of the country for the course which they had taken, and he believed there would have been very few complaints on the part of the occupants of waste lands He was satisfied of the justice of the Bill, having gone through the whole of the evidence, the whole thing appeared perfectly clear to him The demand was low but, as he had before stated, he regretted the position the question now assumed, supposing the Bill to pass He would rather that the question should be thrown upon the hands of the country, and let the country express an opinion It was not a question indeed, between the Government and the squatters, but a question for the country It was a question of political economy It was not a question whether the squatters had made large fortunes or whether they had been subject to severe reverses in former years, for all classes had been subject to such, there was not a class that could be named which had not passed through some adversity, and had experienced some prosperity He was desirous of leaving individuality out of the question and taking a broad view of the question as one of political economy He wished all hon members would view the question in the same light, and he was sure that the country would then come to the conclusion that there were some advantages in responsible Government, though he was afraid that at present the country could not look to the proceedings of that House upon many matters with any great satisfaction

Mr LINDSAY said the arguments for and against the Bill were nearly worn threadbare He should address himself principally to the speech which had been made by the Attorney General in moving the second reading of this Bill, and the comments which had been made by hon members upon that address He would first see what the arguments advanced by the Attorney-General amounted to The hon gentleman had insisted upon the legal right of the Government to impose this tax, and although it did not distinctly appear in what sense the hon gentleman had used the term "Government," if he had used it in its large sense, and had included the Legislative bodies, there could be no doubt that the Government had such power But the question was, from what source was that powered derived? Was it from the covenant in the leases?—if so, why not enforce the covenant without coming to that House at all? No doubt the power to impose any tax belonged to the Legislature, but to argue that it was derived from the covenant in the leases would be an absurdity, as without any covenant the Government had full power to levy a tax It had been objected to the proposed tax that it would be only partial, and that was his strongest objection to it If it were upon the whole colony he might perhaps consider it expedient, but as it would be only a tax upon one particular interest, unless it could be shown that class-legislation should be employed, he could not advocate a tax upon one particular class or interest The Attorney-General had entered quite unnecessarily in his opinion into a very long argument to show that the term local purposes had been used in contradistinction to imperial purposes No doubt the hon gentleman was quite right in the interpretation which he had placed upon the term The term local purposes could only be used in any other sense since the establishment of District Councils There could not be a doubt about the power legally to impose this tax The Attorney-General had stated that after the leases had been prepared he settled them, he did not exactly understand what was meant by settling them, but at all events it appeared that the hon gentleman had had something to do with them, and that the leases had been accepted It was absurd to suppose it was possible that the leases could contain any covenant which could abridge the powers of that Legislature There was, in fact, nothing that he could discover in the leases to prevent the imposition of a tax either upon the land or the stock The Attorney-General, in the course of his address, had spoken of Mr Bonney as a tool That was a term which was generally used with some degree of disrespect, and he could not understand it being used in connection with Mr Bonney's name. No doubt Mr Bonney was a Government servant, and was, consequently, to some extent, a tool, and the same might be said of every gentleman who held office of emolument under the Government (Laughter) But he was satisfied that if Mr Bonney had been asked to cut a covenant he would have been found a very awkward tool, whose sharpness would probably have been used against the Government The Attorney-General had argued that the tax was not excessive, but was politic and fair, well it might be, but the Government had certainly failed to prove that it was, The Government had not yet satisfactorily shewn to the House that the squatters did not pay a fair proportion towards the general revenue It had been ably argued by Mr Milne that the taxes being all indirect, the squatters contributed in the same way as any other parties, according to their consumption of taxable articles It had been argued that

there was no compact at present existing between the Government and the squatters, yet the Attorney General actually proposed to make a compact more objectionable than that which some contended already existed, for he proposed to tie up the hands of the Legislature during the whole currency of the leases This would be highly objectionable, for it might, before those leases had been determined be found desirable to tax all the stock in the colony in order, for instance, to pay the interest upon the railway bonds It might, perhaps, be found desirable to place a tax of one shilling per head upon stock, and consequently it would be exceedingly unwise to tie up the hands of the Legislature In the last part of the Attorney-General's address, the hon gentleman made use of what he (Mr Lindsay) certainly regarded as a threat at the time, and it still appeared like one The hon gentleman referred to the Reform Bill and to the French Revolution and other circumstances, calculated to cause an impression that a cry would be raised against the squatters, for the purpose of enforcing demands upon them, if this Bill were not passed He thought these allusions had better have been omitted The true meaning of the covenant in the lease, he believed to be a saving clause, that is a saving clause to prevent any claim for exemption being set up, in reference to taxes falling upon all classes The object was that when a general tax upon all classes was imposed upon land and stock, the squatters should not be enabled to come forward and claim exemption He opposed the Bill, because he regarded it as a proposition to tax a class, it was completely class-legislation He could not understand the argument of the Commissioner of Crown Lands, who had first endeavoured to shew that the squatter paid a tolerable price for his run, and had then brought forward the evidence of Mr Torrens, elicited by himself, which was to the effect that the lands occupied by the squatters should produce £80 000 or £100,000 a year These statements appeared to him irreconcilable If the squatters did not pay a fair rent for their runs there could be no objection to the adoption of the suggestion that they should give up their leases and allow the lands to be fairly assessed The only argument he had heard in favor of the Bill was that the Government had made a bad bargain, that the squatters had got the best of it, and that, therefore, they should be called upon to contribute the amount proposed by the present Bill Several hon members had proposed that the land instead of the stock should be assessed, and he must confess he was in favor of that proposition, but he should strenuously oppose any proposition to cut covenants Precedents, however, might be brought forward For instance, in the early days of the colony there was a compact between the Government and certain parties that leases should be issued for certain lands for a period of three years, but it was considered that this compact would be so detrimental to the general interests of the colony that the compacts were broken It might, therefore, be argued that it would be no more unjust to break the compacts with the squatters than with the early settlers but he should oppose any such proposition The original three years' leases ought to have been granted, but were not, the 14 years' leases had however been granted, and that House and the Government were bound to preserve faith with the lessees If, however, the lessees were prepared voluntarily to surrender their leases and to accept fresh ones, he had no objection, but it would be unjust to break the compact which already existed It had been argued by some hon members that this tax could with justice be imposed upon the squatters, because they were the wealthiest class, but this in reality was a most faulty argument A few years ago that would have prompted the imposition of a large additional tax upon the farmers It certainly did appear at that time that a farmer coming from the diggings and being enabled by his own labour to raise £500 worth of wheat from a section, was a very fit object for taxation, but if such a proposition had been made it would have been resisted from one end of the colony to the other So with the squatters it would be unjust to impose an additional burden upon them merely because the Government had made a bad bargain with them If it were necessary that there should be more revenue, if it were necessary that fresh taxes should be levied, let them fall equally on all Let there be a poll tax including the squatters, and he should not object to the proposition There had been a threat held out, and he thought very improperly, that if this Bill were rejected, the Government would exercise all the powers they possessed to impose a tax upon the squatters, but all he could say was that if he were a squatter he should defy the Government, for he should say to them, do the worst you can legally by virtue of the covenant in the leases, but the Government should not, merely because they had the power, call upon the Legislature to pass a law which was opposed to equity

Mr MILDRED moved that the House divide

Mr HAWKER rose at the same moment to move that the debate be adjourned till the following day

The latter motion was carried, and the House adjourned at 5 o clock till 1 o'clock on the following day

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WEDNESDAY, NOVEMBER 24

The SPEAKER took the chair shortly after 1 o clock

KAPUNDA

Mr SHANNON presented a petition, several yards in length, and containing many hundred signatures of the residents of Kapunda, in reference to railway communication to the north, and the construction of a terminus at Section 1411

LONGBOTTOM'S PATENT

Captain HART brought up the report of the Select Committee upon Longbottom's Bill The report was read, and stated that the Committee considered the preamble proved The hon member gave notice that on Friday next he should move the second reading of the Bill

THE LANDS TITLES REGISTRATION OFFICE

Mr REYNOLDS gave notice that on Friday next he should ask the Attorney-General if it was true that Mr Belt, one of the Solicitors to the Lands Titles Commissioners, had tendered his resignation and if so, whether there would be any objection to place the letter of resignation upon the table of the House The hon member also gave notice, that on the same day he should move there be laid on the table of the House copies of the report made by the Solicitors to the Lands Titles Commissioners to the Registrar-General, containing suggestions for the amendment of the Real Property Act

CAPTAIN JOHN FINNIS

Mr NEALES gave notice that on Friday next he should move the adoption of the report of the Committee upon the petition of Captain John Finnis

KAPUNDA

Mr SHANNON gave notice that on Friday next he should *move the petition presented by him from the inhabitants of* Kapunda be printed

COMMITTEES OF THE HOUSE

The SPEAKER placed upon the table of the House correspondence which had taken place relative to the want of accomodation for Committees of that House

WINE AND BEER LICENCES

Mr BAKEWELL having moved the House into Committee, moved that it was expedient that so much of the Licensed Victuallers Act as related to the issue of Wine and Beer Licences should be repealed He had intended to have brought in a Bill at once for the repeal of the portion of the Act referred to, but found that by a Standing Order of the House of Commons, by the practice of which House that House was bound, no resolution effecting an alteration of the law relating to trade could be considered, except in Committee of the whole House It was simply a matter of form, as after the resolution had been arrived at, it would be necessary to introduce a Bill which would, of course, have to go through the regular stages He would not further enter upon the question, but would leave the discussion to take place when the Bill was read a second time It was proposed by the Bill which would be introduced, so to alter the law as to do away altogether with wine and beer licences It was thought desirable that this should be arrived at from certain evidence which had been recently given before a Select Committee of the House That report, it was true, had not been adopted, nor indeed was it desirable from circumstances that it should be, but he would refer to one portion of the evidence which showed that the holders of wine and beer licences enjoyed many privileges which the holders of general licences did not, that their premises were not necessarily so large, that they were not compelled to have stables, nor was it necessary that they should have lights in front of their premises Nor were they subject to the surveillance of the police He thought that evidence alone was sufficient to induce the House to assent to the resolution which he had proposed, but he did not think that any substantial valid reason could be shewn why these licences should exist, and that the holders should enjoy the privileges which they at present enjoyed On the understanding that the discussion upon the Bill was to take place at the second reading, he would merely at present move that so much of the Licensed Victuallers' Act be repealed as related to the issue of wine and beer licences

Mr MILNE wished, before the question was put, to point out some difficulty which appeared to him likely to be created by the proposed alteration He cordially agreed that such licences should be done away with in large towns, and had expressed himself to that effect when the question was first mooted, but if an alteration were to be effected in the Licensed Victuallers' Act, he thought it should embrace such an alteration as would enable the Justices to grant licences in the out lying districts at a reduced rate He suggested there should be such an alteration, as there were many places in which parties could not afford to pay £25 for general licences It was desirable at the same time that licensed houses should exist in such localities for the convenience of travellers, and also for the purpose of relieving the neighbouring settlers from having their hospitality too much drawn upon Such licences he thought the House would agree should be granted at a reduced rate, and he would suggest that the motion of the hon member (Mr Bakewell) should embrace an alteration to the effect that the general licences in the outlying districts should be issued at a reduced rate He could not help commenting upon the nature of the evidence which had been taken before the Committee, although from his knowledge of the trade he really did not require any evidence to be afforded to him by a Select Committee to induce him to arrive at the conclusion that it was

not desirable to have wine and beer licences in towns He did not think the Committee had called evidence of a proper character, as the witnesses merely consisted of two licensed victuallers and one Inspector of Police No one had been examined who was connected with the trade which it was proposed to abolish He thought some members of that trade should in common fairness have been called, as strong charges were brought against the respectability and morality of those who were connected with the trade Those establishments for which wine and beer licences had been granted were stigmatised as places where the grossest immorality was tolerated Whether these accusations were true or not he could not say, but he would say that in common fairness to those who would be affected by this resolution, and whose character had been so seriously attacked, some members of the trade should have been called, but they had not been

Mr BAKEWELL said, as a member of the Committee, he was enabled to state that no name had been mentioned, and therefore he did not think that any holder of a wine and beer licence had any reason to complain The witnesses who were examined had not more particularly alluded to individuals than hon members in that House had alluded to them The Committee called the most respectable parties they could think of to afford information upon the subject, and they considered the evidence very conclusive, so much so indeed that they felt it would have been waste of time to call further evidence It was certainly stated that some of this class of houses were improperly conducted but Upton's, in Rundle-street, and Barron's, in King William street, were spoken of as well conducted He was of opinion that the Committee had acted quite rightly in taking the course which they had, and he repeated that as there had been no mention of the name of any person no one had a right to complain With regard to the question alluded to by the hon member, Mr Milne, he thought that might be more properly dealt with when the Bill was before the House, but he did not think it would be right to embody it in the present Bill It had better form the subject of a separate amendment

The COMMISSIONER OF PUBLIC WORKS was surprised to hear the hon member for Barossa say that no evidence had been brought before the Committee which had not previously been stated in that House If the hon member had read the answer to question 45 he thought the hon member would have seen that a distinct class were named, and allusions were made to that class of such a character as he trusted he should never hear in that House He was exceedingly sorry that more evidence had not been taken in order that both sides of the question might be heard Although some of the establishments which formed the subject of the resolution before the House might be improperly conducted, it was quite possible that many of them might be equally well-conducted, as indeed it was admitted that some were It was for this reason that he was sorry more evidence had not been taken, but he was glad to learn from the hon member for Barossa that no names had been mentioned

Mr BAKEWELL said the evidence merely stated that certain Government officers of high respectability were in the habit of visiting such establishments, but as he had before stated no names were mentioned If Government officers chose to visit such establishments he did not see why they should be prevented, nor did he see why such indignation should have been exhibited by the Commissioner of Public Works It was possible those gentlemen might merely go there for refreshments, or it was possible that when there they might misconduct themselves but whether or not, as he had before said, no names had been mentioned, and he therefore did not see why the members of that class should complain He would however admit that the description of these establishments which he gave when he first brought the question before the House was not borne out by the evidence No doubt the witness who had made reference to Government officers who, as he had before stated, he did not think had any reason to complain, as no names were mentioned, would be prepared to support what he had stated, as he was a highly respectable person who had been connected with the police force for 20 years It was creditable to those houses which were respectably conducted that respectable parties should visit them (Laughter) The respectability of an establishment might be determined by the respectability of those who visited it, and he repeated that many of these particular establishments were considered highly respectable

Mr MCELLISTER had understood when the subject was formerly under discussion, that it had been admitted the issue of wine and beer licences was unjust to the holders of general licenses, who were called upon to pay a heavy tax for the general licence He did not see that any evidence which had been given before that Committee was at all calculated to alter that decision The Committee he believed were unanimously of opinion that wine and beer licences were not wanted If it were considered necessary that the names of the parties, Government officers and others, visiting such establishments should be obtained, no doubt they could easily get a great many, but it was not considered desirable that any names should be mentioned before the Committee He should certainly support the proposed alteration

Mr HARVEY thought that wine and beer licences might very well be done away with in Adelaide, but he did not think that it would be wise to abolish them in the country districts In many places in the interior such houses were absolutely necessary, although there was not sufficient business or population to support a general licence If none but general licences were issued, and the same amount now charged for them were exacted, the result would be that there would be very inadequate accommodation for travellers In Adelaide a different state of circumstances existed, as there were a great many houses holding general licences, and wine and beer licences were really of no advantage to the public, as the same prices were charged at both descriptions of houses, and consequently the holders of wine and beer licences, who were not subjected to nearly so much outlay as the holders of general licences, were placed in an advantageous position at the cost of those who contributed the largest amount to the revenue He was prepared to support such a proposition as that which had been made by the hon member, Mr Milne, but was certainly opposed to the total abolition of wine and beer licences both in town and country

The resolution having been carried, the House resumed and the report was adopted

THE HARBOR TRUST

The COMMISSIONER OF PUBLIC WORKS stated that he was desirous of helping forward the adjourned debate upon the Assessment on Stock, and he would therefore postpone till Wednesday next the motion in his name

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to appoint Henry Simpson, Esquire, one of the Trustees for improving the Harbor of Port Adelaide, in the place of E G Collinson, Esquire, resigned"

DISTRICT COUNCILS

The following motion in the name of Mr BURFORD lapsed, in consequence of the absence of that hon member—

"That there be laid on the table of this House a return showing the number of acres of sold lands, the number of acres within District Councils, the number of square miles in runs, distinguishing those at 10s, 15s, and 20s, the amount of rates in Corporations and District Councils, the number of acres under 14 years' lease, including aboriginal reserves under lease, and rate per acre

CAPTAIN J F DUFF

Upon the motion of Mr BAKEWELL, the time granted to the Committee for bringing up a report upon the petition of Captain J F Duff was extended to Friday

RAILWAY MANAGEMENT

Mr MILNE stated that the Committee upon Railway Management were considering their report, and would, he believed, shortly conclude their labors, but, for fear of accidents, he had to ask for an extension of a fortnight to bring up the report

Granted

THE ESTIMATES

The following motion, in the name of Mr PEAKE, lapsed in consequence of the absence of that hon member —

"That this House considers it essentially useful to the exact performance of its duties, as guardians of the public purse, that the Estimates should be presented to this House within 14 days next following the meeting of Parliament"

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the consideration in Committee of the District Councils Act Amendment Bill was postponed

IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS, the House went into Committee upon this Bill In clause 27 an alteration was made upon the suggestion of Mr Duffield reducing the charge mentioned therein, from one shilling to sixpence per mile. Clauses 28 to 30 were passed with verbal alterations Upon clause 32 being proposed, Mr DUFFIELD moved "That cows with calves or mares with foals which were suckling, should be regarded as one animal" He did so because he knew that poundkeepers were in the habit of selling the cow first, and the calf afterwards, and charging just the same as though cow and calf had been full grown animals

Dr WARK supported the proposition, remarking that he had been repeatedly applied to, to state whether a suckling should be sold with the mother, and he had always stated that he thought it was impossible they could be separated

Mr DUFFIELD'S proposition was carried

Clauses 32 to 39 were passed with verbal alterations

Upon clause 40 being proposed as follows —

40 It shall be lawful for the ranger appointed in that behalf by the Government, or by the Municipal Corporation or Council of any district constituted as aforesaid, to impound any cattle found trespassing upon the waste and unsold common lands of the Crown, or upon any road within any district, and it shall be lawful for any occupier of any fenced-in land, whether within such district or not, to impound any cattle found wandering, straying, being fed, although tailed, or lying on parts of the main or district roads immediately adjacent or fronting to the fenced-in land of such occupier, and the owner of such cattle shall pay for each of such cattle, if impounded, the fees specified in the Schedule hereto marked A, and also the rates for sustenance specified in the Schedule

hereto, marked B according to the description of such cattle, and the same cattle, and the money to arise from the sale thereof (if sold), shall remain and be subject to such and the same provisions as are by this Act made applicable to cattle impounded for damage by trespass, and to the money arising from the sale thereof.

MR STRANGWAYS said he had understood when the clause was under consideration some time back that the Attorney General had stated he would see if some alterations could not be made in it so as to prevent it from operating injuriously in the unsettled districts He thought that in districts in which a considerable quantity of the land was unfenced, but where there was perhaps one section fenced, the clause as it stood might operate most injuriously This would apply to the south particularly He confessed he did not see how the difficulty was to be got over, and would therefore suggest that it be postponed He agreed that the clause was likely to operate well in the settled districts

The ATTORNEY-GENERAL should oppose any postponement of the clause, but if the hon member (Mr Strangways) would bring forward any amendment, he should be happy to consider it If the hon member would state what was the precise nature of the amendment which he desired to introduce, he would endeavor to find phraseology for it, and then consider whether the proposition would really be an amendment or not This was particularly a matter for the consideration of the country members It was one upon which those who were acquainted with the requirements of particular districts were better capable of forming an opinion than the Attorney General He was not aware that passing the clause in its present form would be likely to lead to peculiar consequences in one or two districts different from the beneficial effects which it was admitted it would have in others, but if the hon member, Mr Strangways, would state exactly what his wishes were, he should be happy to assist him in carrying them out if possible

Mr STRANGWAYS hoped the House would agree to a postponement of the clause, in order that he might have time to consider the amendment

The COMMISSIONER OF CROWN LANDS objected to any postponement, as since the Bill had been in Committee the various clauses had been carefully considered by him, and he was satisfied they would meet all the requirements of the country

Mr LINDSAY certainly considered that the clause required alteration

Mr STRANGWAYS suggested that the latter portion should be struck out, and he would give notice of an additional clause to the effect that this portion of the Bill should not operate in any district except by proclamation under the hand of the Governor

Dr WARK protested against any postponement of the Bill, which had already occupied the House for a considerable time, and the sense of the House had been fully taken upon it, more particularly upon that portion which was now under discussion

Mr MILNE thought there was not so much difficulty as might appear at first sight, as if the District Councils told the Ranger not to make impoundings, of course he would not do so

Mr STRANGWAYS said the District Councils had no power in the matter, as any owner of fenced-in land might bring the clause into operation in the district in which such land was situated He would suggest that the clause should have no effect in any district unless it were brought into operation by the Governor's proclamation, upon the application of the District Council of such district

Mr LINDSAY again urged the postponement of the clause, remarking that if there were such a quantity of grass upon the roads as to render parties desirous of depasturing cattle there, they could not be regarded as roads He would point out to the hon member (Mr Milne) that the power of impounding was not left only with the Ranger, but that any person might impound cattle from the roads He would appeal to parties connected with the squatting interest to state what effect the clause would have in its present form Any malicious person might render the land leased by the squatters perfectly valueless In reference to trespasses upon roads, an instance had come under his own observation in which an animal had been maliciously impounded upon the plea that it had been trespassing upon a road, but when the case came on for hearing, it turned out that it was impossible to prove there was any such road in existence

Mr STRANGWAYS moved an addition to the clause—

"Provided this shall not apply to any district not brought under the operations of this Act by proclamation in the *South Australian Government Gazette*"

Mr MILDRED hoped that the clause would be allowed to stand as read, as the Bill had already taken up a large portion of the time of the House, and he trusted the House would speedily bring their labors in connection with the Bill to a conclusion, as he was convinced that it was well adapted for the public benefit

The clause was passed as printed

Clause 41 was as follows —

41 If any cattle shall be found trespassing upon any unfenced land after the expiration of three days after notice not to trespass upon any such land by or on behalf of the owner or occupier thereof shall have been served upon the owner of such cattle, or left for him at his last known place of abode, or after fourteen days notice not to trespass on such land, describing the same by the numbers of the sections, or other precise and accurate description, shall have been inserted in the *South Australian Government Gazette*, the owner or occupier of such land may lawfully demand and recover in respect of such cattle, one-fourth of the same rate as though the land upon which such cattle shall be found trespassing, were enclosed with a fence, and the owner of such unfenced land shall be authorised to recover by action, as and for ordinary damage, by trespass of cattle, one-fourth only of the rate specified in the schedule hereto marked B, according to the description of cattle trespassing, and according to the description of land and crop mentioned in the same schedule

Mr LINDSAY said he had understood it was the intention of the Attorney-General to remodel this clause His principle objection to the clause was that if the onus of keeping cattle off unfenced land rested with the owners of the cattle, it appeared strange that the owner of the land should only be able to recover one-fourth of the damage, why should he not recover the whole as in any other case? If he had any kind of sham fence, the whole amount could be recovered, and, in fact, the whole thing appeared to him so monstrously absurd, that he wondered how any persons possessed of common sense could support it as it at present stood Why should a man with a mere apology for a fence be placed in a better position than a man who did not put up any at all till he was in a position to put up a good one? He never sought redress from the law, in consequence of his fences having been broken through, but if they were broken, he considered they were bad, and put up others The practical effect of the clause would be, that parties would put up cattle traps in order to recover the full damage The only protection which persons with fences required, was against exceptional animals which were habitual fence-breakers, and which should, he considered, be as much prohibited as bulls or entire horses. Some working bullocks were habitual fence-breakers, and were as great nuisances as bulls or entire horses A great many persons in the country got their living by putting up cattle-traps in preference to cultivating the ground, and were enabled to make a better living by it, in consequence of defects in the Impounding Act The country members so frequently endeavoured without effect to amend the objectionable parts of the Act, that he had almost considered it useless to attempt further, but he had prepared a clause, which he begged to move as an amendment upon the one under discussion —

"The ordinary damages for trespass shall, in all cases, be (one farthing?) for each head of cattle, whether the property trespassed upon be fenced or unfenced, pasture or under crop but if it shall be proved that any animal shall have broken or leaped over a fence consisting of strong posts of not less than seven inches wide, and three and a half inches thick, and three strong rails firmly fixed, the upper edge of the top rail feet (four feet?) inches (nine inches?) from the ground, and the upper edge of the second and lower rails feet inches (three feet three inches?) and feet inches (one foot nine inches?) from the ground respectively, the owner or person in charge of such animal shall, for the first offence, forfeit and pay a fine of not less than (one pound?) nor more than pounds (five pounds?) for suffering such animal to run at large, and not less than pounds (five pounds?) nor more than pounds (ten pounds?) for every subsequent offence."

It appeared to him from looking at the Bill that the District Councils had made certain suggestions which had been adopted, and the squatters had made suggestions which had been adopted, although some of these were quite antagonistic and irreconcilable That would account for the Bill being as they now found it

The amendment was negatived and the clause was passed as printed with verbal amendments

Upon clause 43 being read as follows —

43 It shall not be lawful for any person to suffer any cattle belonging to him or under his charge to stray, or be at large, or to be tethered or depastured in any street or public place within any town or village, and any person who shall so offend, shall incur a penalty not exceeding two pounds, such penalty to be recovered by any person duly appointed for that purpose, and it shall be lawful for any person to seize and impound in the nearest pound, any such cattle as aforesaid, there to be detained, and to remain subject to the provisions of this Act, in like manner as cattle impounded when found wandering or straying at large upon main or district roads Provided that this clause shall not apply to any town or village, which shall not have been brought under the operation thereof by Proclamation in the *South Australian Government Gazette*,

Mr STRANGWAYS considered that it should be left to the Justice to determine what was a good and substantial fence, otherwise it would be necessary to take up two or three pages in defining what good and substantial fences really were He thought it would be better to leave the Justices to decide than to attempt by any legislation to define what a good and sufficient fence was The Attorney-General, he was quite sure, would see that there were various ways in which this clause could be evaded For instance, a cattle trap might be erected 11 feet high, and the posts might not be more than two

inches in diameter, so that any old cow might knock them down at once

Mr Lindsay, though he agreed to a great extent with the hon member who had just spoken, had a strong objection to leaving the Justices to decide what was a good and substantial fence The great difficulty at the Local Courts was in determining what was a good and sufficient fence Six witnesses probably swore that it was, and as many more that it was not. Although it was felt that the fact of an animal having broken through was *prima facie* evidence that the fence was not good and sufficient, still there were, as he had previously stated, exceptional animals who would break fences, so that the fact of fences having been broken must not always be taken as proof that the fences were insufficient Generally speaking, however, where cattle constantly trespassed the fences were bad The evidence upon the point was generally so extremely contradictory that the result was very unsatisfactory He had been particularly requested by numerous parties resident in the country districts, when the Impounding Act was under discussion, not to allow that portion which related to fencing to pass without the fullest discussion The experience of 20 years had taught him that, generally speaking, a two-rail fence was not a good and sufficient one Again, he considered four feet from the ground too low A horse would have a strong temptation to leap such a fence , and if the top rail were placed as high as it should be, then the space between the rails was so great that it was a strong inducement to cattle to go through He believed that it was necessary to have a good and sufficient fence, that there should be three rails He hoped they would have the sense of the House as to what a good and sufficient fence ought to be Let them do their best to define it, and then the country would have nothing to complain of, but he protested against assenting to the Bill merely because it was introduced by the Government nor did he believe that the House would be doing its duty by taking that course, particularly as the Government did not profess to understand the question He regretted that so many country members were absent, but probably, though satisfied of the impolicy of the Bill, they thought it would be useless to oppose it, and therefore determined upon permitting it to pass without discussion

Mr Dunn was in favor of leaving the quality of the fence to be determined by the Justices who were called upon to decide cases of trespass In many parts of the country it would be out of the question to construct fences of posts and rails, but still there was material at hand to construct a good substantial fence with In many places parties were erecting stone walls, and in others fences were constructed of small timber He thought the present wording of the clause would tend to confuse those who were called upon to pronounce judgment in reference to the quality of the fence It had been proved that in many cases two-rail fences were better than three, and in many cases for horse paddocks only one rail was used

Dr Wark considered the clause required amendment, as it comprehended only one class of fences, either rails or wires The last speaker had shown that other descriptions might be and were used In many places there were log fences, which were ultimately used for firewood, and these were the best of all fences Then there were others made of stone, and there were live fences which were certainly most beautifying to the country, and he thought parties should be encouraged to construct such fences He moved that all the words after "ground" be struck out

The Commissioner of Crown Lands said he had inserted this clause in the Bill, at the particular request of the hon member for Kapunda (Mr Shannon), who had drawn his attention to the necessity of defining if possible what a good fence was He had endeavoured to elicit the opinion of the House upon the subject The hon gentleman amended the clause by striking out a portion, and inserting the words, "of good and substantial fences or enclosures," remarking that it would then be for the Magistrates before whom the case was brought, to determine the quality of the fence

Mr Hawker thought this alteration would meet the case, and remarked that in the Victorian Act the description of fence was not mentioned, but there was no provision for greater damages upon the land "not securely enclosed" than upon that not cultivated

Mr Duffield supported the proposition of the Commissioner of Crown Lands, and remarked, in reference to the observation of the hon member for Encounter Bay, that there was no use in country members bringing forward amendments in this Bill, that he (Mr Duffield) considered himself a country member, and amendments suggested by him were always carefully considered, and frequently adopted If the hon member, in bringing forward an amendment, were not to mystify it so much by so many speeches, it was quite possible that it might receive more attention from the House

Mr Milne thought it would be as well to introduce a provision in the clause to enable the District Councils to declare what was a good and sufficient fence He thought that any person resident in the district should be enabled to call upon the District Council to decide whether his fence was good and sufficient The District Council would receive a fee for inspecting the fence, and after being satisfied that the fence was really good and sufficient, they could give a certificate to that effect, and the production of that certificate should be considered sufficient evidence as to the quality of the fence

Mr Strangways intimated that he wished the words which he had proposed to be in addition to the amendments proposed by the Commissioner of Crown Lands That is, he wished it to be left to the Justices to determine whether the fence was good and sufficient

The Commissioner of Crown Lands did not object to this amendment

Mr Lindsay said the very difficulty was in determining what was a good and sufficient fence He remembered a case which came before the Port Elliot Court, and ultimately before the Supreme Court , and the result was that the decision given by the Judge of the Supreme Court was quite as unsatisfactory as that which had been previously given He had an interview with His Honor upon the subject, and His Honor stated that in determining the question they must be guided by the custom in the district the custom in the particular locality (Laughter) The Court before which the case was originally brought could not determine the question, as half a-dozen witnesses swore one way and half-a-dozen the other , and the Judge of the Supreme Court at last stated that they must be guided by the custom of the district (Laughter) He would call the attention of the House to a paper which had been placed upon the table, containing suggestions from the District Councils and poundkeepers, a document of which, probably, many hon members were as ignorant as though it had never been there

Mr Milne brought forward an amendment to the effect that it should be competent for a resident within the boundaries of a District Council to call upon such Council to determine whether his fence was good and sufficient, and if so, that the District Council should issue a certificate to that effect, which should be received as evidence of such fact in Courts of Law

The Attorney-General pointed out an objection to this proposition, inasmuch as this was not a matter between an individual and the public, but between two individuals It would be very wrong that private individuals should be deprived of their rights because a District Council had made an error The private rights of individuals ought not to be dependent upon the decision of a District Council

Mr Shannon pointed out another objection to the proposition, as though the fence might be very good at the time the certificate was given it might, from fire or something of the kind, be in a very different state shortly afterwards

Mr Milne withdrew his proposition, and the clause with the amendments proposed by the Commissioner of Crown Lands and Mr Strangways was carried

Upon the motion of the Commissioner of Crown Lands the date at which the Bill should take effect was altered from the 1st of January to the 1st of March

Upon the schedules being brought under consideration, an alteration was made upon the suggestion of the Attorney General, preventing the poundkeeper from making an additional charge to one day's sustenance till the expiration of 24 hours from the impounding of the cattle

An amendment was made, upon the suggestion of Mr Duffield, rendering cattle liable to trespass for getting upon land from which the grain had been cropped but not removed The hon member remarked that he was aware of cases which this amendment was intended to reach, in which considerable damage had been done by cattle, and yet the parties injured could obtain no redress

Mr Hay proposed that the charge per day for the sustenance of any horse, mare or gelding be increased from ninepence to one shilling He thought it would also be well if a clause were introduced giving the District Councils power to alter the scale of charges as circumstances rendered necessary

Mr Shannon would be happy to support the proposition if the hon member for Gumeracha would convince him that the horses would really receive threepennyworth additional food if the charge were raised, but he was afraid that would not be the case In the majority of cases the poundkeepers, in fact, gave the animals no food at all, but merely turned them out for a short time Independently of the ninepence per day, there was the sixpence a day for poundage fees, making a total of fifteen pence per day upon every animal impounded , and this very soon mounted up to the value of the animals He believed that in the generality of cases animals were shamefully treated by poundkeepers, and that they would not be treated any better if threepence per head extra were allowed

Mr Hay admitted that he had not had much to do with poundkeepers, but those who had appeared to have a "down" upon them He thought it would be only fair that the poundkeepers should be allowed a fair price for the sustenance of the animals before they were charged with starving them

The Commissioner of Crown Lands pointed out that, by the third clause, the District Councils had the power of varying the charges

Mr Lindsay did not think that the hon member for Gumeracha understood the objection in its full force, which he (Mr Lindsay) formerly raised in reference to an alteration in the charge for fodder He admitted that the District Councils had the power to alter the charges, but the process was so slow and tedious, occupying some weeks, perhaps months, that the probability was by the time the change had

been effected the necessity for it had ceased to exist. The whole difficulties in connection with the Impounding Act arose from the Government not having examined the question sufficiently before legislating upon it. There was an Act passed in England, not many years ago, to be applied to Ireland, the object being to put a stop to parties vexatiously impounding; and if the members of the Government had read that Act they need not have gone to France or Belgium or anywhere else, where legislation upon this question was so much better than elsewhere. Although some hon. members might consider the residents of the Emerald Isle semi-savages, he was sure the hon. the Chairman did not entertain that opinion. (Laughter.)

Mr. STRANGWAYS would like, if the hon. the Attorney-General was not too much engaged with the last number of *Punch*, to ask the hon. gentleman's opinion upon Schedule D, as he found that the trespass fee chargeable upon cattle for trespassing in a grass meadow was one shilling per head, whilst upon a growing crop it was half-a-crown. Now it appeared to him that a grass meadow was a growing crop.

The ATTORNEY-GENERAL said if the hon. member desired any amendment he should be happy to give it his consideration, but he was not aware that any amendment was required, "growing crop" being used to imply something cultivated, in contradistinction to grass, which was the natural product of the land. He was not aware that any practical difficulty was likely to arise.

Mr. MILDRED drew the attention of the Attorney-General to the penalties under the head of "growing crops," remarking that when animals got in they frequently did such damage that no amount would indemnify the party who sustained the mischief. There were many parties residing a short distance from Adelaide who were subject to the trespasses of small lots of sheep kept by butchers. As the trespass-fee for a goat was five shillings, he would suggest that the trespass for a sheep should be raised from half-a-crown to five shillings.

The ATTORNEY-GENERAL pointed out that the charges which were named were those which might be made without any proof of damage. If, however, the party whose property had been trespassed upon could prove a greater amount of damage, a greater amount than that named could be imposed. He questioned, however, whether they ought to make animals liable for a larger amount than that named, without any proof of damage whatever. If the amount named were all that the party could recover he should probably go for a much larger amount, but as the sums named did not preclude a claim for actual damage done, he was opposed to any alteration.

The schedules were passed as printed, the House resumed, the Bill was reported, and the adoption of the report was made an Order of the Day for the following Friday.

ASSESSMENT ON STOCK—RESUMPTION OF DEBATE.

Mr. HAWKER said he had refrained until now from addressing the House because he was anxious to hear the opinions of hon. members on the reintroduction of the second reading of this Bill, after they had had the opportunity of reading over the evidence given before the Select Committee and the report which accompanied that evidence. He had delayed partly for that reason and partly in consequence of a suggestion thrown out in the speech of the hon. the Attorney-General, in reference to a proposed compact which the squatters might be disposed to accept. It would not do for him (Mr. Hawker) to have at once addressed the House on that proposal before he had had time for consideration, or until he had time to see some of the leading squatters out of the House, and ascertain the opinions of these gentlemen upon the matter. He had delayed for these reasons as if he had immediately either rejected or accepted the offer, he might be either sacrificing the interests of his constituents on the one hand, or on the other hand making a factious opposition to some amendment or alteration of the Bill which would meet the difficulties of the case and be acceptable not merely to the squatters but also to the people in general. But he could not allow some remarks of the hon. the Attorney-General and the hon. the Commissioner of Crown Lands, and some other hon. members who had spoken during the last two days, to pass without making a few observations in reply. He quite agreed in the opinion of the House that the hon. the Attorney-General had made a most eloquent speech. It was impossible to listen to that hon. member's lucid explanations of the legal portions of the case without having to some extent forced upon one's mind a conviction of the truth of his (the Attorney-General's) views. He (Mr. Hawker) regretted that he could not altogether agree in the opinions of the hon. member, but there was far more doubt now upon his mind as to whether the hon. member was not right than there was before he had made that address. (Hear, hear.) Still he (Mr. Hawker) thought it quite possible, that when the Orders in Council were framed, the assessment might have been put on for local purposes meaning in the same sense as the county rates in England or the county cess in Ireland. But the hon. member had only taken up one point in the case, judging by his speech on the first attempt at the second reading, and that was the legal point, and that point was not of such importance that it should totally override the equity of the matter. (Hear, hear.) The hon. the Attorney-General did not make the slightest allusion to the equity of the case or as to whether when the leases were granted there was an understanding on the part of the Government and the squatters that the rent was to be instead of an assessment, and was to constitute the entire payment for the duration of the lease, a period of 14 years. When the hon. the Attorney-General first addressed the House, in alluding to this legal view of the case, he said that there was also a moral view to be considered under which it might assume a different aspect, or words to that effect. The hon. member also said that if any person could come forward and say that when he agreed to give 10s. a square mile for the right to depasture stock on Crown lands, that his agreement was made on the understanding and faith that the Legislature would not impose any further assessment during the period of the leases, except for local purposes, he (the Attorney-General) considered that that person would have a claim to consideration. (Hear, hear.) But in his address on Friday, the Attorney-General had never alluded to this statement at all. (Hear, hear.) Yet he (Mr. Hawker) was still of opinion that so far as the equity of the matter was concerned this particular case had occurred. (Hear, hear.) He believed that, morally speaking, the squatters should not be called upon to pay the assessment proposed in the Bill as now introduced. In support of this argument, when the Select Committee was appointed by the House, and the evidence was about to be taken, he had endeavoured in the best way he could to bring persons who were well informed on the subject before the Committee. Independently of the statements of Mr. Bonney and every other stockholder who had taken out a lease shortly after the time of their being issued, he was told, accidentally, that Mr. Torrens knew something upon the subject. He could not remember to which member of the Committee he had spoken but he suggested that Mr. Torrens should be called before the Committee as a witness. If he had been aware that the present Treasurer (Mr. Finnis) was Chief Secretary at the time of the leases being issued, he should have asked to have that hon. gentleman examined also, as his (Mr. Hawker's) object was not, as had been insinuated by the hon. member for the Port (Captain Hart), that the squatters wished to burke the evidence, but to bring all possible evidence before the Committee, and let them judge fairly of the case. He did not believe that any cause could be benefitted by a portion of the evidence being kept in the dark. (Hear, hear.) One portion of the hon. the Attorney-General's address which he most objected to was that he had never gone into the equitable portion of the case, but stated that the squatters founded all their opinions on what was said by Mr. Bonney. Instead of trying to prove this the hon. member only attempted to damage the character of Mr. Bonney, and to throw discredit on that gentleman's evidence. Hon. members would remember that last year they had heard the opinions of Mr. Bonney. The hon. the Attorney-General commenced his allusions to that gentleman by saying that it was well known that Mr. Bonney entertained republican opinions. But if the private opinions of members of the Government were to be called in question and their efficiency doubted in this way, there might be many members of the Government found whose opinions on political or social matters would not bear stricter enquiry. It was, therefore, ill-advised to try to establish a case by crying a man down in this manner and trying to injure the character of a gentleman who was now absent from the colony, but upon whose evidence in this matter the squatters chiefly depended. All through the talented and learned exposition of the hon. the Attorney-General, wherever he alluded to Mr. Bonney it was in the same disparaging manner. "That gentleman was not the Government." (Hear, hear.) "He was not authorized by the Government." "He was not the agent of the Government in the matter." (Hear, hear.) In fact, he had nothing to do with the matter; he was only "a tool" and always took the part of the squatters, whether they were right or whether they were wrong," and that, as the speech read in the papers, or would be understood by persons out of doors through bribery, because the hon. member (the Attorney-General) had said that "Mr. Bonney had reaped the reward of his virtue in the contribution of the squatters." (Hear, hear.) This was the opinion expressed by the hon. the Attorney-General in the House on Friday last. This was his statement respecting a gentleman who for many years was the only means of communication between the squatters and the Government. There was absolutely no other means whatever of communicating with the Government. Mr. Bonney had such power that he could at any time *resume runs*. The only appeal of the squatters against his doing so was to the Governor, and whenever such an appeal was made it was referred back to Mr. Bonney. Yet, the hon. the Attorney-General said that this gentleman was "a mere tool," "an official," and that all his conversations respecting the waste lands were mere gossiping conversations. Mr. Bonney was the only medium of communication between the Governor and the squatters, and therefore these statements of the hon. the Attorney-General insinuated what was not the case. It struck him (Mr. Hawker) as curious, that the hon. the Attorney-General should come to these conclusions when Mr.

Bonney was not in the colony or in that House. If Mr Bonney were in his place in that House, the hon the Attorney-General, would not take the liberty of making such observations. He would read a portion of the speech of Mr Bonney in the House last year, on the occasion of the hon the Attorney-General attempting to throw out the Torrens' Ministry, and when, singularly enough, the gentleman who seconded the motion of the Attorney-General, was Mr Bonney himself. Mr Bonney said—"He was responsible for the recent regulations. In New South Wales there was unlimited power to tax the squatters. He objected to that, as it was not fair to the squatter to keep him liable to an uncertain amount of taxation, and the South Australian regulations were altered in that respect. He intended to have given the power of taxation for local purposes, meaning that when the colony was divided into districts, the residents should bear the district expenses to the relief of the general revenue. Persons would not build on an uncertain tenure or risk their capital if they were liable to indefinite taxation. It had been said the squatters did not pay their fair share to the revenue. They paid £20,000 a year, and their expenditure was £350,000 a year, which being principally spent in wages, the greater portion of it was spent in such articles as spirits and tobacco, which contributed largely to the revenue. Then the stockholders scarcely used the roads in many of the districts." It seemed to him (Mr Hawker) very extraordinary that the gentleman who had been spoken of in that sneering sarcastic manner which the hon the Attorney-General knew so well how to make use of—(laughter)—should have been the gentlemen selected to second so important a motion as the one of last session for turning out the Ministry. It was strange that the hon the Attorney-General should have stood by and heard that gentleman make statements which the Attorney-General must have known were not true. (Hear, hear.) He (Mr Hawker) would say that the position of the hon the Attorney-General was a very false one, and that on due consideration that hon member would regard it as such himself. Then, the hon the Attorney-General, when he came in his speech to the evidence of Mr Torrens, said he must approach it with a great deal of caution, or rather hesitation. (Laughter.) The only reason he (Mr Hawker) could detect—and it was a good deal the opinion out of doors amongst those who had read the strictures of the hon member on Messrs Bonney and Torrens was, that it required no hesitation or caution to approach the evidence of Mr Bonney, inasmuch as 16,000 miles of ocean rolled between the hon the Attorney-General and that gentleman, whereas in the case of Mr Torrens there was only 18 inches of stone wall intervening—(laughter)—and it was well known that Mr Torrens was a hot-tempered and irascible Irishman—(laughter)—who was not likely to receive an affront from the hon the Attorney-General, or any other hon member of the House, without resenting it. He could therefore understand how the hon the Attorney-General approached the evidence of Mr Torrens with such hesitation. In calling Mr Torrens before the Committee he had only endeavored to obtain the best light he could upon the subject before them, and if he could have got any other witnesses he should have called them.

The ATTORNEY-GENERAL rose to order. The hon member was imputing personal cowardice to him (the Attorney-General). The language could be taken in no other way. He asked the hon member, through the Speaker, whether he meant his words in that sense?

Mr HAWKER understood, from the way in which the case as put in the papers——

The ATTORNEY-GENERAL—The hon member has used language which can bear only one interpretation. He accuses me of personal cowardice and I ask, through you, Sir, does the hon member mean that?

Mr HAWKER did not mean to impute personal cowardice to the hon member, but he referred to the speech delivered in the House. No one could dream of personal cowardice in the case of the Attorney-General, but what he (Mr Hawker) meant was, that the hon member should have been more cautious in approaching the question of Mr Bonney's evidence. When the hon member said he approached the evidence of Mr Torrens with hesitation, he himself pointed to the conclusion to which he (Mr Hawker) had referred.

The SPEAKER said the hon member (Mr Hawker) in his allusions had drawn the attention of the House markedly to the fact that the hon the Attorney-General was influenced by personal motives. The hon member had therefore gone beyond the bounds of order altogether.

Mr HAWKER resumed. It was not his intention to have gone beyond the bonds of order, but he was sometimes rather impetuous and acted like an Irishman himself. But now, before going into the evidence he should make a few remarks as to the appointment and composition of the Committee. When the Committee was appointed it was not intended to take the evidence of squatters alone. He (Mr Hawker) thought from the expressions of opinion of many hon members, the hon member for West Torrens and others who were present, that it was the wish of these hon members to have not only the whole case of the squatters before them, but if the Government could throw any light upon the matter they should show their side of the case also. The hon Commissioner of Crown Lands and he (Mr Hawker) were placed at the top of the list, and it was thought that the hon the Commissioner of Crown Lands would look after the interests of the people generally, whilst he (Mr Hawker) would endeavor to bring forward such evidence as would support the statements made on behalf of the squatters in the House. He (Mr Hawker) believed that all these statements were very successfully proved. He (Mr Hawker) had called Mr Torrens as a witness, because he found that that gentleman knew something about the matter, as he was consulted by Sir Henry Young and had several interviews with Sir Henry Young on the subject. He had since seen Mr Torrens, and that gentleman had informed him that he believed the present hon Treasurer (Mr Finniss) was present at several of these consultations, and if he (Mr Hawker) had known this in time he should have called upon the hon member (the Treasurer) also.

The TREASURER must state that he had not the slightest recollection nor did he believe that he was present at any such consultations.

Mr HAWKER only repeated what had been told to him. The hon the Attorney-General had remarked that the hon the Treasurer had not been called, but if that hon member could give any evidence in favor of the Bill, he should have come forward and given it, and therefore the argument of the Attorney-General told against his own side. It was expected that the hon the Commissioner of Crown lands would have also told what he knew upon the subject, but he had not done so. It also happened that in taking down the evidence the gentleman who reported it was rather deaf, and one portion of the evidence was omitted, in which Mr Torrens said that he could not be sure whether he was Collector of Customs or Treasurer at the time of the leases being issued, but that he was consulted respecting them. He (Mr Torrens) stated that the matter was discussed between himself, Mr Bonney, and Sir Henry Young, and that his opinion tallied with that of the squatters, who, to a man, believed that they would have to pay nothing for their leases beyond the rent, except for local or district purposes. In his speech on Friday last the hon the Attorney-General had alluded to what he termed a compact. The hon member said that he understood the great objection of the squatters to the assessment was, that they believed it was only "the thin end of the wedge," and that perhaps some compromise might be made which would induce the squatters to assent to the assessment. He (Mr Hawker) did not like to express any opinion at that time, but he would do so now. He believed the hon the Attorney-General was right in his opinion on this matter. Although the squatters considered that in the Bill as now introduced an injustice not legally but morally would be done them, still their principal objection was, that they believed it would be "the thin end of the wedge," and that if it was introduced, the House would be perpetually adding to the assessment until squatting property would not be worth holding. He would allude to one other point in the speech, which he thought arose from some misapprehension. He was afraid that the terms which the hon member proposed one day, he was inclined to withdraw on another day. The hon member said if the squatters would not come into terms, he, as a member of the Government, would take such steps as would be legal to compel them to give way, and compared the discussion as to the meaning of leases with the French revolution or the American war of independence, and prophesied that it would end in the ruin of the squatters. He thought that in making allusion to what the hon the Attorney-General had said in reference to Mr Bonney, that it would have been unfair on his part to sit by and listen to such assertions respecting a gentleman who held as high a character as any Government officer in the colony, but with this exception, he had no objection to make to the hon the Attorney-General's advocacy of his cause. He would now make some remarks on statements made by the hon the Commissioner of Crown Lands in the House. He (Mr Hawker) could not agree with that hon member that he was not bound to call any witnesses. For the first day or two of the Committee's sitting, the hon member seemed uncertain how to act. When he (Mr Hawker) was called upon to state whom he would wish to examine, he put down a long list of names from which he was to make a selection. This list included the names of the Hon Wm Younghusband and Mr J B Hughes. To the best of his (Mr Hawker's) recollection, the hon the Commissioner of Crown Lands asked, "What do you want of Mr Younghusband?" He (Mr Hawker) replied that, if Mr Younghusband did not wish to be called, he (Mr Hawker) would not insist on calling him, as he did not want to embarrass the Government. Mr Younghusband was not called, and he (Mr Hawker) also struck out the names of Mr J B Hughes and others.

The COMMISSIONER OF CROWN LANDS said that although the hon member (Mr Hawker) might be under that impression——

The SPEAKER said the hon member was out of order.

Mr HAWKER said he might be wrong as to the hon Commissioner of Crown Lands having spoken to him on the subject, but not as to his having put down the names of Messrs Younghusband and Hughes, nor as to the fact that at the suggestion of some member of the Committee he struck the names of these gentlemen off. His impression had been that it was at the suggestion of the hon the Commissioner of Crown Lands. He knew that one day when on the sitting of the Committee the Chairman asked whom he should call in the morning, and he (Mr Hawker) suggested to the hon the

Commissioner of Crown Lands to call Mr Ferguson, whom he had said it was his intention to summon But the hon member did not wish to call that gentleman, so that it was manifest he did not want to call any evidence The hon the Attorney-General said the Government did not call evidence because they did not want any, and the Commissioner of Crown Lands said because there was not time to examine witnesses But his (Mr Hawker's) witnesses were called, and if the hon member wished to call his, and there was not time for both, then the number on both sides would have been curtailed But there was one other point which he (Mr Hawker) would call attention to, and that was the difference between the hon member's address of this year and that of last year In seconding the second reading of the Bill the hon member said that having satisfied any doubts which he might have as to the legal points of the Bill, he should most cordially support it, because he considered that the occupiers of the Waste Lands never contributed to the revenue in proportion to the benefits which they derived from the lands The hon member also said that there was nothing in his speech then at all different from any speech he had made on the subject He (Mr Hawker) would now quote a report of a speech of the hon Commissioner of Land and Works, when he was not Commissioner—when he was with the outs, and not with the ins The passage was—"He (Mr Dutton) regretted the lamentable blindness exhibited by his colleague (Mr Burford) when he said that stock-holders did not pay anything like a fair proportion to the public burdens" (Great laughter) The hon member had changed his opinions, since he left the opposition and entered the Elysian fields on that (the Government) side of the House (Laughter) For the hon member (the Commissioner of Crown Lands) went on to show in the most forcible and convincing manner they paid as reported by Mr Bonney £350,000 to the revenue, that directly and indirectly the squatters benefitted the country—the number of ships which came here on account of the squatting interest, the quantity of produce they consumed, and the large amount of money spent by the sailors and others who came out in the vessels—and that considering all these things the squatters contributed their fair share to the expenditure of the country The hon member (Mr Dutton) saw at once that the hon member Mr Burford was in a state of Egyptian darkness—(loud laughter)—and he proceeded to set that hon member right If he (Mr Hawker) had made the speech himself, he could not have put it into stronger language than the hon the Commissioner of Crown Lands had done last year The hon the Attorney-General had defended himself when he was accused by the hon member for the Port as not acting in the way in which that hon member could expect, and when one or two coarse minded individuals accused the Government of having sold them (Laughter) But he (Mr Hawker) thought that the Government found that the evidence was so overwhelming that they could not combat that of Messrs Taylor, Brown, and Hallett, whose words no man could dream of disputing, and so they (the Government) considered that discretion was the better part of valor, and called no witnesses at all The hon Commissioner of Crown Lands indeed said he had discovered that the value of stock without a run was one-half the value of stock with a run But the only other place in which he (Mr Hawker) had seen that statement was in a new publication called *Allen's Twopenny Trash* (Much laughter) When he purchased the first number of that publication he thought he might be wrong in supposing that the statement did not appear in the evidence of the Committee, and he accordingly looked over the evidence But he could not find the statement, although in the *Twopenny Trash* the writer had called attention to it in letters six times as long as the remaining letters (Laughter) However, when he found the statement confirmed by the Commissioner of Crown Lands, as if that hon member had written the article—(immense laughter)—he (Mr Hawker) thought it time to look into the evidence again for fear he should have overlooked that portion So that morning being on two Committees, and finding that he could not attend both, he went to neither, but looked over the evidence (Laughter) In question 170, he found the following question put to the hon Mr Baker—"What is the relative value of stock with a run and without a run?" The answer was "That depends on circumstances" Again, question 208 put to Mr Torrens was, "What would in your opinion be the relative value of say 10,000 sheep with a run and the same sheep without a run?" Answer—"All things should be valued separately and distinct from one another The sheep have their value, and the run has its value" Again in question 300, Mr Taylor is asked "Would you consider sheep without a run to be worth half as much as sheep with a run?" Answer—"They are worth very much more to a person who purchases them, and who has an object in making the purchase Question, "Then consequently sheep with a run are more valuable to the owner than sheep without a run? Answer "Yes, sheep with a run are more valuable than sheep without a run" But he (Mr Hawker) would call attention to an answer of Mr Brown to question 396, which he thought would settle the matter Mr Brown said "Store sheep are worth 12s per head, and mixed flocks 18s I sold a run with 13,000 sheep at that rate, and I have expended more than £2,000 on that run" Thus Mr Brown considered the sheep, with an improved run to be worth 14s 11d against 12s without a run, and he (Mr Hawker) had sold that gentlemen after the shearing season a flock at that rate He thought hon members would find nothing else in the evidence on this point There was one more reply to a question put to Mr Torrens to which he would refer In reply to what the runs were worth, that gentleman said the rent should be from £80,000 to £100,000 He (Mr Hawker) found on making a calculation, that this would be as much as the entire profits of the runs to the holders of them, and he had spoken to Mr Torrens on the subject That gentleman explained that he did not allude to the 24,000 square miles at present under lease, but to the whole country not sold when the leases were issued Mr Torrens meant that with good management, meaning if all the District Councils were left without pasturage, such a rental might be raised, though even this was doubtful, The truth was that both the question and answer were misunderstood The hon member next expressed his regret that Mr Hughes had not been called, inasmuch as the change in that gentleman's opinions had taken place since he retired from squatting pursuits He (Mr Hawker) would now state the course which he meant to adopt in reference to the proposal of the hon the Attorney-General That hon member had suggested whether a compact could not be made He was quite willing to acknowledge that the House had the power to put on any assessment it pleased The law authorized it, and his (Mr Hawker's) only doubt was whether the House could do it consistently with the agreement already made with the squatters It was now suggested that no further opposition should be offered to the Bill on the part of the squatters, and on the part of the Government that the old leases should be taken up and new leases issued with the assessment endorsed thereon, as a final payment for the remainder of the term, except such taxes as might be raised for local purposes, or what he had spoken of as local taxation Of course if there was a general tax upon all the land of the country, or an income tax, the squatters would be as liable to it as any other individual (Hear, hear) The hon member (Mr Neales) whom no one would accuse of suggesting anything unfair towards the country generally, had said that he was always opposed to putting the runs up to auction This had always been a vexatious question, for it was always held *in terrorem* over the heads of the squatters that towards the close of their leases they must either get rid of their stock, or run the risk of being compelled to pay an exorbitant price for their runs The hon member (Mr Neales) had proposed that there should be valuations of the runs, and that the squatters should take them at these valuations The hon member for Noarlunga (Mr Mildred) had proposed the same, and he (Mr Hawker) believed that the valuations should be made at intervals of seven years He believed these arrangements would meet the wishes of the squatters (Hear, hear) He thought both the doing away with the leases and the introduction of valuations would be endorsed by the House and accepted by the squatters Supposing the House would agree to carry out these alterations in good faith he was prepared to withdraw his opposition to the Bill He would accede to the proposal of the hon the Attorney-General, and hon members on that side of the House, and use his utmost efforts to carry this measure, which he felt assured would prove beneficial to the country and satisfactory alike to the squatters and the people of South Australia.

The TREASURER said that before the debate closed he would make a few comments upon remarks which had fallen from various hon members And, firstly, he would refer to that which had fallen from the previous speaker That hon gentleman had taken occasion to bring up private conversations, which were only, after all, repeated secondhand Those conversations took place, it appeared between Mr Bonney and Mr Torrens on the one hand and Mr Torrens and Sir Henry Young, in which he (Mr Finnis) was represented as taking a part, on the other, but, after all, they were mere private conversations, which could not possibly be considered in any official light, and which had no reference whatever to the action of the Government He had felt surprised, too, at what the hon member for the Burra and Clare (Mr Hawker) had imputed to the hon the Attorney General that he (the Attorney-General) was acting in a manner towards an absent person which he would not do during his presence, and he was equally surprised at the allusion to Mr Torrens, with which this imputation was combined He was quite sure that Mr Torrens would not appreciate this mark of favor That gentleman had been held up as an irascible specimen of an Irishman, and the implication connected with it was, that he was the "bully" of the House Surely Mr Torrens could not thank any one for pourtraying him in such an unamiable character He would not say any more on this subject than merely that he regretted such invidious allusions had been made, and that he was quite convinced that what the Attorney-General had said in the absence of the gentleman referred to he would not for one moment hesitate to say in his presence (Hear) With respect to certain conversations which had been alleged to have taken place between himself and certain gentlemen in connection with the subject of the leases, he would take this opportunity of saying that he never had any conversation with Sir Henry Young and Mr Torrens—that was together—on the subject of

the leases, and he had never had any conversation with Mr Torrens until within two years of the present period and that was long after the time in which these alleged conversations had taken place Until within the last two years he (Mr Finniss) had never understood that the interpretation sought to be put on the leases by the squatters was the true interpretation The subject had never been mooted in his presence, and he was confident that there was no understanding between the Government and the squatters which had not been fully carried out in the Orders of Council and in the leases themselves He knew, in fact that there were men then composing the class called squatters who were far too keen to commit themselves to anything on which there could be the possibility of a doubt They must therefore judge of those leases by the Orders in Council and the clauses in the leases themselves He would now say a few words on the report of the Select Committee, but perhaps before he did that he might refer to the remarks of the Commissioner of Crown Lands, and for which that gentleman had been taken so severely to task Now he (Mr Finniss) thought that hon gentleman had shown himself a most sagacious statesman, for, seeing that the cause was a good one, he had refrained from calling witnesses, and notwithstanding this, the evidence and the report tended in the fullest manner to prove that the assessment was proper, both as it regarded equity and expediency The fact was those witnesses had rope enough given them, and the House must admit that they had used it to their destruction, in endeavouring to prove their case they had *proved too much* For instance, in the 8th clause of the report, the Committee said —" Your Committee have taken ample evidence on all these, and upon many collateral points, and have to report to your Honorable House that every witness examined by them has, without exception, stated that the understanding between the Government, by whom the leases were granted, and the parties to whom they were granted, was, that the rental was in lieu of, and in full satisfaction for the previous assessment, and that no assessment would be levied, except by a remote possibility, and for local purposes " They, therefore, had come virtually to the same conclusion as the Government had come to That "remote possibility" had evidently arrived What could that expression mean otherwise? It could not extend to a term of 14 years, which was the length of the leases, but surely to some period within the currency of those leases The reference made by Sir Henry Young to this "remote possibility" was in 1849, that was 10 years ago, and the present time might then in colonial computation be very well considered a "remote possibility" That remote possibility, then contemplated, he believed had now arrived The other point at issue rested in the interpretation of the word "local," and notwithstanding all that had been said on this subject, he could not help adding to these expressions of opinion his views of the proper interpretation of the word He saw that the word "local" was used by Sir Henry Young, Mr Bonney and Mr Hagen in one sense, and that was 'colonial" Let them look at the evidence taken on the Select Committee, and they would see in the official documents produced, several references to the word "local" "Local" Ordinance, 'local" Act, and whenever the word "Ordinance ' was used, they would find attached to it the word "local" Then they had another authority still—Sir Henry Young had used it in the same construction which he had put upon it (The hon gentleman read an extract in which it occurred) Mr Hagen had used it in the last paragraph of his letter in the same sense, viz —"Power to rest with *local* authorities to alter," &c But then they had a still higher authority The Secretary of State had used the word in despatches referring to the Land Fund in 1855 in several instances, such as "these portions were plainly not of a local character," speaking of colonial, and clearly leading to the inference that local and colonial meant one and the same thing In fact, every authority which he had quoted used the word "local" as meaning " colonial," and not district Therefore one point was clearly set at rest, and not only was this borne out by the foregoing, but one of the witnesses on the Select Committee (Mr Torrens) gave it as his opinion that "local purposes" meant for "roads, bridges, harbours," &c This was the definition by one of the witnesses upon whom the squatters relied It had been said that the equity of this assessment had not been proved, inasmuch as the profits of the squatters were not so great as had been represented, but let them refer to the evidence Mr Taylor stated, when examined on that Committee, that the total produce of the pastoral interest per annum was £518,400, that the expenses in wages of 6,000 producing persons at £89 per head, was £534,000, which was the cost of raising so much produce, and with rents and fees under the Scab Act, £17,814, making a total of £551,814, so this, compared with the cost of production, shewed a loss of £33,414 Taking this for granted, he would say that the squatter must surely be unable to meet the proposed tax But it must be clearly seen from the context that the statements put forth on the basis of such figures must be grossly exaggerated The figures which he (the Treasurer) had placed before the House on a former occasion had been cavilled at, and declared to be erroneous, but he had carefully considered the means by which he had arrived at these figures, and he saw no reason to doubt that the number of persons as engaged in pastoral pursuits was any other than he had represented He could not see that they could be far wrong, as the facilities at disposal by means of the police who visited all the stations, would enable them to come to a correct approximate of the number Still he was willing to be corrected, and to take the experience of gentlemen engaged on the spot is very good data He was also willing to admit that he had understated the amount of tobacco used by those in the employ of the squatting interest Taking however, the figures he had referred to, he would show that the squatters did not contribute £6,000 to the revenue Mr Taylor took the pastoral population dependent on wages at 12,000, and assumed that they contributed to the Customs revenue of £151,000—the whole population being 115 000—the sum of £16,070 The fallacy of this was shewn by taking a few of the principle articles of import, for instance, on cornsacks, beer, porter, &c, drapery, haberdashery, spirits, cigars, and wine, there was a duty raised of £93,500, which was more than three fifths of the whole revenue, and the pastoral population, it must be remembered, contributed next to nothing to this portion of the revenue £1,000 would probably more than cover the contribution from the squatter on this head Mr Taylor observed that the principle articles of consumption by this class were tea, sugar, and tobacco Now the revenue on these articles, to which he would also add apparel and slops, was £24,000 The number of men employed in producing amounted to one-tenth of the whole population, and allowing that they would consume about the average, they would contribute, say, £3,000 on the above articles Then under the head of "luxuries," a revenue was derived amounting to £33,500 Certainly they did not use much of these, and taking the quantity consumed under that head at 5 per cent, they would have £1,675, so that reckoning the sums under three different heads he had referred to, they would have as the total amount contributed by the squatters £6,000 or something less He thought, after this, it could not be questioned for one moment that the squatters did not contribute in that proportion to the revenue which their position entitled them to do At the same time it must be remembered that the colony was at special expenses on their behalf, which last year amounted to no less a sum than £20,000 spent in their own districts, while they had only contributed the amount which he had stated Take Mr Taylor's estimate of 12 000 as the number of those employed in pastoral pursuits, and it would appear that they received more in expenditure in their own districts than they contributed, in addition to which they had received their share of the general revenue They had also facilities for obtaining land at little more than one farthing per acre It was clear from the foregoing that the squatter contributed less in proportion to the advantages they derived than any other class of the community, and this was a special reason for their being singled out in order that an equalization of taxation might be brought about This tax would, he was convinced, not do more than place them on an equality with others In support of this he might allude to the statement made by Mr Torrens, who said that the pastoral interest contributed less to the *revenue than any other* It was a singular fact that the hon member for Burra and Clare (Mr Hawker), though he urged the evidence of Mr Torrens on various points as conclusive, yet when anything occurred which did not coincide with his opinions, warded it off by saying it was a mistake in the evidence But he (Mr Finniss) thought the questions and answers were put very clearly in the printed evidence, and that they did not bear even the semblance of a mistake, but on the contrary, they bore the impress of truth He would read the portion he alluded to (Read the question and answer) Now he thought the course adopted by the hon member for Burra and Clare was not a correct one, when the statements made by Mr Torrens suited his own purpose he took them for granted, but when they differed from his views he ran off to that gentleman, and got him to make an explanation, which he gave the House the benefit of hearing He thought it was evident that the report of the Select Committee condemned their own conclusions, and that altogether it contained such manifest exaggerations that it could not be relied on He need not make any further statements It was clearly established that the Government had right and equity on their side, that there had been no injustice attempted by them in endeavouring to impose a special tax upon the squatters, as they were shown to derive greater benefits than other classes of the community, in proportion to the amount they contributed to the revenue He should, therefore support the second reading of the Bill

Mr DUFFIELD would not occupy the time of the House long, for he could not imagine that what he had to say would have any effect in altering the views of any hon member But having been a member of the Select Committee referred to, he could not allow the subject to pass without notice He had heard the Commissioner of Crown Lands on the previous day, but he had not taken the view of the subject which he expected he would have taken, inasmuch as he (Mr Duffield) looked upon this as a great political question —a question on which the Government held one view and the squatter another It was evident that there was a decided difference of opinion The evidence on the side of the squatters showed that they held one opi-

mon, and that had been substantiated by the expressed views of Mr Bonney He thought there was no question but that that gentleman was armed with authority from the Government in the action he had taken, and he had studied, no doubt, the legal documents placed in his hands, and must have been aware of the understanding which was come to between the squatters and the Government But it appeared that a misunderstanding had occurred now, and he (Mr Duffield) was anxious that it should be cleared up as soon as possible, that that political agitation which had so long occupied their attention, and which had retarded the development of the country, should be settled without delay When this Bill was introduced, he had felt it his duty to oppose it, and if the Bill, the whole Bill, and nothing but the Bill, was now sought to be passed he should still oppose it But, as the Attorney-General had suggested an alteration in its provisions which would, at the same time it gave a greater source of revenue, secure a better tenure to the squatter, and remove these political differences, he should with that understanding support the Bill The position of the other colonies had been referred to, wherein the squatters paid a much higher assessment But it must be remembered by hon members that there all the available runs had been occupied, and therefore the necessity for a higher contribution to the revenue But in South Australia they had yet estates to realize upon, they had vast tracts of country yet to be turned to account And although some portions of this land was occupied at a low rental, there were thousands of square miles yet which were not taken up And why? Because it was considered they were not worth what was asked for them It was therefore the duty of the Government to offer every facility for turning their lands to advantage He had felt that this continual agitation had retarded the occupation of these lands, for they had evidence that there had been plenty of land equally bad which had been taken up As a case in point he would mention the country taken up by Captain Ellis, called the "Hummocks" When Mr Ellis took this country up first it was entirely unproductive, but he had expended a large amount of capital upon it, and now it was capable of containing 50,000 head of sheep, and no doubt that gentleman had secured to himself a good return for his outlay But that would be small in comparison to what the country had lost, and seeing that they had thousands and thousands of miles of the same description of country, it was not well to retard its development by any restrictive enactments As to the legality of this measure he had never attempted to oppose it on these grounds, that point had been fully proved But he did not know that the squatters represented that they were not able to meet this tax, on the contrary, they had stated their willingness to contribute to any general assessment They might, however, form some idea of the expenses to which the squatters were subjected in developing the runs, by the fact that a well between Truro and Blanche Town had cost the Government a sum of £500 The House would be ready to admit that the Government were able to construct such works as reasonable as private parties seeing they had every facility at hand The squatters were put to expenses similar to these, and if the cost of such works were the same to them, which from what he had stated they would be, it could be easily understood that in first stocking a country no great benefit would be derived He hardly liked to refer to the Select Committee which sat on this question as he was one of its members He imagined from all that had been said about it that it would be called a celebrated Committee But as to the question of not calling more evidence, the Commissioner of Crown Lands had said he had not time to do so Now he (Mr Duffield) found that the Committee reported on the 3rd November, and the Government did not take action until the 19th November, thus leaving 16 clear days during which the Government surely had time to call any further witnesses In conclusion, as it appeared that there was some prospect of an amicable arrangement being made with the squatters, from what the Attorney-General had intimated, he should on that understanding feel great pleasure in supporting the second reading of the Bill

Mr DUNN moved the adjournment of the debate, which was carried

DISTRICT COUNCILS ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS presumed the House, at that late hour, were not prepared to proceed with the Bill, and its further consideration in Committee was in consequence postponed till Wednesday

ASSOCIATIONS INCORPORATION BILL

Upon the motion of Mr MACDERMOTT (for Mr BAKEWELL), the second reading of the Associations Incorporation Bill was made an Order of the Day for Friday

The House adjourned at a quarter to 5 o'clock till 1 o'clock on the following day

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THURSDAY, NOVEMBER 25

There was not a quorum of members present

FRIDAY, NOVEMBER 26

The SPEAKER took the chair shortly after 1 o'clock

MITCHAM

Mr REYNOLDS presented a petition from a number of the ratepayers of Mitcham, having reference to some reserves in that district, which the Government had intimated their intention of submitting to public competition

The petition was received and read

MR DAVID SUTHERLAND

Mr NEALES presented a petition from Mr David Sutherland, complaining that the Government had taken away portion of an 80-acre section belonging to him for the purpose of forming a road

The petition was received and read

WINE AND BEER LICENCES

Mr BAKEWELL gave notice that on Wednesday next he should move for leave to bring in a Bill to amend the Licensed Victuallers Act

MITCHAM

Mr REYNOLDS gave notice that on Wednesday next he should move that the petition presented by him from the residents of Mitcham be printed

KAPUNDA

Mr SHANNON gave notice that on Wednesday next he should move the petition recently presented by him from the inhabitants of Kapunda be taken into consideration

MR DAVID SUTHERLAND

Mr NEALES gave notice that on Wednesday next he should move the petition presented by him from Mr Sutherland be printed

THE ESTIMATES

Mr PEAKE gave notice that on Wednesday next he should renew the motion in his name relative to the expediency of the Estimates being presented to the House within 14 days of the opening of Parliament

SOLICITOR TO THE LANDS TITLES COMMISSIONERS

Mr REYNOLDS put the question of which he had given notice—

"That he will ask the Honorable the Attorney-General (Mr Hanson,) whether there is any truth in the report that Mr Belt one of the Solicitors of the Lands Titles Commissioners, has tendered his resignation, and, if so, whether the Attorney-General will lay the letter (if any) tendering such resignation on the table of this House"

The ATTORNEY-GENERAL said the question was, whether there was any truth in the report that Mr Belt, one of the Solicitors to the Lands Titles Commissioners, had tendered his resignation He had put himself in communication with the Registrar-General, who informed him that there was no truth in the report that Mr Belt had tendered his resignation

Mr REYNOLDS put the second motion standing in his name—

"That there be laid on the table of this House copies of all reports made by the Solicitors to the Lands Titles Commissioners to the Registrar General, and of all correspondence between them, relative to the amendment of the Real Property Act of 1857-8, and in reference generally to the Laws relating to the Transfer of Real Property"

In putting this question it was necessary to refer to another report, but whether there was any foundation for it or not he could not say It appeared, however, from that report that one of the Solicitors to the Lands Titles Commissioners had forwarded to the Registrar-General or the Commissioners his views in reference to the working of the Real Property Act, and also his views as to the amendments which it was necessary to make in order to make the Bill a workable one The report which was current was that the Bill was not a workable one, and that one of the Solicitors had forwarded his suggestions for amendments It was very desirable, if any suggestions had been made, that hon members should be in possession of them, as, according to report, at no distant period they would be called upon to consider an amended Real Property Act

Mr STRANGWAYS seconded the motion, but hoped the hon member for Sturt would assent to the addition "and also the report of such Solicitors, giving generally and particularly their opinion of the Real Property Act of last session" The object which he had in view was to obtain a special report on the Real Property Act of last session, not merely upon those points required by the Lands Titles Commissioners, but upon the Bill generally He believed when the report was obtained it might be totally different from that which hon members would imagine, considering the large majorities by which the Bill was carried in that House

Mr REYNOLDS adopted the amendment

The ATTORNEY-GENERAL said with regard to the first part of the motion, there was no objection on the part of the Government to accede to it, and if any report had been made up to that time by the Solicitors, or if any correspondence had taken place upon the subject, the Government would be prepared to lay it upon the table. With reference to the amendment, however, he could only say, as he had said to the hon member for Encounter Bay, upon adopting the amendment of the hon member for East Torrens (Mr Barrow), that there should be be a distinction between that which had actually been done or facts, and what after all was a mere matter of opinion The two returns should be laid upon the table separately, and the former should not be

delayed in order that the latter might be procured.—The motion was carried.

CAPTAIN JOHN FINNIS.

Mr NEALES moved that the report of the Select Committee upon the petition of Captain John Finnis be adopted. The hon. member remarked that the case had been some time before the House, and as hon. members were no doubt well acquainted with the facts, it was unnecessary to enlarge upon the matter.

Mr SOLOMON seconded the motion.

Mr REYNOLDS would like to hear the report read, as he must confess that he had not read it.

The Clerk of the House read the report, which recommended that the balance of the contract be paid to Captain Finnis, who would then be a heavy loser, by having been compelled to undertake a contract for epitomizing the debates of the Legislature during last session, which had been undertaken by Mr James Allen, for whom Captain Finnis had become surety. The only member of the Committee dissenting from the report was Mr Strangways, who considered the work had been too much condensed.

Mr STRANGWAYS said that his opinion upon the point was substantially communicated in the rider which was attached to the report. It was only his private opinion, however, and hon. members would be enabled to form their opinions by inspecting the work; but it did strike him that the work was not of that character which was required by the House. If that were the case, and the work, moreover, was not of the character which the Government had contracted for, he could not see that the petitioner was entitled to the balance of the contract. No sufficient evidence could be obtained by the Committee as to the nature of the contract entered into between the Government and Mr Allen, for whom Captain Finnis became surety, and consequently he had had to consider whether the work was really of that character which was required. He had arrived at an opinion upon the point, and he would suggest that each hon. member should refer to the work and see if it were of the nature which was required. If it were so, then payment should at once be made; but it was quite clear that if the work were not of that character which had been produced by Captain Finnis and equal to that which had been contracted for by Mr Allen, Captain Finnis could not be entitled to the balance. If, on the other hand, that work had been produced equal to that which had been contracted for by Mr Allen, Captain Finnis was clearly entitled to the amount which he claimed. He observed some intimation in the evidence that the amount which was to be paid for the work was an indication of its quality, but he could not agree with this because the original contractor, Allen, must have known the character of the work which was required, and if he had fixed the sum of £500 for the work with the view of obtaining the future contract for the Hansard, if the work produced were not such as Allen had undertaken to produce, Allen could not have obtained the amount, and he consequently could not see that his surety, Captain Finnis, should obtain it either. The best way he believed would be to let the parties who had made the bargain say whether the work was such as had been contracted for. He could not see any decisive proof either one way or the other, and having no sufficient proof either one way or the other, he then exercised his own individual opinion whether the work was such as the House required or not.

Mr SOLOMON supported the adoption of the report. The hon. member (Mr Strangways), who was the only member of the Committee who dissented from the report, said that the work was not of such a nature as to warrant the House making payment for it; but he had heard noting to support the hon. member's statement, nor had the hon. member himself pointed out where the work was defective. It was true that he (Mr Solomon) was not in the House at the time, but he had perused the work, and assuming it to be correct, and he had not heard its accuracy challenged, he considered it well worth all that had been charged for it. He considered that the question which had been raised as to its value, ought not to be raised. The sole question was whether the contract had been fairly carried out, and the report of the Committee affirmed that it had. A certain work had been agreed for, and unless some fault could be pointed out either in the printing or in the contents, Captain Finnis was, he contended, entitled to payment. It was true that the work might perhaps be found fault with by some hon. members as not containing the full amount of the speeches which they had made during the session, but he would put it to hon. members whether it was not fortunate for themselves that they had been so curtailed, and that they should feel much indebted to the compiler for having done so. It was quite evident that an arrangement had been made with Mr Allen to do a certain work for a certain price; Mr Allen failed to complete his contract, and Captain Finnis, as surety, was compelled to complete it. The Government had opportunities afforded them of inspecting the work as it proceeded, and they should, as the work proceeded, have pointed out those portions which were unsatisfactory, if there were any. But they had not done so, and the work having been completed and placed in the hands of hon. members, it was certainly not now compatible with the dignity of the House to refuse payment.

Mr PEAKE rose for the purpose of expressing the disappointment which he felt at the position in which this affair placed the House. It was no part of the duty of this House to deal with the traffic, the bargains, made by the Government. It was throwing a very ungracious and undignified office upon members of that House. Let those who made the bargains be responsible for carrying them out. If this were a mere question of the expenditure of public money the House could deal with it; but it was certainly no part of the duty of that House to deal with the question as it stood. He hoped the Government would take the responsibility of settling this matter; they had made the bargain, and let them settle it in a right and equitable manner. The matter had no right to be brought forward in the shape it was, as he was quite sure there was sufficient business talent amongst the Executive to enable them to settle it. It would form a bad precedent if the House were to decide upon the point, for hon. members were not there to take any portion of the Executive functions of the Government. The Executive had plenty of time and ability to settle such questions as the present. He should vote against the adoption of the report because he objected to public accounts being settled by the authority of that House, when the Executive were the proper parties to incur the responsibility.

The ATTORNEY-GENERAL was surprised at the speech of the hon. member for the Burra, because it implied that in matters involving the expenditure of public money that House was not to interfere. (No, no.) Then, if the hon. member said "no no," he wished to know upon what grounds the House should not interfere. Was it because not only the expenditure of public money was involved, but the rights of an individual. Because there were only these two points involved in the question before the House? He was surprised to hear the hon. member say that this was a question upon which the House should not express an opinion. If he were asked whether Captain Finnis had a legal claim upon the Government, he would say that he did not think he had; that he did not think Captain Finnis could establish in a court of law a claim for the price of the contract entered into with Allen. He believed that he had expressed a similar opinion when the Supplementary Estimates were under consideration, when a vote for the *Hansard* was asked for. It was, indeed, for that reason that the Government had not paid the amount. Having said this much, however, he would say that he could quite understand that there might be circumstances, such as the desire displayed by Captain Finnis to carry out this contract, though at a considerable pecuniary sacrifice, and to honestly and faithfully do it to the best of his ability, which would constitute a strong reason for the House recommending the Government to pay the amount, for which, nevertheless the petitioner had no legal claim. If the Government had believed that Captain Finnis had a legal claim for the amount, they would have settled it, but believing that he had no legal claim, the Government left it to the House to take into consideration those circumstances which gave him an equitable claim. As custodians of the public purse, the question was clearly one for their consideration. The House would remember that a sum had been placed upon the Estimates to meet this claim, but the Government had distinctly stated that they would not liquidate it until the House had expressed an opinion whether, under the circumstances, payment should be made by the Government or not. Subsequently, a petition had been presented to the House, and the matter had been referred to a Select Committee, which Committee had reported favorably for Captain Finnis, for whom he felt strong sympathy, believing that he had endeavored honestly and faithfully to complete the contract. He was, therefore, quite willing to support the motion that the report be adopted, not because he felt that Captain Finnis had a legal claim, but because there was that sort of equity in the case which entitled him to not only the fair but liberal consideration of the House. If the report were adopted, the Government would have no hesitation in immediately paying the amount. It was a question for the House to consider whether they would, looking at all the circumstances of the case, give Captain Finnis a fair and moderate remuneration for the expenses which he had incurred and the labor which he had undergone in the compilation of this work, although, under the circumstances, he might not have a strictly legal claim.

Mr PEAKE wished to say a few words in explanation. He had understood the hon. the Attorney-General to say that he (Mr Peake) had denied that it was the duty of the House to deal with this question or any like it, and that he had also dissented from interfering in questions in which the rights of private individuals were concerned; but he (Mr Peake) had never said so. What he had really said was, that he did not like the Government to throw upon the House a duty which devolved upon themselves. He did not wish to infringe the powers of that House as guardians of the public purse, nor did he wish to interfere with the action of the House in protecting the rights of individuals.

The ATTORNEY-GENERAL said he had not charged the hon. member with having so stated, but it was certainly included in his argument.

Mr REYNOLDS thought the Attorney-General had made out that Captain Finnis had a good moral claim, and a sum having been placed upon the Estimates to meet this claim, he thought the matter might be left entirely with the Government. If a really good moral claim existed, it might safely be left with the Government to liquidate. He

considered the resolution before the House a censure upon the Government, for not having liquidated the claim, and as he should be sorry to pass a vote of censure upon the hon gentlemen opposite, particularly as it was now admitted that a good moral claim existed he trusted the hon member for the city (Mr Neales) would withdraw the motion, otherwise he should feel disposed to vote against it

Mr BURFORD hoped the hon member would not withdraw his motion The matter had been referred to a Committee, the evidence and report were very conclusive, and it appeared to him like child's play to withdraw the motion for the adoption of the report

Mr NEALES did not believe when he rose to move the adoption of the report that there would be a single dissentient voice, particularly as the only dissentient member of Committee had not a seat in that House at the period to which the work had reference The hon the Attorney-General had admitted that Captain Finnis had a strong moral claim, and notwithstanding the opinion of the learned and hon gentleman, he was disposed to think that he had also a claim in a court of law Having admitted that there was a strong moral claim, it appeared to him rather jesuitical to enter into the legal objection to the claim Although in the report of the Committee it was stated that Captain Finnis would be a heavy loser even though the amount which he claimed were paid, the report was not based upon that evidence, but upon the evidence that Captain Finnis had done what Allen had undertaken to do originally He believed that the Government would now feel strong enough to pay the amount even if the report were not adopted, but he could scarcely believe that the House would reject the report, for the books had been bound, and he would remind the House that the work was never intended to be anything more than an epitome The discussions in the early part of the session were much longer than those in the after part, and the proportion as observed in the newspapers had been carefully preserved in the Hansard He trusted the report would be adopted, as if it were not it would look very much like repudiation

Mr STRANGWAYS wished to be informed how many members of the Committee signed the report

The SPEAKER said it was necessary that five members should be present to agree to the report, and that the Chairman signed it

The motion for the adoption of the report was then put and carried

LONGBOTTOM'S PATENT BILL

Captain HART, in moving the second reading of Longbottom's Patent Bill, said that it was a private Bill to secure Mr Abraham Longbottom a patent for the unexpired term of 14 years He need say very little about it, as the evidence sufficiently showed the advantages which were likely to arise to the public by the introduction of a patent to this colony, which would no doubt be followed up by lighting-up the principal towns in South Australia with gas of a very superior quality, and at a cheap rate He believed it would be said at a no distant date from the introduction of this Bill that one of the greatest luxuries had been introduced to the colony, a cheap and good light, which had hitherto been denied them

Mr COLLINSON seconded the motion

Mr MACDERMOTT thought, before the House assented to the second reading of the Bill, they should understand some of the advantages which it was said would be conferred by the present Bill He perceived by the report that it was suggested the charge for gas manufactured by this process would be 15s per 1,000 feet Now that appeared to him a very long price, and he would remark that if gas could be manufactured cheaply the public should enjoy some of the advantages of that economy He believed that the taverns in Melbourne were charged about the same price, and they complained of the enormous price, even after making every allowance for the difference between the cost of materials here and in England He had thought it well to draw the attention of the House to this fact, as he certainly thought, in granting this patent, they should see that the protection of the interests of the public was properly provided for

Mr COLE, as one of the members of the Committee who had investigated this subject, begged to offer a few words of explanation It was true that Mr Ewbank, who had been examined before the Committee, had named the rate of 15s per 1,000 feet, but that was the maximum rate But the House should bear in mind that the gas which would be manufactured by this process would be so superior that one foot would be equal to two feet of coal gas, so that even if the price were 15s per 1,000 feet it would be little more than equal to 7s for coal gas Another thing was, independently of the quality o the gas, that the refuse as compared with that from coal gas, would be valuable for the supply of locomotive engines

Dr WARK said there was another point of great importance in connection with this question which had been left untouched Coal gas emitted many noxious properties which this gas did not He believed coal gas to be very injurious to respiration He quite agreed with the hon member (Mr Macdermott) that some provision should be made to guard the public against any overcharge on the part of the party having the patent

Mr SOLOMON understood this Bill to be to secure a patent to a party for the manufacture of gas from oil and fatty matter The object of the Bill, as he understood, was to prevent other parties from using anything of the kind in the manufacture of gas, but he would remind the House that the ingredients mentioned in this Bill had been used in the colony in the manufacture of gas for the last two years Mr Nitschke had made very excellent gas from similar matter, and so also had Mr Gouge It did not appear to him there was anything new in the process, and it would be interfering with the rights of those citizens who had hitherto adopted the system were that House to give one individual the exclusive right of manufacturing gas by such a process

Mr BURFORD did not believe that the principle disclosed in the evidence which had been taken before the Committee had ever been acted upon in this city There was a peculiarity about this process which justified the Committee in recommending it to the notice of the Parliament He alluded to those portions in connection with refining oils and resin Of course, all the matters connected with this particular process were not entirely new, one or two were sure to be known in time past, but what he understood was that unless a party used all the elements combined, as proposed by the patentee, there would be no infringement of the patent The objections of the hon member for the city (Mr Solomon) would not, therefore, hold good, as any person might use the materials mentioned so long as he did not use the combination mentioned in the Bill He should be glad to see the city lighted with gas, and the House, he thought, should afford every facility for so doing

Mr LINDSAY said that although the Bill had reference to improvements which had been made in the manufacture of gas from oil and fatty matter, the improvements had reference more to the machinery than the material There was in fact nothing new in the manufacture of gas from the materials named, they having been suggested many years ago by one of the English professors of chemistry, and a Company had been started for the purpose of manufacturing gas from these materials upon an extensive scale, but the Company, he believed, spent £50,000 without getting any return He understood the patent asked for to be merely an improvement in the machinery for the manufacture of gas as originally recommended, he believed, by Professor Daniels, and that there was no attempt in the Bill to exclude others from using oils and fatty matter in the manufacture of gas

The ATTORNEY-GENERAL was desirous of saying a word or two before the second reading of the Bill was assented to He should take the course in this instance which he had always taken in reference to private Bills, and although not opposing the second reading, reserved to himself the right, when the Bill assumed its ultimate shape, to express his opinion to the House as to what appeared to be the rights of parties He would call the attention of the House to the fact that this Bill was to secure to the inventor certain rights in this country, in consideration of his discovery being made public He thought it would be quite right to give the party a patent if he took steps to use it here, but he did not think it would be right to give him a power which would prevent others from introducing the improvement here if the patentee would not do so himself He believed the patentee was going to carry out the improvement in this colony, but still he thought the House should have some security that he would do so He stated so before the hon member for the Port put the Bill into Committee or took it out of Committee

Captain HART said the patentee certainly had no desire to pass this Bill through the House without making use of it On the previous day his mill at the Port had been lighted up as it never had been before, the fact being that he had anticipated the second reading of this Bill, being determined to see how the process would answer He was gratified to say that he had never seen such good gas either in the colony or at home He had never seen any thing more satisfactory He believed that at the present moment there was sufficient material in the colony to light up not only the Port, but a very considerable portion of the city The patentee was only waiting the passing of this Bill, when White' 'Rooms would be lighted up immediately In reference to the remarks of the hon member for the city (Mr Solomon) the hon member would have seen, had he read the Bill, that the fatty matter referred to was not similar to that which had been in use for some time past, but was peculiar, being oil procured from resin in some way which was also protected by patent in England By this process gas could be made at a cheaper rate than from coal, and there could be no question whatever that gas being manufactured, as was proposed by this Bill, would prevent coal-gas being manufactured here, because coals were much more expensive here than in England, yet in England gas by this process could be manufactured at a cheaper rate than from coal, though coal there was not more than one-third of the price it was in the colony Independently of this he believed that the material from which the oil was obtained could be obtained in the colony He believed that large quantities of resin might be obtained in the forests here which would be available for the manufacture of the particular oil required in the manufacture of this gas He hoped hon members would in a few days be enabled to see the superiority of this gas over anything of the kind that had been seen in Melbourne In reference to the remarks which had fallen from the hon member (Mr Macdermott), he would remark that the hon member was mistaken in reference to the price of gas in Melbourne—the price there having till lately been 25s per

thousand feet During the last few weeks the price had been reduced to 22s 6d If Adelaide got a supply of gas of the quality proposed by this Bill, at 15s per thousand feet, it would be far cheaper than the price at which Melbourne was supplied, for it was quite true, as had been remarked by the hon member (Mr Cole), that one foot of this gas was equal to two feet of gas manufactured from coal But this was not the only advantage, for the process referred to in the present Bill did not require a large factory, but it could be manufactured upon the premises intended to be lighted with ease and safety He had at that moment a gasometer at his mill, and independently of finding this description of gas much cheaper than any other, he had already received intimation that on account of its safety there would be a reduction in the premium charged for the insurance of his premises The advantages to South Australia could indeed scarcely be estimated, and he thought that the House would see that the view taken by the Attorney General would be met by the intention and acts to the present time of the attorney for the Bill

The motion for the second reading of the Bill was then put and carried

The Attorney-General asked the hon member (Captain Hart) not to go into Committee upon the Bill, as it was important that the House should proceed with the discussion upon the Assessment on Stock Bill, and, in addition to which he should like to provide a clause to the effect that the Bill should cease if steps were not taken to carry it into effect within a certain time He was not desirous of imposing an obligation upon the patentee to carry the Bill into effect, but he simply wished that if he did not, others might not be prevented from doing so

Upon the motion of Captain Hart the consideration of the Bill in Committee was made an Order of the Day for Wednesday

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

Upon the motion of the Commissioner of Public Works the consideration in Committee of this Bill was made an Order of the Day for the following Friday

CAPTAIN J F DUFF

Mr Collinson obtained an extension of time till Wednesday next for the Committee to bring up their report

IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the Commissioner of Crown Lands the report of the Committee of the whole House upon this Bill was adopted, and the third reading was made an Order of the Day for the following Tuesday

KAPUNDA

Upon the motion of Mr Shannon, the petition recently presented by him from the residents of Kapunda, relative to the site of a railway terminus, was ordered to be printed

WASTE LANDS ACT AMENDMENT BILL

Upon the motion of the Attorney-General the consideration of the amendments made by the Legislative Council in this Bill, was postponed till the following Friday

THE ESTIMATES

Upon the motion of the Treasurer the consideration of the Estimates was made an Order of the Day for the following Tuesday

ASSESSMENT ON STOCK BILL - RESUMPTION OF DEBATE

Mr Dunn did not intend to trouble the House with a long speech, although fully alive to the importance of the question, in fact, when the Bill was first brought under consideration and was referred to a Select Committee he had made up his mind to give a silent vote, and to support the second reading of the Bill He had arrived at this conclusion chiefly from the fact of having read the lease and the particular covenant under which it was contended the squatters were quite liable to be taxed There could be no doubt that such was the case All leases contained covenants, and notwithstanding what might be said by the attorney, land-bailiff, or steward, who might be present at the time the lease was signed, the lessee was bound by the covenants in his lease, and it was to those covenants in the leases of the squatters that he had carefully looked in order to guide him to a correct conclusion in this instance. Although he had stated that lessees must be bound by the covenants in their leases, those covenants he was aware were not always carried out to the very letter, but the lessees were always under a penalty as it were of having them carried out Having no doubt of the liability of the squatters, he had originally made up his mind to give a silent vote in support of the Bill Having perused the covenant in the squatters' leases, by which it was quite clear that they were liable to be called upon for other payments than those which they at present contributed, he was only surprised that the squatters should endeavor to resist the claim He must confess to surprise, too, when he saw the Bill, for at that time he felt assured that the tax could not be fairly imposed, but afterwards, upon perusing the leases, there could not be a doubt of the squatters' liability Another reason which had determined him to support the Bill was that he believed the squatters held their runs for less than their real value At the time the leases were granted, probably the rentals paid by the squatters were as much as the runs were worth according to the returns but at the same time the squatters took their leases with a proviso staring them in the face, rendering it quite clear that they might be called upon to pay more for the land in the shape of a tax such as was proposed by the present Bill Those were the reasons which had originally determined him to go with the Ministry and vote for this Bill, but still at the same time he voted for referring the question to a Select Committee as he thought it possible that by so doing more light might be thrown upon the question He was perfectly astonished, however, at the one sided report which the Select Committee had brought up It was said out of doors that though the Commissioner of Crown Lands was one of the Committee, and that although the hon gentleman had brought in the Bill, he in his heart wished that it might not pass Be that as it may, he had always understood that the object of referring a matter to a Select Committee was, that they should enquire thoroughly into both sides of the question, and throw all the light upon the question which they were appointed to consider that could be collected, but in this case no disinterested party had been called, unless indeed it had been Mr Torrens, who appeared to be trimming between the squatters and the people With the exception of that gentleman, the whole of the witnesses were deeply interested in the squatting question He had been told in Hindley-street that so cautious was the Hon John Baker not to commit himself before the Committee that he frequently took five or ten minutes, and even a quarter of an hour, to answer a question (Laughter) He did not blame the hon gentleman for this, as he had a right to make out the best case he could for himself, but he blamed the Committee for not calling evidence on the opposite side No doubt if such evidence had been called it could have been shewn that the squatters were realising much more from the waste lands of the Crown than other gentlemen were from their real property, and if evidence had been brought on the other side, it would have been impossible that the report could have borne the aspect which it did A great stress had been laid upon the word "local," but he did not think there could be any serious doubt in the mind of any hon member that the interpretation placed by the hon the Attorney General upon the word local, or upon the expression "local purposes" was correct, and that it was used in contradistinction to Imperial purposes He had been astonished during the debate at remarks which had fallen from the hon member (Mr Burford), who, though formerly wishing to have direct taxation through the length and breadth of the land, now denounced it in the highest degree and called this Bill class legislation and all sorts of names He had been for many years a dealer in grain, and was desirous of giving every man a cheap loaf, and as the hon member (Mr Burford) was a tallow chandler, he presumed the hon member did not wish the people to eat their bread in darkness, but to give them a cheap candle, and this was probably the cause of the hon member having expressed the views which he had The squatter occupied the people's country, it had been shown that he did not pay a fair rental, and as there could be no doubt about the power of the House to tax him, he was only surprised that any opposition should be made to the reasonable demand imposed by the Bill He acknowledged that the squatters labored under some disadvantages from their liability to have their runs put up to auction at the termination of their leases, but from the remarks which had fallen from the Attorney-General relative to the disposition of the Government not to impose any further taxation during the currency of these leases, he believed the squatters, with a better tenure than hitherto, would be quite prepared to pay a higher rate than they had hitherto The squatter was not placed in the same position as a merchant, for if the latter were turned out of his store, he could find another in which to place his goods, but if the squatter were turned out of his run, where was he to go to with his stock? He did not believe there was a squatter in South Australia who was opposed to paying a fair share towards the revenue, according to the advantages which he derived from the occupation of the people's estate He could not help alluding to the fact, that when a short time since it became known that a large quantity of new country had been discovered here, there were numerous applications from neighboring colonies for portions of it, many of the applicants offering to pay rent in advance This was sufficient to shew that great profits were derived from the occupation of Crown Lands, and if the squatters could be secured in the occupation of such lands, no doubt they would be willing to pay a fair value for the privilege which they enjoyed He should support the second reading of the Bill

The Commissioner of Public Works said that as the debate had now lasted a considerable time, he was desirous of making as short a speech as possible He would have been as well pleased if he could sit quietly and make no remarks, but for some remarks which had been made by some hon members It had been said that the majority of Ministers were not in favor of the Bill, and as a member of the Government he would not feel justified in refraining from an indignant protest against such an assertion (Hear, hear) He felt strongly the necessity, the legality, and the justice of the measure The debate had

now extended over two days, and the House was entering upon the third. The legal portion of the argument against the Bill had already been given up, and the difficulties in its way had been further diminished by the remarks of the hon. member for Victoria. Allusion had been made by the hon. member for the city (Mr. Neales), and also by the hon. member who had last addressed the House, to the difficulties which would arise under the present system of letting the lands at the termination of the leases. Upon this point he (the hon. Commissioner) would remark that there were probably no discussions so unreasonable as those which arose between a landlord and tenant at the termination of a lease which had proved peculiarly advantageous to the tenant. The landlord in such cases very frequently demanded too high a rent, whilst the tenant expected a renewal of his lease at unreasonably advantageous terms. In reference to this Bill it was essential that the rights of the people should be carefully guarded, and he hoped that in Committee this point would receive more attention than it had yet occupied. It was a very important matter, and the squatters could point out many matters which were not yet known. With regard to the evidence which had been given before the Committee, he always felt that it was a very strong case which could be decided against persons on their own evidence solely; but he believed such was the case in the present instance, and that this was the true reason of the course pursued by the hon. the Commissioner of Crown Lands. The course taken by that hon. member he (the Commissioner of Public Works) could not but feel was not such as to warrant the strong remarks made by several members. One very extraordinary feature in the proceedings of the Committee was the number of witnesses who had not even seen the Bill. Some of these gentlemen contented themselves by reading the cursory abstracts which appeared in the papers, and one of them had not even read a document still more important to him—his lease. It was strange that persons should discuss a measure like this, and sometimes not with the very best temper, without first informing themselves on the subject, by carefully reading the Bill, and also the leases by which they were bound. He would now state again what he had already stated on the occasion of the second reading of the Bill, that he considered the proposed assessment a very moderate one. That was the language used in the speech of His Excellency at the opening of Parliament, and he (the hon. Commissioner) fully believed that that language was borne out by the Bill. Knowing the proposed assessment to be legal and firmly believing it to be equitable, he should give it his most cordial support. If, on the other hand, he believed the measure to be of a legal but not of an equitable nature, he should adopt a very different course. He would cheerfully resign his place in the Government or his seat in that House, rather than support any Bill which he did not believe to be justifiable—not merely legal but also in an equitable sense.

Mr. Rogers, in rising to support the second reading, agreed in all that had fallen from the hon. the Commissioner of Public Works. He would say nothing upon the evidence, but he believed that an injustice would be done to the colony in not passing the measure. He did not believe that any hon. member who studied the interests of the colony would oppose the second reading.

Mr. Cole feared that if he did not make some remarks on this subject he might be considered an exception to the general rule, as he believed every other hon. member had spoken upon the question. (A laugh.) He would not, however, detain the House with a long speech. He felt confirmed in the views which he had taken of the matter when the Bill was first introduced. He believed that the equity, legality, and expediency of the measure had all been proved to demonstration; and he would, therefore, only make one or two remarks on what had fallen from hon. members in the course of the discussion. Some hon. members had charged the Ministry with not calling evidence to oppose that which had been brought forward against the Bill. But hon. members should bear in mind that when the Bill was first introduced, several hon. members remarked that there was no necessity for a Committee at all; and he (Mr. Cole) had concurred in that sentiment, as he believed the House had already sufficient light to warrant them in coming to a conclusion on the subject. In that opinion he believed the hon. the Attorney-General likewise joined. He (Mr. Cole) thought that, if evidence was brought forward, it would tend rather to darken than to enlighten the question; and so he now believed it had done. He considered the Government fully absolved from the charge of not calling witnesses for, as the hon. the Attorney-General observed, there was sufficient evidence before the House in favour of the Bill. It was a mere act of courtesy on the part of the House to allow the opponents of the measure to bring forward such evidence as they could against the measure. The result was now already known. The case of the squatters was indifferent, as it was before, was very little better now, or rather it was worse. He had one other observation to make on an expression which had fallen from the Government benches in reference to a gentleman who had lately held a high position of trust. He alluded to Mr. Bonney. The hon. the Attorney-General had been charged with being uncourteous, nay, ungentlemanly, in designating that gentleman "a tool." (Laughter.) He (Mr. Cole) believed that nothing could be further from the hon. the Attorney-General's mind than to use that term in an offensive sense. He believed that the hon. member meant that the Government was a machine, and that Mr. Bonney was only a portion of it. (Laughter.) He (Mr. Cole) could view the matter in another light, and he thought it unfair on the part of the opponents of the hon. the Attorney-General to put a wrong construction on the words. As to the hon. member for Victoria, who in speaking of hon. members who could not see the matter in the light in which that hon. member himself saw them, and who had made an allusion to coarse minds—(laughter)—he (Mr. Cole) would stand between the wind and that hon. gentleman's nobility and say that the squatters did not pay a fair share of the public burthens—("hear, hear," from the Attorney-General and some other hon. members)—and he thought it came with a very ill grace from these gentlemen to stand forward now in opposition to a tax like the one proposed. His (Mr. Cole's) advice to these gentlemen was to accept the present offer, for he was fully assured that if the offer was rejected, and the Government forced to extreme measures, the squatters would regret not having accepted this offer. He did not say this as a threat, but the interests of the public should be consulted as well as those of the squatters. Hon. members were the guardians of the people, and should protect their rights. There was a covenant, and though he did not speak like Shylock demanding his pound of flesh, that covenant must be adhered to. If this demand was made when things were at very low prices, there might be some show of justice in resisting it; but the Government had not made their demand at such a time. They had waited until the squatters could well afford to pay an assessment, and he (Mr. Cole) thought this should determine the matter. He supported the Bill.

The Attorney-General rose to speak, but his first sentence was quite inaudible. The hon. member proceeded to say—he should not go through all the speeches during the debate, especially as the result of the discussion was no longer doubtful. Very few hon. members had declared themselves hostile to the measure, and the probability was that even these hon. members would not attempt to give effect to their hostility by voting against the second reading of the Bill. He should therefore have considered himself free to remain quiet in the matter if nothing was involved except the question as to whether the Bill should be read a second time; but there had been so many statements made reflecting upon himself individually, and against the Government of which he was a member—so many imputations upon his conduct and motives, and the conduct and motives of the Government—and so many denunciations of the principle upon which the Bill was founded, that he felt it was only just to himself, the Government, and the country, whose interests were involved in the matter, to make some few remarks at least upon the subject. With regard to the first matter which he had alluded to, the statements made with regard to himself and his motives and conduct, he would begin by stating what he thought would have been apparent to every hon. member of the House, and what had been very kindly stated by the hon. member who had just sat down, Mr. Cole, namely, that in using the word "tool" in reference to Mr. Bonney, he had done so with no intention of casting any slur upon that gentleman—(hear, hear)—whilst at the same time he confessed, as every one might have to confess occasionally, that in the hurry of the moment he had not selected the most appropriate phrase to convey his meaning. "Instrument" would have been a much better phrase than "tool" for the purpose; but he had used the word simply to express what he believed to be the real position of Mr. Bonney. He meant that that gentleman was not an agent having a discretionary power to treat, that he was merely an instrument to carry out a foregone conclusion from which he had no power to deviate to the right or left, or to alter in any way. No hon. member, so far as he (the Attorney-General) was aware, had said that Mr. Bonney's position was different from this. No person pretended that that gentleman had any power from his office under the Government of the colony, or from the Home Government, that he had any power from either of these sources which entitled him to represent the Government, or which entitled his (Mr. Bonney's) word to be taken as representing the opinions of the Government. He (the Attorney-General) was compelled to say that there had been an unfair use made of the language which he had employed in this instance. He had also spoken of the fact that Mr. Bonney, whilst that gentleman held extreme radical opinions, was most friendly to the squatters. He did not condemn Mr. Bonney's opinions. He did not know that that gentleman's extreme radical opinions went further than his (the Attorney-General's) own; but what appeared to him to be an inconsistency was, that whilst holding those extreme opinions which implied a negation of class-feeling, and a sense of strict justice to the whole country, Mr. Bonney entertained a very tender feeling towards the squatting class, of which he had himself originally been a member. Then, when he (the Attorney-General) said that Mr. Bonney had been rewarded, surely no one could think that because that gentleman was rewarded a year after he had done certain acts, that therefore he was bribed. Did not everybody know that on two different occasions he received large money subscriptions from the squatters for performing his duty in a manner which was beneficial to that class? He (the Attorney-General) was quite willing to believe, and he

did believe, that Mr Bonney performed his duty to the best of his ability, with fairness between the squatters and the Government, but it was well known that Mr Bonney's leanings were towards the squatters, and that the benefits which he conferred upon that class were sufficient to secure to him those rewards in the shape of subscriptions which he received This circumstance indicated the bias of Mr Bonney's mind and his leaning towards the squatting interest in all his measures It showed his friendly feeling to them, and the squatters on the other hand gave a practical recognition of the services rendered to them by Mr Bonney He (the Attorney-General) need say no more upon this point He had always recognised Mr Bonney as an able and upright public servant, but he always felt that gentleman had an unconscious feeling in favor of the squatters, which was called forth by his past positions, that being originally a squatter, he sympathised with the class to which he had belonged, that however sincere his intentions might be, he had a leaning towards that particular class He would now refer to one other matter of a personal nature which he approached with great regret. He was surprised that any one who had seen him in that House, when Mr Torrens was a member of it should think of imputing to him a personal fear of that gentleman (Hear, hear) He (the Attorney-General) had often had to oppose himself to Mr Torrens in a very decided personal manner, and he would appeal to the Legislature and the country to say whether on such occasions he had ever been turned aside from stating what he believed to be the truth by any personal fear (Loud cries of hear, hear) He regretted very much that anything which bore the slightest resemblance to personal fear should have been imputed to him (Hear, hear) In speaking with reference to the evidence of Mr Torrens, he had said that he approached the subject with hesitation He said so because the statements of Mr Torrens were inaccurate to an astonishing degree He did not impute anything like deception to Mr Torrens, but when a person saw another make statements which were inaccurate, it was his duty to take care on the one hand to point out the errors, and on the other not to say anything which would imply what he did not mean to convey, or to impute any intentional deception He (the Attorney-General) acquitted Mr Torrens of any such deception, but that gentleman had given evidence which was calculated to deceive the Committee, and as it appeared in the papers would deceive the country He (the Attorney-General) thought the impression, and the only impression which any one could receive from the evidence was, that Mr Torrens had been consulted by His Excellency the Governor (Sir H Young), as an officer of the Government holding a position which entitled him to give an opinion respecting the leases He (the Attorney-General) had shewn conclusively that Mr Torrens was not at the time a member of the Legislature or of the Government, and that he held no position which would make consulting him a matter of duty on the part of the Governor The Governor might ask the opinion of the Collector of Customs, but the Collector of Customs had nothing to do with the land regulations, and it was not natural that the Governor should consult him There was no official connection between the Collector of Customs and Sir Henry Young which should induce the former to ask the opinion of the latter on the subject He (the Attorney-General) assumed that Mr Torrens was right in saying that he had conversations with Sir H Young on the matter, but Mr Torrens was incorrect in supposing that his opinion should have been taken as an officer of the Government, inasmuch as he was not entitled to offer an opinion It was said that Mr Torrens was badly reported, but all that he (the Attorney-General) knew upon this point was that it was the practice of the House, when witnesses were examined before a Committee, to forward the printed evidence to each witness for correction Those who knew Mr Torren's habits knew that that gentleman was not likely to neglect examining the print There must therefore have been some extraordinary misconception, or Mr Torrens could not have exercised his power of correcting the evidence He (the Attorney-General) thought that the same misconception must have existed in Mr Torrens's mind when he was giving his evidence, and when he was correcting the print He (the Attorney-General) perceived that a letter had appeared from a correspondent of the newspapers on this point, but he considered it unnecessary to refer further to the matter The statement of Mr Torrens was no more than that of any other individual, as that gentlemen had no official *means of knowing the views of the Government* He would say more than this, that whatever passed between Mr Torrens and Sir Henry Young was no more than a communication between two private gentlemen Mr Torrens also spoke as if a correspondence had taken place with him upon this subject He (the Attorney-General) referred to this point for the purpose of showing how completely that gentleman was under the impression that he was Treasurer at the time Searches had been made in the offices of the Chief Secretary and the Treasurer, but no correspondence of the kind could be discovered If the correspondence had taken place it would have been preserved, so that none could have taken place, as it was not in either of these offices Mr Torrens's position in the matter was unofficial, and he was, like any other individual, talking *with Sir H Young He was not specially entitled by* his position to offer advice, and certainly he was not in a position to call upon Sir H Young to accept his advice in the matter Having referred to these matters he should now say something as to the conduct of the Committee, as the conduct of the Government, and of the hon the Commissioner of Crown Lands, who represented the Government on the Committee had been made the subject of comment in the House—comment which affected the good faith of the Government as well as the good faith of the hon Commissioner of Crown Lands The Committee had been assented to by him (the Attorney-General) The names proposed were submitted to him and he had agreed to them, so that if there was any ill faith in this respect it was upon him (the Attorney General) the charge should fall From the time the Bill was first introduced until within a very short time before the Committee brought up their report he never supposed that it was the intention of the squatters to bring up a report against the Bill (Hear, hear) He understood that the squatters were not desirous of escaping from the assessment, which they admitted to be a fair impost, but of showing the cause of their being entitled to consideration in two particulars referred to during the debate, the first being that they should not be liable to an indefinite increase of taxation, and, secondly, that their runs should not be put up to auction at the expiration of the leases He did not state this in order to impute to the squatters any intention of deceiving the Government, but in order to justify himself If he had supposed that it was contemplated by those who moved for the Committee that it should be made the means of bringing up a report against the Bill, he should either have opposed the appointment of the Committee or struggled for the appointment of far different individuals His mistake was that he was quite willing that the squatters should have an opportunity of stating their case on the points he had just referred to If the Government were to be judged by their actions, as he presumed they were, the moment they ascertained that the opponents of the scheme did not intend to pass the Bill, they (the Government) met the matter in a spirit which showed that *they were sincere in their desire to carry the* measure (Hear, hear) There was one inconsistency to which he should refer On the one hand the Government were accused of being too lukewarm in the matter, and, on the other hand, he (the Attorney-General), as the mouthpiece of the Government, was accused of making use of unfair threats in order to terrify the House into giving its assent to the measure (Laughter) He would refer to this point again shortly, but he wanted to show that there was some inconsistency (Hear, hear, and laughter) Hon members might think the Government did not care about the Bill, or that they were taking improper means in order to carry it, but they could not believe both (Laughter) He had disclaimed already any intention of making use of any words which might be construed into a threat of a dissolution He believed hon members were *satisfied that the language* which he employed did not imply anything of the sort, but he did mean to warn hon members of the consequences of throwing out the Bill He believed, and he believed now, that the opinion which he was told was that of a decided majority of the House—for on the very day on which the debate was introduced he was informed that there was a majority of three against the Bill—was not that the opinion of the electors who sent hon members into the House (Loud cries of "Hear, hear") And knowing that any person who came into that House to legislate for the benefit of the country would be again responsible to those who sent him, he (the Attorney-General) had a right to warn hon members that the time would come when they would be responsible to their constituents again, and that they should bear in mind the opinion *which those constituents would express* on their conduct (Hear, hear) He would not have hon members sacrifice their own opinions to those of their constituents, but they should always regard the opinions of their constituents, and remember that for the votes they gave there would be a day of reckoning (Hear, hear) It might be said that he had threatened the squatters, but he had only warned them and had appealed to the cases of bodies analogous to their own The squatters were not an aristocracy like that of France or England, but they were our aristocracy ("Oh, oh!" from Mr Strangways, and laughter) He was delighted to hear the "Oh, oh!" of the hon member for Encounter Bay (Laughter) But those who had the opportunity of seeing the course of affairs in the colony had very sufficient reason for supposing that *the squatters regarded themselves as the aristocracy*, and the people looked upon them in that light (Hear, hear, and laughter) It was not therefore, unreasonable to warn them that if they joined in opposition to a popular claim too far, it might end in the popular claims being carried even to a more serious extent, and that if the claim was opposed in the first instance it might be made the next time not in such moderate tone (Hear, hear) There was, therefore, nothing incongruous in his warning to the squatters not to resist, too long (Hear, hear) He rejoiced, whether it was the result of his warning or of more deliberate consultation amongst themselves, that the squatters had come to the conclusion that the Government was as good a friend to the squatters, or a better friend than they were to themselves—(hear hear)—that this being a fair measure and just towards the squatters and the people had

given them the means of placing themselves on a secure basis, and had for a long time secured to them the privileges they enjoyed, whilst at the same time it did justice to the people by giving them a fair return for the land He believed the squatters had come to the conclusion that the Government had acted a just and reasonable part, and that they were gladly prepared to acquiesce in the second reading of the Bill on the terms proposed by himself (the Attorney-General), to which he would advert shortly hereafter He would now say one or two words with regard to the expediency of this assessment The hon member for the city (Mr Burford) told the House that they should have none but direct taxation, that they should tax the land, and nothing that was produced from the land The hon member for the Burra and Clare (Mr Peake) said they should tax surplus capital, and not the produce of labor Other hon members had also spoken of the inexpediency of the tax But he (the Attorney-General) would say to the hon member for the Burra and Clare that if anything in this country was to be considered as realized property, it was the invested capital of the squatter (Hear, hear) Surplus capital, in the ordinary sense, he believed we had not any in the colony (Laughter) If, therefore, the hon member confined himself to surplus capital as the basis of taxation, we must give up taxation altogether (Laughter) He (the Attorney-General) was not aware in what direction we would even search for surplus capital with any reasonable chance of finding it (Great laughter) There was no capital here beyond the wants of those possessing it, or for investment beyond what the colony itself afforded the means of investing And if we were to tax the land held by the squatters, there was no better test that could be applied to ascertain its value than the number of sheep it fed Therefore, on the hon member for the Burra and Clare's own showing, the objection of that hon member on the ground of expediency failed altogether (Hear, hear) There was one other point, perhaps, to which he should revert, as he had forgotten it at a former period That was the conduct of the hon the Commissioner of Crown Lands, in not calling evidence before the Committee He the (Attorney-General) was much amused, when the hon member for Light (Mr Bagot) spoke strongly on this point, to hear the hon member for Encounter Bay (Mr Strangways) and the hon member for East Torrens (Mr Barrow) cheer loudly (Laughter, in which Mr Barrow joined) It amounted to this, that these hon members thought that if such evidence was brought forward, the character of the report would have been changed (Hear, hear, and much laughter) There was no sense in attacking an individual for not calling evidence, if such evidence would not alter the case, and therefore the cheering of these hon members implied that there was no necessity for the Government calling any evidence (Hear, hear, and laughter) Looking now at the character of the debate he (the Attorney-General) regretted that evidence had not been called on the part of the Government—(hear, hear)—but he believed if he, in place of the Commissioner of Crown Lands, had been the representative of the Government on the Committee, he should have taken the same course as that hon member had followed From the knowledge which they all had, following various trades and occupations, no person reading the evidence could fail to come to the conclusion that the case of the squatters was so overstated as to deprive the evidence of all value If hon members said they should have the evidence of A and of B—if they said in the case of merchants, we will have the evidence of merchants, or in the case of farmers, the evidence of agriculturists, to say what amount they should contribute to the revenue, he (the Attorney-General) would answer "You merchants, or you agriculturists tell us your opinions in the House, and we shall listen to you there If you contribute your fair share say so With the information in our hands there is not one of us who with a few hours' reading cannot say what you contribute, whether from the mercantile, the agricultural, or the mining community, in order to enable us to form an opinion which will justify us in legislating without calling for any further evidence " If he had occupied the position of the hon the Commissioner of Crown Lands on the Committee, unless guided by the representations of others he would have said that he was satisfied the squatters, on their own evidence, would destroy their own case But, now, looking back upon the matter by the light of the experience they had had, he admitted it might have been desirable for the hon the Commissioner of Crown Lands and the hon the member for the city (Mr Neales) to have called evidence, though, at the time, he fully agreed with those hon members in the course they pursued He thought anyone, looking to the evidence, would admit that no counter-evidence was necessary to enable the House to form an opinion adverse to that of the Committee He thought he need not advert to the political economy of the hon member for Encounter Bay (Mr Strangways), who said that by getting ore out of ground, sending it out of the country, and receiving all kinds of wealth in return, we were impoverishing the country (Great laughter) That was a novel kind of political economy (Laughter)

Mr Strangways had said nothing of the kind What he had said was, that if there was £1,000 worth of ore taken out of the country that there would not be £1,000 worth left in—(great laughter)—that there would not be so much by £1,000 worth remaining

The Attorney-General—The same principle applied to wool If £1,000 worth of wool was sent away there would not be so much by £1,000 worth remaining If the ore went there would not be so much left as if we had kept it, and if the wool went there would not be so much left as if we had kept it With this new light upon the subject he should not pursue it further (Laughter) With regard both to the ore and the wool they were the representatives of the labor employed in procuring them Everything upon which labor was employed was perishable in its nature, and we could not eat our cake and have it He had taken down the hon member's words "that the colony was impoverished by sending out its ore " He thought they were used in the ordinary sense, and he thought it necessary to refer to so extraordinary a discovery in political economy (Laughter) He would like to know how much poorer Cornwall was for the hundreds of thousands of tons of ore she exported, or England for the hundreds of thousands or hundreds of millions of tons of coal Did any one suppose that the coal of England was of less value to her than her crops? Or would anybody draw the inference that we were to favor the squatters by exempting them from taxation because their sheep continued to feed upon the soil? (Hear, hear) There was only one other point, and he could hardly understand its being taken up again He had already shown that to make a compact there must be two parties, and who were they? On one side there was the Government of the colony which had nothing to do with the waste lands legislation That Government was as powerless except in giving advice as the squatters themselves The Queen was invested with Legislative powers by the Act under which the orders in Council were issued, she was in fact made the law-giver for the time The Queen issued certain orders in Council which gave the Legislative of the colony the power of doing certain things But there was no compact, for the orders in Council were issued in 1850, before the conversations of Mr Bonney took place These conversations took place after the law was passed, and, therefore they could not affect the law There was something stated by Mr Bonney as to what the law was, but all that could be said was that in the opinion of the present Legislature Mr Bonney was mistaken in what he stated Allusion had been made to his having said that if any one could show that he had taken a lease on the faith of the Legislature not having the power to tax him, that such a person was entitled to consideration But what he had said was that if any one could show that he had taken a lease on the faith of the Government not having power to impose a tax upon him, and that such a person found he had made a bad bargain, which he would not have made if he knew that he was liable to be taxed, that such a person had an equitable claim to have his lease taken off his lands (Laughter) He (the Attorney-General) did not believe that any squatter coming and offering to yield up his lease would find the Government unwilling to take the lease off his hands, and this he was fairly entitled to at the hands of the Government (Much laughter) If the hon member for Encounter Bay had been in his place at the commencement of his (the Attorney-General's) remarks, he should have congratulated that hon member on the fine sense of justice he displayed Hon members remembered the fine moral lesson which that hon member had on the first day of the debate administered to the hon member, Mr Townsend, in consequence of some personal remarks made by that hon member But when imputations a thousand times more offensive were made against him (the Attorney-General), he had heard the voice of the hon member for Encounter Bay, loudest amongst the cheers (Hear) When an hon member attacked him (the Attorney-General), or other members to whom he (Mr Strangways) was opposed, that hon member could cheer, though the remarks were most strongly personal, but on other occasions he was ready to assume the office of a censor It was not, however, necessary to go further into that point He (the Attorney-General) had now referred to all the matters which he considered necessary to answer in the speeches on this subject, and would only say a word or two on the form which the Bill would ultimately assume With regard to what he had proposed to the effect that some provision should be made to save the squatters from further taxation for the residue of the term of occupation, as this had been made a mere matter of compact, the Government proposed to introduce clauses for the purpose With regard to another point referred to by the hon member for the city (Mr Neales) namely, a proposal for the renewal of the leases from time to time, say every five years, he (the Attorney-General) individually believed that this would be most desirable both for the squatters and the public But it was most important that care should be taken to secure the people against anything which might lead to a sacrifice of their rights (Hear, hear) He (the Attorney-General) would, therefore, require, and he was satisfied the Government and the House would require that in any provisions introduced for this purpose, the rights of the public should be guarded carefully and jealously The Government would not assent, and he was sure the House would not assent to anything which did not provide ample security for this purpose Because he believed the present system to be injurious alike to the squatters and the public, he should be prepared to consider any amendment to the effect he had last referred to, but he would require, and the Government and the House would require to be satisfied that

no clause was adopted which would prevent a fair amount of rental being received for the public lands

MESSAGE FROM THE GOVERNOR

Message No 19 was received from His Excellency the Governor, returning the draft of the Standing Orders of the House as approved

On the motion of the ATTORNEY-GENERAL they were ordered to be printed

ASSESSMENT ON STOCK—RESUMED

Mr PEAKE rose to explain, in reference to remarks of his alluded to by the Attorney-General, that what he (Mr Peake) said was, that it should be their policy instead of taxing the produce of land to tax the "surplus income and capital"

Mr HAWKER wished to explain, in reference to allusions which he had made to the hon the Attorney General in his speech on Wednesday last, that he (Mr Hawker) had not the slightest intention of imputing, as had been implied, personal cowardice to that hon gentleman, and he regretted his remarks had been taken in that light (Hear, hear)

The Bill was then read a second time, and its consideration in Committee was made an Order of the Day for Thursday

The ATTORNEY-GENERAL stated, in reply to Mr Stringways, that the amendments proposed to be introduced by the Government in the Assessment on Stock Bill were not the result of any compact between the squatters and the Government, as no compact, as far as his personal knowledge went, had been entered into What he (the Attorney-General) said was that the Government were prepared to introduce certain amendments in the Bill which would secure the squatters against any further contribution, but the Government would at the same time be prepared to consider amendments proposed by any members of the House

It was then moved by the ATTORNEY-GENERAL that the Estimates be proceeded with, as, he remarked, otherwise, at that early hour of the day, it would involve a loss of time

The SPEAKER, however, intimated that as the Estimates had been made an Order of the Day for Tuesday, he was of opinion that the Standing Orders of the House would not permit of their being then considered

There being no other business on the notice paper the House then adjourned at half past 3 o'clock, until 1 o'clock on Tuesday

LEGISLATIVE COUNCIL

TUESDAY, NOVEMBER 30

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Bagot, the Hon A. Forster, the Hon Dr Davies, the Hon H Ayers, the Hon Major O'Halloran the Hon Captain Scott, the Hon J Morphett, the Hon S Davenport, the Hon the Surveyor-General

MITCHAM

The Hon H AYERS presented a petition, signed by 78 ratepayers of the District of Mitcham, showing that certain portions of land which had been set apart for reserves were about to be sold, and craving the Council to give an expression of opinion upon this subject

The petition was received, read, and ordered to be printed

THE DATE OF ACTS BILL

The Hon J MORPHETT gave notice that on the following day he should move that the amendments made by the House of Assembly in the Date of Acts Bill be taken into consideration by the Council

IMPOUNDING ACT AMENDMENT BILL

The PRESIDENT announced the receipt of a message from the House of Assembly, intimating that they had passed the Impounding Act Amendment Bill, and desiring the concurrence of the Council therein

Upon the motion of the Hon the CHIEF SECRETARY, seconded by the Hon H AYERS, the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday

LEAVE OF ABSENCE TO MR STIRLING

The Hon A. FORSTER wished before the business of the day was called on to ask for an extension of the leave of absence granted to the Hon Mr Stirling, who, from unforeseen circumstances had been prevented from returning to the colony so early as had been expected, and it was not probable he would arrive here for six months He was desirous of moving for leave immediately as he believed that the leave which had been granted to the hon gentleman would expire on the following day He thought that under the circumstances the Council would have no hesitation in granting the extension, although he admitted that he objected to extended leave of absence, and believed that if 18 months had been asked in the first instance he should have objected to it By granting the extension the country would be saved the cost of an election, which was some consideration, and he understood that Mr Stirling had been prevented from returning entirely by circumstances which he did not anticipate at the time leave was originally granted He therefore moved that leave of absence be extended for six months

The Hon Dr DAVIES seconded the motion, which was carried

TEMPORARY LUNATIC ASYLUMS

The Hon Dr DAVIES, in bringing forward the motion of which he had given notice—

"That it be an instruction from the Executive to the parties concerned that when, in future, persons said to be lunatics are committed to any gaol or house of correction in any district of the colony, they be transferred to the Adelaide Lunatic Asylum immediately on its being ascertained that they are insane Also, that it be a recommendation to His Excellency the Governor-in-Chief, that visitors be henceforth appointed to every gaol or house of correction that may be liable to be used for the temporary detention of lunatics, &c, such gaols being, strictly speaking, lunatic asylums while insane persons are detained there"

Said that he could only repeat what he had stated on a former occasion, that he had nothing to urge against the medical men who had been in the habit of attending Redruth Gaol He was acquainted with one of the gentlemen, Dr Mayne, and was quite sure that nothing could be urged against that gentleman professionally or privately, but still he was sure that if those gentlemen were consulted they would agree with him as to the propriety of the motion

The PRESIDENT pointed out there was some difficulty in the wording of the motion, and he questioned whether the two matters could be included in one motion The first portion spoke of an instruction to the Executive, and the other of a recommendation to His Excellency to do something else

The Hon Dr DAVIES said this arose from his ignorance as to the proper mode of wording the notice Probably the difficulty would be met by his moving that an address be presented to His Excellency upon the subject The hon gentleman ultimately acting upon the suggestion of the President, withdrew the motion on the understanding that he would bring it forward at a future day

THE RIVER WEIR

The Hon Dr DAVIES, in bringing forward the motion in his name, that the Honourable the Chief Secretary report, for the information of the Legislative Council, the opinion of the Attorney-General as to whether any legal proceedings can be instituted against the late Engineer of the Adelaide Waterworks for the unscientific and shameful manner in which he has allowed the weir for the said Waterworks to be constructed If any proceedings can be taken, will they be so? And, if so, will they be of a criminal or of a pecuniary nature? Also, if no legal proceedings can be instituted against the said Engineer, will the Executive deem it expedient to pass on him a moral censure or punishment, such as, *e g*, advertising his name in the *Gazette* as totally unworthy of the confidence of the Government, or of being entrusted with public works of any description for the future, and, moreover, will he be dismissed from any situation he may at present hold under the Government?"—stated that he was desirous with the leave of the House, of striking out the whole of the latter part, stopping at the word "constructed" It was solely upon public grounds that he had been induced to bring forward the question, as he knew nothing of the parties, nor was he urged on by any one in the back ground who had an animus against the late Engineer of the Adelaide Waterworks He felt that as an Engineer received the full praise if he succeeded in any undertaking connected with his profession, so he should bear the full blame if he failed In this case, as the Council were aware, there had been a total failure, and the citizens had a right to complain as not only had a large sum of money been expended uselessly, but the value of their properties was actually diminished by the increased rate which they would be called upon to pay in consequence When a supply of water was at length obtained by the citizens, when they obtained their whistle, they would find that they had had to pay a high price for it He should not have brought this subject forward had he not observed that the Engineer upon relinquishing his office of Engineer to the Water Works, had immediately obtained another appointment without any reprimand from the Commissioner of Public Works From a letter which appeared in Council Paper 73, from the hon the Commissioner of Public Works that hon gentleman should certainly have hesitated before again allowing Mr Hamilton without remonstrance to be employed in another department—(letter read) It was against the public welfare that such an appointment should have been made so soon after such a stigma had been cast upon the individual by the Commissioner of Public Works, and it was, he considered, beneath the dignity of a Minister of the Crown, under the circumstances, to allow the appointment This gentleman, the Commissioner of Public Works, was, it should be remembered, the member of the Executive, upon whom only the other day the Council had been called to bestow the superintendence of all the Public Works of the colony He (Dr Davies) had not only objected to the Bill which proposed to do this, from the objectionable principle which it contained, but because he saw that it would throw a great deal of patronage into the hands of the Commissioner of Public Works This was an example of the place for the man and not the man for the place The parties connected with the construction of the Weir were the Commissioners, the Engineer, the Clerk of

the Works, and the contractors; and he had no hesitation in expressing an opinion that all the blame in connection with this undertaking should rest upon the Engineer. Upon referring to Council Paper No. 73, it would be seen that Messrs. Freeling, Hanson, and Kingston had reported in reference to the Weir, and the House, he hoped, would pardon him for reading at some length from Council Papers Nos. 19 and 73, for it was upon the evidence furnished by those papers that he principally relied, independently of having visited the Weir on two occasions, and although not an engineer himself, he had been attended by parties capable of giving him information. The duties of the Commissioners principally appertained to looking after the expenditure. If there were any blame it was in the appointment of gentlemen who were ignorant of the duties which they had to carry out, and not in the men themselves. The fault did not rest with the Commissioners, as they felt they could not use their individual opinion in opposition to that of the Engineer. On one occasion, indeed, it would be found after the defective state of the Weir had been discovered, the Commissioners candidly stated that they were disposed to agree with the report, for they had felt bound to abide by what the Engineer had said. It was quite evident from one paragraph in the report that the Commissioners blindly followed every proposition made to them by the Engineer. In reference to the contractors, it would be found that the Engineer passed the highest encomiums upon them; and, moreover, the most important and defective portion of the Weir was undertaken under his own superintendence. In the Council Paper 19, the Engineer spoke of how desirable it was that every encouragement should be afforded to the hard-working contractors, &c. He wished to show that the parties who were blamed in reference to this matter were not really to blame, as the contractors were spoken of by the Engineer as trustworthy and intelligent. The contractors complained that the specifications were constantly altered. The Enginher reported that they were inexperienced in and unused to such work, and there was every reason to believe that they imagined they were proceeding honestly with it. In reference to the Clerk of the Works he would draw the attention of the Council to the fact of that officer not having been appointed until after the most important portion of the work which had proved so defective had been completed under the superintendance of the Engineer himself. The Clerk of the Works had not been appointed until after the foundation had been laid. Six months after this had been completed, Mr. Sands, the Clerk of the Works, was highly praised by the Engineer. (Extract read.) How soon, however, "a change came o'er the spirit of the scene;" for, in one short month afterwards, when it was ascertained that the Weir was defective, the Engineer, instead of eulogising Mr. Sands, attempted to cast all the odium upon him. It was then that the Commissioner of Public Works stated that he held the Engineer, not Mr. Sands, responsible; yet, although a censure had been cast upon the latter, the Engineer had escaped. Mr. Hamilton had throughout been so constantly present, so energetic and persevering in his interference, that the Clerk of Works was entirely exonerated, or should have been. Mr. Hamilton, the Engineer, upon whom the blame rested, might be able to draw plans and specifications; but from the circumstance of his being so loquacious he was induced to believe that he was more a theoretical than practical man. At all events, if the Weir were a specimen he had very little ability to put his theory into practice. The ashlar work had been replaced to about the extent of 20 feet by 12, and it appeared to him that not only was the Enginee wrong in matters connected with engineering, but he should proceed to show that he was not to be relied upon for veracity. The hon. gentleman proceeded to show that Mr. Hamilton's statements had been contradictory in reference to whitelead and spunyarn having been used for caulking the seams, and that although the statements of Mr. Sands had been borne out, Mr. Hamilton had accused him of a gross perversion of the truth. Mr. Hamilton attempted to make it appear that he should be exonerated on account of the amount of business which he had to attend to, declaring that he had worked like a galley slave, that he had made 86 visits of inspection to the Weir, and that his health had suffered in consequence of the duties which he had had to attend to; but the Council would not attach much weight to these statements. He was prepared to shew how some of the work had been done, as he had some of the spunyarn which had been used with him, and should like to exhibit it to the House. The specifications had not been carried out, as from personal inspection he was enabled to state that in some instances the stones did not touch by an inch and a half in front of down-stream ashlar work, and whereas behind many spaces were from three to nearly six inches. The cement was only tape-joint, as it was termed, and upon the least scratch in the world it would crumble away. At least 100 or 150 yards had been caulked with spunyarn. The rubble work had not been properly executed, as the stones ought not to have been large, but one was taken out which weighed nearly a ton, and had evidently been knocked off a neighboring rock and left to tumble wherever it might. There were large cavities in which sticks might be inserted, and there was no mortar. The mud had settled in the holes, the mud upon the lime being clearly visible. Such large stones had been used that some were bigger than his head, and that was not a little one. (Laughter.) He took out some of the concrete with his nails and a small knife. The mortar was bad. On the up-stream side the work was certainly the best, but there the lime was of inferior quality. But he now came to the crowning piece of absurdity on the part of the Engineer, and which clearly showed what experience he had had. The Weir was actually in the wrong position. It should have been a quarter or half a mile up, and the supply pipe was actually 20 or 21 feet above the bed of the river, so that in the event of a scarcity of water it would have been found essential to have a steam engine to assist.

The Hon. the PRESIDENT, at this stage, drew the attention of the hon. gentlemen to the specific object of the motion, which was to obtain the opinion of the Attorney-General in reference to the liability of the late Engineer to the Adelaide Water Works. He apprehended there could be no objection to the hon. gentleman referring to documents before the House, but to make statements without affording the party affected by them an opportunity of answering them was, he thought, hardly fair under the circumstances, in addition to which these statements must be placed before the Attorney-General if they were to have any influence with him in forming his opinion.

The Hon. Dr. DAVIES said if any public undertaking had been mismanaged, how was a member of Parliament to bring it forward, as it was his duty to do as a representative of the public. All that he had done was to state the grounds of his complaint. He did not know how he was to afford Mr. Hamilton an opportunity of reply unless he waited till that gentleman had obtained a seat in that House. He did not think that the Commissioner of Public Works, as a Minister of the Crown, had acted rightly in passing a vote of censure upon an underling and omitting it as regarded the Engineer. He had brought forward this motion thinking that, as a guarantee that public works should be properly carried out, some token of disapprobation should be passed on public servants who misconducted themselves, particularly as the Commissioner of Public Works had passed a censure upon a subordinate.

The Hon. the CHIEF SECRETARY regretted the violent attacks which had been made by the previous speaker upon the late Engineer of the Waterworks. He had never had the slightest doubt of the integrity of that gentleman, who had already severely suffered by the loss of a lucrative appointment. Errors of judgment occurred in all positions of life and were not confined to engineers. The most celebrated engineers of the day were liable to such errors, and had fallen into them—Brunell, Stephenson, and, in fact, hardly a name that could be mentioned, which was not chargeable with errors of judgment. Although Mr. Hamilton had been employed since, it was in an entirely different capacity, namely, staking out part of the Gawler Railway, a task for which he was quite competent, as well as for the higher branches of his profession. He must say he thought the hon. gentleman was rather hard upon the Engineer.

The Hon. Dr. DAVIES wished to know if he was to receive an answer to his notice of motion.

The PRESIDENT said that had to be decided by the House.

The Hon. S. DAVENPORT wished to say a few words in justice to the gentleman against whom such heavy charges had been brought. There appeared to be great difference between the object sought to be attained by the Hon. Dr. Davies, as expressed in his address, and that which would be inferred from a perusal of his motion. The hon. gentleman said that he merely wished a token of disapprobation, others having received such a token, but, as had been remarked by the Chief Secretary, the Engineer had already received a heavy punishment in consequence of his unfortunate connection with the Weir. For the credit of the Council he was glad that the latter part of the motion had been withdrawn. Such denunciation would not be warranted towards an individual even who had criminally committed himself. Where was the hon. gentleman's charity, that he would for a mere error of judgment, exhibit a gentleman as though he were the verest miscreant in society. The Engineer was not unknown to members of that House, nor was the country without its debts to him, for there were records in previous Legislatures shewing that he had devoted much energy to the advancement of the colony. In great public works, such as railways, for instance, he had brought to bear his talent and activity with the most useful results to the public; and he happened to know that this gentleman in deep silence regretted what had occurred, from far higher motives than those which might be supposed to attach to loss of salary. It would be committing a great moral sin towards him—to attempt to bring down punishment upon him which it could not be shown he merited. The Engineer had rendered some good service to the colony, and let him have the credit of it. The hon. mover had failed to show how he could connect the slight token of disapprobation which he had spoken of with the adoption of such language as was contained in the motion placed before the House.

The Hon. J. MORPHETT did not wish to detract from the soothing effect of the remarks of the Hon. Mr. Davenport. The appeal which that hon. gentleman had made to the House was quite in accordance with his high and gentlemanly feeling. In justice, however, to the Hon. Dr. Davies, he must remark that there was a good deal of common sense involved in his motion, although he should have unquestionably opposed it if the

latter part had not been expunged It was farcical, he considered, to ask if any proceedings could be taken against the Engineer, because the utmost which could be laid to his charge was an error of judgment If the hon gentleman had so worded his motion that the Council were called upon to express their approval of the course which had been taken by the Government in dismissing the engineer for neglect and want of judgment, he should have entirely gone with him He entirely approved of his dismissal The eloquence of the Hon Mr Davenport must not, however, make them forget that this was a very serious matter, as there was an absolute loss of £8,000, and, independently of this, there would probably be great loss of time in supplying the citizens with water Messrs Freeling, Hanson, and the Speaker of the House of Assembly had declared the work utterly worthless, and it might cost £3,000 or £4,000 more to remove it It was true that similar mistakes were committed by Engineers, and as a proof he might refer to old Westminster bridge, upon which a large sum £100,000 had been expended in placing stone upon the abutments, and it was now found when they were building a new bridge that it would cost £100,000 to remove these stones He believed that the site of the weir was wrong, and that it would be found necessary to go a quarter or half-a-mile up the river The pipes were here, and but for this error the works might be progressing Although he thought the public indebted to the Hon Dr Davies for bringing this matter forward, he could not vote for the motion as it at present stood

The Hon Captain FREELING could not allow the motion to pass without saying a few words He fully agreed with the remarks which had fallen from the Hon S Davenport and having been in connection with the late Engineer to the Waterworks for many years, it was but just to him to state that he never had the slightest reason to believe that he had been actuated by any other than a desire to serve the country which he had adopted He thoroughly exonerated him from any collusion with the contractors, but his fault had been in placing too much confidence in the party whom he appointed to superintend the work Mr Hamilton had constructed many public works, and had been eminently successful There were standing monuments of his zeal and activity He did not believe that the accident which had happened to the Weir would have the effect of impeding the Waterworks, as the earthwork could be going on as though this had not occurred Although Mr Hamilton had failed in this particular portion of the work, he would ask if no credit was to be given to him for other portions, such as the reservoir, the plans for the pipes, the culverts, &c Was he to have no credit for these because one portion was defective

The Hon Dr DAVIES having replied, the motion was put and lost by a majority of 9 The votes on a division being Ayes 1, Noes 10, as follow —

AYES —The Hon Dr Davies (teller)

NOES —The Hon J Morphett, Major O'Halloran, S Davenport, Captain Scott, H Ayers, Captain Bagot, Dr Everard, A Forster, Captain Freeling, Chief Secretary (teller)

CIVIL SERVICE BILL

The CHIEF SECRETARY, in moving the second reading of this Bill, said that it involved no new principle It sought to repeal two Acts relating to the Classification of Officers and a Superannuation Fund The progress of the colony since 1852 and the augmentation of the Government service, rendered an additional classification of clerks necessary, and it was proposed by the present Bill to apportion a portion of the good service pay towards the establishment of a Superannuation Fund, so as to allow of retiring allowances being granted to officers who had attained old age, or who were suffering from sickness and infirmity which prevented them from longer retaining their appointments with benefit to the public service The Bill was founded on the recommendation of a Select Committee of the House of Assembly The hon gentleman referred to the third clause, and others which embodied the principle of the Bill, and stated that after careful calculation it had been found that the sums which would be payable to the fund and the balance remaining of the £10,000 voted for a similar purpose, would be sufficient to meet all requirements It would be observed that there was a provision by which any surplus over and above £10,000 which might accumulate would be paid back to the public Treasury Provision was also made for the repayment of contributions to the Superannuation Fund under a former Act, with 10 per cent interest, and also that those who had retired under the Superannuation Act of 1854 should receive such annuities as they were entitled to for the term of their natural lives The schedule was sufficiently explanatory, but he would mention that it was intended no pension should exceed £400, nor could any officer retire without first obtaining a certificate to the effect that he was in ill health, or that he had attained the mature age of 60 years He thought it would be found that the Bill remedied the radical defects in the two former Acts Under those Acts contributions were voluntary but this was taken advantage of by many who never contributed at all No certificate of ill-health or infirmity was necessary under the former Acts, and the consequence was that many who had served the period mentioned in the Acts retired in the prime of life and energy This had brought a heavy claim upon the Government He would only say that he believed it was good policy to enable officers in the public service to look forward to a comfortable pension for their support when overtaken by old age, or sickness, or infirmity It was equally good policy that officers so situated should be allowed to retire, in order that they might be succeeded by younger and more capable men It might be said that Government officers should be left to make a provision out of their salaries for their declining years, but it was notorious that they did not do so, and they relied, after their energy was gone, upon provision being made for them when they appealed *in forma pauperis* No doubt such provision would be made for them, but the Bill before the House would in fact enable the officers to make a provision for themselves, and he therefore begged to move it be read a second time

The Hon Captain SCOTT seconded the motion

The Hon H AYERS rose to oppose the Bill for many reasons, not the least of which was that he was opposed to pensions altogether The Bill should more properly be called a Bill to provide pensions for every officer whose salary amounted to £120 per annum, except responsible officers and the Judges He had yet to learn that civil servants of the Government had any peculiar claim for pensions He had yet to learn their avocations were such that they injured their health or shortened their lives Their habits were of a very peaceful nature, for they walked or rode into town at a not very early hour and left early in the afternoon He really thought such labor might be undergone without any destruction of the physical powers If any one class were better able to make provision for old age than another, he believed it was Government officers, as they were not exposed to those contingencies which parties were who were in private employment They had fixed salaries and were in a position to put by a certain sum as a provision for sickness or old age Government officers as a class were in a better position to provide for themselves than any other class in the colony So much for the general principle of pensions He had hoped the Chief Secretary would have pointed out why it was found necessary to repeal the laws in force in reference to provision for Government clerks Some time ago, in 1854, a former Legislature offered, as a sort of nest egg, £10,000 to assist in forming an insurance society amongst themselves, and if the officers had taken any interest in the matter they could readily have raised a fund by which they could have given assistance to those who became unfitted for labor The Act left it open to officers to contribute or not, but as the Government took no action in the matter, the officers allowed it to drop through, and subsequently, in consequence of a resolution of both Legislatures, the present Government or a recent Government, paid back a large sum of contributions which had been received as would be seen by Council Paper 57 of 1858 No doubt the Government having taken that course were placed in a most awkward position in reference to claims under the Act of 1854, but he believed if the present Bill were passed it would soon place the Government in a still more awkward position The Chief Secretary had stated that careful calculations had been entered into, but the hon gentleman had not given the House a single figure, he had not shewn what amount would be raised, how many were already on the pension list, and how many would probably be when this Bill became law The Chief Secretary had stated that this Bill was founded upon a resolution of a Select Committee of the House of Assembly, but there was nothing in the evidence taken before that Committee to warrant the conclusion which they had arrived at Not a single figure, not a single table had been produced, there was no comparison between the relative pensions and premiums, and those which would be charged and granted by insurance companies All was surmise—all was guess-work There was nothing whatever to justify the Council in passing such a Bill If it were passed it was quite possible that within two or three years they might be called upon to grant a large sum to make up a deficiency which had been created under this Bill The only thing in reference to which there was no doubt was that the Bill was to secure a pension to every Government officer who had a salary of £120 per annum It was not a question whether the balance of the £10,000, and the contributions would amount to sufficient to grant pensions, but there was a positive pension set forth by this Bill, and that, too, without any authority in the shape of figures He should, therefore, move that the Bill be read again that day six months It was nonsense to apply the term good-service pay as it was applied in this Bill What he understood by good service pay was a reward for extraordinary services rendered by a man, as distinguished from others, but here every officer was to receive good service pay, as it was termed, and he consequently objected to the use of the term in that sense Allusions had been made to public faith He was the last man to propose to cut covenants or to run from a bond, but the Government had provided £10,000, and he would say, secure those who came under that fund, but stop there, and that was going far in advance of what the Government were pledged to The Chief Secretary had said that it was good policy to hold out to a Government officer the prospect of being provided for in his old age, but he (Mr Ayers) contended it was degrading to him, as it was the duty of every man to provide for old age, and if Government officers were bound to do so they would be found more self reliant Then he would suggest that the Government should look amongst subordinates for

heads of departments, and hold forth a prospect to them of raising themselves to the head of the departments with which they were connected This would do more to raise the character of the Government service than any promise of a pension which would never be received He would also point out that if an officer were called suddenly away from the colony he would not receive a farthing of this good service pay, as it was termed, for all his contributions to the fund would be swept away simply by his retirement from the province This was a point which required grave consideration Age, health, occupation, and habits, must all be taken into consideration before any scale could be framed by which the House would be guided Who ever heard of an insurance Company granting an annuity without knowing something of the health habits &c, of the party He looked upon the Bill as a crude, indigested measure, and certainly not such as the Council would be justified in passing

The Hon A FORSTER seconded the amendment, because he was desirous of defeating any attempt to impose a huge pension list upon the colony, and to convert the Government into a life assurance association The Chief Secretary had stated that no new principle was involved in the Bill, but that only convinced him that the hon gentleman had only cursorily considered the measure He contended there was a new principle introduced in the Bill, and that was that every person entering the Government service should be entitled to a pension after a certain period of service It placed the country in this position, that it would be saddled with a pension in connection with every person who entered the Government service No reduction could be made in departmental expenditure without considering the interests of every officer connected with the Government Every one entered the service is a life tenant, and could not be discharged without his claims for compensation being considered That was a state of embarrassment in which the Government ought not to place itself But he objected altogether to the principle of pensions, which he contended were degrading, corrupting, and debasing to public servants The present Bill placed a Government officer in this position, that he was recognised as a person who could not take the ordinary precautions which society generally took in reference to old age The Government had no more right to pension every Government officer when he was past service, than they had to pension every colonist similarly situated If the Government thought they were bound to establish a pension list in reference to those who had received the Government money for 20, 30, or 40 years, they were certainly bound to make similar provision for those who contributed to the taxes of the colony But what after all was this Pension List? Notwithstanding all that had been said about the careful calculations which had been made, it was clear that no such calculations had been made Supposing it were right that every Government officer should receive a pension after a certain time, then it was quite clear that the payments proposed to be made could not by any possibility be paid by the contributions contemplated Those amounts went to the extent of £400 per annum and he would make the remark that they had not to think the Government that that amount had been fixed as the maximum as originally the Government intended to go much further Even that amount could not be paid without doing injustice to a great many subscribers to the fund The average of retiring annuities under the fund would be about £300 per annum It was not probable that parties generally would retire until they were in a position to claim something like that amount The hon gentleman referred to the People's Provident Society and the Australian Provident Society to shew that there was a difference of fully 50 per cent between the annuities proposed to be granted by the Government and those which could be secured by similar payments to either of the above named institutions He was aware that the difference in the value of money would be urged, but the scheme was, he contended, crude and untangible. He could not conceive anything more depressing than young men 20 years of age entering the service, and having to look forward to a dry service of 45 years before they could become recipients of the fund to which they were called upon to contribute But he had another objection to the Bill, for he believed it was an attempt to initiate a scheme of life insurance, to enable persons to retire upon pensions of £400 per annum who had in reality contributed very little to the fund It would be found that under this Bill persons, at the end of five years, who had contributed about £200 would be enabled to retire for life upon £400 a-year If the Government could carry out such a scheme fairly and equitably to all parties, they would be clever indeed, but he trusted that House would not commit the country to such a Bill The greater portion of Government officers had petitioned against it, and had stated that they did not wish to have anything to do with it (Chief Secretary—"No, no") The hon gentleman must be aware that a memorial had been sent in from a large number of Government officers, praying the House not to proceed with the Bill Another objection which he had to the Bill was that the colony could not afford it The public would rise up in arms against the Bill if it were passed He should actually be afraid to face his constituents if he assented to enforcing so heavy a burden upon them If the Chief Secretary asserted that good and efficient officers could not be obtained without some such provision as was proposed by this Bill, he could only inform the hon gentleman that if it were known through the length and breadth of the land that the whole of the Government offices were vacant, and that no pensions would be given, there would be more than sufficient applications from competent parties to fill the whole of the offices in one day If the Government thought it absolutely necessary to say that Government officers could not make provision for themselves in the ordinary way—if they were such a set of spendthrifts—so below the ordinary status in prudence and economy—that it was absolutely necessary that the Government should make provision for them and that the parties should contribute, then he would suggest that the premiums should be deposited not with the Government but with some Insurance-Office in London or in the colony He would never be a party to supporting a proposition that Government clerks receiving a salary of 120*l* per annum and good service pay should be called upon to contribute 35*l* a-year towards a fund from which they had no chance of receiving the slightest benefit The hon gentleman here referred to the good-service pay, showing it was quite possible that a clerk might be receiving a higher salary than one in a nominally higher rank, and consequently that there was no inducement for him to aspire to a higher rank

The Hon Captain FREELING supported the second reading of the Bill, remarking that some time ago a Bill had been introduced for providing for the increase of salaries of Government officers, and that Bill had not yet been repealed It might be presumed that many persons had remained in the service on account of that Bill not having been repealed, and although their position had been improved by the Estimates of 1858, he considered that full justice would not be done unless some Bill, such as the present, was made the law of the land He did not suppose that advantage would be taken of this Bill, if passed, by officers who were not in ill-health, because if they did retire it would be upon considerably less salary than they had previously been receiving It had been said that this Bill was an attempt to fasten an enormous burden upon the country, but what was the simple fact? why that an officer merely received the half of his good-service pay, the remainder going to form a nucleus from which a provision might be made for his old age It was not proposed that the higher officers should receive one penny, and it was not until a number of years that any officer could look forward to receiving a moderate allowance This was the principle of Government service in England, and which rendered it so popular

The Hon J MORPHETT intimated that he should oppose the Bill, considering that the Chief Secretary had not stated any good and sufficient reason for its introduction He believed that gentlemen entered the Government service at as high or higher pay than they could get elsewhere, and were immediately, by virtue of their office, placed in a position in regarded society which many struggled for all their lives He believed that the present Bill would offer a premium for recklessness, and that parties would feel indifferent about making a provision for sickness or old age There might be some cases in which public servants had a right to look to the country for support—military men for instance—but he believed that the scale proposed by this Bill was much higher than the half pay allotted to military men The principle of voluntary contributions was not acceptable, and that was the reason he presumed that it was now proposed to make it compulsory upon a large and intelligent body that they should contribute for the purpose of enabling them to become dependent upon the country for the future In England the calculations of all Life Assurance Societies were based upon hundreds of thousands or millions, but here he believed that only 170 persons had been taken as the basis of calculation

The Hon Capt BAGOT supported the amendment of the Hon Mr Ayers Though not altogether opposed to the principle of Government officers acting in conjunction, providing from their own means for the retirement of those who might have the misfortune to fall under incapacity for performing their duties, he must oppose this Bill, the strong argument against which had been brought forward by the hon Mr Forster, that the country was not in a position to afford it Within the last five years the expenditure upon establishments had been doubled, and those must be blind indeed, who could not see that the prosperity which had favored us was fast vanishing away, rendering retrenchment absolutely necessary

The Hon Captain SCOTT stated that he had merely supported the second reading, in order that the question might be fully discussed in Committee He believed that provision should be made for Government officers, though not in the way proposed by this Bill He did not understand the Bill to be, as stated, a project for the establishment of a Life Assurance Association, but merely to provide for officers retiring from the public service He regretted that the Chief Secretary had not favored the House with a statement regarding the number of officers likely to retire, and the amount of good-service pay which would be contributed The House would then have been better able to decide He should like the House to have a fair view of the amount likely to be paid in, and the number of officers likely to retire under the Bill during the next five years Not that he would for a moment countenance a pension list, but it was to keep out of it that he supported the second reading, thinking that amendments might be made in Committee They would never get rid of a pension list in some shape or other, and, if

there were no provision made for retirement of officers from old age or sickness, they would have the Government service lumbered up with old men, unable to work, and too poor to retire He admitted it was the duty of every man to provide for old age, but they must deal with the world as they found it, and, in the absence of some such Bill as the present, he believed that Government officers would be but poorly provided for in their old age

The Hon S DAVENPORT should support the second reading, presuming that the Chief Secretary would be enabled to show that the contributions, with the balance of the £10,000, would be adequate to meet the payments contemplated by the Bill

The Hon Dr DAVIES supported the amendment, entirely agreeing with the remarks of the Hon H Ayers and the Hon A Forster

The CHIEF SECRETARY was conscious that the Bill was not perfect but still considered it calculated to effect the object in view The Hon Mr Ayers had stated he was opposed to good-service pay, and yet good service pay was perpetuated in the Act of 1852, which this Bill proposed to repeal The hon gentleman was proceeding to state that £4,600 of the £10,000 were remaining, and that with the contributions it was estimated the fund would at the end of ten years amount to £50,000, when ——

The Hon H AYERS rose to order, contending that the Chief Secretary was out of order in entering upon matter not previously touched upon, and to which hon members would have no opportunity of replying

The Hon Major O'HALLORAN said the Government would probably lose his vote, unless the Chief Secretary were allowed to make a statement shewing the probable amount of claims upon the fund

The CHIEF SECRETARY stated he was desirous of making such a statement, and hoped it would influence the House in voting for the second reading of the Bill

The Hon A FORSTER, and the Hon J MORPHETT contended that the Chief Secretary was out of order, and the Hon J Morphett, in order to test the feeling of the House, moved that the Chief Secretary be not allowed to proceed with his "present line of remark."

This was carried by a majority of one, the votes, Ayes 6, Noes 5, being as follow —

AYES, 6—The Hon H Ayers, Dr Davies, Captain Bagot, A Forster, Dr Everard, J Morphett (teller)

NOES, 5—The Hon Captain Scott, S Davenport, Major O'Halloran, Captain Freeling, Chief Secretary (teller)

The CHIEF SECRETARY said as he had been prevented by a resolution of the House from making a statement which he believed would have been useful in assisting hon gentlemen to a correct conclusion, he would merely move the second reading of the Bill

The motion for the second reading was lost by a majority of 3 The votes Ayes 4 , Noes 7 being as follows —

AYES —The Hon Captain Freeling, S Davenport, Captain Scott, Chief Secretary (teller)

NOES —The Hon Dr Davies, Dr Everard, Major O Halloran, Captain Bagot, J Morphett, A Forster, H Ayers (teller)

The House adjourned at half-past 5 o'clock till 2 o clock on the following Tuesday

HOUSE OF ASSEMBLY

TUESDAY, NOVEMBER 30

The SPEAKER took the chair shortly after 1 o'clock.

THE AGENT GENERAL

Mr STRANGWAYS gave notice that on the following day he should ask the Treasurer whether the Agent-General had given security for the due performance of his duties, and if so, the amount and the names of his sureties

MR J M STUART

Mr REYNOLDS gave notice that on Friday next, he should move that there be laid on the table of the House copies of correspondence between Mr J M Stuart and the Commissioner of Crown Lands, relative to a claim for the discovery of a gold-field

The COMMISSIONER OF CROWN LANDS said it was quite unnecessary to give notice of motion upon the subject, as he was prepared to lay the correspondence upon the table immediately

THE IMPOUNDING ACT

Mr STRANGWAYS was desirous of giving notice of an additional clause to the Impounding Act

The SPEAKER said the hon member was too late His only course was to move that the Bill be recommitted

THE IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS this Bill was read a third time and passed

THE ESTIMATES, 1859

The TREASURER moved that the House go into Committee upon the Estimates for 1859

Mr GLYDE said he had an amendment, or rather an addition, to make to the motion The hon member read the addition, which was to the effect that in the opinion of the House it was inexpedient to discuss each item separately, but that the Committee should simply consider the aggregate amount which should be voted for the service of each department

The SPEAKER remarked that this appeared to be in the shape of an instruction to the Committee, but the Committee already had power to consider the Estimates as pointed out by the hon member's proposal

Mr GLYDE merely wished the House to express an opinion that it was inexpedient to vote each item separately, and consider each salary separately He had carefully avoided so wording his motion that it could be interpreted into an instruction to the Committee

The ATTORNEY-GENERAL thought it would be seen that the effect of the hon member s motion would be to curtail the power of the Committee and to limit it in a way which would be inconsistent with the very reason for which the Estimates were referred to a Committee The practice always was to vote a whole sum for each department, but not till the Committee had had full opportunity of expressing an opinion upon the various items of which that sum was composed The hon member, as he understood, was desirous of moving that the aggregate amount only be considered, but this appeared to him to be altogether inconsistent with referring the Estimates to a Committee, as the effect would be to exclude the consideration of the particular items of which the Estimates were composed

Mr GLYDE wished to understand whether he was in order in bringing forward his amendment

The SPEAKER thought it was in order but that the question that was involved could be discussed in Committee

THE NORTHERN EXPLORATION

Mr STRANGWAYS asked the Commissioner of Crown Lands if he could afford the House any further information in reference to the northern exploration He believed the hon gentleman had received further information upon the subject, and as it was one upon which a great deal of interest was felt, he should be glad if the hon gentleman would in a general way communicate the information

The COMMISSIONER OF CROWN LANDS said he had not received any further information than that which had been already published One despatch from Major Warburton had been rendered quite illegible, having been submerged in water Mr Gregory had arrived, but had not brought any additional information

THE ESTIMATES

The House having resolved itself into Committee,

The TREASURER moved that the House agree to the sum of £520 as provision for the Governor in-Chief's establishment for first half-year of 1859 This amount was an increase upon the sum voted for the first half of the present year of £130, and this increase had been caused by an increase in the pay of the messenger from 7s to 8s per day, and there was also an item of £100 for travelling expenses for His Excellency the Governor in-Chief It was well known that the Governor had to proceed occasionally on duty to the interior It was important that His Excellency should do so Such trips were not merely for pleasure but were connected with matters affecting the progress of the colony Formerly a sum had always been placed on the Estimates for this purpose, but it had been omitted one year, and it was now deemed expedient to ask the House to restore it

Mr STRANGWAYS should move that the increased pay for the messenger be struck off, as he had heard nothing from the Treasurer to justify the proposed increase, and as it had been repeatedly remarked during the session that the price of labour had decreased, the salaries of messengers should not be increased without some reason being assigned He should also move that the item of £100 for travelling expenses be struck out If the salary of the Governor-in-Chief were not sufficient, let it be increased to an amount sufficient to cover such expenses as these, but he strongly objected to these petty items being introduced for the Governor and his attendants He had heard that this item was asked for to cover the expenses of the Mounted Police at the Rev Mr Binney s breakfast, but he could not say with what truth

Mr GLYDE said if the Treasurer would consent only to ask a certain lump sum for each department, that would exactly meet his views

The CHAIRMAN presumed that the Treasurer would, in the usual form, move a gross sum, and that it would then be competent for hon members to go into the items

Mr STRANGWAYS presumed from what had fallen from the hon member for East Torrens that he merely wished the gross amount put, and, if so he saw no objection to this course, but the Treasurer would have to explain the various items, and any hon member objecting to any particular item would, he presumed, be at liberty to bring forward that objection It appeared to him that the point raised by the hon member for East Torrens was a distinction without a difference

Mr GLYDE rose to explain the course which he thought the Committee ought to adopt Last year sometimes the Treasurer asked for a gross sum for a particular department, and sometimes the various items were considered separately He wished to lay it down as a distinct principle that the House had no right to go squabbling through the various items Let the Treasurer ask a certain sum for a department, and let him explain the various items, if he liked , but he would re-

mind hon members who thought with him that there should be economy and retrenchment, that if they proceeded to the consideration of each item, they would probably find, when they had got through the Estimates, that they had not reduced the total amount by more than 2½ per cent If the Government were allowed to ask for sums in detail, the Government being combined were sure to beat (Laughter) The House might agree that a certain amount should be struck off the total cost of a department, but when they came to consider separate items personal feelings arose, and the party whose salary it was proposed to reduce probably had friends in the House who took his part, and the probability was that, after a tedious discussion, little or no reduction was effected If they really wished the cost of establishments to be less, and that they should be enabled to effect retrenchment, their discussions must be free from petty squabbling in reference to items What was more monstrous for instance than that that House should be solemnly engaged in discussing whether the pay of a messenger should be 7s or 8s a day He was prepared to withdraw his motion if the Treasurer would merely ask a total amount for each department It was the duty of the Executive, he considered, to take upon themselves the unpleasant duty of cutting down the salaries of officers or turning them off, and not to throw the onus and odium upon that House

Mr PEAKE supported the views of the last speaker, which were similar to those which he had expressed during the last session He believed the House had taken up an invidious function in dealing with the items upon the Estimates seriatim The result of this was that hon members were canvassed by one clerk wanting an increase, and by another who contended that he had been unfairly dealt with, in fact, members of that House were hunted about by Government officers Members did not go to that House to exercise the functions of the Government, to whom the details belonged If hon members thought that any department should be curtailed, the onus of doing so should rest with the Government It was for the Government to see how this could be effected, and not for the House to tell them The Government should know how the Government service could be best carried out He hoped the House would insist upon the Estimates being dealt with in the manner which had been suggested by the hon member (Mr Glyde) He believed it would have a most salutary effect, and that it would be the only way in which the House would be able thoroughly to economise He recollected last session one hon member moved that "sundries" be struck out, but the Government said that they could not do that, because it was from that very item that the soap and candles and other sundries were supplied If, however, the hon member who objected to this item had moved that the departments be managed for a certain sum, it would have rested with the Government to determine how the necessary retrenchment could be effected

Mr BARROW considered this question one of the highest importance, and that a proper time had been chosen for its discussion The hon member for East Torrens (Mr Glyde) had stated that the Government were firmly bound together but he had not stated whether they were bound together for the purpose of promoting or resisting retrenchment He had heard nothing, as yet, to convince him that the Government were enemies to reasonable retrenchment (Hear, hear) There was a decreasing revenue, and an increasing expenditure upon establishments That was a great fact, and had not been altogether satisfactorily accounted for by the allusion to the Lands Titles Office For the ensuing half year there was an increase for establishments of £10,000, and this in the face of a considerably decreasing revenue As representatives of the people and guardians of the public purse it was their duty to put a stop to such a state of things (Hear, hear) He should be glad to see £10,000 flow into the Treasury from a measure which it had been thought by some would not have passed that House, and now that they had obtained that they should endeavor to obtain another £10,000 It would be a disgrace to that House if, with a considerably decreasing revenue, they assented to an increased expenditure upon establishments He quite agreed with the remark that they would not succeed in effecting the retrenchment which was so desirable if each item were considered seriatim He was not unwilling to take the trouble of going separately and singly through the salaries, if it were thought desirable to do so, and if that plan were adopted he should certainly go with the hon member (Mr Strangways) and place the messenger at Government House upon the same footing, which he had occupied during the present year, but he should first like to be informed whether it was not possible that the item might be struck out altogether, and if the duties were not of such a nature that they might be discharged between the Private Secretary and the keepers of the Government Demesne (Laughter) Of course an admirable case could be made out for the retention of this messenger, and so he had no doubt there could be for another He should like to be informed also, whether it was necessary that the paltry sum of £30 should be expended on furniture upon Government House, considering the immense sums that had been lavished already He thought it would be the best way to deal with the Estimates in a lump sum, leaving the Government the duty of dividing it as they might think fit He fully concurred with the hon member for Encounter Bay as to the objectionable nature of the £100 proposed for His Excellency's travelling expenses No doubt the Governor travelled, and so did the Chief Secretary and so would the Treasurer no doubt, when he got time, but that House was not bound to pay every gentleman's travelling expenses, particularly when the gentleman had an income of his own to enable him to pay for his his own picnics and excursions, and he should, therefore, move that item be struck out He should like to see the item of £520 reduced to £317 12s as he had indicated That was his own view, and he threw out the remarks which he had in order that the question might be discussed He repeated that he had heard nothing from the Government to induce him to believe that they were opposed to moderate retrenchment, and he thought the least they could do would be to strike off the £10,000 additional upon the Establishments for the first six months of the coming year as compared with the past, particularly as they had just cause to apprehend a deficiency in the revenue during the first six months of the year 1859

The ATTORNEY-GENERAL said it had been truly stated by the hon member for East Torrens, Mr Barrow, that this was a question of the highest importance He could quite understand the feelings of hon members upon the question, who, though desiring retrenchment, felt how difficult it was to combine economy and efficiency, and who were desirous of recognizing what was due to a falling revenue with what was due to the persons who were in Government employ He could quite understand hon members endeavoring to escape the difficulty of solving this question by throwing it upon the Government If the House, after a full discussion of the Estimates for any particular department, would say that there should be retrenchment, without consideration of the various items, the Government would then endeavor to effect retrenchment in that department consistently with the claims of public servants, but he would remind hon members that, although they had escaped, or would by this means escape, the unpleasant feeling consequent upon cutting down any particular item, the Government, in doing so, would, in reality, only act as the representatives of that House, and what the Government did as the Executive would, in reality, be the act of the Legislature and of hon members in their legislative capacity He merely wished to point out that, although hon members might escape the unpleasantness of being called to account by any particular individual for having cut down his salary, they would, in reality, be as much responsible for having done so as though they had entered upon the consideration of each particular item That was one remark and the other was that although the House voted a special sum for services, which sum was included in the Appropriation Act, he had shown already that it was impossible to arrive at that sum without a consideration of the various items of which that sum was composed For instance, in reference to the amount under discussion, no one had objected to the salary for the Private Secretary, nor did he think that anyone could No one had objected to the Keeper of the Government Demesne or his assistant, and supposing the Estimates were amended as had been suggested by the hon member for East Torrens (Mr Barrow), the Government would understand that the items not objected to were approved, and that the deduction must be made from those which had been objected to If, however, without considering whether officers received more than a fair salary for the duties which they had to perform the House merely said that there must be retrenchment, they would leave the Government in the dark, and the Government in effecting retrenchment might strike off some officer according to their views of the subject whom the House might be desirous of retaining It was possible that the Government might effect retrenchment precisely in that part where the House considered it should not be made If the Government were told simply to effect retrenchment, but to do it in that part which was considered most susceptible of retrenchment, he had no objection, but the House should give what should always accompany responsibility—the power of acting according to their judgement without reference to the views of hon members If the House adopted what he believed would be the proper course, they would consider the items in detail and inform the Government what views the Legislature had as to the items which ought to be reduced The Government would then carry into effect the views expressed by the House in reference to reduction If the House did not do this the Government would carry out reduction according to their own views

Mr BURFORD said the great advantage of the plan he advocated would be the saving of time which it would effect It was notorious that there was a great sacrifice in going through all the departments separately The House should not forget the absolute necessity which had arisen for reducing the expenditure, from two circumstances Some time ago, in consequence of the greatly advanced price of all articles, it became necessary to add a bonus to all salaries, and that bonus had since become incorporated with the salaries, but now that the country had arrived at a time of considerable trial and difficulty, it could not maintain its expenditure at such a rate as formerly That was a strong argument in favor of reducing the amount in the aggregate. He approved of the suggestion that the House should not go into the items They should only regard each department as a whole, and by so doing they would escape the invidious task alluded to by the Attorney-General He was sorry that the hon member for East Tor-

rens (Mr Barrow), whilst suggesting in unison with his colleague that the House should not go into details, had himself done so. His (Mr Burford's) idea was, as he had said before, namely, to adopt a per centage upon the amount which should run through the whole Estimates, as by that means there would be the greatest possible fairness in going through the departments. He would suggest something like 25 per cent. as the amount to be struck off. (A laugh.) With action like that the House would get through the business quickly, even though it should not prove quite agreeable to certain parties. (Hear, hear, and laughter.)

The COMMISSIONER OF PUBLIC WORKS said that the hon. member for East Torrens (Mr Barrow) had shown the course which the House should take if it followed the plan of that hon. member's colleague, viz., to strike out every item but the allowance of the Governor-in-Chief. They should either strike out the details or make them agree with the gross deduction, and in the latter case they would have to go through the Estimates in the regular way. If the Committee thought, as he believed on mature consideration they would not, think that 520*l* was not the proper sum, then they would have to say in what particular the saving was to be effected. He believed it would be found necessary to follow the old plan.

Mr SOLOMON quite concurred in the amendment of the hon. member for East Torrens (Mr Glyde).

Mr STRANGWAYS enquired whether the amendment of the hon. member (Mr Glyde) was before the House, or whether in fact there was anything before the House except the item.

The CHAIRMAN said the question before House was that instead of 8s. per day 7s. should be substituted.

Mr SOLOMON understood that the amendment was before the House.

Mr GLYDE said there was a misunderstanding. His amendment was "That this House is of opinion that it is inexpedient to discuss and vote each salary and item of expenditure on establishments separately, and that the Committee of Supply should therefore proceed to consider the various aggregate amounts to be granted for the services of each department as appearing on the Estimates." Although this amendment was not formally before the House he intended moving it.

Mr SOLOMON found that for the half year ending on the 30th June, 1858, this item amounted only to £410 9s., whilst for the half year ending 30th June, 1859, it was set down at an increase of £109 1s. These were not times for an increase in the Estimates. If they handled the items in the gross and determined by how much they should be reduced they would leave the Government to carry out the intentions of the House in the best manner they could. But if this were impossible, he should be prepared, in some instances, to vote for reductions of large amount, and in others for striking out the whole sum. It was rather unusual, when there was a probability of a decrease in the revenue, to have an increase in the expenditure. Amongst other items there was one which, if the House took the Estimates item by item, he should oppose altogether. He alluded to the sum for the Chief Commissioner of Police.

The CHAIRMAN said that the only question before the Committee was, the allowance under the head "Governor-in-Chief."

Mr SOLOMON—Then I am to understand that I am not to go beyond that item.

The CHAIRMAN—Not beyond that department.

Mr SOLOMON said, in reference to this particular item, he did not consider the present a time to undertake excessive expenditure, but instead of going beyond the expenditure of 1858, the House should endeavor to reduce it. If it could be shown that one messenger was necessary, it might also be shown that two or three were. The House should cut its coat according to its cloth, and say what was and what was not necessary. He (Mr Solomon) was willing to take the onus of doing this upon his own shoulders. (Hear, hear.) He did not consider it necessary to have a keeper of the Government demesne and a messenger also, as in all probability one individual could do the business of both, or if the keeper did not do the work of the messenger the assistant keeper could. He would move that £109 1s. be struck off the total amount, and let the Government decide how the reduction was to be effected.

Mr REYNOLDS thought that the plan of voting lump sums would be found very inconvenient, whereas if one hon. member suggested a reduction in one place and another in another, some saving must be effected. He looked upon the item of £100 for travelling expenses for His Excellency as one which, having been omitted from the Estimates for two years, should not be put on now. He understood that the Governor's allowance of £4,000 a year included everything; but if the amount was not sufficient, let the Government say so, and come forward with a proposal for an increased salary. He believed the sum was never intended to be put on again, and therefore he should vote against it.

Mr COLLINSON moved that the House divide.

The motion was then put, and carried without a division.

On the next item, "Assistant Keeper of Government Demesne, 155 days, at 7s."

Mr GLYDE moved the amendment of which he had previously given notice.

The CHAIRMAN considered the amendment inadmissible at that period of the debate.

The ATTORNEY-GENERAL suggested that it was important that the question submitted by the hon. member should be discussed. He would suggest whether the matter could not be put in this form, that instead of voting on each item the House should proceed at once to vote upon the total sum for each department.

Mr GLYDE had understood the hon. the Treasurer to ask for £520 for the department. He had not before had the opportunity of moving his amendment, but it appeared now that the House had got back to the item of £72 8s. for the messenger. He was not surprised that the Government did not like the responsibility which he sought to impose on them. It was natural that the Government should try to throw the unpleasant duty of making reductions upon private members; but as the Government had salaries for doing this duty they should perform it.

Mr STRANGWAYS said if the hon. member was desirous of relieving the House of all responsibility and the Government also of all responsibility, he could adopt no course more easy than the one proposed. The Treasurer would have nothing more to do than to take a small sheet of paper and mark down the various sums on it, and the House could not make him responsible. The course proposed would be very convenient to the Ministry, and very inconvenient to the House, inasmuch as the discussion would be three times as great as under the old system.

Mr HAY said if hon. members would only glance down the Estimates they would see the impossibility of pursuing the course proposed. He would allude, for instance, to the large item of £18,000 for the police. If the hon. member for East Torrens were to propose that £3,000 should be struck off this amount, would not the House like to know whether it was to be taken off by abolishing the Chief Commissioner of Police, or from the private policemen? Again, in the Post-Office, if it was proposed to reduce the expenditure from £8,000 to £6,000, would not the House wish to know whether it was the letter carriers who were to be dismissed, and whether the effect of the reduction would be that the public would have to wait half an hour at the window for their letters. It was for the House to say when the Estimates were brought in where reductions should be made. The responsibility rested with the House.

Mr BARROW said his only objection to the amendment was lest the Government would have to take back the Estimates for amendment. ("No, no," from the Attorney-General.) He quite agreed with the hon. member (Mr Glyde), and thought there were strong reasons for the course which that hon. member recommended, but there were serious practical difficulties in the way. It was said that if the £18,000 for the police was to be reduced the House would insist on knowing where the reduction was to be made. But he (Mr Barrow) believed that if the House went through the Estimates item by item they would not effect such reductions as were necessary. It would be not only in order but quite reasonable to say to the Government, "You have put £95,000 down for establishments, and we can only give you £80,000, so you must retrench £15,000." He had feared that the Government would have been obliged to take back the Estimates, and he did not wish that to be the case; but he was delighted to find now that such would not be the result. As to the responsibility of hon. members as the representatives of the people, it was not from any desire to shirk that responsibility that they did not wish to go through the Estimates in detail. It was not the fear of being assailed by Government clerks that deterred them from doing so, but they did not know as well as members of the Government where reductions could be made. It was not the fear of responsibility but the want of information which prevented them from acting in the matter. On some items hon. members might give an opinion, but on others it was only members of the Government who could do so, although hon. members might be convinced that on the totals a saving could be effected.

Mr PEAKE said the hon. the Attorney-General had stated that if the House considered it desirable to reduce the expenditure, the Government would be prepared to carry out those views, but the hon. member added that if the House only dealt with the details, the Government would be left in the dark. He (Mr Peake) would say that it was the duty of Government to see that every department was filled efficiently. The hon. member for Gumeracha spoke of the police as a department which could be retrenched; but they were like a hive of bees one upon another. ("Order," from the Chairman.) He (Mr Peake) was merely illustrating the impossibility of retrenchment. It had been urged as an objection to dealing with the details, that the Government would have to strike out all the items and leave nothing but the totals, and that, therefore, the House would be in the dark.

The ATTORNEY-GENERAL said the hon. member had made a mistake in quoting what he (the Attorney-General) had said. He had said that if the House did not state its opinion on the items the Government would be left in the dark. But he had also said that if the House chose to throw upon the Government the responsibility of acting in the matter, and if they gave the Government the power which should

accompany such responsibility the Government would accept the task

Mr REYNOLDS could not see that the Government would be left in the dark whether the House voted more or less than the proposed amounts The wish of the House was to economise, and he was delighted that the Government were prepared to assist in this object As the Government had had a long recess, he presumed they had carefully considered the Ways and Means, and, therefore, he fancied that the sums upon the Estimates were really necessary for the efficient working of the departments This being his opinion, he was pleased to find the Government prepared to pare down the items, and, perhaps, when the Appropriation Bill was introduced they could pare down a little more

The TREASURER said he should first deal with the statement that the expenditure on the Estimates was increasing, whilst the revenue was diminishing The reverse was the case, inasmuch as the Estimates, instead of an increase, showed a decrease The sum total of increase was £7,998 11s 10d, and of decrease, £8,290 14s 11d, showing a net increase of £292 3s 1d, and that covered the cost of the new department of the Registrar-General of Deeds, amounting to £2,164 It also covered a sum of £880, caused by placing the salaries of clerks of Local Courts who were hitherto paid by fees upon the Estimates The fees would in future be paid into the Treasury, and the clerks' salaries placed upon the Estimates Then there was an increase of £200 on the present Estimates for the relief of the destitute poor, the number of whom must necessarily increase with the increase of population, and an increase of £744 for education, so that the Estimates for this year were less than those of last year in respect of the items which appeared on the Estimates of last year Of course there must be new establishments when the House legislated on important matters like the Lands Titles Registration Department Again the Observatory and Electric Telegraph Department was a new department The Government could not be said to increase the expenses of establishments when the old establishments were reduced, and the only expense was caused by adding new establishments to meet the legislation of the House Not one of the salaries had been increased except in the Observatory and Telegraph department which had been necessarily remodelled In all the other salaries there was no increase With regard to the Insolvent Court and the Registrar of Deeds, there had been an increase in these departments, but these were owing to the legislation of the House, and the increases appeared upon the Supplementary Estimates which had already been sanctioned by the House, and he (the Treasurer) had given the reasons why the Government made the increases

Mr BURFORD thought it of no consequence that the House should know for the time how the reductions were made If any injustice was done, the House would be made acquainted with it, and could then rectify it As to the proposal of the hon member for East Torrens (Mr Barrow), for a reduction of the police estimate from £18,000 to 10,000, it would be a very sweeping alteration, but he believed it was wanted

Mr DUFFIELD, although had he known in the beginning of the session that the Government could strike off such a sum, he would perhaps have wished to strike off £10,000 from the Estimates, still thought as the House had gone into Committee there was no other course but to go on item by item Otherwise hon members would say that the Government, instead of taking £100 a-year off the pay of John Smith' ought to have taken it from Jack Jones Hon members should not shirk the responsibility For his part he had never been hunted by any Government clerk, and he hoped hon members held such positions that Government clerks would feel that it was of no use for them to make any applications for favors

The item was then put and passed

The item, travelling expenses of Governor and suite, £100, was negatived

Mr DUFFIELD remarked, in reference to the keeper and assistant keeper of the Government demesne having each 7s a day, that it was unusual for a superior and an inferior officer to be paid at the same rate

The COMMISSIONER OF PUBLIC WORKS said that the keeper had a cottage rent free, which the assistant had not

Mr GLYDE moved that the total amount for the department be reduced to £380 19s The amount voted for the last half-year was £410 12s, instead of £520 He would strike off from this the £30 for furniture and sundries

The £30 for furniture, &c, was then put and lost, and the total of £380 19s was agreed to

On the next item Executive Council, £165

Mr BURFORD moved that the first clerk be reduced to £110, and the incidental expenses from £25 to £15

The TREASURER explained that the sum of £20 set down as good service pay was already provided for by the Civil Service Bill which the House lately passed

Mr SOLOMON moved that the item be struck out altogether, as he believed there was no necessity for the office The Private Secretary had time enough to take the minutes of the Council meetings

Mr BURFORD'S amendment was then put and lost

Mr HAY wished to know from the Treasurer whether if the Civil Service Bill now before the Legislative Council passed, this good service pay would be made an addition to the salaries of officers or not If necessary he should move that the £140 in this case include the good service pay

The TREASURER said the good service pay was only put down to show how it would affect each individual If the Bill was thrown out in the Council the Government would not pay the good-service pay unless the House passed a resolution authorising such payment

Mr PEAKE said the hon member had laid down a doctrine from which he (Mr Peake) must dissent If the reporters understood the hon member as he (Mr Peake) did the report would have a very curious appearance (A laugh)

The ATTORNEY-GENERAL explained that any such vote of the House would be embodied in the Appropriation Act, which must have the sanction of both branches of the Legislature

Mr REYNOLDS understood that at present the House was not voting the good-service pay at all ("Hear, hear," from the Attorney-General)

Mr HAY asked whether it was necessary to have it distinctly stated that the £140 included the good service pay, as he would rather such should be the case

Captain HART stated that if the Civil Service Bill was rejected by the Council, another Bill would require to be brought in to repeal the Acts at present in force

The ATTORNEY-GENERAL corroborated this statement

Mr BARROW thought a great deal had been said about the £20 and very little about the £140 It might have been a very unreasonable proposition of the hon member (Mr Solomon) to strike the item out, but it was just what would occur when the House was called upon to express an opinion on matters which only members of the Government could be acquainted with He presumed the Executive Council did not meet very often, or that its proceedings were not very laborious (A laugh) He should like very much to have a return of the amount of service rendered by its Secretary Not having the honor to attend Executive Councils, he did not know how far the office might be laborious It really did not appear so very absurd a proposition that the Private Secretary of his Excellency should attend the Governor at meetings of the Executive Council, and take minutes of proceedings The Private Secretary was a gentleman of very obliging demeanor, who did not seem to spare himself trouble In fact, this gentleman sometimes even acted as messenger, and he (Mr Barrow) could not see why he should not act as Secretary to the Executive Council If he was wrong in supposing this possible, perhaps the Government would set him right

The ATTORNEY-GENERAL said that the Executive Council was a body which was recognised not merely by Her Majesty as one which should advise the Governor in the exercise of all his functions, but it was also recognised by the Legislature of the colony, which required the Governor to do all important acts by and with the consent of the Executive Council It was therefore necessary that there should be a Secretary to the Council, and also that, as a person being present at the confidential discussions on matters with which the Government had to deal, he should be a person whose position and character were such as would enable the Government to rely upon his secresy and fidelity He (the Attorney-General) could bear testimony to the thorough fitness of the present Secretary, who had filled his post for several years and performed the duties efficiently and faithfully With regard to the Private Secretary being able to fulfil the duties, as far as he (the Attorney-General) could judge he could not do so without one office or both suffering The duties of both offices had increased very much within four or five years, and though at one time it was quite possible that one person could perform both duties, the combined duties were now more than quadrupled as compared with what they were, so that it was not possible for one person to perform the duties without assistance, the cost of which would nearly equal the amount now asked for He did think that where the duties had been for years performed efficiently and faithfully by one gentleman the House should not deprive that gentleman of his office for the saving here involved He believed too that independently of the personal matter the saving would not be warranted on other grounds

Mr SOLOMON said the hon the Attorney-General had referred to the private respectability of this gentleman, and this was just what he (Mr Solomon) anticipated from the system of taking item by item He (Mr Solomon) did not know this gentleman, who might be of as high respectability as any one in South Australia, but that was not the question The question was, could the office be dispensed with? and he (Mr Solomon) had not heard the Attorney-General say that it could not He had heard the hon member say that if the office was abolished further clerical assistance would be wanted, but hon members who knew how plentiful such clerical assistance was here knew that it could be procured at a very small cost

The item £140 for the Clerk's salary, was then put and carried without a division

The next item, Incidental Expenses £25, was reduced to £15

On the next item, President of the Legislative Council £325

Mr BURFORD was desirous of seeing the total of this department reduced from £2 150 to £1,600, and the reductions arranged by the President and Speaker

Mr Strangways said the easiest way would be instruct the hon the Attorney-General to prepare an Appropriation Bill and bring it in at once This would relieve hon members from their attendance in the House and remove many small difficulties Unless however, the hon member could point out his objection to the vote he had no right to ask the House to go with him

The Treasurer moved an alteration under the head "salaries" to the effect that occasional assistance and short-hand reporting be made £250, and payment of witnesses £50

Agreed to

Mr Hallett asked whether this sum included the index

Mr Glyde moved that the amount for shorthand reporting be £125

Mr Strangways asked whether the largeness of the amount was not caused by the unusual number of Select Committees during the present session

The Treasurer, in reply to Mr Hallett, said that no part of the vote was for the index, as that went in the present year

Mr Hallett moved that the present vote should include £50 for the index Considering that the index of the Hansard cost £39, £50 was only a reasonable remuneration for the index

The Treasurer said the hon member could not move an increase in the item without an address

Mr Hallett did not want to make any increase, but that the £50 should be included in the vote

Mr Reynolds thought the clerical assistance of the House was sufficient to provide an index without any special vote

Mr Hallett explained that this was not the usual index of the session, but one for a previous period

The amendment was then agreed to

Mr Glyde moved that the total of £2,150 for this department be reduced to £1,800 He declined to say where the reduction should be made, as it was not his place to do so, but the place of those gentlemen who were paid for doing so unpleasant a duty (Laughter)

Mr Hallett said, unless the hon member could show where there was extravagance, the Government could not reduce the amount

The Chairman declined to put Mr Glyde's amendment

Mr Glyde would move that the Hon the Speaker consult with the Chief Secretary as to where the reductions should be made

The Chairman said that the Speaker knew of nobody beyond that House

Mr Reynolds enquired whether it would not be possible to strike out all votes and insert a lump sum

Mr Strangways asked, why not withdraw the Estimates and introduce an Appropriation Bill at once That would be the simplest plan

Mr Barrow suggested calling the plan of the hon member for Encounter Bay the silliest rather than the simplest plan (Laughter)

Mr Burford was only trying to reduce the amount, and thought that the objections of the Speaker would only have the effect of throwing the whole thing over It would bring him (Mr Burford) in opposition to the hon the Speaker

The Attorney-General reiterated his views of the necessity of going through the items *seriatim*

Mr Solomon moved that the sum be reduced to £1,935, as he wished to have 10 per cent deducted from every item He acknowledged it would be no part of the duty of the House to call the Government to account after having once given them authority to expend the money

The Chairman said unless the hon member moved some special item he could not put the motion

Mr Peake could not see the difficulty of dealing with the totals instead of the items The House having decided how money was to be appropriated for each section, the Government could revise the Estimates and bring them in again If the custom was adopted here which prevailed at home of laying the Estimates on the table within 10 or 14 days after the meeting of Parliament, all the difficulty would have been avoided

Mr Reynolds said if hon members wished to reduce this department by £200 or £300 or more he would point out that there was far more work in that branch of the Legislature than in the Council, and yet in the Council they had a clerk, an assistant clerk, a keeper of the records and a sergeant-at-arms He would move that the £100 for the assistant clerk and sergeant-at-arms be struck out

The Treasurer remarked that by the Constitution Act the country was obliged to pay the officers of the Upper House not less than those of the Assembly

Mr Reynolds was aware of that, but had yet to learn that that involved the necessity of keeping an assistant clerk

Mr Barrow wished to know whether the provisions of the Constitution Act included any obligation to have the same number of officers in the Council to do one-fourth of the work of the Assembly He wished also to know whether, when the Appropriation Bill, containing the totals for the various departments was brought in, it would be competent for hon members to reduce the items set down against each department If so, why not do it now ?

The Chairman said that when the Committee had gone through the Estimates, the resolution would be reported to the House, and if the House agreed to them, the Appropriation Bill would be ordered to be prepared in accordance therewith, and that he did not think such a thing had ever occurred as to alter the Appropriation Bill thus prepared by order of the House

The Attorney-General was not clear that hon members would be violating the Constitution Act in passing the resolution but he felt that it would be a very curious thing, and almost unseemly without having any communication with the other House, to refuse paying the salaries of officers which that House appointed The Council was the equal of that House in legislative power, except in one respect, and this being the very point in which the two Houses were not equal it would be most unseemly to refuse paying He did not think the House had any right to say that the Council would perform its functions with a smaller number of officers than it had appointed It might be that the Council could spare some of these officers, and, in that case, it would no doubt carry out that spirit of economy which the Assembly was now manifesting

The Chairman said that, by the Standing Orders, the House recognised these officers

Mr Reynolds did not wish to do anything unseemly, but he trusted the spirit of economy in the other branch of the Legislature would induce them to yield this point

Mr Solomon moved for a reduction of 10 per cent, but the amendment was negatived

The original motion was then put and carried

"Office of Chief Secretary," £350

Mr Reynolds suggested that some reduction should be made in this item by reducing the number of clerks by one or two to make up for which those remaining might work a greater number of hours in the day

The item was passed as printed

"Audit, £7[illegible]"

Mr Glyde wished some explanation from the Treasurer as to this item He (Mr Glyde) believed they wanted a different system of audit, one that should be simpler and equally accurate, and which would involve less expense He was not acquainted with the details of the system now in vogue but he knew that in Victoria the whole cost of auditing the Government accounts there was £10,000 per annum and they turned over some seven millions annually, being seven times the amount turned over in this colony, and involving, he presumed seven times the labor

The Treasurer was glad that the hon member had given him an opportunity of explaining, because he could show very clearly that the system in use here was much cheaper than that in Victoria and he could show it in three different ways The hon member proceeded to show that, estimating the revenue of the colony at £450 000, and the auditing at its cost, they would have a per centage of 4s 10d That was exclusive of the loan fund, &c, which, if added, would reduce the percentage to 3s 3d Taking the Victorian transactions at £7,000,000, and the cost of auditing the same, he found that the proportion was 2s per cent in that colony as against 1s 9½d in this, that was with the whole of our transactions included That would shew our audit system was not defective, and that it really cost less than that in Victoria. The hon member for East Torrens (Mr Glyde) had asked if they could not audit in a less expensive manner, and he (the Treasurer) answered "Yes," if the House would be satisfied by the mere checking of the figures in the Treasurer's cash-book But if every payment was to be audited, vouchers to be shown for it, and the auditors were to enquire into the authority for these payments they could not possibly do it for a less sum In support of this they might be aware that some time ago a Commission was appointed to report upon the Audit Office, and it came to the conclusion that no alteration in its system or reduction in the expense could be effected with any benefit

Mr Barrow bore testimony to the Audit Department being efficiently conducted, and said no one could doubt the zeal and ability of the gentleman who presided over it But the question was, could not a simpler method be devised which would afford equal security It had been suggested to him that such was feasible, but after all it was a question on which that House could scarcely be expected to suggest what should be done, as it would more properly form a matter of enquiry by a Select Committee, if the Government would not undertake the responsibility The Treasurer, in comparing the relative cost of audit in this colony and Victoria, had made out a case against himself, for if that hon member had added the loan account of Victoria in his calculations of the cost of audit in that colony, as he had done with regard to this, he would have found the cost of audit in South Australia was more in proportion than in Victoria

Mr Glyde rose to explain in reference to a statement he made on a former occasion as to the cost of audit in Victoria He should have said 2s per cent However, he had a paper in his hand which would prove what he now said, that the cost of audit in this colony was double that of Victoria, seeing that we paid 4s 10d per cent

Mr Reynolds would like to know what was the system of audit used in Victoria, they might find that it was a very dear system And under those circumstances, he should not advise a reduction in this department

Mr Strangways said the system in Victoria appeared to

be that of allowing public officers to retain any amount of public money in their pockets (A laugh) There was a case of this nature some few months ago, and what was considered very justly a crime in one individual, and punished accordingly, was not so with others, the difference being that some were able to pay up when called upon to do so, and others were not in that position He was assured that the adoption of such a system in this colony might lead to the same results

The item was then put and passed

Police, £18,378

Mr SOLOMON proposed an amendment, That the first item for the salary to the Commissioner of Police should be struck out He considered if the Commissioner of Police could be spared in the exploration in which he had recently been engaged, and which had involved a considerable length of absence, without injury to the force, it was evident such an officer was not required He admitted that the Commissioner of Police had shewn considerable ability in his explorations, and perhaps at some future time the Government would give him other employment It was evident to his mind that there was no necessity for a Commissioner of Police, as the duties of the department had been carried on in an efficient manner during that officer's absence by a subordinate, and he presumed that, in this case, hon members did not require any further illustration to show that a Commissioner of Police, at £650, was not wanted

Mr McELLISTER, who was partly inaudible in the gallery, was understood to say that a great deal of the time of the Commissioner of Police had been expended in visiting the out-police stations, and he thought it was not the business of that officer to do so as the men were instructed to send in monthly accounts While the requisite information, therefore, could be got in this way, he thought it was not at all necessary for the Commissioner of Police to visit each separate station He contrasted the difference between the metropolitan and the mounted police force, the former of which had only one inspector and no clerk, while the latter had two inspectors, a sergeant-major, and a clerk He supported the amendment

Mr REYNOLDS could not go so far as the hon mover of the amendment, because that hon member seemed to confuse Major Warburton with the Commissioner of Police They must have some one at the head of the department The present Commissioner of Police he believed was not to blame ("Hear, hear" from Mr Solomon) It was the Government who were to blame—at all events they had a *primâ facie* case that there were too many in the department Having said this much, he would suggest that the hon member for the city (Mr Solomon) should reconsider his amendment, as it was quite clear that whatever reduction they made they would still want a Commissioner of Police The police were no doubt very expensive and he felt inclined to strike out the whole item of Metropolitan Police, because he thought the Corporate towns should be made to pay for their own police protection He could understand the necessity for keeping up the Mounted Police Force, for in many respects they would be exceedingly useful—in the squatting districts for instance—and he thought the "aristocracy"—(laughter)—might very well be called upon to pay some contribution towards their support The mounted force was composed of a respectable class of men, and from their smartness and general appearance they would be quite an ornament to the squatter's run (Laughter) He was in favor of such an alteration in the system as would provide for the wiping out the Metropolitan Police altogether, and which would leave it to the citizens to provide their own police protection

Mr HAWKER was willing to support the hon member for the Sturt in wiping out the metropolitan police, and he could assure him also that the squatters would be willing to pay for what police protection they required, which would be none at all (Laughter) He could not see why the country should be called upon to pay for police protection in the town The expense of the force was enormous, and he thought the sooner the metropolitan police were supported and regulated by Corporations in which they were wanted the better

Mr STRANGWAYS said, whether they had a Commissioner of Police or not, they must have some chief officer, and it was also desirable that he should be a military man (No) But he maintained the efficiency of the police would be considerably enhanced by having such a person at their head, as thereby, if called upon to give assistance to the military, they would be better fitted to render such assistance and otherwise, instead of being of assistance, they would be likely to be an impediment With respect to the present Commissioner of Police being engaged in exploring, that officer was sent by the Governor, and he might say through the agency of the Commissioner of Crown Lands, at his (Mr Strangways') suggestion (Laughter) It would be found that the officer alluded to had gone 60 miles further than the Government Explorer Mr Babbage ("No, no,") and had given a large practical value to a country the features of which had been hitherto unknown He agreed with the hon member for the Sturt, that the metropolitan police, both in Adelaide and at the Port, excepting the water police, should be struck off, and left to be supported by the city or wherever else they might be required, but he was not prepared to do this at once, because it was evident some scheme would require to be devised to take the place of that which was now in force—perhaps that of levying a police rate in the city, and even if this were decided upon he thought it would be very doubtful whether an Act could be passed between this and the 1st of January to authorize such a rate. He was rather inclined to let the question stand over until the session in June, 1859, and, if some alteration were not made before then, he should vote for the metropolitan police being struck out altogether,

The COMMISSIONER OF CROWN LANDS hoped the House would not seriously entertain the amendment Everyone must admit that a person to be in the position of Commissioner of Police should be a person of some standing, as the whole moral training of the force depended upon the person who was at its head, and there could be no doubt but that the police force had been brought to a great state of efficiency under the present Commissioner of Police With respect to that officer being appointed to explore, the Government had made such appointment because they thought him peculiarly fitted for the duty, and the context proved that they were not mistaken in their impressions He (the Commissioner of Crown Lands) thought it very desirable that the head of the police should have at all times a knowledge of the locality of newly discovered country, as by that means he would be in a position to visit it and provide for police protection to those who might settle in it He had great pleasure in subscribing to what the hon member for Encounter Bay (Mr Strangways) had said, viz, that that hon member had suggested that the Commissioner of Police should be sent out He was not inclined to detract from the merits of such suggestion, but he also took credit to himself in recommending the Commissioner of Police to that appointment, and especially when he saw the results which were brought about that of the discovery of a passage across what was supposed to be Lake Torrens This was one of the greatest discoveries which had been achieved in the colony, he considered, and one for which Major Warburton deserved thanks at their hands He (the Commissioner of Crown Lands) would say that that gentleman was not deserving of the slightest censure for having been absent on this exploration, as he had been ordered by the Government on this service, and he had performed his duty in obeying that order He had never heard any objection raised to Major Warburton's former absence, on his exploration to the westward, on which occasion as on the present, he had most efficiently performed the duty imposed upon him by the Government As to whether the Metropolitan Police should be supported by the City funds, he thought as the feeling was prevalent amongst hon members, they would be likely eventually to carry such a proposition But the House should remember that the first step after that would be that the Corporation would insist upon receiving all the licence and other fees, which would cause a very considerable reduction in the revenue of this department

Mr SOLOMON said that it might be implied from what had been said by hon members that he censured the Commissioner of Police But he had done nothing of the kind, for he believed him to be a very efficient officer The very fact that he was so efficient, that he was such a splendid explorer had placed the House in the position of knowing that no Commissioner of Police was needed He wished to disabuse them of the impression that he had censured the Police Commissioner It was the office not the officer he alluded to, and he was satisfied they could do without a Commissioner The Inspector, by a slight addition to his salary, could perform all the duties of both Inspector and Commissioner

Mr McELLISTER explained a remark he had before made in allusion to this question

Mr LINDSAY could not support the hon member for the city altogether, as he considered he had not proved his case The temporary absence of the Commissioner of Public Works was no proof that this office was a superfluity Some one must be appointed to the head of the force, and if they increased the salary of a subordinate it would come to pretty much the same thing in the end If the motion had been for striking out the metropolitan police he should have supported it, inasmuch as what was proper for the country in this case was also proper for the town The ingenious principle by which the country was taxed for roads and police protection might be very well applied to the town

The ATTORNEY GENERAL would just allude to the remark of the hon member for Encounter Bay (Mr Lindsay as to the ingenious method they had of providing police in the country districts by local taxation, and he might say if the same plan was adopted in the town that it would be very likely to be attended with the same results, that was, that they would have no police at all The hon member for Burra and Clare had spoken of the high moral standing of South Australia, but no one, he supposed, would deny for a moment that the efficient organization of the police force in this colony had tended to produce this result by driving away from our shores persons of disreputable character, ticket of-leave men, and others, who finding they could not live comfortably in South Australia, had gone off to Canada or elsewhere In England, where there was a desire to throw the burden of the constabulary upon the districts, the police were under the direct supervision of the Secretary of State Crime in a community should be dealt with by the Government In this colony they had by means of the police in Adelaide and at the Port stopped

criminals from getting loose, and when they did come here made them feel that it was impossible for them them to remain with safety There would be some justice in a portion of the expense of supporting the metropolitan police being contributed by the city, but then there were other portions of the police, doing duty at the Gaol, at the sittings of the Supreme Court, the Detective Police, all of which should be provided for by Government, and when the House passed an Act, if they did so, to compel the city to support its police, they would find that provision would also have to be made for those portions he had alluded to With regard to the Commissioner of Police, he thought the House would be acting a very ungracious part in dispensing with that gentleman's services in the manner proposed

Mr PEAKE would not go into the items in detail, but would vote on the total He had sufficient confidence in the Commissioner of Police to know that he would not place anything down which was not really required

Dr WARK was very glad to find that the Attorney-General was taking the popular view—(laughter)—but he thought it should not be at the expense of the country districts He thought the time had arrived when the whole system should be adjusted

Mr GLYDE asked whether the House was to understand that the Government would bring in a Bill to provide for the support of the metropolitan police by the city If so, he as a country member would them support the item

The ATTORNEY-GENERAL could give no pledge He thought the city should contribute a portion towards the support of the metropolitan police The House must consider too what proportion of the police they would withdraw supposing the city refused He would engage that the whole subject of police protection should be considered by the Government, but not with respect to the city alone

Mr NEALES said the only rowdyism they had in town was that which attended the visits of the country members (Much laughter) It was the collection of persons in the city from the country and the Port, and not the citizens themselves that necessitated police protection

Mr BARROW said one great disadvantage which was experienced in the suburbs was from the fact of the rogues being driven out into them from the city (Laughter) There had, to his knowledge, been frequent and loud complaints made of the unprotected state of those localities, and he hoped in any revision made in the police the suburbs would be included It was very easy to see that the motion to cut out the first item would be lost But they could not say but that they had an efficient police force without a Commissioner —(hear)—and as that spoke volumes of itself he would say nothing further

Mr MILDRED referred to the organization of the police in in England, which in London was under the supervision of a Commissioner of Police, although the citizens paid for their support, and he thought such a principle might be very advantageously adopted here As to the City of Adelaide receiving all the licence fees if they maintained a police force, he took a different view of the case The District Councils that maintained a constabulary did not receive licence fees

Mr LINDSAY moved that the item of £25, "Fees for the destruction of dogs" should be struck out

Mr GLYDE again put the question to the Attorney-General as to what the intentions of the Government were with respect to introducing a Bill He thought it better they should have an explicit understanding

The ATTORNEY-GENERAL repeated that what he said was that the Government would not introduce a Bill to compel the city to entirely support the metropolitan police, but that a measure should be framed by the Government by which the city would be called upon to pay some portion of the expense

Mr SOLOMON moved that the sum of £100 for "fire-engine" be struck out, as, from there being no Fire Brigade, it was unnecessary

Mr STRANGWAYS called the hon member's attention to the great fire at the Port, which occurred some time back, at which the police engine was so much out of order that it was impossible to work it effectively If they wished to keep the engine in a workable state, the item should be allowed

After the several amendments had been put and negatived, the item in the total, was then put and carried

"Sheriff, £360"

Passed as printed.

"Gaols, £1,874 17s 6d"

Mr PEAKE, before this item was put, would wish to elicit the views of the Government as to whether the duties of the Comptroller of Convicts and the Keeper of the Gaol might not be amalgamated and performed by one officer Also, as to the necessity of keeping a separate gaol in Adelaide when they had an establishment at the Stockade

The ATTORNEY-GENERAL said the gaol in Adelaide was sometimes so filled as to seriously interfere with the classification If they were to remove the gaol in Adelaide, they would have to erect new buildings at the Stockade, and the expense of those would probably exceed any saving they might make for several years to come The subject had before then received the careful attention of the Government, and they had come to the conclusion that no beneficial change could be effected

Mr BARROW called attention to the fact that there were 10 guards, the salaries of whom amounted to £832 for the half year, and that the items for "rations and provisions" had been reduced to £450 from £750 Therefore, either they must have a great stock of provisions on hand, or the number of prisoners must have been reduced If the latter, he could not see that the same number of guards should be required

The TREASURER explained that the sum voted last year for provisions and rations was considerably in excess of what was wanted, and that there therefore was a surplus carried forward

The item was passed as printed

"Post Office £8,702"

The COMMISSIONER OF PUBLIC WORKS said, in answer to Mr Strangways, that the subject of the Telegraph clerks doing extra duty in connection with the Post Office, was under consideration

Item passed as printed

"Education, £9,796 19s 6d"

Mr MILNE asked whether the £200 for competitive examinations would be open to competition by those who attended schools not receiving Government aid

The ATTORNEY-GENERAL thought no distinction of that nature was thought of, or would be attempted, but that it would be open to all

Mr BARROW was glad to hear that such was the case, and he would ask whether the Educational Board had considered the details of the proposed grant

The ATTORNEY-GENERAL said they had been fully considered in one sense, but not in a way that would finally settle the matter There were so many conflicting views, and besides there was some hesitation until the amount was voted

Mr STRANGWAYS said, with respect to the general question that he had received a letter from Yankalilla complaining that the Education Board had refused to license a second school there, although there were sufficient children to attend it, because they, the Board, were short of funds

Mr MACDERMOTT, one of the members of the Board, had reason to believe that the statement contained in such letter was not true The Board certainly objected to establish two schools in one neighborhood, and also on the ground of insufficient building, but not because they were short of funds

Mr MILDRED suggested that the first four items for Inspectors and Clerks should be struck out The Inspectors' visits went only to show that the walls of the schools were whitewashed, and that the children appeared in nice white pinafores Their visits were often anticipated, and a larger number of children were collected than actually attended the school He thought the whole system was defective, and he would advocate any change in the system which would provide for the scholars being taught even the simplest elements of education—say reading, writing, and arithmetic Also, that where a person opened a school with only 10 pupils, he should receive Government aid in the same proportion He thought there had been a good opportunity of opening an industrial school at Woodford, and they might have had attached to it a normal school

Mr BARROW would be sorry to see the items for Inspectors struck out, although he should have been happy if the hon member for Noarlunga had supported him (Mr Barrow) in striking out certain items which he had voted against (A laugh) He thought if a Select Committee were proposed by the hon member for Encounter Bay, Mr, Strangways (laughter), they might get some information that would be of service to them He thought the hon member for Noarlunga could not have read the report of the Board of Education, and the tables and columns of figures and information therein comprised—which not only stated that the children met in "white pinafores," but gave a variety of really useful information, or he would not have spoken as he had done Still he could not say but that some change in the system was desirable, such as by the establishment of a normal school, but he would not have education reduced to infant schools alone, as really proposed by the hon member for Noarlunga in teaching only reading, writing, and arithmetic History and grammar might surely form some part of the education of our youth, and singing, which was so much practised on the continent might also be continued Give the children all the reading, writing, and arithmetic they were able to impart, but do not exclude the higher branches of study But the hon member for Noarlunga proposed not only to strike out the Inspectors, but also the Secretary and Clerk in fact to abolish the Establishment He thought the subject too large to be dealt with when the Estimates were under discussion He should like not only the education of children but that of the adult population to be considered They could not but be aware that with each emigrant ship that came into port there were a large number of persons arrived classified over 14 and 21 years of age, and unable either to read or write, who it would be desirable should receive the advantages of education Seeing there was such an influx of ignorance it was desirable that something should be devised to remedy it He should support the item as it stood

MESSAGE FROM THE GOVERNOR

A message was received from His Excellency the Governor intimating that he complied with the terms of the address with respect to the appointment of a third Judge in this colony

ESTIMATES—RESUMED

Mr MACDERMOTT should be sorry to subscribe to the views of the hon member for Noarlunga, and he was quite prepared to say that the educational system as it existed had done great good In Adelaide, the proportion of children who attended school was 1 in 8—as large a proportion as would be found attending in any town If they did away with the Inspectors and Secretary, they might as well do away with the whole establishment He believed Inspectors were absolutely necessary for the efficient working of the system With respect to the buildings, the Board never objected to such as were suitable

Mr HAWKER moved that the House divide, which was carried

Several amendments were then put and lost, the only one which was carried being that by the hon member for Burra and Clare (Mr Peake), viz, "Attendance fees to members of Board, £44 2s" With this reduction the item in the total was then put and carried

The House then resumed, the Speaker reported progress, and leave was given to sit again on Wednesday

PRIVILEGES OF PARLIAMENT

The ATTORNEY GENERAL laid upon the table a Bill to define the Privileges of Parliament, which was read a first time, and the second reading was made an Order of the Day for Thursday

ASSOCIATIONS INCORPORATION BILL

The second reading of this Bill was made an Order of the Day for Friday

The House adjourned at shortly after 5 o'clock until 1 o'clock next day

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WEDNESDAY, DECEMBER 1

The SPEAKER took the Chair shortly after 1 o'clock

GOOD SERVICE PAY

Mr MILNE gave notice that contingent upon the item on the Estimates for good-service pay being moved, he should move that it be struck out

CLERKS' SALARY ACT

The ATTORNEY-GENERAL gave notice that on the following day he should move for leave to introduce a Bill to repeal the Clerk's Salary Act of 1852

BOARD OF PUBLIC WORKS

Mr REYNOLDS wished to ask the Attorney-General whether the Government intended to introduce a measure to bring the various Boards of Public Works in more direct responsibility to the Government

The ATTORNEY-GENERAL would rather that the hon member should give notice of the question, as he should like to give a formal answer Perhaps the hon member would give notice for the following Friday, but if the question could be answered sooner, it should be

MAIN ROADS

Mr REYNOLDS also begged to ask the Attorney-General when the Government intended to introduce a Bill to provide for the maintenance of main roads

The ATTORNEY-GENERAL was hardly prepared to answer the question at present, because he did not know, after the House had refused to adopt the principle involved in the motion of the Commissioner of Public Works, whether sufficient advantages would arise from an alteration of the existing system to justify the Government in introducing a Bill upon the subject at that period of the session If the Government had carried out their views by providing a fund for the maintenance of roads which had been constructed, they would have introduced a Bill immediately, but he questioned now whether it would be worth while to introduce a Bill to effect an alteration in the system

THE INNER BAR

Mr STRANGWAYS, at the request of Mr Peake, gave notice that on Wednesday next he would move an address be presented to His Excellency the Governor recommending that tenders be called for deepening the inner bar to the same depth as the outer bar

POWDER MAGAZINE

Mr COLE gave notice that on Wednesday next he should ask the Commissioner of Public Works a number of questions relative to the Powder Magazine at the North Arm

GOLD DISCOVERIES

Mr REYNOLDS asked the Commissioner of Crown Lands whether he was prepared, as he had stated he should be, to lay upon the table of the House the correspondence which had taken place with Mr Stuart relative to alleged gold discoveries

The COMMISSIONER OF CROWN LANDS stated that he had given the letter to be copied, and so soon as this had been done he should lay it upon the table of the House

CAPTAIN J F DUFF

Mr BAKEWELL brought up the report of the Committee upon the petition of Captain J F Duff The Committee reported that they considered the Government had committed an error in consequence of which Captain Duff had been subjected to a loss of £153 8s, which amount they recommended to be paid him The evidence was ordered to be printed

WINE AND BEER LICENCES

Mr BAKEWELL moved for leave to introduce a Bill to repeal so much of the Licensed Victuallers Act as related to the issue of wine and beer licences The Bill consisted of but one clause, which proposed to repeal so much of the existing Act as authorized the Licensing Bench to issue wine and beer licences The House would remember that the question had recently been twice brought under discussion—once when he moved for a Committee, and secondly, when he brought up the report It was therefore unnecessary to go into the consideration of the matter involved in the Bill, as the House had assented in some degree to the principle, but on the second reading the whole question could be fully discussed

Mr McELLISTER seconded the motion

Mr STRANGWAYS wished to ask the Speaker a question as to the course which he should pursue He was desirous of introducing in the Bill a clause to authorise His Excellency the Governor, in remote country districts, where a public house would be a great convenience to travellers, but the profits were not sufficient to enable the party keeping it to pay the full licence-fee of £25, to remit one-half that amount He merely wished to authorize His Excellency to do this upon the recommendation of the Licensing Board He was also desirous of introducing a clause to enable the holders of licences to refuse to serve comers in certain cases At present the holder of a general licence was bound to serve all comers, although the holder of merely a wine and beer licence was not He was desirous of introducing a clause to provide for that, and also to enable His Excellency to remit one-half of the licence fee in certain cases He wished to know whether the course which he should pursue was to give notice of these clauses, or to suggest them when the Bill was in Committee

The SPEAKER said the hon member could bring forward any amendment he thought proper when the Bill was in Committee

Leave having been granted, the Bill was read a first time, and the second reading was made an Order of the Day for the following Wednesday

MITCHAM

Mr REYNOLDS moved that the petition recently presented by him from a number of the residents of Mitcham be printed The hon member intimated that he intended to take action upon it

Mr MILDRED seconded the motion, which was carried

KAPUNDA

Upon the motion of Mr MILNE, the following notice of motion, standing in the name of Mr Shannon, was made an Order of the Day for the following Wednesday —

"That the petition of the inhabitants of Kapunda and the surrounding districts be taken into consideration, with a view to the granting of the prayer thereof"

THE ESTIMATES

The following motion, in the name of Mr PEAKE, lapsed in consequence of the absence of that hon member —

"That the House considers it essentially useful to the exact performance of its duties as guardians of the public purse that the Estimates should be presented to this House within 14 days next following the meeting of Parliament"

THE AGENT-GENERAL

Mr STRANGWAYS put the question of which he had given notice—

"That he will ask the Government whether the Agent-General has been required to give, and has given, any security for the due performance of the duties of his office, and if so, the nature and amount of such security"

There was a Council Paper upon the table intimating that the Government had given the Agent-General notice upon his appointment that he would be required to find security to the amount of £20,000, but no information had been afforded to the House that such security had been given

The ATTORNEY GENERAL said that the Agent-General had given security, two gentlemen being each bound to the extent of £10,000 for the due performance of his duties by the Agent-General The gentlemen were of high respectability, and had been approved by Her Majesty's principal Secretary of State for the Colonies

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR

Messages were received from his Excellency the Governor-in-Chief intimating that His Excellency, in compliance with addresses from the Assembly, had placed on the Estimates sums for the construction of Artesian Wells, searching for gold in the Barrier Ranges, extension of the jetty at Port Lincoln, and construction of the main road through Gawler Town

MR. J M STUART

His Excellency also transmitted a Bill to authorize the granting to Mr J M Stuart, of a lease of certain waste lands

of the Crown in accordance with a resolution of the Assembly

Upon the motion of the Commissioner of Crown Lands the Bill was read a first time, the second reading being made an Order of the Day for the following day

DISTRICT COUNCILS ACT AMENDMENT BILL

In the absence of the Commissioner of Public Works the Attorney-General moved that the consideration of this Bill in Committee be made an Order of the Day for the following Friday

Mr Reynolds could not see why there should be any further postponement of this Bill Time after time had it been postponed in order that the Government might go on with the Estimates, but he must object to such a course These constant postponements did not look well The Attorney-General had that day informed the House that it was not the intention of the Government to go on with a Road Bill, and it was quite clear to him that when the Government had induced hon members to pass the Estimates, they would say good-bye to them It appeared to him that the policy of the Government was to push on the Estimates as rapidly as possible in order to enable them to keep their seats He should certainly oppose any further postponement of the District Councils Bill, which was admitted to be a most important matter If the Commissioner of Public Works were not present to take charge of the Bill, no doubt some other member of the Government would be able to do so

Mr Strangways should also oppose any further postponement of the Bill, particularly as he saw present two or three hon members who had come from the country no doubt for the purpose of taking part in the discussion upon this Bill, and having come to town expressly for that purpose upon two or three previous occasions, upon which however, they had been disappointed in consequence of the Bill having been postponed, he should certainly oppose any further postponement He knew the object of these repeated postponements, the fact being that the Government wanted the Estimates passed, and then to prorogue Parliament If the Government could only accomplish this the District Councils Act and all other Acts would be put off If it were the intention of the Government to move that the Estimates take precedence of the other Orders of the Day, their duty was to give distinct notice to that effect, in order that hon members who came from the country for the purpose of taking part in the discussion upon the Bill might be apprised in due time of the intentions of the Government

Mr Dunn also protested against a postponement of the Bill, remarking that he came prepared to move certain trifling alterations in the Bill in consequence of a letter which he had received from the District Council which he had the honor of representing

Dr Wark also objected to any postponement He had come to the House prepared to take part in the discussion of the Bill, and had heard no sufficient reason whatever for its postponement Whether the Government had been counting heads or not, he could not say, but certain it was that they constantly postponed measures which some hon members attended the House expressly for the purpose of discussing The same course was pursued in reference to the Civil Service Bill and the Impounding Act Amendment Bill It appeared to him that when it suited the Government they proceeded with Bills in their regular course, but when they expected opposition from members who perhaps seldom attended the House, but came expressly for the purpose of expressing their views upon certain Bills the Government postponed the Bills Such a course was most unfair, and he trusted the Bill would be proceeded with

The Commissioner of Public Works (who had just returned to the House) stated that from what he gathered the House were desirous of proceeding with the District Councils Amendment Bill He had been unavoidably absent for a short period, having been called out to decide a matter of some moment The Government were not deserving the terms which he believed had been applied to them during his absence, as they were quite prepared to proceed with the Bill They had frequently desired to do so, but the House had intimated that they preferred proceeding with other business Upon a Government day the Government would regulate the business as they considered necessary, and with respect to the remarks which had been made relative to country members attending for the purpose of taking part in the discussion of particular measures, he had to remark that it was the duty of hon members to be present at all times

The Attorney-General wished to say two or three words in reference to the remarks which had been made relative to the alleged desire of the Government to postpone the District Councils Act Amendment Bill So far from this being the case, the Government on two or three occasions had proposed to go on with the Bill, but hon members had refused to do so The postponement had hitherto been not the act of the Government, but had arisen from the opposition of those who now charged the Government with a desire to postpone the Bill He admitted it was the wish of the Government to get through the Estimates, and to prorogue the House before the Christmas holidays He was sure that every hon member who was a member of that House during last session would admit it was not desirable to repeat the experiment of continuing discussions through the heat of January and February, particularly as it was proposed to call the House together in April It was not becoming to accuse the Government of a desire to send the House about their business without discussing matters of general interest

Mr Milne would not express any opinion as to any alteration in the order in which the business appeared upon the notice paper With respect to the remark that country members attended the House specially for the purpose of discussing this Bill, he thought that country members should be in their places at all times

Mr Reynolds rose to order The hon member was not in order in addressing the House, as the Attorney-General had replied

In Committee,

Clause 70 provided that notice of assessment should be given, and the copies open to inspection at all reasonable times

Passed as printed

Clause 71 related to the grounds upon which appeals against assessment might be made

Mr Strangways moved the insertion of the words, "the whole, or any, or some particular part of the property for which his name appears as owner or occupier is not liable to be assessed"

Mr Reynolds thought this was embodied in the clause as it stood

Mr Strangways merely wished by the addition which he had proposed to enable a party to appeal against the assessment upon the ground that he was not liable to be assessed This was not a ground of appeal given by any of the five grounds mentioned in the Act

The Attorney-General really did not understand the amendment If it related to property which was not rateable, he imagined there could be an appeal upon that ground. Did the hon member wish to draw a distinction between property rateable and that which was liable to assessment

The amendment was negatived, and the clause passed as printed

Clause 72 provided for the correction of errors in assessment

Clause 73 related to notices of alteration and appeals therefrom

Clause 74 provided that the Council might use the assessment of the previous year, making necessary alterations

Clause 75 empowered the District Council to make rates not to exceed 1s in the pound

Clause 76 provided that a rate might be made by ratepayers

Clause 77 gave the ratepayers at meetings power to adopt, vary, or refuse the proposed rate These clauses were passed as printed

Clause 78 provided for the raising of money by District Councils by loan

Mr Strangways pointed out to the Commissioner of Public Works that this clause was superfluous, as there was really no possibility of a District Council being enabled to raise money upon the security of its rates

The Commissioner of Public Works said that, although at present it might appear there was no possibility of a District Council getting a loan upon its rates, still he thought it was as well to retain the clause, as it was possible that cases might arise in which District Councils would be enabled to raise loans

Mr Reynolds believed that there was a similar clause in the old Act

The Commissioner of Public Works said there was, and the clause was passed as printed

Clause 79 provided that a special meeting might authorize or refuse to authorize raising money by loan

Clause 80 provided that a second special meeting of ratepayers might adopt or reject a loan

Clause 81 provided that loans should be agreed to by two-thirds of the voters

Clause 82 provided that the rate should not be more than 2s in the pound

Clause 83 provided that the assessment-books should be produced at meetings

Clause 84 gave the District Councils power to issue bonds

Clause 85 provided for the recovery of rates

Clause 86 referred to the person primarily liable to pay rates

These clauses were passed as printed

Clause 87 provided *that the person in receipt of the rents* should be considered liable

Mr Strangways moved that this clause be struck out Other clauses provided that the occupier should be primarily liable, and if there were no occupier then the District Council could come upon the owner

The Attorney-General would ask the House whether it would be quite right that persons residing out of the colony should have the immunity which the striking out of the clause would give them The land not being occupied there could be no one primarily liable, and was it right that there should be no means of reaching any one There were absentee proprietors in receipt of large incomes who he thought should be reached

Mr Strangways observed that absentee proprietors who were in receipt of enormous rentals must have occupants for their properties, otherwise they would have no rentals

The Attorney-General remarked that the hon member

appeared at a loss to conceive how it was possible that an absentee proprietor could have more than one property in the colony (Laughter) It was quite possible that an absentee proprietor might be in receipt of a large income from properties which were occupied, and have others which were unoccupied

The amendment was lost and the clause passed as printed

Clause 88 related to the names and privileges of District Councils

Clause 89 provided for the signing and execution of deeds

Clause 90 gave power to District Councils to accept lands and tenements for public purposes

Clause 91 gave District Councils power to lease or improve lands

Clause 92 gave the Councils power to accept conveyances of lands from trustees

Clause 93 provided that the ratepayers at a public meeting might compel trustees to convey land to District Councils in certain cases

Clause 94 provided for vesting lands in new districts

These clauses were passed as printed

Clause 95 related to the transmission of liabilities to new districts

Mr STRANGWAYS wished to move an amendment on this clause, for the purpose of providing for cases similar to that which had occurred some time since in Encounter Bay A new district was formed out of an existing district, and it was found no provision was made for the transfer of the liabilities of the district, or of that portion which related to the newly-formed district, to that district He was therefore desirous of moving that in such cases the rights, duties, and liabilities of the district should be transmitted to the new district

The ATTORNEY-GENERAL did not object to the principle of the amendment proposed, because as the law at present stood it might be so interpreted as to effect injustice, but he thought it necessary to guard carefully that a proportionate part of the liabilities only should be taken when one district was formed into two—that is, that only the proper liability should attach He would not make the new district liable for the whole of the liabilities of the district from which it had been severed

Mr STRANGWAYS merely wished for a transfer of the liabilities in respect of that portion forming the new district The Attorney-General would he was sure see the necessity of such a provision, when he referred to a case which occurred three or four years since at Encounter Bay, in reference to a section at Rosetta Head, which had recently been under consideration

The ATTORNEY-GENERAL having admitted that the present law might cause individual injustice, the amendment was carried

Clause 96 referred to water reserves, and gave power to District Councils to sell the same

Mr MILNE wished to point out to the Commissioner of Public Works that the District Councils had power to sell He was aware that this power was guarded by subsequent clauses, but he could not imagine any case in which by any possibility it would be desirable that a District Council should sell a water reserve He moved that the words "or sold" be struck out

Mr REYNOLDS wished to ask the Commissioner of Public Works what was meant by a water reserve

The COMMISSIONER OF PUBLIC WORKS said it was a reserve for the purpose of affording necessary accommodation to man and beast Hon members would see that water reserves were guarded by clause 99 and he could imagine that circumstances might arise in which it would be desirable that a water reserve should be sold in consequence of the District Council being unable to effect an exchange for some better site. They might, however, be enabled to sell their water reserve and purchase a better one He could not see any objection to the clause, as it would be observed that before any sale could be effected, a meeting of the parties interested would be called, and their assent must be obtained

Mr STRANGWAYS wished to know if a township were laid out by a private individual, and a water reserve were provided for that township, would that constitute such a reserve as would vest it in the District Council He did not think that they should compel parties laying out townships to place the water reserves under the control of the District Council, as such might be against the wishes not only of the owner, but of the purchasers of the allotments He wished to know also, whether under this clause the reserves made upon the seashore were not included, and whether the District Council would, consequently, not be enabled to sell them

The COMMISSIONER OF PUBLIC WORKS said the reserves last alluded to by the hon member were certainly not the reserves which were contemplated by this Act Any remedial matters were, in fact, placed in the hands of the ratepayers He considered that where District Councils existed they were the proper parties to have the care of the water reserves

Mr McELLISTER should certainly support the proposition of the hon member for Onkaparinga, that the power of sale be taken from the District Councils, as he considered it most undesirable that such a power should be vested in them

Mr DUNN took a similar view, considering that the reserves should be held sacred, as although they might not be required by the inhabitants of the districts in which they were situated, they were, nevertheless essential for the accommodation of travellers He had thought that during the previous session an Act was passed by which these reserves would be kept sacred, and that they could not be disposed of in any way He had no objection to District Councils having charge of the reserves, but certainly would not give them power to sell them

The COMMISSIONER OF PUBLIC WORKS pointed out to the hon members who had opposed the clause that he did not think they could have read the two following clauses which provided that maps and plans should be prepared and deposited in the Surveyor-General's office, and any person interested, no matter whether he were a ratepayer or not, could give notice of his objection to the sale or exchange of the water reserves The power of sale appeared to him to be carefully guarded, but the Government had no wish to press it if it were contrary to the wish of the House

Mr REYNOLDS had not distinctly understood the reply of the Commissioner of Public Works a short time since, when the hon member, Mr Strangways, asked him if the reserves upon the sea coast were under the control of the District Councils

The COMMISSIONER OF PUBLIC WORKS had stated that they were not

Mr MILDRED wished to know whether this clause would embrace Brownhill Creek, which had been reserved by Colonel Gawler Would that creek, under this clause, fall into the hands of the District Council? as if so he believed it would be a dangerous precedent He wished to know whether this clause would embrace water reserves which had been given to the public for ever

The ATTORNEY-GENERAL said it was impossible for him to give an answer how far a particular clause would apply to some reserve, of the particulars of which he knew nothing, and of which the hon member himself only appeared to have a general recollection But he would say, in reference to placing such reserves under the management of District Councils, that existed at the present time and the result had been highly beneficial, for until such reserves were placed under the management of District Councils, there was no party whose duty it was to take care of them or to punish wilful injury done to them So far as giving the control and management of water reserves to District Councils was concerned, he thought that was a step in the right direction, and that it would be very unwise to repeal that portion of the law In reference to the power of sale, he could only repeat what had been stated by the Commissioner of Public Works, that there was no desire to press that if the House considered it objectionable The power proposed to be given was guarded in the same way that the power given to District Councils in reference to roads was guarded That was an arbitrary power given to the District Councils to deal with private property for public purposes, but still it was so guarded as to prevent injury to private individuals It had been suggested that cases might arise where a District Council could not procure what it desired to procure by exchange, namely, a better water reserve, and that therefore the power should be given to them to dispose of the water reserve which they possessed for the purpose of purchasing a better, but if the House thought that the objections to the power outweighed that convenience there was no desire on the part of the Government to press for that power being conceded

Mr LINDSAY said it appeared to him there was great doubt as to what could be called a water reserve No records had been kept, and hence the difficulty arose If reserves were made, they should be reserved in a proper manner, proper records should be kept, and most of the doubts and difficulties which arose in connection with them would then be obviated He objected to give the District Councils the power of sale, for District Councils were not always to be trusted, and what was done by one District Council could not be undone by their successors The power which District Councils possessed in reference to roads was conferred upon them as a matter of necessity, as lines of communication could not be opened up unless they had power to alter Water reserves were however given to the public for ever, and could not require, like roads to be sold or exchanged They should be inviolably kept for the purposes for which they were reserved He was not aware that there were any water reserves anywhere except such as it was necessary or desirable should be open to all

Mr MILNE agreed that the power was sufficiently guarded, but he must contend that the reserves were not merely for the District Councils but for the public Public reserves were of great convenience to travellers He could imagine when the District Council was needy, if the power of sale were given they would sell the reserve, as they would have no difficulty in getting the ratepayers to assent to such a course He should persist in his amendment, that "or sold" be struck out

Mr SCAMMELL regretted to hear the statement that District Councils were not to be trusted If it were so, there had better be a Bill introduced to abolish District Councils instead of to amend the existing Act regulating them He should support the clause as it stood, as he thought District Councils might be trusted notwithstanding the remarks of the hon member for Onkaparinga

Mr MILNE said he had not stated that District Councils could not be trusted

Mr SCAMMELL assured the House that the hon member

had reflected very strongly upon District Councils, as well as the hon member for Encounter Bay, for he had stated that any District Council hard up might convene a meeting of ratepayers who would be sure to consent to the sale of the water-reserves If this were not a reflection he did not know what was He did not think so badly of District Councils, but he thought, as the direction of the roads was so constantly changed, it would also be desirable sometimes to change the water-reserve It was no uncommon thing for the road to be altered, so that it was placed perhaps at a distance of half a mile from the water-reserve, it was desirable the District Council should have the power of exchange in order that they might obtain a reserve nearer to the road He might not have put the matter so clearly and forcibly as he saw it himself, but if they trusted District Councils with the roads he thought they might be safely trusted with the water-reserves

The COMMISSIONER OF PUBLIC WORKS referred to the 100th clause, by which it would be seen that the sale must be confirmed by the Governor so if a Council were in a needy state, and wished to sell or exchange its water-reserve, it could not do so until the sanction of the Governor had been obtained

Mr STRANGWAYS wished "public convenience" struck out, and the word "public" inserted before "water," so as to prevent water reserves, against the wishes of the owner, from being placed under the control of District Councils He confessed he was not satisfied with the explanation of the Commissioner of Public Works as to reserves on the sea-coast, believing that if the clause were passed the District Councils might dispose of such reserves

The ATTORNEY-GENERAL hoped that hon members would consider well whether it was desirable to take from the District Councils this power When reserves were made for the public convenience was there any body to whom they could better be entrusted than the District Councils? It was absurd to say that the Governor might grant private property, as he could only convey property belonging to the Crown, but not any which was not vested in him or the Crown He could not give any title to any other It would be for the House to consider whether there was any better body to take charge of the public reserves than the body representing the public If they were dedicated to the public there were no rights of private individuals, and no other persons had power to deal with the reserves but the District Councils Unless power were given to them, there were, in fact, no persons to protect the reserves

Mr STRANGWAYS contended that, as the clause stood, it did not matter whether the property was vested in the Crown or not That was the meaning of the clause as it stood, but if the object were merely to vest the management of public reserves in District Councils, he could not see what objection there could be to his amendment As the clause stood, if private property were set apart for public convenience, though the owner might resume it, the management of it would vest in the District Council He could not see why the Attorney-General should object to the verbal alteration which he had suggested

The clause was passed as amended

Clause 97 provided for agreements for exchange of water reserves

Clause 98 provided that plans, when water reserves were exchanged, should be deposited in the Surveyor-General's Office

Clause 99 provided for meetings for the consideration of sale of water reserves

Clause 100 provided for agreements for exchange of water reserves and confirmation or rejection of the same by the Governor

Clause 101 provided that upon being confirmed a sale might take place

Clause 102 provided for compensation for loss by exchange

Clause 103 referred to voidance of agreement

These clauses were passed as printed

Clause 104 provided that all district roads should be under the care and management of District Councils

Mr GLYDE was informed there was some difficulty under this clause, as parties were in the habit of carting sand off the roads

The COMMISSIONER OF PUBLIC WORKS was not aware of any instance in which it was done without the consent of the District Council

Mr SCAMMELL said that in the district with which he had been connected for a number of years some fees had been derived from allowing the sand to be carted away, but only sufficient to pay the cost of filling up the holes again He moved the insertion of the words "the sand of streets of all townships containing more than 25 dwelling houses"

Mr STRANGWAYS opposed the insertion of the words, though they might answer very well in the case of Hindmarsh If a township were laid out and 25 or 30 houses built on it, the owner would of course be desirous of keeping open such roads as would conduce to the convenience of purchasers but it might not be for the convenience of such persons to have all the roads open The amendment would be the means of throwing all the roads in a township into the hands of a District Council, as this could be done by merely building a few hovels upon the land

Mr SOLOMON supported the proposition of the hon member for West Torrens He could not agree with the hon member for Encounter Bay, that when the owner of a township laid out his property he should be at liberty to shut up the roads as soon as he liked If such a person sold only one allotment on a property having certain roads through it, he was bound in equity and justice to keep those roads open, and he (Mr Solomon) could not see why the district should not take charge of them for the benefit of the public If he understood the matter rightly, and he would refer to the hon mover in corroboration of his views, its meaning was that as soon as a man thought proper for his own benefit to open up certain roads these roads should become the property of the public

Mr MILDRED suggested that villages should be included, as though persons residing in villages were called upon to pay an assessment to the Councils, the Councils would not lay out a penny on their roads

Mr STRANGWAYS said the hon member seemed to mistake the nature of the amendment as read by the hon member for Yatala The hon member seemed to put a strangely different construction upon *meum* and *tuum* from his (Mr Strangways') In the event of lands being sold and roads marked out, the roads did not become the property of the public The hon member (Mr Mildred) seemed to think that the motion referred to the time at which a particular quantity of land was sold, whereas it referred to a given number of houses being built

Mr LINDSAY thought the hon member (Mr Glyde) had made a most extraordinary statement, viz that the District Councils had not legally power to prevent people from carting sand or doing other unlawful acts If that was the case, it was most deplorable, considering that Roads Acts and several District Councils Acts had been already passed Such legislation must be so deplorably defective that the sooner hon members "shut up their legislation shop" and went to school again the better

Mr DUNN made some few remarks which did not reach the reporter's ear

Mr REYNOLDS thought the difficulty would be met by striking out the word "may" and inserting the word "shall" in the 105th clause

Mr SCAMMELL had no objection to the proposed amendment, but it would not meet the case he intended, as the 105th clause was intended to be prospective rather than retrospective in its action He would like the opinion of the Attorney-General

The ATTORNEY-GENERAL confessed he had great doubts as to the propriety of the amendment On principle he thought the House should never interfere with private rights for the public convenience without providing for compensation to the person interfered with and he was sure he need only state this in order to ensure the concurrence of the hon member (Mr Scammell) There might be cases in which people had laid out townships and sold comparatively a small portion of land on which there might nevertheless be 25 houses, and it would be a great injustice to such persons that whilst the roads were never used these roads should be taken possession of by the Councils At the same time he did not say that the Councils should not have the right of opening up the roads, but it should only be given on condition of their granting compensation for any injuries which they might inflict on the owners There were great impediments on either hand, arising from the difficulty of deciding when the road was properly dedicated to the public under the present Act, which defined some as main and some as district roads When any road or street was dedicated to the public it became the property of the Road Board, or the District Councils as Commissioners of Roads What he wanted to point out was that this was a question between the public and individuals Where the public obtained possession of the roads the care, control, and management of the roads vested in the District Councils as Commissioners of Roads, but when a man had the right to close the roads against particular persons, then the House had no authority consistently with those principles of justice which were always the basis of the proceedings of the Legislature, to deprive an individual of his private rights without granting him compensation He would, therefore, feel compelled to oppose the amendment in its present form upon that ground, and he was sure the hon member himself would not through mere considerations of public convenience, take away from an individual his private rights without granting him compensation

Mr REYNOLDS thought the hon the Attorney-General had only stated one view of the question He (Mr Reynolds) considered that where a party laid out a township, and sold allotments, all the purchasers were entitled to roads, and therefore he considered the laying out of the township a dedication Otherwise, in consequence of the roads not being vested in the Council the Council would not lay out a penny on them as was the case at Mitcham He would suggest the postponement of the clause As the Attorney-General had agreed to the 95th clause, he (Mr Reynolds) thought that hon member was rather late in attempting to object to the amendment now proposed If these private roads were reserved for the public convenience the House had already placed them in the hands of the Council

Mr SCAMMELL, lest the House should be guided by the picture drawn by the hon the Attorney General, would state in a few words a case which actually occurred A township was on one occasion defined of 134 acres divided into lots, and roads marked in every direction This occurred

nearly 20 years ago, and a District Council had been established in the locality for some years, but no longer than four years ago, though nearly the whole of the land in the township had long since passed out of the hands of the original owner, that individual claimed and obtained from the Government a sum of money, for which he sold the right of way through the streets of the township, and so enabled the Government to close these streets. In fact, while he sold the right-of-way, he sold a large population along with it. Moreover, the persons who had purchased years ago on the faith of the roads being open had no remedy. As to the multiplication of roads, which had been alluded to, it was the policy of the Councils to avoid this, for though these bodies knew that roads could be multiplied to any extent, still they found that the funds could not be multiplied to a similar extent.

After a few words from Mr. STRANGWAYS,

The ATTORNEY-GENERAL, in reference to what fell from the hon. member for West Torrens (Mr. Scammell) thought that hon. member must be mistaken as to the facts of the case to which he had referred, inasmuch as he (the Attorney-General) thought it impossible that any power to stop the roads could be possessed either by the owner of the soil or the Government.

Mr. SCAMMELL had not said that such power was possessed, but that it had been exercised.

The ATTORNEY-GENERAL said if the power was exercised illegally the parties aggrieved had their remedy either by a civil action or an indictment against those parties who obstructed them in the exercise of their rights. He (the Attorney-General) believed the fact of the case was that the soil of the land in question belonged to the original purchasers, and when it became necessary to convey this over for public purposes, that individual had a right so to convey it. There were other cases in which roads were taken by the Government, and as the soil belonged to individuals, these persons were compensated when the land was taken for any other than its present use. The ownership of the soil over which roads were marked out, was an inherent right in the English law. He (the Attorney-General), therefore, believed that the individual referred to received nothing more than compensation for what actually belonged to him, and that he neither professed to convey nor the Government to stop up the roads. The roads were stopped by the authority of the Legislature, and if persons complained of such action, it was of the Legislature and not of the Government or the original owner of the land they should complain.

Mr. LINDSAY saw strong grounds for taking the advice of the hon. member for the Sturt, and postponing the clause. The doubts which the hon. the Attorney-General expressed as to what was a public dedication of land and what was not showed the necessity of further legislation. Such a state of the law in such matters was not what it ought to be. When the House was legislating, it should know what it was legislating on. This was the third District Councils Act, and he hoped the House would not have another next and another the year after. As to the Impounding Act he knew that was an annual. (Laughter.) It surely could not be beyond the ability of the House, aided and assisted by the hon. the Attorney-General, to prepare a clause which would settle such a question as that now before the House. He would neither oppose nor support the amendment. One or two hon. members had spoken of its being objectionable to multiply district roads, and it should be avoided. It certainly was most unfair for the Government to induce districts to tax themselves and undertake the management of roads, which were often quite useless, so much so, that the Councils frequently had to make new roads when some person was certain to put in a claim respecting the old road, saying that it was useful to drive cows over or something of the sort, for which the road was just practicable and nothing more.

Mr. NEALES said it appeared that the hon. member would make his censure annual like the Impounding Bills of which he had spoken, for the hon. member scarcely favored the House with a speech in which he did not sneer either at something upon which the House was at the time engaged, or which it had just passed. He believed if the people went properly to work, they could protect any roads which they once possessed. It was, however, necessary that the House should say what was a public dedication, but this could not be included in a District Councils Act. No postponement would enable the House to legislate for the matter in such a Bill. The case about Payneham had been alluded to, and the intention there was that all the streets should be public, but the public did not come forward. (A laugh from the Attorney-General.) The hon. the Attorney-General laughed and he (Mr. Neales) could not remember on which side he (the Attorney-General) had been engaged, but he had no doubt he was on one side of the case. To say that, because a man laid out a village, he should not be entitled to close up the roads was absurd. He (Mr. Neales) had laid out a village of 3,000 allotments and, with streets innumerable. He sold allotments at 10s. a-piece, and had subsequently to give £90 to purchase back what he had sold for 30s. But the owner of the property would have been ruined if he could not have stopped the roads. The result of the proposed system would be that there would be no country roads at all, for the villages would have their own roads made, and there would be no roads for waggons.

Mr. REYNOLDS said that any person laying out 4,000 allotments in 134 acres deserved to be ruined.

Mr. NEALES had not said that there were but 134 acres. There were 700 acres.

Mr. REYNOLDS asked the hon. the Attorney-General what he considered a public dedication, as if the hon. member was not prepared to answer the question, he (Mr. Reynolds) should recommend that the clause be reserved.

The ATTORNEY-GENERAL replied that it was impossible to answer the question. He could tell the hon. member the rules which would guide a Court in coming to a decision, but not the effect of these rules on a particular case.

The COMMISSIONER OF PUBLIC WORKS had no desire to oppose a postponement. Or the clause might be passed with the understanding that, if any motion should subsequently be made for recommitting the clause, no opposition should be offered to the proposal.

Mr. SCAMMELL had no objection on these terms to withdraw his amendment.

The clause was then agreed to.

Clause 105 was agreed to.

On clause 106, compelling Councils to procure maps of roads in their districts—

Mr. MILNE said many Councils had already lodged plans in the Survey office. Would these Councils be compelled to lodge fresh plans?

Mr. STRANGWAYS enquired what the plans were required for. In the districts of Port Elliot and the Goolwa it would take four or five years to prepare the plans, as no person—not even the hon. the Commissioner of Crown Lands—would say what were the roads in that locality. In one case there were four or five different surveys, all starting from different points. One man would get one plan, and another another, each asserting itself to be the original, and no person unless he had been in the colony for some time, would be able to come to any decision respecting them.

Mr. BURFORD thought that under these circumstances the hon. member would only be doing his duty in giving a notice of motion on the subject, as such a state of things was beyond all bearing.

The COMMISSIONER OF CROWN LANDS said that in the early days of the colony the survey of the locality in question was very badly performed. There were few districts consequently which gave so much trouble, as almost every month claims were arising out of the original survey. The district has now however been very carefully surveyed, so that every section could be pointed out. With regard to the roads as they were originally laid out, it was desirable, as far as possible, to reconcile conflicting interests, inasmuch as some of the original roads ran where houses had been built, and in other instances there were valuable gardens where the roads should be. The hon. member for Encounter Bay was right in saying that the original survey of the district was very badly performed, but the person responsible for it had not been in the public service for many years past.

Mr. STRANGWAYS said the survey, which was badly made, had not been made during the tenure of office of the present Surveyor General. He (Mr. Strangways) had had many communications with that gentleman, and whilst he had always found him (Captain Freeling) ready to afford every possible information, still the records of his office occasioned great difficulty in procuring such information, and sometimes when the information was obtained it was not correct. In one instance he (Mr. Strangways) was only able to get plans on a scale of two or four miles to the inch, and in another nothing but a double square of five lines. He believed, too, that although the Surveyor-General had for a year and a half been doing all he could to set the roads right, and to settle the conflicting interests of proprietors, matters were still in much the same state, as nobody knew which was the original plan.

The COMMISSIONER OF PUBLIC WORKS said that this was no new clause. It was copied almost word for word from the 17th clause of the old Act. He thought it would be an excellent thing that each Council should have a map showing the roads in its charge.

Mr. LINDSAY was happy to hear the assurance of the Hon. the Commissioner of Crown Lands, that a survey of the district which he (Mr. Lindsay) represented had been attempted, and that, after twenty years of confusion and difficulty, the Government would be able to point out the roads. He was afraid, if the new system was not brought in, that all the roads would be stopped up; and even now it was impossible to go from Hindmarsh Valley to Port Elliot. He could confirm what had been said of the original maps, inasmuch as they all differed, and each professed to be correct when it was made.

After some few unimportant remarks the clause, as printed, was put and carried.

Clauses 108 to 112, both inclusive, were agreed to with verbal amendments.

Clause 113. "District Councils may appoint Inspectors of Slaughterhouses and brands."

Mr. HAWKER moved that after the word "liable" in the 23rd line the words "and such Inspector shall act as Inspector of Nuisances" be added.

Mr. STRANGWAYS raised an objection to this clause, as under it one brand might be used by different persons; and after considerable discussion

The ATTORNEY-GENERAL replied that the clause had been in operation for six years with perfect satisfaction to all but the hon. member for Encounter Bay (Mr. Strangways).

After further discussion, in which Messrs. Reynolds, Hawker, Strangways, Scammell, and Lindsay joined, the clause was passed, with Mr. Hawker's amendment.

Clauses 114 and 115 were passed as printed.

Clause 116. "Any cattle, above the age of twelve months, unbranded, the property of the District Council in which they are found."

Mr. ROGERS proposed as an amendment that the sum of 20s. in the last line should be struck out, and 10s. inserted in its place.

The amendment was put and passed.

Mr. LINDSAY said this clause would have an extraordinary effect in its present state, as it would allow the District Council to claim all escaped cattle. It was unjust, and they might as well declare all private property to be public and have a general scramble for it.

The ATTORNEY-GENERAL said that such a construction could not be put upon the clause. It could not be supposed for a moment that an animal which was kept in a paddock, and got out for a short time, would be claimed by the District Council, or that it could be said to be at large within the meaning of the clause.

Mr. NEALES said the remedy was in the hands of the owners of cattle, who could secure themselves by branding their cattle after the age of twelve months.

The clause was passed as previously amended.

Clause 117. "Hours for burning stubble, and may be altered."

Mr. MILNE called attention that in the second last line the provision for a public notice was not sufficiently defined, and he moved the insertion after the word "given" of the words "in the *Government Gazette*, and by affixing the same on the doors of the District Council Office."

The amendment was agreed to, and the clause was passed as amended.

Clause 118. "District Council to have all powers, and under the Act to prevent spread of Scotch thistles."

Mr. HAWKER moved that this clause be struck out. £1,300 to £1,400 had been spent under the Thistle Act to very little purpose. There was considerable difference of opinion as to the noxiousness of the thistle, some considering it was a very useful plant and others the contrary. He mentioned an instance in which persons who had been employed to cut down thistles were found one fine morning in a gentleman's garden cutting down his artichokes, and on being remonstrated with they replied that they had walked several miles and these were the only thistles they had seen. (Laughter.)

Mr. LINDSAY supported the motion for striking out the clause, as he considered the Thistle Act a perfect absurdity. The thistle instead of being a noxious weed was a very useful plant.

Mr. STRANGWAYS said that what was called the Scotch thistle in this colony was nothing more than a kind of artichoke.

Mr. MILNE was in favor of the clause being retained, and he thought the £1,300 or £1,400 referred to had been very well spent.

Mr. DUNN was also in favor of the clause being retained.

Mr. HALLETT should vote against the clause, because the Act was inoperative, and the sooner it was repealed the better.

The ATTORNEY-GENERAL thought the clause should be retained, as benefit had accrued from the existing law. The question now was, whether the District Councils should have certain powers under a law which he believed to be useful.

Mr. NEALES would go further than previous speakers and say that the existing law went to encourage the growth of thistles. Many persons now left thistles to grow in order to obtain the trifling remuneration for cutting them down. He thought the Act should be intituled "an Act for the encouragement of the growth of thistles."

Mr. MILDRED was in favor of the clause being retained.

The clause was then put and carried.

Clauses 119 to 126 inclusive, were passed as printed.

Clause 127. "No bye-law to be repugnant to any Act of the Legislature."

Mr. LINDSAY asked who was to be the judge of what was repugnant.

The ATTORNEY-GENERAL said the Government, in the first instance, and ultimately the Supreme Court.

The clause was passed as printed.

Clauses 128 and 129 passed as printed.

Clause 130. "Annual meetings to be held in second week of next July."

Mr. DUNN moved that "March" be inserted instead of "July," as the financial year had now been altered. It was the wish of the Council in the district which he represented that it should be so.

The COMMISSIONER OF PUBLIC WORKS said it might be so in the case alluded to, but it was the request of the majority of the District Councils that the clause should remain as it was, as no inconvenience would be suffered from it.

The clause was passed as printed.

Clauses 131 to 142 inclusive were passed as printed.

Clause 143—"Persons who may vote for Councillors."

Mr. STRANGWAYS proposed, as an amendment, that no person should be allowed to vote except having property in the ward. He thought the clause was not sufficiently definite in its present form.

The amendment was lost, and the clause was passed as printed.

Clauses 144 to 153 inclusive were passed as printed.

Clause 154. Passed, with an amendment by Mr. STRANGWAYS.

Clauses 155 to 162 inclusive passed as printed.

Clause 163. "Persons removing timber, &c., without licence liable to a fine."

Mr. STRANGWAYS thought this clause required amendment, as its effect was too general.

The ATTORNEY-GENERAL said that in many cases amendments introduced by hon. members and carried without sufficient consideration had defeated the intentions embodied in certain portions of the Bill. That was the case in the last amendment made by the hon. member for Encounter Bay (Mr. Strangways), as it did away with something which was included in another part of the Bill.

Mr. STRANGWAYS thought the Attorney-General should have stated his objections, especially when such amendment was under consideration.

The clause was passed as printed.

Clauses 164 to 169 inclusive passed as printed.

Clause 170—"Council to have power to remit fines, except those imposed on constables, auditors, councillors, &c., elected and refusing to act."

Mr. MILDRED would give the Council power to remit all fines and penalties without limitation.

The ATTORNEY-GENERAL thought it would be unwise to give the Council power to remit penalties on members of their own body who refused to act. Not that he thought such a contingency would arise, but it would be possible for such persons to evade the penalties by collusion with other members of the Council. The alteration proposed would be inconsistent with the policy of the Act.

Mr. REYNOLDS called attention to the fact that the Corporation Act gave the power to reduce penalties on members resigning to one shilling.

Mr. STRANGWAYS moved an amendment that the Council should have power to remit "any penalties imposed by virtue of this Act."

The COMMISSIONER OF PUBLIC WORKS thought the clause should be either struck out or left in its entirety.

Mr. STRANGWAYS' amendment was then put, and declared to be lost.

A division was called for, which resulted in a majority of 4 against the amendment.

Mr. REYNOLDS wished to know whether after Justices of the Peace had inflicted penalties under the 166th clause, the District Council would have the power of remitting such penalties. He did not see how power could be given to the District Council to remit penalties inflicted by Justices of the Peace.

Mr. STRANGWAYS said that by this clause five District Councillors would possess a power which should only be exercised by the Governor and Executive Council. Five District Councillors responsible only to a small constituency, would have the power of remitting the penalties inflicted by Justices of the Peace, so that if the Justices inflicted a penalty to-day, the District Council might remit it on the following day.

The ATTORNEY-GENERAL said it was quite clear that the District Council would not be able to remit imprisonment, but perhaps they would a pecuniary penalty.

Mr. HAWKER did not think that the District Council should have power to remit the fines under clauses 165 to 167, and, unless there were a proviso to that effect, he should vote for the clause being struck out.

The ATTORNEY-GENERAL moved the insertion of the words "or for any offence against the 166th clause," and the clause as amended was carried by a majority of one, the votes on a division being Ayes 9, Noes 8, as follow:—

AYES 9.—The Attorney-General, the Treasurer, Messrs. Burford, Scammell, Cole, Milne, Rogers, Dunn, the Commissioner of Public Works (teller).

NOES 8.—Messrs. Reynolds, Mildred, Townsend, Wark, Harvey, Lindsay, Hawker, Strangways (teller).

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again on the following Friday, an amendment by Mr. STRANGWAYS that leave be granted for the following day being lost.

LONGBOTTOM'S PATENT BILL.

The consideration in Committee of Longbottom's Patent Bill was made an Order of the Day for the following day.

THE ESTIMATES.

The consideration in Committee of the Estimates was made an Order of the Day for the following day.

The House adjourned at quarter-past 5 o'clock till 1 o'clock on the following day.

THURSDAY, DECEMBER 2.

The SPEAKER took the Chair shortly after 1 o'clock.

GREY'S BRIDGE.

Mr. NEALES presented a petition from the Chairman and four Councillors of the District Council of Noarlunga against the project of Grey's Bridge, for which a sum of £1,000 had

been placed upon the Estimates The petitioners stated that the bridge would be useless, that it would obstruct the river, and not be used by the settlers

The petition was received and read

GOLD DISCOVERIES

The COMMISSIONER OF CROWN LANDS laid upon the table a copy of a letter received from Mr J M Stuart, and answer thereto, in relation to a supposed claim for gold discoveries

The documents were ordered to be printed

THE IMPOUNDING ACT

Mr LINDSAY gave notice, that upon the 8th December he should ask the Attorney-General whether, by the law of England, it was not felony for a person to shoot another man's pig, which was trespassing (laughter), and whether a portion of the Impounding Act was not repugnant to the law of England

GREY'S BRIDGE

Mr NEALES gave notice that, on the following Wednesday, he should move the petition presented by him from the District Council of Noarlunga, in reference to Grey's Bridge, be printed

CAPTAIN HART

Mr HAY asked leave of absence for one month for Captain Hart, the hon member for the Port Leave was granted

ASSESSMENT ON STOCK BILL

The COMMISSIONER OF CROWN LANDS moved that the House go into Committee upon this Bill

Mr GLYDE wished before the question was put to make a few remarks, believing that he should be in order in doing so He was absent from his place in the House when the Attorney-General replied upon the second reading of the Bill, and now wished to say a few words in reference to the strictures which had been made by various members upon the Select Committee He was a member of the Committee appointed to consider this question, and when he had the honor of being appointed, for he considered it an honor for any hon member to be appointed by his brother members upon a Committee for the purpose of investigating a very important and difficult question—when he found that he had been elected a member of the Committee, he felt that he had a very difficult and responsible task before him He saw that there were two members of the Committee who were pledged to support the Bill, he alluded to the Commissioner of Crown Lands and the hon member for the city (Mr Neales), and there were two hon members pledged to oppose it—he alluded to the hon member for Victoria, and the hon member for Sturt There were two other hon members who might be considered impartial and disinterested, he alluded to the hon member, Mr Duffield, who though a squatter would not have to pay a shilling under this Bill, if it were passed, and the hon member, Mr Barrow He believed that the tendency of the hon member Mr Duffield would be against the Bill, and he anticipated that his hon colleague, Mr Barrow, would be in favor of it He felt that his position was most difficult

The SPEAKER thought the hon member was out of order unless he intended to move an amendment upon the motion of the Commissioner of Crown Lands that the House go into Committee

Mr GLYDE submitted that he was perfectly in order, and there was nothing in the Standing Orders to prevent him from addressing the House upon the motion of the Commissioner of Crown Lands

The SPEAKER did not say that the hon member was out of order, but unless he was going to move an amendment, it certainly was not usual to address the House upon the motion for going into Committee He would refer, however, to the Standing Order, which prevented any hon member from alluding to a former debate on a subject not then under discussion, except with the permission of the House

Mr GLYDE again submitted that there was nothing in the Standing Orders to prevent him from addressing the House, but if the Speaker ruled he was out of order he would resume his seat

The SPEAKER did not say that the hon member was out of order, but it was not usual for any hon member to speak upon the motion for going into Committee unless he intended to oppose going into Committee The hon member would have an opportunity of making his remarks in Committee, when the motion for the postponement of the preamble of the Bill was brought forward

The House having gone into Committee, and the postponement of the preamble having been moved,

Mr GLYDE would take that opportunity of making a few remarks in reference to his own conduct and that of other hon members who had been alluded to in the debate upon the second reading of this Bill The members of the Committee were supposed to have allowed the force of the remarks and strictures which had then been made upon them, but he for one could not sit silent under the strictures which had been passed He understood the Attorney-General to take exception to the report upon three grounds, first, the finding against the legal and moral aspect of the case, secondly, that the evidence was incorrect, and thirdly, that Mr Bonney had no right to pledge the Government, and that no verbal agreement could possibly override a written document He believed that was the pith and gist of the hon gentleman's argument With regard to the first point, he in a great degree agreed with the Attorney-General, and his opinion indeed was on record, and attached to the report, that the term "local purposes" was intended by Sir Henry Young, and by Her Majesty's orders in Privy Council, to mean general purposes, and not district purposes He saw no reason to alter the opinion which he formed upon that point although the discoveries of the hon member (Mr Barrow) of certain expressions in the despatches of Lord Grey might have an effect upon many hon members upon the point He was satisfied that the meaning intended to be conveyed by the term "local" was general The Attorney-General went on to say that the evidence was incorrect, therefore the Committee ought not to have founded the report upon it He was surprised to hear the Attorney-General use such an argument, as he must have known that he as the Prime Minister had the power to call for or send counter evidence If the hon gentleman conducted cases in the Supreme Court as he had conducted the Assessment on Stock Bill, he feared that he would soon lose his character as an accomplished special pleader What would be thought of the hon gentleman in the Supreme Court, if, after all the evidence on one side were called, he were to decline to call any evidence upon the other, but were merely to tell the Jury that he was sure they wouldn't believe the evidence they had heard, because it was all on one side There were only two courses open to the Committee—either to believe the evidence given before the Committee, the witnesses being gentlemen of unimpeachable veracity, honor, and intelligence, or to tell those witnesses that they believed they were telling lies He saw no reason to disbelieve the witnesses, every one of whom stated that certain representations were made to them by the then Commissioner of Crown Lands, and the Commissioner of Crown Lands, who was a member of the Committee, though requested to call counter evidence, declined to do so Then the Attorney-General went on to say that, admitting for the sake of argument that Mr Bonney had made these representations to the squatters, he had no right to do so, and the Government could not be bound by those representations The hon gentleman proceeded to apply a number of disparaging names to Mr Bonney, which he was surprised to hear He was surprised to hear the Attorney-General, who was generally so acute in matters of this kind, resort to an argument which defeated his own intentions The more the hon gentleman called Mr Bonney a tool, the more were the Government bound to carry out Mr Bonney's pledges If the Attorney-General had had to argue on the other side, he could have made a much better case of it The hon gentleman could have quoted many cases to show that principals were bound by the acts of their agents, and would no doubt have been most eloquent and lucid upon the point A case had lately occurred in which an official, low down in the scale, pledged the honor of the whole British nation He alluded to the conduct of a British officer at the taking of Delhi, who, in a moment of weakness, pledged his word that the life of the King of Delhi should be saved, and although the officer was severely censured for giving the pledge it was considered binding on the British Government, and the life of the King was spared Cases were constantly occurring in which the agent bound the principal, and he was therefore astonished to hear such an argument as that to which he had alluded used by the Attorney-General Then the Attorney-General went on to say that no verbal arrangement could override a written document He was not disposed to dispute the learned gentleman's law, but cases were constantly occurring in which verbal arrangements overrode written documents Suppose, for instance, a mercantile man promised verbally to renew a bill upon its arriving at maturity, would he not be scouted if he sent the acceptor a writ upon the bill falling due? Another description of case constantly occurred Suppose a section of land were let and a lease drawn up, and the tenant upon perusing it found that the rent was payable quarterly, and remonstrated, saying that he could only pay it yearly—if the owner acquiesced, and the lease were signed upon that pledge, would not the owner be acting most dishonourably by distraining upon the tenant at the end of six months? Cases were constantly occurring in which verbal arrangements overrode written documents The witnesses examined before the Committee agreed that Mr Bonney gave a pledge to the effect that no assessment should be imposed

The ATTORNEY-GENERAL asked the hon gentleman to state upon what portion of the evidence he relied, as he differed entirely with him

Mr GLYDE could not do so at that moment, but the witnesses examined certainly stated that Mr Bonney gave a pledge that no such assessment should be imposed as that which was proposed by the present Bill, and, as the Attorney General was the head of the Government, and had, no doubt, consulted with the Commissioner of Crown Lands, who was a member of the Committee he must have known how the evidence was going, and might have tendered rebutting evidence, if any could have been brought forward The hon gentleman, therefore, had no right to find fault with the finding of the Committee He protested against the hon gentleman doing so as it was his duty to call evidence of a contrary character if he could He (Mr Glyde) was a juror as it were, between the squatters and the Government, the

Government being represented by the Commissioner of Crown Lands and the hon member for the city (Mr Neales)

Mr NEALES could not allow that remark to pass All he could say was that the Government did not pay him any salary (laughter), although he might be a friend of the Government

Mr GLYDE would then say that the Government were represented by the Commissioner of Crown Lands, and the squatters by the hon member for Victoria and the hon member for Sturt He listened as attentively as he could to the evidence which was given before the Committee, and although he did not profess to possess the powers of cross-examination possessed by the Commissioner of Crown Lands, still, if the House looked at the questions which he put, the House would see that they had clearly not been put with the view of enabling the squatters to make the best of their case On the contrary, indeed he went upon the Committee with a leaning towards the Bill The Government however, in putting that Bill before the Committee did not use the means at their disposal in placing evidence before the Committee No impartial set of men could, from the evidence adduced, have brought in any other verdict than that which had been brought in by the Committee

Mr TOWNSEND wished to ask whether the hon member was in order in discussing the principles of the Bill, and if so whether it would be competent for other hon members to pursue a similar course

The SPEAKER said it was certainly competent to do so upon the motion that the preamble be postponed, but he was only aware of one instance in which that course had been pursued in the Commons, which was upon the Ecclesiastical Titles Bill

Mr GLYDE having said so much in reference to his own conduct, would say a few words about the compact or compromise which had been entered into He had joined in a verdict for the squatters, and had recommended the withdrawal of the Bill, but now as the hon member for Victoria was making a bargain on behalf of the squatters, he should look very closely into it, and as a representative of the people should take care that the Government did not make another bad bargain He believed that Mr Bonney did make a bad bargain He agreed that the squatters did not pay sufficient towards the revenue of the country, and as he saw there was something in the shape of a compact proposed by the Government, and something like a compromise by the hon member for Victoria, he should feel bound to look very closely into them Unless they took great care it was quite possible that they might discount the squatters' bills at seven years date at a little too high a rate, and that in order to secure £20,000 at the present time they might give the squatters too many advantages seven years hence He could not assent to the amendments of the hon member for Victoria in their present form He was curious to see how the Government would deal with them, and should closely watch their action in the matter when the Bill was going through Committee It was possible he had taken advantage of the forms of the House in making the remarks which he had, but he had been accidentally prevented from making those remarks upon the second reading of the Bill He had considered it only right to defend the course which he took as an honest man when a member of the Committee

The ATTORNEY-GENERAL had not expected to be called upon on the present occasion to make any remarks upon the decision of the Committee, or upon the grounds on which it was based With regard to what the hon member had said to the effect that if the Attorney-General conducted cases in the Supreme Court as he had conducted the Assessment on Stock Bill, he would soon lose his character as a special pleader, he could only state that his object in the Supreme Court was, as it was in that House, to be successful in the cause in which he was engaged So far the Government had been successful with the Assessment on Stock Bill, and he therefore did not think that any imputation upon the wisdom of the course which they had taken could now be fairly made The Government had never desired that the introduction of this measure should expose the squatters, during the currency of their leases, to unlimited assessment He did not think it necessary to go into other points, indeed, perhaps, it was not necessary that he should refer at all to his address upon the second reading of the Bill, but when he spoke of any arrangement, as it had been termed, which had been made by Mr Bonney not being binding upon the Government, he did so because Mr Bonney had certain defined duties which were as well known to the squatters as they were by Mr Bonney and every member of that House Every one alleged to have been spoken to by Mr Bonney, knew that Mr Bonney had no authority whatever except as derived from the Orders in Council, and those Orders being framed by the Queen in Council, were not liable to modification in any way by anything which could be done in that colony The Legislature had no power to modify those Orders and therefore it was quite clear that Mr Bonney could not To say that the honor of the Government was pledged by loose conversations with the Commissioner of Crown Lands, who knew what his duties were, with which also the squatters with whom he conversed were equally well aware, and must therefore have known that he had no authority to bind the Government—was going to an extent not warranted by any rule founded upon law or justice Hon members appeared to forget what he looked upon as the gist of his argument, that not only was Mr Bonney not the Government, but that he had no right to represent the Government in this way Mr Bonney had certain defined duties, for instance, he could define the boundaries of leases and had power to appoint the valuer with regard to the runs, and so far the Government were bound by what he did, but he had no power beyond this, and the squatters knew this perfectly well as a proof of which he might refer to the evidence of Mr Ellis who stated that he knew the conversation with Mr Bonney was nothing, and that he took the lease because it was Hobson's choice, he must take that or nothing It was true that Mr Baker said he understood the rent was to be paid in lieu of assessment and so it was, but the assessment, as he had previously explained, might have been raised at any time Mr Baker did not speak of any pledge from Mr Bonney, nor did Mr Torrens speak of anything of the kind

Mr GLYDE referred to question 142, in which Mr Baker stated that according to what he understood at the time, the imposition of an assessment would be a breach of faith

The ATTORNEY-GENERAL said they must not adopt persons' opinions, unless those opinions were justified by facts Mr Baker said that he understood this rent was to be paid in lieu of the assessment then paid, and so it was, but he had already shown to the House that the assessment might have been altered at any moment by the Legislature Although Mr Baker had said the assessment proposed by the Bill would be a breach of faith, the term was used he presumed as it was often used in that House, when the Government was accused of a breach of faith, it was one of the habits of the Opposition to make such statements, but they had no effect in the absence of any definite argument Mr Jacob said nothing about these pledges from Mr Bonney, neither did Mr Torrens The House did not appoint a Committee in order that such Committee should surrender their judgment to the judgment of others, but the Committee had been appointed that they might collect facts The Committee were not asked to get opinions in reference to inferences from alleged conversations but what they were required to do was to collect facts All that Mr Torrens said was, that from a conversation with Sir Henry Young, certain impressions were created

Mr GLYDE could not allow the Attorney General to dispose of Mr Torrens' evidence in this summary way

The SPEAKER reminded the hon member that he was not in order in interrupting the hon the Attorney-General

The ATTORNEY-GENERAL would be sorry to prevent the hon member from pointing out any portions of evidence which he (the Attorney-General) had misunderstood, as if the evidence were different from what he understood it his remarks would, of course be different

Mr GLYDE drew the attention of the hon gentleman to question 191, to which Mr Torrens replied, that he had no hesitation in stating the understanding between the Government and the squatters was, that the rent was to be substituted for the assessment and that the squatters were to be subjected to no other charge except that which was spread over the country at large for the opening up of communication If such evidence were brought forward in the Supreme Court would it not be conclusive?

The ATTORNEY-GENERAL said no advocate would have a right to bring such evidence before a Jury, as it was based on nothing and consequently could have no weight Mr Torrens formed certain opinions from certain circumstances and that might be a satisfactory reason for his being of the same opinion still, but there was no reason for the Committee agreeing with that opinion unless they ascertained the grounds upon which it was framed The duty of the Committee was to enquire into facts to enable them to form an opinion, but he would say now that no person could have come to the conclusion at which the Committee had arrived with regard to the existence of any such agreement between the Government and the squatters, as alluded to in the report, if they had been familiar with the rules of evidence which should have guided them to a conclusion He had never charged the Committee with any dereliction of duty He differed with the conclusion at which they had arrived, and had attempted to shew the House reasons for that difference, and the House appeared disposed to agree with him in the opinion which he expressed Looking at the result he regretted that other evidence had not been called by the Committee, but there was nothing on the face of that which they had heard which could lead any person to the conclusion that the assessment proposed by the Bill was anything but just and expedient, and warranted by the terms of the lease and the Orders in Council With regard to the alleged compromise he would remark that he thought the present arrangement was one which did not secure the public a fair return for the waste lands of the Crown which were the property of the public, but he believed the assessment which the Government now proposed would secure a fair return, and it was proposed that all those who had taken leases under the Orders in Council should be subject to such assessment during the term of their leases, and he had prepared a clause for that purpose, which he had laid upon the table of the House With regard to the other matters, when, as was proposed by the hon member for Victoria, the valuation of the squatters' runs should be made by officers of the Government, responsible to the Legislature for the time-being the squatters were, he thought, sufficiently guarded against being turned

out at the termination of their leases, and the public were secured in having a fair valuation placed upon the runs He should be prepared to support the amendments of the hon member, though not in all their details but in their general spirit, thinking they had been conceived in a candid and just spirit Every hon member would have an opportunity of stating where and to what extent he considered they required amendment This he repeated, that the Government of the day had a desire to secure a fair compensation to the public for the land occupied by the squatters, and would secure the squatters a right of renewal if a guarantee were given that the public would have a fair value for the land at the end of the present term

Mr STRANGWAYS said the Attorney General had stated that the squatters did not contribute such a revenue as ought to be derived from the waste lands, and that of itself he thought was an admission that an arrangement had been made Yet, notwithstanding this, the Attorney-General called upon the House to say that it was expedient that arrangement should be set aside to enable the country to derive a fair and proper revenue from the waste lands of the Crown That, however, was not the question, but the question was, whether there was ever such an arrangement made between the Government and the squatters as was alleged by the squatters had been made, and which the Government did not directly deny had been made They were told that Mr Bonney was "a tool" of the Government, and that he was consequently worth nothing, as "bad workmen always blamed their tools" It was true that Mr Bonney was a subordinate officer, but his statements in that House showed that there was an understanding between the Government and their executive officer, Mr Bonney There was proof of an understanding, that there should be no assessment on stock except for local purposes The House was now called upon to declare by this Bill that it was expedient there should be an assessment on stock, but he thought not The view he took of the case was that a bargain had been made by the Government on the one hand and the squatters on the other A valuation was made which was fair at the time, but circumstances had since changed and what was fair then was not considered fair now He believed that for runs in the immediate neighborhood of Adelaide 10s or 20s per square mile was an inadequate rental, but for many runs in the interior this would be the full value He believed that a bargain had been made, and whether good or bad it should be adhered to On that principle he opposed the Bill and should continue to oppose it, unless the clauses suggested by the hon member for Victoria, as the representative of the squatters and which he believed the majority of the squatters desired to accept, were acceded to so that no imputation of repudiation upon any member of that House would be involved He had great doubts, however, as to the advisability of many of the amendments, and he should like to hear the hon member for Victoria explain their full nature and effects At present he did did not think they would prove beneficial either to the squatters or to the country, but he looked for information, and he wished the Attorney-General would state distinctly what course the Government intended to pursue with reference to this Bill Was the hon gentleman, as he frequently was, open to conviction, and, after ascertaining the views of hon members, did he intend to mould the Bill accordingly? Were the Government prepared to state what portion of the amendments of the hon member for Victoria they would adopt or introduce In fact, would the Government state what their views were, and what shape they wished the Bill to assume before it was taken out of Committee

The ATTORNEY GENERAL felt almost ashamed at being called upon to reply to such remarks The hon member had stated that there was an admission of an arrangement between the Government and the squatters, why, of course there was, for there was the lease That was the arrangement The whole basis of the argument was that arrangement The present Bill indeed was merely carrying out that arrangement The Government would consider any amendments which might be proposed, and when they had considered them, they would state what their views were respecting them

Mr BURFORD said he had no opportunity on a recent occasion, when the subject of a compact and compromise was under discussion, of expressing his views, but this was the first time in his colonial life that he had caught the Government endeavoring to form a compact with one branch of the community for the purpose of carrying out a favorite measure This, however, was evidently the case in this instance The question was most momentous, and there was a diversity of opinion upon it, some proclaiming the proposed assessment just, and others unjust The Government determined to carry their point, and had resorted to the most unconstitutional course of forming a compact between themselves and the particular branch to be affected by this Bill Would not this be quoted against them on a future occasion? If they allowed a compact with a solitary branch of the community for the purpose of accomplishing certain ends would they not be laid open to the charge in reference to future legislation? With reference to the rent being a substitution for the assessment, that was a course which had been suggested, and there must have been some reason for the suggestion that the rent should act as a commutation of the assessment He could not imagine any other reason than that the assessment was found to be burdensome, and that the rent would be much more easily borne From what he had heard in reference to years gone by he believed that the assessment was found intolerable, but he should like to be informed upon the point by those more cognizant of the matter The question then was whether they would be acting wisely by going back to the assessment, which, it would be observed, was to be in addition to the rent Although there were many rich squatters, there were, he believed, many poor ones, who found enough to do to make both ends meet He was quite sure that this assessment would be found as hard to bear by many squatters as it had been by those of former days It would not operate equally in all directions So great a difference was there in the quality of runs that some would bear four times as much stock as others The House had an important duty to perform in looking closely to this matter Although the Government had succeeded in carrying the second reading, they had done so by entering into a compact with the class who would be affected by this Bill, and the House would not be doing its duty unless it scrutinised this contract in all its bearings It was a most important question, for it should be remembered that the runs were not to be subjected to an annual valuation The House had great responsibility, and the more he thought upon the subject the greater the responsibility appeared in connection with this suggested compromise The House would not be discharging its duty unless it went carefully into the matter

The COMMISSIONER OF CROWN LANDS said the House had spent four or five days in discussing the principle of this measure, a good deal of acrimony had been displayed in the discussion, and the whole subject had been torn to pieces and thoroughly sifted He therefore thought that at present the House were engaged in a most unprofitable waste of time The discussion could lead to no useful result The House had assented to the second reading of the Bill, and had therefore declared an opinion that the Bill should be proceeded with The object of the Bill was to derive a more adequate return from Crown Lands than had hitherto been derived, and as to the serious responsibility which had been spoken of by the hon member for the city (Mr Burford), that responsibility should be grappled with This, however, could not be done by profitless discussion, but if the House got into the clauses they could then grapple with the difficulties as they presented themselves He hoped there would be no further waste of time

Mr, STRANGWAYS said if the law upon this subject were so clearly distinct there was no necessity for any further legislation upon the subject, and he was surprised that the Attorney-General who was so opposed to superfluous legislation, should have introduced a clause professedly for the purpose of settling the question

The ATTORNEY-GENERAL said the hon member probably knew that different parties looked at the same subject in different views He believed the hon member could raise a question upon anything, and it was therefore desirable that the clause referred to should stand for the purpose of removing all doubts

The first clause was assented to, being amended at the suggestion of the Attorney-General, by the words after "constituted" being omitted, and the insertion of the words "assessment in manner hereinafter provided"

Mr HAWKER said he had a few amendments to propose on the clause introduced by the Attorney General [The hon member here read the amendments] He had not taken part in the previous debate, as he understood it was the intention of the House to proceed to a final settlement, and pass a Bill which would be satisfactory alike to the squatters and the public at large Since the second reading, he had given his most careful attention to the Bill, and he thought he would be able to show that the amendments which he proposed would offer a more satisfactory mode of getting at the value of the land, and bring in a larger rent than the clauses of the hon the Attorney-General

Mr SOLOMON said some alterations which could not be understood had evidently taken place since the House last met to discuss this subject—(hear, hear)—and he should, therefore, move that the House report progress, and that the Chairman ask leave to sit again He could not conceive why those hon members who were favorable to the assessment should be called upon to enter into an arrangement, the effect and force of which they could not possibly know without further consideration

Mr STRANGWAYS would support the postponement He merely rose to suggest that the hon the Attorney-General and the hon member for Victoria, who appeared to have taken charge of the Bill on behalf of the squatters—(a laugh) —should agree to an amended print of the Bill which should be laid before the House as soon as possible There were now three sets of amendments before the House, —one by the hon the Attorney-General, another by the hon member for Victoria, and the third a combination of the two, and it was impossible for hon members in consequence to make head or tail of the Bill

The ATTORNEY-GENERAL had intended to propose that the amendments *pro forma* should be agreed to, and that the whole should be then printed and brought before the House on a future occasion By that means he hoped to obtain many valuable suggestions during the discussion The alteration proposed by the hon member for Vic-

toria would not affect the principle of the clause in any way; it was merely an alteration of phraseology. Before the Bill assumed the form in which the assent of the House would be asked to it, it was better that it should be discussed and that hon. members should see the new clauses.

Mr. Townsend said that whilst the hon. member might be conscious that the newly proposed clauses were similar, the House was not so, as hon. members had no copies of the proposed amendments. For settling this question everything should be laid before the House in print.

Mr. Barrow said it appeared that the House was at that moment in the hands of the hon. the Attorney-General and the hon. member for Victoria. He (Mr. Barrow) could not understand the matter, and was therefore unable to vote in favor of either proposition. It would be well if the hon. the Attorney-General and the hon. member for Victoria could come to an understanding, so that those hon. members, seeing that the settlement of the matter was undertaken by themselves, might not appear to be in opposition to each other. The House would then understand what was the business before it. As matters stood, amendment after amendment was proposed, until hon. members really found it difficult to know what they were discussing.

Mr. Solomon said that, in moving that the House resume, he had no object in view, but that hon. members should understand what was before them. He acknowledged that he was stupid upon the matter, and he believed every other hon. member would do the same. They had now a new clause before them, moved by the hon. the Attorney-General, with which he (Mr. Solomon) was satisfied, and on this, an amendment was moved by the hon. member for Victoria which he could not understand, and which he believed was the case of every hon. member present. It might turn out that the amendment of the hon. member for Victoria was as good as that of the hon. the Attorney-General, but the House could not do justice to the propositions unless they had them in print.

Mr. Macdermott would have no objection to the postponement, provided the print of the new Bill would be accepted in lieu of the present Bill, and that the new Bill would not have to go through all the stages already passed through by the present measure, which would involve a great loss of time. He admitted the force of the objections against the amendments, the whole of which could not be understood unless they were seen in print. With the understanding that the print of the new Bill should be accepted in lieu of the present measure, he would support the postponement.

Mr. Strangways asked whether the hon. the Attorney-General could not act in this case as he had done in the case of the District Councils Act, viz., to bring in an amended print of the Bill, in which the hon. the Attorney-General and the hon. member for Victoria could introduce any amendments they pleased, and which would take the place of the present Bill.

The Attorney-General said the Government did not think it desirable in the first instance to introduce the clause proposed by the hon. member for Victoria, though they were, themselves, prepared to propose clauses and to construct others. He thought the better way would be not to go into the clauses proposed by the Government until the House had disposed of those of the hon. member (Mr. Hawker). There were some portions of that hon. member's amendments which he (the Attorney-General) was not prepared to agree to, as for instance, the allowing of compensation for the value of improvements (hear, hear), although at the same time he was prepared to discuss the point. He believed the clause on the whole was a good one for the public, and that it secured their rights; but there were details in it which the Government were not prepared to support. What he proposed was that the opinion of the House should be taken on all these points, and the Bill, with its amendments, printed and discussed.

Mr. Hawker thought there was great force in the objection of the hon. member for the city (Mr. Solomon). The only reason why his (Mr. Hawker's) amendment, and that of the hon. the Attorney-General clashed, was that he (Mr. Hawker) had not seen the clause prepared by the Attorney-General until just before the House sat. He believed the proposition of the hon. member met his (Mr. Hawker's) objection. It was better than his own first and second amendments, and on going through the latter he found there were many points in which they required alteration. He would therefore gladly assent to a postponement, and would have an amendment ready on the following day, or if the House considered that too soon, on Tuesday.

Mr. Glyde would support the adjournment. There appeared to be some bargaining going on between the Government and the squatters, and if so he wished to have the bargain made fairly, and to let the House see and be prepared to discuss the amendments. He did not wish to see the hon. member (Mr. Hawker) and the Government laying their heads together and bringing up amendments of which the House knew nothing. If the Attorney-General and the hon. member for Victoria were to make a bargain, let it be done openly, and let the House see it in print.

The amendment, "that the Chairman report progress, &c." was then put and carried without a division.

The House accordingly resumed, and the Chairman having reported progress, obtained leave to sit again on Wednesday.

PARLIAMENTARY PRIVILEGES BILL.

The Attorney-General moved that the Bill entitled "An Act to define the privileges of Parliament" be read a second time. It would be in the recollection of hon. members that while the Standing Orders were under discussion, a great many questions were raised with regard to the possession by the House of privileges which would enable it to deal with matters not taking place within the walls, nor during the sitting of the House. It was then requested of the Government that a Bill defining the privileges of the House, and conferring such as were requisite, should be prepared and laid upon the table. In accordance with that request he (the Attorney-General) had prepared the present Bill. He had done so for the purpose of including all matters within the range of the privileges which the House should possess and define carefully, and he believed it would be found that if the Bill erred at all it was in including more than was necessary for the House, or rather for the Parliament to confer upon itself, rather than in any privilege being left out which it was important the House should possess. One of the most important functions of the Legislature—one upon the due exercise of which its usefulness in a great degree depended was the appointment of Committees from year to year, for the purpose of instituting enquiries into all matters affecting the public interest, and taking such evidence, verbal and documentary, as was necessary to guide the House in legislating upon the various subjects which might come before it. Under both aspects this power of taking evidence, whether by examining witnesses or inspecting documents, was of the last importance. The particular occasion occurring in another province, which showed the necessity of passing this law, arose out of a desire on the part of the Legislature of that province to enquire into certain great abuses which existed in the public service. The Legislature of that province—Tasmania—attempted to obtain evidence on the subject, and the attempt was met by a refusal to produce certain books and papers which it was necessary to obtain. Subsequently, the assertion by the Legislature of what it conceived to be its inherent privileges, resulted in a decision of the Privy Council that no such inherent privileges existed. It was of the utmost importance that that House, which was the ultimate protection of every member of the community against abuses, and the guardian of the public purse and property, both of which were likely to be embezzled or abused, should possess those privileges which the Bill sought to confer. He was not unaware of the necessity that such great privileges as the House required should be so defined that they did not interfere with personal liberty, and he would be happy to listen to suggestions from any quarter calculated to secure this object; but that such powers should be possessed by the House there could be no doubt. In all matters upon which the House conceived that it was necessary to have information, either with a view to remove abuses or to improve the general legislation of the province, all the evidence which it might require should be placed at its disposal. The Legislature should therefore have the power of compelling the attendance of persons possessing information. It should have the power possessed by every Court of Justice in the colony; and there was no Court which decided even the smallest matters between two individuals which could not compel witnesses to attend and bring to Court such documents as the Court might require. Whether such documents should be produced was a question for consideration, as there were circumstances which freed a person from producing them. The Courts had certain rules on this point, but he (the Attorney-General) imagined that these rules would be recognised as well by the House or the Committee which it might appoint. But there should be a power of punishing every person who disobeyed the order of the House. He presumed no person would dispute that it was necessary that the House should possess the power of compelling witnesses to answer relevant questions, and it would be strange, indeed, if a Committee were to call a public officer before it, and in consequence of there being no power to compel him to give evidence, he should remain mute. With regard to many other matters in the Bill, it might be that there was no reasonable prospect of a necessity for exercising the powers conferred. The colony might be very far from the day when any attempt would be made to increase the Legislature. But even the most peacefully disposed people might be turned aside by party violence, or promises of bribes or rewards. But, whilst relying on the good sense and good feeling of the people of this colony, that they would not avail themselves of any means of the sort to influence their representatives, still a time of excitement might arise, when this most peaceful and orderly community would be brought to a state in which violence would be resorted to which would be shrunk from in calmer moments. He did not anticipate any objection with regard to the principle of the various classes of offences which it was proposed to give the Legislature the power of punishing. It might be considered necessary to guard these powers in a way which was not provided for, or to limit the power of the Legislature or the Committees, but there was one safeguard provided that except for offences committed in the House in the sight and presence of the Speaker, and which disturbed the House, there was no means of punishment except by resolution of the House obtained in the ordinary way. There was therefore no fear of impulsive action on the part of a Committee

or of the House itself, because whatever had to be done in order to punish the individual guilty of any one of these offences, could only be done by resolution of the House properly moved and agreed to. With regard to the manner in which the powers should be carried out he fancied no discussion would arise. He did not know that it was necessary to say anything more. He believed hon members generally would agree in the expediency of including all the offences named in the Bill, and he (the Attorney-General) on the part of the Government was prepared to listen to and accept any suggestions which might appear calculated to guard the rights of individuals whilst maintaining the privileges of Parliament.

Mr STRANGWAYS thought there were many provisions of the Bill which with slight modifications would prove very useful, but he had a strong objection to confer upon the House a power by which any offence which was considered a breach of privilege, however small the offence, would be summarily punished. The offences were enumerated in the fourth clause, and he (Mr Strangways) was of opinion that no person should be punished for those offences by the House, but should be handed over to the regular tribunals to be dealt with in the ordinary manner. As the hon the Attorney General had observed, troublous times might arise, and to give power to punish any individual merely, perhaps, because he might be opposed to the Government—(a laugh)—and to incarcerate such a person in a common gaol would be unreasonable. He (Mr Strangways) might get into a scrape in that way himself. Again, in the 3rd clause it was provided that the Speaker's order was a sufficient return to a writ of *habeas corpus*. In this young community he (Mr Strangways) objected to such a provision. Then both Houses of Parliament had the power of punishing in a summary way any person, whether a member or otherwise refusing to attend on an order of either House, so that if an hon member refused to obey a call of the House he might be incarcerated in the common gaol. He found in "May" that though the power of imprisonment for non-attendance existed it had never been exercised, and he would ask whether that House should have a power which was not exercised by the House of Commons. (The hon member here read a few lines from "May" in corroboration of his statement.) He presumed there was no compulsory process here by which a member could be made to vote. The 11th clause, which referred to a Suspension Act, was very important, but with some others would be more properly considered in Committee. But a Privilege Act should refer to other matters than these. Some 15 or 18 months ago a very important discussion took place in the Legislature on this subject, and the hon the Attorney-General then laid down as the basis of his argument that all the privileges of the House of Commons existed in that House (the Assembly) by analogy. (Laughter from the Attorney-General.) He did not remember precisely what the hon the Attorney-General said, or what the reports in the press made the hon member say.

The TREASURER enquired whether the hon member was in order.

The SPEAKER replied it was in order to refer to a debate of a previous session.

Mr STRANGWAYS knew he was in order, as he was referring to a matter which appeared in a Blue-book, and if the House took the extraordinary course of having all its debates printed in Blue books, hon members would be entitled to quote them. The question last session was whether that House had the sole authority in money votes, and the House decided that it had, but a case was afterwards decided in the Privy Council, and doubts arose as to the correctness of the previous decision. (No, no.) His (Mr Strangways') own opinion was that the powers of the Assembly and the Council were co-extensive, and would continue so until they were limited by a privilege Act. ("No, no.") The 30th clause of the Constitution Act was very clear on the point ("No, no," from the Attorney General.) He (Mr Strangways) knew the construction which the hon the Attorney-General put upon the clause, but his (Mr Strangways') view of the matter was that the power of the Legislature in defining its privileges was analogous to the powers of District Councils or Corporations in making bye-laws, and that until the bye-laws were made the Councils or Corporations had no powers under them. He would, therefore, ask the hon the Attorney General whether it would not have been desirable to introduce clauses defining what were the privileges of one House of the Legislature with respect to the other, and so prevent the difficulties which were likely to arise on money matters and on money matters only. He presumed the hon the Attorney-General would have no objection to assimilate the Act with the practise of the House of Commons. As he objected to the House having a power of incarcerating any person in a summary manner, if the Government did not press that portion of the Bill he should support the measure, otherwise he should oppose it.

Mr BURFORD must confess his astonishment at not seeing the matters which had been mentioned by the last speaker introduced in the Bill. There was so strong a feeling on the part of the Legislature that the privileges of both Houses should be defined, that he was astonished it had not been noticed. Whatever might be the feeling of other hon members, he thought that the necessity was not less now than it was last year for a clear statement of the privileges appertaining to both branches of the Legislature, and this could not be given unless in a Bill. It was distinctly laid down that there should be an Act whereby the privileges of each House should be laid down, and the necessity for this was recognised by all parties. The House might perhaps be called to another battle unless such a step was taken. They had been in a quiescent state for some time, because one branch of the Legislature had yielded to the other, and that as a matter of courtesy rather than of right. He hoped some such clause as he referred to would be introduced, so that the Legislature might have no disagreeable clashing.

Mr SOLOMON had objections to various clauses in the Bill, although he believed it highly proper that the privileges of the House should be defined. He regretted that the hon member who had spoken last had referred to the vexed question of privilege—(hear, hear, from the Ministerial benches)—for although there was no law by which the privileges of Parliament were defined, still the members of the Upper House had tacitly admitted the Assembly's superiority, and therefore it was a pity that the subject should be reopened. There was one clause in the Bill which he (Mr Solomon) considered very objectionable, unless it was better defined than it now appeared to be. The first clause compelled the attendance of any person summoned, together with any books, documents &c, in his possession which might be required, and as this clause affected individuals he objected to it. It might be that there were inquisitive gentlemen on a Committee, and that they would like to see his (Mr Solomon's) private ledger, and they might call on him to produce it. He did not think the House had any right to call for papers unless they related to matters affecting the public interest. He would propose the addition of words to that effect. Otherwise private letters, documents, and papers might be called for to which the House had no right at all. He hoped the hon the Attorney-General would define what was meant by books, papers, and documents, and then he (Mr Solomon) would support the second reading.

The ATTORNEY-GENERAL said that what he had stated in introducing the measure was, that he was quite prepared to consider any suggestions calculated to reconcile the privileges of the House with the rights of individuals, although he was of opinion that the present Bill was not opposed to the rights of the subject. With reference to the observations of the hon member for Encounter Bay when that hon member said that the Bill claimed privileges not belonging to the House of Commons, inasmuch as it claimed the privilege of imprisoning in Gaols, did that hon member remember the case of Sir Francis Burdett when the Sergeant-at-Arms under the authority of the Speaker's warrant and assisted by the soldiers, broke into his (Sir F Burdett's) house, arrested him and confined him in the Tower.

Mr STRANGWAYS explained that he spoke of members being called to attend in their places in the House.

The ATTORNEY GENERAL said if the hon member alluded to a call of the House, the Bill did not propose to give the House any privilege in that case as it was provided for in the Standing Orders. When the hon member said the Bill did away with the Habeas Corpus Act, he (the Attorney-General) replied that a Speaker's warrant of the House of Commons was a sufficient return to a writ of *habeas corpus*. With regard to dealing in a summary way, surely the supreme Legislature of the province ought not to be in an inferior position to an inferior court of law, and every court of law in the province had the power of dealing with a contempt of its own authority.

The motion for the second reading was then put and carried without a division.

The House then went into Committee on the Bill.

On clause 1, authorizing either House, or a Committee, to send for persons or papers.

The ATTORNEY-GENERAL said if any means could be found of limiting this power in such a way as not to prevent the power being exercised where a necessity arose he would agree to it. But the House was not legislating for to-day or to-morrow, but they trusted for a series of years. He would remind the Committee that cases had arisen in England where charges were made of private firms being connected with large frauds in the Custom-House, and in such cases a Committee would have the right of calling for books. It would of course be very improper for a Committee or for the House, under the guise of a public procedure as it would also be for the Supreme Court, to pry into private matters. But the Supreme Court could compel persons to attend with books or documents, and if the persons objected to the books or documents being looked into, it would be for the Judge to say whether they should be examined or not, and the courts would not require a disclosure of matters not affecting the public interest. He thought they might safely trust to the Legislature and its Committees to exercise the same discretion. He would not press the clause if any suggestion was made for limiting in a harmless way the power proposed to be conferred. But it was no more than that of any of the courts of justice, and there was no more fear of its being abused than there was of that of the courts of justice.

Mr SOLOMON agreed that the Supreme Court had the power of calling for books, but only where the person was interested in the cause. He would propose the addition of the words, "relating to any matter in which the public interests are concerned."

Mr STRANGWAYS would like to be informed how a Com-

mittee summoning a person to produce books could know whether the public were interested or not They must have the documents to show He would propose to amend the clause in a separate clause, protecting persons giving evidence, and enabling them to refuse producing documents on giving some specific reason, upon which the Chairman should report the reason to the House, and then it would rest with the Speaker, on the instruction of the House, to order the production of the documents A Committee might be composed of inquisitive persons There might be another Wine and Beer Licence Committee, whose enquiries would be of no public benefit, though amusing to the members of the Committee (Laughter) With regard to the remarks of the hon the Attorney-General, that the power was only the same as that exercised by the Supreme Court, the difference was that the Supreme Court was presided over by a Judge, who was in the constant practice of deciding questions of relevancy or irrelevancy, whilst Committees were composed of members of the House who had only sat four or five times, unless, indeed, they were like the hon member for East Torrens (Mr Barrow) who was desirous of being 'used up' on Committees and consequently, they forgot in one session all they had learned in a former one

The Commissioner of Public Works thought the House would on reflection find the wording of the clause not so objectionable as hon members supposed Difficulties had arisen in compelling persons to attend on matters in which they could give information If the House exercised its power to the injury of individuals plenty of members would always be found to take the matter up so long as such cases as those of John Finnis and John Duff were attended to

The Attorney-General felt compelled to object to the view of the hon Commissioners of Land and Works, as the clause was open to the objection of the hon member for Encounter Bay There was no person who could judge whether books should be examined except the Chairman of the Committee or the House But when the objection was written and the grounds of it brought before the House, it was an additional security He was preparing a clause in accordance with the proposal of the hon member for Encounter Bay, and he thanked that hon member for the suggestion

Mr Solomon accordingly withdrew his amendment

Mr Strangways suggested the addition to the new clause of the words "or witness refusing to answer any such question"

The clause was then agreed to

Clause 2, "Orders to attend to be by summons," was agreed to, the blank being filled with the word "five"

The following was the clause submitted ultimately by the Attorney-General and carried —

"If any person ordered to attend or produce any papers books, records, or other documents, to either House, or any Committee of either House, shall object to answer any question that may be put to him, or produce any such document on the grounds that the same is of a private nature and does not affect the subject of enquiry, the Chairman of the Committee, or the Speaker, or President, as the case may be, shall report such refusal, with the reason thereof to the House, which shall thereupon excuse the answering of such questions, or the productions of such documents, or order the answering or production of such document, as the circumstances of the case may require"

Clause 4—"Houses empowered to punish summarily for contempts"

The Attorney-General moved the insertion of the words, at the end of first paragraph, "unless excused by the House in the manner aforesaid"

Mr Glyde presumed that it was not intended that the Upper House should have power to punish a member of the Lower House, or on the contrary that the members of the Upper House should be amenable to punishment by the Lower House, for any of the contempts referred to

The Attorney-General said no punishment could be made where an order was not given, the word should be taken distributively

Mr Milne suggested that the words "or giving a wilfully false answer," should be introduced into this clause as an offence liable to punishment He thought also the publication of any scandalous matter reflecting upon a member of the House, and which in England was visited with severe punishment, should be constituted an offence also

Mr Strangways agreed with the hon member for Onkaparinga so far as such libellous matter reflected on any one in his capacity as a member of that House but that it should not extend to him in his private capacity As to giving a wilfully false answer, that should be dealt with by the person being convicted of such offence being deemed guilty of wilful and corrupt perjury

The Attorney General agreed that it was desirable that a libel upon a member of that House in respect of his conduct as member should constitute an offence liable to punishment As to a witness giving a false answer he should, he thought, be deemed guilty of a misdemeanor, and be left to be dealt with by the Supreme Court

The amendment of the Attorney-General was then put and carried

The Attorney General then moved the addition of the following to clause 4 "The publishing of any false, scandalous, or derogatory libel of any member, touching his conduct as a member"

Carried

Mr Glyde said that last session it was decided that one of the privileges of members of that House should be "freedom from arrest," and he thought it proper that it should be provided for in this Bill

Mr Strangways asked what course he should take to obtain the sense of the House as to how the offences enumerated in this clause should be dealt with, whether by that House or a legal tribunal The hon gentleman thought that in many cases it would be desirable that the punishment of offences, sometimes of a political nature, should be left to the ordinary tribunals

The Attorney-General said it would be at variance with the inherent rights of all Legislatures, that they should not be able to punish offenders against their own privileges

The clause was then passed

Clause 5 "Members liable for disobedience, whether summoned or ordered to attend"

Mr Strangways thought this clause was quite superfluous as its contents were provided for in another clause

The Attorney-General said it was not so, as it had regard to persons who were not members of that House

The clause was passed as printed

Clauses 6 to 10 inclusive were passed without comment

Clause 11—"Warrant or verbal order plea no bar to action"

Mr Strangways moved that the first three lines should be omitted, viz, 'It shall in all cases be a valid and conclusive return to any writ of *habeas corpus* to bring up the body of any person, that such person is detained by virtue of any such warrant as aforesaid" He thought it was not desirable in a small community like this that such arbitrary powers as that conveyed in the commencement of this clause should be held by any Legislature

The Attorney-General did not see why that House should be placed in an inferior position to other tribunals and he thought the answer that a person had been imprisoned on an order of the Speaker would be a sufficient reply

Mr Strangways—How would the warrant bear upon the face of it that it was an offence against this Act? Was the person incarcerated to apply for liberation to the persons who had incarcerated him?

The Attorney-General replied to the effect that he did not see the force of the objection, and with regard to false returns being made there were abundant ways of punishing such offences without sacrificing the privileges of the House

The clause was passed as printed

Clause 12 "House may direct the Attorney-General to prosecute contempt mentioned, instead of proceeding summarily Punishment on conviction

Mr Reynolds thought two years' imprisonment was a very severe punishment

The Attorney-General said it might be in some cases but in others the hon member must admit, it would be far from unmerited, and he thought therefore it should be left to the discretion of the Judges

Mr Townsend called the hon member for the Sturt's attention to the fact that one of the offences was "wilful and corrupt perjury"

Mr Reynolds was not aware of that when he made the remark

The clause was passed, with the blank filled up with "£100"

Clause 13 "House may direct Attorney-General to prosecute for other contempts"

Passed as printed

The Attorney General moved the insertion of the following new clause to stand after clause 13, as printed "Every member of either House shall be free from arrest upon civil process during the Session of Parliament, and for the week before the commencement and after the termination of each session"

The clause was agreed to

Mr Strangways said as "freedom from arrest" was made one of the privileges of the House, he thought "freedom of speech" should constitute another (Laughter)

Mr Townsend—The hon member, I am sure, daily exhibits that he has freedom of speech (Laughter)

Mr Strangways thought the clause should be amended by making a member liable to arrest on leaving the colony, and he should prepare a clause to that effect

The Attorney General moved the following new clause, to stand as clause 16, "If any person examined before either House, or before any Committee of either House, shall give a wilfully false answer to any lawful or relevant question which shall be put to him during the course of any examination, he shall be guilty of a misdemeanor, and shall be liable on his conviction thereof, to be punished in the same manner as though he had been guilty of wilful and corrupt perjury"

The clause was agreed to

The title of the Bill and the preamble were then passed

Mr Strangways having previously proposed a new clause, to the effect that a member should be liable to arrest when leaving the colony, which was lost, asked now whether he could put his amendment as a proviso to the clause He should like to know what the nature of the objection was to his amendment, and the opinion of the Attorney-General on the same

The ATTORNEY GENERAL said the clause was founded on the basis of confidence in the members of the House If they were not worthy of that confidence, as might be implied by the hon member's amendment, then the sooner they were deprived of their privileges the better But as he (the Attorney-General) had confidence in the members of that House, he should not object to granting them such immunities

The House resumed, the Speaker reported the Bill, and the consideration of the report was made an Order of the Day for next day

CLERKS' SALARY ACT

The ATTORNEY-GENERAL rose to move, pursuant to notice, "That he have leave to introduce a Bill to repeal the Clerks' Salary Act, No 9 of 1852"

He said it would be within the recollection of hon members that during the course of last session it was proposed to recast the salaries of the various clerks in the Government offices, for the purpose of adapting them to the altered state of the times, as they were up to that period based on a law passed in 1852, which regulated the salaries as suited to that particular time The Legislature, to meet the altered circumstances of the colony, had added 50 per cent to the salaries up to a certain amount, and after that 25 per cent That continued until last year, when it was proposed to recast the salaries, but as it was found this would place the clerks in a different position from what was contemplated, it was determined to alter the good-service pay A majority of the House then agreed to retain the good-service pay if made a basis for a scheme for providing a superannuation fund which would free the House from any further liability to provide for retiring officers in the service The Bill carrying out this principle was thrown out, but the House adopted the Estimates, which were framed on the supposition of the Bill being passed, and the clerk's salaries had consequently been paid on the increased scale Another Bill had been introduced this session, but, as they were already aware, that had been thrown out That Bill provided for the repeal of the Good-Service Act, and the establishment of a Superannuation Fund, and in the Estimates before the House there was a certain amount of good service pay, according to the classification, attached to the salaries of the clerks Now that that Bill had been rejected it was for the Government to consider what course should be adopted, and they had come to the conclusion that, under the present circumstances of the colony, they were not justified in continuing the salaries at the increased scale If they had not determined upon this course some contrivance would have been required to meet the contingency—that of introducing new Estimates for instance—in order that some provision might be made in lieu of that which would be done away But this the Government had not thought it desirable to do, and considering the circumstances of this colony, they had come to the conclusion that the salaries as they appeared on the Estimates were adequate payments He could easily imagine a time would come when it would be expedient to make some alteration, but he believed at the present time such was not required At the same time, he would not pronounce against the principle involved, but would merely say that the salaries, as at present placed on the Estimates, were sufficient With these remarks he would move that he have leave to introduce a Bill to repeal the Clerks Salaries Act

Leave was given

STUART'S LEASE OF WASTE LANDS BILL

The COMMISSIONER OF CROWN LANDS moved the second reading of this Bill, and said there was only one clause in it and that was in strict conformity with the resolution passed by that House

Read a second time, and the House then went into Committee on it

In Committee

Mr REYNOLDS asked whether the first (the only) clause was precisely in the terms of the resolution

Mr HAY asked if Mr Stuart had marked off his claims?

The COMMISSIONER OF CROWN LANDS replied that he had not

Mr HAY understood that Mr Stuart said he was in a position to do so within a week It was important that he should do so, or otherwise it would prevent other persons from securing claims

Mr REYNOLDS supposed it was understood that Mr Stuart could not appropriate any of the new country or the valuable springs which had been discovered

The COMMISSIONER OF CROWN LANDS said every care would be taken that he should not do so

Mr HAY moved in the 20th line of the clause that the word "discovery" be inserted instead of "exploration"

The COMMISSIONER OF CROWN LANDS said in answer to Mr Cole, that Mr Stuart's map was in the possession of the Surveyor-General, and that it would remain so

Mr DUNN called the attention of the Commissioner of Crown Lands to the variation of 25 miles as alleged by Mr Babbage, in Mr Stuart's calculations This might possibly lead to some dispute

Mr GLYDE proposed as an amendment, that in the 19th line, after the word "Government" the words "and mark" should be inserted (*Hear*)

Mr MILNE hoped that if the amendment were passed no advantage would be taken of any mistake made by Mr Stuart

The COMMISSIONER OF CROWN LANDS had spoken to Major Warburton and he had said the variation was not so great as was alleged They could not mistake the position of Stuart's Creek, and that would enable them to form a close approximate of the adjacent discoveries

Mr DUFFIELD could not agree with the hon member for Onkaparinga (Mr Milne) Mr Stuart had handed in a map, and that, he thought, should form the title of Mr Stuart to his claim He should be bound by that, the same as any one else would be in taking up runs

Mr MILDRED thought Mr Stuart should be called upon to select his claim within the limits of his track in going and coming

The ATTORNEY-GENERAL thought they should deal with Mr Stuart in a fair spirit He would not limit him because a country supposed to be more valuable was discovered in the vicinity They should allow him to claim on what he might fairly be supposed to have discovered, or known to him, though he might not have visited it

Mr Hay's and Mr Glyde's amendments were then put and carried The preamble was passed The House resumed the Bill was reported, and the consideration of the report was made an Order for the next day

CLERKS' SALARIES ACT

The Bill to repeal this Act was read a first time, when

The ATTORNEY-GENERAL moved that the second reading be an Order for the next day, when he should move the suspension of the Standing Orders, that the Report, on the Bill being passed through Committee, might be adopted the same day They would then be able to send up the Bill to the Legislative Council on Tuesday and, if agreed to, go on with the Estimates without interruption But if it was not agreed to, it would be the duty of the Government to recast the Estimates

The motion was carried

ESTIMATES

In Committee

Registrar-General of Births, Deaths, and Marriages, £726

Mr GLYDE asked how it was there was an increase of £100 in this department

The ATTORNEY GENERAL—From the appointment of additional officers as the population increased

Passed as printed

Medical, £1,223 12s 6d

Passed as printed

Hospitals, £3,233 10s 6d

Passed as printed

Lunatic Asylum, £1,818 4s 6d

Passed as printed

Destitute Poor, £2,858 3s

Passed as printed

Colonial Stores, £350 0s 6d

Mr GLYDE objected to going through the Estimates in this manner He thought it was the duty of the Treasurer to explain, as each separate item was introduced

The ATTORNEY-GENERAL said they were only following out the general practice, and that was, if there was any material change in the departments, explanation should then be given

Mr TOWNSEND thought where there was an increase some explanation should be given, as otherwise it only led to useless discussion, and to the item being eventually recommitted

Mr REYNOLDS asked if it were not possible to do without the department of Colonial Storekeeper? He saw no absolute necessity for it, and when the item was put he should vote against it He would suggest that the duty might be attached to the department of the Commissioner of Public Works

The COMMISSIONER OF PUBLIC WORKS assured the hon member that he had quite enough to do without it

Mr REYNOLDS—Then, if the hon Commissioner of Public Works has too much to do, other departments may not be similarly situated

Mr SOLOMON was rather surprised at the remark of the Commissioner of Public Works that he had quite enough to do, because on a former occasion that hon gentleman had declared himself able to undertake very great additional duties As to the passing of the Estimates they had got themselves into a serious difficulty Although it was affirmed by the House that retrenchment was necessary, yet there was no appearance of retrenchment, and he was afraid when they got to the end of the volume that all the reduction that would be effected would be some paltry few hundred pounds He must protest against this When the Government knew the feeling of the House they should withdraw the Estimates and recast them, instead of endeavoring to pass them, by what he could only call a "side wind" It was not too late to withdraw them even now If they could not close the session at Christmas let them go beyond it If they could not do their business by sitting until 5 o'clock let them sit till 12 o'clock He believed that at the end of the year, at the way they were going on now, they would find they were considerably short of the proposed expenditure

Mr DUFFIELD would vote against the item of Colonial Storekeeper Hon members might remember the famous "Esti-

mates Committee,' which recommended this department should be abolished It was abolished, and he believed they found no inconvenience from it The principal duty of the Storekeeper was to take charge of the stationery and he believed this would be better managed by submitting the supplies to tender

The TREASURER said the question was not whether a general reduction should be made on the Estimates, but whether the Colonial Store Department was required, and he thought it was the duty of the House to point out any alteration that it might deem necessary ("No, no," and "yes ") In 1855 the "Colonial Store" was struck off, but what was the consequence? it had to be replaced. The duty devolved on one of the clerks in the Audit Office, and it engrossed his whole time, so that it was as broad as long But not only was it the duty of the Storekeeper to take charge of the stationery, but he had charge of the furniture in the offices and in Government House A very large amount of property was in his charge and if the department was struck off now, the whole time, or more than that, of one clerk would be taken up in attending to the duties of it The Government had in view in compiling the Estimates, every possible reduction and they had created establishments only where absolutely necessary

Mr REYNOLDS could not agree that it was not possible to dispense with the Storekeeper's department altogether It might be quite true that, before a Storekeeper was appointed, the duties occupied a good deal of the time of a clerk in the Audit Office, but surely that was no reason why they should create a department

Mr TOWNSEND said the effect of not reducing the Estimates in a lump, but considering each item, was that, when hon members suggested that an item should be struck out, the Government said that was just the very particular item which could not be dispensed with He would draw the attention of the House to the fact that it cost £470 a year to take care of some stationery There were merchants in Adelaide at the present time doing a large business, and with branch establishments at the Port, who conducted agency business, and got all their stores taken care of, for a less sum

The ATTORNEY-GENERAL said the question appeared to be whether they would have a person to take care of the stores, under the title of Colonial Storekeeper, or whether the stores should be taken care of by a party nominally paid for something else, as was formerly the case There had always been a storeman, and the only question was whether the Colonial Storekeeper was to be a clerk nominally paid for doing something else, because, whatever department was charged with the care of the stores, an additional clerk would certainly be required in addition to the storeman

Mr REYNOLDS contended that another clerk would not be required He had had charge of nearly the whole department for a considerable time, and his opinion had long been that the Colonial Storekeeper's Department ought not to be kept up, as he could have continued to look after the department The Government knew his views upon the subject

The ATTORNEY-GENERAL had always understood the hon. member's views were that the appointment was a necessary one

Mr REYNOLDS said if the Attorney-General looked through the records of the Public Works department he would find to the contrary

Mr DUFFIELD, after all he had heard, was as dissatisfied with the vote as when he said he should vote against it He could understand the necessity for the appointment, if all the stores connected with the public departments were taken charge of by the Colonial Storekeeper, but this was not the case, and independently of this, it was clear that the storekeeper did not attend to goods at the Port as there were several items in the Government accounts for Port agency If the House sanctioned the department he felt satisfied it was one which would grow very fast

The COMMISSIONER OF PUBLIC WORKS wished the House to understand what was before it He thought it would be admitted, whatever was done, that some of the items must be assented to, for instance, they must have a storeman as there was a large quantity of valuable goods in the store and there would be no one to take charge of them unless this item were passed The House had consented to there being a store by voting money for it, which was being judiciously expended and it was therefore necessary there should be a storeman He would state that the Colonial Storekeeper exercised a check upon the consumption of stationery in every department, and in that small matter alone effected a considerable saving He would state again that the persons connected with his department were fully employed, and seeing the arduous and multifarious duties which they had to perform, he considered a Colonial Storekeeper absolutely essential If the item were struck out, what the Government would do would be exactly what had been done before, bring it on again for reconsideration

Mr REYNOLDS considered the duties of Storekeeper could be very well discharged by the Sergeant Armourer

Mr MACDERMOTT said the department of Storekeeper had been done away with, but the Government found it necessary to restore it It appeared to him a little inconsistent on the part of those hon members who voted money for the erection of the store that they should seek to break up the department as soon as the store was built He should leave the matter to the responsibility of the Government, and if they thought the appointment necessary, he should vote for it

Mr GLYDE admired the course pursued by the Commissioner of Public Works, who a short time ago asked for £1,000 for a store, and told the House they must vote it, because they had voted for a storeman, and now he told the House they must give them a storeman as they had given him a store He should vote against the item

Mr TOWNSEND would put it to the Commissioner of Public Works, as a commercial man of high standing, whether he could not get a little stationery and a few guns taken care of for less than £750 a year He believed the whole might be done for £250

The TREASURER said the duties of the Storekeeper appeared to be greatly misunderstood. The Shipping Agent at the Port only attended to the shipping and discharging of goods, but the goods were brought up by the Storekeeper The stationery which he had charge of was in itself a formidable charge, as the printing done by the Government Printing Office for the various departments amounted to £3,000 per annum and there were fifty departments which were supplied with stores by the storekeeper Not only stationery, but fuel had to be distributed, and when the duty was performed by a clerk at the Audit Office, there was no sufficient check exercised

Mr DUFFIELD believed the Government would be savers by adopting, in reference to stationery, the course which they pursued in reference to every other articles call for tenders If the Government thought they got their supplies cheaper by importing them from England he differed with them He believed that private individuals got goods cheaper than the Government If the Government adopted the same course in reference to ironmongery and other articles, that they did with regard to stationery, they would want three or four stores

Mr TOWNSEND moved that the £350 be struck out, and £200 substituted

Mr HAY suggested that the "Sergeant-Armourer" should be struck out, and that the Colonial Storekeeper should be called upon to discharge his duties As they had an Agent-General to whom they could apply for a supply of goods, he believed that the Government could get goods as cheap as any one else

Mr MACDERMOTT remarked that the colony had accepted from the British Government a present of valuable arms, and that the whole time of the Sergeant-Armourer was devoted to them

Mr BARROW had not felt called upon to take part in the debate, feeling satisfied that under the present system every item would be voted as it appeared upon the Estimates If the Government said they wanted £95,000 and the House said we'll give you £85,000, they would, no doubt, have been again told by the Attorney-General, as they had previously been, that the Government would endeavour so to appropriate it that retrenchments would be effected in those departments which the Government deemed most susceptible of retrenchment That was a sentiment which was loudly cheered when the Attorney-General, a few days since, gave utterance to it, and he (Mr Barrow) wished the House had adopted it Whatever item was objected to by that House the Government would no doubt shew unexceptionable reasons for retaining it It was not that the House were unwilling to discuss these matters, but persons not officially experienced could not say what items could be best spared For instance, there were large sums under the head of contingencies and sundries, and as the House did not know what these consisted of, if they refused to vote them, they might deprive a department something which was absolutely essential to its working The Government and the Government only should appropriate money placed at their disposal He would move that the £350 be reduced to £200, but he knew that the Chairman would say that the particular way in which this reduction was to be effected must be indicated, so that on the one side the House was met by the Attorney-General, who said that it could not be done, or, if they said it should be done, then the Chairman said it shouldn't be done (Laughter) He would suggest the insertion of £200 for £350, the striking out of all the particulars, and that the Government be left to fill up the blanks

The various items in connection with the Colonial Storekeeper's department were then put and negatived

The ATTORNEY-GENERAL remarked, in reference to the proposition that the duties could be performed by the Sergeant Armorer, that if stationery and other stores could distribute themselves, it required special knowledge to take care of guns The Armorer was not a person qualified to act as Colonial Storekeeper

Mr BURFORD thought the hon gentleman had made a mistake, for "stationery" would keep its place,—(Oh!)—but guns would "go off"

Mr BARROW was of opinion that provided a bond was executed for their safe return, the Government would act wisely in distributing the guns amongst the people of the colony

Upon the next item, "Sergeant-Armorer and Magazine-keeper, quarters and clothing, £95 0s 6d" being proposed

Mr REYNOLDS suggested the addition to the description of the appointment of "and Keeper of Stores"

Mr DUFFIELD intimated he should support the vote and £50 for an assistant.

Upon an increase to the pay of the Sergeant-Armorer being suggested,

Mr BARROW pointed out that that officer already had £190 per annum, and quarters and clothing He did not know whether his duties were of that peculiar nature which would warrant his being placed in a higher position in point of pay

Mr MILDRED wished to know whether the armorer was at all connected with the police He observed, in addition to the pay there was an item of £20 for quarters

The TREASURER said the Armorer was not connected with the police, but he had quarters adjoining the Police Barracks He was formerly a sergeant of police, and his pay was the same as a sergeant of police, but in order not to burden the Police item with a charge which did not belong to it he was placed upon the Store Department. In addition to Armorer he was Keeper of the Powder Magazine, and there were very few men who were fit for the appointment, as it was requisite the holder of the office should have been in the Royal Artillery It would be absurd to leave 2,000 stand of the best arms in the world in the charge of an incompetent party or without any one to look after them Having accepted the arms they were bound to make the appointment

Mr BARROW wished to know if the Sergeant-Armorer had quarters in the police-barracks, as, if so, it would be unnecessary to vote him an allowance in lieu of quarters

The TREASURER said he formerly had quarters there but not latterly He would only receive the allowance till the Government could provide him with other quarters

Mr REYNOLDS said the Government had better bring in a Bill for the distribution of the arms and they would then be enabled to dispense with an Armorer

The TREASURER said if the arms were distributed they would be sure to be destroyed, and it would be better to return them to the Home Government

The items were then agreed to, together with £50 for an Assistant Storeman making a total of £165 0s 6d, and upon the motion of the Treasurer, the Chairman then reported progress, and obtained leave to sit again on the following Tuesday

DISTRICT COUNCILS ACTS AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS intimated that he should proceed with this Bill as early as possible on the following day

LONGBOTTOM'S PATENT BILL

The consideration in Committee of this Bill was made an Order of the Day for the following Wednesday

The House adjourned at a quarter past 5 o'clock till 1 o clock on the following day

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FRIDAY, DECEMBER 3

The SPEAKER took the Chair shortly after 1 o'clock

GAWLER EXTENSION LINE OF RAILWAY

Mr YOUNG gave notice that on the following Tuesday he should move there be laid on the table of the House a paper shewing the number of day laborers employed upon the Gawler extension line of railway, and the relative cost of executing works by day labor and by contract

THE RIVER WEIR

Mr REYNOLDS gave notice that on the following Wednesday he should ask the Commissioner of Public Works whether, after such serious mismanagement in the construction of the River Weir, the late Engineer was considered worthy of employment in the Government service Also, whether the Clerk of Works was considered worthy of employment and if not, why a distinction was made between the two officers

THE HARBOR TRUST

Mr REYNOLDS gave notice that on the following Wednesday he should move that in the opinion of the House there was no provison under the Harbor Trust of 1854 for the payment of trustees, and that, therefore, the trustees had no reason to pay themselves, nor the Government any right to sanction such payment without the sanction of that House

MAGILL LINE OF ROAD

Mr TOWNSEND gave notice that on the following Friday he should move the House resolve itself into Committee of the whole for the consideration of the petition recently presented by him from the inhabitants upon the Magill line of road, with a view to granting the prayer thereof

CLASSIFICATION OF OFFICERS

Mr HAY gave notice that on the following Friday he should move there be laid on the table a paper shewing the number of classified officers in the Government service, and other particulars connected therewith

COMMISSIONER OF PUBLIC WORKS

Mr REYNOLDS gave notice that on the following Friday he should move that in the opinion of the House the position held by the Commissioner of Public Works as member of the Central Road Board was anomalous, and not contemplated nor likely to secure a proper check upon the operations of the Central Road Board

SUPERANNUATION ACT

Mr BAKEWELL gave notice that on the following Wednesday he would ask if the Government intended to make repayments under the Superannuation Act, to the detriment of those who still contributed under that Act

BOARD OF PUBLIC WORKS

The ATTORNEY-GENERAL asked Mr Reynolds to allow the question in his name to stand over till the following Tuesday, he not being in a position to answer it, and being desirous of giving a formal answer —"That he will ask the hon the Attorney-General whether it is the intention of the Government to introduce during the present session any measure to bring the various Boards of Public Works into more direct responsibility to the Government"

Mr REYNOLDS had much pleasure in postponing the question

REPORT OF SELECT COMMITTEE ON TAXATION

On the motion of the TREASURER, the time allowed to the Committee for bringing up their report was extended for a fortnight

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS, the consideration in Committee of this Bill was postponed till the other business on the paper had been disposed of

WASTE LANDS ACT AMENDMENT BILL

Upon the motion of the ATTORNEY-GENERAL, the consideration in Committee of the amendments made by the Legislative Council in the Waste Lands Act Amendment Bill was postponed till the following Thursday

ASSOCIATIONS INCORPORATION BILL

Mr BAKEWELL moved the second reading of this Bill One object which would be accomplished by the Bill would be to cut off a large amount of revenue from the profession to which he had the honor to belong, and that, he thought, was a great recommendation (Hear, hear) The Bill did not profess to deal with trading associations, but religious and scientific societies—societies established for a useful and beneficial object He would proceed to describe the mode in which the Bill proposed to effect its object It was well known that the societies to which this Bill had reference required to hold land The religious societies had their chapels or places of worship and their burying-grounds, and Oddfellows and scientific institutions had their halls The difficulty which had been hitherto felt had been that trustees had been required to hold the lands in their names, and when these were removed, or died, or became lunatic, or unable to act, great inconvenience arose, as the property could not be dealt with The Bill before the House proposed to remedy this defect, as the companies or associations would be incorporated, and the properties would be vested in the various bodies by their corporate name After the passing of the Act, religious or scientific associations would give notice of their desire to be incorporated, and the society would fix upon some person whose name would be registered, and who would be entitled to affix the corporate seal This being done, and a memorial signed by the person fixed upon the Supreme Court would then have the power to issue a certificate incorporating the association, and another simple memorial being signed the property would become vested in the corporation by the corporate name, and ever afterwards there would be no difficulty in dealing with the property The Bill was very simple, and he believed it would be found easily worked, it had the advantage of having been passed by the other House

Mr MACDERMOTT seconded the motion, which was carried, and the Bill having been read a second time, passed through Committee, with verbal amendments, and the consideration of the report was made an Order of the Day for the following Wednesday

INMATES OF CHARITABLE INSTITUTIONS

The ATTORNEY-GENERAL laid upon the table of the House returns moved for by the hon member for Barossa, shewing the number of male and female patients in the Destitute Asylum, the General Hospital, and the Lunatic Asylum The returns were ordered to be printed

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS the House went into Committee for the consideration of this Bill

Clause 171 related to legal procedure and evidence, and provided that no writ of quo warranto should be allowed to try the title to any office

Mr STRANGWAYS objected to the clause, considering it injudicious that the jurisdiction of the Supreme Court should be entirely ousted, as it was by this clause If it were thought desirable that Justices of the Peace should try the cases in the first instance, well and good, but there certainly ought to be an appeal from their decision Great evils would, he believed, result from passing this clause, for the most knotty points of law arose in connection with District Councils elections assessments, &c Under the clause, as it stood, all cases would have to be decided by Justices who had very little knowledge of the law bearing upon the case He wished to ask the Attorney-

General whether he was desirous that the clause should remain as it was at present, or whether he would provide a new clause giving the Justices jurisdiction in the first instance, and an appeal to the Supreme Court He thought the Attorney-General, from the experience which he had had in such matters, would be of opinion that it was not desirable the whole matter should be left to be decided by Justices of the Peace

The Attorney-General would correct a misapprehension An appeal was provided to the Local Court at Adelaide in its full jurisdiction He referred to the 180th clause, and by the 198th clause it would also be found that the Local Court might state one or more special cases for the opinion of the Supreme Court He thought it was expedient not to oust the jurisdiction of the Supreme Court, but to diminish to the greatest possible degree the number of cases which it was now necessary to bring before it in reference to District Councils and Councillors There had been several proceedings of this nature in the Supreme Court, and the result had not been altogether satisfactory to the parties interested, though he did not say they were not in accordance with law, and whilst the results were not very satisfactory the costs were very heavy Mr Stow, who prepared the Bill, had consulted with him, and after full consideration it had been thought advisable to frame the clause as it stood, the advantages of referring to the Supreme Court in the first instance being counterbalanced by the great expense It had been thought that if there were an appeal to the Local Court it would be inexpensive, and that the object sought would be attained by the Local Court, if necessary, stating a case for the opinion of the Supreme Court Everything had been done to secure a full and adequate consideration and decision of knotty points of law If the parties were dissatisfied with the decision of the Justices, they could appeal to the Local Court, and if knotty points of law should arise, the Local Court might state a case for the Supreme Court The course suggested by the Bill combined cheapness and security that the law would be administered according to its proper operations

Clause 172 provided that no mandamus should issue from the Supreme Court to compel District Councils to admit, restore, or elect Councillor, &c

Clause 173 provided that no assessment rate or loan should be removed by certiorari to the Supreme Court.

Clause 174 provided that proceedings for trying the title of Councillor, &c, to his office, should be decided by two or more Justices in a summary way

Clause 175 related to legal procedure and evidence and the jurisdiction of Justices

Clause 176 provided that claims by District Councils to moneys not accounted for by officer may be decided by Justices

Clause 177 gave the Justices power to inflict imprisonment for noncompliance with the orders of Justices

These clauses were passed as printed

Clause 178 provided that proceedings against District Councils should be taken within a period of three months

Mr Strangways thought the time too short, and moved that the time be extended to six months

The Attorney-General imagined it would be far better that the time should be limited to three months To leave the District Council in a state of uncertainty for a period of six months as to whether the assessment was to be held valid or not would, he thought, be placing them in an unfair position, as they must refrain during that time from laying out the money, or expend it under the risk of being called on to refund it He thought three months quite long enough

Mr Reynolds believed that in the old Act the time was not limited

The Commissioner of Public Works said it was not.

Mr Strangways urged that under such circumstances no injury could result from the adoption of his suggestion He urged it because it frequently happened that ratepayers knew nothing about the rate till after it became payable. A large majority of the ratepayers never troubled themselves about the matter till they were called upon for payment. He could see no objection to his proposition

The Attorney-General said the argument of the hon member resolved itself into this, that the ratepayers were very careless, and that therefore it was expedient the House should encourage them in their carelessness He did not think that a sufficient reason

The amendment was lost and the clause passed as printed

Clause 179 provided that proceedings before the Justices should be regulated by Act No 6 of 1850

Clause 180 provided that an appeal might be made from the order made by the Justices to Local Courts

Clause 181 provided that the proclamation by the Governor be as heretofore published.

Clause 182 provided that the list of persons qualified to act as constables should be evidence of qualification

Clause 183 provided that the production of the *Gazette* containing notice should be evidence of election

Clause 184 provided that appeals against assessment or alteration in assessment should be heard before Local Courts

Clause 185 provided that appeals should be heard at the sittings of the Court next after 16 days from notice or alteration appealed against

Clause 186 provided that the production of the assessment-book or *Gazette* containing notice should be evidence except in certain cases, that the assessment or rate was duly made

Clause 187 provided how the rates should be recoverable, These clauses were passed as printed

Clause 188 provided that rates unpaid ten days after demand might be distrained for

Mr Townsend called attention to this clause, believing that it was exceedingly arbitrary The clerk, collector, or assistant, might without any warrant enter into any part of the premises and distrain the goods and chattles found therein, or might enter into any other house or land occupied by any person liable to the same rates It appeared to him that the better course would be to have recourse to the Local Court in the regular way It was hardly fair to give the District Councils such a power as that which was proposed by this clause, and it appeared to him that it was repugnant to the British law and clearly objectionable

The Attorney-General did not see any reason for an alteration of the clause, as it was merely proposed to give the District Councils the power of distraint which was possessed by a landlord A great deal of money was wasted in these proceedings, and the amount ultimately had to be recovered by a proceeding analogous to distraint with additional costs added After reasonable notice he saw no objection to the distraint when the liability to the rate became absolute So long as the person was able to appeal there was no power of distraint, but when there was no right to do so, he thought the power of distraint might be given

The Commissioner of Public Works pointed out that the Act merely sought to give the District Councils the same power which was possessed by Municipal Corporations and no more

Mr Solomon said the Attorney-General had stated that the clause would merely give the District Councils the same power as landlords, but he would point out that the clause proposed to give them greater power than landlords, as they might distrain not only upon the property upon which the rates were due, but upon property for which no rates were due, so that the power which would be given to District Councils would be far greater than that which existed between landlord and tenant That the collector should have the power of entering, not because the premises were liable, but because the party who resided on them was liable, appeared to him unjust.

Mr Strangways said that in England the rates could not be distrained for except by order of the Justices The hon the Attorney-General intimated his dissent from this, but he knew it to be a fact At the Petty Sessions in England there were 20 or 30 applications frequently for orders He contended that this clause was not necessary, as clause 187 provided that the rates might be recovered in a summary way before two Justices, and why give a still more summary power which might be exercised with spite He should move the clause be struck out

Mr Reynolds pointed out that though the owner might not get the notice, still it was proposed to give the District Council power to enter upon and sell the property He considered this very objectionable

Mr Young must oppose the clause in consequence of its arbitrary character The previous clause was sufficient for all purposes All that ratepayers generally required was a summons, and then they very readily went and paid The clause under discussion was so arbitrary that he regarded it as a *retrograde movement in the system of law-making* In some of the laws passed in the colony, there appeared a disposition to go back to those arbitrary laws which were now unknown in our fatherland In a new country, it was desirable that the laws should be of the most simple and, at the same time, lenient character He should support the motion that the clause be struck out

Mr Duffield should support the clause, because he believed it desirable to introduce all the simplicity they could in the measure before the House It was certainly quite as simple that the District Council should be enabled to distrain at once, as that they should first go to the Local Court or to two Justices of the Peace Not only was there more simplicity in the mode proposed by this clause, but there would be less expense, and it should be remembered that the expenses would eventually have to be paid by the parties sued

Mr Hay hoped the clause would be allowed to stand as it was, as instead of simplifying the matter, it would only complicate it if the parties in the first instance were compelled to go before the Local Court In the Corporation Act the same power was given, and he had never heard of one instance in which that power had been abused or exercised in an improper manner A great many of the rates did not amount to more than 5s or 6s, and he was sure it would be admitted that by the mode proposed by this clause the amounts would be recovered not only more speedily but with much less expense to the party who had to pay than if an appeal had to be made to the Local Court It was absolutely essential to retain the power to levy either upon the party who owned the land or upon the party who occupied the property Wherever the owner was known and could be got at, power should be given to the District Council to compel him to pay the rate, as it was possible that a man might have 50 allotments but refuse to pay for any but the one which he ocupied

Mr Solomon thought there was one matter which required explanation The last speaker had remarked that a party might have 50 allotments and refuse to pay

for any except the one which he occupied There had been instances of the collectors neglecting to apply for the rates to the parties who were really liable, the tenants, until the premises were unoccupied and then they ultimately came upon the landlords It had been shewn in the City Council that a similar clause to this, which was in the Corporation Act, worked badly His attention had been called to clause 189, which provided that lands might be sold when the rates were in arrear, and he considered that clause far better than the one which they were now asked to pass He did not consider that there should be power to enter upon one property for the rates due upon another

Mr DUNN remarked that in many of the country districts the landlords were in the habit of paying the taxes themselves, but if they refused to do so, by the clause under discussion the poor man who occupied the cottage, perhaps for which the landlord had engaged to pay the taxes, might be distrained upon

Mr MILDRED had seen for years past the great loss and inconvenience to which District Councils were subjected in consequence of not having the power which this clause proposed to confer upon them He thought, however, that the clause might be modified, for as it stood it appeared to him that a party might be levied upon at his private residence for the rates due upon a property 20 miles off, in reference to the arrears of rates upon which he was in absolute ignorance till levied upon

The ATTORNEY-GENERAL said the hon member would see that this was provided for by the after part of the clause, as before an entry could be made upon any house or land, there must be a notice served upon the person or left at his actual residence

Mr STRANGWAYS quoted from Lord Kenyon to shew that a summons must precede the warrant of distress which was in the nature of an execution Lord Kenyon had also held it to be an invariable maxim that no man should be punished till he had had an opportunity of being heard, but he would ask if this clause were passed what opportunity would be afforded to the party levied upon of being heard The course of procedure adopted in England was found sufficient to ensure the payment of rates, and that procedure was not substantially different from the 187th clause

The CHAIRMAN put the question, and declared the clause passed as printed, upon which a division was called for, when it was found that there was a majority of four in favor of the clause as it stood, the votes (ayes 13, noes 9), being as follow —

AYES—The Attorney-General, the Commissioner of Crown Lands, the Treasurer, Messrs Duffield, Macdermott, Neales, Collinson, Scammell, McEllister, Mildred, Hay, Milne, and the Commissioner of Public Works (teller)

NOES—Messrs Reynolds, Townsend, Peake, Glyde, Dunn, Young, Solomon, Rogers, and Strangways (teller)

Clause 189 provided that the lands might be sold when the rates were in arrear

Mr TOWNSEND suggested that though the power of sale might be given, power should also be given to lease the land from year to year, as it was quite possible that the land could not be advantageously sold, although it might be advantageously leased

Mr STRANGWAYS said that if the clause stood as it was at present, it would be inoperative, as buyers would never be found, and if the property were offered for lease, it would be in the same position No one would take it, for the Council could only sell to the extent of the rates due, which frequently did not amount to more than 3s 6d, and the land could only be let for such a term as would enable the Council to pay themselves the amount due The clause inserted in the Municipal Corporation Act was never enforced, because it was practically useless There were whole columns in the *Gazette* of rates not paid, but whether application was made to the Judge in reference to them he was unable to state

The COMMISSIONER OF PUBLIC WORKS said it was quite true there was a similar clause in the Corporation Act, and that notices appeared in the *Gazette* In reference to small sums the clause might be inoperative, but as large amounts might sometimes be involved it would, he thought, be better to retain the clause

Mr NEALES thought it would be better to retain the clause, as he had no doubt it would cause a great number of rates to be paid which otherwise would not be It acted something like a Police Act upon the morals of the country He thought it a very useful instead of useless provision, and referred to a special case, in which, as an agent, he had been instructed to pay the rates for the purpose of preventing the estate being sold

Mr MILDRED hoped the clause would be retained He was aware of properties upon which no rates had been paid since 1851, and although in many instances the amount due might be so trifling that it was not worth while to take any steps to recover, the time would come when the amount would have accumulated to an extent which would render it desirable to bring this clause into operation

Mr MILNE thought the suggestion of the hon member, Mr Townsend, that there should be power to lease as well as to sell, very valuable, and he should certainly support it

Mr REYNOLDS asked whether, if the clause were passed, it would be operative If such a clause existed as they had heard in the Municipal Act, and it was found inoperative, he could not see the utility of introducing a similar clause in this Bill

Mr NEALES thought he had clearly shewn that the clause was operative He had quoted a special case, in which as agent he had special instructions to pay the rates to prevent the estate from being sold

Mr SCAMMELL should support the clause as it stood, considering the amendment which had been proposed would complicate the clause to an unnecessary extent During the period that the District Councils had existed, the want of such a clause as this had been severely felt He had known instances in which the rates had gone on accumulating till they had reached upwards of £30 In these instances the properties were unclaimed, but if they were ever claimed it would be found that they had been materially benefitted by the operations of the District Councils, and consequently should in some shape be rendered liable for the rate

Mr ROGERS should support the clause, believing that it would be found one means of getting at the absentee He knew land in many districts for which no rates had ever been received

The clause was passed as printed, with the amendment proposed by the hon member (Mr Townsend)

Clause 190 provided that the rates due under the Act should be recoverable under the Act

Mr STRANGWAYS said this clause was retrospective, and as he did not consider that any such clause should be introduced without good reason being shown, he moved an amendment to carry out his views

The ATTORNEY-GENERAL said the hon member had better strike out the clause It was quite clear that if, as the hon member proposed, a thing were to be done as though the Act had not passed, there could be no use in the clause Power to recover required to be given by this Act, and it was retrospective in the same way as was the Act to improve the administration of justice, that is, it did not affect the rights of parties, but merely the way in which they were put in force, in the same way, for instance, as the Act recently passed affecting bills of exchange

Mr STRANGWAYS said that if the clause were passed, the District Councils would not be enabled to recover rates, as the Act enabling them to do so was repealed

The clause was passed as printed

Clause 191 provided that a map prepared by a District Council, under the authority of this Act, should be *prima facie* evidence in every Court

Mr PEAKE thought, if maps were to be taken as evidence, the Bill should prescribe some scale upon which they should be drawn He thought the scale should be not less than four chains to an inch, and would move an addition to that effect

Mr STRANGWAYS said that such a scale would make the maps of many districts 25 or 30 feet square, and not only would the cost of preparation be very great, but the cost of taking care of them would also be great

Mr PEAKE did not wish maps of the whole district to be prepared, nor was he wedded to the scale of four chains to the inch, but there should certainly be some uniform scale

Mr MILNE presumed the object of the hon member was to have an authenticated map, and he thought his object would be accomplished by a copy being forwarded to the Survey Office

The ATTORNEY-GENERAL explained that it was intended one map should be kept by the District Councils, and the other forwarded to the office of the Surveyor-General

The clause was passed as printed

Clause 192 provided that the signature of the Chairman should be attached to the minutes, which should be evidence of proceedings

Clause 193 provided that notice published in the *Government Gazette* of any proposition having been adopted at a meeting should be evidence thereof

Clause 194 provided that no writ of certiorari to remove, order for sale, &c of water reserve, should issue after three months from confirmation

Mr STRANGWAYS suggested that it would be desirable to give more extended time, and moved that the time be six months instead of three

The ATTORNEY-GENERAL had no objection to six months in this case, but would point out that this did not affect private rights, but merely an exchange of water reserves

The clause as amended was passed

Clause 195 provided that information under No 9 of 1853 may be laid by Chairman, Clerk, or Ranger

Clause 196 provided that fines against the provisions of the Act might be recovered before two Justices

Clause 197 gave an appeal from the order of the Justices to the Local Court of Full Jurisdiction in Adelaide

Clause 198 provided that the Local Courts of Adelaide might, on appeal, state a case for the Supreme Court

These clauses were passed as printed

Clauses 199, 200, and 201 were agreed to

On clause 202—

Mr STRANGWAYS moved as an amendment on this clause that—

'Any summons or writ sent through the post shall be registered, as in the case of the Electoral Act, and a registration fee paid to the postmaster, not exceeding twopence'

His reason for moving this resolution was to provide means

for proving that the notice was sent, as otherwise the clerk might say he sent the notice and that it was mislaid

The COMMISSIONER OF PUBLIC WORKS had no objection to the amendment

The amendment was then put and carried, and the clause as amended was agreed to

Clauses 203 and 204 were agreed to, as also the schedules, with some trifling verbal amendments in Schedule D

The preamble and title of the Bill were then agreed to

The ATTORNEY GENERAL said that the first clause which he proposed to reconsider was clause 104, and if any hon members wished to recommit any previous clauses, they had better do so now The clause provided that all roads in districts should be under the management of the Councils, and that the Councils should be Commissioners of Roads The hon member for East Torrens (Mr Glyde) proposed an amendment, placing all streets in townships and villages likewise under the control of the Councils He (the Attorney-General) then said that though he approved of the object there might be some objection on principle to the manner in which it was proposed to be carried out, but promised to consider the matter He would now propose an amendment which he thought would reconcile the interests of the public as represented by the Councils, with those of the owners of property in villages and townships He would insert after the word "districts" the words "all streets in such townships or villages dedicated to the public of which dedication five years' uninterrupted use by the public shall be considered sufficient proof" This he believed would be doing no more than the law did at present. He (the Attorney-General) could not give an opinion which would be binding on the House, as he was not in the position of a Judge, but he believed, according to the present law, that if any person laid out a township or village, marked upon the map certain streets, and allowed free use of them to the public for a period of five years, it would amount to an irrecoverable dedication to the public, and it would be impossible in any court of justice to sustain a right to interfere with a full enjoyment of the roads by the public The amendment therefore did not contain anything which was not contained in the common law, but it was to prevent the necessity of continually trying the question in courts of law that it was desirable to lay down a clear and intelligent test The principle was founded not merely upon law but upon substantial common sense and justice If a person laid out a township in which there were certain roads allowed to be used by the public, it was clear that any person dealing in the land would do so on the assumption that the public would be allowed the same freedom of passage as they had previously enjoyed, and it would therefore be unjust to allow the owner of the land the right of stopping up the roads

Mr STRANGWAYS wished to know whether the House was to understand from what had been stated by the hon member, the Attorney-General, that, as the law stood, a five-years' "user" of the road would prevent the owner from enclosing the land again Such might be the case in this colony, but he believed it was not elsewhere But if it was the case here, then there was a means by which the Council, if they were desirous of claiming the roads, could do so under the existing law, inasmuch as they need only declare the roads district roads, and the amount of compensation to be paid by the owners of the soil in such cases would be merely nominal The clause as amended by the hon the Attorney-General would tend to alter the Statute of Limitations

The ATTORNEY-GENERAL repeated the opinion which he had previously expressed, and believed it would be held as law in any court of justice in the British dominions

The amendment was then put and carried, and the clause as amended was agreed to

On clause 112,

Mr HAY moved the insertion after the word "slaughter-houses" in the eighth line, of the words "for large or small cattle or pigs"

The amendment was agreed to

Mr. DUFFIELD moved that in the ninth line the words, "which is situate not less than one mile from the boundary of the City of Adelaide," be struck out Hon members who read the reports of the meetings of the Corporation would find that the greatest difficulties of that body arose from the nuisance of the slaughterhouse, and this nuisance was on the increase, inasmuch as the Corporation had to slaughter not only for the City but for many districts or portions of many districts around it Hon members conversant with the subject would also agree that meat slaughtered outside the legal boundary was not improved by being carried such a distance into town in a spring-cart, as was the custom, and under the morning sun He believed the District Councils would be found quite as well able to attend to the sanitary arrangements of their districts as the Corporation of the City of Adelaide. If hon. members went through the districts, they would find the sanitary arrangements as good and the nuisance arising from slaughtering of cattle not so great as in the city

The COMMISSIONER OF PUBLIC WORKS said that the words proposed to be struck out applied only to a few Councils, and these were in the vicinity of Adelaide It was not attempted to limit the power of the districts generally If the words were not retained, many butchers in Adelaide having property in the districts around sufficient to qualify themselves for seats in the Councils, would build slaughterhouses on the immediate boundaries of the Park Lands, so that there would be one line of slaughterhouses round the city For his part, he should prefer seeing the word "one" struck out, and the word "three" inserted

Mr SOLOMON had much pleasure in seconding the motion for the striking out of the words The hon the Commissioner of Public Works said that if the words were struck out they would have the whole boundaries of the Park Lands studded with slaughterhouses, but the slaughterhouses now were within the city boundary, and the effect of this clause would be to drive every butcher inside the boundary It would not only commit the injustice of compelling butchers from the districts to come into the city slaughterhouse, but it would also increase the nuisance, which he (Mr Solomon) could not see was less a nuisance, from the fact of the city receiving fees from the slaughterhouse

Mr SCAMMELL said the slaughterhouse was not so great a nuisance as it had been He agreed with the hon the Commissioner of Public Works, that if the words were struck out, the Park Lands boundary would be studded with slaughterhouses If there were an abundant supply of water the matter would be of less consequence, or if the nuisance was confined to the mere slaughtering of cattle. But attached to every slaughter-house there was a large piggery, the pigs in which were generally kept in an abominably filthy condition, so that they poisoned the atmosphere around every slaughterhouse The consequence of this was, that if there were several dozen slaughterhouses round the Park Lands, there would be a stench which would soon reach every part of the city, and render every spot in it almost uninhabitable At present the stench came only from one quarter—the direction of the prevailing wind, but if the Park Lands were studded with slaughterhouses, the city would be the centre of a charmed circle (A laugh)

Mr HAY did not know how the clause would drive every butcher within a mile of the city boundary to the City Slaughterhouse Why could these persons not go to the other side of the boundary? But even if the contrary were the case, he should prefer seeing the butchers confined to one slaughterhouse, where there was a sufficient supply of water, and where means were taken to mitigate the nuisance

Dr WARK concurred with the hon the Commissioner of Public Works as to the effect of lessening the distance Hon. members knew that the slaughterhouse was built for sanitary reasons in order to concentrate in one place the vapours and exhalations likely to be injurious to the inhabitants If they did away with the mile boundary the city would be, as had been remarked, surrounded with a circle of piggeries, and the citizens would be in a charmed circle, by which they would be charmed into a state of loathsome disease If the House would make the distance two or even three miles, he would agree to the alteration, but he would not consent to its being less than one mile

On clause 138

Mr HAY moved, that in the second line for the word "persons" the word "ratepayers" be substituted The House knew that otherwise, persons in the meeting might take up time by nominating others for what was termed "a lark" ("Hear, hear," from the Commissioner of Public Works

The amendment was carried, and the clause as amended, agreed to

In clause 149, a similar alteration was made, on the motion of the same hon member

In clause 154, a verbal alteration was made, after considerable discussion

On clause 191 map *prima facie* evidence

Mr PEAKE moved that the clause be amended by inserting the words "which map shall be examined and certified to be correct by the Surveyor-General" The hon member suggested that there should be some uniform scale for the maps, say, four chains to an inch

Mr STRANGWAYS said that on this scale the map of the Encounter Bay district would occupy a space of 25 or 30 square feet, and would involve great expense and loss of time The scale would be about 20 inches to the mile

The ATTORNEY-GENERAL said he would concur in the motion if it was proposed to make the maps conclusive evidence, but that was not the case They were only *prima facie* evidence and it amounted to no more than this, that the duty was to be supposed to have been properly performed until the contrary was shown This would not prevent persons from showing that the map was not properly drawn, but it would be sufficient for the Councils, in cases where the correctness of the map was not challenged Where the accuracy of the map was disputed, a person could call evidence to prove his case The amendment was therefore needless, and it would also have the effect of throwing a great burthen upon the Surveyor-General Indeed, he (the Attorney General) did not see how the Surveyor-General was to decide as to the correctness of the maps Was that gentleman to go and see the whole of the districts mapped, or was the Government to send a surveyor to examine every map and if so who was to bear the expense

Mr PEAKE thought there could be no difficulty in checking the maps, as the bearings and lines were in possession of the Surveyor General

Mr SCAMMELL said if the amendment was passed the House would have to appoint another Surveyor General for the purpose of attending to this duty In many districts, probably not so well known to any other hon member as to

him (Mr Scammell), the number of district roads was so great that the Surveyor-General had only perhaps plans of one out of five of them in his office In some districts not more than one or two out of half a dozen were Government roads

Mr STRANGWAYS asked how the Surveyor-General was to act if, as in the case of Encounter Bay, there were four or five original maps Besides, a large number of the old maps were on so small a scale that when—as was the case in many instances—the field-books were lost, it was impossible to ascertain anything from the maps by means of the scale and compass

Mr ANDREWS thought that as the maps were only to be taken as *prima facie* evidence, the point in question was immaterial

Mr LINDSAY admitted that the maps were only to be *prima facie* evidence, but the object should be to make them as trustworthy as possible As his hon colleague (Mr. Strangways) had stated in many districts the Government maps did not agree with each other, but there might be a number of errors superadded by the surveyors of the District Councils, which the Surveyor-General would be able to correct if his attention was drawn to the maps. It would be a check against errors, though it could not absolutely prevent error The maps would probably be more incorrect if they did not pass under the supervision of the Surveyor-General than if he had seen them

The amendment was lost, and the clause as printed was then agreed to

The House resumed, and the CHAIRMAN having reported the Bill, the adoption of the report was made an Order of the Day for Tuesday

PARLIAMENTARY PRIVILEGES BILL.

The ATTORNEY-GENERAL moved that the report of the Committee on this Bill be adopted

Mr STRANGWAYS moved that the 12th clause be recommitted He had not before him the clause moved by the hon the Attorney General relative to freedom from arrest He had intended to move a proviso that "If any member against whom any civil process may have issued shall leave or attempt to leave this province, such member shall forfeit his claim to privilege" But he thought that might be going too far, and, therefore, he wished to alter the proviso, by inserting the words, "on which process such member, but for his claim to privilege, might be arrested" He thought hon members would not view this proviso in the light in which the hon the Attorney General had seen it Hon members must know that he (Mr Strangways) did not move this amendment, because he had not confidence in the members of that House but many hon members were engaged in mercantile pursuits, and persons engaged in large speculations may be worth thousands of pounds to day, and not worth so many pence in a few days It was not because hon members had the privilege of avoiding their creditors here that they were to go down to the Port and get on board the Havilah or the Burra and start off to Melbourne Hon members should be protected from arrest, whilst they continued members of the House and were attending to their duties as such, and remaining in the colony, but if they attempted to leave they should forfeit their privileges and become liable to arrest. As to the other clauses which referred to the writs of *habeas corpus*, the hon the Attorney-General had admitted that in the event of a *habeas corpus* being applied for, the Speaker's warrant, or verbal order, should be a good plea in bar to action This appeared in the 9th clause The difference between that House and the House of Commons was, that that House only derived its authority from the special Act now before it, and any person arrested under the Act had a right to a *habeas corpus*, in order to see whether the provisions of the Act had been complied with He was desirous that all the offences mentioned in the 5th clause should be dealt with by the ordinary tribunals, and he thought hon members, on reflection, would agree that this would be better than that the House should punish such offences in an arbitrary and summary manner He moved that the 5th and 12th clauses be recommitted

The TREASURER opposed the recommittal of the clauses And first with regard to the fifth clause, he considered the reasons given by the hon member for Encounter Bay very inconclusive The hon member said the offences in that clause should be dealt with by the magistrates and not by the Houses of Parliament He (the Treasurer) thought very good reasons had been assigned for the course proposed Indeed he did not know how the Courts could possibly judge of the degree of punishment to be awarded when they did not witness the contempt

The ATTORNEY GENERAL should oppose the recommittal most decidedly With regard to the 12th clause the question for the House to decide was whether the jailor or any other person in authority being called upon to shew the grounds and reasons of his holding in custody a person by order of one of the Houses of Parliament, whether it was a sufficient return for such person to show that the prisoner was in custody by virtue of such warrant as the Speaker or President was authorized to issue, and as doubt might be raised whether such warrant was sufficient, it was expedient to declare that it should be, and thereby prevent the possibility of any such question being raised With regard to the other clause objected to by the hon member, he (the Attorney General) was as far as anybody from wishing that the privileges of the House should be made the ground of evading the payment of a debt He could fancy, too, that there was no individual of any class who might not be at some time in such a position that he owed money which he was not able to pay He could not see that this remark applied to the people engaged in commerce more than to any others But if the House believed that being a member of the House should protect a person from arrest during the sitting of the House, he could see nothing which rendered it inapplicable in the cases referred to

Mr GLYDE inquired whether in the event of the amendment being negatived he would be in order in moving that the 5th clause be recommitted

The SPEAKER replied in the negative

The House then divided, when there appeared—

AYES 14 —The Treasurer, the Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Andrews, Burford Wark, Duffield, Macdermott, Collinson, Solomon, Hay, Rogers, and Mildred

NOES, 4 —Messrs Strangways, Glyde, Peake, and Lindsay

The report was then adopted, and the third reading made an Order of the Day for Tuesday

WASTE LANDS ACT AMENDMENT BILL

The report on this Bill was adopted, and the third reading made an Order of the Day for Tuesday

CLERKS SALARIES BILL.

The ATTORNEY-GENERAL rose to move the second reading of this Bill In doing so he did not think it necessary to add anything to what he had said on the previous day, when he explained fully the objects of the Government As there was only one clause in the Bill if the principle of the Bill was approved of, he presumed there would be no difference as to the details

Mr LINDSAY considered this a most extraordinary step on the part of the Government He had always understood that the various pension Bills brought before the House were intended to give to the various clerks and persons entitled to an increase of pay some equivalent for what they would lose by the repeal of Act No 9 of 1852 But after having failed in their object, to pass such a Bill as the present seemed to him very like what was called cutting covenants, He considered that the passing of the Bill would be an act highly dishonorable to the House, and if he stood alone he would oppose the second reading

Mr REYNOLDS said, if he understood the matter rightly, the Government had never been able to carry out the Act of '52 in its integrity, and therefore the sooner the House repealed the Bill the better He should support the Government in this matter Under ordinary circumstances he should oppose the second reading being taken so soon after the Bill was introduced, but as it was a matter hon members were quite conversant with he should not do so in this instance

Mr STRANGWAYS understood the hon the Attorney General to say that it was the intention of Government to strike out all good service pay for the year He (Mr Strangways) wished to know whether it was the intention of the Government to provide that there be paid to the clerks such a sum as they received last year—that is to say, whether the Government would take the steps necessary to add to the salaries of Government clerks that portion of pay which would have been payable in case the Civil Service Bill had not been thrown out in the Upper House

The ATTORNEY-GENERAL said it was not the intention to do so for the reasons which he had given on the previous day Last year the Government, with the assistance of the Legislature, recast the whole of the salaries of clerks, these salaries being fixed according to what was supposed to be a reasonable remuneration The Government believing it to be of great importance to have some provision made for superannuation allowances, and being desirous of making provision against being called upon to support decayed public servants, or against being liable to a pressure to retain persons in the Government employment after these persons had ceased to be efficient, had proposed a measure for the purpose Now that the measure was thrown out the Government did not consider this a proper time for adding to the salaries of public officers Hon members did not know the struggle which the Government had to keep down salaries to the point at which they were placed last year All persons were liable to suppose that their services were not remunerated as they ought to be, and consequently heads of departments found claims of this description very much pressed upon them The Government now proposed to pay the salaries without any addition Had the Civil Service Bill passed they proposed an addition in the shape of good-service pay but that Bill was thrown out They now proposed to repeal the old Bill leaving it to the Legislature at a future time, when the prospects of the country might be more cheering, to add something in the shape of good-service pay, if they considered the clerks deserved it

The Bill was then read a second time and went through Committee, and the third reading was made an Order of the Day for Tuesday

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL.

The ATTORNEY-GENERAL hoped to have had the reprint

of this Bill to present to the House, but it had been delayed If hon members, would, however, agree to consider the amendments, which were merely verbal ones they might go on with the Bill at once, if not, the amended reprint would be ready to lay on the table on Tuesday

Mr STRANGWAYS thought they would economise time just as much by waiting until they had the amended print as hammering away at it now

The COMMISSIONER OF PUBLIC WORKS moved that it be an Order of the Day for Wednesday next, which was agreed to

REPORTED DISCOVERY OF GOLD NEAR ECHUNGA

Mr SOLOMON asked the Commissioner of Crown Lands whether there had recently been any claim made for an alleged discovery of gold in the vicinity of Echunga

The COMMISSIONER OF CROWN LANDS said he had heard a rumour of gold having been discovered, and that 17 ozs had been raised from one spot, but that he had had no official information on the subject as yet

GOLD IN THE NEW COUNTRY

Mr REYNOLDS asked the Commissioner of Crown Lands whether in the correspondence which had taken place on the subject of the claims for the alleged gold discoveries in the North, there was any notification of a claim made by Mr Foster He had heard it stated that Mr Foster had lodged a claim as well as Mr Stuart

The COMMISSIONER OF CROWN LANDS said that no correspondence had taken place between the Government and Mr Foster

Mr STRANGWAYS asked whether any fresh correspondence had taken place with Mr Stuart since that which had been printed

The COMMISSIONER OF CROWN LANDS had appended a memorandum to the correspondence already before them, to say that no further communication on the subject had been received

The House then adjourned at a quarter to 4 o'clock until 1 o'clock on Tuesday

LEGISLATIVE COUNCIL

TUESDAY DECEMBER 7

The PRESIDENT took the chair at 2 o'clock

Present—the Hon the Chief Secretary, the Hon H Ayers, the Hon A Forster, the Hon Major O'Halloran, the Hon Dr Everard, the Hon Captain Bagot, the Hon Dr Davies, the Hon Captain Scott, the Hon Captain Hall, the Hon A Scott

SMILLIE ESTATE BILL

The Hon Captain HALL gave notice that on the following Thursday he should move the second reading of the Smillie Estate Bill

MESSAGES FROM THE HOUSE OF ASSEMBLY

Messages were received from the House of Assembly—No 26, containing copy of the resolution requesting the Legislative Council to grant leave to the Hon H Ayers to give evidence before the Select Committee of the House of Assembly upon the subject of taxation No 27, intimating that the Assembly had passed the Parliamentary Privileges Bill, and desiring the concurrence of the Legislative Council therein No 28, intimating that the Assembly had passed Stuart's Lease of Waste Lands Bill, and desiring the concurrence of the Council therein No 29, intimating that the Assembly had passed the Clerks Salaries Act Repeal Bill, and desiring the concurrence of the Council therein

THE HON H AYERS

On the motion of the CHIEF SECRETARY permission was given to the Hon H Ayers to give evidence before a Select Committee of the Assembly upon the question of taxation

PARLIAMENTARY PRIVILEGES BILL

On the motion of the CHIEF SECRETARY the Parliamentary Privileges Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday

STUART'S LEASE OF WASTE LANDS BILL

On the motion of the CHIEF SECRETARY Stuart's Lease of Waste Lands Bill was read a first time, the second reading being made an Order of the Day for the following Thursday

CLERKS' SALARIES ACT REPEAL BILL

On the motion of the CHIEF SECRETARY the Clerks' Salaries Act Repeal Bill was read a first time, the second reading being made an Order of the Day for the following Thursday

THE DATE OF ACTS BILL

The Hon J MORPHETT, in moving that the amendments made by the House of Assembly in the Date of Acts Bill be taken into consideration, said it would be in the recollection of all hon members that he introduced a Bill into the Council entitled "a Bill to prevent Acts from taking effect prior to the passing thereof" That Bill was passed by the Council and was sent to the Assembly for their concurrence The Assembly considered the Bill and sent it back with certain amendments which they prayed the Council to agree to, but he would at once state that he intended to move the amendments be not agreed to

The PRESIDENT said the amendments had better be read

The CLERK read the amendments, which were to the effect that the date at which Bills were assented to should be endorsed upon them by the Clerk of the House in which such Bills originated, whilst the Bill as passed by the Legislative Council provided that all Bills should be endorsed by the Clerk of the Legislative Council

The Hon J MORPHETT said hon members would see the scope of the amendments proposed by the House of Assembly and, he thought, would readily understand the reason that the Council could not agree to them To give effect to this Bill as introduced, he proposed a practice analagous to that which existed in the Imperial Parliament, where one officer was appointed to affix to the Bills the date at which Her Majesty gave her assent to all Bills passed by Parliament The Bill provided that the Clerk of the Legislative Council should be the officer who should affix the date of assent to all Bills passed by the South Australian Parliament, and he considered it was desirable there should be one officer who should be made responsible for the due performance of this duty It was not an attempt, in making this provision, to assume any superior power or privilege, nor an attempt to give the gentleman named any emolument or honor, but it merely provided that a certain duty, which was a very important one as regarded the South Australian Parliament, should be performed by one officer, who should be held responsible for the work It was, indeed, essentially necessary that the duty should be performed by the Clerk of the Legislative Council, because it would be in the recollection of hon members that the Governor had intimated his intention to come down to the Legislative Council and give his assent to all Bills In the Imperial Parliament Her Majesty, or Commissioners appointed for the purpose, give their assent, and the Governor of this colony, representing the Queen had very properly adopted a similar ceremony, and had expressed his intention of always coming to the Legislative Council to give his assent to Bills——

The CHIEF SECRETARY was sorry to interrupt the hon gentleman, but he was not aware of His Excellency having given any such intimation

The Hon J MORPHETT said the hon the Chief Secretary would have an opportunity of replying to the remarks which he was addressing to the House, but as the hon the Chief Secretary did not rise for the purpose of explanation, he was clearly out of order in interrupting him He repeated that the Governor had expressed his intention of giving his assent to Bills in the mode which he had stated

The CHIEF SECRETARY asked the hon gentleman to state when and where

The Hon J MORPHETT said that His Excellency had so stated in answer to the President, and had given effect to that answer by coming to the Council to assent to Bills The last Bills assented to were assented to by His Excellency, in person, and that was a perfectly constitutional course of giving effect to the Acts of the South Australian Parliament This being the case, it was clear that the Clerk of the Legislative Council was the only proper officer to affix upon the Bills the date at which they were assented to The House of Assembly, however, contended that the Clerk of the House of Assembly should affix the date to such Bills as were originated in that House, but how could the Clerk of the Assembly know, except by hearsay, the date at which Bills were assented to, as he could not come into the Legislative Council, and it was, therefore, practically impossible to adopt the amendments of the Assembly He saw no difficulty in carrying out the Bill as it was passed by the Council It was proposed, as the Bill was passed by that House, that the Bills should be endorsed by a gentleman sitting at his post who received the Bills from the President, the President having immediately before received them from the Governor He did not see that any question or difficulty could arise from this course Seeing, then, that they had passed a Bill perfectly analogous to the practice of the Imperial Parliament, and seeing that they could appreciate difficulties likely to arise from any departure from that practice, he felt that they would not be doing justice to themselves or to the country were they to agree to the amendments of the Assembly He therefore moved that the amendments of the Assembly be not agreed to

The Hon Captain BAGOT seconded the motion, thinking it had been clearly shewn by the hon mover that great inconvenience would probably arise if the Bills were marked by the Clerk of the other House He apprehended the great object was uniformity, and as the Bills were assented to in the Legislative Council it was quite evident that the Clerk of that House was the proper officer to endorse upon them the date of passing He apprehended this was purely a clerical operation, and one which did not in any way affect the privileges of either House

The CHIEF SECRETARY rose in explanation of a statement which had been made by the Hon Mr Morphett, that the Governor had intimated his intention of always coming to the Legislative Council for the purpose of assenting to Bills, but he was certainly not aware of any such intimation having been given by His Excellency, and he would point out to hon members, in order to show them how the

case really stood and to enable them to come to a correct conclusion, that there were three courses which the Governor could adopt in giving assent to Bills His Excellency could come personally and give his assent to Bills in the Legislative Council, or he could signify his assent by notice in the *Government Gazette*, or the Governor could by message intimate his assent He merely made this explanation in order that hon members might understand how the case really stood To the best of his knowledge and belief His Excellency had never stated that he would come to that House for the purpose of assenting to Bills, and consequently, the inconvenience contemplated by the Hon J Morphett might not arise

The President put the question that the amendments be not agreed to, which was carried

The Hon J Morphett said, the Council having determined that they could not agree to the amendments proposed by the House of Assembly, he begged to move the appointment of a Committee to draw up reasons stating why they could not

The Hon Captain Bagot seconded the motion, which was carried

The Committee appointed by ballot were Messrs Morphett, Bagot, Forster, Hall, and the Chief Secretary, with leave to report on the following Wednesday

THE IMPOUNDING ACT AMENDMENT BILL

The Hon the Chief Secretary, in moving the second reading of this Bill, said that since the passing of the Impounding Act, No 3 of 1847 great experience had been derived as to its working, and it was thought expedient by the Government, the more effectually to bring that experience into operation, to repeal the Act, and what was beneficial in it to consolidate with the new Bill Some of the alterations proposed by the Bill were important, and others trivial It was proposed that pounds should be properly divided so as to prevent infected cattle from mixing with those which were in good health, and it was provided that there should be a good and sufficient supply of pure water for the cattle The Bill before the House also enabled the keepers of pounds to enter into recognizances before Justices of the Peace in the immediate neighborhood of the pounds, instead of compelling them at considerable expense as heretofore to come to Adelaide The Bill also fixed a penalty upon any one using in any manner his neighbours' cattle, it being no uncommon thing for parties without any felonious intent, to drive off their neighbours' horses or cattle, or to milk their cows The penalties varied from £1 to £20, according to the nature of the offence It also provided that poundkeepers should be supplied with pound-books, for, as up to the present time poundkeepers had found their own books, inconvenience had arisen when the books were required upon the pounds being broken up, in consequence of the poundkeepers detaining the books as their private property Penalties were provided for incorrect notices being given It was provided that the sale of cattle should take place only at the public pounds by licensed auctioneers, but if the poundkeeper were of good character he could obtain an auctioneer's license The Bill prevented any person interested, even in the most remote degree, becoming purchasers of the cattle at sale Provision was made for the closing of pounds consequent upon the malpractices of the poundkeeper, and there was power if parties felt aggrieved to appeal against the decision of the Justices to the Local Court There were a great many other alterations of a minor character, and he would remark that copies of the Bill had been sent to the various District Councils for their consideration, and that it had been kept back for a considerable time in the House of Assembly, where it had been fully considered and ample time allowed for bringing forward amendments

The Hon A Forster seconded the motion for the second reading, which was carried, and upon the motion of the Chief Secretary the House went into Committee upon it

The Hon J Morphett wished to know why it was proposed in the first clause to repeal Act No 8, which was not an Impounding Act, but No 8 had been passed for good and sufficient reasons, and a very good Act it was, to prevent entire horses above the age of one year running loose. It made the owners liable to a penalty for allowing such horses to run loose and although he observed the provisions of that Act carried out in one of the subsequent clauses of the Bill before the House, it would, he thought, be unwise to repeal it, the Act being perfectly well known as one to prevent bulls and entire horses from being at large The title of the present Bill was to consolidate and amend the law relating to impounding cattle, and he could not consequently see that Act No 8 had anything to do with it, or came within the title of the Bill He thought Act No 8 should be omitted in the list of Acts which this Bill proposed to repeal

The Hon the Chief Secretary said the Act referred to by the hon gentleman, to prevent entire horses running loose, had been passed before there was any Impounding Act in the colony When the old Impounding Act was passed it comprehended the Act No 8, although it did not repeal it It would be observed by the schedule that entire horses were specially alluded to in the Bill before the House, they paid a higher charge than other descriptions of cattle, and consequently the necessity for Act No 8 no longer existed

The Hon J Morphett said that under the Impounding Act, as it at present existed, entire horses might be impounded as well as any other description of cattle, but by the Act No 8 independently of the impounding fees, there was a special fine imposed for allowing the entires to run at large His objection to the repeal of the Act to which he had alluded was that he believed that Act was inconsistent with the title of the present Bill Parties might not be aware that the Act relating to the impounding of cattle referred also to entire beasts running at large, and unless the hon the Chief Secretary were prepared to alter the title of the Bill it would be better to allow Act No 8 to remain as at present

The Hon the President thought if the hon member would consider he would agree that it was within the title The existing Act, relative to impounding cattle, contained a similar clause, but still it never repealed the particular Act which had been alluded to

The Hon J Morphett had no objection if it were within the title

Clause 1, repealing certain Acts, and clause 2 relating to the interpretation of terms, were passed as printed

Clause 3, giving certain powers to District Councils, was postponed

The Hon Dr Everard pointed out a discrepancy between the 3rd clause and the 11th, as by the former power was conferred upon the District Councils, whilst by the 11th it appeared that the Justices had power to do everything, both as regarded the impounding fees and the sustenance fees He thought the 3rd clause might be struck out

The Hon the Chief Secretary said clause 3 gave power to the District Councils to carry out the Act, but clause 11 gave the Justices power to alter the schedule

Clauses 4 to 7, relating to the appointment of pounds and poundkeepers, providing that notification in the *Government Gazette* should be evidence of the appointment or removal of a pound or poundkeeper, prohibiting any ranger from being at the same time a poundkeeper, and providing that the pound should be fenced, enclosed, and kept clean and in repair, were passed with verbal amendments.

Clause 8 provided that a constant supply of water should be maintained

The Hon Dr Everard wished "pure" to be inserted before "water"

The Hon Major O'Halloran said cattle generally preferred muddy He would point out that no penalty was provided by this clause, in the event of its provisions not being carried out

The clause was passed as printed

Also, clauses 9 and 10, relating to the fees to be paid to poundkeepers and the rates for trespass

Clause 11 provided that the Justices of the Peace of the province should have a table of charges for food, and estimate rates of ordinary damage, subject to the allowance of the Governor

The Hon Major O'Halloran pointed out that this clause did not in any way dovetail with the 3rd clause He thought it much better that there should be a general meeting of Justices from all parts of the province to decide what would be a fair scale of charges, say for six months It would be impossible to please all parties unless there were some such arrangement as that He thought that Justices should be specially invited from all parts to attend the meeting.

The Hon the President said that notice of the meeting to determine upon a scale of charges was published in the *Government Gazette*

The clause was passed with verbal amendments, also clause 12, providing that poundkeepers should enter into recognizances with sureties

Clause 13 provided that the party aggrieved might impound on his own land cattle trespassing

The Hon Captain Bagot, in reference to this clause, remarked that in 1826 an amended impounding law was introduced in Ireland, its object being to prevent vexatious impounding, and one provision was that whenever the owner was known the person whose property was trespassed upon should send the cattle to the owner and demand the accustomed charge for trespass, upon which he should restore the cattle, or if the amount were not paid he had recourse to the usual proceeding before the Local Court He resided in one of the country parts of Ireland at the time, and had full cognizance of the benefits which were conferred by the introduction of this measure Such a provision might, he thought, be introduced here with great advantage, giving at the same time power to parties to impound upon their own premises He was satisfied that the introduction of such a clause in the present Bill would be attended with most beneficial effects, as there could be no doubt that vexatious impounding was carried on to a great extent If the Council were prepared to consider such a clause, perhaps the best course would be to postpone the clause under discussion

The Hon J Morphett was of opinion that such a clause would be found inoperative, unless the action proposed were made compulsory To make it compulsory might be to inflict greater injury upon the party trespassed upon than the trespass itself Vexatious impounding could not be prevented unless the clause were compulsory He had no objection to make it optional that parties should either give a written notice or drive the cattle to the owner He perceived that the clause rendered it necessary that notice should be given to the owner, but as it was possible that the owner could not

be found, he thought it should be sufficient if the notice were left at the last known place of abode, and would move an amendment to that effect

The Hon Major O'Halloran seconded the amendment

The Hon Captain Scott remarked that a person might impound cattle and not know the owner

The Hon the Chief Secretary said in that case after the cattle had been impounded for three days upon the property of the party trespassed upon, they would be sent to the pound

The Hon Captain Hall said the clause appeared to him to relate specially to impounding cattle the owner of which was known, but where the owner of cattle was unknown, the duty of the party trespassed upon was to send them to pound at once. The clause was, in fact, merely to enable a man to act in a neighbourly manner, but if there were no known owner, certainly his duty was to send the cattle at once to pound

The Hon J Morphett suggested that although a person might know the owner of the cattle he might not know where to find him, there was, therefore, the greater necessity for the amendment which he had suggested

The Hon the Chief Secretary did not see any objection to the proposed amendment If the Hon Mr Morphett liked to press it he did not see it could do any harm

The clause was ultimately postponed

Clause 14, relating to the mode of impounding cattle trespassing and the duty of the person sending them to the pound, was passed as printed It also provided a penalty for impounding contrary to the provisions of the Act

Clause 15 provided that when any cattle were found trespassing upon land within the bounds of any constituted district such cattle should be impounded in the public pound nearest the said land

The Hon J Morphett remarked that whilst this clause said that the cattle should be driven to the nearest pound, the 13th clause said that the party trespassed upon might impound the cattle in his own stockyard and give notice

The Hon A Forster suggested the alteration of "shall" to "may," which he thought would meet the difficulty

The Hon Dr Everard certainly considered that this clause made it imperative upon the individual who found cattle trespassing upon his property to send them to pound, but the party trespassed upon might not be disposed to do so, but disposed rather to put up the gap which the cattle had caused and turn them out As the clause at present stood it seemed to him that if the party trespassed upon did not drive the cattle to a pound he would be liable to a penalty He moved that the clause be struck out

The Hon the Chief Secretary said the clause must be read with other clauses It was not imperative that the cattle should be impounded, but if they were they must be sent to the nearest pound

The Hon A Forster imagined the intention was that the cattle should be sent to the nearest pound in the district He thought his former suggestion that "may" should be substituted for "shall," would meet the difficulty

The Hon H Ayers saw no necessity at all for the 15th clause, as the 14th provided for impounding cattle in the nearest pound to the land trespassed upon, irrespective of the district He should support the amendment of the Hon Dr Everard that the clause be struck out

The Hon Captain Hall would like to hear from the hon the Chief Secretary whether there was not some special meaning in this clause, and whether it did not refer specially to a district in contradistinction to the clause which preceded it Whether it might not be intended for the purpose of giving District Councils power to impound cattle from public lands, the previous clause referring to private lands In the district of Mitcham cattle were constantly trespassing upon the roads of the district, and he believed the District Council had no power to interfere

The Hon the Chief Secretary proposed to strike out the word "District" and insert "District Councils" He believed the object of the clause was merely that cattle should be impounded in the nearest pound irrespective of the district

The Hon H Ayers could understand the new light thrown upon the question by the Hon Captain Hall, but the clause did not say anything of the kind suggested by the hon gentleman If the object were merely that the cattle should be impounded in the nearest pound that was sufficiently provided for by the 14th clause

The Hon Capt Scott took the same view as the Hon Capt Hall, that the clause was intended to give District Councils the power of impounding cattle trespassing upon public lands, although it was not so expressed, but he thought it was intended to have that effect, from the circumstance of the previous clause referring to private property

The Hon Capt Hall suggested the insertion of the words "roads or public lands" That would give the District Councils the power of impounding cattle from such spots, and would define where they should be impounded He was perfectly aware of the great nuisance arising from cattle straying upon public lands, and it certainly struck him that this clause was inserted with the view of giving District Councils the power of impounding

The Hon J Morphett pointed out that if this amendment were introduced it would entirely alter the character of the Bill The Bill introduced by the Chief Secretary was to protect parties from the trespassing of stray cattle, but the amendment proposed by the Hon Captain Hall gave the Bill quite a different character, and he thought the Council should hesitate before they adopted it This was quite clear, that if the amendment were carried any poor man's goat, cow, or horse, which happened to be astray upon the road side would be liable to be driven to the nearest pound That was a very different proposition from the Bill as introduced by the Chief Secretary, which was merely to protect the owners of land from the trespasses of their neighbours' cattle He should not be disposed in this indirect way to introduce an entirely new element in the Bill, but if the hon the Chief Secretary thought fit he could introduce a separate measure upon the subject

The Hon Dr Davies remarked that the Council were making but slow progress with the Bill, which he believed might be attributed to hon gentlemen not having made themselves acquainted with all the provisions of the Bill, for clause 40 contained all that the Hon Mr Morphett had been talking about,

The Hon Major O'Halloran fully agreed with the Hon. Captain Hall as to the nuisance arising from stray cattle upon public lands No doubt they did an infinity of harm. Some idea of the real meaning of the clause might he thought be gathered from the 6th clause by which it could be seen that Rangers were appointed He should be sorry to see the clause struck out

The Hon A Scott considered the 15th clause merely a repetition of the first four lines of the 14th clause, and he could not understand why they wanted it in duplicate He should vote for the clause being struck out

The Hon A. Forster thought the intention was to give power to the District Councils to impound cattle, and if there were no other clause than No 14, he questioned whether that public body would have the power The former District Council Act provided for the impounding of cattle from public lands, and the Brighton District Council took that power and others throughout the colony No doubt this clause was intended to carry out that intention He thought if the words "Municipal Corporation and District Council" were introduced, all difficulty would be removed

The Hon H Ayers remarked that full power to impound was given to the District Councils by the 40th clause, as hon. members would see on reference to it

The clause was retained by a majority of one, the votes on a division being Ayes 6, Noes 5, as follow -

Ayes—Messrs Forster Davies, O'Halloran, Hall, Captain Scott, Chief Secretary (teller)

Noes—Messrs A Scott, Everard, Bagot, Morphett, Ayers (teller)

Upon the motion of the Hon the Chief Secretary, "Municipal Council" was inserted for Constituted District

The Hon J Morphett wished to move a further amendment As the clause at present stood, parties would be obliged to impound cattle trespassing upon public lands, but the amendment which he wished to introduce would make the clause consonant with the 13th

The Hon A Forster reminded the hon gentleman, that the 13th clause had been postponed

The Hon J Morphett said it was so, but it would be remembered that the 13th clause provided that the party trespassed upon might put the cattle in his own stockyard, whilst the 15th rendered it imperative that the cattle should be sent to pound He wished to insert "public" before lands, so as to exempt private lands altogether from the operations of this clause.

The Hon Major O'Halloran hoped a proviso would be introduced with the view of protecting burying-grounds and graveyards, which were shamefully trespassed upon

The Hon H Ayers remarked that in such cases the Trustees had power to impound

The Hon the Chief Secretary thought if hon members would refer to the 40th clause they would see that it met all objections He did not see that there should be any limitation as to the description of property The 15th clause must of course be read in connection with other clauses, and it merely intended to convey, that when cattle were impounded at all they must be impounded in the nearest pound

The Hon J Morphett said clause 40 could not override clause 15, and certainly, according to the grammatical construction of that clause, there would be an obligation on the part of any individual whose lands were trespassed on, to send them to the pound The clause distinctly said, "shall send them to the pound "

The Hon Captain Bagot thought they were departing altogether from the true meaning of the clause The clause was merely to show that the cattle must be impounded in the nearest pound, the object being, he presumed, to prevent vexation to the owner by the cattle being impounded a long distance off The clause, however, did not convey this meaning as clearly as it ought, but it could easily be altered to show what was its true meaning He would suggest that instead of "found," the words "impounded for trespassing" be inserted

The Hon J Morphett said the views of the Hon Capt Bagot so entirely agreed with his own that he should be happy to withdraw his amendment, and second that of the Hon Capt. Bagot.

The Hon Captain Hall hoped the Hon Mr Morphett would not withdraw his amendment, as he was satisfied the

clause had not been inserted without some intention He took that intention to be different either from the 13th or 40th clause The 13th referred to private property, and the 15th to public lands In the 40th clause there was no provision beyond the Ranger having power to impound cattle. He did not think the clause could be improved beyond the proposition of the Hon Mr Morphett, by the insertion of the word "public" before lands

The Hon Dr Davies pointed out that if the clause were worded "If upon cattle being impounded for trespass" it would be implied that they might be impounded for something else

The Hon Captain Scott feared that the amendment of the Hon Captain Bagot did not meet the case The 13th clause gave power to private individuals to impound cattle upon their own premises for a certain time, but the clause under discussion, if amended, as was suggested by the Hon Captain Bagot would take away that power The amendment of the Hon Mr Morphett would leave parties at liberty to impound upon their own lands if they thought proper to do so

The Hon Captain Hall believed if the Hon Mr Morphett would adhere to his amendment every difficulty would be done away with

After some further discussion,

The Hon H Ayers suggested that hon members should withdraw their amendments, and that the Chief Secretary should consult the framers of the Bill as to the true meaning of the clause.

This suggestion was adopted, and, the clause was postponed

Clause 16, providing that the poundkeeper should have a copy of the Act, and also a pound book form, and the requisites of the latter, was passed as printed Also, clauses 17 to 20, providing that the poundkeeper should keep a board of fees and charges, and rates of ordinary damage, defining the duty and responsibility of poundkeepers, that cattle should only be delivered between sunrise nad sunset, and that the party impounding should not be liable for fees

Clause 21 provided that stray cattle should not be taken away without notice to owner of run where they were

The Hon H Ayers opposed this clause on account of its arbitrary character It was particularly objectionable here, where most of the communications were by bullock-drays He believed the object of the clause was to prevent people from going upon runs, and driving off cattle, and making improper use of them, but this might be done by restricting them from driving any cattle other than their own The hon gentleman moved an amendment to that effect

The Hon Capt Bagot seconded the amendment, believing that if the clause were passed as it stood it would prove most vexatious, particularly to bullock-drivers He believed the clause was originally introduced for the protection of the squatters, but for the protection of another class it had been shown that the amendment was most necessary

The Hon the Chief Secretary feared that the amendment would be found impracticable If the hon gentleman had ever ridden after stock he would know the difficulty of cutting out a particular beast from 20 or 30 It would be found necessary to drive the whole lot to the stockyard in order to get the particular one However desirable the amendment might be in theory, it would be found impracticable, and would leave the squatters without that protection which they were entitled to People made a trade of preying upon the squatters by driving off their cattle, having a few head of their own by way of a blind Although the amendment might prove beneficial to the bullock-drivers, it would be found against the public interest

The Hon H Ayers denied that it was impracticable, and stated that the Government in granting leases to the squatters made a reserve in favor of bullocks travelling upon the roads

The Hon Captain Bagot had every commisseration for the poor and oppressed squatters, but feared this clause would prejudicially affect a very meritorious class

The Hon John Morphett was disposed to support the clause as it stood, feeling it was necessary to give protection to a very important class—the squatters Great injustice would be done to them by giving permission to persons to cut out their own cattle It was incalculable what mischief was done to the squatters by the present system, as their cattle were scattered all over the country, and many of them were never recovered

The clause was passed as printed, with verbal amendments

Clause 22 imposed a penalty upon parties using cattle without the consent of the owner It was verbally amended and passed

Clause 23 gave power to the parties trespassed upon to destroy by any means except by poison any goats, pigs, poultry, or rabbits trespassing

The Hon Captain Bagot thought this clause rather severe Pigs were quite as valuable as large cattle, and it would be a great hardship upon the owner to give a party the power of destroying a pig worth several pounds, because it had done damage to the extent perhaps of a few shillings He should move that pigs be struck out

The Hon the Chief Secretary said if pigs got into a valuable garden the probability was they did damage to the extent of many pounds The animals, however, could not be shot at once as due notice must be given

The Hon Dr Everard thought the clause should stand as it was, as pigs were very easily confined, and there was no excuse for their being at large

The amendment of the Hon Capt Bagot was not seconded

The Hon J Morphett suggested that rabbits should be excluded from the operations of the clause, as it might be expected they would shortly be viewed as wild animals, such as opossums In several parts of the province they had burrowed, and the injury which they did to young trees was very great He thought that, whenever rabbits were met with, they ought to be shot without notice He did not see how any notice could be given, as, if the animals belonged to private individuals the probability was that they would be kept in hutches, and not allowed to go at large He was much troubled himself with rabbits, which had originally been tame, but had been turned out and become wild

The Hon the Chief Secretary said the clause referred to valuable fancy rabbits, but those referred to by the hon member came under the description of game animals, and might be shot by anyone

The clause was passed as printed, and the Chairman reported progress, and obtained leave sit again on the following day

The House adjourned at five minutes to 5 o'clock, till 2 o clock on the following day

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HOUSE OF ASSEMBLY

Tuesday, December 7

The Speaker took the chair shortly after 1 o'clock

MR B H BABBAGE

Mr Barrow presented a petition from Mr B H Babbage, praying the House to grant such enquiry into all the circumstances connected with the expedition to the north as might be satisfactory to the public on the one hand, and to Mr Babbage on the other

The petition was received and read

ENGINEER TO THE WATERWORKS

Mr Reynolds gave notice that, on the following day, in addition to the question which he had intimated his intention of putting to the Commissioner of Public Works, he should ask whether the late Engineer to the Waterworks Commissioners had been employed by the Government upon any railway, and, if so, when he ceased to be employed.

MR B H BABBAGE

Mr Barrow gave notice that, on the following day, he should move the petition presented by him from Mr Babbage be printed

THE REAL PROPERTY ACT

The Attorney-General gave notice that, on the following day, he should move for leave to introduce a Bill to amend *the Real Property Act*

THE RIVER WEIR

Mr Reynolds asked the Commissioner of Public Works whether the Commission appointed to examine the River Weir had yet reported A Council Paper upon the table of the House showed that the engineers appointed to examine the Weir had not, at the date of that paper, concluded their examination of the structure He wished to know whether they had since done so, and, if so, whether they had reported upon the subject

The Commissioner of Public Works said the report upon the table was the only one which had been made No report had been made upon the Reservoir

JETTY AT MYPONGA

Mr Strangways was desirous of asking the Commissioner of Public Works a question in reference to the Jetty at Myponga. A sum of money had been voted for the purpose two years since, and the settlers were desirous of availing themselves of the jetty for the purpose of enabling them to ship their produce Was the hon gentleman prepared to state whether the settlers would receive the accommodation during the ensuing season?

The Commissioner of Public Works could only repeat the answer which he had given to the hon member on a previous occasion to a similar question, that until he had personally visited the spot he could not give a definite answer as to the course which the Government would pursue

THE RIVER WEIR.

Mr Reynolds asked the Commissioner of Public Works whether the House were to understand that the only report of the Commission appointed to examine the River Weir was that which was before the House? Would there be no further report?

The Commissioner of Public Works believed that there would be no further report from the gentlemen who had been appointed

MR B H BABBAGE

Mr Barrow gave notice that on the following Friday he should move the petition presented by him from Mr B H Babbage be taken into consideration with the view of granting the prayer thereof

BOARDS OF PUBLIC WORKS

Mr Reynolds said perhaps the hon the Attorney General

would answer the question of which he (Mr Reynolds) had given notice for the preceding Friday, but which he had postponed to meet the convenience of the Attorney-General —

"That he will ask the hon the Attorney-General (Mr Hanson) whether it is the intention of the Government to introduce, during the present session, any measure to bring the various Boards of Public Works into more direct responsibility to the Government"

The ATTORNEY-GENERAL would state, in reply to the question, that it was the intention of the Government to introduce a short Act for the purpose of bringing the various Boards of public works into more direct responsibility to the Government

Mr REYNOLDS wished to know whether it was likely that the Bill would be shortly introduced

The ATTORNEY-GENERAL said it would probably be introduced during the current week, possibly on the following day

LANDS TITLES COMMISSIONERS

Mr STRANGWAYS wished again to ask the Attorney-General whether it was true that Mr Belt one of the Solicitors to the Lands Titles Commissioners, had resigned his appointment, and whether at the time the question was previously answered Mr Belt had not substantially resigned his appointment

The ATTORNEY-GENERAL, in answer to the first part of the question, stated that he knew nothing officially upon the subject, but he would make enquiries, and give the hon member a precise answer In reference to the latter part of the question, the answer which he read was the answer which he received from the Registrar-General, and he had no reason to suppose that it was otherwise than the direct and simple truth

RUMOURED LOSS OF MR MACDONALD'S SHEPHERD

Mr BARROW asked the Commissioner of Crown Lands whether the Government had received any information relative to the alleged loss of one of Mr Macdonald's shepherds, whilst coming with sheep from the Elizabeth to the settled districts, and if so whether the police at Port Augusta had taken any steps in the matter?

The COMMISSIONER OF CROWN LANDS said he had not the slightest information upon the subject

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the report of the Committee of the whole House upon the District Councils Act Amendment Bill was adopted, and the third reading made an Order of the Day for the following day

THE HON H AYERS

Upon the motion of the TREASURER a message was directed to be sent to the Legislative Council, requesting that permission might be given to the Hon H Ayers to give evidence before the Select Committee of the House of Assembly upon the subject of taxation

PARLIAMENTARY PRIVILEGES' BILL

The ATTORNEY-GENERAL having moved the third reading of the Parliamentary Privileges Bill,

Mr STRANGWAYS moved that it be recommitted, his principal object being to take into consideration amendments which he had suggested when the Bill was previously before the House It was, he considered, most desirable to prevent members of the Legislature from availing themselves of the privileges conferred upon them by this Bill, by which they would be enabled to leave the colony to the prejudice of other persons Another objection which he had to the Bill was that it conferred upon that House powers of punishing offences which they would not otherwise possess He had, however, so frequently alluded to his objections to the Bill, that he would not take up the time of the House by further alluding to them, but would merely move that the Bill be recommitted for the purpose of taking the sense of the House upon the amendment which he was prepared to submit, to the effect that any member against whom any civil process had issued should forfeit his privilege if detected in an attempt to leave the colony

Mr REYNOLDS seconded the motion for the recommittal of the Bill, as he confessed that upon further looking through it, he found it not satisfactory to his mind He must take blame to himself for not having previously opposed certain portions of the Bill The Bill was in Committee, however, and progress had been made in it to some extent before he entered the House, and he was, consequently, precluded from making those observations which he now felt called upon to make It might look like factious opposition that he should oppose the Bill at the third reading, but he trusted the Government would exonerate him from that, as he could assure them that he was not actuated by any such feeling He thought there was a great deal in what had been said by the hon member for Encounter Bay that parties might take advantage of the privileges conferred upon them by this Bill, and absent themselves from the colony, thus preventing arrest He thought that members of the Legislature should be as liable to arrest as any other members of the community He did not like any member of that House to possess such privileges as this Bill proposed to give him, because he thought members could do very well without them A great number of the members of that House were connected with commerce, and they ought not to be placed in such a position upon their privileges that they could absent themselves from the colony and set their creditors at defiance Again, he would ask how were the contempts which it was proposed by the Bill the House should deal with to be proved? Was the mere statement of a member that he had been assaulted or insulted on his way to the House to be held sufficient? Were parties to be arrested on the mere statement of any hon member? He could not understand how it was proposed to give effect to the Bill, so vague was the 5th clause It would be much better that the Bill should be recommitted, in order that amendments might be made, otherwise he feared they would be giving the other branch of the Legislature more work with this Bill than any other which had been sent to them That would be a calamity indeed, and he therefore hoped the Bill would be made as perfect as possible before being sent to the other House

Mr HAY was something like the members who had previously spoken, for he had been absent during a portion of the time that the Bill had been under discussion, and had not had an opportunity of observing its various provisions He had not until recently observed that the Bill conferred upon members of the Legislature freedom from arrest but when he saw by the 15th clause that members were to have freedom from arrest for seven days before and after the House meeting, and whilst the House was in session, he felt bound to oppose such a provision He had always been opposed to such a provision, and had opposed it when it was under discussion on a former occasion He trusted the Bill would be recommitted, and that any such clause would be struck out To give such privileges to members of that House would be placing them in a position different from other members of the community and he did not think this ought to be If this privilege were conceded, it was impossible to say what might be the consequences, for, although he hoped the House would never be so disgraced, it was quite possible that a member might one week buy 50 or 100 tons of flour, promising to pay for it during the ensuing week, and after putting off payment from time to time, absent himself from the colony, and though his creditors saw him on the wharf, ready to take his departure by the steamer, they would be afraid to have him arrested, indeed, he could not be arrested if this Bill were passed in its present shape He was also desirous of moving amendments in reference to the clauses relating to contempt The Bill had been but a very short time before the House and hon members really had not had time to study its provisions Having got on very well so far without any such provisions as the Bill contained, he trusted it would be recommitted

Mr MCELLISTER supported the motion for the recommittal of the Bill remarking that he had been always opposed to conceding to members of the Legislature freedom from arrest If a member of that House incurred a debt, he was bound to pay it in the same way as any other member of the community would be bound He was also opposed to the clause which inflicted punishment upon any one assaulting or insulting a member whilst coming to that House He meant that he was opposed to any power being given to the House to inflict punishment for members had the same law to protect them as others He had no objection to make the law as stringent as possible to protect members whilst inside the House, but he objected to members having any further protection outside than that which was enjoyed by every member of the community He hoped the Government would assent to the recommittal of the Bill

Mr GLYDE supported the motion for the recommittal of the Bill for various reasons It would require numerous alterations to make it perfect It had been passed through its various stages with alarming rapidity, and it was not until very recently that he had an opportunity of carefully perusing it The second clause he thought required alteration, as it was desirable that the notice or summons to attend should be served personally To leave the summons at the last known place of abode was he thought not sufficient It was also desirable to alter the fourth clause, so as to provide for the case of a party refusing to attend That at present was not provided for, provision being made merely in the case of his refusing to answer questions In the fifth clause he should like also to see an alteration, although it had not been thought necessary by the Attorney-General, but as he read the clause it certainly appeared to him that the Upper House could punish any member of the Assembly for not attending There were numerous objections which he entertained to the Bill, but he principally objected to the 15th clause, and if the opponents of that clause were not strong enough to strike it out, he should move in addition to it by which members would forfeit their privilege if they were detected in the act of bolting Those were the sins of commission in the Bill, but it appeared to him there were also certain sins of omission He could not see why the Attorney-General should shrink from the responsibility of trying to define the relations between the two Houses of Legislature Numerous discussions had taken place upon the subject, and he considered that the Bill before the House was a proper one in which to define what was a Money Bill, and how Money Bills should be treated by both Houses in relation to each other He should support the motion for the recommittal of the Bill

Mr SOLOMON was certainly present on the previous Friday upon the second reading of the Bill, but was in a great hurry and had not had an opportunity of considering the various provisions of the Bill. He had since looked carefully through it, and although he had voted for the second reading of the Bill, he had on reconsideration, thought there were many portions which were clearly not necessary, and therefore ought not to be passed. He should consequently support the motion for the recommittal of the Bill, which he considered a most important one, but which, in its present shape, he believed would be found opposed to the interests of the entire community. He did not think, from the manner in which members of that House were usually selected by the different constituencies, there was any necessity to guard against the incarceration of members by giving them freedom from arrest during the session. The amount of respectability appertaining to gentlemen usually returned to that or the other House rendered it, he thought, almost superfluous to have a clause of this description upon the laws. He had great pleasure in supporting the motion of the hon member for Encounter Bay, feeling that the House had very hurriedly assented to the second reading of the Bill, and that it was one which should not be passed without due and proper consideration.

Mr LINDSAY also supported the motion for the recommittal of the Bill. The House too often hurriedly assented to measures which were consequently afterwards found defective. He was not quite satisfied with the arguments of the hon member for the city (Mr Solomon) relative to freedom from arrest, who thought it quite possible that no great harm might arise, no material injury to the interests of the colony generally, from the incarceration of one or two hon members. (Mr Solomon said what he had stated was that he did not believe occasion would arise for their arrest. He was misrepresented—quite unintentionally, he was sure—by the hon member.) In the various political changes which took place, it was perfectly possible that even this free country would merge into despotism. Any unprincipled Ministry, might consequently arrange the arrest of half a dozen members, and in their absence pass some obnoxious measure. It was by an ingenious contrivance of this kind that the Emperor of the French obtained the position which he at present held. If he had not been able to arrest persons who were obnoxious to him, he would not have been Emperor at the present time.

The ATTORNEY-GENERAL said as no other hon member appeared disposed to address the House, he would make a few remarks. It would be remembered that this Bill had been introduced in accordance with what he might say was the distinctly expressed wish of the House. The House had expressed a wish that some measure should be introduced to define the privileges of members of the Legislature. The Bill was read a second time, and the particular question now raised was discussed, and the principle of the Bill affirmed by a full House. On the motion for the adoption of the report, the question was again discussed, and again in a full House was the principle embodied in this Bill affirmed. He therefore felt compelled to oppose the recommittal of the Bill for the same reason which had induced him to adopt the suggestion of the hon member for East Torrens—to embody such a clause in the Bill, and to support it when the adoption of the report was under consideration. The clause which had been referred to as giving freedom from arrest was not for the protection of individual members, the Government having nothing to do with the protection of individual members in their private character, but what they had to do was to take care that those who were elected by a constituency to represent their interests in the Legislature of the colony should be saved against any interference with the discharge of their duties, such as would deprive their constituents of their services at a critical juncture. That was the reason that this clause was introduced. It was not introduced to enable any hon member to avoid payment of a just claim, nor would any hon member of that House, by his vote, enable any one else to have such a privilege for such a purpose. It was not a question between A and B merchants and C and D creditors, but a question between a constituency and their representative and to enable the representative to exercise a power at a particular time, which it was most important for those who sent him to that House that he should exercise at a particular juncture. It was of the utmost importance that he should be enabled to record his vote upon a particular question, upon which it was equally important to others that he should be prevented from recording it. That was the only reason that such a clause had been proposed, and that he believed was the only reason that the House had for assenting to it. Looking at it in that light the question was whether the amendment which was proposed would not defeat the object with which the clause had been introduced. The object was that no representative at a particular conjuncture should be prevented from recording his opinions because he had been arrested upon some civil matter. If that were the object, how would it be secured if the amendment proposed were carried? If it were said that a member was to have no protection at all in the event of attempting to leave the colony, a person had only to make affidavit that so and so was about to leave the colony, and immediately the writ would issue. The member would then be deprived of an opportunity of recording his vote upon the question of such vital importance to the constituency who elected him, and the matter in reference to which the writ had been issued could not be enquired into until after the difficulty had arisen. Upon the writ issuing the member would be deprived of his privilege, the inconvenience to the public would have been occasioned, and it would be altogether useless to enquire whether there had been sufficient grounds for the assertion that he was about to leave the colony or not. He opposed the recommittal of the Bill upon that point, and with regard to others which had been suggested he would remark that House stood in the same position as a Court of Justice. If parties who had been summoned to attend a Court of Justice as witnesses were assaulted or menaced with the view of preventing them from obeying the order of the Court, the Court upon being informed of such a procedure could deal with it in a summary way. The question was, whether the House in matters of that sort would act for the vindication of their own rights or remit the vindication to another tribunal. If the House decided that they were not the proper judges of their own privileges, which were held inherent in the constitution in all other parts of the world—if they decided that they should not punish breaches of those privileges—if, in fact, the House desired to abandon their claim to do so, then they could negative the third reading of the Bill, and leave their rights and privileges upon the same footing as those of every other member of the community. The powers conferred by this Bill did not strengthen the Government at all. If, however, the House were still of opinion that their privileges should be defined, and that they should have power to protect them, they should pass the Bill in its present shape. After the question had been twice discussed and two resolutions had been arrived at by decided majorities of the House, he felt it his duty to oppose the recommittal of the Bill.

The SPEAKER put the question "That the words proposed to be omitted stand part of the question," which was carried by a majority of two, the votes—Ayes 13, noes 11,—being as follow. The effect, of course, was that the Bill was read a third time:—

AYES, 13.—The Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Townsend, Burford, Macdermott, Cole, Scammell, Milne, Hallett, Rogers, Collinson, and the Attorney-General (teller).

NOES, 11.—Messrs Reynolds, Lindsay, Peake, Glyde, Hay, Hawker, Barrow, Solomon, Shannon, McEllister, Strangways (teller).

Mr STRANGWAYS was desirous of moving without remark that the Bill be read a third time that day six months.

The SPEAKER said this could not be put, and the Bill was then passed, and ordered to be transmitted by message to the Legislative Council, desiring their concurrence therein.

STUART'S LEASES OF WASTE LANDS BILL

Upon the motion of the COMMISSIONER OF CROWN LANDS this Bill was read a third time and passed, and ordered to be transmitted by message to the Legislative Council, desiring their concurrence therein.

CLERKS SALARIES ACT REPEAL BILL

Upon the motion of the ATTORNEY-GENERAL this Bill was read a third time and passed, and ordered to be transmitted by message to the Legislative Council, desiring their concurrence therein.

THE CENTRAL ROAD BOARD

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return, shewing the proposed application of £25,000 by the Central Road Board during the first half-year of 1859. Ordered to be printed.

THE ESTIMATES

The House then went into Committee on the Estimates.

Mr SOLOMON objected to going over the same ground which had been traversed before, but as the Ministry appeared to put the onus upon members of suggesting where retrenchment might be made, he would now move that the salary of the Government Printer be reduced to £175. He did so as he believed that it was mere mechanical skill which was required, and he considered that there was an injustice in the disproportion between the amount paid to this officer and the Clerk and Reader.

The ATTORNEY-GENERAL said that the Government Printer was not merely a person of very great experience and ability—a fact which he believed was known to many hon members, and to every person acquainted with that officer—but that upon him depended the whole organization of the department over which he presided. The printing department was one of the most costly in the Government service, and merely depended on the arrangements carried out by the printer, so that it was essential to have the services of an efficient person. Persons who knew the nature of the duties must know that the sum proposed was not more than would secure the services of a qualified person, and if an inefficient person was employed, the department would cost perhaps four or five times the amount proposed.

Mr SOLOMON said that hon members were again met by the same arguments with which every member who proposed a retrenchment had been met. He believed the salary was sufficient for the duties. He was sorry to be compelled to adopt the course which he was now compelled to take, but when hon members attempted to make a general retrenchment, they were met by

being asked to point out where the retrenchment should be effected, and when they did this they were met by a representation of the high character of the gentleman who filled the position under consideration, and the necessity of having a competent person to fill it He believed that every hon member would agree that they should have competent persons, but whatever amount of abuse he might incur out of doors, if he stood alone, he should oppose this item. He believed that persons equally competent with this gentleman could be procured for a smaller amount than that on the Estimates, and that the work could be done more economically by tender He would move that the sum be reduced to £175

The COMMISSIONER OF PUBLIC WORKS quite agreed with the hon member that, if he thought the sum too much, he should stand up against it, even though he stood alone, but he could not agree with that hon member that any undue onus or burthen rested on him in the consideration of the Estimates When he (Mr Blyth) was a private member of the House the same onus rested on him (Hear, hear) There was no onus thrown upon any hon member which was not imposed upon him when he became a member of that House If the hon member had the advantage of a little experience of printing by tender, he would not have said that the work could be done cheaper by that means There had been a considerable part of the Government printing done in private establishments, and it was found that in the Government office the work was done much more economically With regard to the item before the House, he felt that he need not eulogise the gentleman who filled the office of Government printer, whose qualifications he believed were as well known to the hon member (Mr Solomon) as to any person, but he considered the salary a moderate and fair one and should, therefore, vote for it

Mr LINDSAY could not see how the House was to go on reducing the items separately If there was to be a retrenchment he would prefer a per centage commencing with the heads of departments, and going gradually downwards, as he presumed that the salaries were at present in a fair proportion

Mr HAY would support the item—(" hear, hear" from the Commissioner of Public Works)—as the salary was not above what a person competent for the duties ought to be paid The printer was not like an ordinary clerk, as the person who filled this office must have served an apprenticeship, must know the department, and must see that it was properly conducted He (Mr Hay) believed the Government Printer was competent for his duty, and that, if he had remained in private establishments he would receive more than the sum set down, and that other persons, with less responsibility, received as much Whilst desirous of cutting down the expenditure, he (Mr Hay) would not deprive any individual of the remuneration which he deserved He believed that this officer fulfilled his duty If any statement to the contrary were made, he (Mr Hay) should dismiss the printer but, unless that officer did neglect his duty, he (Mr Hay) considered the salary not too large

Mr REYNOLDS believed the printer to be one of the most efficient officers in the Government service, and was therefore disposed to pay that officer well, as otherwise there would be a number of drones to maintain He felt the inconvenience of dealing with the items separately, as whenever it was proposed to reduce the pay of an officer, the House found that that officer was one of the most efficient or indispensable men in the service (Laughter) He thought they would have to adopt the suggestion of the hon member for East Torrens, or the Burra and Clare, for it had been made by so many hon members, that he could not say which, and that the House would have to deal with the totals after all It would be just as well to oppose the items in a lump sum when the Appropriation Act came before the House, and if hon gentlemen on the other side then said they could not get on with the amount, they must give way to those who could make it answer (Laughter) Then, if heads of departments said "we cannot make reductions," the Government would have to say "you must," and matters must come to that point before the Estimates were reduced to a proper amount There was another idea which he (Mr Reynolds) had thrown out before, though the House had not taken hold of it, and he would now throw it out again It was necessary to increase the working hours of Government clerks, and without any serious detriment to these persons, the hours should be made from 9 to 5 instead of from 10 to 4, by which means the country would obtain a third more work This would be paying men well for working them a little more, and this he (Mr Reynolds) considered a very important matter

Mr STRANGWAYS approved of the suggestion of the hon member (Mr Reynolds), but preferred that of the hon member (Mr Glyde), who proposed to adopt the Melbourne Audit system, which would enable the Treasurer to put as much money in his pocket as he liked (Laughter) The proposal would relieve the Government of one of their most obnoxious duties—that of apportioning money The Treasurer would go into the cheapest market without any regard to efficiency, for under the new system there would be no means of checking him, and an audit would be quite superfluous He (Mr Strangways) was not in the habit of supporting the Government, but he should do so in this instance If hon members were to object to each item of expenditure, some one would have to prepare fresh Estimates and ask the House to adopt them This would be the duty of a new Treasurer, but he (Mr Strangways) did not think that any hon member was prepared to bring in fresh Estimates as he had no doubt that some hon member had an objection to almost every item Hon members would find that the present item was about as low as it should be, having due regard to the efficiency of the public service He (Mr Strangways) did not wish to cut down officers in the Government service to the lowest possible point, or to over work them, but he considered six or eight hours' hard work—and, notwithstanding all that had been said, many Government officers had that amount—was as much as any ordinary man could accomplish He thought it better to pay a fair day's salary for a fair day's work than an unfair day's pay for inefficient work As to the Government printing, an immense deal of work was occasioned by votes of the House He believed the majority of the salaries were as low as it was possible to bring them

Mr BARROW congratulated the hon member for Encounter Bay (Mr Strangways) on his humorous speech, but thought the hon member had substituted bad jokes for good arguments He (Mr Barrow) could not tell why the hon member had such a "down" upon the audit system of Melbourne In Melbourne persons would scarcely be of the same opinion There was at least one advantage connected with the Melbourne audit system, viz, that the result of the audit was published quickly (No, no) The hon member might cry "no, no," but he (Mr Barrow) said emphatically "yes, yes" (Hear, hear) He had seen the accounts published in January down to the 31st December, and had pointed this out to the Auditor-General here

The TREASURER asked whether the hon member was in order

The SPEAKER ruled that he (Mr Barrow) was

Mr BARROW was sorry that he should have said anything which could discompose the hon the Treasurer (Laughter) The hon member for Encounter Bay had referred to the obnoxious duty which devolved upon the members of the Government in the apportioning of the salaries No doubt it was an obnoxious task to any person to say to an individual that he must be content with a little less than he received, but the duty was less obnoxious when performed by the Government than when performed by the House If the members of the House made individual retrenchments, they would become obnoxious, but nothing was easier than for a member of the Government to say "The Government were prepared to advance your salary, but those confounded radicals in the House insisted upon curtailing it" and by this means throw the whole blame on independent members (Laughter) That was what he (Mr Barrow) thought would be the amount of the obnoxious duty The hon member for Encounter Bay had referred to the prospect of his (Mr Strangways) filling the office of Treasurer—(laughter)—and had indicated the steps which would lead to that result The hon member said that if the House could not agree to the Estimates some hon member must prepare fresh Estimates and that the framer of the new Estimates should become Treasurer in the place of the present Treasurer The hon member for Encounter Bay had evidently studied the whole course between the seat he (Mr Strangways) then occupied and that of the hon the Treasurer (Laughter) The hon member for Gumeracha had stated that there were persons in printing offices who received as large salaries or larger than that now proposed, but that depended on the amount of service rendered No printer received £400 a year for working during Government hours If the printer worked early and late, he (Mr Barrow) could understand the proposed salary, but for working during Government hours, the salary was such as would not be given in any private office With reference to the compositors in the Government office, he might remark that as printing was generally paid for by "piecework," a man might earn £3, or £4, or £5 per week, but he always got exactly what he earned He believed the printing-office was one of the most efficient departments in the Government service, and he made that statement on the authority of persons who possessed much information on the subject

Mr PEAKE supported the motion, considering that the Government officers were shorn of their good-service pay He congratulated the Hon the Treasurer on the probability of that hon member's holding office for some time (laughter), inasmuch as the plan laid down by the hon member for Encounter Bay was so singular that that hon member was not likely to reach the Treasurer's bench for a long time (Laughter) The hon member (Mr Strangways) had stated that some hon member should prepare counter estimates, which seemed to him (Mr Peake) a very strange and novel motion He had previously deprecated discussing the Estimates item by item, and every step that hon members took the greater difficulty they found in dealing with the subject If the revenue was not, in the opinion of the House sufficient to meet the expenditure proposed by the Hon the Treasurer let it be reduced, but hon members would find that they would never make any retrenchment dealing with the items seriatim

Mr TOWNSEND supported the item, believing that the salary was not too high With regard to a remark of the hon member (Mr Barrow) whether the Government printer worked Government hours or not, hon members knew that

documents frequently took until 8 or 9 o'clock in printing, and any person going through Victoria-square must know that the office was open until these hours He regretted that he was not in the House to hear the easy manner in which the hon member for Encounter Bay proposed to make his way into the Treasury (Laughter) He (Mr Townsend) had not the least doubt that that hon member believed that he could fill any office—(laughter)—and the next surprise which he (Mr Townsend) could have felt to that caused by hearing the hon member speak of attaining the position, would be that of seeing him do it (Laughter)

Mr SOLOMON said he would withdraw his motion, but with a full determination of moving on a future day that a certain sum should be deducted from the sum total on the Estimates

The ATTORNEY-GENERAL said that the hon member who had last spoke must have seen the practical impossibility of the course which he proposed The hon member withdrew his motion because he was satisfied that it was unjust to the Government printer, and incompatible with the interests of the public, that the salary should be diminished, for if the hon member did not think this he would have pressed his motion The hon member therefore confessed that the reduction was unjust and inexpedient ("No, no," from Mr Solomon) Then he (the Attorney-General) could not understand why the hon member should withdraw his amendment He believed the salaries proposed were not excessive either with regard to the character of the individuals employed or the nature of the duties The hon member (Mr Solomon) had said, that whenever hon. members proposed reductions, they were met by the same arguments This reminded him (the Attorney General) of the individual who complained that when he said that two and two made five, or two and two made three, he was always met by the same argument, that two and two made four (Laughter) When hon members repeated precisely the same arguments, they must be met by the same replies The Estimates had been framed on the one hand with a due regard to economy, and on the other with a due regard to the necessities of the public service The Government did not propose any increase in expenditure, as they did not think the exigencies of the public service would justify them in doing so The House might believe that it was possible to get the work done at a lower rate, but it was not possible under the present organisation The Government had considered each individual case, so that the matter had not been done without due consideration If the House objected to any individual or office, of course they could do so, but the Government considered that the service was satisfactorily performed and with such a degree of economy as would not allow of reduction The hon member for the Burra himself admitted that no reduction could be made without reorganization of the service The whole subject had been considered by a Committee of the former Legislature, and no essential amendment was made by that Committee, or by the Commission appointed by the succeeding Legislature He should, therefore, support the Estimates substantially as they stood, though if any hon member should make a suggestion as to the inefficiency of any officer, the Government were prepared to consider it

The item was then put and passed

The next item, £569 10s, was agreed to

On the next item, Public Cemetery, £287 10s

Mr STRANGWAYS enquired whether the Government proposed to close the present cemetery and to establish a new one less likely injurious to the public health

Dr WARK said that during the last session he had called attention to this matter, and that the Attorney-General then stated that during the recess the Government would take the matter into consideration, and would bring in a measure during the present session to meet the evil, yet no alteration had been made as yet It was too bad for members of the Ministry to make pledges of such a character as this, and allow a whole session pass away without carrying them into effect

The ATTORNEY-GENERAL said that the Government had had the matter under consideration, but during the past 12 months no complaints had been made on the subject, nor had any suggestions been made that the public health would be benefitted by a removal Considering the great expense attending a removal, and the difficulty of getting a place equally convenient, the Government would not feel justified in effecting a removal unless some very strong grounds were shown in favour of such a step, and from enquiries which had been made, the Government did not believe that such grounds existed

The item was then agreed to

On the next vote, Ecclesiastical, £275

In reply to an enquiry,

The ATTORNEY-GENERAL said he could not tell how the sum of £75 for religious instruction at the Dry Creek Labor Prison was expended, but it was expended in accordance with a scheme approved by the Government He (the Attorney-General did not know precisely what the scheme was

Mr STRANGWAYS asked whether any complaints had been received from the convict department or the gaols, respecting the non-attendance of any clergyman of the Church of England He had heard last year a proposal that the pay of the Colonial Chaplain should be divided amongst the various denominations He had also heard that formerly there used to be a very large attendance at the services of the Colonial Chaplain, but that when the arrangements were altered it was the opinion of the prison authorities that the change was not beneficial

The ATTORNEY-GENERAL believed that the first result of the change was not satisfactory, and that there had been a failure in the attendance of clergymen of the Church of England

Mr TOWNSEND said that he understood that a communication had been made by Mr Hare to the clergy, and that none of the clergy would agree to the plan proposed He believed the Rev Messrs. Packard and Mudie were the only clergymen who attended the prisoners

Mr BURFORD moved that the item be struck out From what occurred during the last session, he had anticipated that men whose professions were so good would attend to their duties, and it was not until some time after that he found that the clergymen who used to attend to these duties ceased to attend, because the stipend ceased to be paid He then felt it his duty to enquire into the matter, and instantly took action (Laughter) He communicated with many persons engaged in the Ministry of the Gospel, and found that the document referred to by the previous speaker had been referred to three denominations only He (Mr Burford) had communicated with the Hon the Chief Secretary, once and again he received promises, once and again he paid personal visits, once and again—(laughter)—but excuses were continually made At one time, he (Mr. Burford) was told that the Chief Secretary was ruralizing at the Goolwa, and would be back in six weeks The document was forwarded to the Hon the Chief Secretary, and then to the Rev So and So In the meantime Mr Hare was left to act on his own hook, and that gentleman's procedure was such as no person could find fault with, various clergymen had given their services on the voluntary principle, and he (Mr Burford) believed the House would only be doing its duty by striking off the £200 and retaining the £75

Mr MILDRED supported the views of the previous speaker as he had done on a former occasion It was then adduced in argument that the Colonial Chaplain was appointed before the Constitution Act, and that it would not therefore be fair to displace him, but he (Mr Mildred) did not think the House was justified in voting the money when Church and State had been dissevered He regretted that the system of a reduction by a per centage on all salaries was not persisted in

Mr REYNOLDS thought the House should vote a sum for the purpose of supplying religious instruction at the Gaol, Hospital, and Lunatic Asylum, but he objected to the title of Colonial Chaplain

The ATTORNEY GENERAL supported the vote, not because he considered it necessary to keep up anything in the shape of a religious establishment, but because it was necessary that the colony should observe good faith As soon as the gentleman who now held the office of Colonial Chaplain ceased to occupy the position he (the Attorney-General) should feel himself not only at liberty but bound to vote for the abolition of the office

After a trifling discussion the amendment was put and lost

Mr REYNOLDS moved that the amount for the Colonial Chaplain be reduced to 150*l*, the original salary

The House divided, and the amendment was carried

The next item, Military, £1,254 8s 6d, was postponed

The next item, Law Officers, £465, was, after a short discussion, agreed to

The next item, Supreme Court, £1,065, was also agreed to

Magistrates and Local Courts, £4,320 7s 6d

Mr GLYDE asked for some information as to the salaries of the Clerks of Courts throughout the various districts. The Treasurer had stated that a certain system was adopted as to the scale on which the Clerks were paid and the mode of payment, but there were some items which did not seem to be in conformity with this system

The ATTORNEY-GENERAL explained that the Clerks were first paid by fees, which graduated from £50 to £150 per annum After reaching the latter amount, the fees were then appropriated by the Government, and the salaries made distinct payments

Mr STRANGWAYS wished to know whether it was the case that the Police in the various country districts were employed as bailiffs to the Local Court His attention had been called to a case at Morphett Vale, where one of the police acted in the capacity of bailiff, and in the course of the year received large amounts in fees, which, he had been given to understand, amounted to more than the salary of a Stipendary Magistrate He believed this appointment had been made during the diggings times when persons were not easy to be got to act as bailiffs, but the case was different now, and many would be glad of such employment It was not proper that the police should be employed in serving civil processes He hoped the Government would give their attention to the matter, and if it was found that the Police were occupied in those duties it would be immediately be put a stop to

The ATTORNEY-GENERAL was not aware that what the hon member for Encounter Bay referred to had occurred He quite agreed that except in special cases the police should not be employed in serving civil processes It had frequently happened that persons could not be got to act in the capacity of bailiffs for the small amount of remuneration that was offered, but he thought that objection could not be made

now The appointment referred to by the hon member for Encounter Bay had, no doubt, been made under special circumstances, but as soon as those special circumstances ceased to exist, this appointment should have been annulled He would take care to make the necessary enquiries

Mr McELLISTER thought there were plenty of persons might be got to perform the duties without resorting to the police, and he was strongly opposed to the continuance of such a system

Mr REYNOLDS called attention to the item "Second Stipendiary Magistrate, also, Inspector of Police £30," under the head of South-Eastern Districts, and he wished to know what it meant

The ATTORNEY-GENERAL explained that the gentleman who acted as Stipendiary Magistrate at Penola, was away on leave of absence, and it was suggested that Mr Scott, the Inspector of Police, should perform the duties in his absence, for which this remuneration was allowed

After some remarks from Mr HALLETT, which were inaudible in the gallery,

Mr REYNOLDS said that as there was £150 down for a Stipendiary Magistrate he did not see the necessity for a second one He thought both the Courts which existed in this district might be attended by one magistrate, and he should, therefore, move that the item of £30 to the second Stipendiary Magistrate be struck out

Mr GLYDE asked why they did not see a decrease in the Estimates on this head, as it was stated that Mr Power, the magistrate at Penola was away on leave of absence

The ATTORNEY-GENERAL said that Mr Power had performed the duties gratuitously for some time, and (as he was understood to say) that the salary was in consideration of that still continued

Mr HAWKER said so far as his experience went he was convinced that it was impossible for one man to perform the duties of both Courts, at Penola and Mount Gambier, and he considered the way in which the Government had arranged the matter would tend to the more efficient working of the Courts at either of these places

The total item was then put and carried

"Court of Insolvency, £1,055"

Mr STRANGWAYS asked why the returns in connection with this department had not as yet been supplied to the House He had heard that proper and diligent steps were not being taken to comply with the motion carried for that purpose Before he moved for these returns he had consulted two persons on the subject, and had been informed by one that if the accounts in the office of the Court of Insolvency were kept in order, and the books properly posted up, the returns should be furnished within a week The other person he had consulted, and who had some means of judging, said the accounts were in such a mess that it would be impossible to get the returns without professional assistance Six weeks had now elapsed since the returns were called for, and he wished to hear from the Attorney-General the cause of this delay In the meantime, he should move that the item of the "Court of Insolvency" be postponed until the returns were furnished

The ATTORNEY-GENERAL could only say in reply to the hon member that he would make enquiries, and that as soon as the returns were prepared they should be layed on the table He could not agree however, to the motion for postponement, which was that the Commissioner should not be paid because there happened to be some delay in furnishing those returns

Mr STRANGWAYS believed if the Attorney-General took steps at once the returns would be forthcoming within a week On the understanding that the Attorney-General would make such enquiries as would lead to the production of the returns—("Hear, hear," from the Attorney-General)—he would withdraw his motion

The total item was then put and carried

Registrar-General of Deeds, £3,108 15s

Mr STRANGWAYS moved the postponement of this item until the returns which had been asked for in connection with the Lands Titles Department had been supplied He thought the nature of those returns would astonish some hon members, and they would find that reduction in this department was necessary Under this head they had a Registrar General and three Deputy Registrars Surely two of these offices might be abolished Then they had two solicitors at high salaries, one of whom he believed he was correct in saying had recently resigned As to the working of the principle the Attorney-General had given notice that he would apply for leave to amend the Real Property Act, but it often happened that when you attempted to mend one hole you made two From the opinion generally expressed by the legal profession he believed it would be impossible to amend the Act, at least, that the only amendment would be to do away with it altogether

Mr BARROW thought the two branches of this department might very well be managed under one head at all events he should like to know what inconvenience would result from so doing He had stated on a former occasion that he had heard that the Deeds Registration Department was breaking down under its own weight, and that there were 76 vols of indices This information he had received from a gentleman in a high official position, but he had since heard that the indices were not so bulky as was supposed There were, in fact, only about 16 volumes of index He presumed that his informant had confounded the rough index-books used in preparing the permanent index with the permanent index itself He had, however, correctly stated what he had been officially informed of He had likewise heard that the Lands Titles Office might of itself easily manage all the conveyancing and registration business in the colony, and he therefore wished to know from the Attorney General whether the Deeds Registration Department might not be dispensed with entirely

Mr STRANGWAYS thought the hon member for East Torrens (Mr Barrow) should be called upon to give the name of the authority for the statements he had just made

Mr BARROW said if the hon member would name his authority for the statement of the police having acted in the capacity of bailiffs at Morphett Vale, he should have no objection to comply with his wish (Laughter)

The ATTORNEY-GENERAL said as far as regarded the Deeds Registration department it cost the country £1,800, and it returned £6,000 a year in fees, or more than three times the amount of its cost He thought this would be a reason why they should not do away with the department. At the present time nine-tenths of the property was subject to the old system It was absolutely necessary, therefore, that the Deeds Registration Department should be kept up, or otherwise it would tend to destroy in value the property of every person in the colony, for they would be prevented from dealing with it As to the proposition to bring these departments under one head, the same service would still have to be performed In bringing it under one roof, not one officer, he believed could be dispensed with, nor one farthing spared He was desirous that the Real Property Act should have a trial But it was also desirable that the two systems should be worked by different machinery and by separate heads to ensure proper efficiency in each department The Deeds Registration Department would, he believed, have to be kept up for some years to come The hon member for East Torrens (Mr Barrow) had referred to 76 volumes of indices in the Deeds Registration Department, but he (the Attorney-General) would state there were really only 15 volumes The books of memorials were, of course, large and ponderous, and necessarily so It would be found, he thought, that by the time the Real Property Act had existed as long as the system which was now in vogue, and had met with half the success which its friends anticipated, the books would be as numerous and cumbrous as those under the old system The new Act was necessarily imperfect at first, but that should not be urged as an objection against the system

Mr BARROW would like to know from the Attorney-General with regard to the fees which he alleged were received under the Deeds Registration Department, whether those fees were expected in future, or were what had been hitherto realised As to the statement he (Mr Barrow) had made with respect to the 76 vols of indices, he could only affirm again that his authority was a gentleman connected with the Registration Department (Name) He would further state that he ultimately ascertained that though there were not 76 vols of completed index, there were 120 rough folios, and this might account for any inaccuracy in the statement that had been made to him on the subject With regard to the question under consideration if the Attorney-General assured the House that this establishment must be maintained, he should feel bound to vote for the item,

Mr STRANGWAYS again insisted that the hon member for East Torrens (Mr Barrow) should be requested to state the name of his authority (No, no)

The CHAIRMAN said there was no Standing Order which would compel the hon member to do so He believed, however, that the usage of the House of Commons was that where persons in official positions were mentioned as authorities they should be named, unless they were in a subordinate position, and would be prejudiced thereby

Mr STRANGWAYS asked whether the officer in question was in that inferior position or the head of a department (Laughter)

Mr BARROW said if it were the wish of the House that he should name his authority, he would do so (No, no) But as he found that the wishes of the hon member for Encounter Bay (Mr Strangways) were generally diametrically opposed to the wishes of the House, he might, by consulting his (Mr Strangways's) views incur the displeasure of the House at large (Laughter)

The ATTORNEY-GENERAL stated, in reply to the hon member for East Torrens (Mr Barrow), that the fees of the Registration Department were estimated for the next half year, and would probably continue at that rate for the next three or four years For 12 months at least there would certainly be no diminution

Mr REYNOLDS would have been glad to hear the authority on which the hon member for East Torrens (Mr Barrow) had made his statement, as it might have influenced his (Mr Reynolds's) vote (Laughter) He surmised that the gentleman referred to was Mr Torrens, the Registrar General, and that, if it were he, he had been cramming the hon member for East Torrens as to the defects of the old system If Mr Torrens could take charge of both departments, by all means he should have them, and it would be still better if they could reduce the total expenditure by £1,000 or £1 500 They had heard that nine-tenths of the work was performed by the old department, and if that could be done for

£800 or £900, there was surely some excess under the Lands Titles Department It was very well to give the new system a fair trial, but while that was being done they were spending £4,000 or £5,000 a year in attempting to carry out that which was impracticable (No, no) Well, he should like to know what property had been brought under the Act They could only form an inference from what had already been done He was disposed to curtail the salaries in this department, and he should begin with the Registrar-General That gentleman, he thought, was not entitled to £1,000 a year for the piece of patchwork he had presented to them, and he should move that it be reduced to £800 It had been said that this amount included his pension, but he (Mr Reynolds) maintained that that was not to the point It was with the office they had to do, not the officer, and they might be called upon to deal with the question on the morrow or on any future occasion, irrespective of such personal considerations

Mr BURFORD said it was not fair that the subject should be discussed in the manner it had been by the last speaker He (Mr Burford) had heard a great deal of rant as to the two systems——(A laugh)

Mr REYNOLDS asked whether the hon member referred to him in using that expression

The CHAIRMAN ruled the hon member for the city was out of order, as nothing in the debate justified the use of the term "rant"

Mr BURFORD had not his dictionary there, but he believed he was perfectly in order (Laughter) He would, however, of course be ruled by the Chairman It was an ominous fact that the last speaker had studiously avoided any reference to the design of the measure, or the benefits which would accrue to the public from it That hon gentleman had carefully kept this point in the background He (Mr Burford) thought if they wanted any proof of the advantage gained under the new system they had it in the fact that a conveyance which in some cases formerly cost £30 could now be executed for 30s They should be ready to take a fair view of the defects of a new measure But what were the hon members who opposed the measure doing? Why, they would not give it even six months' trial (No, from Mr Strangways) The fact was they did not like the creature, and therefore they wanted to smother it (A laugh) But fortunately they could not have their own way in this He rejoiced to find that it was the intention of the Attorney-General to introduce certain amendments which would increase the efficiency of the measure and he was sure they should be enabled to carry them through, notwithstanding the opposition of the small craft (A laugh) He deprecated the conduct of the hon member for the Sturt, and the hon member for Encounter Bay in depreciating that which would be of such service to the country

Mr STRANGWAYS was quite surprised to hear the hon member for the city (Mr Burford) say that he rejoiced that the Attorney-General was about to amend an Act which only the last session he (Mr Burford) had declared to be perfect

Mr BURFORD explained that he did not say the measure was perfect but that the principle of it was so

Mr STRANGWAYS believed the hon member had said what he had attributed to him As to the economy of the new system of registration, he would say that a person under the old system of registration could procure his land grant at the cost of £1 1s But under the new, which was deemed so perfect and economical, he had to pay the £1 1s, and an additional sum to the assurance fund He would state a case in point within his own knowledge A gentleman—not a public officer—(a laugh)—was leaving the colony, and wished to leave a power of attorney behind to manage his affairs during his absence He first went to the Lands Titles Office to get this power of attorney, but he was told there that he could not get it, but must go to his solicitor He thereupon goes to his solicitor, and finds that the expense will be £4 4s He returns to the Lands Titles Office, but to his astonishment, finds that he will have to take out no less than 54 separate powers of attorney, as he had 54 distinct properties Then again he could not see that because the Registrar General was the father of this measure he should therefore be paid more liberally than others, the Commissioner of Insolvency for instance The Deputy Registrar-General under the old system was a very efficient officer and yet he was receiving only £400 a year, while in the new department where there was nothing to be done, the salaries were so much out of proportion with the former He objected also to the item of "solicitor" He did not see why one solicitor should not be enough He saw no reason why they should have a Deputy Registrar-General The whole work might be performed by one head Again, there was a Secretary to the Commission That office, he thought, might be dispensed with, as he could have next to nothing to do, and then he would leave two, instead of three clerks, at £200 per annum He saw there was £50 down for drafting certificates of titles which was one of the most important duties in the office, but he supposed the Registrar-General had valued the service at this in order that he might have an extra £500 for doing it himself

Mr GLYDE would support the postponement of the item, not because he wished to depreciate the Real Property Act, but in order that the returns might be furnished, and he thought neither the opponents nor the supporters of the Bill could object to this on reasonable or interested grounds

Mr HAWKER thought it would have been much better that the items of "Deeds" Registration and "Lands Titles" should have been separated No one could doubt that the former was required to be maintained to ensure the efficiency of the whole They had been told by the hon the Attorney-General that nine-tenths of the business passed through the former department, and that would be a good reason for not curtailing it Notwithstanding the perfectitude of the new measure which the hon member for the city (Mr Burford) had spoken of, they now required to introduce, he understood, 93 new clauses to, make it workable Considering the late period of the session he did not see how these amendments were to be accomplished The very fact of there being 93 new amendments or clauses was evidence of the hasty mode of legislation He should vote for the item of Registrar-General of Deeds, and for the postponement of the Lands Titles Department until it had been ascertained it was in efficient order

Mr MCELLISTER said nine-tenths of the property passing through the old department might be attributed to the continued opposition of the legal profession It was also a fact that the land grants up to a certain date had to pass under the old Act But despite all this, however, the public voice would have the measure, notwithstanding the opposition of its detractors

Mr SOLOMON regretted that the opposition had not been quieted down before this He should vote for the item as it stood, because he believed the Real Property Act was designed to do a great deal of good No single reason had to his mind been advanced as to why the item should not be passed All that the friends of the measure asked for was a fair trial But had this been accorded? Certainly not What would be the effect of postponing the item? Was it supposed that the amendments proposed to be introduced would be carried this session? (The Attorney-General "Yes") He thought it impossible at that late period of the session and the result would be, if they did not pass the item, that the Lands Titles office might shut up It was an ascertained fact that the people would have the measure—("no," and "hear, hear,")—and if not workable now they would make it workable hereafter The whole of the legal profession were against the measure almost to a man, and that was sufficient proof that it tended to deprive them of large emolument, and to place it in the pockets of the public Therefore it was that those gentlemen took every means to thwart the success of the measure He hoped the amendments would be passed and that the measure would not be allowed to be burked for want of a trial

Mr LINDSAY saw no objection to postponing the item, and said that imperfections might be urged against the Real Property Bill, but it was the case with every other Bill which was passed by that House (A laugh) From what the Attorney-General had said, he (Mr Lindsay) was under the impression that that hon gentleman would be prepared to bring in a new Bill, if necessary, and he believed if he (the Attorney-General) had applied himself to the amendment of the measure when it was first introduced, they should have had a perfect measure now

The ATTORNEY-GENERAL would say with regard to the postponement that he was not aware that any information which could be placed before the House would have any influence on the votes of hon members He thought it was very unfair to complain of a measure because certain imperfections had been discovered on the first attempt to work it But this was not an exceptional case, it was the same with every other measure, and he was persuaded that there was no supporter of the Bill who was not aware that there would be defects perceptible when the theory came to be put in practice It was the case in other pursuits that there were temporary failures which did not affect the ultimate usefulness or the principle of the improvement But he was bound to say, in reply to what the hon member for the city (Mr Solomon) had said as to the opposition of the legal profession to this measure, that the gentlemen composing that profession had to regard the interests of others besides their own feelings Every professional man had to study the opinions of his clients, and that was a reason why they should not be harshly accused of personally interested motives He (the Attorney-General) had said a great deal in favor of the Real Property Act, but he had also said there were grave defects in it. He was one of those who acted for himself, and was, singularly enough, disposed to wish to do what he liked with his own He had not brought his property under the operation of the Act, and he had thought it right that other persons should be placed in the position of exercising the same freedom of will The amendments however which would be introduced would do away with the grounds of objection and that which formed the topic of opposition They should, he would suggest, be prepared to discuss these amendments and pass them during the present session Some of them affected very seriously the working of the measure, and it was, therefore, necessary that such obstacles should be removed at once

Mr MILNE would oppose the postponement, and vote for the items as they stood He hoped hon members would watch narrowly the safety of a measure which they had pledged their faith to the country to carry through

Mr REYNOLDS said from what had fallen from some hon

members, it might be supposed he was an opponent of the measure, but he assured them on the contrary he was amongst its warmest supporters (laughter), that was, to the principle of the measure, and there was no one more anxious to see it carried out.

Mr. BAGOT would not agree to the postponement of the item, because he thought it so absolutely necessary to amend the measure, that they should sit night and day, if possible, to do it. It would be sufficient to state, in support of this, that no less than 93 new clauses would be introduced, and 76 clauses of the old Act repealed. It was highly necessary that immediate steps should be taken to place the measure in a workable state. The House were beginning to see now, no doubt, that the objections of the legal members of the House during the last session on the passing of this measure, and which were met then with the cry of "Oh! they are interested parties," were deserving of more attention than they had received. If the motion for postponement had been to enquire into the salaries of the department, he should have had no objection to it, but as it was, he should vote against the postponement.

Mr. HAY vindicated the course taken by the introducer and supporters of this measure from having opposed factiously any justifiable amendments introduced by the legal profession. He trusted the amendments which would be made in the Bill would be such as to make it completely successful, and that they would see the majority of the property in the colony brought under its operation. It was the desire, he was assured, of the people generally that the measure should be carried through.

The CHAIRMAN then put Mr. Reynolds's amendment for reducing the Registrar General's salary from £1,000 to £800, and declared it lost.

A division was called for by Mr. REYNOLDS, with the following result:—

AYES, 4.—Messrs. Glyde, Strangways, Barrow, and Reynolds (teller).

NOES, 25.—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Townsend, Scammell, Burford, Peake, Mildred, Wark, Macdermott, Hallett, Hawker, Milne, Shannon, Duffield, Harvey, Bagot, Solomon, Cole, Collinson, McEllister, Rogers, Lindsay, Hay, and the Treasurer (teller).

Making a majority of 21 in favor of the Noes.

On the second item, Solicitor, £500, being proposed, a discursive conversation followed, as to whether the division called for was in reference to the vote for the whole department, or for the first item in that department. The Chairman ruled that it was for the department as a whole, and that he would put the various items *seriatim*, which members could affirm or negative as they pleased; but that no further discussion could take place upon any item in that department. The Chairman remarked that he was willing to take the sense of the House, if required, but that he believed his present ruling to be in conformity with the Standing Orders.

Mr. GLYDE moved that the whole department be postponed.

Mr. REYNOLDS's amendment was first put, "that the salary of £500 to solicitor be struck out and £400 substituted in its place."

The CHAIRMAN declared the Noes had it.

Mr. REYNOLDS called for a division. The following was the result:—

AYES, 5.—Messrs. Bagot, Hawker, Reynolds, Strangways, and Glyde (teller).

NOES, 23.—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Barrow, Burford, Cole, Collinson, Duffield, Hallett, Harvey, Hay, Macdermott, McEllister, Mildred, Milne, Peake, Rogers, Scammel, Shannon, Solomon, Townsend, Wark, the Treasurer (teller).

Making a majority of 18 in favor of the Noes.

The CHAIRMAN then put Mr. Glyde's amendment for a postponement, on which there was a division called for, with the following result:—

AYES, 9.—Messrs. Bagot, Barrow, Duffield, Harvey, Hawker, Mildred, Reynolds, Strangways, Glyde (teller).

NOES, 18.—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Burford, Cole, Hallett, Hay, MacDermott, Milne, Peake, Rogers, Scammell, Shannon, Solomon, Townsend, Wark, Collinson, the Treasurer (teller).

Making a majority of 9 in favour of the Noes.

The item was then put in the total and passed.

The House resumed, the CHAIRMAN reported progress, and leave was given to sit again on Thursday.

MESSAGE FROM LEGISLATIVE COUNCIL.

A message was received from the Legislative Council complying with the request of the House of Assembly that the Hon. H. Ayers might be examined on the Taxation Committee.

APPOINTMENT OF THIRD JUDGE.

A Bill to provide for the appointment of a third Judge was laid on the table by the ATTORNEY-GENERAL. It was read a first time, and the second reading was made an Order of the Day for Thursday.

WATER SUPPLY AND DRAINAGE ACT.

The COMMISSIONER OF PUBLIC WORKS laid the amended print of the Bill on the table, which was ordered to be printed.

The House then adjourned at 10 minutes past 5 o'clock.

LEGISLATIVE COUNCIL.

WEDNESDAY, DECEMBER 8.

The PRESIDENT took the chair at 2 o'clock. Present—the Hon. the Chief Secretary, the Hon. Major O'Halloran, the Hon. Capt. Bagot, the Hon. H. Ayers, the Hon. Capt. Scott, the Hon. Dr. Everard, the Hon. J. Morphett.

DISTRICT COUNCILS.

The PRESIDENT announced the receipt of a message from the House of Assembly, No. 30, intimating that they had passed the District Councils Act Amendment Bill, and desiring the concurrence of the Legislative Council.

Upon the motion of the CHIEF SECRETARY the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday.

IMPOUNDING ACT AMENDMENT BILL.

The House went into Committee for the further consideration of this Bill.

Upon the motion of the CHIEF SECRETARY the 3rd clause, relating to the powers of District Councils, was amended by striking out that portion which provided that "recognizances might and should be taken by and before, and in case of forfeiture to be put in Suit by the Chairman of the District Council of such district for the benefit of the party aggrieved, or in aid of the funds of such district as the case might be." The hon. gentleman observed that the same end was accomplished by clause 12, and the clause as amended was passed.

Clause 11, which provided that Justices should have a table of charges for food and estimate rates of ordinary damage, subject to allowance of Governor, was, upon the motion of the Chief Secretary, recommitted, the hon. gentleman remarking that the object of the clause was to give a majority of Justices meeting in Adelaide the power of altering the schedule outside the boundaries of municipalities, but it was not very clearly expressed. He therefore amended it by the insertion of the words "so far as concerns those portions of the said province which are not within the bonndaries of a Municipal Corporation or District Council," and the clause as amended was passed, the Hon. Major O'Halloran remarking that the amendment was precisely what he required.

The Hon. Captain BAGOT called attention to the 7th clause, which provided that the pounds should be fenced, enclosed, and kept clean and in repair. He had just had placed in his hands, by a member of the other House, a communication which that member had received from a District Council, with regard to the provision for feeding and watering the cattle. The words used in the clause were "a sufficiency of wholesome food and water." That, however, was not thought sufficiently explanatory, and the Council suggested that the clause should be amended, by stating at what hours the animals should be fed and have water given to them. The reason given for this suggestion was that if the hours were mentioned, the owners would be enabled to see that the animals were properly attended to, but as the clause at present stood, it merely stated that the animals should have a sufficiency of wholesome food and water without affording any guarantee that they would really be supplied with such. It was impossible, as the clause stood, for the owner to tell whether his beasts were fed or not, but if the amendment which had been suggested were made, he would then be afforded an opportunity. He mentioned the circumstance of receiving this communication in order that the Chief Secretary might take the question into his consideration, and perhaps the hon. gentleman would assent to the amendment before the Bill was taken out of Committee.

The Hon. Major O'HALLORAN pointed out that the 8th clause stated that wholesome water should be provided at all times, therefore the provision referred to by the Hon. Captain Bagot need merely refer to food. He thought it would be well if the suggestion were adopted.

The Hon. the CHIEF SECRETARY would be happy to consider the suggestion, but it occurred to him that parties who had cattle in pound would like to get them out as soon as possible.

The Hon. Captain BAGOT said he had merely stated to the House what had been stated to him by a member of the other House.

The Hon. the CHIEF SECRETARY asked whether the communication was merely from a member of the District Council or from the District Council as a body.

The Hon. Captain BAGOT said it was signed by the Clerk by order of the Council.

The Hon. Dr. EVERARD said it was quite true that a person whose cattle were impounded would most likely wish to get them out as soon as possible, but still he should have some assurance that whilst there the animals should be properly attended to. He thought a provision that there should be certain hours at which the cattle should be fed and watered, would operate as a salutary check upon the pound keeper, as persons, whether they were interested or not in the

cattle, might go to see them fed, and there were sure to be some indications about the place to denote whether the animals had been really fed or not. He believed that such a provision would be a great boon to the owners, and that it would be something binding upon the poundkeeper.

The 12th clause provided that the poundkeeper should enter into recognizances with sureties.

The Hon. the CHIEF SECRETARY proposed to amend it by inserting the words "sums payable by virtue of such recognizance shall be paid to the Treasurer."

The Hon. Major O'HALLORAN pointed out that this would entirely do away with the benefits which Municipal Corporations and District Councils had hitherto derived.

The Hon. the CHIEF SECRETARY said he was going to move an addition which would remedy that, and the clause was further amended by the addition of the words "and for the benefit of such Municipal Corporations or District Councils if it shall have occurred within the boundaries thereof."

The clause as amended was agreed to.

Clause 13 provided that the party trespassed upon might impound on his own land cattle trespassing. It was amended upon the motion of the Chief Secretary, by the insertion of a proviso suggested on the previous day by the hon. Mr. Morphett, that notice should be given to the owner.

Clause 14 provided that it should be lawful for the bailiff, &c., of any person trespassed upon to impound cattle. The clause was amended by giving the ranger the same power as the bailiff, and it was also rendered compulsory that notice should be given.

Clause 15 provided that cattle should be impounded in the nearest pound.

The Hon. the CHIEF SECRETARY said that on comparing this clause with the clause as it originally stood, he found that it had been so cut down in the Assembly that there was in fact nothing left of it. (Laughter.) It now appeared surplusage, and he should therefore move that it be struck out.

The Hon. H. AYERS seconded the motion, which was carried.

The Hon. H. AYERS moved that the 21st clause, which provided that stray cattle should not be taken away without notice to owner of the run which they were on, be recommitted. He wished to add a proviso for the purpose of meeting a difficulty which he had pointed out on the previous day. The proviso would he believed be deemed less objectionable than the proposition which he made on the previous day. It was "That nothing herein contained shall prevent any carrier depasturing any cattle whilst actually employed for the purpose of traffic, on any of the waste lands of the Crown." This amendment was agreed to.

The Hon. Captain BAGOT moved that the 7th clause be recommitted, for the purpose of moving an amendment to the effect, that the poundkeeper supply cattle impounded with a sufficient supply of wholesome food and water, at least twice a day between the hours of 8 and 9 in the forenoon and 4 and 5 in the afternoon.

The Hon. Major O'HALLORAN seconded the amendment, which was agreed to.

Clauses 24 to 31, relating to the form of security to be given to poundkeepers upon releasing cattle, providing that the poundkeeper should post notice at the pound of all cattle under his charge, providing that poundkeepers should give notice to the owners of cattle impounded, that poundkeepers should charge for the service of notice 1s. per mile for the first ten miles, and 6d. per mile beyond, providing how pound fees and charges should be accounted for, providing for the release of cattle impounded on payment of the sum of money or amount of damages claimed, imposing a penalty on poundkeepers for taking more than they are authorized to take, or neglecting to account for amounts received, and defining the proceedings of poundkeepers respecting unclaimed cattle prior to sale, were passed with verbal amendments.

Clause 32 related to the time and mode of sale of impounded cattle and prohibited purchasers.

The Hon. Major O'HALLORAN pointed out that by the clause, as it stood, no member of that House would be enabled to purchase any impounded cattle, as it prohibited any member of Council, but he presumed it meant District Council.

The Hon. the CHIEF SECRETARY said he intended to alter the expression to Municipal Corporation or District Council.

The Hon. Captain BAGOT called attention to the stringent provisions of this clause to prevent parties supposed to be interested in the sale from becoming purchasers. That provision, however, would very easily be evaded, as a disinterested party might become the purchaser and a few hours afterwards effect a sale to some of the prohibited parties mentioned in this clause. He would ask the Chief Secretary if the clause could not be so modified as to prevent cattle from passing into the hands of those parties. As the clause stood the cattle might be sold at noon, and although purchased apparently by some disinterested party they might within a short time afterwards pass into the hands of parties prohibited by this clause. Could it not be so modified that if the cattle were to find their way into the possession of these parties within a certain period, or indeed at any time, that they should still be liable to the penalty?

The Hon. the PRESIDENT suggested the introduction of the words "directly or indirectly purchase," might meet the difficulty.

The Hon. the CHIEF SECRETARY said that the clause already provided that the cattle should not be purchased by any prohibited party, or his agent, or any person on his behalf.

The Hon. Major O'HALLORAN pointed out that if the prohibition were to continue, a person might unwittingly become liable for the penalty five years afterwards. There would be no end to it. It appeared to him to be impossible to prevent the cattle ultimately finding their way into the possession of parties who by this clause were prohibited from purchasing.

The Hon. H. AYERS thought that the proposed addition "directly or indirectly purchase" would give the requisite protection.

The Hon. Captain BAGOT suggested the words, "or shall hereafter become possessed thereof."

The Hon. H. AYERS thought the amendment proposed by the Hon. Captain Bagot would not meet the case, the object of the clause being to prevent certain parties from becoming the purchasers of cattle at the pound sale. The object was not to prevent them from ever becoming possessed of the cattle at a future period.

The clause was agreed to with the amendment suggested by the hon. the Chief Secretary.

Clauses 33 to 39, providing that poundkeepers should not act as auctioneers unless licensed, that the purchasers should not be bound to prove regularity of sale, relating to the application of money arising from the sale of cattle impounded, application of surplus proceeds of sale where the pound is within a district, providing that the Governor, Municipal Corporation or District Council may close pounds, relating to pound rescues and breaches, and providing penalties upon any bull or entire horse at large, were passed with verbal amendments.

Clause 40 provided that the Ranger appointed by Government or District Councils might impound cattle off Crown Lands or roads in the District.

The Hon. Major O'HALLORAN pointed out that it appeared to him this clause was repealed by the proviso which had been moved by the Hon. Mr. Ayers, and that the Ranger had no longer power to impound cattle found on public roads within the district. He should like to hear the opinion of the President upon that point.

The Hon. the CHIEF SECRETARY said the amendment of the Hon. Mr. Ayers only extended to working bullocks actually engaged in traffic.

The Hon. Major O'HALLORAN said the stray cattle nuisance was one of the greatest with which the inhabitants of the district in which he resided had to contend. Stray cattle were continually on the roads, belonging to parties who fed them at the expense of their neighbors.

The Hon. Dr. EVERARD considered that the amendment of the Hon. H. Ayers only referred to outlying districts, and not where the roads were fenced in. It did not apply to the more settled districts.

The Hon. Major O'HALLORAN would like to have the opinion of the President upon the point.

The Hon. the PRESIDENT, as a member of that House, would be happy to give the hon. gentleman an opinion, but hoped he would not consider it part of the duty of the Chairman to do so. Clause 21 was applicable only to bullocks actually engaged in traffic.

The clause was passed as printed.

Also, clause 41, relating to cattle trespassing after notice.

Clause 42 imposed a penalty upon parties for taking down rails or opening gates, to let cattle into fenced land.

The Hon. Capt. BAGOT pointed out that the wording of the clause was, "remove or take down any rail or slip pannel, or open any gate." There were three distinct circumstances detailed. He thought the clause too minute, and that it would be better merely to say "shall open any fence."

The Hon. Major O'HALLORAN thought the minuteness of the clause was one of its advantages.

The Hon. the CHIEF SECRETARY thought it would be better to let the clause stand as it was, as the fence might be a wire one, and consequently no rail would require to be taken down.

The clause was ultimately amended so as to read "any fence, rail, or slip pannel."

Clauses 43 to 50, providing that cattle should not be allowed to stray in the streets of towns or villages, that the driving of cattle along customary lines of road should not be prevented, that two Justices of the Peace should have jurisdiction in all matters arising out of the impounding of cattle in causes under £20, that if excessive damages are claimed, the owner may pay under protest, relating to the delivery of cattle on payment of sum claimed for damage by trespass, relating to the order for delivery of cattle on recognizances without payment of damages, relating to actions for full compensation for trespass, and the effect of the judgment or conviction under the Act, were passed with verbal amendments.

Clause 51 defined the word "fence."

The Hon. Major O'HALLORAN said the definition of a good and sufficient fence caused more annoyance to every Bench of Magistrates than any other question. He thought that too much latitude was given to Justices of the Peace in this matter, and that the Bill should better define what a good and sufficient fence was.

The Hon. the CHIEF SECRETARY thought the Justices

might be left to determine whether a fence was good and sufficient It was impossible to satisfy all parties, but he believed that in 99 cases out of 100 the Justices arrived at a correct conclusion

The clause was passed as printed Also the remaining clauses of the Bill relating to the recovery of penalties, the mode of distribution of fines, appeals, &c

Additions were made to the schedules, by which poundkeepers were prevented from charging for sucklings under six months old, and the highest penalty was imposed upon cattle trespassing upon any public enclosed cemetery

The CHAIRMAN then reported progress, the report was adopted, and the third reading of the Bill was made an Order of the Day for the following Tuesday

The Council adjourned at half past 4 o'clock till 2 o clock on the following day

HOUSE OF ASSEMBLY

WEDNESDAY, DECEMBER 8

The SPEAKER took the chair shortly after 1 o'clock

BRIDGE AT ONKAPARINGA

Mr MILDRED presented a petition from Wm Grey, praying the House to direct an examination of a line mentioned in the petition, with the view of determining the best site for a bridge across the Onkaparinga.

The petition was received and read

LACEPEDE BAY

Mr HAWKER presented a petition from a number of residents in the neighbourhood of Lacepede Bay, also from a number of bankers and merchants of Adelaide, praying that there might be a survey of Lacepede Bay and its approaches, and that it might be declared a port of import and export

The petition was received and read

THE HON THE CHIEF SECRETARY

Mr REYNOLDS gave notice that on the following Wednesday he should move, in the opinion of the House the position held by the Chief Secretary as a member of the Harbor Trust, which department was under the department of the Commissioner of Public Works, was anomalous and might prevent that wholesome check upon the operations of the Trust which it was desirable should be maintained

THE ESTIMATES

Mr PEAKE gave notice that on the 10th inst he should move, in the opinion of the House it was essential that the Estimates should be laid before the House within fourteen days of the meeting of Parliament

THE COST OF BILLS

Mr REYNOLDS gave notice that on the following Friday he should ask the Attorney-General why the return ordered by the House on the 12th January last relative to the cost of Bills had not been laid upon the table of the House

LACEPEDE BAY

Mr HAWKER gave notice that on the following day, he should move the petition presented by him from residents in the neighbourhood of Lacepede Bay and others be printed

GREY'S BRIDGE

Mr MILDRED gave notice that on the following day, he should move the petition presented by him from Mr William Grey relative to the erection of a bridge at Onkaparinga be printed

THE HARBOR TRUST

The COMMISSIONER OF PUBLIC WORKS laid upon the table of the House a return showing the manner in which it was proposed to apply the balance of the sum of £100,000 granted to the Harbor Trust, together with a map showing where the works were proposed to be undertaken, a letter from Mr Abernethy, the engineer, and a letter from the Trustees explanatory of the map, &c The documents were ordered to be printed.

THE HARBOR OF PORT ADELAIDE

Mr PEAKE said, as the returns which he had moved for in connection with the harbor had just been laid on the table and would be printed, he would, with the leave of the House, postpone the following motion standing in his name until the following Wednesday —

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to instruct or recommend to the Trustees for improving the Harbor of Port Adelaide, to advertise for tenders for deepening the Inner Bar to a depth commensurate with the depth already attained by steam dredging at the Outer Bar, the contractor to have the use of the principal steam dredge, with its machinery and appurtenances, to be returned in good order on completion of the contract, the contractor to find all fuel and wages

DISTRICT COUNCILS ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS said that probably hon members would permit him to move the third reading of the District Councils Act Amendment Bill He had consulted several hon members who had notices of motion upon the paper and they had consented to postpone them until after the District Councils Act had been disposed of, it being very desirable that the Bill should be transmitted to the other branch of the Legislature as quickly as possible

The House having assented,

The SPEAKER put the question that the Bill be read a third time

Mr LINDSAY wished before the question was put——

The SPEAKER said the question had been put

Mr TOWNSEND thought if that principle were to be carried out, it might prevent members who had valuable suggestions to offer from making them, if they were not at liberty to address the House

The SPEAKER said he was merely carrying out the practice of the House of Commons, that after the question was put and the voices heard on it, no one could speak The hon member had full time to rise before the question was put

The Bill having been read a third time,

Mr LINDSAY said he wished to recommit the Bill

The SPEAKER said the hon member could not do so, and proceeded to put the question that the Bill do now pass

The COMMISSIONER OF PUBLIC WORKS argued that upon the question that a Bill do now pass there could be no debate

The SPEAKER said that members could speak to all questions, and that although it was not usual for there to be a debate upon such occasions, but a precedent had been established in England in connection with the motion for the passing of the Ecclesiastical Stipends Bill upon which there was a long debate An hon member could not move the recommittal of the Bill, but might negative the passing of the Bill

Mr LINDSAY presumed, if that were the case, that all he could do would be to move that the Bill be thrown out.

The SPEAKER Yes

Mr LINDSAY did not wish to throw out the Bill, but merely to amend it It appeared to him that, from the Speaker's ruling, he was not at liberty to speak at all upon the Bill

The SPEAKER said the hon member could speak to any amendment

Mr LINDSAY then moved that the Bill do not pass His intention had been to move the recommittal of the Bill in order that the 114th clause might be amended for as that clause had been passed by the House a few days since it merely applied to one particular species of animal The amendment which he wished to introduce would include all animals which it was at all probable would be found at large in any district No matter whether the animals were camels or neat cattle, if they were at large, and there were no owners for them, they should be taken possession of by the District Council and sold Act No 5 of 1 Victoria, which this Bill referred to, and which it would seem it was wished to bring again into operation, spoke of branding in such a manner as clearly showed that any animal not having the registered brand of the owner, would be considered for the purposes of the Act an unbranded animal Under the Act to which he had alluded, all animals not bearing the registered brand of the owner were considered unbranded cattle, so that they would become the property of the District Council, and he did not think this was ever intended He was prevented by the rules of the House from saying what he had intended, and therefore he would merely move that the Bill do not pass

Mr SHANNON wished to say a few words in reference to the 114th clause, which had been referred to by the previous speaker That clause stated that any cattle found at large above the age of one year, and unbranded, should be liable to be sold by the District Councils This might prove a great hardship in many instances, for as hon members were aware there were very valuable animals in the country which were unbranded—imported bulls for instance, and if any of these should get at large a malicious person might impound them and the owner would not be able to claim them again He did not see the necessity of compelling persons to brand in all instances, as an ear-mark would frequently answer the purpose He would move that after the word "brand"——

The SPEAKER said that the hon member could not move that the Bill be amended in any way, and the question that the Bill do pass was then put and carried

POWDER MAGAZINE

Mr COLE put the question of which he had given notice—

"That he will ask the Commissioner of Public Works (Mr Blyth) if the Powder Magazine, now in course of erection near the North Arm, is intended to be the principal depot for that hazardous commodity, and whether the same is near, and how near, to the wooden viaduct recently completed at a large cost by the Government, also, how near the said Magazine is to the nearest purchased or selected land, how near to the nearest portion of the South Australian Company's harbor Section 1, and how far from the intended residence built for the Keeper of the Magazine

The reason of requesting answers to these questions was that he had received certain information upon the subject, though how far it could be relied upon he could not state, but he should be better able to judge after he had heard the answer He had been partly induced to put the question by noticing recently in an English paper an account of the almost total destruction of a harbor in the Caspian Sea, and half of the inhabitants of the surrounding district, by the explosion of a powder magazine adjacent The mischief, indeed, unfortu-

nately did not end there, for some burning timbers which were blown a distance of three miles fell upon a barge laden with powder, which also exploded, causing great loss of life and property These facts showed that it was highly imprudent on the part of any Government to construct a powder magazine in a locality so dangerous If the Government deemed it proper for the better security of life and property to abandon the present site and building, he was authorised to state that there were parties who were willing to rent the building at such a rate as would amply compensate the Government for the outlay which they had already made If the answers to the questions which he had put were such as he anticipated, he hoped the Government would make overtures to the parties to whom he had referred as willing to become the lessees of the building They must not in carrying out public improvements do so at the imminent risk of life and property

The SPEAKER reminded the hon member, that in putting a question he must not argue it

Mr COLE had been prompted by humanity to put the questions It was possible that such occurrences as those which he had alluded to, as having happened elsewhere, might not happen, but it was the duty of the Government to take every precaution to prevent them Those were the feelings by which he had been actuated, but independently of what he had urged, he would state that there was a large amount of private property in the neighbourhood, indeed closely adjoining the magazine, and an expensive wooden viaduct had been recently constructed by the Government which in the event of any accident occurring to the magazine must fall a sacrifice He had thrown out the remarks which he had in reference to the willingness of parties to rent the building in order that the Government might select a more suitable site for the magazine He certainly could not commend either the judgment or foresight of the parties who selected the present site

The COMMISSIONER OF PUBLIC WORKS would state, in reply to the first question of the hon member for West Torrens, that the Powder Magazine, in course of erection near the North Arm, was intended to be the principal depot for that hazardous commodity It was situated 60 feet from the end of the wooden bridge The nearest purchased land was the South Australian Company's Section 1, the distance being 27 chains In reference to the last question the magazine was situated a distance of 75 chains from the keeper's cottage He thought these answers would prove satisfactory to the hon member

Mr COLE said perhaps the hon gentleman would have no objection to state, without notice, whether it was the intention of the Government to continue and complete the building for the purpose of a magazine

The COMMISSIONER OF PUBLIC WORKS said it certainly was, and that the contract had been let

IMPOUNDING BILL

The following notice in the name of Mr Lindsay lapsed in consequence of the absence of that hon member —

"That he will ask the hon the Attorney-General (Mr Hanson) (1) Whether, by the law of England, it is or is not felony to shoot another person's pig, even though the pig at the time be trespassing? (2) Whether clause 23 of the Impounding Bill of 1858, which authorizes the destruction of certain animals therein mentioned, is or is not repugnant to the law of England? (3) Whether a by-law of a District Council, imposing a penalty of £10 upon any person who shall destroy another person's pig within the limits of the jurisdiction of such District Council, would be held to be repugnant to any Act of the Legislature of this Province"

NOARLUNGA

On the motion of Mr TOWNSEND (in the absence of Mr Neales) the petition recently presented by the hon member for the city (Mr Neales) from the District Council of Noarlunga, was ordered to be printed

GAWLER EXTENSION LINE

Mr YOUNG brought forward the motion of which he had given notice—

"That there be laid on the table of this House a return showing the number of men employed by the Government as day laborers on the Gawler extension line of railway the nature of the work on which such men are engaged, the amount of wages per man per day, the number of overseers employed, with the amount of wages per day per man, also, the cost per cubic yard of earthwork or other work (as the case may be), as performed by day labor, also, the cost of similar work as performed by contract, should any such be in existence"

The only motive which he had in asking for these returns to be laid upon the table of the House was that before proroguing hon members might be in a position to express an opinion as to the desirability of carrying on public works by day labor When it was proposed to extend the Gawler line, one of the arguments used was that there was an opportunity of getting a number of men at a very low rate, by which means the work could be executed much more cheaply than had previously been the case It was for the purpose of ascertaining how far this impression had been realised that he asked for the information mentioned in his notice When he stated these were his only reasons for asking for the returns he thought no further arguments would be required to induce hon members to assent to the motion

Mr HARVEY seconded the motion

Mr DUFFIELD should be very happy to support the motion if the hon mover would consent to one or two additions He wished to know how many hours per week these men worked, and he also wished to know what had been the cost per yard of the gravel removed from the Gawler River and deposited on Section 2 in the Government Survey If the hon mover would consent to ask for this additional information he should be happy to support the motion, and when the information asked for was laid upon the table of the House he believed it would reveal that some works had been done at enormous expense Why he proposed the first addition was, that on Saturday at midday he had observed a large portion of the men employed upon the Railway works, Section 112, in the neighborhood of Gawler Town, consequently he imagined that they could not have worked at all upon that day On Monday, too, between 9 and 10 o'clock, he still observed them in the neighborhood of Gawler Town He believed the men got a free pass to Adelaide, and it appeared to him that under existing arrangements at least one day in the week must be lost

The COMMISSIONER OF PUBLIC WORKS said the hon mover would no doubt consent to the two additions which had been proposed He merely rose for the purpose of saying that there would be no objection to lay the returns upon the table of the House, and that they should be prepared as soon as possible

Mr REYNOLDS suggested to the hon mover that he should further amend the motion by fixing the period for which the return was required He would suggest from the commencement till the present time, and then the party who would have to draw up the return would know what to do

Mr YOUNG said his only object in asking for the return was to place the House in possession of the fullest information, and he would therefore adopt the suggestions of the hon member, Mr Duffield, and the hon member, Mr Reynolds

The motion was carried.

THE HARBOR TRUST

Mr REYNOLDS moved—

"That, in the opinion of this House—as no provision has been made under the Harbor Trust Act of 1854 for the payment of fees to the members of such Trust—the Trustees have no power to pay themselves fees, nor the Government any authority to allow them, without the direct sanction of this House"

It was no new discovery he had made, that no power was given to the Trustees in the Act to pay themselves fees, nor was the Government authorized to sanction such payments without the sanction of that House If it were intended that Trustees should receive certain fees for the performance of certain duties entrusted to them, he presumed that a clause to that effect would have been inserted in the Act as it was in other Acts constituting Boards, such as the Railway Commissioners, the Central Road Board, and the Waterworks Commissioners In all these Acts, there were clauses authorising payment to the members of the Boards of certain fees for the performance of certain duties In the Harbor Trust Act, however, there was an absence of any such clause He did not say that gentlemen who gave up a large portion of their time in the performance of certain duties should not be paid, but their position was anomalous, for, whilst there was nothing in the Act to authorise payment, they had been paying themselves about £400 a year in fees It was time that the House sanctioned this course, or otherwise Whilst no power was conferred by the Act upon the Trustees to pay themselves, the Government were not in a position to pay them, for there was no provision in the Act by which they could sanction such expenditure without the sanction of that House. Every expenditure of public money had to be sanctioned by that House There was a Bill to authorise the raising of £100,000 for a certain purpose, but there was no provision whatever for the payment of Trustees If gentlemen gave up a considerable portion of valuable time for the purpose of performing certain duties, they were, unquestionably, entitled to be paid, but it should be according to law If the Government intended to keep up the present Bill, they should either amend it, or get some approval from that House of the payment to Trustees If the Government could show that there was any provision for payment of Trustees, he should, of course, bow, but, in the absence of any such proof, he must contend that neither had the Trustees a right to pay themselves, nor had the Government authority to sanction any such payment He did not wish the Commissioner of Public Works to be placed in the position of sanctioning payment to the Trustees, which was not provided in the Bill itself Such an application never came before him whilst he held the office of Commissioner of Public Works, and, therefore, he was not responsible

Mr LINDSAY seconded the motion

The COMMISSIONER OF PUBLIC WORKS said that hon members who carefully read the Harbor Trust Act No 20 of 1854, would find in the 6th clause that the Trustees were prevented from expending any money A statement of the object of expenditure, plan, &c, must be furnished before the Trustees were in a position to expend any money The Harbor Trust had furnished a plan of expenditure to the Government, and although it was not distinctly laid down in the

Act that the Trustees should receive fees, that was a matter frequently not distinctly laid down, although it was clearly understood that some small fee should be paid Hon members should be distinctly told what was the precise amount of the fees received by the gentlemen constituting this Board He would state, what he thought should have been stated by the hon member for the Sturt, that the fee received by the Chairman was £2 2s a sitting, and by the other members £1 1s a sitting A sum of £400 to meet this expenditure appeared upon the last statement sent in to the Government showing the proposed expenditure. In that statement, as he had already stated, there appeared an item of £400 for fees to the members of the Board The proposed expenditure of money by the Board, it would be observed, had to be laid before the Government, and that expenditure embraced the payment of members for attending at the Board The statement of proposed expenditure had received the sanction of the Government for the time being, and, in his opinion, that payment was fully authorised Under such circumstances he felt it his duty to oppose the motion

Mr COLLINSON opposed the motion, on the ground that members of the Harbor Trust who were most zealous upon all occasions were generally detained upon their seats for two or three hours upon each occasion that they met, for which they obtained the paltry sum of £1 1s, a sum which ought not to be objected to by the House, and which he trusted would not be

Mr MILDRED supported the motion upon the same grounds that he had supported it on a former occasion, that the Act authorising the borrowing of a certain sum of money contained no provision for the payment of Trustees It was exceptional in that respect It appeared that the Harbor Trustees were mostly, if not all, members of the Trinity Board, who were entrusted with the expenditure of a large sum for the benefit of the Harbor The Harbor Trust were merely entrusted with the money to hand over to the Trinity Board. It was never intended that the members of the Harbor Trust should practically carry into operation the deepening of the harbor, but that they should merely borrow the money and then hand it over to the Trinity Board, under whose control it was placed for the benefit of the Harbor, and whose duties were well defined The simple duty that these Trustees had to perform was to borrow money and hand it over to the Trinity Board for them to carry out the necessary operations He did not expect that after the last discussion upon this question any further payments would have been made to the Trustees, for there was nothing in the statement which was then made by the Attorney-General to justify the payment It was certainly a most anomalous position that members of the Harbor Trust should also be members of the Trinity Board

Mr ROGERS also supported the motion.

Mr TOWNSEND supported the motion. It was no reply for the hon the Commissioner of Public Works to refer to the 6th clause, and he (Mr Townsend) was astonished at the hon member doing so The question was not whether the fee was sufficient He (Mr Townsend) believed that the gentlemen who composed the Harbor Trust did their duty to the best of their ability, but the only question was, whether by the terms of the Act they were justified in paying these sums of money He believed they were not If the gentlemen were worthy of receiving fees, let the House know it, but it was no part of the Act

Mr GLYDE opposed the motion There was nothing in the Act to prevent these gentlemen giving as Trustees money for payment of office expenditure The Government were of opinion that they should receive some remuneration, and every hon member who had spoken agreed in this opinion (No, no) Well, he (Mr Glyde) thought the Trustees should be paid—(laughter)—and that they were right in asking the Government and the Executive Council to pay them, and therefore he should oppose the motion

The TREASURER also opposed the motion He was much struck by the arguments of the hon member for Onkaparinga that the Act did not confer upon the Board the power to spend money but only to raise it, and hand it over to the Trinity Board The Act was quite to the contrary, and its wording was very clear He had no doubt that the object was to authorise the Board to raise money and pay it Could hon members ask these gentlemen to perform their duties without any payment? There must be some means of inducing private gentlemen to give up their time for the public benefit, and what other inducement could be held out except payment? The House could not impose duties upon gentlemen and refuse to remunerate them There was nothing to restrain the Government from paying these gentlemen The payments were not made by the gentlemen themselves, but they recommended that certain officers and other persons should be paid, and the Government acceded to these recommendations There was nothing in the Act to restrain the Government from doing this As to the expediency of the payments he considered this clearly shown by the facts of the case

Mr SOLOMON thought that all monies expended should be paid by authority of that House The only clause which gave the trustees power to expend money was the twelfth [The hon member read the clause] No part of the Bill gave the trustees authority to name the rate of their own remuneration He regretted being compelled to vote for the motion, as he believed these gentlemen were entitled to payment, but that was beside the question, which was simply as to the legality of making the payment

Dr WARK was very much struck by the observations of the hon the Commissioner of Public Works, which seemed to him calculated to strike at the root of all Governments, and to place a despotism above our free institutions The hon member said there was nothing in the Act to prevent these payments, but that was not the point The Act should authorise the payments Why did not the Government introduce a Bill authorising the payment of these gentlemen instead of keeping up a system which it was high time to abolish This was one of the means of tampering with the public purse which the sooner it was done away with the better

The COMMISSIONER OF CROWN LANDS opposed the motion If he could perceive that the gentlemen of the Trust had appropriated the money without the knowledge or sanction of the Government, there would be a good cause for considering the motion, but as he saw that the Ministry of the day were duly put in possession of the mode of appropriating the money, including the fees paid to the Trustees themselves, and as the Government had sanctioned the appropriation, he could see no other course left him but to oppose the motion He considered it unreasonable to expect persons to give up their time to the Trust without receiving some slight remuneration (" Hear, hear," from Mr Solomon) No one had complained that the fees were excessive, or stated that the duties were such as could well be performed by non professional men It was desirable to secure the services of nautical men, and if the House carried this motion it would have the effect of disgusting these gentlemen, who were not very numerous in the colony Perhaps it would have been better if the Act declared that the Board should have fees (Hear, hear) He could not consistently vote for the motion, as the Government of the day knew of the intention to appropriate a small sum for fees He wondered that the hon member for the Sturt had never discovered this matter when that hon member was Commissioner of Public Works —(laughter)— or that he had never before drawn attention to it He (the Commissioner of Public Works) thought it was rather late now to make the discovery, and to find out that the members of the Trust were breaking the law He could not recollect having heard the hon member refer to the matter before

Mr REYNOLDS said the hon member (the Commissioner of Crown Lands) did not know his (Mr Reynolds s) mind on matters of law, as he (Mr Reynolds) never consulted the hon. member on such points He did not go to the hon member to ascertain the bearing of any law—(laughter)—but it was quite possible that he might have consulted the hon the Attorney-General without the fact coming to the knowledge of the hon the Commissioner of Crown Lands He had consulted the Attorney-General upon this point One of the falsest and lamest pleas he had ever heard was that of the Commissioner of Crown Lands when he cited the clause in reference to plans and specifications, and took shelter under it saying that it gave power to the Trustees to pay themselves The hon the Commissioner of Public Works might be a very good engineer—(laughter)—or a very good Commissioner of Public Works, but he (Mr Reynolds) did not know that the hon member was a good lawyer— (laughter) He thought, however, that if the hon member had a little more common ordinary sense—(laughter)—he would not have spoken as he had done of plans and specifications. He hoped the hon member would give some more intelligible and common sense interpretation of the clause The hon member said it would be unreasonable to expect that gentlemen would give up their time without receiving some remuneration This was the paltry plea under which the Government sanctioned the proceedings of the Trustees If this principle was to be carried out, the District Councils could remunerate themselves He (Mr Reynolds) was quite prepared to sanction the fees which the Trustees at present received, but let it be done legally No lawyer could say that under the Act the Trustees could pay themselves

The COMMISSIONER OF PUBLIC WORKS said he had quoted the whole clause, and not merely the portion which related to plans, estimates, and specifications

The House divided, when there appeared—

AYES, 15—Messrs Cole, Duffield, Harvey, Hawker, Hay, Lindsay, Mildred, Milne, Shannon, Solomon, Strangways, Townsend Wark, Young, and Reynolds (teller)

NOES, 10—The Treasurer, the Commissioner of Crown Lands, Messrs Bakewell, Burford, Glyde, Hallett, MacDermott, Rogers, Collinson, and the Commissioner of Public Works (teller)

THE RIVER WEIR

MR REYNOLDS asked the hon the Commissioner of Public Works (Mr Blyth) whether it is the opinion of the Government, after the serious mismanagement in the construction and oversight of the River Weir, that the late Engineer to the Waterworks Commissioners is considered worthy of employment in the Government service, and whether the late Clerk of Works at the said River Weir is not considered equally worthy of further employment by the Government, in any capacity for which he may be qualified, if not, why any distinction should be made between the officers in question? Also, whether the said late Engineer has been employed by the Government on the railway, and when he ceased to be so

employed? His object in putting the question was that, from information which had reached him, he believed that a distinction was made between the late Engineer of the Waterworks and the Clerk of the Works, and that the former was considered quite worthy of employment in the public service, whilst the latter was not

The COMMISSIONER OF PUBLIC WORKS replied that in the opinion of the Government the failure of Mr Hamilton in hydraulic engineering does not disqualify him for employment in the public service in other branches of his profession for which he may be qualified, and that no distinction will be made between the Engineer (Mr Hamilton) and Clerk of Works as regards their future employment in Government service No distinction had been made between the Engineer and the Clerk of Works The only application for employment made by the latter which had reached him (Mr Blyth) was for services for which there had been a more favorable offer, as the matter was decided by public tender With respect to the Engineer, as had been already stated in the House, he was employed in staking out the continuation of the railway, but this engagement terminated on the 3rd instant

Mr REYNOLDS still wished to know whether the Clerk would be considered eligible for any employment under the Government

The COMMISSIONER OF PUBLIC WORKS replied that in the event of any application for employment being received from either of the persons referred to, the whole of the circumstances would be taken into consideration

THE SUPERANNUATION ACT

Mr BAKEWELL asked the Hon the Treasurer (Mr Finniss) whether the Government intend to make any and what arrangement with regard to the repayments which have been made from the fund established under the authority of the Superannuation Act of 1854, contrary to the tenor and provisions of the Act?"

The TREASURER replied that the Government had not yet decided as to the course they should pursue in reference to the Act of 1854, but they would consider the subject during the recess

PETITION OF MR BABBAGE

Mr BARROW moved that the petition of Benjamin Herschel Babbage be printed

The motion was agreed to

REAL PROPERTY ACT

The COMMISSIONER OF PUBLIC WORKS, in the absence of the Attorney-General, moved for leave to bring in a Bill to amend the Real Property Act

The COMMISSIONER OF CROWN LANDS seconded the motion

Mr STRANGWAYS asked whether the amendments proposed to be made were those prepared by the Solicitor to the Lands Titles Registration Office, whether the Bill embraced the whole of these amendments, whether the Bill had been altered by any person connected with the Lands Titles Registration Office, and whether any clauses were omitted from the Draft Act, which the hon the Attorney General was desirous of introducing

Mr TOWNSEND believed it was usual, in introducing a Bill, to state the nature of its provisions He, therefore, hoped the hon the Commissioner of Public Works would state the character of the proposed amendments

The SPEAKER enquired whether the hon Commissioner of Public Works had been requested by the hon the Attorney-General to move that the Bill be read a first time and on that hon member replying in the negative, ruled that the question could not then be entertained

Agreed to

RAILWAY MANAGEMENT

Mr REYNOLDS moved that the report of the Select Committee on Railway Management, be read

The motion was agreed to, and the report was accordingly read by the Clerk

Mr REYNOLDS moved that the report and evidence be printed

Agreed to

LICENSED VICTUALLERS ACT AMENDMENT BILL

Mr BAKEWELL moved that this Bill be read a second time, Its object was to do away with licences for the sale of wine and beer If the Act came into force, there would henceforth be only one class of public-houses, viz , those bound to entertain travellers with food, drink, and lodging He had not met a single person in the House or out of it who doubted the propriety of the Act It was admitted that the granting of wine and beer licences was a mistake In fact, the houses to which wine and beer licences were granted should be even more under police surveillance than those belonging to the respectable class of persons who held general licences

The motion was agreed to, and the Bill was accordingly read a second time

The House then went into Committee on the Bill

The preamble was postponed

On the enacting clause being put,

Mr PEAKE asked the Committee to agree to an additional clause Its object was to guard the owners of public-house property from a source of serious loss, by means of which such property was seriously deteriorated, viz , the possibility of the business of a house on which a person had spent a large sum being entirely stopped It frequently occurred that the tenants of such houses became insolvent or deserted their houses or occupations and in such cases the landlord had no way of opening the house for business until the next licensing day This was an anomaly which he thought hon members would agree should be removed He would not detain the House with any further remarks, but would read the clause [The hon member here read the clause, which was of very great length, and excited some laughter in consequence The marginal note was "Transfer of licence in certain cases provided for "]

THE ESTIMATES

At this stage of the proceedings a message was announced from His Excellency the Governor

The House resumed, and the SPEAKER announced that His Excellency had caused to be placed upon the Estimates a sum of £700, for the erection of a Court House, Custom House, and residence for a Custom House officer at Port Augusta

The House again went into Committee

Mr TOWNSEND suggested that the Bill should not be taken out of Committee, as the clause was so long that hon members had not time to ascertain its nature

Mr STRANGWAYS also hoped that the hon member had no intention of taking the Bill out of Committee, as there were several clauses which he intended to move, some of which the hon the Attorney-General was to have looked over , but that hon member had not made his appearance in the House that day

Mr BAKEWELL had not the slightest intention of taking the Bill out of Committee He cordially supported the new clause, having known the greatest possible inconvenience to arise from the want of such a proviso He would mention one case In a late insolvency of a licensed victualler the Official Assignee was in possession of the premises, and the person in charge of the house supplied travellers with refreshments, but an information was laid against him, and he was held liable. The clause proposed to be added was similar to one in the English Act, in fact, it was nearly word for word with a clause in the 9th George IVth , and if the Committee who prepared the Bill had had the matter brought before them, he had no doubt they would have proposed the insertion of such a provision.

Mr SCAMMELL suggested that it would be proper to alter the title of the Act

The CHAIRMAN replied that this could be done afterwards.

Mr LINDSAY suggested the addition of a clause not quite so long as that proposed by the hon member There were many districts in which it was desirable that an inn should exist, but where the traffic was not sufficient to enable a house to pay the licence fee now charged , he therefore intended to propose an additional clause, which would enable District Councils or other competent authorities to reduce or remit the licence fees in certain cases

Mr STRANGWAYS said that the first clause which he intended to introduce was one to meet the case put by his hon colleague The marginal note was "Governor may remit licence-fee in certain cases " [The hon member here read the clause] His object in moving this clause was that if there were not licensed houses there would be sly grog-shops, and it was better to encourage licensed houses than others

Mr SOLOMON could not see how this would meet the justice of the case If such a clause was necessary, it would be better to confine the amended Act to the city and its immediate neighborhood, and leave country houses in possession of the wine and beer licenses If the intention was to give the country publicans the power of selling wine and beer it would be unjust to charge them £12 10s and the city publicans £25 If a country publican could not afford £25 it was a matter for his own consideration, and he might decline applying for a license at all He hoped that no distinction would be made in the general licences The hon member for Encounter Bay had not shown that the authorities had any right to go through the country and say who could pay and who could not The same principle might be applied to auctioneers (Hear, hear, and laughter) There were some auctioneers' firms which paid £125 a year for licences He contended that the new clauses were not based upon a just principle.

Mr PEAKE thought that as a general principle it was undesirable to deviate from the fixed principle, but there were special cases in this country which should be met There were many districts where the roads passed through barren country, which was not likely to be occupied for a long time yet, through which travellers must pass , and in these cases there should be some power in the hands of the Executive to grant special licences at fees different from those charged in populated districts He would take, for instance the road to the Tatiara country, where it might be very useful for travellers to have a house for refreshments There was also another case in the south at the Square Water Holes—(hear, hear)—where there there had been a great cry for accommodation, and where no licenced house was likely to exist for a long time

Mr LINDSAY said that the hon member for the city had remarked that where a license would not pay it would not

be applied for, and that was the case. But to show the necessity of such a clause as that proposed, he (Mr Lindsay) need only refer to an inn which existed for years at Mypongà. It was highly desirable that there should be a house of accommodation in that district. There was one, but it could not pay a licence, and the wine and spirits were sold without any authority. The house was frequented by Justices of the Peace and members of the police force—(laughter)—and others, who ought, from their official position, to take notice of the fact that the house had not a license. But the injustice of interfering was so manifest that the magistrates and police inspectors who frequented the place never had an information against the house. The consequence was that it existed as a sly-grog shop for ten years before it obtained a licence, which it ultimately procured.

Mr YOUNG supported the amendment. Seeing it was guarded by the restriction that such a remission could only be granted on the recommendation of the Board which granted the licences, he considered it quite safe.

Mr BAKEWELL also supported the amendment. He considered 10s a week too much to pay for a licence in many cases, and that such a charge would encourage slygrog shops.

The clause was then agreed to.

Mr STRANGWAYS proposed another clause, to the effect that the Government might make regulations for public-house lamps, in accordance with the advice of the Trinity Board. He had been informed that at Glenelg some time since a ship had been nearly lost in consequence of mistaking the public-house light, and he had also heard that similar mistakes occurred on various occasions. He had heard also that a publican at Glenelg had received a communication from the Trinity Board which he believed justified him in leaving his lamp unlighted, but one day a policeman laid an information against him (the publican) and the magistrates considering that he had not sufficient justification for leaving the lamp unlighted fined him. [The hon member concluded by reading the clause.]

Mr REYNOLDS objected to the practice of inserting clauses in a Bill without giving notice. (Hear, hear.) The usual practice was to give notice, so that the hon member in charge of the Bill could say whether he would admit the clauses or not. One hon gentleman had introduced a clause a yard long—(laughter)—and the House, for all that hon members knew, might be stultifying itself by adding this lengthy clause to the short and pithy one which the hon member (Mr Bakewell) had moved as the only clause.

Mr STRANGWAYS said he had prepared the clauses on the previous day, and it was his intention to have them printed and laid on the table of the House that day. He had shewn them to the hon the Attorney-General, who said he would look over them and return them; but he (Mr Strangways) had not got them back in time to have them printed. His intention was that the clauses should be introduced more *pro forma* than anything else.

The COMMISSIONER OF PUBLIC WORKS hoped that the hon member for Barossa would not only consent to a recommittal of the clauses, but would himself move it. (Hear, hear.)

Mr BAKEWELL said he was aware that the clauses would be moved, and he fully approved of them, with the exception of one of those of the hon member for Encounter Bay. With regard to the remarks of the hon member for the Sturt, he agreed that it was a bad practice to introduce fresh clauses without giving notice, but the grievance under which the publicans labored was one which should be removed.

Mr SOLOMON supported the clause, believing it necessary that some regard should be had to the lights on the sea coast.

The clause was agreed to.

On the motion of Mr STRANGWAYS, the preamble was amended by adding the words "and the Act as amended in certain particulars."

The title of the Act was then agreed to.

The House then resumed, and the Chairman having reported progress, obtained leave to sit again on Friday.

KAPUNDA RAILWAY

Mr SHANNON rose to move, pursuant to notice, "That the petition of the inhabitants of Kapunda and the surrounding districts be taken into consideration, with a view to granting the prayer thereof." The prayer of the petition, he said, was that the terminus of the Kapunda line of railway should not be placed on Section 1411 until surveys had been made to determine whether the line might not be continued to the township of North Kapunda. The proposed terminus would be at a distance of one and three-quarters of a mile from the township, and double that distance by following the line of road, or three and a half miles. As a great amount of traffic passed through Kapunda there could be no doubt but that it should be connected with the railway terminus either by a macadamized road or by railway, otherwise it would necessitate the construction of a new township at the terminus. This latter would act very prejudicially to Kapunda, where a large amount of money had been expended on the faith of the railway being carried into the township. Kapunda was second to no township in the colony, with the exception of Port Adelaide and the Burra Burra, and it would not be the inhabitants of the township alone that would suffer, but also those residing to the north of Kapunda. He might also state that in any extension of the line northwards it must pass close to Kapunda. The petition had been signed by 569 persons in the neighbourhood, which was a proof that there was a general feeling against the proposed terminus. At the suggestion of his hon colleague he would move, in place of the original motion, "That an address be presented to His Excellency the Governor-in-Chief, requesting him to cause surveys and estimates to be made for the extension of the railway from Section 1411 to the town of North Kapunda."

Mr BAGOT seconded the motion.

Mr McELLISTER opposed the motion, as he thought it would tend to bring about a great waste of public money. It had been always understood that the terminus would not be placed further north than the proposed site, and with regard to the extension, he could confidently state that there were three drays went through Riverton for one that went by way of Kapunda. The Kapunda people had had for some time past the lion's share, and he thought it quite time that the advantages they possessed should be shared by others.

Mr LINDSAY supported the motion, because he believed a mistake had been made in placing the Gawler Town Terminus where it was, and that it was necessary in this case to guard against what would be a very similar mistake if carried out. They must recollect that in railway extension they had no Upper House of Commissioners, and that what was done could not be undone.

Mr YOUNG was adverse to the principle of carrying out public works by petition. He was not prepared, however, to discuss the question; but he presumed the surveyors had adopted the best line and the best locality for a terminus. He could not conceive from the way in which the petition had been introduced that a sufficient case had been made out. (Mr McEllister—"Hear, hear.") He would agree with the petitioners so far as that no considerable expense should be incurred in the erection of a station at the proposed terminus. It had been stated by the hon member for the Light (Mr Shannon), that Kapunda was second to no township in the colony with the exception of the Port and the Burra Burra, but he thought that being the case, the petition being only signed by 569 persons was not greatly indicative of the popularity of the scheme.

Mr STRANGWAYS said, if the House adopted the amendment of the hon member for Light they would be substantially negativing the views embodied in the report of the Railway Management Committee, which were, that any extension northward should be carried by way of the Valley of the Gilbert. That was his interpretation of that portion of the Report—(Read extract from the report)—and he could not therefore support the resolution before the House.

Mr MILNE would like to have some explanation from the Government as to the reason why the terminus was placed at Section 1411 instead of at Kapunda. There must surely have been some engineering difficulties that the line stopped short of the centre of communication, although within a short distance of it. With regard to the remarks of the hon member for Encounter Bay (Mr Strangways) as to the finding of the Committee on Railway Management he would say, as he was on that Committee, that there was no declared expression on the part of the Committee that the line should be extended by way of the Valley of the Gilbert, but its desirability rested entirely on on a careful consideration of the whole matter. The Committee never intended in whatever direction the extension might be made, that such a short distance should be a bar against carrying the terminus into Kapunda.

Mr BAGOT was one of the Committee referred to, and his impression was that the extension should be made by way of the Valley of the Gilbert. The extension of the line northward, however, would not interfere with the carrying of the terminus into Kapunda, for they must come to Kapunda before they turned off to the Valley of the Gilbert, and no matter which way the railway went it must go within a very short distance of Kapunda. He regretted to see the hon member for Encounter Bay (Mr Strangways) and the hon member for Noarlunga (Mr Young) objecting to this survey, because when those hon members had called for surveys on former occasions the House had invariably granted them, and he thought they exercised very bad taste in objecting to what was now asked for. If the township were not connected with the terminus by rail a macadamized road would be necessary, and the expense of that would be almost as great as connecting the two points by rail. He hoped the House would agree to the motion.

Mr MILDRED asked whether the line from Section 1411 to Kapunda had not already been examined.

The COMMISSIONER OF PUBLIC WORKS said it had been examined but not surveyed. He should not object to the motion for the present survey.

Mr MILDRED would support the motion, and he hoped the survey now going on in the Valley of the Gilbert would prove that it would be more economical to make the main trunk line from the Gawler, and that the Kapunda Railway would be only a branch line.

The TREASURER said the hon member for Onkaparinga had asked if there were any engineering difficulties which prevented the extension of the line to the township of Kapunda, and he would, in reply to

that hon member, read the evidence which had been taken in Committee on that point (Read extract from page 16 of report, in which Mr Hargrave's evidence was to the effect that the cost of a bridge to enable the terminus to be carried into the township, would be £4 000) It would be perceived by this that the Government were desirous of carrying the terminus into Kapunda, and they were so now, if it could be shown that the expense of so doing would not outweigh the advantage to be derived from it But while he said this, he would remind the House that they had been struggling two sessions to carry out the extension to Kapunda, and that no step should be taken which would have the tendency to delay the work With regard to the survey asked for, he should have no objection to its being granted

Mr DUFFIELD wished that the motion should express that the survey should be made to the Kapunda Mine instead of to the township of North Kapunda, which it would be found was situated at a higher elevation than the mine, and therefore less accessible He looked at the question not as the northern railway, but as the railway to Kapunda He was in favor of this terminus being carried to the township or to the mine, and, with the alteration he had suggested, he would support the motion

Mr PEAKE would support the motion He had been on two of the Committees, and had always expressed a wish that the terminus should be carried into the township of Kapunda He believed from the evidence of Mr Hargrave that it was probable that the terminus would have to be even now placed further northward He agreed with the motion, because it would have the effect of settling a vexed point

The motion was then put and carried

ASSESSMENT ON STOCK BILL.

The further consideration of this Bill was postponed until Thursday

LONGBOTTOM'S PATENT BILL

In Committee.

Mr MILNE, in the absence of the hon member for the Port (Captain Hart), moved an addition to one of the clauses of this Bill, which was agreed to

The clauses were all passed through Committee

The House resumed, the Bill was reported, and the consideration of the report was made an Order of the Day for Thursday

NORTHERN EXPLORATION

THE COMMISSIONER OF CROWN LANDS laid on the table further correspondence relative to the Northern Explorations including a full report from Major Warburton, and sundry maps, the former of which was ordered to be printed

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL.

In Committee

The COMMISSIONER OF PUBLIC WORKS laid the amended print of this Bill on the table, and on his motion it was substituted for the former one

Clauses 4 to 32 inclusive were passed as printed

Clause 33, "Penalty for refusing to fix, &c, fire-plugs, or occasional failure of supply of water"

Mr STRANGWAYS called attention to the circumstance that the Commissioner was made liable for the penalties in certain cases, and he suggested that, as it was not a dignified position for him to be placed in, the penalty should be enforced only on the officer in charge of the works

Mr BAGOT was of the same opinion, and thought it was a very anomalous position for a responsible Minister of the Crown to be placed in to be subject to such penalties

The ATTORNEY-GENERAL would say that it was always recognized as a true principle that where power was possessed there also should there be responsibility Certain powers were conferred on the Commissioner of Public Works, and it was only proper that he should be subject to the responsibility In the case of the old Commissioners the same course had been pursued It would be a question as between the Commissioner of Public Works and the person appointed by him to carry out the duties of the office, which latter would of course be called upon to make good any penalties to which, through his neglect, his superior had been subjected to As to placing a Minister of the Crown in an invidious position, he could only repeat that where there was power there should be responsibility, and it would be for such Minister to take care to secure himself from the penalties which should fall upon those whose personal failings they arose from

The clause was passed as printed

Clauses 34 to 43 inclusive were passed as printed

On clause 44 being put,

Mr STRANGWAYS asked if it was the intention of the Government to prosecute any system of drainage before the water was brought into the town, otherwise, he thought, the water without the drainage would have an unwholesome effect

Mr LINDSAY was about to ask the same question, and he would like to know also whether, when the supply pipes were being laid house drainage pipes might not be also laid with less expense

Mr BAKEWELL said in Melbourne there was a large water supply with no underground drainage, and no inconvenience had been felt from it In fact, some persons had considered the underground drainage to be prejudicial to health

The ATTORNEY GENERAL said the Legislature had provided no funds for the drainage of the city, and until that were done, there was no point to be gained in discussing the question

Clause passed as printed

Clauses 45 and 46 were passed as printed

Clause 47 "Rates payable by owner when tenements, &c, unoccupied, or annual value is under £20"

Mr STRANGWAYS thought hon members should now be in a position to say whether they would place the Government in a different position than they would a private company If it was to be a general tax only to enable the Government to pay back the debt and interest on the loan, then the clause would do, but if it were a water rate it should not apply to unoccupied land or where the water was not laid on

Mr SOLOMON said it was not usual in any part of the world to charge for water where it was not used. He should certainly oppose the power given in this clause to levy rates on unoccupied tenements

Mr. BURFORD said this clause was intended to apply to houses where water was laid on, at least he so gathered from the next clause If it were not so he should certainly protest against any one being compelled to pay the rate who did not use the water

Mr SOLOMON moved that the words "or tenements" be struck out, and perhaps that would meet the question

Mr STRANGWAYS moved, "That the whole clause be struck out" It would be very hard to compel persons who had gone to the expense of constructing water tanks to pay the rate while the value of their property would not be increased one penny Such a system was diametrically opposed to all systems of rating in England He would therefore move that the clause be struck out

The COMMISSIONER OF PUBLIC WORKS said this was one of the most essential clauses of the Bill, and that if it were erased the Government would have to consider whether it would not be necessary to fall back upon the old Act It was not at all fair, he considered, that those who had tanks should be exempted from contributing to that which would increase the value of their property The rates under this Bill were more reasonable than under the former Act, in which there was also a construction rate He hoped the clause would be retained

Mr COLE would support the clause Contingencies might arise, fire for instance, when a water-supply would be of great advantage That was a reason why those who even did not use the water should pay the rate

Mr HAY supported the clause, because all property would be benefitted alike Insurance rates would be lower, and other advantage would be derived In Schedule Class 3 it was provided that vacant lands should be rated at a less rate, and he thought the same plan might be adopted with vacant tenements

Mr STRANGWAYS said that, in other parts of the world, water companies were compelled to supply water to fires *gratuitously*

Mr BURFORD thought Mr Coles's reference to fires was far-fetched, as in those cases water was never charged for

Mr MILDRED called attention to the 39th clause, in which the Commissioner was empowered to cut off service pipes, but, notwithstanding this, the occupiers of the tenement would still be liable for the rate.

The ATTORNEY-GENERAL said, if the House adopted the amendment for striking out the clause, the Government would feel it to be their duty to withdraw the Bill, because it would go to establish the principal that those who did not use the water, or, perhaps, did not wash themselves (a laugh) should be exempted from paying the rate, and they did not know how far this might be carried In the former Act there was a construction rate as well as a water rate, but in this the scale was so graduated that it would be far more advantageous to vacant places In fact, in rating, the change was directly in favor of that class who had vacant houses and lands If the clause were not adopted, it would be so great a departure from the principle recognized by the Legislature in carrying out the work that the Government would not feel justified in going on with the Bill.

After a motion for the postponement of the clause, by Mr STRANGWAYS, it was passed as printed

Clauses 48 to 56 inclusive were passed as printed

Clauses 57 to 59, relating to the rights of inspecting city assessments, the appointment and powers of assessors and collectors, and providing that collectors may sue, were passed as printed without discussion

Clause 60 provided that annual accounts should be made up by the Commissioner and sent to the Commissioner of Public Works and be open for inspection

The ATTORNEY-GENERAL said this was a mistake

Mr STRANGWAYS thought this clause as nice a specimen of the circumlocution office as had ever come under his observation or could be devised The Attorney-General said it was a mistake, but unfortunately the Bill was full of such By this clause the Commissioner was to make out an account and then hand it to himself Here was a specimen of red-tapeism

The COMMISSIONER OF PUBLIC WORKS said the clause had afforded the hon member for Encounter Bay another opportunity of distinguishing himself The clause would have

been quite appropriate if the Commissioners had been retained

It was amended to meet the altered state of circumstances and passed

Clause 61, relating to the recoveries of damages and penalties, was passed as printed

Clause 62 provided that all fines, penalties, and arrears of money levied or recovered under the Act should so far as not otherwise specially appropriated be paid to the Colonial Treasurer on behalf of Her Majesty, her heirs and successors, for the public uses of the province and support of the Government thereof

Mr SOLOMON moved an amendment to the effect that the money be carried by the Treasurer to the credit of the Waterworks Commissioners He believed this was the usual course, at all events, he considered it only right that the penalties should go to the fund from which penalties were paid, and that a debtor and creditor account should be kept

Mr STRANGWAYS believed that the course proposed by the Bill was the correct one. It was not usual that the fines should be paid to the Commissioners, nor could he see any reason that they should be paid to them

The ATTORNEY-GENERAL agreed with the amendment The principle had been recognized in reference to District and Municipal Councils The question was whether the fines, &c, should go to the general revenue, or to the funds for this particular undertaking He thought the amendment a reasonable one

The clause was passed as amended

Clauses 63 and 64, relating to tender of amends and protection of persons, and as to proceedings against persons acting under the act, were passed as printed, and the Chairman then reported progress, and obtained leave to sit again on the following Friday

THE NORTH-WEST COAST

The TREASURER laid on the table a paper prepared by Mr Douglas illustrating the report and survey of the north-west coast.

ASSOCIATIONS INCORPORATION BILL

Upon the motion of Mr. BAKEWELL the report of the Committee of the whole House upon this Bill was adopted, and the third reading was made an Order of the Day for the following day

THE REAL PROPERTY ACT

The ATTORNEY-GENERAL intimated that on the following day he should ask leave to introduce a Bill to amend the Real Property Act.

The House adjourned at half-past 5 o'clock till 1 o'clock on the following day

LEGISLATIVE COUNCIL

THURSDAY, DECEMBER 9

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Scott, the Hon Captain Hall, the Hon Dr Davies, the Hon Dr Everard, the Hon Major O'Halloran, the Hon J Morphett, the Hon H Ayers, the Hon Captain Bagot, and the Hon A Forster

SMILLIE ESTATE BILL

The Hon Capt HALL, in moving the second reading of the Smillie Estate Bill, said that the object sought to be attained by the Bill was to remove doubts respecting the titles of lessees and purchasers of certain lands in the township of Nairne Certain sections of land had been laid out as a township, the object and purpose being to effect a sale of the allotments Certain powers of attorney had been granted, and sales had been made under them, but doubts had arisen as to the validity of the titles granted under these powers of attorney This bill was to remove those doubts, and enable the Trustees to carry out the original intention in selling and granting titles in the township of Nairne. The Bill had passed through a Committee of the other branch of the Legislature and of that House, and the Committee had found the preamble proved but had recommended the introduction of a clause whereby the proceeds of the lands would be secured Having shortly stated the objects of the Bill, he would move that it be read a second time

The Hon H AYERS seconded the motion, which was carried, and, upon the motion of Capt HALL, the House went into Committee upon it, when a clause proposed by the Hon H AYERS was introduced as the 6th clause, rendering it compulsory upon the Trustees to invest all moneys received for the sale of land either in the British funds or in South Australian Government Securities The various clauses having been agreed to, the Bill was reported, the report adopted, and the third reading made an Order of the Day for the following Tuesday

STUART'S LEASE OF WASTE LANDS BILL

The Hon the CHIEF SECRETARY, in rising to move the second reading of this Bill, said that no one looking at the map which had been furnished by Mr Stuart, or reading that gentleman's journal, could avoid being struck by the indomitable perseverance, energy, and pluck evinced by him in his arduous exploration undertaken at private expense Mr Stuart left the settled districts accompanied by a black man, a white man, four horses, and six weeks' provisions, springing into the wilderness to the north-west of this province, and he might say thoroughly exploring between the west side of Lake Torrens and the western boundary of South Australia He was absent a period of about two months, returning to the settled districts on September 14, and during his absence had been subjected to nearly every description of physical privation, exposed to the rains and storms without shelter For weeks together he and his companion were on an allowance of 2½ lbs of flour per week, occasionally varied by a bandicoot, or a rat, or a mouse, added to their limited bill of fare The result of this arduous exploration was the discovery of a country adapted for pastoral purposes, containing nearly 15,000 square miles The particulars of this discovery Mr Stuart offered to develope in consideration of getting a lease of a certain portion of this country for a number of years free of rent On reference to Council Paper 124, hon gentlemen would find the correspondence which took place between Mr Stuart and the Government on the subject, containing all particulars. To carry out those conditions modified in some measure, the House of Assembly had passed the present Bill and invited the concurrence of the Council By referring to the Waste Lands Regulations, in Council Paper 225 of last session, it would be seen that persons who discovered and made known country adapted for pastoral purposes were entitled to receive a lease of any portion not exceeding 200 square miles, at the rate of not less than 10s per square mile The discovery of Mr Stuart, however, did not merely embrace 200 square miles, which he might have had at once upon obtaining a lease, but by his energy he had added to the pastoral interests of the colony to the extent of 15,000 square miles Mr Stuart had indeed accomplished what had never before been done by any exploring party, either public or private. The result of his discoveries would add a large annual amount to the public revenue of the colony, and he thought hon gentlemen would only deem it wise and expedient in this particular instance to deviate from the Waste Lands Regulations and agree to what was proposed by the present Bill, so that the reward to Mr Stuart might be commensurate with the discoveries which he had made He would only further remark that Mr Stuart had not claimed any pecuniary compensation, but it was proposed to give him by this Bill a lease of about a tenth of the land which he professed to have discovered, so that the Treasury would not be out of pocket, and the value to Mr Stuart would only be pro rata to the public interest of the colony

The Hon Major O'HALLORAN seconded the motion

The Hon J MORPHETT rose to oppose the motion of the Chief Secretary He did so after a full consideration of all the circumstances of Mr Stuart s case He did not oppose it from any disinclination to reward enterprise, so far from that he considered it most desirable that energy, skill, and enterprise, should be fully rewarded not only in the case of Mr Stuart, but many others, but he opposed the motion, because he saw nothing in the case of Mr Stuart to take it out of the ordinary category There were many besides Mr Stuart who had shown considerable energy, skill, and enterprise in the discovery of new country, yet no such reward had been proposed for them as that which was now proposed for Mr Stuart It had not been considered expedient to reward them in any other way than was provided by the regulations to which the Hon the Chief Secretary had referred Those regulations had been made under the authority of an Act of Parliament, No 5, 21 Victoria, and under the 12th clause of those regulations the Governor had power with the consent of the Ministry to make any regulations for the leasing of Crown Lands The regulations which the Chief Secretary had referred to were made by the present Governor Sir R G MacDonnell, and were signed by Wm Younghusband It was under those regulations that parties who went out upon exploring expeditions at their own expense sought their reward, and those regulations which, as he had before stated, were signed by Wm Younghusband, showed how parties who had been successful in exploring might obtain runs without their being submitted to auction But the Hon the Chief Secretary thought now that these regulations were a little too stringent, and he was inclined to agree with the hon gentleman that they were a little too stringent, and did not present sufficient encouragement to parties to leave the civilized portions of the province and go in the bush upon exploring expeditions But to make such a jump from the regulations to which he had referred, and the Bill which was before the House, did appear to him most extravagant and incomprehensible The difference between the regulations and the Bill was this — Under the regulations a successful explorer might claim, as he had stated, not more than 200 square miles, but before he obtained a lease he was called upon to pay 10s a square mile to the Government, and he was bound to stock the run within 12 months That was thought sufficient inducement 15 months ago for parties to explore, and Swindon, Hack, Bald, and many others had done so with no other inducement But now the hon the Chief Secretary said "Give Stuart 1,500 square miles, give him eight locations instead of one, and instead of calling upon him to pay 10s a square mile, give him the land rent free for seven years, and give him four years to stock it in instead of one" Giving Mr Stuart every credit for his energy, his tact, as a bushman, and his desire to do the best he could for his

employer, he doubted whether there was anything in Mr. Stuart's exploration to entitle him to such extraordinary advantages as were proposed by the present Bill. He doubted whether there was anything which could justify the introduction of a Bill which was the highest honor which could be paid to any one. If a second Leichhardt had explored to Port Essington and back, they could have done no more than was now done in the case of Mr. Stuart—introduce a Bill. The hon. gentleman, the Chief Secretary knew that he had only to advise His Excellency to alter the regulations, to accomplish all that was proposed by the present Bill, but then the responsibility would rest with the hon. gentleman and his colleagues, consequently, the hon. gentleman would not do that, but left the matter to Parliament. This course was objectionable, for Parliament could not, as a body, investigate a particular claim, but the Government could. If the Government acted upon their own responsibility, if they were wrong the country would blame them but if they were right they would be honored. The responsibility naturally fell upon the responsible Ministers of the Crown, and he must object to it being cast upon Parliament. He trusted the Council would not be called upon to consider the merits of the Bill, because he trusted the Council would see that it would be far better to throw the responsibility where it naturally rested, upon the Ministry. Let the Ministry recommend the Governor to alter the regulations, and the Ministry might then, if they pleased, give Mr. Stuart such lands as they pleased, at a farthing a square mile. No. 5, of 21 Victoria, clearly shewed that such was the case, the 12th section shewed that there was no limitation as to the price which the Governor might be advised by his responsible Ministers to fix. If after an investigation of Mr. Stuart's claim the Government considered it was one which would justify them in giving him as much land as was included in the present Bill, and on the easiest terms, they could do so, and the hon. gentleman and his colleagues would no doubt be prepared to justify their conduct to the country. He trusted they would not be called upon to go into the Bill, but, at the same time, he would call the attention of the House to the fact that the quantity was excessive. He was informed upon the best authority that the whole extent of country discovered by Mr. Stuart consisted only of 1,500 square miles, and that every acre beyond that was worthless. If that were the case the Council, by the present Bill, was actually asked to give Mr. Stuart the whole of the country which he had discovered. Even if some of the outlying portions of the country were good, they might be sure, if this Bill were passed, that Mr. Stuart would secure the whole of the water frontages, for it should be remembered that two hundred square miles were twenty miles by ten and it was proposed to give Mr. Stuart seven of these dimensions and one of half the size, so that he would ask whether these stretched as a bushman could stretch them, might not readily be made to take in all the water. There were many explorers who were equally deserving of respect and consideration as Mr. Stuart. Mr. McKinlay, for instance, was, in truth, the discoverer of that portion of the northern country which led to subsequent discoveries, he discovered Mount Serle, and stocked runs thereunder the then existing regulations, at great expense and trouble, and what did he gain? Why, nothing, not even a lease of the runs which he stocked. He did not retain an inch of the country which he discovered. He did not see that the Chief Secretary had shown such particular features in the case of Mr. Stuart as should justify such an extravagant exception as he wished in his favor. His objection was founded upon principle, and had no reference to individuals. The proper mode of remunerating any explorer he contended was to give him what he could properly claim under any regulations in existence at the time. If the regulations were not sufficiently liberal, it devolved upon the Government to make them so, and as he had shown they might at any time be altered by the Governor with the advice of his Ministry. If that course were adopted the advadvantages would then be extended not only to Mr. Stuart, but to other explorers. His object was to encourage explorers generally, and he should be glad if such regulations could be made as would enable them to enjoy a portion of the country which they discovered for seven years, if the Government liked, provided that every one enjoyed the same privilege. He objected, however, to this wholesale, reckless, and unjust way of giving away the lands of the people as proposed by this Bill, and should, therefore, move that it be read again that day six months.

The Hon. A. Forster felt placed in a position of difficulty in reference to this Bill, as he did not wish to deprive Mr. Stuart of any reward which he was entitled to for the energy which he had displayed, and the sacrifices which he had made, in the exploration of the northern country, but he felt that this Bill was intended to confer a special advantage and privilege upon an individual which was not conferred upon others, even rateably, who stood in the same position as explorers. He was sure that he should be found happy at any time to reward Mr. Stuart to the extent of his legitimate claims, but he would also state that he would not be a party to any measure adopted by the Government of an unusual character, and which placed other parties in an unfair position with regard to Mr. Stuart. He was sorry that it was attempted to pass an Act for the purpose of rewarding Mr. Stuart, he was sorry, because the law at present in force, and the general power of the Government, would have enabled them to offer a proper and suitable reward to Mr. Stuart for his discoveries. He should have thought that the existing regulations would have met the case, but he wished to ask, supposing the Council were to pass this Bill, would the Chief Secretary be prepared to introduce a Bill to reward others, the first discoverers of the country in a similar manner, for if not he must oppose, other claims as valid as those of Mr. Stuart not being recognised. He could only be induced to support the measure upon the assurance that others would not be placed in a less advantageous position. He did not anticipate from a perusal of Mr. Stuart's journal that the large amount of country had been discovered by that gentleman, which had been represented by the hon. the Chief Secretary, for he had a letter in his possession, addressed to Mr. Swinden by Mr. Stuart's fellow explorer, George Foster, and though he did not vouch for its accuracy, he had every reason to believe it perfectly correct. The letter was as follows:—

"November 18, 1856.

"Sir—I beg to inform you that I started out with Mr. J. M. Stuart, to the N.W., on condition that I received £2 per week, and a share in the country found.

"We found about 1500 miles of good country, on a large creek 100 miles from the Elizabeth. All the rest of the country we went over is of no use whatever.

"I am, &c., &c.

"George Foster."

"C. Swinden, Esq."

That letter was from the party who accompanied Mr. Stuart, and although he did not wish to depreciate the claims or representations of Mr. Stuart, he felt bound to read that letter to the House, it having come into his possession. He thought the Government before granting what was proposed by the Bill should have taken steps to ascertain that the representations of Mr. Stuart were correct. They should have done so before alienating so large a part of the country for a period of 14 years, for seven of which, Mr. Stuart was to pay nothing, and for the remainder of the term to enjoy it without competition in violation of the existing regulations. He objected again to the course proposed, because there was no consideration whatever shewn for Mr. Stuart's companion. Mr. Stuart had been sent out by Mr. Chambers, and now claimed 1,500 square miles, which the Government appeared disposed to give him, without in any way considering the person who accompanied him. He knew it would probably be stated that Foster was a mere servant to Mr. Stuart, and no doubt he was a servant to some one, but he presumed they had both been sent out by Mr. Chambers, and were in fact both servants. But supposing that Foster had been servant to Stuart, and had gone out without any arrangement that he should participate in the discovery, was he entitled to no reward from the Government? The Chief Secretary had eloquently and pathetically expatiated upon the hardships to which the party were exposed, the party originally consisting of two white men and a black, but the black deserted. The hon. gentleman stated that they were exposed to every description of physical suffering, that they lived on opossums and so on, and that for days and weeks their sustenance was most precarious. He agreed with all that had been said upon this point, but Foster was as much exposed as Stuart, and surely where there was a community of danger there should be a community of reward. The Government should certainly have given some consideration to Mr. Foster. But what was the fact? Why, Foster came to town, and claimed 200 square miles, under the regulations which had been referred to by the Chief Secretary, and the Government received the rent, but when he came in, without taking any steps to ascertain whether the statement were correct or not, the Government said the money had been received in error, and that the land belonged to Mr. Stuart, by virtue of his discovery, concluding by stating that Mr. Foster must come and take back the money. He did not know if the money had been returned, but he considered the course taken by the Government an ungenerous one. Mr. Swindon discovered the country next to Lake Torrens, and opened up the way to the country discovered by Stuart and Foster, who went through Swindon's Country, but Mr. Swindon was not permitted to take 200 square miles. He took 400, however, at 10s. a square mile, but it was not stocked, and the money was sacrificed. He should support the Government in rewarding discoverers of new country, believing that the utmost encouragement should be given to exploring operations, and if the Government would come forward with some broad principle so as to reward all alike, he should join in supporting it. But if this Bill were assented to, they would be continually called upon to pass such Bills. That would be the effect, the country would be opened up in all directions, and they would be called upon to give others a similar reward to that which it was proposed to give Mr. Stuart. To save the Council the trouble and inconvenience of considering special Bills, he would suggest the adoption of some general principle. The Government should adopt a principle which would save them from trouble, and, at the same time, they should take steps to ascertain that the alleged discoveries were true. In reference to gold-fields, it would be remembered, it was proposed to give discoverers a certain proportion of the money received for leases within a certain time, and if the same principle had been adhered to in reference to the discovery of new country, Mr. Stuart would have had his reward. Let it be said that he should receive a tenth of the

amount received for leases within one, two, or three years No doubt the House would have sanctioned such a course had it been proposed by the Government but they had done nothing of the kind They had blindly accepted the report of Mr Stuart, without taking any steps to ascertain its correctness, and then generously proposed to give him 1,500 square miles He felt that he must vote against the Bill, and support the amendment that the Bill be read again that day six months He did so not with the view of preventing him from receiving his just reward, but to relieve the Council from the disagreeable position of passing Bills to reward discoveries when there might be some broad principle laid down for the reward of all explorers

The Hon Captain SCOTT would be sorry to oppose any motion for the purpose of giving Mr Stuart a fair remuneration for the risk and labor which he had incurred No doubt that gentleman had risked his life and had been exposed to great hardship, but at the same time he felt it his duty to vote against the Bill The Council were called upon to give Mr Stuart 1,500 square miles, on lease for 14 years the country alleged to have been discovered by Mr Stuart being of the extent of 16,000 square miles although as had been remarked by the Hon Mr Forster there was no evidence of this discovery, and two men riding rapidly along for the last few days it appeared they were riding for their lives, could form but a very imperfect idea of the extent He should like to see some evidence before the House to shew that 16,000 square miles of available country had been discovered, but under any circumstances, he could not see that they were called upon to vote Mr Stuart 1,500 square miles as a reward Whilst the House were quite in the dark as to the amount of available country, it was very explicit as to the quantity to be granted to Mr Stuart for the alleged discovery of a country, but whether it existed or not they could not tell It was proposed that the 1,500 square miles should be in seven blocks, and any one acquainted with such matters would know that there would be very little difficulty in so arranging matters by securing the water that Mr Stuart might command 4,500 square miles By holding the water he might virtually hold two or three times the quantity of land which it was proposed he should have Was this Bill to be a precedent? Was every one who discovered country to come to that House and ask for a similar grant? If so, they would soon alienate the whole country altogether, and instead of the rents going into the Treasury they would go into the pockets of the explorers If the lands mentioned in this Bill were given to Mr Stuart for seven years for nothing, he would have no difficulty in selecting them in such a way that he might make a handsome profit of them at once by letting them It would be doing a great injustice to carry out the principles of this Bill, as it would be establishing a monopoly The annual rent of 1,500 square miles at 10s per mile would be £750, and for 14 years this would amount to £10,500 Only half of this amount would go to the Government, £5,250—an amount not sufficient for the survey of the land and other expenses connected with it But supposing that Mr Stuart selected the land in such a manner that, instead of 1,500 square miles, he got 3,000, the rental in 14 years would amount to £21,000, and as he would only pay £5,250 to the Government—that being the rental upon 1,500 square miles—he would have an amount of £15 750 for his labor in discovering the country But suppose Mr Stuart, from the way in which he selected the country, got three miles for one, the rental would amount, at the end of 14 years, to £31,500, and, as he would only pay to the Government the sum of £5,250, he would have a sum of £26 250 for his trouble in discovering the new country Besides this, it should be remembered that Mr Stuart would not be bound to stock more than 1,500 square miles When the right of selection was given to Mr Stuart, it was not too much to assume that he would so select it as to secure himself all the advantages he could The country had not been surveyed, and he presumed there would be considerable expense in surveying it It was not as if the country was pressed for this, the cattle were not starving, and although it was desirable that the country should be opened up, it was not a matter of immediate necessity It might be said that Mr Stuart might have kept his secret, and no doubt he might, but what good would it have been to him? The attention of the Government had for some years been directed to the spot at which these discoveries were made, and a party had actually been sent out in that direction, but had not proceeded so fast as Mr Stuart had been enabled to If Mr Stuart had kept his secret the country would have lost nothing, as the country discovered by Mr Stuart would eventually have been discovered by some one else They were dealing with the subject as though Mr Stuart had saved something from destruction, as if he had discovered something which would never have been discovered but for him He should be prepared to give him a fair reward, because he happened to be the first who discovered the country, but he could not consent to giving him 1,500 square miles under circumstances which would in fact enable him to select 4,500 If this were to be a precedent there would be a fresh Bill introduced for every few miles of country which were discovered, and there would be no end to such Bills If it were not to be a precedent then it was unjust and impolitic If there were to be no similar reward to others this Bill would put a stop to exploration Let Stuart be well and fairly rewarded, and let it be known that whoever discovered new country would be rewarded, and that would be the surest way of getting the country opened up

The Hon Capt BAGOT said that in the conscientious discharge of his duty he felt it imperative to vote against the Bill He considered it a most monstrous departure from the regulations which were laid down, and had been acted upon for so many years It was altogether uncalled for A former Government had thought it advisable to establish regulations in reference to the discoverers of new runs, and why those regulations should be set aside to the monstrous extent which was proposed by this Bill he was at a loss to conceive If it were desirable to reward Mr Stuart, and he admitted it was, and if the existing regulations were not sufficiently extensive, let them be altered, and let him have the first benefit of the alteration, but let the regulations also be for the benefit of all future explorers Even in that act there would be some injustice to those who had gone before When, last year, two men encountered much greater hardships than had been encountered by Mr Stuart in the discovery of new country, they sought no other reward than that contained in the regulations The danger, difficulties, and privations encountered by Mr Stuart, during an absence of six weeks, had been forcibly dwelt upon by the Chief Secretary, but there was a gentleman, Mr Bald, who had been as many months exploring in the north, and was not accompanied by a white man, but left the settled districts with a black, who deserted him He lived with the blacks and encountered almost unheard of hardships, yet he demanded no other reward than that provided by the regulations, a demand was made for the rent of the country which he claimed, and it was paid at the moment Why should there be a departure in the case of Mr Stuart? as he was well aware that a large and expensive party had been fitted out by the Government to explore in the same direction, and that that party was in the frontier advancing towards the country discovered by Stuart, who took advantage of his light equipment and forestalled them If he were deserving of any reward he believed there was full power under the existing regulations to reward him, and if not let them be extended A statement had been made by the Chief Secretary as to the country which Stuart had discovered, and the hon gentleman had produced a map, but on looking to that map it would be seen that the extent of available country travelled by Stuart was about 100 miles, and consequently it he saw 15,000 square miles of available country he must have seen 75 miles on each side of him, presuming that he went through the very centre This was an impossibility, and when the hon gentleman made the statement which he had to secure the votes of the House, he should be prepared to substantiate it, and he trusted he would do so in his reply

The Hon H AYERS felt it his duty to oppose the second reading of the Bill but as no argument had been used in support of the measure, except a few words which had fallen from the Chief Secretary, the discussion having been all one-sided, he would not trouble the House with any lengthened remarks The Council had no reliable evidence before it as to the quantity of country discovered by Mr Stuart, but they were asked to give a certain quantity—1,500 square miles That was one objection which he had to the Bill, and the other was making Stuart's an exceptional case He had no objection to support a modification of the general rule in reference to the discovery of new country, so that all might participate in the benefit

The Hon Captain HALL felt bound to oppose the second reading of the Bill, without the Chief Secretary could vouch for the statement that 15,000 square miles of country had been discovered Even if the hon gentleman could vouch for that, he should not be disposed to support the present Bill, although it would materially affect his views upon the subject The House were entirely in the dark as to the nature of the country He had the warmest desire to reward all the discoverers of new country, and an earnest desire to see the resources of the country developed and stocked, but still there must be a limit to these rewards and such a wholesale alienation of the country as was proposed by this Bill, was certainly not warranted He had long been of opinion that instead of fitting out expeditions, the proper plan was to offer rewards to private individuals The regulations already admitted of a grant of 200 square miles of country being made to discoverers and he thought this sufficient He did not consider the case of Mr Stuart so exceptional that such a departure should be made in his favor, as at the time he went out he must have known that an expensive party had been fitted out to explore in the same direction, and that consequently he had something to fall back upon He did not agree with the Hon Captain Scott, that it was unimportant whether this discovery was made now or at a future period, as every thousand added to our flocks increased the wealth of the country, and if they could offer leases of pastoral lands to residents in Victoria and New South Wales the country would soon be stocked, and its wealth would be increased He felt sorry to be obliged to go with what appeared to be a majority of the House, and throw out the Bill

The CHIEF SECRETARY having replied, the House divided upon the question that the words proposed to be omitted stand part of the question, that is, that the Bill be read a

second time, which was lost by a majority of four, the votes on a division being Ayes 3, Noes 7, as follows —

AYES—Messrs Davies and O'Halloran, and Chief Secretary (teller)

NOES—Messrs Bagot, Captain Scott, Everard, Ayers, Forster, Hall and Morphett (teller)

CLERKS SALARIES ACT REPEAL BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that it was necessary to reintroduce it in consequence of the Civil Service Bill having been thrown out

The Bill was read a second time, and passed through Committee The report was adopted and the third reading made an Order of the Day for the following Tuesday

The Council adjourned at quarter to 4 o clock till 2 o'clock on the following Tuesday

HOUSE OF ASSEMBLY

THURSDAY, DECEMBER 9

The SPEAKER took the chair shortly after 1 o clock

BOARD OF WORKS BILL

The COMMISSIONER OF PUBLIC WORKS gave notice that on the following day he should move for leave to introduce a Bill to bring certain Commissions under the control of the Commissioner of Public Works

LACEPEDE BAY

Mr HAWKER gave notice that on the 15th inst he should move an address be presented to His Excellency the Governor praying that there might be a thorough survey of Lacepede Bay and its approaches

WATER SUPPLY

Mr LINDSAY gave notice that on the 15th instant he should ask the Commissioner of Public Works questions relative to the tenders which had been invited in connection with water supply

SEARCHING FOR GOLD

Mr REYNOLDS gave notice that on the 15th instant he should move an address be presented to His Excellency requesting a suspension for the ensuing three months of the usual fees for searching for gold

EAST TORRENS

Mr MILDRED asked the Commissioner of Public Works if he would lay upon the table additional correspondence which he believed had taken place with the East Torrens District Council

The COMMISSIONER OF PUBLIC WORKS said he had only received the letter alluded to by the hon member on the previous day after entering the House, and would lay it on the table shortly

PUBLIC BOARDS

Mr REYNOLDS asked whether the Bill intended to be introduced for the purpose of bringing various Boards under the control of the Commissioner of Public Works, would provide that the salaries of the various officers connected with those Boards should be placed upon the Estimates

The COMMISSIONER OF PUBLIC WORKS said that it would not

Mr REYNOLDS would then give notice, that on the 17th instant he would move, it was expedient that all salaries connected with the Harbor Trust, the Trinity Board, the Railway Board, and the Waterworks Commission, should be placed upon the Estimates, and that an address to that effect be presented to His Excellency the Governor

THE IMPOUNDING ACT

Mr LINDSAY gave notice that on the 17th instant he should ask whether the 23rd clause of the Impounding Act, and the 114th clause of the District Councils Act Amendment Bill, were not repugnant to the law of England

MR. DAVID SUTHERLAND

Mr MILNE, on behalf of Mr Neales, moved that the petition recently presented from Mr David Sutherland be printed

Carried

THE IMPOUNDING ACT

Mr LINDSAY asked the Attorney-General—

"(1) Whether by the law of England it is or is not felony to shoot another person's pig, even though the pig at the time be trespassing? (2) Whether clause 23 of the Impounding Bill of 1858, which authorises the destruction of certain animals therein mentioned, is or is not repugnant to the law of England? (3) Whether a by-law of a District Council, imposing a penalty of £10 upon any person who shall destroy another person's pig within the limits of the jurisdiction of such District Council, would be held to be repugnant to any Act of the Legislature of this Province"

The ATTORNEY-GENERAL was sorry that he should be compelled to decline to answer the first and last question He did not consider it to be part of his duty to give an opinion upon the law of England to any hon member who might choose to call upon him to do so, although he was always willing to give an opinion upon any matter under the consideration of the Legislature Clause 23 of the Impounding Act was not according to his opinion repugnant to the law of England The last question he must decline to answer, as he could not be expected to give an answer upon a supposititious case When any case came before him he should be happy to give an opinion upon the point, but he could not go through the whole of the cases which came within the range of possibility and give a specific answer to every one

WASTE LANDS ACT

Upon the motion of the COMMISSIONER OF CROWN LANDS the consideration of the amendments made by the Legislative Council in the Waste Lands Act Amendment Bill, was made an Order of the Day for the following Thursday

THE REAL PROPERTY ACT

The ATTORNEY-GENERAL, before proceeding to the Orders of the Day, would ask the leave of the House to introduce a a Bill to amend the Real Property Act It would be in the recollection of hon members that during last session what was known as the Real Property Act was introduced and passed by very considerable majorities in that branch of the Legislature, and by decided majorities in the other branch That Bill had become the law of the land, and as might have been expected, when an attempt was made for the first time to introduce a system novel not merely in details but in principle for which there was no precedent, and in which every difficulty had to be seen and guarded against without the lights of experience—it was to be expected, when such a system was practically applied, that unforseen and unanticipated difficulties should be found to arise, that some things were omitted, that some were provided for in a way not most convenient or most expedient and that other matters would be found to require amendment in other ways The fact that in realising a measure of this nature errors and omissions were discovered, as they had actually been discovered in this Act, reflected no discredit upon the framer, as it was no more than what must almost inevitably occur to any one who undertook a task of this nature He had entertained serious doubts as to many portions of the Bill, and felt it his duty at the third reading to express those doubts So strongly, indeed, did he feel upon the point that he voted against the third reading of the Bill. But now, as he had before stated, the Act had become the law of the land, and he, therefore, conceived it to be the duty not only of those who originally supported the measure, but of those who opposed it, to do all they could to free it from those defects which interfered with its practical working, and make the Act as beneficial as they could So long as the measure had not been determined upon, every one was at liberty to oppose it by all constitutional means, but having been passed, another duty devolved upon them, and that was to concur as far as possible in carrying out those amendments which experience had shown were necessary for the successful working of the measure He said this, because he should ask the House to pass the amendments, upon the faith of their being recommended by the Lands Titles Commissioners, and their solicitors who had been employed to carry out the measure Not having had practical experience of the working of the measure, he was not aware of the extent of the difficulties and impediments which had arisen in carrying out the measure, and was consequently unable to say whether the amendments suggested by the Lands Titles Commissioners were the particular amendments which were required but he accepted them as requisite, on the faith of their being recommended by those entrusted with carrying out the Act, having merely done what he considered his duty by looking to the amendments to see that they in reality contained no such alteration in the principle of the measure as would justify him in refusing to be the medium of introducing them The Bill which he now asked leave to introduce, was to amend the details of the working of the existing Act, and he should ask the House in going through the matter to pass the Bill substantially in its present form, on the faith of it being recommended by those entrusted with the carrying out of the measure, and so accept it as deserving the confidence of the Government and the public He should, however, have to indicate some points upon which he entirely differed in opinion with the Bill But he should not suggest any amendment, because he thought a measure of this sort should be judged, not by the view which any one standing aside might take, but by the persons entrusted to carry it out after they had had practical experience of its operations He only mentioned this for the purpose of guarding himself against being supposed to give his individual approval of all the clauses When he moved the second reading he would indicate more precisely the points upon which he still differed, but he believed the general effect of the amendments would be to improve the law in a very high degree He believed that they would render the Act much more practically beneficial, and that they would to a great extent remove the objections of the members of the legal profession, and tend, consequently, to secure their co operation in carrying out the Act The Bill would, in fact, not merely amend the existing Act, but would tend to secure its being more usefully and speedily brought into operation than otherwise He thought he had said enough to induce the House to give him leave to introduce the Bill

The TREASURER seconded the motion, which was carried, and the Bill was read a first time and ordered to be printed

The Attorney-General moved that the second reading be an Order of the Day for the following day

Mr Solomon trusted that the hon gentleman would not name so early a day for the second reading but afford hon members an opportunity of looking through the various amendments He thought the least the hon gentleman could do would be to postpone the second reading for a week

Mr Reynolds considered the request that the Bill should be read a second time on the following day so extraordinary and unreasonable that he was sure the House would see it and ask the Attorney-General to postpone the second reading for at least a fortnight He understood that there were 93 clauses in the Bill, and that 70 of the clauses of the existing Act were repealed Did the hon the Attorney-General expect that hon members setting aside all other matters, would sit up all night in order to study this during Bill as he might term it, in order that the second reading might be hurried on, particularly after what the hon gentleman had said that he thought many of the clauses might be beneficially altered He hoped the House would not pledge itself to the second reading of the Bill at so early a date In saying this much he was pleased to find that in the amended Bill there was no alteration in the principle of the old measure, and he should be as ready as any one to perfect the principle of the Bill of last year

Mr Barrow said that if the following Tuesday were named for the second reading of the Bill it would probably accommodate hon members as well as though the second reading were postponed for a week On Tuesday, Wednesday, and Thursday there was the current business to attend to, and though he thought it undesirable that the following day should be named for the second reading of the Bill, probably Tuesday would meet the views of hon members

The Attorney-General had no objection to postpone the second reading till Tuesday, but had been told what he believed was true that it was of great importance that this Bill should be passed at once If hon members thought that they were bound to make themselves masters of the various clauses before they assented to the passing of the Bill, he thought the better plan would be to put off the measure till the next session If the House were not prepared to pass the amendments upon the belief that those who had been entrusted with the working of the Act were capable of pointing out what amendments were required, and might be trusted to make them under the supervision which he, as a member of the Government, thought proper to exercise, the better way would be to defer the consideration of the measure till next session

The second reading was postponed till the following Tuesday

LONGBOTTOM'S PATENT BILL

Upon the motion of Mr Milne the report of the Committee of the whole upon Longbottom's Patent Bill was adopted, and the third reading was made an Order of the Day for the following day

ASSESSMENT ON STOCK BILL

The Attorney-General suggested that the House should proceed with the consideration of the Assessment on Stock Bill

Mr Reynolds was sorry to oppose the Attorney-General, but the Estimates appeared upon the notice paper before the Assessment on Stock Bill, and it was very likely that many members who wished to take part in the discussion upon the Assessment on Stock Bill were absent from the House, expecting that the Estimates would prevent that Bill from being brought under discussion till a late period of the day He and other hon members were prepared to go on with the Estimates, and he thought it most undesirable that the order in which the business appeared upon the paper should be so frequently changed

Mr Solomon must oppose the proposal to proceed with the Assessment on Stock Bill in the present state of the House It was a most important measure, and he should like to see a full House when it was brought under discussion

Mr Hawker suggested that the House should proceed until 3 o'clock with the Estimates He should not like the Assessment on Stock Bill to be proceeded with in so thin a House, lest it should be said that the compact said to have been made between himself and the Attorney-General was of such a nature that they were afraid to go on with it in a full House

Mr Lindsay said if it were universally understood that the business should be taken out of the order in which it appeared upon the paper, it would only be in accordance with the practice which it appeared to be desired to pursue in that House, but he had always understood that unless there were some special reason for adopting a contrary course, the business should be taken in the order in which it appeared upon the paper It was no uncommon thing for members to come down to the House for the express purpose of taking part in the discussion upon certain measures, but when they arrived, they found that they had been disposed of, having been taken out of their turn

The Attorney-General said if hon members thought the thinness of the House arose from hon members taking no interest in the Estimates, whilst at the same time they took a deep interest in the Assessment on Stock Bill, he did not wish that which was considered the most important to be taken out of its turn He was quite sure that if he had made a suggestion to take the Estimates out of their turn some hon members would at once have cried out against their being proceeded with in so thin a House, but he had no objection to proceed with the Estimates if the House desired to do so

THE ESTIMATES

In Committee.

Coroner's Department, £297 12s 6d

Agreed to without discussion

Office of Treasurer, £210

Mr Reynolds observed an increase of one clerk, and wished to know if such increase was necessary

The Treasurer would state the reasons which rendered such increase necessary It was well known that he was obliged to be at that House all day during the session, his time being nearly wholly occupied in Committee business The work in the Treasury would consequently devolve entirely without assistance upon one individual In the money branch it was desirable that the clerks should not be disturbed or taken away from the books for the purpose of attending to correspondence The clerks in the money branch were fully occupied in the matters connected with books, consequently without the assistance now asked for, the correspondence must be delayed or hurried through from undue pressure, to the discredit of the department and of the Government When the Supplementary Estimates were under discussion, he explained fully the position of the department when the House voted a sum for temporary assistance He had then stated that he did not ask for the vote permanently, as he wished to see how far he could get on with temporary assistance, but when he found the session lasted the greater part of the year, and when he found that they would be called together in April, and that during the recess it would be necessary to prepare various financial returns, he saw no hope of being able to do without the assistance asked for It was inconvenient to some extent not to have a permanent officer who might become thoroughly acquainted with the duties much better than one not permanently attached to the department He saw nothing before him in the prospect for next year to enable him to carry on the business without this additional assistance. There was but one Secretary, and the correspondence without additional assistance would have to be conducted with undue haste, and it was of an important character, having reference principally to the Agent-General in England in reference to the sale of bonds, &c In fact there was a great deal of correspondence, and under the circumstances he felt bound to ask the House to make a permanent addition to the department

Mr Reynolds remarked that the Treasurer had an Assistant-Treasurer as well as a Secretary, and he thought it quite possible those appointments might be blended so as to prevent any actual increase He did not like to see an increase in the number of officers nor could he see that an increase was necessary, as it was impossible that the business could have increased to any great extent for the last six months Whenever, however, an objection was raised to the appointment of any officer, the Government represented that appointment as being indispensable On a former occasion when he wished to reduce a department which he considered extravagantly conducted, he found no sympathy, and he had arrived at the conclusion that it was of very little use attempting to make retrenchments in any department

The vote was agreed to

Treasury, £530

Passed without discussion

Customs, £3,629 4s

Mr Milne asked if the house for the Collector was not an addition?

The Treasurer said that the salary which appeared upon the Estimates for the Collector of Customs was the same amount as was paid to his predecessor, £700 a-year, but the house was certainly an additional accommodation There would, however, be considerable advantage to the public by giving the Collector a house at the Port, as it would ensure his constant attendance there, and sometimes it was important that reference should be made to him immediately That was an advantage which the public would gain, and when they required a Collector to reside at the Port, as he thought the Collector should do, there was an obligation upon the Government to find him a residence, or to give him an allowance in lieu of it By way of compensation, however, for the residence the Collector had been required to give up all fees and allowances except his salary. That was made a condition when the residence was granted The late Collector received fees from the Harbor Trust and the Trinity Board, but the Government thought upon granting the present Collector a residence, a fair opportunity was presented of carrying out the expressed wish of the House, that the Collector should receive nothing but his pay

Mr Solomon observed that the Collector was also termed naval officer Was that intended to apply to his being the Harbor Master, as he did not find any Harbor-Master mentioned in the Estimates?

The Treasurer said the Collector of Customs had nothing to do with the Harbor department beyond the duties which devolved upon him as Chairman of the Trinity Board The Harbor department as a department of the Government was

abolished altogether, and a saving had been effected in the salary of the Harbor-Master. The title "naval officer" was retained merely to indicate that in matters connected with shipping and harbors on the coast, there was some one through whom the correspondence with the Government should be conducted. There was no pay attached to the office.

Mr REYNOLDS had yet to learn that the present Collector of Customs was more efficient than his predecessor. He believed that Lieut Dashwood was a very efficient officer, and his salary was only £700 per annum without fees and without a house. Under these circumstances on what principle should £700 a year and a house be given to the present Collector, when it must be known that gentleman was not so efficient, and could not be as his predecessors. Why should the House be called upon to give him £700 a year and a house besides? He would revert again to the circumstances under which the salary of the Collector of Customs was voted last year. It was voted on the distinct understanding that there should be no fees attached to the office. He did not know whether the hon member (Mr Milne) intended to move that the house be struck out, but if not, he (Mr Reynolds) certainly should, as several public buildings were required at the Port, and no doubt the house occupied by the Collector would be rendered serviceable. The Treasurer had said there was an advantage in having a Collector resident at the Port, because he could always be found, but it was a singular circumstance that he had noticed the Collector in town more frequently during the last six weeks or two months than he had ever seen a Collector before, and he did not see how the Collector could be referred to at the Port if he were in town. It was rather unfortunate that the Treasurer had made such an allusion.

Mr ROGERS asked if the present Collector was not called upon to discharge other duties than those which were performed by his predecessor? He had understood that the present Collector was called upon to perform duties in connection with the harbor and the survey of the coast.

Mr MILNE knew perfectly well when he asked the question, that the house was additional, but all he wished was to afford the Government an opportunity of entering into an explanation respecting it. He was not satisfied that the present Collector was entitled to this extra allowance. The hon member, Mr Rogers, had stated that the Collector was liable to be called upon to perform other duties, and he believed it was so, but it was quite clear that when he was absent from the Port he could not be performing the duties of Collector of Customs. His opinion was that for 700*l* a year they should be entitled to the entire services of this officer. That remuneration was ample, and he should move that the house be struck out.

Mr BARROW would like to hear the Government state whether they considered 700*l* a year sufficient for the officer whose case was under consideration. He did not exactly like this method of dealing with officers, as it was eminently calculated to gain for the Government credit for being liberal while the House had the odium of being niggardly. The Government proposed to give the Collector a house, and the Government by so doing achieved additional popularity, but the House were called upon to strike it out, and were subjected to odium for so doing. He should like to hear from the Government whether the salary without the house would be sufficient, and a fair recompense for the duties which this officer had to perform. With regard to the observation made by the hon the Treasurer, that if they required this officer to be at the Port they ought to find him a house, that was as feasible as it would be to say that if he were required to dine at the Port, the Government would be bound to find him a dinner. Every officer should live in convenient proximity to his duties, but if it were held that the Government were bound to find houses for their officers, no doubt there would be a great many other applications for free residences. The Treasurer had stated that the Collector merely received a salary without fees, now he (Mr Barrow) was not behind the scenes and did not profess to understand the system in reference to official remuneration, though he had heard of waifs and strays, but when it was stated in reference to this officer that he had no fees, he wished to know if any other officers were entitled to fees. He should be pleased to hear that no other officers were, and if he heard that he should like to know why the Collector of Customs had been singled out, and that the remark had been made in reference to that officer, that he had no fees if no other officers had fees. He had felt convinced of the absurdity of attempting to reduce any of the items as they were set down upon the Estimates, and the last few days had confirmed the impression that the only proper way to secure retrenchment was for the House to say to the Government, at the outset—"we think you have fixed the scale too high, or you propose to ask too large a sum, you must revise the Estimates and apportion such an amount as we give you, as your judgment may dictate." It was not right of the Government to put down unnecessary items of expenditure, and say to the House—if you think them unnecessary you can strike them off. The Government should be prepared to adhere to the items as they appeared upon the Estimates, and to divide upon them.

Mr HAWKER would give the hon the Treasurer the credit of saying that whenever an item on the Estimates was disputed, that hon member was the worst advocate he (Mr Hawker) had ever seen to support it. (Laughter.) He (Mr Hawker) would point out how he believed this arose. The Collector of Customs, when he was Harbor Master and Naval Officer, was in possession of this house. He believed that Captain Douglas had spent a considerable time in making surveys which would be creditable to any officer, and as he was already in possession of the house, for which no rent was paid by the Government, he (Mr Hawker) did not consider it too much to ask that he should not be disturbed in possession of it.

Mr STRANGWAYS considered that the hon Treasurer should give some reason for the Collector being allowed a house, inasmuch as the former Collector was not allowed one. It amounted to this, that the one officer was to receive larger pay than the other. He had heard the hon the Attorney-General say that it was not desirable at present to increase the salaries of subordinate officers, and why should the House be called upon to pay increased salaries for superior officers? He found there was a sum set down for a post office in Port Adelaide, amounting to £4,000, and he believed that this house might be made to answer for a considerable period for the purpose. There would only be a balance of £9 000 or £10,000 remaining in the event of the assessment on stock not being settled to the satisfaction of the Ministry, and taking this fact in connection with the statement of the Attorney-General, that it was not desirable to increase salaries, he should, unless some special reasons were given for the increase, move that the words "house and" be struck out.

Mr COLLINSON would support the item, considering the onerous character of the duties performed, and the immense advantage of the Collector residing at the Port, which could only be known to persons residing there and constantly availing themselves of the services of the Collector of Customs. The duties were manifold and very onerous. As Naval Officer, Captain Douglas had prepared many valuable plans, and was Chairman of the Trinity Board, of which he was the master spirit, of the Marine Board and Harbor Trust (the duties of which he performed without pay), and also of the Immigration Board, all which duties he was enabled to perform by the fact of his residing at the Port. He was very frequently at his office at 7 or 8 o'clock in the morning preparing plans from the surveys, and was often detained there until 7 or 8 o'clock in the evening, so that if any public officer deserved consideration it was Captain Douglas.

Mr REYNOLDS said it was very clear to him, after the enumeration of duties which hon members had heard, that the time of Captain Douglas must be occupied in other matters than his duties as Collector of Customs. Instead of being always engaged as Collector, as the hon the Treasurer had stated, it appeared that he was a member of four or five Boards and if, as had been stated these Boards occupied four or five hours each at a sitting, the Collector of Customs should be relieved from these extraordinary duties in order that he might attend to the duties of his office. It was only on the previous day hon members heard that the Harbor Trust used to sit three hours, and he presumed hon members would admit that if the other Boards occupied a similar time, the Collector of Customs must have his time occupied in other duties than those of the Custom-House.

The TREASURER said, with respect to the remarks of the hon member for the Sturt, that that hon member had alluded to the frequent visits of the Collector of Customs to town, and had assumed that that gentleman must spend much time at the Port. But the presence of the Collector in Adelaide was expressly occasioned by that gentleman's official duties. He (the Treasurer) had to consult that gentleman on various matters in the appropriation of the tariff, and especially with respect to the duties on the River Murray. He (Captain Douglas) came up by the train, and sometimes when the train was not returning at a convenient time he had been present in the House to witness what was going on. He was not, however, in Adelaide upon any occasion for mere pleasure, but came solely on official business. The hon member for East Torrens (Mr Barrow) had spoken of the popularity which the Government gained by proposing high salaries and leaving the odium of reducing them to the House. But he (the Treasurer) thought if the hon member was behind the scenes that there was little official popularity to be gained by these means, and that the Government were exposed to great pressure, not only for an increase of offices, but to an increase of salaries, and were continually pressing their claims on the Government, each individual considering his own claim paramount to all others. He assured the hon member that the official popularity which he had spoken of existed rather in imagination than in reality. (Laughter.) The hon member asked whether this was a proper salary, and he (the Treasurer) could assure the hon member that the Government did consider the salary a fair one or they would not have proposed it. They considered that Captain Douglas being called upon to give up the waifs and strays which he used to receive from the Harbor Trust and the Trinity Board, they should give him some equivalent, and also on the ground that he was called upon to live at the Port. The Board sat at the Port in close proximity to the Custom-House, so that, whilst attending there, Captain Douglas could be immediately called away if any matter of urgency required it. With respect to the remarks of the hon member for Victoria (Mr Hawker), who had said that he (the Treasurer) was a bad advocate for the Collector of Cus-

toms (a laugh), he should thank that hon member for reminding him of one point, viz, that the Collector was a good naval draughtsman and had furnished a great many maps and plans, upon which he was engaged when Harbor Master, and there might be times when, if his services could be spared from his Custom-House duties, he might give valuable aid in surveys

Mr LINDSAY said the difficulty which the House experienced in deciding upon salaries would be materially lessened if the Commission appointed last session upon the subject had attended to their duties ("Hear, hear," from Mr Strangways) He preferred trusting to the judgment of the Government in the matter rather than to that of the House

Mr PEAKE supported the item, seeing that there was a retrenchment of £1,530 effected in the department over which Capt Douglas presided last year

Mr STRANGWAYS said if the hon member had referred to another part of the Estimates he would find that the Coast Harbor Service had been transferred to the Trinity Board, and at a future period the House would be asked to vote a sum to cover the expenditure, the saving of which the hon member for the Burra so highly approved of The hon member would find on going through the Estimates that he had discovered "a mare's nest" The hon member (Mr Collinson) said that Captain Douglas was frequently at home from 7 or 8 o'clock in the morning till 7 or 8 in the evening—(a laugh)—but that was no reason for voting him an increase of salary There might be cases in which it was desirable to pay the man and not the office, but he had heard no reason in favor of doing so in this instance The salary of the Collector of Customs should be fixed, though, if for the sake of the honor or power which it conferred upon him to sit on various Boards, he wished to do so, he (Mr Strangways) had no objection But that this should be used as an argument in favor of paying extra salaries was absurd The hon member for Victoria had alluded to the surveys If Captain Douglas had any special claim on account of them, let the Government apply to the House, and if he (Mr Strangways) approved of the said claim he would not oppose it But it was not because Captain Douglas was an able surveyor that his salary should be increased now, inasmuch as he would not henceforth be able to attend to the duties The House had just been told that Captain Douglas could not go to Lacepede Bay because he was engaged at his duties as Collector of Customs ("Hear, hear" from the Treasurer)

The ATTORNEY GENERAL would first address himself to an observation of the hon member for East Torrens, who, he thought, had misconceived an observation of the hon the Treasurer as to fees The fees referred to in this case were not fees arising out of the office of the Collector of Customs, but special fees for the performance of specific duties, neither the Collector nor any other officer, with the exception of those whom he would mention presently were paid by fees for performing the duties of their office The only exceptions were members of Boards and clerks of Local Courts He considered the system of fixed salaries, supplemented by fees, so objectionable, that he should be sorry to have it supposed that the Government pursued any plan of the sort When Lieut Dashwood resigned, the Government had to look out for a person who would perform the duties of that gentleman's office, and they came to the conclusion (which he believed was ratified out of doors,) that the Naval Officer and Harbor-Master was the most competent person for the purpose There were certain duties to be performed by the Naval Officer in connection with surveys The hon member (Mr Strangways) had said that Captain Douglas could not act as Naval Officer because he could not go to Lacepede Bay It was true he could not do that, but he had given very valuable advice and assistance in organising the expedition which went there, and it would also be his (Captain Douglas's) duty when these persons came back with their surveys and plans to collect them and put them in form, and it was on that gentleman's corrected surveys that the Government would have to come to a conclusion in framing their Estimates The Government felt that it was necessary to retain an efficient person as naval officer though they did not keep up the office as a separate establishment, and it was but reasonable when a gentleman was appointed to a new office, and held the old one in addition that he should receive an allowance The proposal which Captain Douglas himself made was that he should retain the house, and the Government thought it best to accede to this proposal The money-remuneration of the present Collector of Customs was smaller than that of his predecessor, whilst the duties were much larger The Government felt, and he thought the House would agree with them, that they had done well in making a saving of £550, whereas if they wished to increase the salaries, there was no reason why they could not have appointed another person to the collectorship of Customs, and allowed Captain Douglas to retain his position

Mr BARROW observed that the hon member for Encounter Bay (Mr Strangways) had stated that the house would make a good Post Office He thought that hardly possible, for if the Government subsequently asked for money for a Post Office under such circumstances, there would be so much the less probability of their getting it, and that was a *prima facie* argument against the assertion He would like to know from the Government whether the House would answer for a Post Office He thought it would be wrong to lay down too rigidly the principle of confining officers to the strict line of their duties It would lead to a multiplication of offices inconsistent with economy What he objected to was the plurality of salaries, not the plurality of appointments—(hear, hear,)—and if the Collector of Customs could perform other duties also, he (Mr Barrow) would not object, so long as there was not a plurality of salaries as well as a plurality of work The hon the Treasurer had said that, if he (Mr Barrow) were behind the scenes, he would find that there was less official popularity to be secured than he imagined, and that there was a great pressure from the Government officers for increase of salaries This would be reasonable enough if, with the increase of public business, there was no increase of officers, but when they heard on one day that the increase of business warranted an increase of officers, and on another day that it warranted an increase of salaries, he (Mr Barrow) did not think the double increase was what the House would sanction (Hear, hear) He should be sorry to see the House divide upon anything so small as this item, unless it could be shown that the Collector would occupy a house which would make an efficient Post-Office

Mr COLLINSON said he thought he might venture, as knowing something of the matter, to offer an explanation (Hear, hear) There were only two rooms in the House which could be used for a Post-Office, and these were used for the tide-waiters department, and the long room The other rooms were at the back of the building, and could not therefore be used for a Post Office

Mr HAY thought that this explanation should make the House careful how it acted If two of the rooms were now wanted for the Custom-House, the whole building would probably be wanted by-and-by, and then the House would be told that the Collector of Customs should be compensated for the loss of his residence He did not know what the house was worth, but he would assume £80 a year, and he thought if a deduction of this amount was made from the salary it would meet the case

Mr McELLISTER supported the salary believing the Collector to be an active and efficient officer, and that for the sake of a house he should not be interfered with (Laughter)

Mr PEAKE said the hon member for Encounter Bay (Mr Strangways) had chidden him for finding a mare's nest He (Mr Peake) did not know what kind of nest the hon member had found, but he thought it was next door to a mare's nest (A laugh) He (Mr Peake) had said that there was a saving of 1,530*l* in the Coast Harbor Department But the hon member pointed out that this apparent saving was included by a dexterous manipulation of the hon the Treasurer in another part of the Estimates He (Mr Peake), however, still contended that he was right The hon member should, therefore, be more careful in telling hon members that they had found mares' nests

Mr REYNOLDS asked the hon the Treasurer whether the sum of 1 530*l* would be saved or not

The TREASURER said he could explain the matter on the next item as any explanation at present might force on an irrelevant discussion He could however state that there was a considerable saving in the Harbor department not only in salaries and in the keeping up of the Government vessels, but also in the general management of the coast surveys

Mr REYNOLDS said he had asked the question because he found the Government had taken out of the hands of the House an item which should remain under the control of hon members They had placed in the hands of a Board a sum which should be in the hands of the House In 1855 the House fixed the salary of the Collector of Customs at £500, in 1856 they added £25 per cent to it, making it £625, and after knocking off this 25 per cent again, it was now raised to £700 The Government could not allow even one session to pass without raising this salary £100 a-year, whilst the salaries of other officers were not raised The matter was well put by the hon member for Gumeracha, that if this house were given to the naval officer if they deprived him of it subsequently, they would on that account have to vote him another £100 to his salary as compensation for the loss of his residence He had yet to learn that Captain Douglas was worthy of this increase in his salary That gentleman might be very well fitted for his post, but he (Mr Reynolds) had yet to learn that Captain Douglas was more efficient than his predecessor The hon the Attorney-General said that Captain Douglas had additional duties to perform, but was it because he was a member of some Boards that he was to receive increased pay? The House would find that by-and-by he would have so many Boards to attend, that his Collectorship of Customs would become a sinecure This was a clear case of favouritism

The ATTORNEY-GENERAL said that when the Collector of Customs was a naval officer he had £500 a year, and now that he was a Naval Officer and Collector of Customs also he was entitled to something more But this was what in the estimation of the hon member for the Sturt amounted to favoritism It was easy for hon members to suggest that the Collectorship of Customs might become a mere sinecure, but they should remember that the last Collector, who did not live at the Port, and to whose efficiency he (the Attorney-General) was happy to bear his testimony, was a member of all these Board If that gentleman resided at the Port where there was no house provided for him, he could have performed all

the duties attended to by the present Collector. Of course if the House said that the present Collector should only receive a salary as Collector, that gentleman might also say he would only perform the duties of Collector. He concurred to a great extent in the remarks of the hon. member for East Torrens as to the multiplication of offices and salaries.

Mr. STRANGWAYS thought the statement of the Attorney-General that the former Collector did perform all the duties efficiently without residing at the Port was conclusive.

The ATTORNEY-GENERAL had not said that the former Collector performed all the duties fulfilled by the present holder of the office.

Mr. STRANGWAYS might be wrong in his impression. (Hear, hear, and laughter.) This was a matter affecting not merely the Collector, but, notwithstanding what had fallen from the hon. member (Mr. Collinson) the fact of the Government having granted this house to Captain Douglas would be made one of the excuses for asking for £4,000 for a Post-Office. With regard to what fell from the hon. member for the Burra he (Mr. Strangways) had no doubt that when some future Estimates came under consideration that hon. member would frankly admit that he had discovered a mare's nest, and that, although it appeared from the Estimates that there was a saving of £1,530, yet that that expenditure would be kept up at the same rate of salaries as last year, but the items instead of being voted by the House would be handed over to the Trinity Board. He gave notice that he would ask the Government for a detailed statement of this proposed expenditure when the item came under discussion. The hon. the Attorney-General had borne testimony to the efficiency of the Collector of Customs, and he (Mr. Strangways) endorsed the hon. member's statements, and he had certainly never meant to say anything which could reflect on that gentleman, either as an officer or an individual. (Hear, hear.)

Mr. DUFFIELD regarded the assumed saving of £1,530, which had been referred to as a proof that the Harbor Master's department, which had been abolished, was wholly unnecessary. He believed if the Government continued to direct their attention to such matters, they would find that many large savings could be effected.

The House then divided on the amendment, that the words "house and" be struck out, when there appeared:—

AYES 10.—Messrs. Townsend, Milne, Strangways, Harvey, Burford, Duffield, Glyde, Hay, Solomon, Cole, Reynolds (teller).

NOES 16.—The Treasurer, the Attorney-General, the Commissioner of Public Works, the Commissioner of Crown Lands, Messrs. McDermott, McEllister, Bakewell, Rogers, Collinson, Hawker, Hallett, Bagot, Barrow, Lindsay, Mildred, Peake.

Mr. MILNE moved that an amount equivalent to the value of the house be deducted from the salary. Taking the value of the house at £80 a year, he moved that the salary be reduced to £310.

The House again divided, when there appeared:—

AYES, 12.—Messrs. Townsend, Milne, Burford, Reynolds, Duffield, Harvey, Glyde, Solomon, Barrow, Cole, Hay, and McEllister.

NOES, 15.—The Treasurer, Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs. Strangways, Mildred, Macdermott, Rogers, Bakewell, Bagot, Collinson, Lindsay, and Hallett.

The item was then passed.

Mr. REYNOLDS wanted to know what was the necessity of a Sub-Collector at Port Elliot, as he believed the returns from that locality for some time past had been *nil*.

Mr. STRANGWAYS had been told, when this officer was about two months in office, that he had had to perform the important duty of receiving from a coaster and handing over to the authorities of the Goolwa, the cover of a camp oven (laughter), and that that was the whole amount of duty he had to perform. The article was sent out of bond and the officer had to pass the entries upon this cover of an oven. (Laughter.) He was informed that the office was merely nominal, and he suggested that the duties should be performed by the Deputy Harbor-Master at a nominal salary.

Mr. BARROW said the House would see, by a Council Paper, that although the business of this port was not very extensive, still during the year ending 30th June, 1858, there was something more passed through it than a camp-oven, inasmuch as the exports up to that date amounted to within a fraction of £50,000 though the imports were not quite so valuable. He would ask the hon. the Treasurer whether in face of the apprehended deficiency in the revenue, he could not dispense with a few of the landing waiters? It required some practical knowledge to decide the point, but he thought he was not unreasonable in asking the question.

The TREASURER replied to the hon. member (Mr. Strangways) that this officer collected a very small amount of duties for South Australia, his duty being to pass goods for the other colonies. The Murray duties paid to the other colonies for 1856 and 1857 amounted to £3,209, and there were large exports also which required a Custom-House Officer to look after them. The reduction in the number of tide-waiters spoken of by the hon. member for East Torrens was not recommended by the Collector of Customs, and though the amount of duty received might be less than formerly, it did not follow that the work would be lighter. There was nothing in the revenue to show that the colony could dispense with these officers, and the collection of the Customs revenue at present only cost 5 per cent. Although the House had already voted in favor of the appointment of an officer at the Goolwa, the Government had tried to meet the expense in the outports.

Mr. REYNOLDS recollected that, in 1857, the Sub-Collector at the Goolwa applied for an appointment as wharfinger upon the tramway, on the ground that his time was not fully occupied. He did not, therefore, see the necessity of another Sub-Collector.

Mr. COLLINSON thought it would be dangerous to the revenue to reduce the number of these officers by a single one. If anything the number should be increased.

Mr. STRANGWAYS believed that one Sub-Collector at the Goolwa could discharge the duties. It was only when three or four steamers arrived at one time that a detention took place. If the Government were desirous of economising they would make the Deputy Harbor-Master at Port Elliot a Sub-Collector, giving him £25 a year additional pay.

Mr. SOLOMON said the House was called on to vote £400 a year to Port Elliot, whilst the amount of duty received for the quarter ending June 30, 1858 was only £22 10s., and in 1857 it was a few pounds less. This did not agree with the statement that the revenue was collected at 5 per cent., though in the aggregate this might be true. But even if so, that was no reason why when something could be saved it should not be struck off. The hon. member concluded by reiterating the conviction he had on previous occasions avowed that the revenue of the colony for the current year would show a great falling off as compared with last year.

The ATTORNEY-GENERAL remarked that it was necessary to keep up Customs officers not only where large duties were to be collected but also in order to prevent the evasion of duties. With respect to the suggestion of the hon. member for Encounter Bay that £25 should be added to the salary of the Deputy Harbor Master, and the duties of the sub-collector transferred to him, the Harbor-Master in question, though a very efficient person for his office was not one whose habits or education fitted him for a sub collectorship. When the question was formerly under discussion the House by a decided majority approved of the conduct of the Government in this matter.

The TREASURER stated that the officers in question paid over to the neighboring colonies of New South Wales and Victoria upwards of £8,000 since 1857. Upon this the Government received 5 per cent. for collection, so that they received upwards of £400 or a full equivalent for the services of the officers.

Mr. LINDSAY said that if revenue officers were removed from the outports because of the smallness of duty collected, dutiable goods might be landed at those outports without paying. A vessel of 200 tons had just left Rosetta Harbor with wheat, and that vessel might have landed dutiable goods as payment, had there been no Custom House Officer.

Mr. STRANGWAYS said the hon. member for Light did not seem to understand the question in discussion. There might be great traffic, but the Customs duties would not be necessarily increased. He would repeat that the only duty-paying article which had been passed by the Customs Officer at Port Elliot during the time mentioned, was the lid of a camp oven. As to the statement of the Attorney-General that the Deputy Harbour-Master at Port Elliot was not a suitable person, from his position or education, to perform the duties of Collector, and that that was the reason another person had been appointed, he would say in reply, that no such reason could be assigned, as he learnt from the fact of the case that the Deputy Harbor Master had intimated he could not attend to the duties of Collector and his own too, and that the Government had forthwith sent some one else down. That officer had never had any intimation from the Government that he did not perform his duties in a satisfactory manner, and he thought the course adopted had been a very harsh and unjustifiable one.

The TREASURER testified to the correctness of the statement of the Attorney-General, which was substantially true. The officer in question did not understand accounts, and was therefore not fitted for the office of Collector of Customs. With respect to the lid of a camp oven being the only duty-paying article which passed through the Customs officers hands during a certain period, he would reply that the returns before the House would disprove that statement, for they would find on referring to that return that the duty paying articles included apparel, slops, &c. amounting to £22. Therefore the assertion of the hon. member for Encounter Bay must be taken for what it was worth.

Mr. STRANGWAYS said the figures and facts of the Treasurer did not impugn his statement in the least. With respect to the Harbor-Master at Port Elliot, it was a fact that whatever opinion the Collector of Customs had expressed, no complaint had been made of the Harbor-Master as to the way in which he performed his duties, and he thought in the absence of that, the statement of both the Attorney-General and the Treasurer was hardly justifiable.

Mr. BARROW was in favour of making a reduction under this head, and suggested whether some of the tidewaiters might not be dispensed with. He would like to know, however, whether this would endanger the revenue, as of course, if it would, it would be false economy, but if two or three of the tidewaiters could be struck out, and still sufficient remain, he, as an advocate of retrenchment, would vote for it.

Mr Burford thought they had to consider there was such an institution as police in the district referred to, and that they would be very proper persons to see that no goods were smuggled He must confess that to employ officers at the expense of £400 a year to collect £90 was very bad policy He did not see the policy either of employing persons to collect duties for the other colonies

Mr Townsend called the attention of the House to the fact that the Sub Collector of Port Elliot was appointed on the motion of Mr Torrens, and, if not required, he (Mr Townsend) should vote that the item be struck out

Mr Reynolds was quite prepared to vote that one of the landing-waiters be struck out

Amendments for the omission of one tide waiter, fourth class, and the Sub-Collector at Port Elliot were then severally put and negatived

The item in the total was then put and carried

The Attorney-General moved that the House resume

Mr Reynolds thought before that the House should have some information as to the coast and harbor service He found that there was no Naval Officer and Harbor-Master now at Port Adelaide, but that there was only a Deputy Harbor-Master He would like to know whether a considerable saving had been thereby effected

Mr Strangways wished to know how the coast and harbor service was to be carried out in future—whether by the Government or the Trinity Board He had heard that it was the intention of the Government to place the whole control of this department in the hands of the Trinity Board, and he would ask whether there was any intention of dismissing the officers now holding situations in that department, without a sufficient reason being given for so doing If the Government intended to take the course he had adverted to, there should certainly be a detailed account of the expenditure placed before the House

The Treasurer said the hon member could not have seen Council Paper, No 30 or he would have found the details he referred to

The Chairman said the paper in question had not been laid on the table

The Treasurer said it was amongst his Council papers, and he was under the impression it had been He would state that the saving to be effected would be this that the office of Harbor-Master would be done away with, and that the reduction in the expense would be £660 Under this system all the outports would be placed under the Trinity Board As to the officers now engaged in the department referred to, instead of their being dismissed, he was sure the Board would be too glad to retain their services

Mr Reynolds hoped there would be some expression of opinion as to the course adopted by the Government in depriving the Legislature of the power to vote the salaries of this department without taking the sense of the House upon it

The Treasurer said the hon member was mistaken, as the House still had the power of voting the supplies

Mr Reynolds—But only in a lump sum, the details being in the control of the Government would throw considerable patronage into their hands

The Treasurer maintained still that as the details would be placed before the House, they would have the control sought for

The House then resumed, the Chairman reported progress, and leave was given to sit again on Friday

DETAILS OF TRINITY BOARD EXPENDITURE

The Treasurer laid upon the table a printed paper of the details of the expenditure of the Trinity Board

POONINDIE MISSION

The Commissioner of Crown Lands laid upon the table papers connected with the above

ASSESSMENT ON STOCK BILL—IN COMMITTEE

The Attorney General said that when the House resumed on the last occasion of this Bill being under consideration, he had moved that the following clause be inserted as clause 2, to stand after clause 1 in the Bill

"A If any person to whom a lease of the waste lands of the Crown, for pastoral purposes, shall have been granted, under the authority of the said Orders in Council, shall surrender the same, it shall be lawful for the Governor to grant to the person making such surrender a lease of the lands originally demised by the lease so surrendered for the residue of the term thereby granted, and which lease shall be subject to the same conditions of forfeiture and resumption as were contained in the lease so surrendered, and shall contain a covenant on the part of the lessee to make the returns, and to pay the assessment, by this Act required and imposed, and also a proviso that such assessment being duly paid, according to the tenor of such lease, shall be in full of all taxes, rates, or impositions upon the land included in such lease, or on the cattle depastured thereon, to be imposed by the said Parliament aforesaid, save and except any general taxes or impositions which may be imposed upon all lands, or cattle within the said province "

Upon this Mr Hawker had moved an amendment that the following be inserted as clause A, to stand next after clause 1—

'A Anything in the 'Waste Lands Act' to the contrary notwithstanding, if any person to whom a lease of the waste lands of the Crown, for pastoral purposes, shall have been granted, under the authority of the said Orders in Council, or the assignees of such lease, shall, on the first day of July, one thousand eight hundred and fifty-nine, surrender the same, it shall be lawful for the Governor to grant to the person making such surrender a new lease of the lands demised by the lease so surrendered for the residue of the term thereby granted, at the rent previously payable under such lease, and subject to an additional rent of twopence per head per annum for sheep to be assessed as hereinafter provided, and which lease shall be subject to the same conditions of forfeiture and resumption as were contained in the lease so surrendered, and shall contain a proviso that such additional rent shall be in full of all taxes, rates, assessments, or impositions upon the land included in such lease, or on the cattle depastured thereon, to be imposed by the said Parliament, save and except any general taxes or impositions which may be imposed upon all lands or cattle within the said Province "

Mr Strangways rose and suggested that the amendments on either side should be formally agreed to, and that before the third reading the Bill should be recommitted for the purpose of discussing the propriety of the amendments

The Attorney-General apparently assented to this course, and proposed the first clause, with the understanding that the Bill should be recommitted before the third reading

Mr Strangways said if there was to be any discussion he should take no part in it at the present time His idea was that they should agree to the amendments *pro forma*, and when a reprint of the Bill was placed before them they would be in a position to discuss their merits

The Attorney-General explained that he was disposed to agree to the principle of the amendments of the hon member for Victoria (Mr Hawker), but that the details of those amendments would require modifications

Mr Strangways again expressed his disapprobation of discussing the amendments before the reprint of the Bill was introduced, so that then they might be able to discuss the Bill in the whole as a Government measure

Mr Hawker, after a few remarks, in which he said that he thought they would economise time more by discussing the question at once, withdrew his former amendment by leave of the House, and proposed to substitute for it a series of amendments from 1 up to 4 Ultimately he moved the first of these, which was as follows —

"1 If any person to whom a lease of the waste lands of the Crown for pastoral purposes shall have been granted under the authority of the said Orders in Council, or the assignee of such lease shall, on the first day of July, one thousand eight hundred and fifty-nine, surrender the same, it shall be lawful for the Governor to grant to the person making such surrender, a fresh lease of the lands demised by the lease so surrendered, for the residue of the term thereby granted at the rent previously payable under such surrendered lease, and an additional or further rent of twopence per head per annum for sheep, to be calculated in respect of the demised land upon or according to the assessment hereinafter provided for, and which fresh lease shall be subject to the same conditions of forfeiture and resumption as were contained in the lease so surrendered, and shall contain a proviso that such rents being duly paid according to the tenor of such lease, shall be in full of all taxes, rates, assessments, or impositions upon the land included in such lease, or on the stock depastured thereon, to be imposed by the said Parliament, save and except any general taxes or impositions which may be imposed upon all lands or stock within the said Province "

Mr Solomon should be compelled to support the clause moved by the Attorney-General in preference to that of the hon member for Victoria The one was definite and the other was indefinite The one referred to both sheep and cattle, and the other to sheep only As to the question of assessment, he believed the proper method would be to take the actual quantity of sheep the land would carry He considered, if they agreed to the amendments of the hon member for Victoria, they would put the squatters on a better footing than ever they were before He could not see the justice of the hon member for Victoria coming forward and asking for a much greater concession than was contemplated by the House They might purchase the concession of the squatters at too high a price He was surprised to find the Government yielding so calmly to the amendments of the hon member for Victoria, for it appeared to him the squatters sought to obtain by these amendments more than they were entitled to

The Commissioner of Crown Lands said the hon member for the City had stated that he was opposed to several of the amendments proposed by the hon member for Victoria, and he might say that the Government also had faults to find with them But they must recollect they were dealing with clause 1 only at the present time, and on that clause they had alone to determine It was whether an annual declaration of stock, or the grazing capabilities of the run as proposed by Mr Hawker, should form the basis and mode of assessment In the other colonies the assessment had been made on the former of these plans but this plan had always been objected to on account of the inquisitorial nature of such a mode of assessment He thought when they found the squatters coming forward in a liberal spirit to pay a

higher contribution towards the revenue, the House should meet their views in a conciliating manner. With regard to assessing on the basis of the capabilities of the runs, he thought the House might very well agree to that principle, as he (the Commissioner of Crown Lands) had studied the question, and believed the country would be a gainer by the bargain. The squatters did not ask to appoint their own valuators. The amendment of the hon. member for Victoria proposed that this should be done by a Government officer, and so long as that important duty was placed in the hands of the Government the country would be safe in agreeing to it, and he could assure them of his belief that the alteration would have the effect of adding to the revenue. Under the system of declared returns there was a considerable doubt as to the correctness of those returns, especially in the case of cattle, which could not at all times be mustered. He had carefully gone into the matter, and had come to the conclusion that the country would be gainers by the alteration proposed. The hon. member for the city (Mr. Solomon) had made a mistake in alluding to cattle and horses not being assessed by this plan, if the grazing capability of a run is assessed at a certain number of sheep, and rent paid accordingly, it does not matter what description of cattle the squatter puts on it.

Mr. HAWKER was rather surprised at the remarks of the hon. member for the city (Mr. Solomon), who had canvassed the merits of the amendments as a whole. He (Mr. Hawker) understood that they were to confine themselves to the first clause. It seemed to be the opinion of some hon. members that the Attorney General and himself had been putting their heads together in order to "do" the public. Now, he could assure the House that the only conversation he had had with the Attorney-General on the subject was as to the shape in which he (Mr. Hawker) should put his amendments. After referring to the general bearing of the clause, the speaker said that the hon. member for the city (Mr. Solomon) had said the squatters were asking more than they had a right to demand. In reply to this, he would go to figures. His (Mr. Hawker's) proposal was that there should be a general classification throughout the colony, as follows:—The 1st class to comprise all runs north of the Gawler, in a parallel of latitude with Mount Brown, and in this the situation of the run should be considered as well as its carrying capabilities. The 2nd class would be the whole of the country north of Mount Searle, and the 3rd class would be the new country taken up only lately. The reason he had made no mention of cattle in the amendment referred to was that by taking the grazing capabilities of the runs, it mattered not to the public how they were stocked. He considered 200 sheep to the square mile was a fair average and test of the capabilities of a run. With this basis he had taken the area of the runs occupied by himself and his brother, which was 267 square miles, and allowing 200 sheep to the mile, they would have 53,400 head. He had recently got a return of the number of head of sheep on these runs, and he found it was 44,000, so that if the assessment were made on the annual declaration of the number of sheep, he should have returned 44,000, but according to the amendment proposed by him (Mr. Hawker), that the runs should be taken at their grazing capabilities, he would, in such case, have to pay the assessment at the rate of 53,400 for the area mentioned. Taking this number as a basis they found that the first class runs would pay £1 13s. 4d., the second £1 5s., and the third 16s. 8d., and taking the area of the whole of the occupied runs in the colony at 24,000 square miles they would have, he considered, 7,000 miles first class, 12 or 13,000 second class, and the remainder third class, making the average the second class, and, thus he considered would give an annual revenue of £30,000. An important advantage to be gained by this mode of assessment would be that a person taking out a run would be compelled for his own interest to stock it or transfer it, those who would do so, and by this provision they would do away with that which too frequently occurred where there were extensive tracts of country which were lying idle from the indisposition of those who rented them to stock them, and which of course tended to decrease the exports of the colony. He would point out that in coming to the valuation of the grazing capabilities of the run he asked nothing which could be considered in favour of the squatters. In the valuation of these runs the Surveyor-General, who had a knowledge of the localities and capabilities of the various runs would have a hand, and the Inspector of Scab would be enabled to check the carrying capabilities of each run as he would be fully acquainted with their nature from the duty he performed. Another proposition was, that the runs be revalued and open to acceptance at the expiration of the term, to the tenant under certain conditions. He was aware that some objections to the clause which embodied this, had been made, but so long as the principle was carried out he should have no objection to the details being modified. In answer to the hon. member for Light, he would state that this clause would be of benefit to the country. In the South-Eastern District, where the scab was prevalent, and there was the liability of the sheep to stray, there was a great desire on the part of the settlers to fence in their runs. But there was no inducement to do this unless an allowance were made on the expiration of the term of their leases for the improvements made. The Crown, he considered, was in the position of a landlord, who would be called upon to make an allowance in a lease for the improvements which might be made on his property. He thought the Government were entitled to pay for such improvements, and if it were so, provided that the tenants should be allowed for them. The country would considerably gain in the end by it, as the owners of runs would improve them for their own sake in order to increase the value of their stock. His wish was as expressed in the amendment that the runs should be periodically valued and offered to the tenants at such valuation. No object would be gained in turning out the present tenants, for by such, he believed, a loss would result to the country, as the tenants in possession would be better able to develop the resources of the runs than new occupiers. As long as the principle of these amendments was adopted, he should have no objection to any reasonable modification.

The TREASURER pointed out that the House might agree to the clause before it without committing itself to any ultimate decision.

Mr. HAY had no objection to the clause before the House, but he would point out that in the 2nd clause it was proposed that the Inspector of Scab should be the valuator, and he thought that officer should be the last person selected for that purpose, as from his connection with the squatters, they could not ensure disinterestedness. With regard to the classification, he thought the calculation of the hon. member for Victoria, of 200 sheep to the square mile was considerably under the mark. The speaker pointed out at some length other objections which he had made to the amendment.

The COMMISSIONER OF CROWN LANDS said the hon. member for Victoria had now had an opportunity of explaining his views. The Government had not previously thought it incumbent on them to withdraw the Bill until the amendments had been submitted to the House, but if the principle of those were agreed to, they would be prepared now to introduce an amended reprint.

Mr. BAGOT would protest against this, as he was not at all satisfied that the amendments of the hon. member for Victoria were better than those of the Attorney-General, and at the proper time he should be ready to state his views in detail.

The House then resumed, the Chairman reported progress, and leave was given to sit again on the following day.

The House adjourned at 20 minutes past 5 o'clock, until 1 o'clock next day.

FRIDAY, DECEMBER 10.

The SPEAKER took the Chair shortly after 1 o'clock.

THE STEAMER MARION.

Mr. MACDERMOTT presented a petition from the owners of the steamer Marion, praying the House to take such steps as would enable the petitioners to avail themselves of the vote of the House of £1000, as gratuity for the encouragement of steam communication between Adelaide and Port Lincoln, and Port Augusta. The petition was received and read, and Mr. Macdermott gave notice that on the following Tuesday he should move it be printed.

HARBOR TRUST.

The COMMISSIONER OF PUBLIC WORKS gave notice that on the 15th inst., he should move an address be presented to His Excellency the Governor-in-Chief, requesting him to appoint Henry Simpson, Esq., a member of the Harbor Trust, in the room of Mr. Collinson, M.P.

THE COLONIAL CHAPLAIN.

Mr. MACDERMOTT gave notice that on the following Tuesday, contingent upon the Estimates being brought under consideration, he should move the ecclesiastical vote be reconsidered, with the view of striking out the allowance of £300 for the Colonial Chaplain, and a larger sum being inserted, £300 being a lower salary than the Colonial Chaplain had hitherto received.

WASTE LANDS OF THE CROWN.

Mr. REYNOLDS gave notice that on the 17th instant he should move that in order to enable the House to form an accurate opinion of the quantity and value of waste lands held by the squatters under lease, it was desirable that returns affording such information should be laid upon the table of the House prior to the passing of the Assessment on Stock Bill.

HINDMARSH ISLAND.

Mr. STRANGWAYS asked the Commissioner of Public Works whether plans had been prepared for a ferry to connect Goolwa with Hindmarsh Island. He wished to know because it was his intention to move that an address be presented to His Excellency praying that a sum be placed on the Estimates for the purpose, and could not do so until the plan and estimate of cost had been laid on the table.

The COMMISSIONER OF PUBLIC WORKS said the plan was not yet ready or he would have placed it on the table of the House. He would ascertain when it would be prepared and answer the question on Tuesday.

CLASSIFIED OFFICERS.

Mr. HAY, in introducing the motion of which he had given notice—

"That a return be laid on the table of the House of the

number of classified officers in the Government Service, the date at which each officer was appointed, and the amount of salary paid to each when appointed, also, the date at which any increase of salary was made to each officer, and the amount of such increase, also, the amount of salary paid to each officer during the present year, stating the amount of good service pay and all other allowances paid to each officer "

with the permission of the House amended the motion by inserting the words "at present" after the word "officers" in the second line and added to the end of the motion "annually since appointed" He had been induced to place the notice upon the paper from finding, since it had been determined to do away with the good-service pay statements had repeatedly been made that officers had been for a length of time in the Government service without any increase of pay If the return now asked for were laid upon the table of the House, it would be seen at what moment various officers entered the Government service, and whether promotion had been given, or an increase of salary in such a ratio as was equitable and just If it were found that such had not been the case, members would of course be influenced in voting the salaries upon the Estimates which would probably be brought under consideration in May or June next

Mr MILNE seconded the motion which was carried

THE COMMISSIONER OF PUBLIC WORKS

Mr REYNOLDS brought forward the motion in his name—"That in the opinion of this House, the position held by the Honorable the Commissioner of Public Works (Mr Blyth), is a member of the Central Board of Main Roads, whilst he is a member of Government, is anomalous, not contemplated by the provisions of the Act No 17, 1852, and not likely to secure a proper check over the affairs of the Road Board Department"

There was an old saying that a man could not serve two masters and do justice to both He was once placed in the position of employing a legal gentleman who thought he could serve two masters, and the consequence was that he (Mr Reynolds) was bitten to a serious extent Since then he had been particularly careful to avoid parties who thought they could serve two interests not identical From the Act of 1852 it appeared perfectly clear to him that whilst the Commissioner of Public Works held the position of a member of the Government, and also of a member of the Central Road Board, he must compromise his position either as a member of the Government or as a member of the Board In the first place he would remark that the Board was composed of a certain number of members, elected by various districts, and two members of the Board were appointed by the Governor and Executive Council Another element had however been imported into the Board, for, as he should be able to show the Commissioner of Public Works for the purposes of the Act was the Governor himself separate and distinct from the Board itself That would be admitted He was quite sure that the Commissioner of Public Works was familiar with the idea that an elected member was independent of the Governor and the Government, but an elected member was responsible to those districts by which he had been chosen He knew that was the opinion which was held by the hon gentleman himself, and he was rather surprised at the hon gentleman, considering his high and dignified position, as an independent member of the Central Road Board, a position not to be intimidated by the Government, should so far forget his position as to sacrifice his independence as an elected member and make it subservient to his position as a member of the Government, or that he should so far compromise his position as a member of the Government, to hold the position of member of the Central Road Board If the hon gentleman, before being appointed to the office of Commissioner of Public Works were independent of the Government is a member of the Central Road Board, he could not see how the hon gentleman could still remain an independent member of the Central Roads, and at the same time, hold a position of dependency upon the Government There was an anomaly in the case, although these were days in which anomalies prevailed He would point out to the House that the hon gentleman as Commissioner of Public Works was the head of the Road Board, that department was placed under his supervision, so far as supervision was requisite, yet he found that the hon gentleman was a simple member of the Board, not even Chairman of the Board, but subordinate to the Chairman, whilst the Chairman was subordinate to the Commissioner of Public Works as the head of the department He believed that the Commissioner of Public Works could not take his position at the Board or take part in the discussions at the Board without compromising his position as a member of the Government A question arose a short time ago in reference to opening a road at the Gawler end, and what then did the hon gentleman, the Commissioner of Public Works, do? Why the hon gentleman would not express an opinion, he took no part in the discussion, and would not commit himself to a vote, because he was a member of the Government Yes, the hon gentleman compromised his position as a member of the Board, for fear he might compromise himself as a member of the Government, and he was, perhaps, right in doing so, because many questions might arise at the Board which would have to come before him in another capacity, and in reference to which he would not be justified in acting upon his own responsibility However the hon gentleman might vote at the Central Road Board, when he came to consult with his colleagues he might find himself in the position of having voted one way, but being compelled to act another As a member of the Central Road Board, the hon gentleman was not responsible to that House, but as the Commissioner of Public Works he was But the greatest anomaly had yet to be pointed out and he was sure that the Attorney-General would bear him out in what he was going to state, that under responsible Government the Governor was the Commissioner of Public Works So far as approving or disapproving the acts of the Central Road Board was concerned, he contended that under responsible Government the Commissioner of Public Works was the Governor How, then, could the Commissioner of Public Works hold a seat at the Road Board? Could the Governor hold a seat at the Board under either the former or present form of Government? and if the Governor could not, how could the Commissioner of Public Works? He was sure that the Attorney-General would say that by the Governor as named in the Act was meant the Commissioner of Public Works, who was only responsible to that House, and not to the Governor in-Chief Then he would refer hon members to the various powers given to the Governor under this Act, and which were clearly intended as checks upon the Central Road Board Under the 23rd clause the Governor had the approval of all officers, the approval of all salaries, the security to be given by various officers &c The Central Road Board accounts could not pass till they had been sanctioned by the Commissioner of Public Works How singular that the hon gentleman should be placed in this anomalous position How could the hon gentleman be called upon to check accounts which came from himself, as a member of the Central Road Board, to himself as the Commissioner of Public Works? This arrangement must clearly prevent that check being exercised which ought to be He recollected when the hon gentleman, before holding the office of Commissioner of Public Works, was Chairman of the District Council of Mitcham, and the hon gentleman gave up that office when he was appointed to the office of Commissioner of Public Works, because he found that if he held both offices he would have to approve his own accounts If the reason assumed for giving up the office of Chairman to the District Council of Mitcham were solid and good, it would also hold good in reference to the hon gentleman holding the two offices of member of the Central Road Board and Commissioner of Public Works No man could serve two masters, and no man should be called upon to approve his own accounts The hon gentleman clearly ignored his position as a member of the Government if he held his seat as a member of the Central Road Board, and violated the spirit and intention of the Act He would call attention to the 4th clause of the Act, to which he had previously referred, by which it would be seen that the Central Road Board was to consist of six members, four of whom were elected by District Councils, and two appointed by the Governor He wished to ask whether the hon gentleman had been appointed by the Executive Council a member of the Central Road Board He presumed the hon gentleman held a seat at the Board with the approval of his colleagues and that he presumed would be considered tantamount to being appointed by the Executive, so that there were in fact three members of the Board instead of two appointed by the Governor and Executive Council Did the hon gentleman receive fees, to which he was entitled as a member of the Central Road Board, as if the hon gentleman did so he had no right to be a member of the Government If the hon gentleman did not receive them, was it not tantamount to saying that he had been appointed by the Executive Council, and had no right to receive them In conclusion he urged that as under responsible Government the Commissioner of Public Works was the Governor, and as the Governor could not occupy a seat at the Board, neither could the Commissioner of Public Works

The motion having been seconded,

The COMMISSIONER OF PUBLIC WORKS wished to make a few remarks upon the subject before taking what he considered a proper course by retiring from the House until a vote had been arrived at upon the question He should do so although not bound to do so, he had no great interest in the matter—no personal interest, but after a few remarks he should retire from the House until the question had been disposed of He would in the first place take up what the hon. member for the Sturt had concluded with, namely, the fees which were received by members of the Central Road Board The hon member appeared to have been very careful in going through the Act, but still he overlooked one provision, which was, that any member of the Central Road Board holding office of emolument under Government was prevented from receiving the fee of £1 1s per month allotted to members, no matter how often they might meet during the month That clause in the opinion of the Board was stretched to its fullest extent in the case of his predecessor, Mr Babbage, who was held to be in the receipt of public money as Engineer of the City and Port Railway, and consequently was not entitled to receive fees That gentleman had not received fees, nor did he (the Commissioner of Public Works) intend to, nor had he done so He

had not been appointed by the Executive Council to the seat at the Central Road Board, which he had held for the last three years, but he had been elected to that seat, and felt it very flattering that such should have been the case, by the unanimous vote of every District Council in the province He duly appreciated such a mark of approbation, and when he accepted the office of Commissioner of Public Works, he did not feel disposed to retire from the Board, but he mentioned publicly at the Board, knowing that the reports were published and circulated through the province, his willingness immediately to retire if an intimation that it was considered desirable he should do so were conveyed to him by any of those bodies who had elected him No such intimation had, however, been received by him from any of the District Councils, and it appeared to him that the hon member for the Sturt was either too late or too soon with his resolution, inasmuch as there would be only three more meetings of the Central Road Board prior to a general election of representatives at the Board On the 21st January the new members of the Central Road Board would take their seats, and though he must retire, as by the provisions of the Act every elected member was compelled to he might be re-elected, though he could not devote the same time and attention to matters in connection with the Board, which he felt proud to give prior to holding the appointment of Commissioner of Public Works It was very likely, however, that he should retire and devote his time to the numerous other matters which demanded his attention He could not allow such remarks as had been made by the hon member for the Sturt to pass without notice The hon member had said that he (the Commissioner of Public Works) had *compromised his position either as a member of the Government* or as an elected member of the Central Road Board, he had stated that no man could serve two masters, and had specially referred to one case in which he (the Commissioner of Public Works) had refused to vote at the Central Road Board He believed that no member of that House believed him to be a man who was likely to compromise his position, and in the matter referred to by the hon member for the Sturt, he was very far from saying that he should not have taken precisely the same course which he did, had he not held the office of Commissioner of Public Works, for it was a matter which was as closely and nicely balanced as could be, and there were many disinterested parties who were unable to say which of the claimants was right and which of them was wrong He felt under the circumstances that the best course for him to pursue would be not to vote at all, and he repeated that if he had not held the office of Commissioner of Public Works, he believed he should have adopted precisely the same course He believed that the bodies who elected him to the seat at the Central Road Board which he had the honor to occupy, were the best judges of this matter, and not that House He would, however, leave the House to settle the question, and retire during the discussion (The hon gentleman then left the House)

The ATTORNEY-GENERAL would say a few words upon this question, but would state at once that he intended to oppose the motion He must beg to congratulate the hon member for the Sturt upon his new-found zeal for the public service and the removal of anomalies The hon member had been a member of the Legislature for several years, and during that period an anomaly similar to that which was now pointed out had existed without calling forth the reprobation of the hon gentleman He said this deliberately, because the anomaly pointed out in this motion was, that a member of the Government was a member of the Central Road Board, yet a member of the Executive Council had been a member of the Central Road Board ever since his appointment as a member of the Executive Council, and a member of the responsible Government, Mr Bonney, was a member of the Central Road Board from the time he accepted office as a member of the Government till he left the colony so that this anomaly had existed for years but had never been noticed before When the hon member said it was impossible to serve two masters, he should like to know to what two masters the hon member alluded Hon members of that House served the public, and members of the Central Road Board had precisely the same duties to perform the same masters to serve, in the one case as in the other The duty of a member of that House and of a member of the Central Road Board was to see that the interests of the public were properly considered and protected, there were no conflicting duties, there was nothing required from a member of the Government which was incompatible with the duties which he would have to perform as a member of the Central Road Board There was no conflict between the duties of a member of the Central Road Board and of a member of a responsible Government, such as was implied in the remark of the hon member for Sturt in reference to serving two masters He was not aware that there had been any intimation of dissatisfaction at the Commissioner of Public Works holding a seat at the Central Road Board, unless indeed the hon member for Sturt could be taken to represent the public No complaint had been made of the manner in which the Commissioner of Public Works had performed his duties as a member of the Central Road Board, nor did he now hear in reality that the Commissioner of Public Works had at all failed in his duty to the public, no suggestion of a practical breach of duty had been made in introducing the subject The only other question which he would refer to was, that the Act itself from which the hon member for the Sturt had quoted expressly recognised the possibility and probability of salaried officers of the Government being members of the Board It was clear that the Act contemplated this, because it provided that those officers should not receive fees When the Act was passed it was known there were two salaried officers at the time members of the Board, and it was contemplated that salaried officers would continue to be members of the Board, but of course the Act did not contemplate a system which was not introduced till five years afterwards Although there was nothing in the Act to show that it was contemplated a seat at the Board should be held by a responsible Minister of the Crown, neither in that Act nor in the Constitution Act, was there anything to prevent such a thing occurring The Act provided that members of the Board should be elected in a particular way, and a member of that House having been elected who was subsequently called upon to fill an important office in connection with the Government, the question was whether he should resign his seat at the Board He had already shown that there was nothing conflicting in the duties, and that there was nothing to call upon the hon gentleman to resign, so long as those who elected him a member of the Board were satisfied That, he thought, was the test It was not contended that the hon gentleman was less efficient as Commissioner of Public Works by being a member of the Central Road Board Those who were elected members of that House were interested in one set of duties, and those who were elected members of the Central Road Board were interested in others Not one of the bodies who had elected the Commissioner of Public Works a member of the Central Road Board had expressed dissatisfaction at his holding the two offices, otherwise the hon gentleman expressed his willingness to resign He should be compelled to vote against the motion, though it was perfectly true that it did not appear to be contemplated by the Act that a responsible Minister of the Crown should be a member of the Board

Mr STRANGWAYS thought the hon. the Attorney-General had made out a very bad case The hon gentleman admitted it was true that it was an anomaly that the Commissioner of Public Works should be a member of the Central Road Board, and with his usual consistency said he should therefore vote against the motion The hon the Attorney-General had congratulated the hon member for the Sturt upon his zeal for the public service, but he questioned whether the hon member for the Sturt could return the compliment so far as the hon gentleman's zeal was evinced by his vote on the present occasion, because the hon gentleman admitted that the motion was substantially correct that it was not contemplated by the Act that a responsible Minister of the Crown should hold a seat at the Central Road Board, and yet he should vote against the motion The Attorney-General had alluded to the fact of a member of the Executive Council under the old system of Government having held a seat at the Central Road Board, but there was no analogy between the old and new systems Under the old system of Government the Governor was substantially the Governor and Executive Council It was quite immaterial what advice the Executive Council gave to the Governor, as the Governor was not bound to adhere to it Under the old system the Governor merely acted upon that advice which he deemed it expedient to follow, but under the present responsible Government it was absolutely expected that the Governor should follow the advice of the Executive Council The hon the Attorney-General had alluded to the case of Mr Bonney, who, when a responsible Minister of the Crown, held a seat at the Central Road Board, and although the hon gentleman had admitted that such a state of things was not contemplated, he had endeavoured to draw the inference that holding the two offices by the Commissioner of Public Works was not more anomalous than Mr Bonney It was quite immaterial whether one case was more anomalous than the other, but there was a difference in the cases, the one presenting what the Attorney-General was particularly fond of—a fine specimen of the circumlocution office—which the other did not The Commissioner of Public Works had to transact certain affairs and give his vote at the Central Road Board, and then handed the account of what he had done to the Commissioner of Public Works to approve of, but the case of Mr Bonney, the Commissioner of Crown Lands, was different, because the road department was not under the control of the Commissioner of Crown Lands The Commissioner of Public Works, however, might place his veto on his own acts as a member of the Central Road Board and on those of other members of the Board This did appear anomalous The House in regarding the question ought not to take into consideration who was the holder of the office, but they should look to the office, not to the officer If they took that view he was sure there was no one—on the admission of the Attorney-General that such a state of things was not contemplated by the Act, and who had also admitted that such a position was anomalous, and consequently was going to give an anomalous vote—who would not support the motion

The TREASURER should oppose the motion, because he did not think the position of the Commissioner of Public Works was anomalous It was quite clear that the Act contemplated

Government officers being members of the Board, as had been stated by the Attorney-General That inference was clearly derivable from the statement that Government officers were not to be paid fees His object in rising was chiefly to correct a statement which had been made to the effect that the Governor could act without the Executive Council Such was not the case, as the Governor's instructions expressly required him in every case of importance to consult the Executive Council

Mr MILDRED must vote with the resolution, holding that this was in some degree a most anomalous position for a Minister of the Crown to hold He had indeed seen great inconvenience arise from it when it fell to his lot as Chairman of a District Council to regularly attend the Central Road Board Not only in the case already alluded to, but in others, he had seen inconvenience and incompatibility arising from the circumstance referred to in the motion In the first place, after the hon gentleman had accepted the office of Commissioner of Public Works, the Board never had the advantage of his time as it had before his appointment to that office Previous to that the hon gentleman was most punctual and regular in his attendance, and it was not merely his time of which the Board were deprived of the advantage, but of his advice also He referred to one particular case which he thought would sufficiently shew that the motion at present before the House was justified There was a dispute in reference to a road leading to the bridge at Gawler Town South, and great injustice was nearly done to the purchasers upon the main line, who had bought upon the pledge of the Central Road Board that it was a main line The Chairman of the Board and a member of that House were the only members of the Board left to decide that important question, but if the Commissioner of Public Works had not held that office, he would in all probability have been present As it was, as he had previously stated, the question was nearly decided by the Chairman of the Board and a member of that House, whose property would have greatly benefitted by the road taking a particular direction The Chairman proposed that the direct line should be in a certain direction, which was seconded by the owner of the property, and would have been carried by the casting vote of the Chairman, but for the timely arrival of another member, who prevented a great piece of injustice from being done. This simple fact he thought was quite sufficient to enable the House to decide upon this important question

Mr TOWNSEND felt reluctantly compelled to support the motion, though he believed the Commissioner of Public Works had discharged his duties as a member of the Central Road Board in so satisfactory a manner that he would be quite sure of being re-elected at any time There could be no doubt that it was a great anomaly for the Commissioner of Public Works to be called upon to revise acts which he had performed as a member of the Central Road Board Suppose for instance a case in which a District Council was interested, and which, after being determined by the Board, it was found necessary to refer to the Commissioner of Public Works, who had also voted upon the question at the Board meeting, would it not lead to a want of confidence if the Commissioner of Public Works had to revise his own acts? Would it not be thought that he would be influenced by the vote which he had given before? He should like to correct an error into which the hon member (Mr Mildred) had fallen, in reference to a road at Gawler West being carried through the owner's property The member of that House whom the hon member had alluded to was the hon member for Barossa, Mr Duffield, but that hon member had very little interest in Gawler West beyond the property which he occupied, although the original owner of the property which had been referred to The Commissioner of Public Works failed to vote on that occasion, because, as he stated, the case was so nicely balanced and the hon gentleman had also stated that he followed precisely the same course as he should if he had not been a member of the Government Such might be the case, and, indeed, he believed the Commissioner of Public Works to be incapable of acting in any other way, but others might take a different view, and in the history of political warfare there had been such things as, perhaps, some thought possible to arise from the anomalous position held by the Commissioner of Public Works He believed the fees referred to in the Act had relation to parties nominated by the Government, and not to those who were elected

Mr BARROW thought that on his side of the House a very good rule had been laid down, and that on the other side a very excellent exceptional case had been made out, that is, if exception were admissable at all He would say it appeared anomalous that a gentleman should occupy a position which involved the examination and passing of accounts which were afterwards subjected to his own approval He found it impossible to divest his mind of the impression that this was an anomalous state of things He admitted that the Commissioner of Public Works had made a many and admirable defence in vindication of his position as a member of the Central Road Board So far it was very satisfactory, and the Attorney-General had said as much for the hon gentleman as under the circumstances he could The hon member for Noarlunga had remarked that the House ought not to take up the question in connection with the particular gentleman who filled the office, but that the House should look at it as embodying a general principle He (Mr Barrow) agreed with the hon member, and must therefore object to the resolution before the House, because it referred to a particular member of the Government The resolution stated that in the opinion of the House the position held by the hon the Commissioner of Public Works (Mr Blyth), as a member of the Central Road Board, whilst he was a member of the Government, was anomalous He agreed in the principle which was embodied in the resolution (Mr Reynolds said he had not mentioned the name) But the name certainly was mentioned in the resolution of the hon member He (Mr Barrow) believed that he and the hon mover meant the same thing but he should adopt a different mode of expressing his intention Instead of selecting a particular case it would be better that the House should affirm a general principle, and he would therefore, move an amendment—

"That in the opinion of this House it is not conducive to the public interest that any member of responsible Government should be at the same time a member of any Board or Commission entrusted with the expenditure of any portion of the revenue of the colony "

Mr GLYDE seconded the amendment, which met his views, but he felt compelled to oppose the original motion, as it was clearly aimed at Mr Blyth The first part of the original motion appeared a truism difficult to contradict The position of the Commissioner of Public Works as a member of the Central Road Board unquestionably was anomalous, but the hon member for the Sturt might have said that it was equally anomalous that the Treasurer should be called upon to pay himself his salary Whilst the first part of the resolution was a truism, the second part was entirely untrue The Commissioner of Public Works had been unanimously elected by the District Councils of the province to a seat at the Central Road Board and as the Attorney General had stated, the hon gentleman was called upon to serve, not two masters but the public He believed that all would agree the hon the Commissioner of Public Works did use his best exertions to serve the public in the best possible manner The difficulty in supporting the resolution was removed by the amendment, which he had great pleasure in seconding

Mr MILNE should oppose both the original motion and the amendment, his reason for doing so being that he objected to picking up these little matters in Acts which had passed previous to the advent of responsible Government, in order that fault might be found with them as being inconsistent with responsible Government With regard to the original motion he would remark that there was a certain Act of Council in existence constituting the Central Road Board, and he found nothing in that Act to prevent the Commissioner of Public Works from being a member of the Central Road Board If the original motion were passed he could not see what was to prevent the same thing being done at the ensuing election in two months hence He could not see why the Commissioner of Public Works might not be re-elected Although it might be desirable that a responsible Minister of the Crown should not be a member of this particular Board, he objected to the time of the House being frittered away by these sort of motions, and if the amendment before the House were not carried he should move that it was desirable to revise the Acts constituting Boards, with the view of bringing them into more harmonious action with responsible Government No doubt many faults could be found with Boards constituted before the advent of responsible Government

Mr PEAKE could not see any objection to the amendment of the hon member for East Torrens Though he was favorable to the discussion of the idea of the amendment he could not see that if carried it would be of any practical use The people had elected the hon member (Mr Blyth) to be President of the Road Board, in that gentleman's capacity of private citizen, and the course of political events had thrown Mr Blyth into the position of Commissioner of Public Works The people by their silence at present intimated that Mr Blyth should retain the position in which they first placed him and no resolution of the House could prevent them from electing whom they pleased He could not see of what use the amendment of the hon member (Mr Milne) would be, unless it should be in procuring such amendments of the law as had been referred to He had no objection to affirm the principle, but he could not see the practical value of it

Mr REYNOLDS said that though the hon member did not see the value of affirming the principle involved in the amendment, he thought that in the early part of the session the hon member had affirmed the principle as if he considered it of great importance In order to show that his (Mr Reynolds's) feeling was not at all personal towards the hon the Commissioner of Public Works, to whom he was quite willing to award credit for attention to his duties as member of the Board and for his indefatigable exertions and great independence whilst a private member, he (Mr Reynolds) was quite prepared to adopt the amendment of the hon member for East Torrens (Hear, hear) In referring to the hon the Commissioner of Public Works as an independent member of the Board, he might state that he (Mr Reynolds) had had occasion to be in communication with the Board, and that no one could be more determinedly desirous of showing his complete independence of the Government than the hon member, so much so, that he (Mr Reynolds) thought, from

the tone of the hon. gentleman's remarks that the two interests might possibly be antagonistic, and that the interests of the Government at one time might not be the interests of the Board. The hon. the Attorney-General had congratulated him (Mr. Reynolds) upon his new-found zeal for the public service. (Laughter.) He was very much obliged to the hon. member for doing so, and wished, as the hon. member for Encounter Bay observed, that he could return the compliment. (Laughter.) The hon. member had not any new found zeal. (Laughter.) If he had any it was very old, but it did not show itself much, or if it did he (Mr. Reynolds) and other hon. members must differ greatly from the hon. the Attorney-General in their estimate of it. (Hear, hear, from the Attorney-General.) But there was one point upon which he had challenged the hon. the Attorney-General, and he (Mr. Reynolds) was sorry the hon. member did not accept the challenge, as he thought the point to which he referred the strongest in his case. He (Mr. Reynolds) had said that under responsible Government the Commissioner of Public Works was the Governor, and the hon. member had not disproved the assertion. He had also asked, could the Governor under the old state of things take his seat upon the Road Board, or whether under the new state of things he could do so. The hon. member had not accepted his (Mr. Reynolds's) challenge, and such silence implied that he agreed in the proposition. The hon. member only said that these anomalies existed for a series of years, but the hon. member himself showed that they did not, for he admitted that the present state of things was not contemplated, and therefore the anomalies could not have existed. The hon. member for Encounter Bay had proved that the case of Mr. Bonney was not a case in point, as that gentleman had not the approving of the accounts to perform, whereas the present Commissioner of Public Works had, and was therefore in the anomalous position of having to approve his own accounts. He would adopt the amendment, as it would affirm the principle which he (Mr. Reynolds) wished to establish, and would save him the trouble of taking action on other matters which might be considered personal by some hon. members.

The motion that the words (in the original resolution) proposed to be omitted stand part of the question, was then put and lost without a division; and the words were struck out accordingly.

Mr. MILNE said that the resolution commenced with the words "That in the opinion of this House." To these he would propose to add "it is desirable to revise the Acts constituting all Boards with the view of bringing them into harmonious action with responsible Government."

Mr. REYNOLDS asked the Government whether it was not their intention to introduce a Bill to bring all Boards under greater responsibility than at present.

The ATTORNEY-GENERAL supposed he must apologise to the hon. member for the Sturt for not having noticed what that hon. member considered the strongest point in his argument. (Laughter.) But just as they differed with regard to zeal for the public service, and as what he (the Attorney-General) considered very warm and zealous attention the hon. member regarded as indifference, so, also, might they differ as to the force and weight of an argument. (Hear, hear, and laughter.) And so what the hon. member considered his strongest argument he (the Attorney-General) considered a mere verbal quibble not worthy of notice. (Laughter.) The Commissioner of Public Works was not the Governor. The Commissioner had a right to exercise certain functions in the name of the Governor, but he was not the Governor, and it was mere quibble to say he was the Governor, as the representative of Her Majesty in the colony could not be a member of a board for executive purposes, but a member of the Legislature, who represented substantially the Legislature, and not the Crown, was in no such position either legally or as regarded the nature of his duties as would prevent him from holding such a position. The Governor was unable to do so because he was the representative of the Queen; but to say that because the representative of the Queen could not do a thing a representative of the Legislature could not do, it, seemed to him (the Attorney-General) a mere play upon words, which, if he had been aware of the weight which the hon. member attached to it, he should have answered as he did now.

Mr. REYNOLDS was obliged to the hon. the Attorney-General for the light which he had thrown upon the subject.

Mr. SOLOMON rose to order. The question put by the hon. member to the Attorney-General had been disposed of.

The SPEAKER—The hon. member for the Sturt has not yet spoken to the amendment.

The ATTORNEY-GENERAL said he had risen to reply to what the hon. member, Mr. Reynolds, had said.

Mr. SOLOMON asked whether the hon. member for the Sturt, or any other hon. member, was not bound to confine himself to the matter before the House.

The SPEAKER presumed the hon. member was going to speak to the amendment. Of course he could not anticipate what the hon. member was about to say.

Mr. REYNOLDS was not so accustomed to travel from Dan to Beersheba as some hon. members. The hon. the Attorney-General said that he would have replied to his (Mr. Reynolds's) quibble if he had noticed it. This was very condescending of the hon. member, who sometimes made a quibble himself. (Laughter.) But the hon. member himself said that the Commissioner of Public Works had all the powers of the Governor under the Road Act.

The ATTORNEY-GENERAL explained. He had stated that the Commissioner exercised some of the functions, but not that he had all the functions of the Governor.

Mr. REYNOLDS did not mean to say that the hon. Arthur Blyth was Sir Richard Graves Macdonnell—(laughter)—and, therefore, this was a great quibble on the part of the Attorney-General. It would have been absurd to have confounded these two personages—(laughter)—but it was a very unworthy quibble on the part of the hon. the Attorney-General, after admitting that the Commissioner possessed all or most of the powers of the Governor, to tell the House that the Commissioner did not exercise most of those powers. The hon. gentleman had misled him (Mr. Reynolds.) As to the amendment, he believed the Government would introduce a Bill for the purpose of bringing the various Boards under more direct responsibility, and therefore he thought it useless to move the amendment.

Mr. BARROW hoped the House would not adopt the amendment, which he believed would shelve the whole question. His (Mr. Barrow's) proposition affirmed something, but the hon. member's amounted to nothing at all. He agreed with the hon. member for the Sturt, that the Bill to be introduced by the Government would embody the views of the hon. member for Onkaparinga, so that if that hon. member's views were adopted, the House would have wasted the whole of the time consumed in discussing the question that afternoon.

The amendment of Mr. MILNE was then put and negatived, and the amendment of Mr. BARROW was put as a substantive motion and adopted.

GREAT EASTERN-ROAD.

Mr. TOWNSEND moved—

"That this House will on Wednesday, 15th December, resolve itself into a Committee of the whole for the purpose of considering the petition from the residents near the Great Eastern or Magill Road (presented on 11th November), with a view to granting the prayer thereof."

The motion was agreed to and the petition read by the Clerk.

Mr. TOWNSEND said that in asking the House to go into Committee on Wednesday, 15th, he would not detain them with any remarks, beyond stating that in 1853 the road was declared a main road, and on the faith of that declaration, land was purchased and houses were built on the line, yet he was told up to the present time not a farthing had been expended upon the road. The distance to Lobethal by this route would be 25 miles, or 4½ miles less than by the other route. He was informed that there were between 30,000 and 40,000 acres of Government land which could be brought into the market by the improvement of the road, and he believed that purchasers were already waiting for this land. He need not detain the House, further than in stating that this was one of the nearest roads to the Murray, the distance being some 49 miles, and he understood that some surveyors had already recommended it, and that the settlers felt that a great injustice was done them by the manner in which the road was neglected. He also believed that the Road Board had agreed that the line should be opened as soon as they were in funds. It was proposed to make a 12-foot road from Magill to Lobethal.

The SPEAKER suggested that the hon. member should alter his motion in such a manner as to move for an address to the Governor praying that a sum of money be placed on the Estimates for this purpose.

Mr. MILNE seconded the motion. The road having been declared a main road and the land sold upon that understanding, constituted a claim to consideration; and this claim had been recognised by the Road Board. He found that the Road Board in 1856, when sending in an estimate for the roads for 1857, stated that it was necessary to have £182,000 to carry on the work for the year, and part of this sum, as would be found on reference to the Council Papers, was to be set apart for the opening of the road between Magill and Lobethal, the amount to be so expended being £10,000. The Board were, however, under the necessity of rejecting the idea of carrying out the work, inasmuch as, instead of £182,000, they only received one-half that amount. He regretted that lately the Road Board—whether because the sum at their disposal was inadequate for carrying on the necessary works, or from some other cause—had refused to recognise the claims of this road. He objected to the Road Board assuming any such power, inasmuch as the road was down in the schedules of main roads, and was, therefore, entitled to a share of the money. Any person acquainted with the country must see that the expenditure of this money would be very economical, as it would open up land through the tiers, which would be certain to bring money into the Treasury to double or treble the amount expended. The land was alluvial soil of the best quality for growing vegetables, and it abounded with timber suited for all purposes. Thus the road would be a benefit not only to the public, but to the Treasury, and besides opening up the tiers, it would open a way to the Murray. There were vast districts between Lobethal and the Murray available for sale, if the road was made, but which were utterly useless for want of it.

The COMMISSIONER OF PUBLIC WORKS said that this was a matter which would be much more properly considered in

Committee. A good deal could be said and no doubt would be said—(a laugh)—upon it, and he had therefore no objection to the motion. He had no desire to oppose the consideration of the question in Committee, but on the contrary would be better pleased that it should be so considered. The hon. member who spoke last said that probably the funds at the disposal of the Road Board were inadequate. They would always be inadequate so long as the present system was in existence. He (the Commissioner of Public Works) certainly did not expect to hear the hon. member say that because this road was down in the schedules of main roads, therefore it was entitled to its share of the money, especially as that argument might be used for other roads—the Port-road, for instance. When the House was in Committee he would endeavor to lay before it the levels of the road and any other information which he could procure. (Hear, hear.)

Mr. STRANGWAYS had no doubt that he could make out as good a case for £105,000 for roads in other parts of the colony as the hon. member had done for £5,000 for this one. The sum of £25,000 had been voted for roads for the first six months of next year, and why should this road receive a fifth of the entire sum. There was a Board of Main Roads to attend to these matters, and it was not right for the House to interfere in them unless under some special circumstances which had not been shown in this case. He (Mr. Strangways) had voted against the sum for the Port-road, for which a better case was made out, on the ground he had just stated. If the House went into Committee upon this subject it would no doubt be made a precedent, and he (Mr. Strangways) should then move for the construction of a road from Willunga or Noarlunga to Encounter Bay, and the House would have applications from all parts of the country for other roads. If the House was to make roads wherever there was land to be sold they should make one to Stuart's Creek. He hoped the hon. the Treasurer would state his views on this matter, as it was quite as much in that as in any other hon. gentleman's department.

Mr. LINDSAY would not oppose the motion for going into Committee, but he thought there was a great deal of force in what some hon. members had said on the question generally. It seemed that we were dealing with our roads, railways, and telegraphs in the same manner—allowing a general scramble for them—without any system to go upon. The Road Bill, which he and other hon. members expected would have been brought in, would have settled the question better than these motions. A better case could be made out for other roads. If the House was to go on in this way it would be better, instead of voting a sum for the Road Board, to let every hon. member who had a claim for a road bring it in and have a sum voted for it. The present plan was the worst plan, but the best plan would be to define the main roads and adopt a better system for keeping them in repair.

Mr. SOLOMON supported the going into Committee. It did not follow because it was believed that at a future time hon. members might bring in motions respecting half-a-dozen roads, that this motion should be rejected. If the claim was really just the House should not be deterred from entertaining it, because other claims might be preferred with an equal amount of justice.

Mr. BARROW moved that the House divide.

The question was accordingly put and agreed to.

PETITION OF MR. BABBAGE.

Mr. BARROW rose to move "That the petition of Benjamin Herschel Babbage be taken into consideration with the view of granting the prayer of the same." He would say little on the subject, because it was near the time at which the Orders of the Day were called on (3 o'clock), and besides, as he had just moved that the House divide, it would be injudicious for him to make a long speech. (A laugh.) He moved that the petition be read.

The petition was accordingly read by the Clerk.

Mr. BARROW again rose and said, he did not rise on that occasion as the advocate of Mr. Babbage, nor as the opponent of the Government or of Major Warburton, who had been sent to supersede Mr. Babbage. He merely asked on behalf of a superseded or rather a suspended public servant, that that gentleman should have that justice to which under similar circumstances every public servant was entitled. Mr. Babbage considered that he had been harshly treated. He (Mr. Babbage) maintained that he adhered to his instructions, and he believed that he had been recalled at the precise juncture when his labours were about to crowned with success. Whether Mr. Babbage could make good all these statements it was not for him (Mr. Barrow) to say; but he thought the House should give that gentleman an opportunity of vindicating his conduct or retrieving his character as an explorer. He also thought it but fair that an opportunity should be afforded to the hon. the Commissioner of Crown Lands of justifying himself in the matter, and to Major Warburton of explaining his reasons for writing those very strong letters, reflecting upon the conduct and operations of Mr. Babbage. As to what course should be pursued—whether the House would agree to the appointment of a Select Committee, or whether some other method should be adopted of granting Mr. Babbage the prayer of his petition, it was for the House to say. He would rather leave this point to the House than propose any specific course. The petition did not ask for a commission of enquiry, though that would appear the most obvious method of attaining the object in view. He did not know whether the House would follow the course of the House of Commons, and hear Mr. Babbage in person at the bar or hear him by counsel, or grant a Select Committee. But he thought that when a public servant stated that he had been unjustly treated, and that he was ready to vindicate himself, and called for enquiry, it would not be fair to refuse him an opportunity of proving his statements. Mr. Babbage could not be ignored. That gentleman stood before the House as a person who in an arduous and difficult position had been censured by the Government. It was not for him (Mr. Barrow) to say that that censure was unmerited, but Mr. Babbage alleged that it was. With these few observations he would leave the matter in the hands of the House, especially as he could say a word in reply if a reply seemed necessary.

The SPEAKER said the motion should be more specific.

Mr. BARROW under these circumstances would move *pro forma* that a Select Committee be appointed.

The SPEAKER said the hon. member could not move it *pro forma*. If he made the motion he must support it, as otherwise he would be converting the House into a debating club.

Mr. BARROW—Then it appears I cannot move the proposition in the form in which it stands.

The SPEAKER—The hon. member can move it, but he will see there is nothing in it.

Mr. BARROW would, under these circumstances move for a Select Committee. The only reason he had not done so was that he did not wish to commit the House to the appointment of a Committee if any other course could be devised.

Mr. TOWNSEND seconded the motion. If any amendment was proposed upon it, it would perhaps be competent for the hon. mover and himself to withdraw their proposition.

The ATTORNEY-GENERAL said that so far from opposing, he would very cordially support the motion. The Government, acting upon the best information they could obtain, and the best opinions they could form, had taken the step of recalling Mr. Babbage. Undoubtedly the recall implied a very severe censure, and it was quite right that Mr. Babbage should have an opportunity of vindicating himself by an enquiry before a Committee. But although he believed this, he thought it impossible that anything could arise which would show that the Government had not acted properly. It was possible Mr. Babbage might show that the Government had not accurate information, and nobody would be more pleased than he (the Attorney-General) if that gentleman could show that there were circumstances which justified him, and which would relieve him from the censure involved in his recal.

Mr. STRANGWAYS, before the motion was agreed to, would like to hear what was the object of appointing the Committee—whether it was to censure the hon. the Commissioner of Crown Lands, or to allow Mr. Babbage an opportunity of vindicating himself. So far as he was aware there was no imputation made against Mr. Babbage except that of general incompetency; but if it was the intention of the hon. member for East Torrens to censure the hon. the Commissioner of Crown Lands, then he (Mr. Strangways) would most cordially support any motion (loud cries of "no," in which Mr. Barrow joined) which directly censured the hon. the Commissioner of Crown Lands. That hon. member most richly deserved censure, for what was his conduct? Why Mr. Babbage was everything that could be desired—the most competent man for his command—until the hon. member for Encounter Bay tabled a motion condemning him, and then the hon. the Commissioner of Crown Lands cast him off like an old shoe. The Commissioner wrote him a letter and did not even observe common courtesy in the matter, inasmuch as he (the Commissioner of Crown Lands) published a letter before he sent it to Mr. Babbage. (No, no.) If the hon. member did not publish it it was made public in Adelaide before it could by possibility reach Mr. Babbage, in fact, in such a manner that it could be communicated to Mr. Babbage's subordinates as soon as the letter was delivered to himself. The only reason alleged against Mr. Babbage was that he carried out his instructions. He would not detain the House further.

Mr. SOLOMON said the last speaker had stated that if the motion was one for censuring the hon. the Commissioner of Crown Lands, he would heartily support it; but he (Mr. Solomon) did not look upon it as a motion of that kind. It was a motion which would enable a gentleman who might or might not have been rightly withdrawn from the public service to attempt his own vindication. What might arise from the enquiry remained yet to be seen, but he thought the hon. member for Encounter Bay was rather too fast in jumping to a conclusion.

The motion for the appointment of a Committee was then agreed to, and the following hon. members were elected to the Committee:—The hon. the Commissioner of Public Works, Messrs. Milne, Neales, Peake, Strangways, Hawker, and the mover (Mr. Barrow).

LONGBOTTOM'S PATENT BILL.

On the motion of Mr. MILNE, this Bill was read a third time and passed.

ASSOCIATIONS INCORPORATION BILL.

On the motion of Mr. BAKEWELL, this Bill was read a third time and passed.

The Bill was ordered to be sent up to the Legislative Council.

LICENSED VICTUALLERS' ACT AMENDMENT BILL

Mr BAKEWELL moved that the second clause of this Bill be recommitted

The motion was agreed to, and the House went into Committee accordingly

The clause was verbally amended by the insertion in two places, after the word landlord, of the words, "or his agent"

The clause as amended was then agreed to

On the third clause, authorising reductions in the licence fee in country districts, in cases where houses of refreshment were required by travellers in localities where the population or traffic would not enable such houses to pay a licence fee of £25, considerable discussion took place Finally, the clause was struck out, on the motion of the ATTORNEY-GENERAL

Clause 4 was struck out, and a new clause regulating the exhibition of public-house lights on the sea coast inserted in their place

The House then resumed, the Chairman reported the Bill, and the consideration of the report was made an Order of the Day for Tuesday

THIRD JUDGE AND DISTRICT COURTS BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said he considered it necessary to offer but few remarks, because the principles of the Bill had been already sanctioned by the vote of that branch of the Legislature and circumstances which had transpired since then would, no doubt, tend to convince hon members the more of the expediency of the measure It would be remembered that last session a Bill was introduced into that House for the appointment of a third Judge and the establishment of Circuit Courts That Bill was opposed on the ground of the excessive expenditure which it was believed it would involve, and from a want of concurrence on the part of some hon members in the mode of establishing the Circuit Courts Notwithstanding this, he (the Attorney-General) had not changed his views, but, in deference to the opinion of hon members, he did not in this case introduce the principle referred to in the Bill now before the House but he proposed, instead, to give certain powers to the Governor to issue a Commission for the holding of District Courts, and who would exercise that power when he was made satisfied of the necessity for such, either in meeting the convenience of suitors or reducing the costs of action This Bill did not provide for a continually recurring expense, but that Courts might be held when and where necessary His own opinion was, that it would be found requisite to issue a Commission for trying prisoners and civil causes in many districts before long, perhaps towards the north at once The result of such an experiment, he imagined, would prove successful, and he could not see what objection there could be to a trial of Circuit Courts at the same time they appointed a third Judge He might have said a great deal on this subject, had not the principle been assented to already, and he would, therefore, in moving the second reading, content himself with these prefatory remarks

Mr REYNOLDS said, from this Bill it appeared that Circuit Courts were made quite of secondary consideration, and from the opinions he had formerly expressed he did not know how he could support it He thought however, when leave was asked to introduce a Bill of this nature, the districts where the Courts were required should have been described as affecting the necessity for the appointment of another Judge

Mr STRANGWAYS thought the hon member for the Sturt did not understand the nature of the Bill, as he (Mr Strangways) had understood him to say that it should be regulated on the same plan as the assizes at home Now this Bill would confer on the Governor the same power as that possessed by the Queen of England, for the holding of assizes at certain periods. He admitted that the Circuit Courts Bill of last year was a most monstrous measure, but the same objections could not apply to this Bill There was one omission in it however, to which he would call the attention of the Attorney-General, and that was that there was no power given of granting to Her Majesty a further Civil List If it were intended to place the salary connected with the appointment each year on the Estimates, he should most certainly object to it The Civil List did not provide for the payment of a third Judge, and therefore it would have to be provided for by an Act of the Legislature or otherwise He thought the best plan to adopt would be to exercise the powers given in the 38th clause of the Constitution Act, providing for an extension of the Civil List There was another matter he might mention in connection with this Bill—the necessity there was of dividing the year into terms, adopting as in England a long vacation, and so managing the sittings of the District Courts that thay might not clash with the sittings in Adelaide This would be absolutely necessary both for the convenience of the profession and for other reasons The most important assizes in England occurred during the long vacation, and he thought such an arrangement here would facilitate the transaction of business There was another point he would mention, the difficulty there was of obtaining writs, from the irregular manner in which the sittings were held now This he thought might be remedied by a Supplementary Bill

Mr BAGOT said the necessity for a third Judge was so generally acknowledged that no arguments were required to be adduced in favor of it In respect to the District Courts and the time and place of their being held, he thought it much better that the Bill should remain as it was, than to place any definiteness upon this portion of it, and for this reason, that what they might consider suitable places for Courts to be holden now might not be so some short time hence There was one improvement he thought might be made in trying civil and criminal cases- that of doing with a smaller number of jurors In the country districts there was always a difficulty in getting a suitable choice of persons ("No, no," from Mr Burford) The hon member for the city said "no," but that did not change his (Mr Bagot's) opinion He thought they might manage with equal safety and greater convenience in many cases with five or seven jurors only With regard to the Civil List he should not like to see that extended, but the salary could be provided for by special legislative enactment He thought some improvement might be made in having longer terms, and for the sittings of *nisi prius* to be oftener than they were at present He would support the second reading of the Bill as a matter of grave necessity

Mr ANDREWS said that where there was not a sufficient number of jurors to be found, it was evident there was no necessity for the holding of Courts He was opposed to reducing the number of jurors as tending to get rid of juries altogether, As to a third Judge it was so necessary that he need not remark upon it

Mr BAGOT explained that what he said was that the number of jurors should only be reduced when the consent of the Judges of the Supreme Court had been obtained

The ATTORNEY GENERAL said that every hon member would agree with the importance of the remark of the hon member for Encounter Bay (Mr Strangways) that no Judge should be placed in such a dependent position as to have his salary voted year by year There could be no doubt that a Judge should be free from any such dependance, as nothing could be more opposed to the interests of the community or tend to interfere more with the due administration of justice than such a dependance If it was thought the provisions of this clause did not offer a sufficient security against this, he should be glad to modify them The intention he could assure them was that the salary should be paid by authority of the Act itself With regard to the terms and long vacations, he would say, that at present there was one term commencing on the 4th December and ending about the beginning of February The Judges however, had the power to alter such terms as they might think fit as tending to meet the convenience of suitors. Therefore it was not necessary to include any provision in this Bill to meet that which was already provided for If the Bill were passed, it would be the duty of the Judges to so alter the arrangements, in this respect, as to make them fit in with the Courts held under the authority of this Act With regard to jurors, his feelings were that in the country districts a smaller number would be sufficient. But all that was required to settle this point was that the parties interested in the proceedings should consent to place themselves under a jury composed of a less number There might be special cases in which this might not be desirable, but, perhaps, in the majority of instances, a great saving of time would be effected

The Bill was then read a second time, and the House went into Committee

The preamble was postponed

On the 1st clause being proposed, the ATTORNEY-GENERAL moved an amendment which he thought would meet the objection of the member for Encounter Bay, as to the payment of the salary of the third Judge, viz, that in the second last line the words "be paid" should be struck out and substituted by the word "received"

Mr STRANGWAYS proposed that after the word "Governor" should be inserted the words "in the name and on behalf of Her Majesty"

The ATTORNEY-GENERAL said, in answer to Mr Strangways, that it would be as well not to touch the Civil List All they had to do was to make the third Judge as independent as other Judges were.

Mr STRANGWAYS contended that by the course proposed by the Attorney-General the third Judge would not be placed in that position, as his office would be liable to be abolished

The amendments of the Attorney-General and the hon member for Encounter Bay were then put and carried, and the clause was passed as amended

Clauses 2 and 3 were passed as printed

On the motion of Mr STRANGWAYS the following addition was made to clause 4—"and such salary shall be paid to such Judge on the warrant of the Governor, which he is hereby authorised and required to issue on the same terms and conditions as are prescribed by the Constitution Act, with reference to the salaries of Judges"

Clauses 5 to 9 inclusive were passed as printed

A new clause was added to the Bill, viz, "That this Act take effect from the passing thereof"

The House resumed, the CHAIRMAN reported the Bill, and the consideration of the report was made an Order of the Day for Tuesday

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

In Committee

The Commissioner of Public Works moved that schedule A stand as printed

Mr Strangways moved an amendment that 30 feet be struck out and 100 feet be inserted in its place, as the size of the rooms on which the rate should be made

The Attorney-General said the original Bill was based on the annual rental, but as this, it was considered, would be in Adelaide a bad test, the plan now introduced in the Bill had been adopted The amendment of the hon member for Encounter Bay would tend to encourage the building of small rooms which would be so destructive to the health of the city

The amendment was then put and lost

Mr Strangways moved that clause 1 of schedule A be struck out, as he thought the rate should be made on the annual value.

After a few remarks from Mr Hay, the amendment was put and lost

Mr Hay moved that in clause 3 of schedule A, after the words "annual value," the words "estimated on rent of £8 per annum for every £100 estimated marketable value of such vacant land"

Mr Bakewell said it was contrary to the principles of common justice that vacant lands should be taxed at all He should support the schedule as it stood

Mr Townsend moved that in clause 3 before "stores," the word "houses" should be inserted

Mr Solomon would support the amendment of the hon member for Gumeracha, because all vacant lands should pay the rate as they would be increased in value

Mr Strangways opposed the amendment of the hon member for Gumeracha, because it proposed to fix the annual value by the actual value without describing how the actual value was to be got at

The Attorney-General said the practical effect of the amendment of the hon member for Gumeracha would be to diminish the amount to be received by the assessment He would support the clause, therefore, as it stood

Mr Cole supported the amendment of the hon member for Gumeracha, as being more equitable

Mr Townsend's amendment for the insertion of the word "house" was then put and negatived A division was called for, with the following result—

Ayes, 4—Messrs Strangways, Lindsay, Mildred, and Townsend (teller)

Noes, 14—Attorney-General, Commissioner of Crown Lands, Treasurer, Messrs MacDermott, Hawker, Harvey, Solomon, Hay, Cole, Burford, Rogers, Collinson, Bakewell, Commissioner of Public Works (teller)

Making a majority of 10 in favour of the Noes

On the suggestion of Mr Mildred, an amendment was made rendering vacant lands not liable to be rated

After an amendment from Mr Strangways, to strike out the word "lands," which was lost,

The hon member for Gumeracha's amendment was divided upon with the following result —Ayes 6, Noes 12, as follow, and the clause was passed as printed

Ayes, 6—Messrs Mildred, Harvey, Cole, Rogers, Solomon, and Hay (teller)

Noes, 12—The Commissioner of Crown Lands, the Attorney-General Messrs Townsend, Strangways, the Treasurer, Messrs Hawker, Bakewell, Macdermott, Burford, Collinson, Lindsay, and the Commissioner of Public Works (teller)

The schedules having been agreed to, the House resumed, and the adoption of the report was made an Order of the Day for the following Tuesday

THE ESTIMATES

On the motion of the Treasurer, the further consideration of the Estimates was postponed till the following Tuesday

ASSESSMENT ON STOCK BILL

On the motion of the Commissioner of Crown Lands, the further consideration of this Bill was postponed till the following Tuesday

LACEPEDE BAY

On the motion of Mr Hawker, the petition recently presented by him from the inhabitants in the neighbourhood of Lacepede Bay was ordered to be printed

MR W H GRAY

On the motion of Mr Mildred, the petition recently presented by him from Mr William H Gray was ordered to be printed

CENTRAL ROAD BOARD

The Commissioner of Public Works laid upon the table a return shewing the proposed expenditure of £25,000 by the Central Road Board, during the first six months of 1859

BOARD OF WORKS BILL

On the motion of the Commissioner of Public Works, a Bill which he obtained leave to introduce, to place certain Commissioners, and trust therein named under the control of the Commissioner of Public Works, was read a first time and ordered to be printed, the second reading being made an Order of the Day for the following Wednesday

The House adjourned at quarter-past 5 o clock, till 1 o clock on the following Tuesday

LEGISLATIVE COUNCIL

Tuesday, December 14

The President took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Scott, the Hon Dr Everard, the Hon Dr Davies, the Hon Major O Halloran, the Hon Captain Hall, the Hon H Ayers, the Hon S Davenport, the Hon A Forster, the Hon Captain Freeling, the Hon J Morphett, the Hon A Scott

MESSAGES FROM THE HOUSE OF ASSEMBLY

The Hon the President announced the receipt of messages from the House of Assembly intimating that they had agreed to the Incorporation of Institutions Bill, with amendments, to Longbottom's Patent Bill, and to the Third Judge and District Courts Bill, and desired the concurrence of the Council therein

THIRD JUDGE AND DISTRICT COURTS BILL

Upon the motion of the Hon the Chief Secretary, this Bill was read a first time, and the hon gentleman moved that the second reading be an Order of the Day for the following Thursday

The Hon A Forster did not wish unnecessarily to oppose the second reading of the Bill, but as the Bill involved important considerations, he would move that the second reading be postponed till the following Tuesday

The Hon the Chief Secretary said the session was fast drawing to a close, and he preferred that the second reading should be made an Order of the Day for Thursday, but would take the sense of the House upon the point

The Bill was ordered to be read a second time on the following Thursday

INCORPORATION OF INSTITUTIONS BILL

Upon the motion of the Hon Capt Bagot, seconded by the Hon H Ayers, the consideration of the amendments made by the House of Assembly in this Bill was made an Order of the Day for the following day

LONGBOTTOM'S PATENT BILL

On the motion of the Hon H Ayers, this Bill was read a first time and referred to a Select Committee, consisting of Messrs Ayers, Morphett, Bagot, Freeling, and Davenport, to report upon the following Tuesday

IMPOUNDING ACT AMENDMENT BILL

Upon the motion of the Hon the Chief Secretary, this Bill was read a third time and passed, and ordered to be transmitted by message to the Assembly, desiring their concurrence therein

SMILLIE ESTATE BILL

Upon the motion of the Hon Captain Hall, this Bill was read a second time and passed, and ordered to be transmitted to the House of Assembly, with an intimation that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly

CLERKS' SALARIES ACT REPEAL BILL

On the motion of the Hon the Chief Secretary, this Bill was read a third time and passed, and ordered to be transmitted to the House of Assembly, with an intimation that they had agreed to the same without amendments

PARLIAMENTARY PRIVILEGES BILL

The Hon the Chief Secretary, in moving the second reading of this Bill, reminded the House of the question of privilege which arose some time since in Tasmania, and upon an appeal being made to the Privy Council, an opinion was expressed to the effect that local Legislatures had no inherent privileges beyond the precincts of the House He thought, however, that hon members would agree it was desirable that the Legislature should possess privileges such as the House of Commons The first four clauses of the present Bill gave power to the Houses of Parliament to summon witnesses, and if there were one function of Parliament more valuable and important than another, it was that of the appointment of Select Committees for the purpose of obtaining evidence upon subjects affecting the interests of the country before those subjects were brought before Parliament Under the existing law, it was competent for the Houses of Parliament to summon witnesses, but it was quite optional with the parties so summoned whether they attended or not, and thus it was quite possible that by their non-attendance they might interrupt the business of the country That was provided against in the present Bill The fifth clause gave each House power to punish summarily in certain cases, and members were protected by it from insult in the discharge of their public duties There was no Court of justice which did not possess within itself power to punish contempts of its authority, even inferior Courts had this power, and he thought it would be admitted that if such were the case Houses of Parliament ought not to possess inferior privileges Clauses 5 to 14 provided in what manner proceedings should be taken against parties, and clause 15 provided that members should possess freedom from arrest in order that constituencies might be protected against vexatious interference with their members whilst discharging their public duties The 16th clause provided that any witness wilfully giving false answers before a Committee should

be deemed guilty of a misdemeanor He was not aware that there were any other clauses to which it was necessary to direct the attention of hon members, and would move that the Bill be read a second time

The Hon J MORPHETT seconded the motion, thinking it highly desirable that some Bill should be passed by Parliament to define in some measure not only what were the privileges but the powers of Houses of Parliament There were clauses in the Bill which when in Committee he thought it very likely he should dissent from, but in the main he thought it desirable that such a vexed question should be set at rest, so that what had arisen in a neighbouring colony might not occur here It was very desirable that Parliament should have full power to make the fullest enquiry into all matters affecting the public interest, and it was also desirable that members should have the greatest freedom of action whilst pursuing their career as members of the Legislature, that they should have full power to express their sentiments unbiassed and unshackled He believed the Bill before the House would enable them to do so He did not, however, think it desirable that there should be freedom from arrest for members in this colony, but he thought that members of Parliament should be secured in expressing their opinion in the fullest and fairest manner upon all matters debated in Parliament

MESSAGES FROM HIS EXCELLENCY

The PRESIDENT announced the receipt of Message No 3 from His Excellency the Governor, in reply to Address No 5, of the Legislative Council, transmitting copy of Despatch from the Secretary of State for the Colonies, upon the subject of the Insolvent Act, and the report of the Attorney-General thereon Also, Message No 4, transmitting copy of Circular of 16th October last, from the Secretary of State for the Colonies, intimating the acceptance of the P and O Company's contract for carrying on the mail service between Great Britain and Australia.

Upon the motion of the Hon the CHIEF SECRETARY the despatch upon the subject of the Insolvent Act, and the Attorney-General's opinion, were ordered to be printed

Upon the motion of the Hon J MORPHETT, the despatch from the Secretary of State upon the subject of Steam Communication was read, and was to the effect that an arrangement had been made with the Peninsular and Oriental Company to carry on the contract for a period of seven years, commencing with the February mail from Sydney, the contract embracing Mauritius, King George's Sound, Kangaroo Island, Melbourne, and Sydney—branch services being only necessary for Tasmania and New Zealand The subsidy, £180,000 annually, exclusive of £24,000 paid by the Mauritius, the time to be occupied out or home between Sydney and Southampton being 55 days The communication stated that the question of a second monthly communication *via* Panama had been carefully considered, and that tenders for such would be called for so soon as the necessary arrangements could be made

PARLIAMENTARY PRIVILEGES BILL RESUMPTION OF DEBATE

The Hon A FORSTER said he should be compelled to oppose the second reading of the Bill The hon the Chief Secretary had stated that the necessity for this Bill had arisen from circumstances which had occurred in Tasmania, where a matter had been referred home to the Judicial Committee of the Privy Council, and their decision had been unfavourable with regard to the privileges of Parliaments, the opinion being, in fact, that Parliament had no privileges beyond the limits of the House The difficulty in which the Legislature of Tasmania was placed was that they could not summon Dr Hampden to give evidence before a Select Committee of the House upon a question affecting the interests of the colony No doubt it was undesirable that Parliament should be placed in that position, and so far as that particular privilege was concerned he concurred with the Chief Secretary It was necessary that Parliament should have power to summon witnesses before a Select Committee, but the Privy Council thought it undesirable to concede to Colonial Parliaments such privileges as were desired by the Parliament of Tasmania, because it was thought that the Courts of Law would be sufficient to meet any difficulties which might arise Having carefully read and considered the case he felt satisfied that Her Majesty would not be advised to assent to any Bill extending the privileges of the local Legislatures, so as to deal with cases which the Courts of Law in the various provinces could deal with The Chief Secretary had stated that it was desirable the Parliament should possess the same privileges as the House of Commons, but did the hon gentleman suppose that this Bill would give the Parliament the same powers? If it were deemed desirable that the Parliament should possess the same powers as the House of Commons, he apprehended that a Bill, consisting of a single clause, would do that It might not be undesirable, if it were thought desirable, that this Parliament should have enlarged privileges—that it should have privileges similar to the House of Commons, so far as applicable He would suggest that course, because there might be a hundred privileges which were not alluded to in the Bill before the House, and he thought that the Bill would rather restrict their privileges than enlarge them If the Bill were passed, the privileges of that House would be confined within the limits and definition of the Bill The Bill contained privileges, in his opinion, too extensive with regard to persons outside the House, but it did not deal with the relative privileges of the two Houses A difficulty had never occurred in reference to persons outside the House, but differences had arisen between the two Houses Why should it provide for matters such as had never occurred and entirely omit any provision relative to matters respecting which a considerable question had arisen He regarded the Bill as an ill-considered scheme, and it conferred powers which ought not to be exercised with regard to persons outside the House, but omitted matters which ought to be included He thought a Bill to provide for the privileges of Parliament ought to be comprehensive and a well considered scheme He was sure that any Bill claiming extended privileges for local Legislatures upon questions which might be dealt with in Courts of law would not be approved by Her Majesty

The Hon Captain SCOTT was also opposed to many of the provisions of this Bill It appeared to him to be a very arbitrary and despotic measure in many respects He fully agreed that the Houses of Legislature should have power to summon witnesses, but hitherto there had been no difficulty upon this point, and it was quite clear that the evidence which was elicited by this means was essential to enable the Parliament to come to a wise conclusion He had no objection to power being reserved to summon witnesses, and to compel them to give evidence, providing it did not interfere with their own or any private interest The 5th clause, however, appeared to him so extraordinary that he could not support it It proposed to give the House most arbitrary, despotic, and altogether unnecessary power He objected to the President or Speaker having power to commit an individual to Her Majesty's gaol, and by the wording of that clause an individual might be transferred to a stable, and there kept during the remainder of the session He did not think such power ought to be vested in the Houses of Parliament, for there were courts to take cognisance of such matters The power conferred by this Bill was, he thought, altogether too great and unnecessary Then, again, he would refer to the clause relative to members being insulted Any person insulting an hon member was liable to be apprehended but he presumed that the law upon the point as it at present stood was quite sufficient The police could be appealed to if a member were assaulted or insulted, but by this clause it appeared that that House was to be constituted judge, jury, police officer, and gaoler He regarded that clause as altogether unnecessary, arbitrary, and despotic Then, again, to send an insulting letter to a member was by this Act rendered a misdemeanor, but if a man were so silly as to send an insulting letter, he thought it would be quite sufficient punishment to the writer to publish it in the newspaper Then again, it was a misdemeanor to send a challenge to a member, but that was an unnecessary provision, for duelling had gone out of date, and if a man sent a challenge, perhaps the best way to shame him would be to publish his letter in the paper The Bill also contained a provision in the event of any person offering a bribe to a member, but that clause was surely unnecessary, for a person who would be base enough to offer a bribe to a member would be likely to do so in such a manner that there could be no evidence against him, he would neither reduce his offer to writing, nor make it in a public company Such a man would most likely get the member by himself and then make the offer, and all the member could say was, that such an offer had been made, or he might even be afraid to do that lest he should subject himself to a prosecution for libel There were a great many other questions to which the Bill referred, with which he considered members really had nothing to do Provision was made for punishing the publication of any false, scandalous, and malicious libel relative to a member, so that editors might look out, but it should be remembered that the proceedings of that House, and the other branch of the Legislature, were faithfully reported by reporters paid for doing so, so that there was a check against any misrepresentations, and therefore he considered the provision unnecessary Unquestionably hon members ought to have freedom of speech so long as they kept within limits and did not traduce the character of other people He thought the clause had better be struck out, for by including it in the Bill the public would be very likely to say, see what they would do if they could There were some objectionable points in the 6th and 7th clauses, but he had a most decided objection to the 15th clause, which provided that members should enjoy freedom from arrest If a member were liable for a debt or to the law, was he to shelter himself by skulking within the doors of that House? If he were ever so unfortunate as to do anything to render him liable to arrest he should regard it as an aggravation of his offence to endeavor to shelter himself under his privileges as a member of that House, and he trusted the House would scorn the idea of adopting the clause He should like to see the House possess the power of summoning witnesses, and if they gave false evidence they should be liable to punishment Witnesses should also be compelled to give evidence upon any subject which did not involve their own or any private interest He thought there should also be some provision in reference to refractory members, for it was possible that one member might express himself in an insulting and provoking way to another (The Hon the Chief Secretary referred the

hon member to the 8th clause) That clause did not make any provision for the expulsion of a member whose conduct was offensive to another member He did not go so far as to say that he should oppose the second reading but he should certainly oppose the clause relative to freedom from arrest, and also two or three other clauses which appeared to him unnecessary The Bill appeared to him to have been concocted in the dark ages, or at a period when rotten boroughs were in their glory, but times had altered, the people were awake, and would not submit to be dictated to as was proposed by this Bill

The Hon Captain BAGOT supported the second reading of the Bill, believing it to be a measure which it was very desirable to enact He could not agree that the Bill was of the character which had been attributed to it by the last speaker The hon gentleman had particularly dwelt upon the 5th clause, which referred to various offences for which persons might be subjected to imprisonment, but he would remind the House that every Justice of the Peace, if acting in a magisterial capacity, had similar powers, nay even every constable had the power of interfering and imprisoning any party guilty of personal violence, so that he thought the clause was quite as mild as it could be drawn With regard to the 15th clause, which conferred upon hon members freedom from arrest, he regarded that as a very proper provision, and would remind the House that parties attending Courts of Justice as jurors or witnesses, were similarly protected He could not see therefore why a member of that Legislature should not have similar protection The object of the clauses was not to provide members a cloak to save them from arrest, but to prevent their usefulness from being destroyed Suppose for instance it was known that upon a certain question of considerable importance to the country, there was likely to be a close division, unscrupulous parties might take measures for removing one or two members, known to be adverse to them, and thus carry their point The members would be arrested, and the object of those who had caused their arrest would be gained He contended that the clause was necessary, in order to afford members an opportunity of discharging their duties faithfully precisely the same as it was necessary for jurors and witnesses He thought, however, that the clause might be amended by doing away with the protection of a member if detected in the act of leaving the colony without satisfying his liabilities, and would move an amendment to that effect

The Hon H AYERS supported the second reading of the Bill, but must at the same time beg to correct the last speaker, in reference to some of his statements relative to freedom from arrest and vexatious arrest As the law at present stood vexatious arrest was altogether impossible It would have been possible, he admitted, 20 years ago, upon an affidavit being made that the party to be arrested was indebted to the extent of £20 and upwards, but was not possible at the present time, because no arrest could take place unless there were reasonable grounds for believing that the party was about to leave the colony, or there must be judgment confessed or obtained He had yet to learn that witnesses or Jurors attending the Supreme Court were free from arrest When within the precincts of the Supreme Court he admitted they were free from arrest, but that was from respect to the Court, not to the person He was decidedly opposed to the 15th clause, but should support the second reading of the Bill, reserving to himself the right of opposing the clause to which he had alluded in Committee He thought the Hon Captain Scott had drawn a much more gloomy picture of the probable operation of the Bill than he was justified in doing, and that on many points he had been ably answered by the Hon Captain Bagot

The Hon Captain HALL should support the second reading of the Bill, although he did not agree with all of its provisions It contained in fact something more and much less than he had expected from what he heard of the Bill in the first instance, but having since read the Bill carefully through he really saw nothing objectionable in it, but the 15th clause He admitted, however, that it was necessary members of that House should be protected in every possible way, and that they should be able to express their opinion freely without fear of insult, directly or indirectly As members of that House they sunk their individuality, and became the representatives of the people The Hon Captain Scott, had ridiculed the idea of there being any challenges sent, any bribes offered, or of members being directly or indirectly coerced, but such things had been, and he, since he had been a member of that House, had been jostled, no doubt with the view of coercing him Some years ago, when the question of labor was under discussion, he and the hon John Baker were jostled near the Gresham Hotel, when on their way to that House by a number of misguided men, and if they had not taken a determined stand they might have been materially influenced and perhaps become afraid to come to that House Such things having occurred might occur again, and the Council should have power to guard against any undue influences being brought to bear upon members of Parliament It had been stated that a question had arisen in another colony as to the power and privileges of colonial Parliaments, and that circumstance appeared to him to be a great feature in favor of the present Bill It was the duty of the Council to prepare for any contingency which might arise by defining what its powers and privileges were Circumstances for instance might arise which would render the Council unable to obtain that information which the good of the country demanded, and he fully agreed, in reference to the power to summon witnesses, that they should be enabled to demand as a right what they were now only enabled to obtain as a favor In Committee he should certainly oppose the 15th clause, because conceding that if at a critical junction a member were arrested, it would be the constituency who would suffer, still it was the fault of the constituency for returning a person liable to arrest, such a man must be a mere adventurer or placehunter, and could not be in a position to devote that time to public duties which their importance demanded, nor should he be enabled to shelter himself from his lawful engagements merely by being a member of that House With this exception he saw nothing in the Bill from which he dissented It was desirable, perhaps, that the relative privileges of the two Houses should be defined, but this he thought had better be done in a separate Bill

The motion for the second reading of the Bill was carried, and the House went into Committee upon it

Clauses 1 to 14 were passed with verbal amendments

Upon clause 15, giving members freedom from arrest being proposed,

The Hon Captain SCOTT moved that it be struck out

The Hon H AYERS seconded the proposition

The Hon Captain BAGOT was desirous of moving as an addition or amendment, "providing, nevertheless, that nothing herein contained shall interfere with the law in force relative to persons quitting the colony"

The Hon the CHIEF SECRETARY said that this clause was not for the protection or benefit of individuals, but for the benefit of the constituencies in order that their representatives might not be vexatiously apprehended In the absence of this clause it would be quite competent, upon an affidavit being made before a Justice of the Peace, that any member was about to leave the colony, to arrest him upon his way to the House, or the arrest might take place upon an affidavit made before a Judge in Chambers The object of the clause was that constituencies should not lose the services of their representatives at a particular juncture

The Hon H AYERS pointed out that there was not much to fear if the clause were struck out, for the Hon the Chief Secretary had stated that a man could only be arrested upon affidavit that he was about to leave the colony, but the constituency would lose the services of their representative just as much if he left the colony, as if he were arrested He did not think there could be anything like vexatious arrest, for not only must the creditor swear that the member was indebted to him, but he must also swear that there were reasonable grounds for believing he was about to leave the colony, and must state what those grounds were

The Hon Captain BAGOT could not assent to the clause being struck out, believing that members should be in a position of independence whilst going to or coming from that House

The clause was struck out, and the subsequent clauses having been assented to, the CHAIRMAN then reported progress, the report was adopted, and the third reading made an Order of the Day for the following day

DATE OF ACTS BILL

Upon the motion of the Hon J MORPHETT, who brought up the report of the Select Committee, assigning reasons for the Council declining to assent to the amendments made by the Assembly in the Date of Acts Bill, the report was agreed to, and ordered to be forwarded to the Assembly

DISTRICT COUNCILS ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, stated that the Association of District Chairmen had devoted much time and attention to it, and that such portions of the existing Act which long experience had shown it was desirable to preserve, had been embodied in the present Bill The Act was so arranged that parties connected with District Councils would readily be enabled to refer, under distinct and separate heads, to those matters upon which they required information The principal novel features in the Bill were that the Executive had greater power to construct, arrange, and distribute wards, and the recovery of rates, and the general management was simplified and cheapened The power conferred of recovering rates was similar to that possessed by Municipal Corporations

The Hon Captain BAGOT seconded the motion, which was carried, and the House went into Committee upon the Bill

Clauses 1 to 57 were passed with verbal amendments

Upon clause 58 being proposed,

The Hon Captain BAGOT pointed out that it gave power to the Council to devote the rate for educational purposes, and considering the handsome sum contributed by the State for that purpose, he could not consider such a power necessary, or if it were given it should be to raise a special rate for the purpose

The Hon the CHIEF SECRETARY said the rate would be raised from amongst the residents of the districts, and surely the Legislature would allow them to expend it in any way they might consider most conducive to their interest If the members of the District Council were not fit to be entrusted with the expenditure of the rate the ratepayers would not have elected them

The Hon H AYERS had been surprised to find power given to District Councils to levy a tax for education, considering how large a sum the State contributed towards that object, and he would point out to the Chief Secretary that if the clause were passed the District Council would not be dealing with their own money but other people's The District Council after raising a rate annually for roads and bridges might expend it upon education

After some further discussion the clause was postponed, and the Chairman reported progress and obtained leave to sit again on the following day

The Council adjourned at half-past 4 o'clock till 2 o'clock on the following day

HOUSE OF ASSEMBLY

TUESDAY, DECEMBER 14

The SPEAKER took the chair shortly after 1 o'clock

SERGEANT-MAJOR PERRY

Mr COLLINSON presented a petition from Sergeant-Major Perry praying for compensation as Sergeant-Major of Militia

The petition was received and read

ARTESIAN WELLS

The COMMISSIONER OF CROWN LANDS gave notice that upon consideration in Committee of His Excellency's message No 21, Council Paper 146, relative to artesian wells, he should move the addition of the words "or sinking wells where required"

LAND GRANTS

The ATTORNEY-GENERAL gave notice that upon the following day he should move for leave to introduce a Bill to remove doubts respecting the validity of the titles to certain land-grants, and to regulate the fees payable thereon

THE BARRIER RANGES

The COMMISSIONER OF CROWN LANDS laid upon the table a paper showing the steps which had been taken relative to the proposed search for gold in the Barrier Ranges

Ordered to be printed

NORTHERN EXPLORATION

The COMMISSIONER OF CROWN LANDS laid upon the table of the House papers connected with the Northern Exploration

Ordered to be printed

PREPARATION OF BILLS

The ATTORNEY-GENERAL laid upon the table of the House a return which had been moved for, shewing the sums which had been paid or were payable during 1857, for the preparation of Bills, also a return, shewing the actual cost of printing The hon gentleman stated that those returns had been prepared ever since the preceding February, and that he would have laid them upon the table before, but they had entirely escaped his recollection The moment the hon member for the Sturt brought to his mind that the returns had not been furnished, he had them looked up

TELEGRAPH TO VICTORIA

Mr HAY asked the Commissioner of Public Works if there was any truth in the statement, attributed to Dr Evans, the Postmaster-General of Victoria, to the effect that the delays in connection with the Intercolonial Telegraph occurred upon the South Australian side, and that there had been no longer delay on the Victoria side than 45 minutes, whilst on the South Australian side there had been delays of 28 hours

The COMMISSIONER OF PUBLIC WORKS was very glad that the hon member for Gumeracha had put the question In the first place, he would state that there was no truth whatever in the statement to which the hon member had referred which had appeared in the public papers—the only means he had of knowing what had been really said, and which was attributed to Dr Evans, the Postmaster-General of Victoria So far from there being any truth in the statement, there had been frequent occasions for complaint at the delays which had taken place on the Victorian side, and since he had come to the House that day, he had received a message from the Superintendent of Telegraphs, stating that messages from Adelaide to Melbourne which reached Mount Gambier—the extreme point of the South Australian Telegraph—on the preceding day, were only being forwarded to Melbourne that morning He believed that the remedy for the delays which had hitherto taken place would be found in the statement, which was also said to have been made by Dr Evans, that it would be necessary to erect a second wire on the Victorian side Steps, indeed, were being taken to do so, and he believed that the complaints which had hitherto been made in reference to the delays upon the Victorian side would then cease From his own experience and knowledge he was enabled to state that there had been no delays on the South Australian side, but that all the delays which had taken place had occurred upon the Victorian side

ARTESIAN WELLS

Mr MACDERMOTT asked the Commissioner of Crown Lands what steps, if any, had been taken with regard to the resolution of the House relative to boring for water?

The COMMISSIONER OF CROWN LANDS said that in anticipation of the vote which appeared upon the Estimates for the purpose being assented to, he had been in communication with various parties with the view of obtaining information as to the best means of expending the amount He had received a report from the Surveyor-General upon the subject, and also from another gentleman whose opinion was valuable He had also been in correspondence with Mr Babbage upon the subject, and the result might be summed up that it was not desirable to incur great expense in sinking for water upon the artesian principle, without a geological survey of those portions of the country where it was most likely that the artesian system could be usefully and successfully applied In consequence of the information which he had received in connection with the subject he had that day given notice, that when the item was under discussion, he should move the addition of the words "or sinking wells where necessary"

Mr MACDERMOTT asked whether, when the correspondence was complete, the hon gentleman would place it upon the table of the House?

The COMMISSIONER OF CROWN LANDS said that he would do so

LANDS TITLES REGISTRATION DEPARTMENT

Mr STRANGWAYS asked the Attorney-General when the returns which had been moved for, in connection with the Lands Titles Registration Department, would be laid upon the table of the House One reason for asking the question was that he believed the returns could have been furnished at once, if it had been deemed expedient that they should be He wished to know whether the hon gentleman would be prepared to produce the returns before the Real Property Act was brought under discussion, and, if not, would he stir up the Registration Department a little

The ATTORNEY-GENERAL had no idea of the reasons which the hon member had for believing that the returns could have been furnished more speedily He had no reason to believe that there had been any needless delay He had that day seen the Registrar-General upon the subject, who had informed him that the return would probably be forwarded to him in the course of the day, and he had no doubt that on the following day he should be enabled to lay it upon the table of the House.

THE THIRD JUDGE AND DISTRICT COURTS BILL

The ATTORNEY-GENERAL moved that the report of the Committee of the whole House upon the Third Judge and District Courts Bill be agreed to

Mr STRANGWAYS did not wish to oppose the adoption of the report, but wished to know if the Attorney-General had considered the suggestion that the appointment should be made by the Governor in the name and on behalf of Her Majesty? The hon gentleman had on a previous occasion stated that such a provision was not necessary, but there appeared to be great doubt whether under the Act of 1855 the Governor had power to appoint a Judge except in pursuance of instructions from Her Majesty

The ATTORNEY-GENERAL was quite satisfied there was no necessity for the insertion of the words He did not mean to say that there would not be as between the Governor and Her Majesty, though upon that he pronounced no opinion, but he was quite clear that it was not necessary that the Legislature should insert words defining the mode in which the power conferred by the Act should be exercised, as such instructions were not binding upon the House

Mr PEAKE was desirous of addressing the House, but the Speaker ruled that he could not do so, the Attorney-General having replied

The motion for the adoption of the report was then put and carried

The ATTORNEY-GENERAL said it would be convenient, and indeed was important, that the Bill should be read a third time in order that it might be sent to the other House, and he wished to know whether he would be in order in moving the suspension of the Standing Orders It was important that matters which had to be sent to the other House, should be sent as early as possible, in order to give the other House as long a period as possible for considering them The hon gentleman concluded by moving the third reading of the Bill

Mr REYNOLDS should certainly oppose the third reading being hurried on, unless the hon gentleman could show there was urgent necessity for adopting such a course

Mr STRANGWAYS said perhaps the hon member for the Sturt would withdraw his opposition if the Attorney-General would state what specific object he had in view in desiring that the Bill should be read a third time It appeared to him to adopt this course looked like hasty legislation, and as the Standing Orders provided that before such a course could be taken some urgent necessity must be shown, the House had a right to expect that the Attorney-General should show urgent necessity existed All that he had as yet heard from the hon gentleman was that if the Bill were not to be sent down to the other House till the following day the other House would have 24 hours less to consider it than if it were sent down that day, but that could scarcely be regarded as a sufficient reason

The ATTORNEY-GENERAL did not know that he could offer any further explanation than that which had with his

ordinary accuracy been given by the hon. member for Encounter Bay. He proposed to adopt a similar course in reference to the Water Supply and Drainage Bill, and if the hon. member who had charge of the Licensed Victuallers Act Amendment Bill were in his place he should assent to a similar course in reference to that Bill also. The session was not permanent; it must be brought to a close some time, and as there were indications of its being brought to a close in a short time, it was not desirable to delay its termination beyond what would otherwise be regarded as the proper term by delays in Bills reaching the other branch of the Legislature. The hon. member for Encounter Bay had in fact explained with great clearness the object of the Government, and he did not know that he could add anything to it.

The Bill was then read a third time and passed.

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL.

The COMMISSIONER OF PUBLIC WORKS moved that the report of the Committee of the whole House upon the Bill be agreed to.

Carried.

The COMMISSIONER OF PUBLIC WORKS said it was desirable that this Bill should also be forwarded to the other branch of the Legislature as soon as possible, and he would therefore move that it be read a third time.

Mr. STRANGWAYS opposed this proposition, stating that he should avail himself of every opportunity to oppose the measure, or any proposition on the part of the Government to suspend the Standing Orders for the purpose of getting through a measure of this kind. A large number of the clauses of the Bill did not meet the wishes of a number of members of that House, but the portion to which they principally objected was the schedule. The whole Bill had a very narrow slip the other day, and but for the Attorney-General the whole measure must have been smashed, at least it must have been withdrawn. He was opposed to suspending the Standing Orders two or three times a day, and should object to their suspension in this instance, although the Attorney-General had stated that he should not object to their suspension for the purpose of proceeding with the Licensed Victuallers Bill. If the Attorney-General wished to hurry on the business in order that the other House might have an opportunity of dealing with it, perhaps the hon. gentleman would at once state whether it was proposed by the Government that the Parliament should be prorogued before Christmas. Perhaps many hon. members did not wish to meet during hot weather, and would readily consent to such arrangement. He must oppose the proposition to bring on this Bill, as he wished to give hon. members an opportunity of opposing the third reading.

The ATTORNEY-GENERAL said it was the intention of the Government, if the state of the public business would permit of such a course, to prorogue before the Christmas holidays. He trusted the House would assist the Government in doing so. He believed there was only one feeling upon the point, and that was that as the Government intended to call the House together in four months, it was not desirable that the House should be kept sitting during that period of the year which was not the most favourable time for the dispatch of business.

The SPEAKER having intimated that the suspension of the Standing Orders must be carried by a majority of the whole House, and there being only 19 members present, as several negative votes were given, the motion was lost.

Upon the motion of the COMMISSIONER OF PUBLIC WORKS, the third reading was made an Order of the Day for the following day.

The ATTORNEY-GENERAL intimated that in the event of the House being fuller during the day, so as to admit of a majority of the whole being obtained, he should again move that the Bill be read a third time.

The SPEAKER said that could not be done, the third reading having been already fixed for the following day, and it was not competent for the House to rescind a motion passed the same day.

THE REAL PROPERTY ACT AMENDMENT BILL.

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that the amendments had been entirely suggested by the Lands Titles Commissioners, and by the Registrar-General, the suggestions having originated in their practical experience of the manner in which the Bill had worked. The amendments which it was proposed to introduce, would directly meet the known practical inconveniences of the present measure as disclosed by the operations of the law which it was proposed to amend. A case existed as appeared to him for the Legislature, yielding a degree of credit to the opinions of the responsible persons entrusted to carry out the law, and a case in which the amendments of those gentlemen might be properly made, and safely adopted by the Legislature. He had previously stated to the House that there were some matters upon which he had doubts; but he had stated also, that as he had seen the whole measure was a decided improvement upon the existing law, and as he was assured by those entrusted with the carrying out of the existing law that a measure of this kind was necessary to enable the Act to work in such a manner as should realise the expectations of its framers, and as he was satisfied no injurious principle was involved in the measure, he felt that he should waive his objection to points of detail in deference to those who had had greater practical experience and knowledge—the gentlemen who had been entrusted with carrying out the measure. He felt that he stood in a different position to the measure to that which he did when it was first introduced to that House. He then opposed the principle and objected to the details where he thought the principle or the manner in which it was proposed to carry it out fraught with danger or inconvenience to the public. But when the measure had received the sanction of the Legislature, and when it became the law of the land and must be administered, whatever defects it might possess, he felt that the position which he occupied was a very different one, and the principle having been approved and the measure in actual operation, all questions with regard to its principle were idle and superfluous. All that they now had to do was to amend the Act as far as possible, unless, indeed, the House were prepared to introduce a measure to repeal the existing law. He was not prepared to propose the repeal of the Act till a sufficient time had elapsed to test the mode of its operation, and till it had been so far amended in accordance with the suggestions of those who had been appointed to carry it out as would satisfy him that the defects were not in the details, but in principle. He stated unhesitatingly that if after these and other amendments which would no doubt be found requisite, the Act were found not to work well, he could only come to the conclusion that the defects were in the principle, and there would be no alternative but to repeal the Act. He did not anticipate, however, that that time would arrive. He believed that the principle might be freed of all those matters which embarrassed the operations of the Act, and that the details might be so simplified as to render the Act extremely beneficial, and freed from the objections which the opponents of the measure had seen and pointed out. That being his feeling he had taken the course which he had, and asked the House to enter at once upon the consideration of the Bill, and go through with it. There was one matter in connection with this subject to which he should perhaps advert. They had been told that doubts existed in reference to some portions of this measure in consequence of a difference of opinion between Mr. Belt and the Commissioners, but it was due to Mr. Belt to state that though he felt some doubts as to some of the provisions, with all the most important provisions he agreed, and had recommended them to the Government as useful amendments upon the existing law, and calculated to free it from many difficulties which surrounded its operations at the present time. He thought, therefore, that the Government were right in proposing these amendments, and that the House would be safe in adopting them. He had previously mentioned to the House that he should indicate two or three particulars in which he thought there would still be defects in the law as amended. He thought it a serious objection in the details that forms should be provided for powers of attorney and leases, in order to enable property to be brought under the Act. Parties might be possessed of property which had been brought under the Act, and of other property which had not been, and it might be desired to include these properties under one lease, but so long as it was necessary to have a certain form for a lease, or a power of attorney, this could not be done, and he thought this was an inconvenience which more than outweighed the convenience of having forms printed. This, however, would in time be forced upon the notice of the Commissioners, who would probably deem it expedient to alter the existing regulation. He believed that something more than was proposed by the present Bill would be required before the Act was found to work harmoniously, but experience would shew whether the view taken by the Lands Titles Commissioners or by himself and other members of the profession was the correct one. There was another case in which he should feel bound to propose an amendment, and that was in clause 62, which provided that an agent holding a power of attorney should receive a certificate of title in the name of his principal. He thought to that extent the Bill was objectionable in principle, as it was compulsory against parties not resident here, and who were consequently compelled to conduct their business through an agent. He had received several representations upon this subject, and it occurred to him that such power as was proposed ought not to be given. Where a party resided in England, and appointed an agent here to whom he gave an authority to sell, and for the purposes of sale it was wished to bring the property under the Act, he thought it was proper that the agent should have the power, which would not then go beyond the fair scope with which he was invested by the proprietor. But any proprietor had a right to say that he would not, as he had the power to say that he would bring his property under the Act. It was very possible that a proprietor might not be disposed to incur the expense of bringing his property under the Act, or to fetter his means of dealing with it, and he did not think that they should put it in the power of an agent to subject a principal to the expenses consequent upon bringing the property under the Act and imposing new incidents in connection with the property, the result of it being brought under the Act. He had that morning had an interview with the Registrar-General, being anxious not to propose any

amendment upon which that gentleman had not been consulted, he having been appointed to carry out the law, and the Registrar-General had concurred with him that it was not desirable to give the power which the Bill proposed to give, and had agreed that it would be an amendment if the power were restricted to where a sale of land was intended, but where no immediate transfer was contemplated, he did not think that an agent should have power. A large proportion of the alterations which were proposed were matters of detail—hardly one could be called a matter of principle except those to which he had referred, and those embodied in the clauses which proposed to do away with the old form of bills of trust. The opinion upon this point which he had frequently expressed had met with the approval of the Lands Titles Commissioners. The Government saw the inconvenience of fettering a person as to the way in which he should settle his land in trust, and proposed that the trustees should be indicated upon the title so that security to the persons who were ultimately entitled to the property would be provided for, whilst the proprietor would be able to select the trust in any way he pleased without being fettered by the forms of the old Act. He believed that this was a wise amendment, and that it would do more than anything else to free the Act from the objections entertained towards it by members of the profession and others who prided themselves upon an Englishman's privilege of settling his property any way he pleased, so long as he did not controvert any principle of public policy. He moved that the Bill be read a second time and would ask the House to proceed with it at once, and if possible agree to the report in order that the Bill might be sent as quickly as possible to the other branch of the Legislature.

Mr Reynolds did not rise to oppose the second reading, but to make some objections to the manner in which the House was called upon to legislate in this matter. They had before them a Bill of 95 clauses, and an old Bill of 103 clauses, 70 of which he believed would be repealed by the present measure, besides several parts of sections which would be either repealed or amended. He feared it would require a considerable stretch of intelligence to understand the distinction between the present Bill and the measure of last session, and that presented as it was in this instance, the House would have great difficulty in dealing with the Bill at all. He was afraid that if this measure did not repeal that of last session the House would require more than ever the services of the legal profession to enable them to understand how they really stood. They would have to amend the Act again and again, until they had a whole file of Bills. It was very convenient for the hon the Attorney-General to say that he was not responsible for the Bill.

The Attorney-General said he had not stated that he was not responsible. He had introduced the Bill, and he considered himself responsible for every Bill which he introduced.

Mr Reynolds was very happy to hear it. He had thought that the hon member might ignore the responsibility, as the hon member had found that many clauses would require amendment, and as he (Mr Reynolds) imagined, therefore, that it would be necessary to amend the measure again, he would recommend that the amendments be brought in now. He had no doubt that the hon the Attorney-General if he gave his mind to the subject, could give the House a good practical measure. He was not opposed to the Bill, but to the patchwork system of legislation. What he wished for was a Bill which the legal profession could understand. The clauses proposed to be inserted and those to be repealed should both have been printed, with a cross placed against the latter, in order to enable hon members to understand the amendments and alterations without referring to the Bill of last year at all. There were features in the amendments which, whether intended as sops to the lawyers or not, looked as if they were intended to neutralise the opposition of that body to the Bill. Thus the 95th clause provided that the Judges of the Supreme Court were authorised to regulate the fees of legal practitioners. The spirit of that clause seemed to be "If you don't oppose the Bill we will put as much as we can in your hands." There appeared to be a better state of feeling at present on the part of the gentlemen at the Lands Titles Registration department and of that House towards the lawyers than prevailed last session. He (Mr Reynolds) was pleased at this as he believed if the House gave the legal profession such a law as they could work, these gentlemen would do their best to carry it out, but if on the other hand the Bill was not what it ought to be, how could the legal gentlemen recommend it to their clients? He hoped the hon the Attorney General would on the present occasion make any suggestions he might think desirable for the improvement of the Bill. He must again complain of this hasty mode of legislation. The Bill of last session was passed without consideration, and now, because this measure was recommended by the Lands Titles Registration Commissioners, it was to be dealt with with equal precipitation.

Mr Macdermott said, as to the 70 clauses of the old Bill which the hon member had referred to as being struck out, he would remark that the Bill of last session was drawn by a non-legal gentleman, and was framed in language of ordinary men (A laugh). The present clauses were merely altered into technical language and legal phraseology, but the Bill was virtually the same as that of last session. Even where a single word was found to require alteration, the clause which contained it was struck out—("No, no," from Mr Stranways, and "hear, hear," from Mr Solomon)—rather than insert a new word. He confessed he looked upon the 95th clause with some suspicion, for though the Act was originally intended to simplify and render economical the transfer of real property, if the Judges of the Supreme Court possessed the power here sought to be conferred upon them, it might tend to defeat the object. He thought the scale of fees, when drawn up by the Judges, should be submitted to the approval of the House. He hoped the Bill would be passed with as little delay as was consistent with the forms of the House.

Mr Glyde could not support the the Bill because he was not disposed to open his mouth and shut his eyes and swallow whatever was given to him by Mr Torrens, particularly after the hon the Attorney-General had said that it was likely to disagree with him (Mr Glyde). He objected to the Bill on the threshold, and therefore he had not gone into the details. He objected to the second and third clauses. When he sat down to consider the Bill, with every disposition to be one of those members who should assist in passing the Bill, he was met by this second most formidable clause. It seemed to him (Mr Glyde) impossible for a man of ordinary ability to understand that clause. He thought it a great mistake not to repeal the old Act and pass an entirely new one, and he was surprised that Mr Torrens, who was sincerely desirous of simplifying the law, and that gentleman's legal advisers, had not taken that course, when they found that more than one-half the clauses of the original Act required to be repealed. After reading the third clause he (Mr Glyde) would not go into the details of the measure, but he would say that no man had a right to ask any Legislature to pass an Act containing two such clauses as the second and third of this Bill. Mr Torrens should acknowledge the errors in the first Bill, and begin afresh. He (Mr Glyde) presumed that the Bill would be carried by the strength of the Government, but he would be no party to it.

Mr Burford said that the very fact of clauses 2 and 3 giving the number of every section to be repealed, and also of those to be inserted, and the order of their insertion, had urged him to go through such sections, and he must confess that he was pleasingly surprised to find that the measure was the same as that of last year, the difference consisting only in the verbiage. He could not agree that the Bill should be repealed, as this would entail merely going over the ground again, which he trusted was settled for ever, viz the principle of the Bill, and he should be very sorry that the House should be urged to take such a course again. It was totally unnecessary to do so, especially as they now had the assurance of the Attorney-General that the principle of the measure was one of great value. He could see nothing to hinder the House from going on with the second reading.

Mr Strangways said that the doctrine of the hon the Attorney-General, that as the Bill was sent down by the Lands Titles Registration Commissioners the House must take it and swallow it as a whole, was a very novel one. If it were adopted hon members might as well resign their seats, and allow Mr Torrens to make any real property law he pleased. The hon the Attorney-General had said the amendments were suggested by the manner in which the Real Property Act worked. The hon member might more properly have said, by the way in which that Act did not work. The amendments now proposed would substantially repeal the Act of last session for when that which the hon. member for the city (Mr Burford) called the verbiage, was removed, there would be nothing of the old Act left. There were many of the amendments to which the hon the Attorney-General objected. (Laughter from Mr Burford) He (Mr Strangways) could not expect that the hon member for the city would understand him. The hon. member had just stated that he could not rely upon his own judgment, and therefore he could hardly expect other hon. members to rely on it. The hon the Attorney-General stated that he was responsible for the measure. That hon member would therefore come in for any blame where blame was to be attached, or for any credit where credit was due, but he (Mr Strangways) thought that the hon member might receive much blame and no credit at all. The hon member had said that last session he did not approve of the principle of the Bill, that he thought it might be adapted to the dry legal estate, but to that only. Yet notwithstanding that statement, the hon member came to this House with this Bill of 95 clauses, and asked the House to pass it without any consideration, and leave the blame or credit to be divided, as they pleased between the hon the Attorney-General and the Lands Titles Commissioners. But as a member of the House, he (Mr Strangways) considered himself responsible, and when the House went into Committee, he would call attention to many clauses and parts of clauses upon which he proposed to take the sense of the House. He would not pass a law which would affect all the real property of the colony merely because it had been sent down in this manner. Hon members would recollect that the sole qualification required from the Lands Titles Commissioners was that they knew nothing about the matter in which they were engaged. (A laugh.) It was an essential qualification that they should be totally ignorant of the subject. The hon the Attorney-General, from the know-

ledge he possessed of real property law in England and other countries, was aware that the laws relating to the tenure—he did not refer to the transfer—of real property was the most complicated portion of legal education which any lawyer possessed. (Hear, hear.) The hon. member knew this, and he also knew that the sole qualification of the Land Titles Commissioners was that they knew nothing of the matter whatever. The hon. the Attorney-General had stated that this Bill was merely an improvement upon the existing law, and hon. members cheered him; but he (Mr. Strangways) believed that the intention of the hon. member was to convey that it was an improvement on the Real Property Act. Now he (Mr. Strangways) had the authority of the hon. member for the city (Mr. Burford) for saying that the Act of last session was perfection. (Laughter.)

Mr. BURFORD said he had not made the statement referred to, and he had contradicted the assertion of his having done so before.

The SPEAKER said the hon. member was out of order in interrupting an hon. member whilst speaking.

Mr. STRANGWAYS said that on the previous occasion when the hon. member had contradicted his statement he had attributed to the hon. member the exact words he (Mr. Burford) had used, but he now simply said, in general terms, that the hon. member stated that the Bill of last session was perfection. If the hon. member did not hold that opinion he had said something so very like it that it was impossible to see the difference. It this was a case in which amendments might be passed, without consideration or information, perhaps the hon. member thought that the Bill would be best explained at 2 o'clock in the morning, or comprehended after two or three glasses of whisky toddy. If the hon. the Attorney-General looked through the Bill, he would find that there was a new principle in it, and a very important one, which affected a large class of persons, viz., that portion relating to trusts. This would greatly affect trustees under marriage settlements. Under the new Bill the trustees were the bona fide holders of the property, and no protection was given to the owners. Yet the Attorney-General said there was no new principle involved. He had lately read, in "Blackstone's Commentaries," a remark as to how unbecoming it would be in a legislator to pass a law when he knew nothing about the law which it repealed. That was Sir William Blackstone's opinion, but the Attorney-General did not think similarly. That hon. member thought, in fact, that a man should always, when he got an opportunity, take a leap in the dark. The hon. the Attorney-General said that all questions of principle were settled, but he (Mr. Strangways) wanted to know whether they were settled to the hon. member's satisfaction? The hon. member said that, as the bill of last session was made law, the House had nothing to do but to make the best of it; and for this purpose the hon. member was ready to bring in amendments every session. The hon. member would give the Lands Titles Commissioners the full length of their tether, and then they would get into such a mess that they could never get out of it. Probably, within a year or two, that period would arise and then he (Mr. Strangways) had no doubt the hon. the Attorney-General might bring in a Bill which would have a principle in it—not such a Bill as this which had no principle at all. Hon. members had been led to believe that this was a Bill for the total abolition of lawyers and the substitution of registrars (laughter), but it did not produce those results, and now they were about to introduce two clauses confirming the practice to members of the legal profession as an inducement to the profession to bring the Bill into working condition. He (Mr. Strangways) did not believe that if all the members of the legal profession were to unite they could give effect to the principle of transfer by registration. (Loud cries of "Oh!") Hon. members might remember when Sir R. Bethell was Solicitor-General of England that at the election for Southampton, when he (Mr. Strangways) was in England in 1854 or 1855, he (Sir R. Bethell) promised to introduce a Bill in the House of Commons which would assimilate the transfer of real property to the transfer of bank stock. The people applauded, and Sir R. Bethell was returned, but the Bill was postponed. On many occasions allusion had been made to the report of the Lands Titles Commission; but there was one paragraph which had not been referred to, to the effect that great care should be taken in any measure introduced to remedy what they considered the evils of the existing system; the remedy was not worse than the disease. There had also been a great cry against the legal profession; but now the Commissioners admitted that they cannot do without the profession. During the last session it was said that the members of the profession were actuated by sordid motives. Nothing was more common than to hear such charges made against the profession, and the persons who made them had no doubt good reason for making them, but he (Mr. Strangways) would leave it to others to find out whether these reasons were correct. When he was in London at a time when there was a Royal Commission sitting on the Real Property Law, he had met many eminent conveyancers, and although these gentlemen said they had no doubt means could be devised by which the transfer of real property could be simplified, still it could not be assimilated to the transfer of stock; and this he believed was what was intended by the registration. The hon. member here briefly compared the distinction between the transfers of real property and stock, when both were held in trust. The theory of the Bill was bad, but the people of the colony did not think so; they believed it was perfection or the nearest approach to it, and they wished to let it have every chance for its life. He (Mr. Stangways) would not offer any opposition to the principle of the Bill, which he understood to be the transfer by registration, provided it was optional with each person, whether he would avail himself of it or not, and that no new clause likely to be injurious in its operation was introduced. The hon. the Attorney-General had spoken of every Englishman in doing what he liked with his own, but if the House were to adopt this legislation he would ask the hon. member how long all persons would enjoy that privilege? It was taken away last session, and surely that was not what the hon. the Attorney-General would call allowing every man to do what he liked with his own. He hoped the hon. the Attorney-General would adhere to that principle, and see that no property were brought under this Act, except with the direct consent of the owner. As to the statement that the Bill of last session was drawn by a non-professional member, he (Mr. Strangways) believed that the amendments were in the same position. He had observed that the hon. the Attorney-General had been particularly cautious in terming them the amendments of the Lands Titles Commissioners, and that the hon. member did not speak of them as the amendments of the solicitors to the Commissioners. He (Mr. Strangways) believed that the amendments differed from those prepared by Mr. Belt. It was his impression not only from their nature, but from their verbiage, that these were not the amendments of Mr. Belt and Mr. Gawler, but of Mr. Belt, subsequently altered by the Commissioners. He was not opposed to what he believed to be the object of a large number of supporters of the measure, viz., to afford to the holders of property the largest facilities and securities for the transfer of property at diminished expense, and he would be quite happy as far as he might be able to give his aid in framing a measure for the purpose.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

At this stage of the proceedings a message was brought in from His Excellency, and others from the Legislative Council.

The SPEAKER announced that His Excellency had transmitted to the Assembly a despatch from the Secretary of State in reference to the new arrangements of the Home Government relative to the transport of the Anglo-Australian mails.

The despatch was read and ordered to be printed.

The SPEAKER announced that the Legislative Council had agreed with amendments to the following Acts passed by the Assembly, viz., Clerks' Salaries Repeal Act, Smillie's Estate Act, Impounding of Cattle Act.

On the motion of Mr. MILNE the amendments on the Smillie Estate Bill were ordered to be considered on the following day.

On the motion of the ATTORNEY-GENERAL the amendments on the other Acts were ordered to be considered on Friday 17th instant.

DEBATE RESUMED.

Mr. BARROW said the question before the House would be a very lengthy or a very brief one accordingly as hon. members followed the course proposed by the hon. the Attorney-General or that of the hon. member for Encounter Bay (Mr. Strangways). (Hear, hear, and a laugh.) If the House discussed not only the clauses of the Bill but also those of the old Bill, and if in addition to this they were to go into long discussions as to the merits or demerits of the Real Property Act in principle, then assuredly the House would not adjourn on this side of Christmas. (Laughter.) It was, therefore, for the House to say whether it was necessary for proper legislation to go through all the clauses one by one. Under ordinary circumstances he admitted it would be improper to legislate hastily, but for this Bill a special case could be made out for quietly getting through the measure. The people of the country had approved of its policy, and even the hon. member for Encounter Bay, who did not believe that the *vox populi* was always the *vox Dei*, admitted that this was the case. Again, this Bill was brought in to amend defects in a former one, and was the production of a gentleman whose sincere devotion to the cause of Real Property Law Reform was unquestionable. Hon. members might not believe in that gentleman's judgment, but they must admit his attachment to the Real Property Act, and they might, therefore, be sure that Mr. Torrens would not approve of anything which he thought would impede the working of that measure, and that he would not in any way act as a traitor towards it. So far, therefore, they might take the Bill on trust, as the work of a gentleman to whose friendly feeling towards the measure they must add his practical acquaintance with its working. But there was also something more to be considered, for, whilst Mr. Torrens said, "This is the Bill I require to enable me to carry out my measure," the hon. the Attorney-General said, "You may take it safely. I have gone through the clauses. Upon one point or another I dissent from it, but upon the whole, my legal judgment coincides with the Bill." On the one hand Mr. Torrens was undoubtedly sincere, and on the other they had the hon. the Attorney-General's great legal knowledge and judgment; and, therefore, they might be satisfied that in departing from the usual course, which

required members to scrutinize every clause, they would not be acting rashly, more particularly as it was a Bill to amend a Bill the principle of which the country already approved He (Mr Barrow) considered that this state of things justified him in what he would not like to do under ordinary circumstances, viz, taking the Bill on trust But if hon members attached so much importance to the usual practice that they would take nothing on trust, and that no clause of the Bill was to be passed without full consideration, then, indeed, there was no fear of the Bill being rushed through the House The hon member for Encounter Bay alone, with his fatal facility of objecting to everything, would keep the House until after Christmas, and then the House might be left until spring to reply (Laughter) It was urged that it would have been desirable to have the Bill introduced in another form, and he (Mr Barrow) agreed with the hon member (Mr Glyde) in his objections to the second and third clauses, for it was hardly fair that an hon member should take two Acts and a pair of scissors to cut them up, in order to make the amendments intelligible (Laughter) Indeed, an hon member would require four Acts for the purpose, as portions of some clauses were printed upon the backs of others But although he did not like this labyrinth of references, still he would not carry his objections so far as to vote against the second reading of the Bill, merely because two clauses were complicated at the outset He thought if the hon the Attorney-General was satisfied that these references were correct, the House might pass over these clauses It had been objected to the present mode of procedure that another Bill of amendment would be wanted, and the House was asked whether it would not be better to bring in a Bill which would not require an amendment But how was that to be done? How were hon members to know what difficulties would arise? The hon member for Encounter Bay had spoken of the difficulties of a lawyer s education, and especially in reference to this branch of the profession, and he (Mr Barrow) believed that it was impossible to produce a perfect Bill The best plan would be to remedy the evils as they discovered them The country was in favor of the Act, the Act was the law of the land, the gentleman in charge of these amendments was most deeply interested in them, and the hon the Attorney-General had said, with a manliness which did him credit, that through respect for the law of the land, for public opinion, and the opinion of the Legislature, he was desirous of making the measure perfect One hon member had said that the measure was in the hands of gentlemen whose chief qualification was their total ignorance of the matters on which they were engaged But the hon member for Encounter Bay did not surely mean to say that Mr Belt and Mr Gawler were ignorant on those matters? When the Commissioners were chosen on the one side, because they were not connected with the legal profession, and Messrs Gawler and Belt, because they were on the other, there was a double protection secured Referring to the 95th clause, he would suggest that the scale of fees should be subject to the concurrence of the House or of the Registrar-General, or that some other check upon them should be devised, as the public would not be satisfied if after achieving a victory they should find themselves deprived of one-half the results of it He trusted they would find the members of the legal profession friendly towards the Bill, for though he (Mr Barrow) always approved of the measure, he entertained a respect for the dissentient views of those gentlemen Persons were not in the habit of telling physicians that they were interested in dirt because dirt fostered illness and disease, and he could not see why what would be regarded as a disgraceful libel as applied to one class of professional men should be vindicated when applied to another class

Mr LINDSAY rose amidst cries of "divide" and in a few sentences expressed his belief that it would be better to introduce a perfect measure, or at least one which would require very little amendment, which he thought, with the aid of the Attorney-General, it would not be at all impossible to do

The ATTORNEY-GENERAL, in reply, believed it was not necessary to answer statements which had no foundation in fact, or to reply to arguments which refuted themselves He thought he might trust to every member who heard what he had said to cast aside from their minds the observations of the hon member for Encounter Bay, who had last spoken, and those of the other hon member for the said district He would trust also to the good sense of the House to discover the fallacies in the arguments of these hon gentlemen With regard to the remark that a perfect measure should be brought in at first, he confessed it would be very desirable (Laughter) If anybody could find anything so suitable to the present, and capable of adapting itself to all future time, it would be exceedingly satisfactory But, in the meantime, they should be content to do the best they could It was only when difficulties, requiring remedies, were discovered, that they could be removed This was the course of legislation in the British Parliament, and in all other Legislatures, and when the necessity for amending laws ceased, the functions of Legislatures would be at an end He did not, however, think that any hon members need fear that their functions would be so speedily superseded in that way (Laughter) He admitted that he thought it better to strike out the third clause, and supply its place in some other way

The motion that the Bill be read a second time was then put and carried without a division

The House then went into Committee, and clauses 1 and 2 were agreed to

Clause 3 was postponed

The succeeding clauses up to clause 19 were carried without discussion

Clause 20 was carried after an expression of dissent from Mr Strangways, who called for a division, but the hon member being the only dissentient, the House did not divide

Clauses 21 to 25 inclusive were passed as printed

Clause 26, "Lands under the operation of this Act, how leased"

Mr HAY asked the Attorney-General if there were a provision giving a lessee power to sell any interest in leasehold property, with or without right of purchase?

The ATTORNEY-GENERAL said that was part of the common law, and, therefore, it was not necessary to include any such provision in this Bill

The clause was passed as printed

Clauses 27 to 31 inclusive were passed as printed

Clause 32 passed with slight amendment

Clauses 33 to 39 inclusive were passed as printed

Clause 40, "Mortgage money may be paid to Registrar-General, if mortgagee be absent from the colony, and mortgage discharged"

Mr ROGERS asked whether it would not be a better and safer plan that the money should be paid into the Treasury

The ATTORNEY-GENERAL said the House passed a clause substantially the same as this on a former occasion, and no fault was found with the principle of it If the Treasurer were appointed to receive monies it would impose a scrutiny of the affairs of the Lands Titles Office, which might not be expedient

Clause passed as printed

Clauses 41 to 61 inclusive were passed as printed

Clause 62, "Agent holding power of attorney to sell or to dispose of the fee, may apply to bring land under the Act, and receive certificate of title in the name of his principal"

The ATTORNEY-GENERAL proposed to amend this clause by inserting in the 17th line, after the word agent, the words "in pursuance of any contract for the sale of such land"

Amendment carried, and clause passed as amended

Clauses 63 to 75 inclusive were passed as printed

Clauses 76 to 87 were, after some slight discussion, passed as printed

In clause 88 the proviso was struck out, and the clause was passed as amended

Clauses 89 to 93 inclusive were passed as printed

In clause 94, in the 16th line, the blank was filled in with the word "fifty," and the clause was passed as amended

Clause 95—"Judges of Supreme Court to regulate remuneration of practitioners"

The ATTORNEY-GENERAL, to meet an objection of the hon member for the city (Mr Solomon), moved an insertion in this clause, that any scale of fees or emoluments framed by the Judges, should be laid before both branches of the Legislature within 14 days of their being printed, if sitting, and if not at their next sitting, such scale of fees and emoluments to be adopted within 14 days after the receipt thereof The object of the clause was to fix a scale which should not be exceeded

After a few words from Messrs STRANGWAYS and SOLOMON, the amendment was put and carried

Mr MILNE asked the Attorney-General what position would he be in who employed a solicitor to do certain business in the Lands Titles Office and who refused, added to which he would suppose that the profession generally refused

The ATTORNEY-GENERAL said very few persons, he imagined, would find themselves placed in such a position, If there should be any combined action on the part of the members of the profession to frustrate the objects of the Act, he could very well suppose that the Legislature would take such steps to deprive them of their monopoly of conveyancing, or otherwise do that which the exigencies of the case might demand The practical effect of the clause was to make the profession responsible for what they did

Mr BARROW was given to understand that the Registrar-General had been in communication with several members of the legal profession, and he would like to know from the Attorney General whether those gentlemen were prepared to act upon the scale of fees as provided for, and, if so, whether there would be any penalty entailed by their charging higher fees than those indicated in the Bill

The ATTORNEY-GENERAL said he did not know how they could make it a penal offence, but the party so overcharged would have the power of getting the bill taxed, and of receiving back any excess in charge

Clause passed as amended

Schedules E, F, K and I were passed as printed

A new schedule (U) was inserted, being "Scale of Fees"

Mr STRANGWAYS called attention to the fees for copying documents being much higher than at the Supreme Court

The ATTORNEY-GENERAL said they were not so, but he believed instead they were lower

Clause 3 was reconsidered and amended on the motion of the Attorney-General, by striking out all the words down to the 37th line, and part of the words in the 38th line

The clause was passed as amended

Clause 2 was recommitted, and the letter E inserted in the last line

The preamble and title of the Bill were then passed

The House resumed, the Bill was reported, and the consideration of the report was made an Order of the Day for Wednesday

LICENSED VICTUALLERS ACT AMENDMENT BILL

Mr Burford in the absence of the hon member for Barossa (Mr Bakewell) moved that the report of the Committee on this Bill be adopted

Carried, and the third reading made an Order of the Day for Wednesday

MESSAGE FROM THE LEGISLATIVE COUNCIL

A message was received returning the Date of Acts Bill with the amendments of the House of Assembly disagreed to, for which the following reasons were given —

Reasons of the Legislative Council for disagreeing to certain amendments made by the House of Assembly in the Date of Acts Bill

1 Because it is consonant with the practice of the Imperial Parliament, as exhibited by an Act of that Parliament 33rd Geo III, cap 13, that one officer should affix to all Acts the date on which they receive Her Majesty's assent

2 Because it is essential that the utmost possible accuracy should be observed in attaching the proper date of assent, and that its authenticity should be guaranteed in the most obvious and indubitable manner, inasmuch as the date when attached becomes an integral part of the Act by the express terms of the Bill, and fixes the period at which Acts shall come into operation

3 Because the nomination of an officer of each House to perform this duty would be calculated to induce irregularity and uncertainty

4 Because there would be a practical difficulty in any other than the Clerk of the Legislative Council affirming the date of Her Majesty's assent to Acts to which His Excellency the Governor-in-Chief personally and publicly signified such an assent, as no Clerk of the House of Assembly could be present in the Legislative Council Chamber upon any such occasion, and therefore the Clerk of the House of Assembly could not of his own knowledge be aware of and properly certify the fact.

F C Singleton

On the motion of the Attorney-General the reasons were ordered to be printed

LANDS TITLES OFFICE RETURNS

The Attorney-General laid upon the table returns connected with the above, which were read and ordered to be printed

ESTIMATES

In Committee

Coast Harbor Service, Nil

The Treasurer stated, with respect to this department, that on the present Collector of Customs being appointed, the opportunity had been taken to strike out the Harbor Master, as it was found that the principal duties of that office were performed by the deputy At the same time the naval branch of that office was likewise discontinued From this a saving would appear as follows —At Port Adelaide, in the salary of Harbor-Master, the cost of clerical assistance and contingencies A saving was also effected in not keeping up the Blanche and the Yatala A sale had been made during the half-year to the amount of £855, and the actual saving had been £660 At Port Wakefield there had been no saving, at Port Elliot and Encounter Bay there had been a saving of £15 There had been no saving at Port Robe, Port Willunga, Port Onkaparinga, or Yankalilla At the River Murray there had been a saving of £50 in contingencies, making the total actual saving something over £700 In making the change which he had referred to, the coast service devolved on the Trinity Board, who had full powers given them to act, and who would carry it on much more economically than formerly This Board would have the Lighthouses under its charge It was proposed that the Blanche and the Yatala should be sold, and the amount which it was believed vessels could be hired for to perform the service in which they were employed would be £400 per annum, or £200 for the six months, instead of the considerably larger amount which had been previously voted

"Agency in England and Australian colonies, £650"

Passed as printed

"Office of Commissioner of Crown Lands and Immigration, £564 5s"

The Attorney-General said, in reply to the hon member for Onkaparinga (Mr Milne) that the item for printing and advertising was solely for publishing the notices of Crown lands sales in the newspapers He also stated that an arrangement had been come to between the Government and the proprietors of the local newspapers for the publishing of the notices of the sale of Crown lands at one-half of the amount charged according to scale price, the proprietors of the papers being willing to be at one-half of the expense on the public paying the other half

Mr Strangways said it was subsidising the newspapers to do that which formerly they had found it to their interest to do for nothing

The Commissioner of Crown Lands said the Government had carefully considered the question, and thought they were only meeting the justice of the case by the arrangement which had been made In the neighboring colony the land sales cost from £3,000 to £4,000 to advertise

Mr Duffield was afraid if the Government took an example from Victoria they would not place the country in a very advantageous position He hoped they would not advance that as a precedent The land sales had hitherto been very well attended, and he did not think it desirable to incur the expenditure proposed

The Attorney-General said hon members could not doubt for a moment that the public derived a great advantage from the publication of the notices referred to, and the question was, should the Government refuse to remunerate the newspapers for publishing them? His impression was that they were only doing an act of justice

Mr Bagot was certainly opposed to striking out the item for advertising, but he moved that the item of £25 for travelling expenses be struck out

Mr Solomon was decidedly in favor of retaining the item for advertising, as it was not just to call upon the newspaper proprietors to advertise for nothing It was well known that the *Government Gazette*, in which these notices had hitherto appeared, was very seldom seen by persons in the country

The Commissioner of Crown Lands hoped the £25 for travelling expenses would not be struck out Last year the sum voted for that purpose was £50, out of which, on his own account, he had not expended more than from £5 to £6 But in other respects it was necessary, and as the Auditor-General took care not to certify to anything of which he was not perfectly assured, he thought they might vote the item with perfect safety

After a few remarks from Mr Strangways, the item in the total was passed as printed

Survey and Crown Lands Department £8,170 1s 6d

Mr Bagot asked whether from the present state of the Survey of Crown Lands the Commissioner of Crown Lands considered the large staff provided for in the Estimate necessary

The Commissioner of Crown Lands said the staff were required to do a certain amount of work The more land which was surveyed the more opportunity was afforded the public for selection There was always a large quantity of land open for selection but the staff provided for in the Estimate was only sufficient to keep up the requisite balance of land

The item was agreed to

Immigration Department (British) £750

Agreed to

Immigration Department (Colonial) £380

Agreed to

Aborigines Establishment £1,150

The Treasurer said he was desirous of adding £500 to this item, it having been determined to devote that sum to the Aborigines Friends' Association for the purpose of forming an establishment at Goolwa

Mr Glyde asked the Attorney-General whether it had not been distinctly understood, when the House voted £500 for the Poonindee Mission last year, that no further sum should be asked for

The Attorney-General was always reluctant to express a positive opinion when an hon member had a strong impression in a contrary direction, but he certainly had no recollection of any such understanding as that which had been alluded to by the hon member

Mr Strangways did not see how the House could refuse a vote for this mission, after consenting to hand over £500 to a Society for a similar object, to be established at the Goolwa, without having any idea how that money was to be expended

Mr Mildred had a very vivid impression that it was distinctly understood, when the vote was taken for the mission last year, that nothing further should be asked for the institution, that understanding was based upon the grounds that most of those who had gone to the asylum had died, and that, although there was the finest run in connection with the institution of any in South Australia—such as that he had stated, any man in charge of the establishment could not avoid realising a large fortune, still the establishment was not rendered self-supporting, notwithstanding all that had been expended upon it An extraordinary document had been placed upon the table of the House in connection with this mission, in which the Commissioner of Crown Lands actually invited applications for money on account of this institution, shewing it was clearly understood that no more was to be voted after the vote of last session, and it was distinctly understood that if £500 were advanced to get the Trustees out of their difficulties, no more money was to be asked for The hon member proceeded to analyse the document to which he had referred, remarking that it appeared two whites were paid £850 for superintending the dying blacks, and it appeared that, although 6,000 sheep were upon the station last year, they had only, in the course of 12 months, yielded 100, the last return showing that there were only 6,100 He was convinced that the damper and fat mutton upon which the blacks were fed brought on dyspepsia, and drove them to an early grave A large portion of the money voted for the institution appeared to be expended in journeys to and from Port Lincoln If these trips were undertaken at

the expense of those who went, he might not so much object to it, although those gentlemen were paid large salaries for other duties, but he objected to the public money being devoted to such a purpose The Superintendent of the institution was so frequently in town that it was impossible he could devote that attention to the Institution which it required

Mr BURFORD had understood that the House had determined upon granting £500 to the Goolwa Institute, for the year, and if so only £250 should appear upon the present Estimates, which were only for six months

The ATTORNEY-GENERAL said the amount was only £250

Mr MACDERMOTT protested against the unfortunate natives connected with this institution being dispersed in the bush again It had been shewn that the institution, during the last two years had incurred considerable debts, and was unable to pay them, without aid from the Government The private aid which had been given to the institution, far exceeded that which had been given by the Government, and it was only right, he considered, that a fair trial should be given to the institution He hoped hon members would receive with great reserve and caution the remarks which had been made with the view of casting ridicule upon this institution He believed that great zeal had been shewn by the Trustees in the management of the institution, and that everything which could be done had been done, to render it self-supporting

Mr MILNE hoped that the amount which was asked for would not be objected to, but he at the same time hoped that the Government would send some qualified person to report upon the establishment throughout It was quite apparent by the paper which had been laid upon the table of the House, that the Trustees had not done their duty The commercial management of the institution was clearly open to very great improvement, and he thought the Government should satisfy themselves thoroughly as to how the institution was managed, and that the Trustees should be informed unless it were better arranged for the future, the Government aid would be withdrawn

The COMMISSIONER OF CROWN LANDS said, that he had not invited application to be made for pecuniary aid, but upon consulting a letter from Mr Bonney, it would be seen that the money devoted to this institution was looked upon as an annual grant, but that it was to be preceded by a report showing the progress of the establishment, and not having received that report, he took measures to obtain it He should be sorry to see the item struck off, for whatever mismanagement there might have been in connection with the institution all must admire the noble and Christian spirit which had induced Archdeacon Hale to found the institution There was nothing like it in any of the adjoining colonies He had recently seen several of the inmates and they were most intelligent, and he believed that a great deal of good had been done by the formation of this institution The aborigines were fast disappearing from the country which we had taken from them, and he thought it only just that the country should add its mite to their support

Mr HAY would not oppose the vote, but was decidedly opposed to voting money for an institution over which the Government had no control There were 6,000 sheep and a quantity of horse stock in connection with this institution, and it appeared that nobody knew to whom the stock belonged Whatever steps the Government might take in reference to the natives he certainly considered they should have the control of any establishment provided for them If this were not the case the Trustees would probably some day break up the establishment and sell off the stock, and to whom would the property go? The Government clearly had no voice in its disposal He should not vote against the proposed allowance for this institution, but he hoped, both with regard to that establishment and the proposed establishment at Goolwa, an organised system which would secure the Government proper control would be adopted In the absence of such a system he confessed he had great doubts as to the propriety of voting the sum asked for

Mr DUFFIELD was, like the hon member for East Torrens, (Mr Glyde), of opinion that when a vote for this institution was taken last session, it was upon the understanding that no further sum was to be asked for He certainly considered that 6,000 sheep, and a number of horses, should yield such a return as would render the institution self-supporting He did not like to oppose the vote, but certainly should feel bound to do so in future, unless some more satisfactory statement in reference to the affairs of the institution were laid before the House

Mr MILDRED moved that the item be struck out

Mr HALLETT moved that the House divide.

The vote was agreed to

Sheep Inspectors, £743 2s 6d

Agreed to

Upon the motion of Mr STRANGWAYS, the Chairman reported progress, and obtained leave to sit again on the following day

ASSESSMENT ON STOCK BILL

On the motion of the ATTORNEY-GENERAL the further consideration of this Bill was made an Order of the Day for the following day

The House adjourned at 25 minutes to 6 o'clock till 1 o'clock on the following day

LEGISLATIVE COUNCIL

WEDNESDAY, DECEMBER 15

The PRESIDENT took the chair at 2 o'clock

Present—the Hon the Chief Secretary, the Hon Major O'Halloran, the Hon Captain Bagot, the Hon A Forster, the Hon Dr Everard, the Hon H Ayers, the Hon J Morphett, the Hon Samuel Davenport, the Hon the Surveyor-General, the Hon Captain Hall

MR JOHN RIDLEY

The Hon Major O'HALLORAN gave notice that on the following Tuesday, he should move the thanks of the House be given to Mr John Ridley, as a recognition of his claim to the gratitude of the colonists of South Australia, for the invention of the reaping machine

THE ENGLISH MAILS

The Hon H AYERS asked the Chief-Secretary—

"Whether the Government have made any arrangement for receiving the English Mails to be delivered under the new contract at Kangaroo Island? And if not,

"Whether the Government intend before making any such arrangement to communicate with the several parties interested in the contract with a view to obtain permission for delivery of the mails at a convenient place in Gulf St Vincent"

The CHIEF SECRETARY said the hon gentleman had anticipated papers which would be laid on the table that afternoon by His Excellency, by which he would see that a correspondence upon this subject commenced two months ago

DAYS OF MEETING

The Hon the CHIEF SECRETARY moved that the sessional order appointing the days of meeting of the Council be suspended for the purpose of allowing the Council to meet on Friday, 17th December, with the view of enabling them to get through the business, if possible, before Christmas holidays, or at all events to enter as little as possible upon the hot months

The Hon Dr EVERARD seconded the motion, which was carried

MESSAGE FROM THE ASSEMBLY

The PRESIDENT announced the receipt of a message from the House of Assembly intimating that they had passed the Licensed Victuallers Act Amendment Bill, and desired the concurrence of the Council therein

THE LICENSED VICTUALLERS ACT AMENDMENT BILL

Upon the motion of the Hon H AYERS this Bill was read a first time, the second reading being made an Order of the Day for the following Friday

INCORPORATION OF INSTITUTIONS BILL

Upon the motion of the Hon Captain BAGOT, seconded by the Hon H AYERS, the amendments made by the House of Assembly in the above Bill were agreed to, and a message to that effect was directed to be transmitted to the Assembly

PARLIAMENTARY PRIVILEGES BILL

Upon the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time and passed, and a message to that effect was ordered to be transmitted to the House of Assembly

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the Hon the CHIEF SECRETARY the House went into Committee upon this Bill.

The 58th clause, which had created some discussion on the previous day, was again postponed

The Hon the CHIEF SECRETARY directed the attention of the Hon Captain Bagot to the 133rd clause, which he thought would meet some objections which had been raised by the hon gentleman on the previous day

The Hon Captain BAGOT admitted that it did so, adding that he had overlooked the clause in consequence of it not being placed where he had expected to find it.

Clauses 59 to 62 were passed with verbal amendments, without discussion

Clause 73 provided that District Councils might make rates not to exceed 1s in the pound

The Hon Major O'HALLORAN pointed out that there was a discrepancy between this clause and the 75th The 75th clause, in fact, negatived the 73rd, as it provided that a meeting of ratepayers should have power to adopt, vary, or refuse a proposed rate

The Hon the CHIEF SECRETARY explained that the District Council could levy a rate to the extent of 1s in the pound, and the ratepayers could after that if they thought proper authorize another rate There was nothing antagonistic in the clauses, both of which were copied from the old Act

The Hon Captain BAGOT said the true meaning of the clauses had, no doubt, been pointed out by the Hon the Chief Secretary, but at the same time he must say that he did not think the meaning was at all clearly expressed in the clauses 73, 74, and 75 He believed that the intention of the 73rd clause was to give the District Councils power to levy a rate of one shilling in the pound

without the consent or without consulting the ratepayers, but it did not appear so clear to him that it was intended after this had been done, that the ratepayers should levy another rate of a shilling in the pound. Such might be the meaning but he considered that Acts of Parliament should be so intelligible, that there could be no mistake as to their meaning. The objections which he had made to the wording of the clauses would, he thought, be found worthy of consideration, and he hoped the Chief Secretary would consent to postpone the clauses for reconsideration.

The Hon the CHIEF SECRETARY could see no necessity for the postponement of the clauses, which had been in operation for some years, and had been found to work well. The Association of District Chairmen had not pointed out any objections to the clauses, and the observations of the Hon Captain Bagot really reminded him of gilding refined gold.

The Hon A. FORSTER thought the practical working of the Act was that the district ratepayers might decide upon a rate, and if that were not sufficient according to the views of the Council, then the Council availed themselves of the power to make a shilling rate. The object of the Act was that the ratepayers should make their own rate, and the Council reserved to themselves the right of supplementing that rate to the extent of two shillings in the pound. The ratepayers might levy any rate not exceeding two shillings, including the one shilling rate made by the Council. He did not see from a perusal of the clauses, if the intention were such as he had stated, that such intention could not be carried out. If a one shilling rate were adopted by the Council, the ratepayers could only adopt another rate to the extent of one shilling; but if no rate were adopted by the Council, then the ratepayers might determine upon a rate so long as it was below two shillings. He thought there would be no difficulty in carrying out that intention, as the clauses at present stood, but if the Hon Captain Bagot could suggest any alterations which would render the intention more clear, he should be happy to concur with them.

The Hon Captain BAGOT still contended that the clauses were not so clearly worded as they might be. The Chief Secretary had stated that the 73rd clause gave power to the District Councils to declare a rate of one shilling, but that had certainly not always been the case.

The Hon Major O'HALLORAN said that repeatedly, without reference to the 75th clause, a rate had been declared under the 73rd clause.

The Hon Captain BAGOT said a farthing rate was frequently declared—in fact a rate of that character became proverbial. The principle was no doubt all very well, but he must still contend that the meaning was not so clearly expressed as it ought to be in an Act of Parliament.

The Hon MAJOR O'HALLORAN had never known a District Council, in the face of a public meeting, afterwards establish a rate, but many rates had been declared without any reference to the ratepayers.

The Hon H. AYERS thought, after the explanation which had been given, that the clause might be assented to, and the clause was passed as printed.

Also, with verbal amendments, clauses to 101.

Clause 102 was verbally amended, to make it perfectly clear that no lands within a municipality were under the care of a District Council.

Clause 103 provided that private roads, although only 30 feet wide, might be conveyed to a District Council.

The Hon Dr EVERARD thought this highly objectionable, as a private road only 10 feet wide might be thrown upon a District Council.

The clause was verbally amended and passed. Also clauses to 105.

Clause 106 provided that District Councils might grant licences to cut timber upon the whole or any part of the waste lands and unsold common lands of the Crown within the district.

The Hon Captain BAGOT said it had been suggested to him by several parties who took an interest in the Act, that the Council should also have the control of the quarries, and he would therefore suggest the addition or insertion of the words, "and to quarry or remove stone therefrom." Frequently stone was raised in one district for use in another district.

The Hon A. FORSTER fully concurred in the proposed amendment, but did not see how it could be accomplished exactly by the proposed addition to the clause under discussion.

The Hon the SURVEYOR-GENERAL pointed out that it would be exceedingly unadvisable to confer any such power upon the District Councils as might prevent the Central Road Board from getting stone. He thought perhaps it was advisable to give the District Councils the power proposed, as he saw by the clause that it would only be subject to such rules as might be made by the Governor, though that possibly might only tend to make the matter more complicated.

The Hon Captain BAGOT said that although the District Councils already had the control of the timber, there was nothing to prevent the Central Road Board from going upon the lands and taking what timber they required.

The Hon the CHIEF SECRETARY saw no objection to the amendment proposed by the Hon Captain Bagot, and the clause as amended was carried.

Clause 107, relating to fees to be charged by District Councils, was postponed.

Clauses to 113 were passed with verbal amendments.

Clause 114 provided that any cattle above the age of 12 months unbranded became the property of the District Council within the limits of which they were found.

The Hon Major O'HALLORAN thought that under this clause the owners of cattle would be subject to very heavy losses, as designing persons might let the cattle out at night for the purpose of obtaining from the District Council the reward of ten shillings per head.

The Hon the CHIEF SECRETARY said the remedy rested with the owner, who had only got to brand the cattle.

The Hon Major O'HALLORAN said it would be very hard in some cases if an owner were compelled to brand his cattle.

The Hon SAMUEL DAVENPORT said that a great number of valuable animals were imported, the owners of which objected to brand them. Some were in the habit of marking them upon the horn, but that was not deemed sufficient, what was understood by a brand being upon the skin. He thought if the clause were to run, "cattle left at large," the difficulty suggested by the Hon Major O'Halloran would be met.

The Hon J. MORPHETT did not know that it was necessary the brand should be upon the skin. He believed, if the brand were upon the horn the cattle would not come under the operation of the Act.

The Hon Captain BAGOT thought the clause quite unnecessary, as ample provision was made in the Impounding Act. It was quite unnecessary to give these almost despotic powers to District Councils.

The Hon the SURVEYOR-GENERAL remarked that it was merely proposed to transfer the power from the Crown to the District Councils.

The Hon S. DAVENPORT thought in practice it would be found different, as the Crown had rarely made use of the power, but such might not be the case with the District Councils, particularly with the bonus offered. Great oppression and evil might result. The District Councils, under the Impounding Act, had a right to do what a private individual had—impound cattle found trespassing—and he thought this was sufficient. Where cattle runs adjoined districts, great injury might be done to the stock and the owner by the operations of this clause, as there was always a certain percentage of cattle over 12 months' old which escaped branding. As the District Councils possessed all the powers possessed by private individuals under the Impounding Act, he thought this clause unnecessary.

The Hon H. AYERS referred to Act No 5, showing that stray cattle, beyond the age of 12 months, became the property of the Colonial Government.

The Hon Major O'HALLORAN thought the clause would be an inducement to parties to drive cattle off during the night, for the purpose of getting the reward of 10s per head.

The Hon Capt BAGOT said that when the Act which had been referred to by the Hon H. Ayers was passed, there were numbers of unbranded cattle throughout the province, and the Act was passed for the purpose of giving them an owner, and not for the purpose for which this clause had been introduced. The best thing that could be done, he believed, would be to strike out the clause, and he would move that it be struck out.

The Hon Major O'HALLORAN seconded the proposition.

The Hon the CHIEF SECRETARY pointed out that this clause was part of the old Act, and it was not merely for the identity of cattle that it was necessary to brand them but there was another object, which was to prevent parties from swearing falsely in a court of justice. The object was to impress upon owners the necessity of branding their cattle. It had long been the law, and had never been complained of as a dangerous innovation.

The Hon Dr EVERARD said that unless the word "registered" were introduced he should certainly vote that the clause be expunged. Cattle at large were frequently taken possession of by parties who really had no claim to them, and who put on a sort of brand which amounted to nothing—a mere sear with a hot iron, yet sufficient to prevent the District Council from touching them, and after a certain time the parties put brands upon them. He should be glad to see the Branding Act, which had never been repealed, brought into active operation.

The clause was struck out.

Clauses to 126 were verbally amended.

A new clause was introduced by the Hon the CHIEF SECRETARY, providing that clerks to District Councils should perform certain duties under the Electoral Act.

Clauses to 161 were passed with verbal amendments.

Clause 162, providing that persons taking into their possession unbranded cattle and not giving notice, should be liable to a fine, was struck out.

MESSAGE FROM HIS EXCELLENCY

The PRESIDENT announced the receipt of Message No 5, transmitting copies of two despatches from the Secretary of State, of date 9th October and 2nd November, relative to the special claims of South Australia in connection with the question of postal communication with Great Britain. Also, further correspondence from the Government of this colony upon the same subject.

Upon the motion of the Hon the CHIEF SECRETARY the

despatch in connection with documents laid upon the table on the previous day was ordered to be printed

DISTRICT COUNCILS ACT AMENDMENT BILL—IN COMMITTEE

Clauses to 186 were passed without discussion

Clause 187,

The Hon H Ayers pointed out that by this clause, if the rates were in arrear for the period of one year, the land might be sold by the District Council He thought the time too short, and would suggest that two years be substituted for one

The amendment was adopted

Clause 188

The Hon Captain Freeling pointed out that this clause gave great powers to the District Councils, as it provided that every map prepared by a District Council under the authority of the Act should be *prima facie* evidence in every court, or before any tribunal in reference to any roads or reserves of which the District Council shall have the control and management In many instances he was aware that the maps were most inaccurate, but if they were to be taken as evidence great injury would result to the parties interested The roads and reserves might be erroneously placed on the map There should be some modification he thought of the clause, so as to ensure accuracy in the maps before they were received as *prima facie* evidence in courts of law

The Hon J Morphett thought that the proper course would be for the District Councils to get their maps certified by the Surveyor General

The Hon the Chief Secretary would have no objection to adopt any amendment of the kind suggested by the Hon the Surveyor-General

The Hon J Morphett proposed an amendment to the effect that the maps should be certified by the Surveyor-General of the province, which was carried

The remaining clauses having been verbally amended, the Hon the Chief Secretary stated that he wished to recommit several clauses, and the Chairman then reported progress, and obtained leave to sit again on the following day

The Council adjourned at half-past 4 o'clock till 2 o'clock on the following day

HOUSE OF ASSEMBLY

Wednesday, December 15

The Speaker took the Chair shortly after 1 o'clock

EAST TORRENS

Mr Mildred presented a petition from the Chairman and Council of the District of East Torrens, praying that they might be heard at the bar of the House in reference to alleged malignments by the Commissioner of Public Works, to the effect that the Council had obtained money by fictitious means from the Government The petitioners urged that the works executed by the Council were fully equivalent to the aid which had been afforded by the Government

The Commissioner of Public Works asked if the expression, "malignments by the Commissioner of Public Works," could be considered respectful language

The Speaker said it was certainly not respectful, independently of which the petition was informal, there being no prayer to it, and consequently it could not be received, even if the language had not been disrespectful

The Commissioner of Public Works reminded the hon member (Mr Mildred) that there was a Standing Order to the effect that an hon member, before presenting a petition, should read it, to see that it was respectfully worded, and certify that it was so to the House

The Speaker remarked that hon members should be careful in doing so

Mr Mildred was under the impression that the petition was respectfully worded, so far as the House was concerned, although there might be a word offensive to an individual member of the House

The Speaker said that when the conduct of any member of that House was impugned it must be in respectful language The House was insulted by any member of the House being insulted by the language in which a petition presented to the House was couched

Mr Strangways wished to know whether a petition concerning a member of that House though not in his capacity of member, would be considered disrespectful because it appeared to him that the expression complained of in the petition which had just been presented referred to the Commissioner of Public Works, not as a member of that House, but merely as Commissioner of Public Works

The Speaker said that the Constitution Act provided that the Commissioner of Public Works must be a member of that House All public documents should be in courteous language, but irrespectively of that there was no prayer to the petition under discussion, and consequently it could not be received

BAROSSA

Mr Bakewell presented a petition signed by 200 residents in the vicinity of Barossa, the prayer being that the House would cause a main line of road to be added to the list of main lines in the Land Bill

The petition was received and read

RAILWAY MANAGEMENT

Mr Reynolds gave notice that on the following Friday he should move the report of the Select Committee on Railway Management be considered, with the view of adopting an address to His Excellency the Governor, praying him to abolish the Board of Railway Commissioners

MITCHAM

Mr Reynolds gave notice that on the following Wednesday he should move the petition recently presented by him from the ratepayers of Mitcham be taken into consideration

IMPRISONED DEBTORS

The Attorney-General gave notice that on the following day he should move for leave to introduce a Bill for the enlargement of imprisoned debtors who had not the means of paying the fees The hon gentleman intimated that he also intended to move the suspension of the Standing Orders in order that the Bill might be passed through its various stages as expeditiously as possible The subject had recently been brought under his notice, and as it affected the liberty of the subject he thought the House would deem it of sufficient importance to justify them in suspending the Standing Orders

VOTES OF PARLIAMENT

The Treasurer gave notice that on the following day he should move the excesses on the votes of Parliament during 1857 be considered in Committee of the whole House

BAROSSA

Mr Bakewell gave notice that on the following Tuesday he should move the petition presented by him from the residents of Barossa and neighborhood be printed

REGISTRATION OF TITLES

Mr Lindsay gave notice that he should on the following day ask the Attorney-General if an alteration could not be advantageously effected in the law relating to Registration of Titles

MR B H BABBAGE

Mr Barrow gave notice that on the following day he should move the name of Mr Neales be discharged from the Select Committee, upon the petition of Mr B H Babbage, and that the name of Mr Mildred be substituted

BOWDEN

Mr Cole gave notice that on the following Friday he should move the House resolve itself into a Committee of the whole for the purpose of considering the expediency of presenting an address to His Excellency the Governor-in-Chief, praying that the sum of £300 might be placed on the Estimates for the purpose of constructing a level crossing at Bowden

VOTES AND PROCEEDINGS

Mr Milne gave notice, that on the following Friday he should move the index to the votes and proceedings of that House from 1851 to 1856, prepared by the Clerk of the House during the last recess be printed during the ensuing recess

The Speaker said it was already understood that this should be done

EAST TORRENS

The Commissioner of Public Works said that in consequence of the action taken by the District Council of East Torrens, he begged to lay upon the table certain papers and correspondence and moved that they be printed He should have placed them on the table upon the previous day, but he was desirous that another document which had not yet reached him, but which was referred to in the documents, should be printed with them The documents were ordered to be printed, the hon gentleman intimating that when the document to which he had referred reached him he would move that it be printed also

LICENSED VICTUALLERS ACT AMENDMENT BILL

Mr Bakewell moved that this Bill be read a third time

Mr McEllister seconded the motion

Mr Lindsay wished before the question was put, to call the attention of the House to a very long clause which had been introduced by the hon member for Burra and Clare. He had read the clause three times, but still had great difficulty in understanding it in consequence of it being so unnecessarily verbose Since the Attorney-General had come forward in the character of a law reformer he would suggest to the hon gentleman the possibility of making it more intelligible, and at the same time reduce it into a smaller compass Country Justices he was quite sure would be puzzled by the clause, but if it was allowed to stand as it was, they would have to understand it the best way they could He believed that the Attorney-General could readily reduce the clause to one-tenth of its present length The only argument he had heard attempted in favor of this long clause was, that it had been copied from an English Act, but he did not think it was the duty of that House to adopt clauses merely because they appeared in English Acts If the law could be clearly explained without resorting to such lengthy clauses as that to which he had alluded, the better and more convenient it would be He had looked through the French code of laws, which had been found sufficient to rule thirty or forty millions of persons for the last 50 years, and throughout the whole code there was not a single clause so lengthy and verbose as

this He would suggest that the Bill should be withdrawn for the present, for the purpose of affording the Attorney-General an opportunity of curtailing the clause

Mr REYNOLDS said that a motion had been tabled the other day for the appointment of a Parliamentary draughtsman, and he would really advise the hon member for Encounter Bay to offer himself for the appointment, and if the hon member were successful, the House might rely upon having far shorter Bills brought forward than hitherto, that is, if the hon member's speeches were to be taken as a sample of what his Bills would be (Laughter)

Mr BAKEWELL said that the clause which had been referred to had been copied from an English Act which had been in operation for a number of years, and was well understood The fact of such being the law was proof that it was understood He had read the clause carefully, and did not believe that a sentence could be altered It embodied a great variety of subjects, and was a clause of such a character as was exceedingly difficult to draw It was not until after he had compared clauses which had been prepared by several legal gentlemen for the purpose of meeting the difficulties of the case, that he had determined upon adopting the English Act Under such circumstances he thought it would be a pity that the clause should be altered in any way

The Bill was then read a third time and passed

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS moved the third reading of the Water Supply and Drainage Act Amendment Bill

Mr REYNOLDS said that he had one or two motions on the paper before the Bill in question, and if the Government pressed forward Government business upon days not specially set apart for the consideration of such, he did not see how the members on his side of the House would be able to get through the business which they had in hand

The ATTORNEY-GENERAL said if the hon member for the Sturt intended to press his objection, he should certainly have raised it in the first instance when the third reading of the Licensed Victuallers Act Amendment Bill was moved

OCEAN MAIL STEAMERS

Mr MACDERMOTT wished, before the notices of motion were called on, to ask the Treasurer if the Government were prepared to take steps to afford facilities to ocean mail steamers to anchor at the Lightship, and for landing mails and passengers

The TREASURER said if the hon member would give notice of the question, he should be prepared to answer it on the following day

COMPENSATION TO MR J M STUART

Mr PEAKE asked the Commissioner of Crown Lands if the Government intended to take further action respecting compensation to Mr J M Stuart for his recent discoveries in the North If the hon gentleman was not prepared at once to answer the question, notice should be given He thought it would be a great relief to Mr Stuart to know what course the Government intended to take now that the Bill to secure him the advantages contemplated by the Government had been rejected by the Upper House He believed that Mr Stuart was staying in town at great loss and inconvenience to himself, with the view of ascertaining the intentions of the Government upon the subject

Mr STRANGWAYS, before the question was answered, would like to hear whether it would not be competent for the Governor to issue a lease to Mr Stuart of the amount of waste lands determined upon by that House in conformity with the existing regulations, and to permit Mr Stuart, in accordance with the resolution of that House, to have four years to stock the runs, and whether the resolution of that House would not be considered sufficient to justify the Government in foregoing the rent for a period of seven years If this could be done it appeared to him that there was no necessity for passing a Bill

The COMMISSIONER OF CROWN LANDS said that the Government had the subject of compensation to Mr Stuart under consideration, and were prepared to take such steps as were in their power to carry out in its integrity the original proposition made to Mr Stuart In reference to what had fallen from the hon member for Encounter Bay, he was of opinion, and so he believed was the hon the Attorney-General that an alteration of the existing regulations would effect the purpose by enabling a lease to be granted to Mr Stuart in terms of the original offer made by the Government, but the lease could only be for 14 years, the regulations preventing any lease being granted for a longer period, but by the Bill which had been introduced, and which had been rejected by the Upper House, it was in fact proposed to give Mr Stuart a lease for 18 years, because he was to be allowed four years for stocking the runs, and then to have a lease for 14 years Such a lease could not be granted under the present Waste Lands Regulations without alteration

THE HARBOR TRUST

Mr REYNOLDS, in reference to the motion standing in his name—

"That, in the opinion of this House, the position held by the Honorable the Chief Secretary (Mr Younghusband) as member of the Harbor Trust Board, under the department of the Honorable the Commissioner of Public Works (Mr Blyth), is anomalous, and may prevent that wholesome check over the department that the provisions of the Act of 1854 were intended to secure"

Said, that after the action taken by the House on the 10th December last, when they adopted an amendment proposed by the hon member for East Torrens (Mr Barrow), to the effect that it was not desirable that a responsible minister of the Crown should be a member of any Board entrusted with the expenditure of any portion of the revenue of the province, it was hardly necessary for him to press the motion, as no doubt, after such a resolution as that to which he had alluded having been arrived at by the House, the hon gentleman at the head of the Government would see the propriety of resigning his position in connection with the Harbor Trust He had no doubt that such would be the case after the strong opinion which had been expressed by the House upon the subject The House having affirmed that resolution, had, to all intents and purposes, affirmed the motion of which he had given notice, and he did not, therefore, deem it necessary to take up the time of the House by proceeding with the motion, which he begged to withdraw

LACEPEDE BAY

Mr HAWKER moved—

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to cause a thorough survey to be made of Lacepede Bay and its approaches, in accordance with the petition of the owners of land in that vicinity"

It was only necessary for him to say very few words in support of the motion There was a port upon a portion of the coast which might be made a harbor and a port of import and export All that the petitioners asked was that there might be a thorough survey Already surveyors had been sent down to Rivoli Bay, and no doubt the Government would readily assent to the motion, and the House pass it without opposition

The ATTORNEY-GENERAL said the Government felt so strongly the importance of the matter that they had instructed the party who had been sent to survey Rivoli Bay to survey Lacepede Bay also

Mr HAWKER, under such circumstances, withdrew the motion

CONTRACTS FOR WATER SUPPLY AND DRAINAGE

Mr LINDSAY put the question standing in his name—

"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) whether it is true that in the *Gazette* notice of 25th January, 1855, it was made a condition with the hydraulic engineers invited to send in plans, estimates, and specifications for the water supply and drainage of Adelaide that the 'pressure' should be 'sufficient not only to carry water to the top of the highest house, but also to throw a jet of not less than 100 gallons per minute 50 feet above the highest level of the town,' and whether it is also true that in the general report on the water supply and drainage of the city of Adelaide, in the joint names of the Honorable Captain Freeling and Messrs Hamilton and Hanson, it is stated that under the system recommended 4,200 gallons per hour (equal to only 70 gallons per minute) will be delivered at the extreme end of the 5 inch pipe in Hindley-street, and whether it is also true that the schemes of Messrs Macgeorge, Perryman, and others were rejected because they did not comply with all the 13 conditions of the *Gazette* notice aforesaid of 25th January, 1855"

He could assure the House that these were not mere idle questions He understood that certain conditions were published in the *Gazette*, under which plans and estimates were sent in, and what he wished to ascertain was whether these conditions had been adhered to One of the conditions was, that the pressure should be sufficient not only to carry water to the top of the highest house, but also throw a jet fifty feet above the highest level of the town Some of the tenders he understood were rejected, not because there was any particular defect in them, but that they did not comply with the 13 conditions with which he had understood the Surveyor General to state that any engineer could readily comply As the Waterworks question was still in some degree of confusion, and as arrangements might not perhaps be finally made, he wished to ask the questions of which he had given notice, in order that defects might be corrected if possible before matters had gone too far

The COMMISSIONER OF PUBLIC WORKS said the question of the hon member for Encounter Bay might be divided into three heads To the first he replied "yes" To the second, "yes," and to the third "no" His answers would have been much more lengthy but that the answers would be found in the books of the library and on the table of the House

GOLD DIGGING

Mr REYNOLDS moved, the House having resolved itself into a Committee of the whole—

"That an address be presented to His Excellency the Governor-in-Chief, requesting that he will be pleased to suspend, for a period of three months, the collection of any fees for the privilege of searching and digging for gold on any of the waste lands of the Crown"

He believed that the licence-fee was very small, only ten shillings per month, but still he had been given to understand that there were a great number of laborers who would

be induced to test the existence in paying quantities of gold at Hahndorf and other places, if no licence fee were imposed If for the ensuing three months the fee was remitted, he believed that great numbers would be induced to search for gold who would be deterred from doing so if a licence-fee were demanded He was sure, considering that the session was drawing to a close, that the House were not anxious to hear long speeches, and he would content himself by moving the motion in his name

The COMMISSIONER OF CROWN LANDS did not think it desirable altogether to suspend the fees payable by diggers, but he should have no objection to reduce the fee for three months, say from 1st January next, to a nominal amount, say one shilling It was absolutely necessary that the officer stationed at the diggings should have some authority to go about and see what the men were doing, and he did not see that he would possess this power if the licence-fee were abolished altogether It was not advisable that men should be allowed to go rooting up the ground in all directions without there being any one on the spot armed with authority to exercise any control over their operations He would suggest an alteration to the effect he had stated

Mr REYNOLDS thought it would be better that no fee should be charged but that licences should be issued He thought the exigencies of the case would be better met by the abolition of the fees at the present time than at a future period If it were thought desirable, however, that the fees should not be abolished until the 1st January, he had no objection

Mr DUNN suggested that the 1st February would be a more suitable period than the 1st January, as the harvest was commencing, and if the fees were abolished the diggings would most likely swallow up a great deal of the labor which was required for the harvest If the fees were not abolished till the 1st February the harvest would be pretty well in by that time

Mr STRANGWAYS saw another objection to abolishing the licence-fee altogether, for amongst the lands known to be auriferous were sold lands, and he believed that a portion of the duty of the officer in charge of the gold fields was to see that private property was not trespassed on by the holders of licences If the fees were abolished that power would also be abolished, and it was certainly not desirable that such should be the case. He thought that it would not be desirable that the licence-fee should be abolished in the neighborhood of Echunga because it was known that there was a paying gold-field there—persons who had been at Echunga from the commencement finding the pursuit sufficiently remunerative to induce them to remain there But as to other localities he thought it was desirable that the licence-fee should be abolished where it was not known that the country was decidedly auriferous, and where it was not known that the precious metal could be obtained in paying quantities It was the opinion of many persons that the gold was not confined to the immediate neighborhood of Echunga, but that it would be found through the whole of the tiers to Mount Jarvis, and not long since he had been informed by Captain Crawford, who had obtained the command of the expedition to the Barrier Ranges, that if he had not obtained that command he intended to fit out a private party for the purpose of searching for gold amongst the tiers to which he had alluded Specks had already been found there, and Captain Crawford believed that it could be found in paying quantities A reduction of the licence-fee would probably induce many to search for gold who would not otherwise, and certain limits might be marked out within which the search could be prosecuted He would suggest that the motion be withdrawn

The COMMISSIONER OF CROWN LANDS was just going to suggest that if the hon member for Sturt would withdraw his motion he should probably be enabled to meet the wishes of the hon member by causing the necessary steps to be taken to reduce the licence-fee to a nominal amount within certain limits of country In reference to what had fallen from the hon member for Encounter Bay relative to Mount Jarvis he believed there were grounds for believing that discoveries would be made there, and two men who had been sent out were engaged in the search, they having stated that they thought they knew where they were likely to obtain both gold and coal

Mr ROGERS trusted that in the abolition or reduction of the licence fee Echunga would not be excluded, as the general opinion was that there were large deposits of gold near there, and he thought the House should do all they could to encourage parties to go there and discover the lead Echunga was in his opinion the very place at which parties should be allowed to search without being subjected to the licence-fee

The COMMISSIONER OF CROWN LANDS could not agree with the hon member for Mount Barker, because Echunga was recognised as a gold-field, although it was true that it was not yielding to any very great extent Many families were residing there, and had resided there for the last three or four years, and were making a very good living Where parties had settled down and were getting a good living, if they chose to work for it, he did not think there should be any reduction of the Licence fee The object of reducing the licensing fee was to induce parties to open up new ground

Mr PEAKE thought it would be wise to suspend the licence-fee for some time, in order that gold-fields on a large scale might be discovered, if possible That was the true course, to put no restrictions upon the finding of gold in the first instance It would be very easy when it was found in large quantities to attract a large population

Dr WARK thought that as the country was in a depressed state, every encouragement should be held out for the discovery of gold When people congregated together in numbers and required protection fees could be levied, but then no exceptions should be made as to the amount

The ATTORNEY-GENERAL would allow persons in the first instance to search for gold, but when a gold-field was discovered, and persons congregated there and required protection he would exact a fee

Mr REYNOLDS, after the assurance of the hon the Commissioner of Crown Lands, would withdraw his motion

Mr ROGERS thought if persons were allowed to search for gold at Echunga free of charge, they would be all the more likely to find a run of gold towards Cape Jarvis He was, therefore, opposed to any distinction being made

Mr PEAKE hoped the hon the Commissioner of Crown Lands would not be led to suppose that there was anything very valuable to take care of at Echunga The last time he (Mr Peake) was there there were only a couple of "shanties" to protect, and these a couple of miles from the township. It was a very small affair, and from what he could learn the prospects of the place were not very brilliant nor the earnings very large, indeed the latter only amounted to as much as would keep the persons who were at work

The motion was then agreed to, and the House resumed

THE DISTRICT COUNCILS ACT

Mr LINDSAY, pursuant to notice, asked the hon the Attorney-General (Mr Hanson) whether the English law with respect to "estrays" is not also, as far as it can be applied, the law of this province , and also whether the 114th clause of the District Councils Bill of this session is or is not repugnant to the law of England

The hon member was about to make some remarks upon the question, but

The SPEAKER said the hon member must not argue a question He could only explain his reason for enquiry

The ATTORNEY-GENERAL replied that the common law of England, unless altered by statute in England, or by ordinance, or enactment in this province, was the law here His opinion was that the clause was not repugnant to the law of England

HENRY SIMPSON, ESQ

The COMMISSIONER OF PUBLIC WORKS rose to move—

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to appoint Henry Simpson, Esq , a Trustee of the Harbor Trust, in the place of E. G Collinson, Esq , resigned "

By the 11th clause of the Harbor Trust, upon any vacancies occurring in the number of Trustees, it was lawful for the Governor, on the receipt of an address from either branch of the Legislature, to appoint the persons named in that address to fill the vacancy Such a vacancy having taken place by the resignation of a gentleman who was now fortunately a member of that House, the Government had selected a gentleman of the highest character for the appointment, whose name he now begged to submit to the Legislature

Mr MILDRED seconded the motion

Mr REYNOLDS asked whether there was not likely to be another vacancy shortly occasioned by the resignation of the hon the Chief Secretary as a member of the Board? If so, would it not be well to nominate some person to fill his place whilst dealing with this motion? He (Mr Reynolds) did not know whether the Trust would suffer if the vacancies were not filled at all There were four members of the Trinity Board besides the Chairman, or five in all, irrespective of the Chief Secretary and Mr Simpson Mr Simpson was a very proper person to recommend, if the vacancies must be filled, but he (Mr Reynolds) did not see the necessity of filling them

Mr STRANGWAYS thought that if vacancies occurred amongst members of the Harbor Trust who were not on the Trinity Board, they should be allowed to remain open The result would be that the Harbor operations would be entirely in the hands of the Trinity Board This Board would in future be obliged to apply annually to Parliament for a large sum, and if they could not account satisfactorily to the Legislature for the expenditure of their previous votes the House might refuse them more money The members of the Trinity Board would in this way be more responsible to the House than the Harbor Trust were

Mr BARROW thought if the Trust were to be abolished, it had better be done by a specific Act on the part of the Legislature and the Government, and not by a side wind The only question before the House was, as to the suitableness of Mr Simpson to fill the position formerly occupied by the hon member (Mr Collinson) , and it was admitted by the hon member (Mr Reynolds) who, at the same time, had doubts as to the desirableness of filling the vacancy, that Mr Simpson was a suitable person He (Mr Barrow) should support the motion as it stood

The ATTORNEY-GENERAL said that it would be the duty of His Excellency the Governor to receive an address of this kind from either branch of the Legislature, and the Government considered it desirable that the address should emanate from the Assembly If, however, the House could not agree

on the point, the Government could not deprive the other branch of the Legislature of its undoubted right in the matter. If the House wished to abdicate its functions in favor of the other House, it was a matter of indifference to the Government, who had done their duty in bringing the matter before hon. members.

The motion was then agreed to.

LAND GRANTS BILL

The Attorney-General moved—

"That he have leave to introduce 'A Bill to remove doubts affecting the validity of certain land grants, and to facilitate the issuing of land grants, and to regulate the payment of fees thereon.'"

It appeared that many grants had been issued from time to time during the last two or three years, without being sealed by the great seal of the province. A lithographed copy of the seal had been substituted in these documents. As it would be scarcely possible to recal these grants, even if such a course was thought necessary, and as certain doubts might be raised as to the validity of the grants, it was thought necessary to bring in this Bill. There had also been various Acts passed imposing fees on the issue of land grants, and a question had arisen whether as land grants were now issued under the Real Property Act, the former Acts still continued to apply. Within a very recent period an attempt had been made to obtain the opinion of the Supreme Court on this subject, and it was deemed expedient to prevent so frequent a source of litigation. The Act he now held in his hand provided for this object, and he moved for leave to introduce it.

Leave being given, the Bill was introduced, read a first time, and ordered to be printed, and the second reading was made an Order of the Day for the following day.

THE HARBOR TRUST

Mr Peake, pursuant to notice, moved—

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to instruct or recommend to the Trustees for improving the Harbor of Port Adelaide, to advertise for tenders for deepening the inner bar to a depth commensurate with the depth already attained by steam-dredging at the outer bar, the contractor to have the use of the principal steam dredge, with its machinery and appurtenances, to be returned in good order on the completion of the contract, the contractor to find fuel and wages."

The motion arose chiefly in consequence of the declaration by the Harbor Trust of their intention to continue their policy of appropriating the balance of the £100,000 voted for the deepening and improving of the Harbor. He (Mr Peake) thought this determination of the Board was not in accordance with the Harbor Trust Act, nor did it evince so much deference to the implied wish of the House as should be shown. On the motion which he (Mr Peake) formerly tabled on this subject——

The Speaker said the hon. member must not refer to a previous debate of this session.

Mr Peake said the Trust had declared their intention not to expend this money in accordance with the vote of the House. The sum of £100,000 had been voted for certain works in an Act which passed the Legislature, founded on a motion of the 8th December, 1854. [The hon. member read the resolutions, which specified that the money was to be expended in making a channel with 18 feet of water over the outer and inner bars, and also in deepening the channel of the inner harbor.] It appeared to him that these resolutions so clearly expressed the object of the Legislature, that he was unable to see why there should be such a marked deviation from that object as was seen in the conduct of the Harbor Trust. He believed the conduct of the Trust to be wrong in policy and in fact. Of course it was for the House to say whether a policy was to be persevered in, which was in contravention of an Act so very clearly expressed. The Act had already been quoted in the House several times, so that it was unnecessary further to refer to it. It appeared that there was now a balance of some £26,000 in hand, whilst some £70,000 had been expended at the opposite end of the works to that contemplated by the Act, and that, instead of deepening the bars, the Trust had expended this amount in the deepening of the inner port. It appeared now that in addition to what they had previously done, the Harbor Trust intimated that they would not spend anything upon the inner bar, but would go on making a little hole in the outer bar, for all the rubbish loosened in the inner harbor to deposit itself in. He hoped the House would go with him in instructing the Trust to call for tenders for clearing the inner bar, in order that this work might be proceeded with immediately.

MESSAGE FROM THE LEGISLATIVE COUNCIL

At this stage of the proceedings, a message was brought in from the Legislative Council.

The Speaker announced that the Legislative Council had agreed to the Parliamentary Privileges Bill with certain amendments.

The amendments were ordered to be considered next day.

HARBOR TRUST—DEBATE RESUMED

The Commissioner of Public Works said that in a Council Paper of last session, the total length of the inner bar was stated by Mr Abernethy, the engineer of the Harbor Trust. It also appeared from that document that to obtain 14ft. water over the bar would cost £33,475, and occupy 6½ years' time. From the character of Mr Abernethy these statements were entitled to much weight. If the hon. member (Mr Peake) thought that by advertising for tenders, they would arrive at any different results, he (the Commissioner of Public Works) could have no objection to the course proposed, though he was certain that if the plan were tried the estimates of Mr Abernethy would be borne out. But if the intention was that the whole of the £23,000 was to be spent upon the deepening of the inner bar, for which, according to Mr Abernethy, it would not be sufficient by £10,000, he thought it would be spending the money in a very unwise manner. The plan suggested in the Parliamentary Paper to which he (the Commissioner of Public Works) referred was, that the present harbor should be made level by the removal of all its little inequalities, and that the outer bar should be deepened to 16 feet at low water, and the expenditure was set down at which it was believed these objects could be accomplished. To spend the money on the inner bar would do no good, whilst it would necessitate leaving the Port in its present state, and also the outer bar, which was a very serious matter, as it would compel ships to lie in a very exposed position. He should oppose the motion, unless it was intended merely to obtain such information as he had referred to.

Mr Reynolds thought it desirable that the work should be left to public competition. His views upon that point were well known. When the Government paid by the day's work system, the work was very expensive, and this remark applied to Boards and Trusts as well as to Governments. There had been works executed on the railway by day labour, and very little was obtained for the money. He was inclined to think that work executed under a Commission or Trust which met once or twice a week, was very likely to be left to the care of subordinates who would not exercise the supervision or control which would be exercised by contractors. This money was voted in the first instance to deepen the outer and inner bar. That was the object of Mr Hare, and of the Bill passed by the Legislature. It was regarded as a matter of primary importance, and should therefore have been done before spending money upon the harbor itself. He did not say that the Harbor Trust had not done a great deal for Port Adelaide. He said on the contrary they had made the harbor a great deal better than it was, but 70,000 and odd pounds, could not be expended without improving the property on which it was laid out. No doubt the Harbor Trust had improved Port Adelaide, and some portions of the harbor more than others. He did not therefore deny the good they had done, but the deepening of the bar was a primary matter, and should have been undertaken first. He supported the motion, first, because he thought the Trust should carry out the Act, and next, because he believed it would be a benefit to the public that the work should be subjected to competition, for although Mr Abernethy said it would cost £30,000, it was often found that professional men's estimates were too high, and sometimes they were too low. The work might cost the amount set down by Mr Abernethy, but he (Mr Reynolds) did not believe it would.

Mr Cole supported the motion. He thought the more hon. members reflected as to how the management of these improvements should be conducted, the more convinced they would be that the Harbor Trust commenced at the wrong end. He could not arrive at any other conclusion than that the Trust had done wrong, though he did not mean to say that there was anything criminal in the matter. But gentlemen sometimes erred in judgment. He was particularly struck with one statement in the Council Paper, referred to by the hon. the Commissioner of Public Works, that when the amount to be spent was but £23,000, the item of management and office expenses, including fees, amounted to £3,610, or about one-seventh of the gross amount. This seemed to indicate most improvident and costly management.

Mr Mildred also supported the motion. He believed the first consideration of the Trust should be to afford facilities to vessels to pass the bar, as having passed this they were in some degree safe. In the early days of the colony no difficulties were anticipated from the condition of the inner harbor. Looking back to the time when Mr Laurie was engaging in blasting at the bars, hon. members might ascertain the cost of the work. He (Mr Mildred) believed the £23,000 or £24,000 now in hand would go far towards completing the work. Theoretically and practically he believed it better to clear the bars than to clear in front of Prince's Wharf, but as long as they allowed the silt disturbed in the inner harbor to be carried backwards and forwards by the tide, it must deposit itself upon the bars. The proper plan was to keep the embouchure as clear as possible, and allow the silt to pass out over an inclined plain.

The Attorney-General should oppose the motion unless it was made for the purpose of procuring information. He must again express, as he had expressed before, his total dissent from the views expressed by some hon. members. If the Trust had done what it was contended it should have done—if it deepened the bars so as allow vessels to come through them into the harbor, and then allowed these vessels to lie upon a limestone bottom, they would have damaged the port, and defeated the object they were appointed to attain more effectually than

they could have done in any other way The first thing the Trust had to do was to take care that every vessel entering the Harbor should be able to lie there safely It was of no use to deepen the entering capacity of the bar beyond what was necessary for vessels which could lie safely inside it The Trust had done their best, and what they were warranted in doing by the Act The hon member for the Burra and Clare, Mr Peake, had referred to the Act He (the Attorney-General) had a most distinct recollection, and hon members who were in the Legislature at the time might have the same, that when the Act was proposed in its present form great objections were made to the principle supposed to be embodied in it It was supposed that it would compel the Commissioners to deepen the bars without making any provision for vessels being safe when they got inside But on full consideration it was found that the language of the Act implied nothing of the sort, that no priority was implied, and the Act was passed in its present form because it was believed that its language would not prevent the Trust from expending the money as they might think right

Mr Strangways was more than ever convinced in favor of the motion by the argument of the hon the Attorney-General, who said that certain parties (of course the hon member did not say who they were,) objected to the Act on the ground that it would compel the Commissioners to commence operations upon the bars But it appeared that the hon the Attorney-General, with his usual facility of drawing up Acts so that any construction could be put upon them, had drawn this one in such a manner that when it was passed it was found that another construction could be put upon it

The Attorney-General said he was sure the hon member would not wilfully misrepresent him, but what he stated was that, while the Act was under discussion—not after it was passed—a certain conclusion was arrived at

Mr Strangways thought the explanation was not the same which the hon member had given before, and that it did not greatly differ from what he (Mr Strangways) had stated One construction was put on the Act at one time, and another at another, whichever construction was most convenient, but he (Mr Strangways) believed it was the intention of the Government of the day—an intention borne out by the hon member for the Burra and Clare, that the bars were to be removed first, but the Harbor Trust spent upwards of £70,000 on the inner harbor, and then complained that they had not money enough to remove the bars Allusion had been made to the blasting operations of Mr Laurie, and he (Mr Strangways) believed that gentleman said the bars could be removed by blasting if the blasts were put down in a line But the blasts were buoyed, and the buoys of course swung with the tide, and the blasts only made holes The impression was that the strong tide would wash away the sand, almost a quicksand, from beneath, and that the limestone crust would then fall in, and could be removed by the dredge Whether that view was correct or not could, of course, only be decided by professional men But Mr Abernethy, it appeared now, considered it desirable to remove the limestone crust by blasting, and this agreed in the opinion held four or five years ago He (Mr Strangways) was certain it would be better to execute this work by private contract than through the Harbor Trust, and therefore he supported the motion

Mr Glyde opposed the motion, as he considered it ridiculous for the House to dictate to Boards upon matters of which the House could know very little, and because, from the little which he knew of the subject, he believed the Harbor Trust were conducting their affairs admirably He could readily imagine that it would be foolish to spend thousands in deepening the inner bar When a ship was once over the outer bar she was in perfect safety and could get into the inner harbor upon any high tide, but it was necessary that when she got inside she should have water to float her He did not profess to know much upon the matter, but it certainly appeared to him that the Harbor Board had acted in the wisest and most proper manner The question was discussed a few weeks ago and decided in favor of the Trust, and he could not therefore understand why his hon friend, the member for the Burra and Clare, should have raked it up again

Dr Wark would go with the motion With all due regard for the members of the Trust, and their honor and integrity, they had not spent the money exactly as it should have been spent, or as the country expected The hon the Attorney-General said it was useless to deepen the inner harbor, and allow vessels of heavy draught to pass over it, and then lie upon the rocks But he (Dr Wark) was not aware that there was any rock, and if so, it must be exceedingly little The Act was perfectly clear upon the point, whatever interpretation it might be sought to put upon it It was high time for the House to take action on the matter when three-fourths of the money was gone, the works having been executed in such an expensive manner that £70,000 had already been expended

Mr Solomon opposed the motion It was said the gentlemen of the Harbor Trust had expended the money where it was not intended that it should be spent It was a long time since the money was voted, but if hon members had ceased to place confidence in the Harbor Trust, the Trust was very easily done away with But although insinuations and innuendoes had been pointed at these gentlemen, and it was said or rather hinted they had availed of that money to improve their own properties, still not one of the gentlemen who imputed these motives indirectly, had even brought forward a case to show that any member of the Trust had acted improperly in the expenditure of this money The House had a right to suppose that these gentlemen (and he believed they always had done so) made it a point to ascertain what should be done from persons who were better able to judge of the matter than the hon member for Encounter Bay, who had treated the House to a long speech on a subject which it was evident he knew nothing about As a proof of this, the hon member had spoken of removing the limestone crust by disturbing the sand beneath it But he (Mr Solomon) believed that it was not known what was the depth of that crust, and therefore it was useless for the hon member to come there and talk upon a matter which not alone he, but the Harbor Trust, were not acquainted He (Mr Solomon) admitted that £3,600 seemed a very large sum for management, but he would not take it upon himself to judge that the amount was excessive, The Trust had done their duty well, and the opening of the inner bar should be left to a future time when the Government could state what amount should be given for the purpose, but at present the money could not be better spent than in completing the work which had been so ably begun

Mr Hay was surprised at some statements of the hon member, especially at that in which he expressed his belief that the thickness of the limestone crust was not known If not, it was high time that it was made known The hon member, whilst making a case out in favour of the Trust, had made one directly against them, as these gentlemen should have known long ago the thickness of the crust, and the probable expense of deepening the bars Deepening the bars to such an extent that vessels of any tonnage could come as near as possible to the landing-places, and then deepening further up seemed to him (Mr Hay) the proper course to pursue He clearly saw the necessity of deepening the inside bar, for however deep the water might be inside the bar, it was useless until the bar was also cut down This was particularly the case now that the mail steamers were about calling here, and when some of them might want to go into the Port He remembered under the old contract with the Peninsular and Oriental Company, one of the steamers being detained for 24 hours because there was not water to get out over the bar, and this might happen again He believed if the inner bar was deepened the tide flowing out would tend to deepen the outer bar, but whilst on the inner bar at some times of tide there were but eight or nine feet of water, no current through it could affect anything outside at a greater depth If this money was spent on the inner harbor the House would at a future time be asked for a sum for the inner bar

Mr Milne recommended to the hon member's (Mr Solomon's) perusal the report of Mr Abernethy, which showed that the Harbor Trust knew not only what the inner bar consisted of, but also what would be the cost of removing it The hon member would find from that report that the hon member (Mr Strangways) was right in saying that the limestone crust was over sand He (Mr Milne) had said on a previous occasion that it was the duty of the Trust to spend the money on the bar, and he thought with respect to the private interests in the upper part of the harbor, that they should look after themselves The bars were of universal interest to all vessels entering the harbor He supported the motion

Mr Lindsay scarcely knew how to vote (A laugh) He had no wish to throw blame upon the Trust, and yet it appeared to him that the provisions of the Act had not been carried out, as the clearance of the bars seemed the principal thing to be attained in the first instance He objected to deepening opposite private property, but if it was to be done, he would be glad to see the remainder expended opposite his property a little higher up the harbor He must correct the hon member for Gumeracha as to a vessel's having been detained 24 hours for want of water, as there was but a twelve hours' interval between the tides

Mr Duffield did not think asking for tenders would be the best mode of action, inasmuch as if he was the owner of such an expensive piece of machinery as the dredge, he would not like to entrust it to any contractor He would suggest that the motion should merely express an opinion that the money should be expended upon the bar, though this would come so near a previous resolution of the House, that he (Mr Duffield) did not know whether it would be in order From the reports of Mr Abernethy, he thought that nearly the whole of the work on the bar could be done for this £24,000 The least depth of water was at the two ends of the bar, and it appeared that 2 feet 6 inches additional water could be gained by the removing 1,600 yards That might be procured by the end of two years, (though he could not understand why the entire work should require six years,) and would cost £33,000, so that the House might be asked for £10,000 more than the sum now in hand The hon member (Mr Solomon) had brought forward a strange argument, viz, that the money should be spent where (he had taken down the hon member's own words) all that was necessary was done He believed there was great difficulty in the way of vessels getting in and out, and that the Orient, a regular trader here, had been lying outside several days not because she could not lie in the Port, but because she could not get over the bar

The Speaker here said this motion was similar to one which had been negatived a short time since, and could not therefore be proceeded with

Messrs Milne, Peake, and Strangways having expressed their dissent from this ruling,

The Speaker suggested that the sense of the House should be taken on the point

Mr Strangways accordingly moved, "That in the opinion of this House the question now before the House is not the question previously submitted to the House"

Mr Peake seconded the motion

The House divided, when there appeared—

Ayes 15—Messrs Peake, Lindsay, Duffield, Reynolds, Mildred, Barrow, Cole, Wark, McEllister, Hay, Rogers, Milne, Harvey, Townsend, and Strangways (teller)

Noes 11—The Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Hawker, Burford, Glyde, Macdermott, Solomon, Hallett, Collinson, and the Attorney-General (teller)

Mr Barrow said he had voted with the Ayes because he had no doubt that the question, though connected with the question which was before the House on a former occasion, was by no means the same That question was with reference to the deepening of the bars and this was whether the work should be done by tender or in any other way He mentioned this partly in order to afford him the opportunity of stating that he saw no harm in the motion, even taking it from the stand-point which the Government had adopted If the Board called for tenders, they would of course say that they were not bound to accept the lowest or any tender, and they might leave matters to move on as before (Laughter) There was nothing to compel the Trinity Board to accept any tender, so that the motion if carried, could do no harm, and might do some good He would be sorry to give a vote which might seem to imply any want of confidence in the Trinity Board, and as this was a matter which involved so much detail, and so many questions of practical experience, he was not ashamed to say he did not possess the information which would enable him, in the hasty manner in which the House was called to give its decision, to express an opinion upon it He considered it exceedingly unfortunate that the House had not confidence in the machinery which it appointed to carry out its arrangements, or that that machinery was so unfortunately managed The House appointed and liberally endowed a Harbor Trust, and then they were dissatisfied before the work was completed They sent an exploring party up to the north, and just as triumphant success was about to crown its labours, it was recalled (Loud laughter) They were always setting up some organization or other, and before its object was accomplished, destroying it again If the Trinity Board failed in its duty it should be censured, but he was not at all satisfied upon that point He saw no harm, however, in calling for tenders, inasmuch as if they appeared advantageous for the public service they could be accepted, and if not, the Board was not bound to accept them

Mr Hawker opposed the motion, which he regarded as a vote of censure upon the Board It was quite as much so as the motion brought forward some time since. He could not agree with the hon member for East Torrens, who said the vote could do no harm and might do good The Board had not done their duty in not calling for tenders if they considered that such a course would be advantageous to the public interests He should oppose the motion

Mr Townsend did not look upon the passing of this motion as entailing any want of confidence in the gentlemen composing the Harbor Trust, inasmuch as votes of instructions were very often passed to Committees of that House which no one of course would interpret as want of confidence, He looked upon this motion which would convey an opinion on the part of the House, that the unexpended balance appropriated to the Harbor Trust should be spent in deepening the inner bar, as a vote of instructions, and not as tending in any way to imply censure upon the Trustees

Mr Burford considered the motion as implying a direct vote of censure upon the Harbor Trustees, and as the subject sought to be gained would not, if accomplished, tend in his opinion to bring about any beneficial result, he should vote against the motion

Mr Peake in reply said he did not understand the hypersensitiveness which seemed to haunt the minds of some hon members He could not see how this motion could imply any want of confidence in the members of the Harbor Trust, and he would throw back upon those hon members the insinuations which had been made to that purport In a case such as the present, when it had been so clearly shewn that the expenditure was in contravention of the provisions of the Act by which the supplies were granted, he thought it imperative that the House should assert its views and provide for the intentions of the Act being carried out in their integrity There could be no doubt that the expenditure had not been strictly in pursuance of instructions, and he could not understand why implications of the nature he had referred to should have been indulged in by hon members The hon member for the city (Mr Solomon) had lectured the hon member for Encounter Bay (Mr Strangways) upon his presuming to give an opinion upon what he did not understand, but he (Mr Peake) thought the hon member for the city had betrayed far less knowledge, for he did not even seem to know the Council Paper in which the opinion of the Engineer was set forth The hon member for the city had said it was not necessary to deepen the inner bar, and that preference should be given to the deepening of the harbor, because, if large ships came over the bar, there would not then be a sufficient depth of water for them to lie in, but he (Mr Peake) would call the attention of the House to the fact that there was already 20 to 21 feet of water in the harbor, which would surely accommodate very large sized vessels He had seen some of the largest ships—he might mention the Catherine Stuart Forbes—("No, no," and a laugh, from the Commissioner of Public Works)—lying in the harbor with perfect safety Then perhaps if this vessel were not to be considered as a specimen of magnitude, the Commissioner of Public Works would tell them of much larger vessels (A laugh) An argument had been used by the Commissioner of Public Works, that they should not spend the remaining £23,000 in the manner proposed, because it would not be enough but he (Mr Peake) thought that although Mr Abernethy had said the sum was not sufficient, it would be better to spend it, and come to the House for any balance that might be required He remembered that when the opinion of Mr Laurie was taken on this question that gentleman said he could deepen a channel 120 feet wide for about £7,000 If a width of 120 feet could be deepened for such a sum, they should not, he thought, forego that advantage, because they had not sufficient to carry out the work to completion Then again, Mr Laurie had said that after blasting the limestone crust they would come upon a great deal of silt and quicksands Assuming this to be correct, he could conceive that the deepening of the channel for a width of only 120 feet would result in considerable benefit He hoped the House would agree to the motion

The Speaker put the question, and declared the noes had it

Mr Peake called for a division, of which the following was the result—

Ayes, 14—Messrs Milne, Hay, McEllister, Rogers, Barrow, Cole, Duffield, Wark, Strangways, Townsend, Mildred, Reynolds, Lindsay, Peake (teller)

Noes, 13—The Attorney-General, the Treasurer, the Commissioner of Crown Lands, Messrs Hallett, Bakewell, Hawker, Bagot, Collinson, Macdermott, Burford, Solomon, Glyde, the Commissioner of Public Works (teller)

The motion was consequently carried by a majority of 1

GREAT EASTERN OR MAGILL ROAD

The House went into Committee on the motion of the hon member for Onkaparinga (Mr Townsend) for the "consideration of an address to His Excellency the Governor-in-Chief, praying him to cause the sum of £5,000 to be placed on the Estimates for the construction of the Great Eastern or Magill-road"

Mr Townsend said it would be found by the journals of the House that the road in question had been declared a main line, and that the Central Road Board had recognised it as such He asked for £5,000, by the expenditure of which in a distance of 24 miles, one sixth of that distance would be saved If an objection was made to this being a special vote, he would reply that its speciality was very well excused from the fact of the road in question having been declared a main line, and on the faith of which many persons had bought land By opening this line of road, 30,000 to 40,000 acres of land would probably be realized upon by the Government It would equally answer his purpose if the money were handed over to the Central Road Board, to be expended in the manner proposed

The Commissioner of Public Works said, when the question had on a former occasion been discussed, he had promised to obtain information as to the probable cost, and he had since received a report from Mr Alfred Hardy, the Surveyor of the South-eastern District, which was as follows—

"December 14, 1858

"Sir—I beg to inform you for the information of the Commissioner of Public Works, that the estimated cost for opening up the line of road from Norton's summit, to Lobethal is £35,000 In reference to the proposed appropriation of £5,000 for works along the above portion of the Main Eastern Road, I have to state that the sum of £5,000, if employed in continuing on the newly formed road just completed as far as Norton's Summit, would be sufficient to construct about one-seventh of the distance between Norton's Summit and Lobethal, but if the same amount is expended along the whole length of the portion of the road in question, it will enable the Board to cut a bridge track between Norton's Summit and Lobethal, and also to bridge or otherwise make available crossing over the Deep Creek and the other numerous watercourses intersecting the line along this portion of the road, but the works in connection with the making good the crossing of the watercourses can only be looked upon as of a temporary nature, and not as a portion of the permanent works

"I have, &c,

"Alfred Hardy

"To the Chairman of the Central Road Board"

From this it would be perceived that the sum proposed would only be sufficient to construct a mere bridle path from Norton's Summit to Lobethal, and that the bridges, which

would be of the most temporary character, would in any future improvement have to be taken down and rebuilt This subject had come before the Central Road Board, and it had been felt, considering the wants of the colony at large—about £250,000 per annum, not more than one-half of which had hitherto been received—that the Board would not be warranted in voting any considerable sum for this line of road, to the exclusion, as it would be, of other parts of the colony where improvements were more imperative. He might state that the gradients on the line in question which were included in the report were in many cases as great as 1 in 10 and 1 in 11, a rate which would involve a very considerable expenditure in construction

Mr MILNE was surprised at the statement made in the report that it would take £35,000 to construct this line He looked upon that as a bugbear to frighten the House out of granting the £5,000 But, instead of wanting a macadamised road from end to end, all the inhabitants asked for was access to the property which they had purchased, on the faith of this line being constructed With regard to the action of the Central Road Board, he was not surprised at it, for if hon members perused the schedule of appropriation of the £25,000 voted, they would find the largest portion of it was for metalling, and while so large a proportion of the money at disposal was appropriated to the maintenance of roads, the Board found it would be impossible to give £5,000 for the construction of this line. It was therefore found necessary to come to that House He was convinced the £5,000 would be spent advantageously, and that it would return double or treble that amount to the Treasury With that view he would vote for the motion

Mr DUNN thought the £5,000 would only be a first instalment, as the gradients were so steep that it could not possibly provide for more than a bridle path It might be recollected by hon members that this subject was agitated before, when Mr John Baker was a member of the Central Road Board, and persons in the country then called this road not the road to Lobethal, but the road to Morialta (Laughter) That gentleman not being able to carry his projects, took huff, and retired from the Board A meeting was subsequently held at Mount Lofty, when it was decided that the road would be useless, except as leading to Mr John Baker's paddock While speaking of this, he might advert to one folly of the Central Road Board—perhaps it might be attributed to the Chief Inspector—it was, that when the Gumeracha line was being laid out, at a great waste of public money, two lines of road, running parallel, were constructed, only three miles apart, and leading to the same terminus If the money asked for were likely to do any benefit to Upper Onkaparinga, where many of his relations lived, he should, of course, have voted for it (Laughter) On this question being agitated before, he had met some friends interested in the subject at a small evening party (laughter), and it was there said " all we want is a good passable road " He should vote against this motion, if £5,000 were spent it would lead to no good result, the road would be as impassable as before, it would only save three miles in 30, and though it might suit the Magill people, and a few persons in the tiers, it would not benefit those living in the district of the Onkaparinga

Mr BARROW did not look upon the advantages to be derived from this expenditure in shortening the distance so much as in the enhanced value of the land which would thereby be laid open The last speaker had instanced a case where he said an injustice had been perpetrated, and, however extraordinary the doctrine might be, he seemed to infer that injustice ought therefore to be perpetrated in this instance. He (Mr Barrow) would vote for this motion, though not to satisfy his constituents as some one had tauntingly remarked, for they were divided upon the point—one portion of them being in favor of this particular line, and another being attached to the line by way of the Greenhill,—so that, on whichever side he voted, he should meet with the approbation of at least one portion of his constituency He was, however, surprised that hon members should be taunted with voting to satisfy their constituents (A laugh) He voted for this motion because the road had already been declared a main line, and faith should be kept with the public It would, as well as shortening the distance, enhance the value of the land along the line

Mr STRANGWAYS thought the question should be left to the management of the Central Road Board, and if it were considered by the House that an extra £5,000 could be afforded, it should be handed over to the Board for disposal He thought, however, that no such money could be spared, and that, if otherwise, no grounds had been shown for making a special vote He would point out that there was a sum of £1,100 on the Schedule of Appropriation of the Central Road Board as being the portion available for the Magill-road

Mr GLYDE moved that the House divide.

Mr DUFFIELD rose to speak, but

The CHAIRMAN put Mr Glyde's motion, and declared it carried

Mr DUFFIELD cried " divide "

There was consequently a division as to whether the question should be then put, which resulted in a tie, the Chairman giving his casting vote with the noes

Mr DUFFIELD would not occupy the time of the House long, and would not have addressed it at all but for a statement of the hon member for Mount Barker, which he (Mr Duffield) as a member of the Central Road Board, thought proper to refer to That hon member had said the Central Road Board declared the road in question a main line, but it would be found this was incorrect, as the Parliament had declared it a main line, the duty of the Board only being to spend such amounts as were voted on the lines previously declared The hon member for Encounter Bay (Mr Strangways) had referred to a sum of £1,500 on the appropriation list of the Central Road Board, but this was only to be given conditionally on the larger sum being voted by the Parliament, as it would otherwise be perfectly useless He opposed the motion because there would not be such an extent of available country laid open as had been stated, and, what there was, was for the most part inaccessible. There were lines of road leading with little deviation to the same point already He could not see that they would be justified in voting a sum of £5,000 to do that which it was said, and which he believed, it would take £35,000 to do

The ATTORNEY-GENERAL said he could not see any reason for a special vote in this instance As to the assertion that certain parties had purchased land on the faith of a road being constructed, he could only say that the House had no proof of such being the case If a petition were presented to that effect, he for one, should have no objection to its consideration, but even then he thought it would be far wiser and more economical for the Government to buy the land back than to construct the road It had been said that £35,000 was not necessary, but hon members must be aware how futile the construction of a common bush road would be to any purposes of traffic If the House voted the £5,000 it would furnish vantage ground to the supporters of the scheme, by leading them to apply for further votes of money to prevent the benefits to be derived from this vote from becoming illusory The idea of spending such a sum in order that Lobethal, a small village, should be four miles easier of access to Adelaide, was not to be countenanced, as it would be a waste of money and a dereliction of duty on the part of that House The present road should never have been declared a main line, and he believed if the direction which the road was to take had been properly defined in the first instance, it would not have been declared a main line For these reasons he felt it to be his duty to oppose the motion

Mr LINDSAY was inclined to have voted with the motion, but when he found, as the Commissioner of Public Works had stated, that there were such deplorable gradients as one in ten, he did not see how it was possible to construct a good road, and he should advise if the gradients could be made no better that the line should rather be abandoned

Mr WARK was in favor of the £5,000 being voted, which would enable a good passable road to be constructed The Commissioner of Public Works had referred to the steep gradients on this line, but he had forgotten that on the Mount Barker, the Balhannah, and Teatree Gully roads, the gradients were much steeper, being in some instances as much as 1 in 7 The gradient on the Magill line, of 1 in 10, might be decreased by making the bridge in that place a little higher, and he was convinced that, in other parts of the line, the highest gradient would not be found to be more than 1 in 11 Mr Baker had been referred to as the prime mover in this matter, but although that gentleman had been no particular friend of his, he would defend him from such an aspersion It was Mr Waterhouse who was first instrumental in having this line laid out

The question was then put, and the Chairman declared the the noes had it

Mr TOWNSEND called for a division, which resulted as follows —

AYES, 8—Messrs Barrow, Wark, Bagot, Cole, Milne, Glyde, Hay, Townsend (teller)

NOES, 14—The Attorney-General, the Treasurer, the Commissioner of Crown Lands, Messrs Collinson, Lindsay, Hawker, Andrews, Macdermott, Dunn, Mildred, Duffield, Burford, Strangways, the Commissioner of Public Works (teller)

Making a majority of 6 in favour of the Noes The motion was accordingly lost

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS this Bill was read a third time and passed

REAL PROPERTY ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL the report of the Committee of the whole House on this Bill was adopted, and the third reading was made an Order of the Day for Thursday (this day)

SMILLIE ESTATE BILL

On the motion of Mr MILNE, the House went into Committee for the consideration of the amendments by the Legislative Council in this Bill, which were agreed to

The House resumed, the SPEAKER reported, the report was adopted, and a message was instructed to be sent to the Legislative Council to the effect that the amendments had been agreed to

BOARDS OF WORKS BILL

The COMMISSIONER OF PUBLIC WORKS moved the second

reading of this Bill, and said that, although its scope was not so great as either that House or the Government might have desired, it was what it was believed the Parliament would sanction. There were only two clauses in the Bill, which he had little doubt the House would assent to.

Mr MILNE asked whether if this Bill were passed, it could allow the dismissal by the Government of members of the Central Road Board.

The ATTORNEY-GENERAL said certainly not to those constituted members of that Board.

The Bill was read a second time, and the House went into Committee.

In Committee.

Preamble postponed.

Clauses 1 and 2 passed as printed.

The ATTORNEY-GENERAL said, in answer to Mr Strangways, with reference to the proposed insertion by that gentleman of a clause defining when the Act should take effect, that he (the Attorney-General) did not consider it necessary. If the Act imposed a penalty, then it might be expedient, but not when it was merely prospective.

Mr STRANGWAYS quoted "May," to shew that the rule was that all Acts of Parliament should take effect from the first day of the session.

The ATTORNEY GENERAL never doubted that, but he doubted whether the technical rule which was adapted to the parliamentary usages of a particular time could be applied to this colony. He was not aware that there was anything to make an Act operative until it had received the assent of His Excellency the Governor.

The preamble and title were passed as printed.

The House resumed, the Bill was reported, the report was adopted, and the third reading was made an Order of the Day for Thursday (this day.)

THE ESTIMATES

The TREASURER, before moving the House into Committee, wished to know if it were desired to go on with the Estimates for a short time. To test the feeling of the House he would move that they go into Committee.

Mr TOWNSEND said a great many members had left the House under the impression that the Estimates would not be called on in consequence of the lateness of the hour, and as an amendment to the House going into Committee he would move that the House adjourn.

The TREASURER would then move that the consideration of the Estimates be an Order of the Day for the following day.

ASSESSMENT ON STOCK BILL

On the motion of the ATTORNEY-GENERAL, the further consideration of this Bill was made an Order of the Day for the following Friday.

THE MARION

Upon the motion of Mr MACDERMOTT, the petition recently presented by him from the owners of the Marion was ordered to be printed.

The House adjourned at five minutes past 5 o'clock till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

THURSDAY, DECEMBER 16

The PRESIDENT took the chair at 2 o'clock. Present—the Hon the Chief Secretary, the Hon H Ayers, the Hon Capt Hall, the Hon Capt Scott, the Hon Dr Everard, the Hon J Morphett, the Hon S Davenport, the Hon Capt Bagot, the Hon A Forster, the Hon Dr Davies, the Hon Capt Freeling, the Hon A Scott.

THE HARBOR TRUST

The Hon the CHIEF SECRETARY gave notice that on the following day he should move H Simpson, Esq, be appointed a member of the Harbor Trust in the room of E G Collinson, Esq, M P, resigned.

LONGBOTTOM'S PATENT BILL

The Hon H AYERS gave notice that on the following Tuesday he should move the second reading of Longbottom's Patent Bill, contingent upon the report of the Select Committee being brought up upon that day.

DISTRICT COUNCILS ACT AMENDMENT BILL

The Hon J MORPHETT, on behalf of the Hon Major O'Halloran, gave notice that, when the District Councils Act Amendment Bill was in Committee, he should move the insertion of a clause constituting Chairmen of District Councils *ex officio* Justices of the Peace.

THE HARBOR TRUST

The Hon Capt HALL asked the Hon the Chief Secretary if he had any objection to lay upon the table of the House the correspondence which had taken place between the Government and the Harbor Trust during the session, and the plans and particulars, showing how the money had been expended, and how further sums were proposed to be.

The Hon the CHIEF SECRETARY had no objection to lay the correspondence, &c, on the table, but, in order that there might be no mistake, would like the hon gentleman to state in writing what he required.

THE THIRD JUDGE AND DISTRICT COURTS BILL

The Hon the CHIEF SECRETARY in moving the third reading of this Bill, said that the necessity for the appointment of a third Judge was so universally acknowledged, that it would be merely necessary for him to make very few remarks in support of the Bill. It had long been a cause of great complaint with the public and the bar that causes of vast importance, matters in which great interests were involved, were frequently delayed being brought to a settlement in consequence of a difference of opinion between the two Judges. When a Jury had decided a case upon the ruling of a Judge on a particular point, one of the parties to the suit, who was dissatisfied, appealed to the decision of the two Judges as to the point involved at the trial. If the Judges differed in opinion, and the one who had tried the cause refused to admit that he had made an error, justice remained unsatisfied. Over and over again had this error occurred in consequence of the difference to which he had alluded, but he thought he need merely refer to two cases to illustrate the difficulties which were at present felt. In the case of Hughes v Morris, the Inspector of Sheep, a case in which the pastoral interest were deeply involved, such a difference as he had alluded to had arisen, and also in the case of Anderson v the Morphett Vale District Council. In both of those cases the verdicts were unchanged, and justice was unsatisfied, in consequence of there not being an umpire Judge sitting on the Bench. That was the principal object in appointing a third Judge, but the Bill further proposed, not as was supposed by many—the establishment of Circuit Courts—but it gave power to the Governor, in case of necessity, not otherwise, to issue a commission for holding District Courts. The expense of this would be very trifling, in the first instance probably not more than the salary of a Judge, which was fixed at the same as the puisne Judge, £1,300. There would be some trifling additions when it was rendered necessary to establish Circuit Courts, but he would remind hon members that it was not proposed there should be an annual expense for Circuit Courts, but that these should merely be held if necessity arose for them, not otherwise. He begged to move the second reading of the Bill.

The Hon J MORPHETT seconded the motion, but he must at the same time state that had the Bill been for the purpose of establishing District or Circuit Courts, he should not have done so, as he did not consider the country in a position to bear such an expenditure. The expense entailed upon the country by such Courts would be very great, but the present Bill he understood was merely to enable the Government to appoint a third Judge, and with respect to District Courts, if they were held at all under this Bill, it would only be under such circumstances as would fully justify their being held. The Governor would have power, by the advice of his Ministry, to issue a commission, and the Ministry would be responsible to the country. With respect to the necessity for the appointment of a third Judge, the evils of the present system were so glaring and manifest and decided, that he thought it was the duty of Parliament to give relief to the community. This Bill proposed to relieve the community by the appointment of a third Judge, and the expenditure involved in that appointment would be only £1,300 per annum, though he had no hesitation in saying that for this £1,300 paid by the community, they would save at least £13,000 in increasing and continued litigation. The only grounds upon which he could conceive that the Bill would be opposed were that some additional expense would be entailed upon the country, but although it was true that the country would pay £1,300 per annum, there would be a much larger saving, and it should be remembered that every thing which was saved to the community was in fact saved to the country. If the cost to the community were only £1,300, that would be cheap indeed to secure justice being administered to every member. The Hon the Chief Secretary, in moving the second reading of the Bill, had alluded to two cases, to one of which he would refer, it was that of Hughes v Morris. There had been no final decision on that case, because there were only two judges, and a conscientious difference of opinion existed between them. The consequence was that the original verdict still stood, and the defendant must submit to be mulcted in £175 damages, or involve himself in the costs of an appeal to a higher Court, which would probably amount to between £1,000 and £2,000. Either the defendant in that case must pay £175 damages, which the Chief Justice said he ought not to, or he must involve himself in expenses to the amount of upwards of £1,000. Perhaps the defendant could not afford to do so, or perhaps he might not feel himself justified in doing so; consequently there was in South Australia in fact a denial of justice. They had the character of being a liberal, intelligent, advancing and prosperous community, but it certainly was not a proof of their intelligence that justice was actually denied to Englishmen in maintaining their rights or resisting aggression. He thought the House would not say that justice should be so denied, simply on account of an expenditure of £1,300 for the appointment of a third Judge. The expense he felt was the only objection which could be raised to the proposition, and that certainly was not sufficient to justify such a proceeding. He had every desire to protect the public purse, but he felt at the same time that he would not be doing his

duty to his constituency if he did not give his support to the Bill before the House With respect to Circuit Courts, he did not think the country ripe for them, and he believed in addition that they would entail greater expense upon suitors and litigants than if they had to come to Adelaide. Although it might be said that three Judges were too many for a population of 100,000 people, it should be borne in mind that this was a wealthy, progressive, and prosperous community, and from that circumstance litigation was likely to be far more abundant than it would be in a poor but equally large community Men in this colony saved money and acquired land, which was the cause of a great deal of litigation He believed that a greater number of suits occupied the attention of the Courts arising from the acquisition of land than from any other cause The people generally were prosperous, and having acquired land was the reason of there being so much more litigation than in communities where landholders did not constitute so large a proportion

The Hon A FORSTER rose for the purpose of opposing the second reading of the Bill, and thought he should have the concurrence of the House when he stated that no case had been made out by the Chief Secretary for the appointment of a third Judge The hon gentleman had not even attempted to defend the Bill itself, because the Bill was to provide for the appointment of a third Judge and for the establishment of Circuit Courts The Hon Mr Morphett, who seconded the motion for the second reading of the Bill, stated distinctly that if the Chief Secretary had attempted to defend the intention of the Government in reference to the establishment of Circuit Courts, he would not have had his support, therefore he presumed the support of the Hon Mr Morphett was contingent upon the Chief Secretary abandoning that portion of the Bill which related to the establishment of Circuit Courts The question had then dwindled to the simple point whether there was a necessity for the appointment of a third Judge, to bring into conformity the complicated views upon the Bench That was the only reason for which they could go to the expense of a third Judge He did expect that the Hon the Chief Secretary would have honored the Bill which he introduced with his support, but he clearly understood from the conditional support offered by the Hon Mr Morphett, that it would not be given unless the idea of Circuit Courts were abandoned The statement of the Chief Secretary was very important and significant with regard to the constitution and operation of the Supreme Court generally, and it should teach that Council a very useful lesson It was clear that the Judges differed, and that lawyers differed, and it was clear that the Supreme Court of the colony, as administered, was of no benefit to the community It would be better far for the interests of the community if it were swept away, and some other means of obtaining justice determined upon He was surprised that the Government, instead of proposing to appoint a third Judge, did not suggest that some other Court should be established to secure justice to suitors. If they had proposed to sweep away the Supreme Court on the civil side, and to appoint a Court of Arbitration where suitors could obtain justice, he should have supported them in the proposition, but he could not support them when they came to that House simply because two Judges could not agree, and asked the House to go to the enormous expense of appointing a third Judge as umpire There was no necessity for the appointment of a third Judge as far as the increase of business was concerned, for he found that from 1853 to 1858, the causes year by year varied very little In 1853, the civil causes amounted to 69, in 1854, to 114, in 1855, to 149, in 1856, to 187, in 1857, to 198, and in 1858, to 183 Although there had been an increase on the civil side, it had not been in that proportion to justify the appointment of a third Judge Of the 183 cases it should be remembered that a great many—and the same remark would apply to those of previous years—which had been previously tried, in consequence of the impossibility of bringing the two Judges into harmonious action In criminal matters he found that in 1853 there were 106 cases, and there was a decrease for succeeding years, till in 1856, there were 113, and from 1853 to 1858, with one exception, the criminal cases had not exceeded 106, which was the number for the present year If half the adult male population were criminals, there would be plenty of Judges to do the business of the Court if a Court of Arbitration were appointed, instead of the Supreme Court, for civil cases, and he was satisfied that the business could be conducted at one fiftieth the cost which was at present incurred It was the most absurd request that the Government could bring before the House to appoint a third Judge He did not know how to characterize such a request At home there were 22 Judges for a population of 23 millions, or more than a million to every Judge, but here there were two Judges to a population of 114,000, or a Judge for 57,000 population, yet a third Judge was asked for That analogy was accurate as nearly as it could be made, setting the Judges of the District Courts at home against the Local Courts here At home there was a Judge for every million, here there was already a Judge for every 57,000 It was the most monstrous absurdity that ever came before a Legislature, the appointment of a third Judge, and he was satisfied that the House would not be induced to sanction such a proposition But he was informed by undoubted authority that the cost of a third Judge would not be merely £1,300 a year as the Chief Secretary had stated, and as had been asserted by the hon Mr Morphett, but he believed that directly and indirectly the appointment of a third Judge would not cost less than £25,000 per annum If there were a third Judge it was clear they must establish Circuit Courts, for if there were any justice in the claim at all it was that the country demanded Circuit Courts If there were any justice at all in the appointment, the third Judge should go on circuit, and what would be the consequence? Why, in every municipal town there would be a gaol, there would be a bar, and various expenses connected with judicial functions There would be increased litigation, and he stated on good authority that the increased cost to the country would not be less than £25,000 per annum If a third Judge were appointed it was clear they must find employment for him, but at present he denied that there was employment for him But that was not all, for they would have to pension the Judges in the end, and if the Civil Service Bill, as it had been originally introduced to the Legislature, had passed, the Judges would have been able to retire upon £1,000 a year, and even now, no doubt, the attempt would be made to give them a retiring allowance of £1,000 a year Every additional Judge appointed would, consequently involve an additional pension of £1,000 a year Even admitting that £1,300 would be the maximum cost, it would be a far cheaper plan at once to pension one of the Judges at £1,000 per annum There would then be a saving effected of £300, and the remaining Judge would be quite sufficient to dispose of the business The proposal made by the Government in this Bill was a step in the wrong direction Why not come forward and propose to reduce instead of increase the number of Judges, if they wished to secure proper and uniform decisions If, however, it were absolutely necessary to retain two Judges, why not send one on circuit and keep the Chief Justice employed in the Supreme Court in Adelaide The Legislature had repealed the Act of 1849, and had given the second Judge the same status as the Chief Justice, but what the Legislature had done it could undo, and there was nothing to prevent the second Judge being sent on Circuit whilst the Chief Justice attended to the proceedings of the Supreme Court in Adelaide He could not by any possibility support the Bill, and he trusted that hon members would not sanction such a gross absurdity He would again remind them that in England there was only a Judge to every million people, and that here there was already a Judge to every 57,000 He contended that it was utterly unnecessary to appoint a third Judge to bring in harmony the decisions of the two Judges, because one of the two Judges could be sent on circuit whilst the other could be kept in Adelaide In the course of another 12 months, unless some great and unexpected impetus were given to the colony, instead of increasing expenses they would be called upon to reduce them, and he therefore cautioned the House against assenting to the present Bill If they were bound to provide for the two Judges, the best and most economical mode he believed would be to pension one at £1,000 a year, and leave the remainder of the business to the Chief Justice.

The Hon Captain BAGOT rose to oppose the second reading of the Bill He so fully endorsed the objections which had been raised to the Bill by the Hon Mr Forster, that he need not take up much time, as that gentleman had so ably dealt with the subject He considered it was a very great mistake when equal standing with the Chief Justice was given to the second Judge They had had experience of the Chief Justice for a period of 16 years and he believed that before the appointment of a second Judge, the administration of the law in this province by the Chief Justice afforded the utmost satisfaction He thought he might safely say that not an instance occurred in which the litigants were not satisfied with the decision of the Court He recollected that at the time the second Judge was appointed, it was stated the work was too heavy for one but the step which should have been taken was to separate the civil from the criminal business, but he could not assent to the appointment of a third Judge, merely because it had been found that they had made a mistake in appointing two It was quite in the power of the Legislature he apprehended to remedy the difficulty which existed by separating the duties of the two Judges, but it appeared that whenever a difficulty arose the Government could devise no other remedy than by appealing to the people's purse, nothing could be done without an addition to the already exorbitant expenditure The Hon Mr Forster had shewn the absurdity of this Bill by contrasting the number of Judges in England with the population there, and that calculation clearly shewed that the appointment of a third Judge here would be altogether monstrous and uncalled for With regard to the establishment of Circuit Courts he thought that it would be premature to establish them There certainly would be no benefit to litigants, as they would require the assistance of professional men, whose expenses in attending the Circuit Courts would, of course, be larger than in the Courts in Adelaide, and the increased cost would fall upon the litigants Professional men—lawyers particularly—set a high value upon their time, and, though their charges were pretty moderate in Adelaide, if they were called upon to go to any distance from town, no doubt their charges would be increased twenty or thirty fold To propose Circuit Courts as a boon to the country was, he considered, a gross perversion of the term He hoped the Council would be unanimous in opposing the Bill If differences of opinion existed between the two

Judges, he had shown that this difficulty could be got over by separation of the duties The Chief Justice had always given satisfaction in civil cases, and he would suggest that the other gentleman should preside in criminal cases by which means the business of the country would be quite efficiently performed Having said this much upon the question he intended to give the measure all the opposition that he could, and should move that it be read again that day six months

The Hon S DAVENPORT should vote against the amendment of the Hon Captain Bagot He thought there were many fallacies in the arguments of those who had opposed the Bill, which it would be by no means difficult to make plain The Hon Mr Forster had drawn comparisons between the relative number of Judges in England and the population in the colony, but whilst the hon gentleman had referred to an old country why had he not also referred to a new colony? The comparison was in many respects unfair Why had the hon gentleman not stated that in other colonies the appointment of a third Judge had been found necessary for precisely the same reasons that it had been found necessary here There were many respects in which the comparison of a new colony with an old country was unfair In an old country there were facilities for conducting business in consequence of the dense population—the result of vast expenditure upon the locality where the Courts were held The Judges there had opportunities of consulting upon the business likely to come before them, and were consequently able to go through a much larger amount of business than was the case in a new colony Besides this before the comparison was instituted, he thought the hon gentleman should have shown that the same relations existed in reference to the Judges here as in the old country He did not intend any disrespect to the Judges here, but the inducements in the colonies were not likely to attract the highest talent, for the salaries of the three Judges, whom it was proposed to have here barely came up to the salary of a single Judge in England From what had been stated by the opponents of the measure it appeared to be thought that it would be better either to recur to the old state of things, and to have but one Judge, or to divide the duties, so that one should be employed upon circuit and the other in Adelaide That, however, looked to him like a retrograde step, and one which should not be taken in the absence of evidence that it would be satisfactory to the community A few years ago it was affirmed that the business of the Supreme Court was too much for one Judge, and a second was in consequence appointed to assist him in his decisions, consequently some sufficient reasons should be shown for going back to the old state of things He believed that what was complained of by the public was that so long as there were only two Judges it was impossible to bring cases to a final close, and, consequently, the appointment of a third Judge became absolutely essential He was of opinion that the country would greatly gain in a pecuniary sense by the arrangement proposed by this Bill Mr Forster's argument, eloquent and forcible as it was, was without basis when he said that the appointment of a third Judge would lead to the expenditure of £25,000 a year That was an enormous stride from £1 300 to £25,000 a year, and he had certainly failed to follow the hon gentleman

The Hon Mr FORSTER said what he stated was that the appointment of a third Judge would necessitate the establishment of Circuit Courts

Mr DAVENPORT resumed—The Bill merely provided that in urgent cases the Governor had power to appoint a Commission, in order that a Court might be held in a particular district but the necessity for holding such must be shown, and the Governor could only act with the advice of his Ministry He believed that occasional Circuit Courts would prove most economical to the country Altogether the objections which had been raised to the Bill had not been established upon a satisfactory basis, and he should vote in favor of it

The Hon H AYERS seconded the amendment of the Hon Captain Bagot He had to complain, with the Hon Mr Forster, that although they had had the addition of another speaker in support of the Bill, not a single proof of its necessity had been brought forward The Hon Mr Morphett had stated that the evils of the present system were glaring and apparent, but he had pretty good means of knowing, quite as good probably as the Hon Mr Morphett whether the evils were glaring or apparent, and he certainly had never discovered that there were such glaring and apparent evils connected with the system That Legislature had not been petitioned upon the subject not a single memorial had been presented, no persons had complained that justice had been denied them, and he could not help thinking it was rather a severe term to make use of towards hon gentlemen who so well filled the Bench, to say that justice could not be obtained in South Australia He questioned whether the Council was right in stirring up a particular case, but he would refer to one which had been alluded to by previous speakers—Hughes v Morris That case was tried before a Judge and Jury, and it appeared that one Judge differed with the other, but did that shew that the decision arrived at was incorrect, or that the Judge who tried the case was wrong? The Hon Mr Morphett had stated that the cost of an appeal would be between £1,000 and £2 000 He (Mr Ayers) confessed he very much doubted whether it would amount to anything like that sum, but if it would, the first duty of the Legislature should be to endeavour to reduce the cost, for he contended it was disgraceful if the cost to the appellants would be £2,000 If so, the duty of that House was to set to work and endeavour to reduce such costs He had been in South Australia 18 years, and had always considered the people orderly, well-conducted, decent, and peaceable, but if he were to judge of them from the cost in connection with the administration of justice, they would appear directly the reverse There were two Judges and a Commissioner of almost equal standing, a Stipendiary Magistrate another at the Port, another at Gawler Town and Kapunda, and others in the southern district He had been brought up in a town consisting of 80,000 inhabitants, and there was not a paid Magistrate in it It was true there were some very efficient "great unpaid," but they were not wanting in "the great unpaid" here There was a very numerous roll of Justices of the Peace, and with their assistance he thought the whole of the business might be got through without any addition to the staff Exception had been taken to the statement of the Hon Mr Forster, that instead of an expenditure of £1,300 this Bill would involve an expenditure of £25,000 per annum, but the same exception might be taken to the statement of the Hon Mr Morphett, that the Bill would effect a saving to the community of £13,000 per annum Was there any proof that there would be any such saving? None whatever If it were intended, as no doubt it was that District Councils should be established, there could be no doubt that a very large sum must be spent in addition to the £1,300 a year He fully agreed with the Hon Captain Bagot that the time had not arrived for the establishment of Circuit Courts, and that it would be cheaper for litigants to come to town than to take legal gentlemen, whose time was valuable, to distant parts of the country

The PRESIDENT drew the attention of the Council, as he had on similar occasions, to the fact that the first clause of the Bill appeared to him to be for the appropriation of revenue, and as it was not stated that the Bill was introduced by message from the Governor the question was whether it could be entertained

The Hon the CHIEF SECRETARY said the same thing occurred last year, but, he apprehended, the Bill having been brought forward by a Minister of the Crown, was equivalent to its having been brought forward by the Governor himself He would address a few remarks to the observations of the Hon Mr Forster, who appeared most enthusiastic upon this Bill The hon gentleman had great stress upon one point, that this was a Circuit Courts Bill, but if the hon gentleman had taken the trouble to read the Bill, he would have seen there was not a word about Circuit Courts in it The first four lines in the second clause would show the hon gentleman that the establishment of Circuit Courts, which he had so much dwelt upon, was not in any way contemplated To show the hon gentleman's consistency, he had stated that he had been informed by parties well informed upon the point that the appointment of a third Judge would involve the expenditure of £25 000 per annum, in consequence of the necessity which there would be for establishing Circuit Courts, but in the same breath he proposed to send one of the Judges upon Circuit, thus incurring an expenditure of £25 000 per annum Another argument, equally unfair, was founded upon the hon gentleman's allusion to England with 23 Judges and a population of 23 millions, shewing that there was only one Judge to every million people, but if the hon gentleman had pushed his argument, he might have urged that there was no ground for the appointment even of one Judge here The object of the Bill was not to establish Judges in proportion to the population, but to secure justice to the community, and uniformity of decisions where differences at present prevailed He would remind the Hon Mr Forster that there was no fear of the extravagant expenditure contemplated by him actually occurring, for the sums which were required if District Courts were established, would have to be placed upon the Estimates and to be assented to by Parliament On the whole, he fully agreed with the remarks of the Hon Mr Morphett and the Hon Mr Davenport, and felt sure a large majority of the House would agree with him that this Bill would effect a large saving to the country, diminish the cost to suitors, and save many thousands to the public at large

MESSAGES FROM THE ASSEMBLY

The PRESIDENT announced the receipt of the following messages from the Assembly —No 35, intimating that they passed the Water Supply and Drainage Act Amendment Bill with amendments, No 36, intimating that they had agreed to the amendments made by the Council in the Smillie Estate Bill, No 37, intimating that they had agreed to the amendments in the Impounding Act Amendment Bill, No 39, intimating that they had agreed to the amendments made by the Council in the Parliamentary Privileges Bill No 40 intimating that they passed the Real Property Act Amendment Bill and desired the concurrence of the Council therein, No 41, intimating that they had passed the Board of Works Bill, and desired the concurrence of the Council therein

THIRD JUDGE AND DISTRICT COURTS BILL—RESUMED

The second reading of the Bill was carried by a majority of two, the votes on a division being—Ayes, 7, Noes, 5, as follow —

Ayes—Messrs Davies, Freeling, Davenport, Everard, Morphett, Captain Scott, Chief Secretary (teller)

Noes—Messrs Ayers, Forster, A Scott, Hall, Captain Bagot (teller)

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

On the motion of the Hon the Chief Secretary, this Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday

REAL PROPERTY ACT AMENDMENT BILL

On the motion of the Hon the Chief Secretary this Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday

BOARD OF WORKS BILL

The Hon the Chief Secretary moved that this Bill be read a first time, remarking that, as the House had affirmed the principle of the Bill, he intended to propose the second reading for the following day

The Hon Capt Hall said he had not had an opportunity of reading the Bill, and as the House did not usually sit on the following day, he must oppose the second reading being pushed on

The Hon Capt Bagot did not oppose the second reading but expressed his determination to oppose the Bill in Committee, if, upon perusal, he did not approve of it

The second reading was made an Order of the Day for the following day, upon the understanding that it should only be considered in Committee *pro forma*

THIRD JUDGE AND DISTRICT COURTS BILL

Upon the motion of the Hon the Chief Secretary the House went into Committee upon this Bill

Two of the supporters of the measure having left the House, a division was called for upon the motion that the first clause should stand as printed

The Hon the Chief Secretary protested against such course as obstructive

The Hon A Forster said he felt so strongly upon the point that he should oppose the Bill at every stage

There being an equality of votes the President gave his vote with the ayes, remarking that the Council had adopted the principle of the Bill, and the clause was passed as printed

The various clauses having been passed, a division was called for upon the motion that the report be adopted, which was carried by a majority of 1, the Hon S Davenport having entered the House subsequently to the previous division

The third reading of the Bill was made an Order of the Day for the following Tuesday

DISTRICT COUNCILS ACT AMENDMENT BILL

Upon the motion of the Hon the Chief Secretary, the House went into Committee upon this Bill Clause 58, which empowered the District Council to expend any portion of the rates for educational purposes had been postponed

The Hon the Chief Secretary, in moving that the clause stand as printed, remarked that to strike it out or that portion which had been objected to on a previous occasion would be a direct interference with the ratepayers as to the manner in which they should apply their own money If it were struck out it would prevent the District Councils from getting the amounts which they expended upon schools supplemented by grants from the Central Board of Education as provided for in the 10th Section of that Act In addition to which, to strike out the provision would render the clause inconsistent with clause 117

The Hon Captain Bagot denied that to strike it out would be an interference with the rights of the ratepayers, but if it were permitted to remain, District Councils would be enabled to apply the whole of the rates to the erection of of a schoolhouse, or for other purposes in connection with education He did not think it should be left with the District Council, but he had no objection to leave it to the ratepayers to make a special rate for the purpose of education, if they thought proper

The Hon the Chief Secretary thought the hon gentleman forgot that the District Councils were elected by the ratepayers, who might decline to elect them if their views upon the question of education were not satisfactory, precisely the same as a constituency might decline to elect members of that House, if their views were not in accordance with those of a majority of the constituency

The Hon H Ayers said the Chief Secretary appeared to forget that the remedy would not come till after the mischief had been done He agreed with the Hon Captain Bagot that the clause as it at present stood would enable the District Councils to expend upon education a rate which the ratepayers had contributed for roads and bridges

The Hon Captain Freeling said that it might be argued with equal force that a District Council might expend their revenue upon a particular road or bridge, and so they might before the remedy could be applied, but the District Councillors were elected because it was assumed that they would exercise a certain amount of judgment, and it would be an extraordinary thing if five persons constituting the Council should spend the whole funds in one particular direction—building a school for instance He had had opportunities of judging how schools under the care of District Councils were managed, and was of opinion that they were managed in a very creditable manner and that it was of great advantage giving this power to District Councils

The Hon H Ayers only objected to a rate collected for the construction of roads and bridges being devoted to a very different purpose

The Hon S Davenport supported the clause, and in an eloquent address dwelt upon the advantages resulting from the extension of education

The Hon Captain Scott thought there would not be any danger in passing the clause, as he perceived the Councillors were elected annually

The clause was passed as printed

A new clause was introduced by the Chief Secretary, giving District Councils control over jetties, wharves, and breakwaters, and some verbal amendments having been made in subsequent clauses, the report was adopted and the third reading of the Bill made an Order of the Day for the following Tuesday

ENLARGEMENT OF DEBTORS BILL

The President announced the receipt from the House of Assembly of Message No 38, intimating that they had passed the above Bill, which, upon the motion of the Hon the Chief Secretary, was read a first time, the second reading being made an Order of the Day for the following day

The Council adjourned at 4 o'clock till 2 o'clock on the following day

HOUSE OF ASSEMBLY

Thursday, December 16

The Speaker took the chair shortly after 1 o'clock

EAST TORRENS

Mr Mildred presented an amended petition from the Chairman and members of the District Council of East Torrens, praying to be heard at the bar of the House for the purpose of relieving themselves from the imputation of having obtained money by fictitious means, or that the matter should be referred to a Select Committee The petitioners contended that the works executed by the Council were fully equivalent to the aid which had been afforded by the Government The petition had been rejected on the previous day in consequence of being informal and disrespectfully worded, but having been corrected, it was received and read

UPPER WAKEFIELD

Mr Peake presented a petition from the District Council and a number of the inhabitants of Upper Wakefield, praying that a sufficient sum might be placed on the Estimates for the establishment of a Court House and Police Barracks at Auburn

The petition was received and read

THE MARION

Mr Macdermott gave notice, that on the 22nd instant he should move the House resolve itself into a Committee of the whole for the purpose of considering the propriety of presenting an address to His Excellency the Governor, praying that the sum of £1,000 might be placed on the Supplementary Estimates for 1859, to remunerate the owners of the steamer Marion for the establishment of steam communication between Adelaide, Port Elliot, and Port Augusta, and that a similar sum be placed on the Estimates for the service of 1859

EAST TORRENS

Mr Mildred gave notice that, on the following day, he should move the petition presented by him from the District Council of East Torrens be printed

WATER SUPPLY

Mr Reynolds gave notice that on the following Wednesday he should move Council Papers Nos 19 and 73, in reference to the River Weir, be taken into consideration, with the view of taking the sense of the House upon the question of water supply

AUBURN

Mr Peake gave notice that, on the 22nd instant, he should move the House resolve itself into a Committee of the whole for the purpose of considering the propriety of presenting an address to His Excellency, praying that a sufficient sum be placed upon the Supplementary Estimates for the erection of a Court-House and Police-Station at Auburn

RIDLEY'S REAPING MACHINE

Mr Hay gave notice that, on the following day, he should move the thanks of the House be given to John Ridley, Esq, for the invention of the reaping machine

WATERWORKS COMMISSIONERS

Mr Lindsay gave notice that, on the 23rd instant, he should ask the Commissioner of Public Works if the Govern-

ment intended to take steps to compel the Waterworks Commissioners to adopt the suggestions contained in a petition presented to the House relative to precautions against fire

MR B H BABBAGE

Mr BARROW wished, with the permission of the House, to bring forward the motion of which he had given notice in reference to Mr Babbage's Committee He asked leave to amend the motion by removing the name of Mr Mildred, leaving the House to decide by ballot who should be elected He believed, however, it was quite within the forms of the House to insert the name, and he might mention that the hon member, Mr Neales, was prevented by serious indisposition from fulfilling his duties upon the Committee

Leave was granted and the House proceeded to the election of a member, Mr Mildred being selected

NORTHERN EXPLORATION

The COMMISSIONER OF CROWN LANDS laid upon the table of the House further correspondence in connection with the northern exploration, which was ordered to be printed

REAL PROPERTY ACT

The ATTORNEY-GENERAL laid upon the table copies of correspondence between the Solicitors and the Registrar-General upon the subject of the Real Property Act

THE IMPOUNDING ACT AMENDMENT BILL

The COMMISSIONER OF CROWN LANDS moved that the amendments made by the Legislative Council be adopted by the House. He had gone through the various amendments, which were very numerous, but there was nothing in them at all altering the principle of the Bill The only point worth alluding to was an addition which had been made to the clause to the effect that carriers should be permitted to depasture working bullocks upon the waste lands of the Crown, whilst they were actually engaged in traffic

The SPEAKER asked if the House wished the amendments read, as they were very voluminous

Mr REYNOLDS suggested that the Commissioner of Crown Lands should give the House an idea of the amendments which had been made

The COMMISSIONER OF CROWN LANDS had already stated that the amendments did not at all affect the principle of the Bill, the only alteration of any consequence being that which he had alluded to—the permission given to carriers to depasture working bullocks upon the waste lands of the Crown, whilst actually engaged in traffic

Mr REYNOLDS observed an alteration in the schedule from £20 to £100, and should like to know the object of the alteration

The ATTORNEY-GENERAL said it merely related to the amount of a bond to be given, the amount in which parties were required to be bound

The amendments were agreed to, and a message to that effect was ordered to be sent to the Legislative Council

EXCESSES IN VOTES OF PARLIAMENT

The TREASURER said that there was a notice in his name for the consideration of the excesses in the votes of Parliament during last year, but he begged to amend it by referring it to the consideration of the Committee upon the Estimates

ENLARGEMENT OF IMPRISONED DEBTORS

The ATTORNEY GENERAL, pursuant to notice, moved for leave to introduce a Bill to provide for the enlargement of imprisoned debtors, who were unable to pay the fees which they were required by law to pay before they could obtain their release The preamble of the Act stated nearly all that it was necessary to state to command the assent of the House to the principle of the measure, and provide for the release of those whom the present Bill intended to relieve. The Insolvent Act of the previous session, as it left that branch of the Legislature, imposed on the insolvent the necessity of paying certain fees and doing certain things, and it provided at the same time that in the event of it being made to appear to the Commissioner of the Insolvent Court, that the insolvent had not the means of paying these fees, it should be lawful for the Commissioner to remit the fees, but that Act was afterwards altered, so as to render it necessary to insert certain advertisements in the newspapers and this involved consequences which were not foreseen at the time The Commissioner had power to remit the fees payable to the Court, and the Government could remit the fees to the *South Australian Gazette* for advertisements, but neither the Commissioner nor the Government had power to compel the newspapers to insert advertisements without payment At the present moment there were two persons incarcerated, solely in consequence of not having means to pay for the advertisements to which he had alluded, they were supported at the expense of the public, and with rations supplied by the public, because they could not obtain sufficient money to pay for these advertisements If such a state of things had been foreseen by the Legislature, it would, no doubt, have been guarded against when the Insolvent Act was passed, but it was one of those things which was not foreseen until practical inconvenience had arisen which it was now proposed to remedy When the Commissioner was satisfied that an insolvent could not pay the fees, the present Bill provided that it should not be necessary to insert advertisements except in the *Government Gazette* In such cases there would be no property available for the creditors, and the additional publicity which would be gained by advertising in the newspapers would not be of any benefit to any one In all other respects the provisions of the Insolvent Act would remain the same, the alteration proposed by the Bill merely superseding the necessity of advertising in the daily papers in cases where no creditor thought it worth his while to move in the matter, and the insolvent had no means of paying for the advertisements He begged to move for leave to introduce the Bill

Mr STRANGWAYS seconded the motion, and should have been glad to hear that the Bill went further than it did, that its operations were extended and that it abolished absolutely the necessity of advertising in the public papers, but that authority should be given to the Official Assignee or the officer of the Court to pay for advertisements which were ordered by the Court In England it had been found necessary for all general purposes that notices of bankruptcies or insolvencies should be published in the *Government Gazette*, and he believed such would be sufficient here, but it was at the same time highly desirable to recognise that the notices might be advertised in certain cases, that public notice should be given of bankruptcies and insolvencies, and that authority should be given for the payment of the advertising charges He saw no objection to the present Bill and whilst supporting it he would ask the Attorney-General whether there were not doubts as to the legality of proceedings under the Insolvent Act during the six weeks or two months that there was only one daily paper in the colony The Insolvent Act required that some proceedings should be advertised in two papers, and he believed that doubts had arisen as to the legality of the proceedings during the period that there was only one daily paper published here, and consequently that the advertisements appeared only in one paper He mentioned this as if such doubts had arisen he would suggest that a clause should be introduced in the present Bill to remove all doubts He also begged to ask the Attorney-General if it were not desirable to abolish absolutely the necessity of notices and proceedings in insolvency being published in the public papers, and allow the advertisements to be paid out of the estate where they were ordered by the Court

The ATTORNEY GENERAL said that individually he agreed that it was inexpedient to make the advertisements in the public papers compulsory He had never heard during the period that the advertisements were inserted only in the *South Australian Gazette* any complaint that sufficient publicity was not given to them, but as they must assume that the other branch of the Legislature attached importance to the amendment by which the insertion of advertisements in the public papers became necessary, that amendment having arisen in that branch of the Legislature, he did not wish to encumber the Bill with any provision such as had been suggested by the hon member for Encounter Bay His object was to provide a remedy for what had proved an actual evil resulting in great hardship to two individuals who could not obtain their freedom from prison until the existing law had been altered With regard to other matters it was very possible the Insolvent Act might require amendment He had received various suggestions from the Commissioner of the Court, and questions had arisen between the Commissioner and the Judges with regard to the construction to be placed on portions of the Act, and the power of the Commissioner It was expedient that those doubts should be removed, but the matter would require very careful consideration, and he did not intend to consider it at the present moment. He should not have introduced the present Bill, and still less should he have asked the House to pass it at once, if there were not at that moment two persons in gaol who could not obtain their release, because they could not pay the sum of £2 1s for advertisements

Leave having been granted the Bill was read a first time, and the ATTORNEY-GENERAL moved that the Standing Orders be suspended for the purpose of allowing the Bill to be proceeded with and carried through its various stages that day

Mr LINDSAY deprecated this patchwork legislation The statute-books were already so numerous that there was scarcely room for them on the table And if they went on at the rate which they had of late years, in a short time that Council Chamber would not hold the statutes It appeared, however, that in this instance there was no remedy

The Standing Orders were then suspended, the Bill read a second time, and the House went into Committee upon it

Upon the suggestion of Mr STRANGWAYS, a clause was inserted, giving effect to the Act from the passing thereof

The report having been adopted, the ATTORNEY-GENERAL moved that the Bill be read a third time

Mr REYNOLDS objected to the Bill being disposed of so hastily It was said that the Bill was to remedy certain objections, but if those objections existed they should have been seen before and provided against by the Government It appeared to him that the Government, as well as hon members, were determined to enjoy the Christmas holidays He should certainly oppose the third reading

The SPEAKER saw a difficulty in assenting to the third reading at that moment, inasmuch as he would be called upon to certify that he held in his hand a fair reprint of the Bill, which he certainly did not.

The ATTORNEY-GENERAL thought it necessary to state that his reason for wishing to press forward the Bill had no reference either to the Government or the Legislature, but had reference to two persons who were in gaol, from which he thought they should be discharged, but who were unable to obtain release in consequence of the reasons which he had stated If technical objections were raised, those who made them must be responsible A person who had just been enlarged had informed him that there were two persons who were in the position which he had stated, and he had taken steps to relieve them from the difficulty as soon as possible

The SPEAKER said that he did not wish to interpose any obstacle, but as the Standing Orders were suspended this formality must also be omitted and Mr Reynolds having withdrawn his opposition, the Bill was read a third time and passed

PARLIAMENTARY PRIVILEGES BILL

The ATTORNEY GENERAL moved the consideration in the whole House of the amendments which had been made by the Legislative Council in the Parliamentary Privileges Bill It would be seen, on reference to the Schedule, that the principal amendment was the striking out of the 15th clause, which provided freedom from arrest to members of both Houses He confessed that his own opinion was, the striking out of this clause had not improved the Bill He could quite understand, however, that hon members who opposed the clause thought they had improved the Bill There could be no question that even as the Bill was, it was of such a useful character, whether rendered more or less so by the alteration, that he did not think there should be any delay in passing a measure which defined the privileges of the House merely because it did not go quite so far as was wished He moved the amendments be agreed to

Mr GLYDE wished to ask the Attorney-General a question as to the position in which hon members would be placed as regarded freedom from arrest now that the clause to which the hon gentleman had alluded had been struck out He believed that circumstances had occurred in which a Judge had declared that a member was free from arrest He wished to hear some rule laid down in reference to the question

The ATTORNEY-GENERAL said that the only rule which he could lay down was to keep out of debt The law remained as before

MR STRANGWAYS had great doubts as to the law upon the point, and it appeared that the Attorney-General did not wish to explain it No doubt a Judge had laid down a certain law, and the Judicial Committee of the Privy Council had reversed it, and the question was which was to be considered the highest authority when the two rulings were entirely at variance With regard, however, to freedom from arrest, he thought there was very little doubt that members were entitled to freedom from arrest in the same way that were witnesses in attending the Supreme Court, that is, they were free whilst in the House, and he should consider that they were also free whilst coming to the House or going from it to their usual place of abode

The ATTORNEY-GENERAL replied that in his opinion hon members if arrested whilst the House was sitting would be entitled to their discharge

The House then resumed, the CHAIRMAN having reported the amendment as agreed to, a message was ordered to be transmitted to the Legislative Assembly conveying an intimation to that effect

REAL PROPERTY ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL this Bill was read a third time and passed

BOARD OF WORKS BILL

The COMMISSIONER OF PUBLIC WORKS moved that this Bill be read a third time

Mr REYNOLDS regretted that he was not present on the previous day when the Bill was read a second time and passed through Committee When a member left the House now even for a few minutes he found on coming back that a Bill had been read a second time and had passed through Committee If he had been in his place he should have objected to the Bill, and he objected to it now unless the Government would agree to postpone it and make the third reading an Order of the Day for the following day He believed the Bill was brought in to meet the wishes of the other branch of the Legislature, but he had yet to learn that the Legislative Council had any objection to the original measure except on the ground of the Central Road Board being included in its operation He was not aware that the Council objected to the abolition of a Board which certainly did not afford much proof of its ability, viz, the Railway Board He thought the other branch of the Legislature would readily agree to abolish that Board, and take the recommendation of the Railway Committee to place the railways under the Commissioner of Public Works He (Mr Reynolds) had given notice of two motions for the following day, one of which was to the effect that the salaries of all officers employed under the Board should be placed upon the Estimates in order that the House might deal with them, and if that motion were carried, it might be embodied in the present Bill Then there was the report of the Committee on railway management, and if the House agreed to the recommendations contained in that report, they might also be incorporated in the Bill With these views, and not with any intention to delay legislation, he should wish to see the Bill postponed inasmuch as if his (Mr Reynolds's) motion were carried, next day the Government would be bound to bring in a Bill to give it effect The matters he referred to were of importance, and should be dealt with before the Bill went to the other House He moved that the third reading be an order of the day for next day

The ATTORNEY-GENERAL would ask the House to read the Bill The only question was, whether they were prepared to carry out the principle embodied in it or not If hon members did not wish to carry out the principle they would of course be quite right in refusing to read the Bill a third time, and then another Bill could be introduced, which would either abolish the Boards or provide for their control by different means Here was an Act which contained two clauses, and the second reading of which was fixed for the previous day The second reading came on in its proper order—("hear, hear," from the Commissioner of Public Works)—and after the hon member for the Sturt had, on a former occasion, objected to business being taken out of its proper order, he should not now complain that the House dealt with the business in the ordinary way, without any delay beyond that occasioned by the forms of the House In the case of this Bill there had been no suspension of the Standing Orders, and he (the Attorney-General) thought no hon member had a right to complain of the Government carrying on the public business as rapidly as the forms of the House would admit He imagined it was the duty of the Government and the House to get through the business as rapidly as was consistent with the expression of opinion by hon members who might wish to express an opinion

Mr STRANGWAYS was not opposed to the Bill On the contrary, he approved of it, but he thought it probable that, when the motions of the hon member for the Sturt (Mr Reynolds) came on for discussion on the following day, some suggestions might be made which even the hon the Attorney-General himself might see the value of He (Mr Strangways) saw no harm which could come of postponing the second reading, as it would only occasion the delay of one day As regarded the postponement of business, if the Government and especially the Attorney-General had been as desirous of expediting business during the first six weeks of the session as they were lately, the business would have been over long ago But during the first six weeks the Attorney-General was rarely to be found in his place at least until the Supreme Court was over Therefore any remarks as to delaying the public business come with an exceedingly bad grace from that hon member, especially as he (the Attorney-General) had only lately received a broad hint—indeed a motion was about being tabled to the effect that he should not allow his private practice to interfere with his public business It was only when that hint was given that the Attorney General began attending that House The hon the Attorney-General should be the last person in the House to complain of delay, inasmuch as all the delay was caused by the hon member himself He (Mr Strangways) also complained of the number of Bills brought in during the last few weeks, seeing that the Government had six months to prepare them, and if they had brought the Bills in in the commencement of the session there would have been ample time to consider them He should support the amendment, not that he was opposed to the Bill, for he approved of it, but to afford time for the discussion of the notices on the paper for next day

Mr GLYDE supported the suggestion of the hon member for the Sturt, considering it but fair and reasonable that the House should have an opportunity of considering the motions before the second reading of the Bill came on

The COMMISSIONER OF PUBLIC WORKS was sorry to see a habit growing up of opposing the third reading of Bills upon grounds which should be urged previous to the adoption of the report Motions, like the present amendment, were generally made in the hope by a recommittal, of introducing new matter into a Bill He hoped the House would agree to the third reading, as there could be no objection to the principle of the Bill The Legislature of the colony was not entirely compressed into that House, and the arrangements of another place should be consulted If hon members opposed the Bill they must take the responsibility of doing so after being warned by him (the hon Commissioner) (A laugh) With regard to the remarks of the hon member for Encounter Bay (Mr Strangways) as to the attendance of the hon the Attorney-General he (the Commissioner of Public Works) would ask whether it would not compare very favorably with that of some other hon members There was a record kept of the members present and absent at every sitting, and to that he would refer hon members ("Hear, hear," from the Government benches and ironical cheers from the opposite side)

The House then divided on the amendment, which was lost by a majority of four

The Bill was then read a third time and passed

THE ESTIMATES

The TREASURER moved that the House resolve itself into Committee on the Estimates

Mr STRANGWAYS enquired why the Lands Grants Bill was not proceeded with, as he understood it was only postponed

until the business already disposed of had been gone through

Mr REYNOLDS also wished some information on this point

The ATTORNEY GENERAL said the discussion of the Bill might take up a considerable time, and the Government therefore preferred proceeding with the Estimates He moved that the Bill be further postponed until after the consideration of the Estimates

The motion was agreed to

The House then went into Committee on the Estimates

On the first item—"Total office of Commissioner of Public Works £460"

Mr STRANGWAYS moved that the item £50, for travelling expenses, be struck out The Governor was not allowed these expenses, and he could not see why they should be allowed to a responsible minister who was paid for attending to his duty

Mr REYNOLDS thought a larger amount than that set down would be saved by the Commissioner of Public Works travelling about, in order to make a careful inspection of public works

In reply to Mr MILNE

The COMMISSIONER OF PUBLIC WORKS said that the sum of £100 set down for professional assistance did not include legal assistance, but it frequently happened that it was necessary to have the opinions of persons unconnected with matters in dispute The sum of £75 was put down for this purpose last year The money would of course not be expended unless it was found necessary

Mr BURFORD expressed his disapproval of the system of voting item by item

Mr TOWNSEND supported the item He hoped the time would never come when the House would refuse to discuss the Estimates item by item

Mr REYNOLDS moved that the item of professional assistance, £100 be reduced to £50

The amendment was carried

On the item, travelling expenses, £50

Mr MILDRED hoped the item would not be struck out His only fear was that the Commissioner of Public Works did not travel about sufficiently

Mr STRANGWAYS repeated his objections to the item The Commissioner was already paid for attending to his duties

Mr SOLOMON said that if the hon member was a merchant he would know that when he sent a clerk travelling in the country it would be necessary to pay him expenses besides his salary

The amendment was put and lost, and the original motion was then carried

The total amount, £410, was then carried

On the item "Colonial Architect, £1,072 17s 6d,"

Mr MILDRED enquired why there was an extra draftsman at £140 a year in the department, when the work of the office was likely to be very light

Mr MILNE objected to this extra officer being placed upon the permanent staff He would prefer seeing the sum added to the item "occasional additional office assistance" When persons were placed upon the permanent staff, they had a sort of claim to be retained, but persons employed as occasional assistance could be dispensed with in cases of emergency

The COMMISSIONER OF PUBLIC WORKS said this officer was dispensed with in 1857, but it was found the office could not do without him The services of this officer were required in preparing the plans which the House required, and an efficient draftsman was requisite for this purpose

Mr REYNOLDS inquired whether the lighthouses at Cape Northumberland and Cape Borda were completed, as in that case the Colonial Architect's services would not be wanted to superintend these buildings, and an efficient officer would be added to the office staff

The COMMISSIONER OF PUBLIC WORKS replied that the works in question were so nearly completed that the services of the Colonial Architect would shortly not be required upon them

Mr TOWNSEND did not think that the explanations given justified an increase of £280 on the year

The COMMISSIONER OF PUBLIC WORKS could not make a better case than by assuring the House that he had gone carefully through the department, and he did not believe the officer could be dispensed with

Mr MILNE moved that the item be struck out, with a view to that amount being added to the item "occasional office assistance"

The sum was struck out without a division

After some discussion,

The ATTORNEY GENERAL said that the hon the Commissioner of Public Works had stated his belief, founded on experience, that without this assistance the duties of the department could not be satisfactorily performed The question was for the House to decide (Hear, hear) The Government would use the means placed at their disposal, and leave to the House the responsibility of the work not being properly performed

Mr MILNE moved that the sum for occasional office expenses be £190

Mr STRANGWAYS moved that the amount be £50

The House divided on the amendment, when there appeared—

AYES, 9—Messrs Strangways, Reynolds, Mildred, Wark, Burford, Duffield, McEllister, Young, and Townsend (teller)

NOES, 15—The Commissioner of Public Works, the Treasurer, Commissioner of Crown Lands Attorney General, Messrs Glyde, Macdermott, Andrews, Milne, Hawker Cole, Hay, Hallett, Collinson, and Solomon

Mr GLYDE moved that the amount be £75

The House again divided, when there appeared—

AYES, 11—Messrs Reynolds Townsend, Mildred, Glyde, Wark, Burford, Duffield, McEllister Hallett, Hay, Young

NOES, 13—The Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, the Treasurer, Messrs Hawker, Collinson, Rogers, Scammell, Solomon, Andrews, Macdermott, Strangways, and Milne

Mr TOWNSEND moved that the sum be £100

Mr REYNOLDS considered this amount very large There would be no saving in striking an officer off the permanent staff and placing the amount of his salary in the item of occasional assistance The money was certain to be expended

Mr STRANGWAYS moved that the amount be £75 10s He had voted with the Government on the last division, under the impression that the Government were voting against their own motion (Laughter)

Mr BURFORD could not see how a saving was to be effected by taking an amount off in one place and putting it on in another He fancied the saving was actually effected, but he found he was not "far enough north" (Laughter)

The ATTORNEY-GENERAL rose to order He wished to know whether the practice was to move reductions farthing by farthing

The CHAIRMAN knew of no rule to prevent such a course being taken, but it was for the good sense of the House to decide as to its advisability (Laughter from the Attorney-General)

Mr HAY hoped the hon member for Encounter Bay would withdraw what he (Mr Hay) would not call an insult to the House But he hoped the hon member would consult his own credit, and that of the House by withdrawing his amendment

Dr WARK considered the amendment ridiculous, and an insult to the common sense and decency of the House

Mr STRANGWAYS said the hon member for the Murray was peculiarly sensitive to insult If any person differed with that hon member he felt insulted, and considered the conduct ridiculous The hon member was one of the last who should use such terms He would withdraw his amendment, and move that the whole amount be struck out

The amendment of £100 was ultimately carried

The total amount for the department was then agreed to

The next item, £1,095 "for railway and tramways," was carried without opposition

"Observatory and Telegraphs, £3,913 3s"

Mr STRANGWAYS suggested that in certain localities it might be desirable that the Stationmasters or clerks of the electric telegraph should perform, in addition to their present duties, the duties connected with the Post-Office In connection with this, he might say he believed that by a periodical delivery of telegraph messages in the same manner as the post delivery, messages might be sent at a reduced charge and with greater profit than as at present He believed the Superintendent of Telegraphs was favorable to such a scheme

Mr TOWNSEND said the advantage derived from the telegraph was the expeditious manner in which communications were transmitted by it, and that by a daily delivery, such as that proposed by the hon member for Encounter Bay, the value of the telegraph would be diminished

Mr STRANGWAYS explained that he only intended it as an adjunct to the business of the telegraph as now conducted

Mr LINDSAY reminded the House that he had on a former occasion presented a petition from the inhabitants of the Goolwa, praying that the electric telegraph and post-offices in that locality might be connected He could see no objection to such a system which, he believed, would effect a considerable saving in the out districts He also approved of the suggestions made by the hon member for Encounter Bay (Mr Strangways)

The COMMISSIONER OF PUBLIC WORKS said, when the subject was brought before the House, some ten days ago, he had enquired into the feasibility of the scheme, and the Superintendent of Telegraphs had declared himself favorable to it It was a matter, however, which required consideration In some localities, no doubt, it would be found convenient, and in others not so

The COMMISSIONER OF PUBLIC WORKS said, in answer to Mr Cole, that arrangements were being made to send messages at all hours of the night, and that there was to be no charges made for overtime

The item was carried

"Good Service Pay and Superanuation Fund, £1,355"

Mr MILNE said, before this item was put he would make a few remarks, although, of course, it was well understood the item would not be passed He wished merely to point out that the striking off of the good service pay would operate as a great hardship to some individuals, and he would in consequence go to the extent of recommending the recommittal of any item where the salaries of officers were unfairly reduced No doubt hon members could call to mind particular instances where such a hardship would be entailed There was one, however, to which he would call the attention

of the House, that was the case of the Clerk of the Court at Mount Barker Many hon members must be aware that that gentleman, who had been a faithful public officer, had been in the service of the Government for a very long time, and he wished that the Attorney-General should give the case his attention The gentleman he had referred to it would be found had been in the receipt of a salary of £160, to which there was attached a sum of £10 as good service pay It must be evident that the striking out of this latter amount without adding something to the salary by way of compensation, would be a great hardship This gentleman had been in the Government service for more than 12 years, and his duties were much more onerous than the duties of the clerk to the Bench of Magistrates in Adelaide, who was in receipt of a salary of £200 per annum He would be glad if the Government would take the matter in hand, and see that it would only be just to raise in point of salary the clerk of the Court at Mount Barker, to the position of a third class officer The clerk to the Bench of Magistrates, in Adelaide, was in receipt of £200 per annum At one time the clerk of the Court, at Mount Barker, was in receipt of greater remuneration than that enjoyed by the former gentleman but now their positions were reversed, although the duties of the gentleman, on whose behalf he spoke, were considerably increased of late years What he asked for was, that both should be put on the same footing

The CHAIRMAN put the item, which was negatived, and then called the attention of the Treasurer to the fact that as the good service pay was disallowed there was no necessity for retaining the distinction of first, second, and third class officers

The TREASURER assented

Mr STRANGWAYS thought it not necessary that the classes should be struck out, as it might be convenient for the Government to retain them The classes were not identified with the Clerks' Salaries Act

The TREASURER said it was quite immaterial to the Government whether they were retained or not

Mr GLYDE was in favor of their retention

Mr STRANGWAYS moved a resolution to that effect, which was carried

Pensions, retiring allowances, and gratuities, £4,672 16s 7d

Struck out

Military, £1,254 8s 6d

The TREASURER explained the saving which had been made under this head

Mr REYNOLDS asked if that might not be accounted for in the decreased number of men

The ATTORNEY-GENERAL said that although the force was less there was more than a corresponding saving effected

The item was passed as printed

Fencing Police Paddocks, £250

Passed as printed

Fencing at Government Farm, £500

The COMMISSIONER OF PUBLIC WORKS said £500 had been voted last year, £500 was now asked for, and by another grant of a similar amount the work in question would be completed

Mr DUFFIELD would vote against the item If they had advertised for tenders he believed the whole of the fencing might have been completed for £800

The COMMISSIONER OF CROWN LANDS said the Government Farm comprised 1,800 acres, that the fence put up years ago was now in a most dilapidated condition, and rendered the place useless as a paddock for the police horses

The TREASURER said it was for the House to decide whether the Government Farm should be fenced in or not The Government thought it should be The cost of so doing had been estimated according to the market price, and he had no reason to suppose it was excessive

Mr STRANGWAYS said, at £90 per mile, which he believed was as high a price as fencing could ordinarily be executed for, they would have, for the eight miles of circumference of the Government Farm, only £720—not one-half of the amount as estimated by the Government He moved that £500 be struck out, and £250 be inserted in its place

Mr MILNE could see no advantage to be derived from putting a fence of seven or eight miles in length round the Government Farm If they used it only for police horses, they might hire a paddock at a far less expense than in fencing in Government Farm He would be glad to hear from the Commissioner of Public Works what advantage was to be derived from this expenditure

Mr LINDSAY said that the question of keeping up the Government Farm had been discussed before, in Governor Grey's time, and that the same reasons might now be urged for retaining it, yet he thought if there was to be a fence put up it should be a good one

Mr SOLOMON would vote for the item being struck out altogether

Mr WARK thought the Government Farm might be turned to great use, but the sum now asked for was far more than was required

The COMMISSIONER OF PUBLIC WORKS found that he had been in error in supposing that it would take another £500 to complete the fencing The last £500 had gone farther than he had supposed, and the sum now asked for would be sufficient to complete the work

Mr TOWNSEND asked the Commissioner of Crown Lands what use the Government Farm was turned to

The COMMISSIONER OF PUBLIC WORKS replied, as a paddock for the police horses and a summer residence for His Excellency the Governor

Mr SOLOMON asked how many police horses there were

The COMMISSIONER OF PUBLIC WORKS could not say, but if the farm were not fenced in, the police horses would come under the excellent Impounding Act which had been referred to

Mr DUFFIELD called attention to the enormous sacrifice which had been made some little time ago in the sale of the horses used in the northern explorations, some of which cost £60 and £70, and were sold for about £20 This loss might have been avoided if the £500 voted last year towards fencing at the Government Farm, had been properly applied

Mr REYNOLDS thought the item should be postponed until further information had been obtained

The CHAIRMAN then put Mr Strangways' amendment for reducing the item to £250, which was negatived

Mr SOLOMON moved that the item be struck out

The CHAIRMAN put the question, that the item stand as printed, and declared the noes had it

A division was called for with the following result —

AYES, 13—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Collinson, Hawker, Lindsay, Scammel, Andrews, McEllister, Hay, Macdermott, Hallett, and the Treasurer (teller)

NOES, 10—Messrs Townsend, Strangways, Mildred, Duffield, Glyde, Wark, Milne, Rogers, Cole, and Solomon (teller)

There was a majority of three, accordingly, against the motion, and the item was passed as printed

Planting at Government Farm, £100

Mr GLYDE asked the Attorney-General whether the Farm was public property whether legally and originally it was set apart as a public reserve, or, if not, whether proper steps had been taken to dedicate it to the public

The ATTORNEY GENERAL said there could be no doubt of its being originally set apart as a public reserve Supposing that it were not legally dedicated it still became public property as part of the waste lands of the Crown

Mr STRANGWAYS said in that case it would be liable to be put up to public auction He had understood that Governor Gawler had set this land aside, but that it had never been made a public reserve

Mr HAY said it would be no great loss if the land were dealt with in the manner suggested by the last speaker, as the public would then get some return for the outlay upon it

The COMMISSIONER OF PUBLIC WORKS replied to Mr Reynolds with reference to the £1,000 which had been voted for the Governor's cottage on the farm, that the plans for it had been agreed to, and tenders for the work had been called for

The item was then put and negatived

"Planting at Government House, £100"

Mr HAWKER moved that the £100 which had been struck out for planting Government Farm should be added to this item, and that it should then stand thus—"Planting at Government House, and in front of the Police Barracks and Hospital, £200"

Mr GLYDE said the result would be that the whole amount would be spent on Government House

Mr STRANGWAYS said £100 should be appropriated to planting at Government House, and the other for the Police Barracks and Hospital

Mr HAWKER said that was his intention

The COMMISSIONER OF PUBLIC WORKS said he would see that the money was so appropriated

Mr SOLOMON opposed the item

Mr HAWKER's amendment was then put and carried

Mr GLYDE moved that "planting at Government House" be struck out, and the item be left at £100

Mr DUFFIELD supported the motion of the last speaker, and said that from the probable financial position of the colony, the House would not be justified in voting money for ornamental purposes

The CHAIRMAN then put the item as amended by Mr Hawker, "Planting at Government House and in the front of the police barracks and hospital 200*l*" and declared it carried A division was called for with the following result —

AYES 14—The Attorney General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Scammel, Collinson, Hawker, Andrews, McEllister, Hay, Hallett, McDermott, Wark, Strangways, and the Treasurer, (teller)

NOES 9—Messrs Reynolds, Duffield, Mildred, Townsend, Glyde, Solomon, Cole, Rogers, and Burford (teller)

The item as amended was accordingly passed by a majority of 5

Post-Office, Court-House, and Police-Station, Port Adelaide, £2,000

The COMMISSIONER OF PUBLIC WORKS said the buildings were urgently required, but he had not the plans and estimates of the proposed buildings

Mr STRANGWAYS said it appeared to him the Government merely said "give us £4,000, and we'll do something with it" The Commissioner of Public Works evidently knew nothing about the matter, and he should, therefore, move the House resume

The ATTORNEY-GENERAL hoped the House would proceed with the Estimates In reference to the item under discus-

sion, if it were thought that the inconvenience of conducting the business in the uncomfortable buildings at present in use, for the ensuing six months, would be smaller than a departure from the rule that plans and estimates should be exhibited when such votes were asked, the House would adopt the smaller inconvenience, and strike off the amount; but he trusted they would proceed with the Estimates, for during the three hours that they had been at them a good deal of time had been wasted.

Dr. Wark was opposed to voting sums for buildings for which no plans and estimates had been prepared.

Mr. Reynolds, notwithstanding the complaint of the Attorney-General about so much time having been consumed, contended that members had a perfect right to scrutinize every item, and battle the Government upon them.

The Attorney-General did not quarrel with hon. members for feeling a deep interest in the Estimates; on the contrary, he rather complained that they did not feel enough, and were desirous of leaving off merely because it was the usual hour.

Mr. Townsend said that the Attorney-General had accused the House of wasting time, and he objected to that term. If the House voted items without plans and estimates the £4,000 put down for this work might ultimately amount to £60,000 or £70,000.

Mr. Strangways compared the Attorney-General to Mrs. Squeers, of Dotheboys Hall. The hon. gentleman offered his brimstone and treacle, and if hon. members did not swallow it readily he gave them a knock on the head with the spoon.

The Commissioner of Public Works said the dilapidated state of the buildings at Port Adelaide had been observed, and it was considered that early attention should be given to them. Plans and estimates for the proposed buildings had been prepared, but it was found that the buildings were estimated to cost £5,000, and the plans were consequently not placed before the House.

Mr. Reynolds would like to know where those plans and estimates could be seen.

The Commissioner of Public Works would lay them on the table of the House.

The item was struck out, the motion for a postponement being lost by a majority of 6, the votes on a division being Ayes 8, Noes 14, as follows:—

Ayes, 8—Messrs. Reynolds, Wark, Burford, Mildred, Duffield, Glyde, Young, and Strangways (teller).

Noes, 14—The Commissioner of Crown Lands, the Commissioner of Public Works, the Attorney-General, Messrs. Townsend, Macdermott, Scammell, Solomon, Milne, Cole, Collinson, Rogers, Hay, McEllister, the Treasurer (teller).

New Government Printing Office, Adelaide, £1,000.

The Commissioner of Public Works stated the plans would be found in the library.

Mr. Milne did not think there was any immediate necessity for this building.

Mr. Strangways remarked that the work was done very well in the present building, although it was not a very handsome one.

The Commissioner of Public Works said the present building was inconvenient, not only from its situation, but it was not large enough. It was intended to erect the new buildings behind the Government offices.

Mr. Reynolds remarked that the spot alluded to had been pronounced not large enough for a colonial store, and if so, how could it be large enough for a printing office? He strongly urged the Government to fill up the frontage opposite the Post Office, rather than put the printing office at the back.

The Commissioner of Public Works said that for a Colonial Store a large yard was required, but such was not the case with a Printing-Office.

Mr. Reynolds was surprised at the Government yielding so readily upon every item; they would take anything the House chose to give them. He objected to such trimming—such shilly shally work. If a building were really necessary, why not say so, and fight it out with the House.

Mr. Solomon condemned the course which some hon. members were pursuing by endeavouring to prevent expenditure upon public works. The result would be, that the revenue would be expended upon establishments, and nothing would be devoted to public works to afford adequate employment to the working men.

Mr. Reynolds did not yield in any one to a desire to reduce establishments, and complained that he had not been supported by the hon. member for the city (Mr. Solomon) when he recently desired to reduce the expenditure upon some extravagantly conducted departments.

Mr. Young thought the zeal of Mr. Solomon to promote the interests of working men led him beyond the limits of prudence. He believed that the best policy would be to offer inducements to working men not to remain in town, but to go into the country.

The Attorney-General explained that the Government saw there were a certain number of public works which it was desirable should be carried out, and that a list of these works and the amounts which it was proposed to devote to them being laid before the House, it was for the House to decide whether the amounts should be devoted to such purposes or to roads or other matters. He did not feel bound to call for a division in every case, although any hon. member could do so, but there were some instances in which he called for a division for the purpose of placing on record the votes of the House.

The Treasurer remarked, in reference to public works, that of the gross amount of £57,000 for public works, £46,000 were for country districts.

The vote was carried by a majority of one, the votes, ayes, 11; noes, 10, being as follows:—

Ayes.—Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs. Townsend, Macdermott, Glyde, Collinson, Solomon, McEllister, Scammell, the Treasurer (teller).

Noes.—Messrs. Burford, Reynolds, Duffield, Mildred, Milne, Wark, Young, Cole, Rogers, Strangways (teller).

Observatory and Observer's House, £1,000.

The Commissioner of Public Works stated that plans of the proposed building had been prepared, and were upon the Library table. A number of astronomical and meteorological instruments were in the possession of the Government, and it was felt that the colony should not be behind hand with others in finding a suitable building, which, it was believed, would prove particularly beneficial to the Mercantile Navy.

Mr. Milne felt bound to oppose the item, as a scientific luxury which could be dispensed with.

The vote was agreed to.

Additions to Lunatic Asylum, £1,250.

The Commissioner of Public Works explained that it was necessary there should be additional yard accommodation for the females.

Mr. Strangways condemned the site of the present Asylum.

Dr. Wark also stated that the situation was particularly unsuited, the coolest and most quiet situation being essential for the treatment of lunatics.

Mr. Reynolds complained that the Commissioner of Public Works could give the House no information as to how it was proposed to expend the money.

The Commissioner of Public Works said that, although it had been understood for new buildings exceeding in cost £1,000 plans and estimates should be laid before the House, the present item did not come in that category, but he would postpone the item rather than it should be refused.

The Treasurer stated that the Colonial Surgeon had reported that it was absolutely essential the proposed additions should be made to afford a fair chance of restoring the unfortunate inmates.

Mr. Reynolds took considerable interest in the subject, and should, on the following day, ask if there had not been some bad treatment recently at the Asylum.

Mr. Burford hoped the vote would not be postponed, as they were bound to do all in their power to soothe the sorrows of the unhappy inmates.

The Attorney-General said the Government were aware the situation was not suitable, and had expended a considerable sum in the purchase of a more eligible site, but the Legislature of that day declined to vote funds for the erection of a building, and the present site was the best which could be selected, having reference to the determination of the Legislature that it should be in the immediate vicinity of the city.

The vote was assented to.

Court House, Tanunda, £500.

This vote was reduced, upon the motion of Mr. Strangways, to £400, on the understanding that the vote was to include a Police Station.

Altering Port Adelaide Court House into a Police Station, £150. Agreed to.

Custom House, River Murray, £100. Agreed to.

Additions and repairs to public buildings generally, £1,250. Agreed to. "Additions and" being struck out.

Alterations to General Post-office, £1000. Agreed to.

Police-station, Blanche Town, £550. Agreed to.

Police-station and Court-house, Goolwa, £800. Agreed to.

Building for South Australian Institute, Adelaide, £2,000.

The Commissioner of Public Works stated that the estimated cost of the building was £5,000, and that the site which had been selected was near the Railway-station, opposite to the little door leading to the Government stables.

Considerable discussion took place as to the eligibility of the site, which was not generally approved of, but the vote was ultimately agreed to.

Exercise yard and racket court at military barracks, £375. Struck out.

The following items were agreed to without discussion:—

Repairs to Port Lincoln Gaol, £12 12s.; Police-court, Mount Remarkable, £120; Court-house at Port Augusta, £700; Roads, &c., at Port Lincoln, £800; Sinking well between Truro and Blanche Town, £300; Boring for water upon Artesian principle, £750.

Mr. Solomon drew the attention of the Speaker to the fact that there was no House.

Two members having entered within the prescribed time the following votes were disposed of:—

Grant for Main Road at Gawler Town, £1000. Agreed to.

Central Road Board, £25,000. Agreed to.

Repairs to Port Road, £1000. Agreed to.

In aid of rates collected by Corporation, &c., £12,500.

Mr. Hay moved that the word "rates" be struck out and the word "monies" inserted. ("Hear, hear," from the Attorney-General.)

The amendment was agreed to

In reply to Mr REYNOLDS,

The ATTORNEY-GENERAL said the money would be divided rateably The Government were not prepared to double the amount contributed by Councils, but they would give about 16s to the £1

The COMMISSIONER OF PUBLIC WORKS said there were no regular rates levied In some districts the rates were only one farthing in the pound The sum on the Estimates, calculating all districts to levy a rate of 1s, would amount to 9½d in the pound

Mr REYNOLDS enquired whether if the sums struck off the Estimates should prove sufficient the Government would give the Councils an equal amount to that collected by the latter

The ATTORNEY-GENERAL said the Government would rather increase the vote for the Road Board They thought that any saving which could be effected on the Estimates should be given to that Board As soon as the Estimates were gone through, the Government intended proposing that an address be presented to the Governor, asking that all savings effected, not exceeding a certain amount, be placed at the disposal of the Road Board When a vote of that sort was proposed, the hon member (Mr Reynolds) could, if he chose, move an amendment that only a certain portion should be given to the Road Board and the remainder to the Councils

Mr TOWNSEND moved that the House resume

Mr REYNOLDS said it was the first time since he sat in the Legislature that he had known the Estimates to be passed in so thin a House It was clear that some hon members had agreed to support the Government in the course they were taking There were but 13 or 14 members present out of 36, and they were called upon to vote away large sums If they must get through business before Christmas, they should have been called together sooner He (Mr Reynolds) was always ready to proceed with business, but the Government continually postponed it

The ATTORNEY-GENERAL said this was the second time that evening that a statement had been made that the Government were the cause of delay That was the very contrary of the truth, for at least three times when the Government were prepared to go on with the Estimates, the hon member for Encounter Bay (Mr Strangways), supported, on each occasion, by the hon member (Mr Reynolds), postponed them because there was something in the Estimates not quite as these hon members wished It was the desire of these hon members to embarrass the Government, and obstruct the business of the country, which caused the delays they now charged upon the Government When the hon member for the Sturt called himself an independent member, he (the Attorney-General) could say there was not one hon member who was not equally independent, and equally prepared to do his duty, irrespective of all extraneous considerations Indeed it argued great arrogance on the part of the hon member to speak in such terms as he had used

Mr REYNOLDS said there might be great arrogance on his part, but there was also great arrogance on the part of the Attorney General when that hon member presumed upon the gullibility of the House, and expected the House to obey his dictates He (Mr Reynolds) had opposed the Estimates being proceeded with, and he had good reason for doing so, when the Assessment on Stock Bill was in Committee, and other matters were before the House, which made it practically useless to proceed with the Estimates But had he (Mr Reynolds) not been in his place at least as frequently, and had he not devoted more time to his duties than the hon the Attorney General, who was paid for attending in the House?

Mr COLE could not allow the reproach cast on hon members by the hon member for Sturt to pass unnoticed, and he felt obliged to the hon the Attorney-General for his vindication of members Had the hon member not spoken, it was his (Mr Cole's) intention to have done so It was highly indecorous in the hon member for the Sturt to speak as he had spoken He (Mr Cole) was not actuated by anything emanating from the Government benches, but was as independent as the hon member for the Sturt He had pressing engagements that evening, and had left them unattended to in order to do his duty, and if hon members who complained of being kept at business during the hot weather deserted their post, for their own convenience, why should others be taunted for remaining in their places? He (Mr Cole) thought the hon members who remained deserved rather honor than blame He trusted the hon member for the Sturt had only spoken in a hasty moment

Mr TOWNSEND said that before the House sat two hours and a half beyond its usual time some intimation should be given to hon members Many who had left would probably have remained had they known the House would sit so long

Mr HAY said that in the various divisions which had taken place there were as good Houses as they generally had, and there was a very good House during the greater part of the afternoon He could only say that, knowing nothing of what the Government intended he had come to the House every day during the week with the intention of getting through as much business as possible The first division on the question that the House resume took place a little after 5 o clock, when a large proportion of the members were present, so that it was evidently the intention of the majority to continue He had often observed that, when business was adjourned for further consideration, that no further information was obtained He trusted that on the following day, the time would not be wasted in discussions as to whether the House should or should not adjourn

Mr SOLOMON did not expect when he voted for proceeding with the business that half an-hour would have been wasted, not in business, but in throwing out innuendoes which he believed were now withdrawn

The item was then agreed to

On the next item, bridge over Port Onkaparinga (conditionally on £600 being paid into the Treasury), £1,000, considerable discussion ensued

The item was finally carried

On the next item, Bridge over Reedy Creek, Mount Gambier-road, £700

In reply to Mr REYNOLDS,

The COMMISSIONER OF PUBLIC WORKS said this was not the same bridge for which a sum was voted in 1857

The item was agreed to

Mr SOLOMON moved that the House resume

The ATTORNEY-GENERAL did not wish to detain hon members if a large number wished to adjourn, and would consent to the motion provided the House would consent to sit on Monday

Mr REYNOLDS would not consent to sit on Monday, but would be prepared to sit until the same hour the following day (Laughter)

After a slight discussion, in which Messrs STRANGWAYS, MILNE, COLE, and MCELLISTER took part, the motion for adjournment was agreed to, the ATTORNEY-GENERAL giving notice that on the following day he would move that the House at its rising do adjourn to Monday

The House then resumed, and the CHAIRMAN having reported progress, obtained leave to sit again the following day

LAND GRANTS ACT

The ATTORNEY-GENERAL moved that this Bill be read a second time

The motion was agreed to, and the Bill read a second time accordingly

The House then went into Committee on the Bill, when all the clauses were agreed to without amendment

The House resumed, and the report having been adopted, the third reading was fixed for the following day

The House then adjourned

LEGISLATIVE COUNCIL

FRIDAY, DECEMBER 17

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon Dr Davies, the Hon Dr Everard, the Hon Captain Scott, the Hon H Ayers, the Hon Major O Halloran, the Hon Captain Hall, the Hon A Forster, the Hon Captain Bagot, the Hon S Davenport, the Hon Captain Freeling, and the Hon A Scott

LONGBOTTOM'S PATENT BILL

The Hon H AYERS brought up the report of the Select Committee upon Longbottom s Patent Bill The report stated that the Committee found the preamble of the Bill proved The report and evidence were ordered to be printed, and the second reading was made an Order of the Day for the following Tuesday

THE GLENELG JETTY

The Hon Dr EVERARD wished before the business of the day was called on, to ask the Chief Secretary a question in reference to a report which had come to his ears that morning, which gave him unaffected surprise The report was to the effect that it was the intention of the Government to take the Breakwater intended for the Glenelg Jetty and apply it to some other purpose He wished to know if there was any foundation for such report

The Hon the CHIEF SECRETARY said he was happy in being enabled to relieve the hon gentleman's mind by stating that the Government had no such intention

The Hon A FORSTER said that the report had also reached him

THE FEBRUARY MAIL

The Hon J MORPHETT wished, before the business of the day was called on, to ask the Chief Secretary whether the Government had taken steps to provide sufficient means for transmitting a mail to England by the February mail to leave Sydney He alluded to the mail after next which would touch at Kangaroo Island

The Hon the CHIEF SECRETARY said the Government had the question under consideration, but had not yet taken any decisive action

THE HARBOR TRUST

The Hon the CHIEF SECRETARY moved—

"That an address be presented to His Excellency the Governor-in Chief, requesting him to appoint Henry Simpson, Esq, a Trustee of the Harbor Trust, in the place of E G Collinson Esq, M P, resigned"

By the Act of 20 of 1854, E, G Collinson Esq, was appointed a member of the Harbor Trust, but that gentleman having

been elected to a seat in the House of Assembly, resigned his position as a member of the Harbor Trust The Act to which he had alluded provided that a recommendation from the Legislature to His Excellency was necessary before a member of the Harbor Trust could be appointed, and it was consequently proposed that the Legislative Council should pass an address, recommending that Henry Simpson, Esq, be appointed He was quite sure that the proposition would meet with the support of every hon member acquainted with that gentleman Mr Simpson was an old colonist, well known for his general business habits and for his professional knowledge, and was well adapted for the appointment in the estimation of every individual capable of arriving at a correct judgment upon the matter

The Hon Captain SCOTT seconded the motion, which was carried

THE HARBOR TRUST

The Hon Captain HALL moved—

"That all the correspondence between the Harbor Trust and the Government, during the present session, be laid upon the table of this House, together with all charts or plans of the harbor of Port Adelaide transmitted to the Government by the Trust, also the particulars of the past and proposed expenditure of the funds voted for the improvement of the harbor"

He was desirous of procuring the returns for the purpose of placing the Council in possession of all information in reference to the intromissions of the Harbor Trust Contingent upon these returns being placed on the table of the House, he should move that the whole of the accounts in connection with the Harbor Trust since it was first appointed to the present time, and that accounts of what was intended to be done by the Trust be taken into consideration by the Council with the view of expressing an opinion approving or disapproving of the way in which the Harbor Trust had discharged the trust reposed in them by the Legislature

The Hon Capt SCOTT seconded the motion

The Hon the CHIEF SECRETARY said some of the documents would be found on the table of the House, and that he would take care the others were laid upon the table as quickly as possible

The Hon Capt HALL was aware of this, but what he wanted was the fullest information, so that all the acts of the members of the Trust might be laid bare and open to the public

The Hon H AYERS pointed out that the notice merely asked for the correspondence "during the present session"

The motion was carried

LICENSED VICTUALLERS' ACT AMENDMENT BILL

The Hon H AYERS, in moving the second reading of this Bill, said that it was based upon the report of a Select Committee of the other branch of the Legislature The Bill sought to repeal such portion of the existing law as applied to the issue of wine and beer licences At the present time there were two descriptions of licences, the one for retailing spirits, or rather spirits, wine, and beer, and the other for retailing wine and beer For the former description of licence, £25 were payable and for the latter, £12 10s It appeared to be desirable to do away with the latter kind of licence, and that there should be an uniform licence for which the amount payable should be £25 The Bill also provided for the transfer of licences in certain cases, where the holder had died or become insolvent or in other cases which it was difficult to provide for under the present law There was also another clause to enable the Governor, upon the recommendation of the Trinity Board to make such regulations in reference to the lighting of public-house lamps upon the sea coast as might be deemed necessary He moved that the Bill be read a second time

The Hon Captain SCOTT seconded the motion, which was carried, and the House went into Committee upon the Bill.

The Hon Captain SCOTT remarked that upon one occasion the captain of a vessel mistook the light at the public-house at Glenelg for the Lightship, and the vessel was in five fathom water before the mistake was discovered Such lights should not be so placed as to mislead vessels, but he merely mentioned the circumstance lest some people should think that this was a needless interference on the part of the Trinity Board with the public house lamps

The Hon A FORSTER remembered the circumstance alluded to, but it could not have been the lamp of the hotel which was mistaken for the light at the Lightship, because that faced the north and was entirely screened from vessels coming up He rather expected that one of the windows of the hotel, which were occasionally very bright, must have been mistaken for the Lightship He mentioned the circumstance because perhaps it might be found necessary to make other arrangements than those which were mentioned in this Bill

The various clauses having been passed the report was adopted, and the third reading made an Order of the Day for the following Tuesday

BOARD OF WORKS BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, reminded the House that a short time since a Bill passed the Assembly and was introduced to that House, having for its object to expunge the various Boards carrying on different public works from the functions conferred upon them That Bill was discussed in that House, but hon members did not think that the principle would be conducive to the public interest or the welfare of the colony, and rejected the Bill, but an opinion was at the same time very generally expressed that the various Boards should be brought under the more direct responsibility and control of the Commissioner of Public Works, and that was precisely the object of this Bill

The Hon J MORPHETT had great pleasure in seconding the motion, remembering the discussion which took place upon the occasion to which the Hon the Chief Secretary had referred The Council rejected the former Bill, but he felt that the one before the House would commend itself strongly to their views It was a very short and simple Bill, and accomplished simply what the House desired, that public works should be under the control of the Commissioner of Public Works, who being a responsible member of the Crown, it was thought should have power over the various Boards

The motion for the second reading was carried, and the House went into Committee upon the Bill

The Hon Captain HALL asked if it was intended that the Bill should make the Commissioner of Public Works the executive officer He gathered from it that the Commissioner of Public Works would be able to order things to be done or undone at his will and pleasure

The CHIEF SECRETARY gathered from the Bill, that the different Boards would act under the direct control of the Government, through the Commissioner of Public Works, who would be responsible to the Legislature If it were not so, there would be no responsibility at all

On the motion of the Hon the CHIEF SECRETARY, a clause was added, giving the Act effect from the passing thereof, and the various clauses having been agreed to with amendments, the report was adopted, and the third reading was made an order of the day for the following Tuesday.

IMPRISONED DEBTORS ENLARGEMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of the Bill, said that its object was to provide for the enlargement of imprisoned debtors who were without means By the Insolvent Act, which had been passed during the previous year, certain conditions were imposed with respect to the insertion of advertisements and the payment of fees of Court Where an insolvent was entirely without means the Government could forego payment for the insertion of advertisements in the *Government Gazette*, and the Insolvent Court could forego the fees, but there was no power to compel the newspaper proprietors to forego their charge for advertising, and instances had occurred in which unfortunate debtors had been detained for several months in gaol merely because they were not able to pay for the advertisements in the newspapers The Bill provided that in cases of extreme poverty, insolvents should not be bound to advertise in the newspapers and as the Government would forego their fees of Court, the insolvent would be enabled to pass the Court or to receive that justice which was due to him He did not apprehend there would be any objection to the Bill

The Hon Capt SCOTT seconded the motion for the second reading

The Hon A FORSTER did not rise for the purpose of opposing the Bill, but the Hon the Chief Secretary had certainly failed to satisfy him of the necessity for the measure The object of the Bill appeared to be to dispense with very important notices in reference to the estates of insolvent debtors, and when an insolvent debtor was not able to pay it was thought by the Chief Secretary that these advertisements might be dispensed with The object of the Legislature in providing that these notices should be published in the public papers was to give publicity to such notices The Chief Secretary thought the publication could be dispensed with if the insolvent were unable to pay, but he should have thought the view of the hon gentleman would rather have been to confirm the view of the Legislature in determining that publicity should have been given Notices might as well be put in the fire as in the *Government Gazette*, and it was because it was known that that obscure print had no circulation that it was determined the notices should be published in the public journals It was not sufficient that the hon gentleman should say because debtors were unable to pay, that therefore the notices should not be published He should have thought that the hon gentleman might have discovered some means of continuing the advertisements by raising funds from some of those multifarious sources which were available when the Government had some purpose to carry out in reference to the public interest He did not think he should oppose the Bill, but he must say that he did not see any ground for it

The Hon the CHIEF SECRETARY said that he had some apprehension that he would not be able to satisfy the Hon Mr Forster, but he thought he had satisfied the House generally Where there was nothing for the creditors to get he thought it would be sufficient to publish the notices in the *Gazette* without subsidising the newspapers

The Bill was then read a second time, and the House went into Committee upon it

The Hon J MORPHETT would like to know from the Hon.

the Chief Secretary whether the expense which would be entailed by the Bill would be £1000 or only a few shillings He asked the question because he wished to know that they were not engaged in passing a Bill which was uncalled for

The Hon the CHIEF SECRETARY said that cases which the Bill was intended to remedy were constantly occurring At present there were two parties in gaol who were maintained there at the Government expense, merely because they had no means of liberating themselves by paying the advertising charges Those parties had been in gaol for months, and he must contend that this was not after all such a small thing, as it affected the liberty of the subject The Government had no money from which they could pay the cost of advertising in the public journals, and it would consequently be much better that it should not be rendered necessary that the expense should be incurred

The Hon Dr DAVIES asked if the Bill was retrospective? If not it ought to be, as expenses already incurred with newspaper proprietors should be liquidated

The Hon the CHIEF SECRETARY said the Bill would not be retrospective, but there was a provision that under certain circumstances advertisements in the public journals would be no longer necessary

The Hon Dr DAVIES complained that members were called upon to assent to Bills which they really had had no time to consider The Bill under discussion had only been left at his house that morning, and he had not had time to consider it

The Hon A FORSTER said the Hon the Chief Secretary had stated that there were two parties in gaol who had been there for two months, in consequence of being unable to pay for the advertisements, and that they had been maintained at the public expense He wished to ask the hon gentleman what cost had been incurred in maintaining these two parties, and what sum it would have been necessary to advance to secure their liberty

The Hon *the* CHIEF SECRETARY *thought he could be* hardly expected to answer the question off-hand, but he should be happy to answer the question, if the hon gentleman would give notice

The Hon Captain HALL considered the question of the Hon Mr Forster exceedingly pertinent, because it was possible that the men might have been kept at a heavy cost, and that the price of a fortnight's rations would have been sufficient to pay for the advertisements It appeared to him the Bill was much-ado-about-nothing All Governments sometimes expended money without authority, though they afterwards got an indemnity, which would be readily given where it could be shewn that a small expenditure had prevented a necessity for a large outlay

The various clauses were agreed to with amendments, the report was adopted, and the third reading was made an Order of the Day for the following Tuesday

STANDING ORDERS

Upon the motion of the Hon Captain HALL the Standing Orders were suspended to enable the Council to dispose of some of the business which appeared upon the paper for the following Tuesday

LONGBOTTOM'S PATENT BILL

The Hon H AYERS in moving the second reading of this Bill, said that it had been referred to a Select Committee, who had reported that the preamble was proved The object of the Bill was to secure Abraham *Longbottom the right of* manufacturing gas from oil and fatty matter

The Bill was read a second time, a clause being added to give it effect from the date of passing, the report was adopted, and the third reading made an Order of the Day for the following Tuesday

The Council adjourned at 3 o'clock till 2 o'clock on the following Tuesday

HOUSE OF ASSEMBLY

FRIDAY, DECEMBER 17

The SPEAKER took the chair shortly after 1 o'clock

CAPTAIN JOHN FINNIS

Mr SOLOMON presented a petition from Captain John Finnis, complaining that justice had not been done him in reference to the publication of the debates of the Houses of Legislature for the first session The petition was received and read

MESSRS YATES'S STATION

Mr BURFORD gave notice that on the 21st instant he should ask the Commissioner of Crown Lands to lay upon the table of the House all correspondence between Messrs J & S Yates and Mr John Haimes, connected with the use of water upon Messrs Yates's station

THE ESTIMATES

Mr PEAKE gave notice that on the 22nd instant he should move that it was desirable the Estimates should be laid upon the table of the House within fourteen days of the meeting of Parliament

CAPTAIN J F DUFF

Mr BAKEWELL gave notice that on the 21st instant he should move that on the 22nd instant the report of the Select Committee upon the petition of Captain J F Duff be taken into consideration with the view of presenting an address to His Excellency praying that the sum of £150 8s might be placed on the Estimates as compensation to Captain Duff, in accordance with the recommendation of the Committee.

CAPTAIN JOHN FINNIS

Mr SOLOMON gave notice that on the 21st instant he should move the petition of Captain John Finnis be printed

MECHANICS' INSTITUTIONS

Mr ROGERS gave notice that on the 21st instant he should ask the Attorney-General what system the Government intended to adopt with respect to supplementing contributions towards Mechanics Institutions

DATE OF ACTS BILL

The ATTORNEY-GENERAL gave notice that on the following Tuesday he should move that the reasons assigned by the Legislative Council for disallowing the amendments made by the Assembly in the Date of Acts Bill be taken into consideration

SALARIES TO OFFICERS OF BOARDS

Mr REYNOLDS said it would be remembered that on the previous day he was desirous of postponing the third reading of the Public Works Bill, but as the Bill had passed the third reading, and had gone to the other branch of the Legislature, he had no wish to proceed with the following notice of motion in his name, and should allow it to lapse—

"That, in the opinion of this House, it is expedient that the salaries of all officers employed under the Harbor Trust Act the Trinity Board, the Central Road Board, the Railway Board and the Waterworks Board, should be voted on the Estimates, and that an address be presented to His Excellency the Governor-in-Chief, requesting him to direct a Bill to be introduced immediately, providing for the alteration of the several Acts in this respect"

WASTE LANDS

Mr REYNOLDS said, with respect to the next notice of motion in his name, he found there was such anxiety to get on with the business, and to bring the session to a close, and as he found that the Assessment on Stock Bill appeared on the paper for that day, he did not think the returns could be furnished in sufficient time to be of any service in helping hon members to a correct conclusion upon the Bill He would at all events, ask leave of the House to proceed with the notice of motion No 3 in his name, before proceeding with motion No 2

The COMMISSIONER OF CROWN LANDS stated in reference to motion No 2, that he expected the return asked for would be in the House in the course of a few minutes, at least the return which he expected would embrace the greater portion of the information asked for, but there was one portion, the latter part, which would take a very long time to prepare, as it embraced 700 or 800 different items, and would not be of the importance which was apparently contemplated by the hon mover

Mr REYNOLDS should be glad of all the information he could obtain, and formally moved the following notice of motion in his name, which was carried —

"That, in order to enable this House to form an accurate opinion as to the value of the Waste Lands held by the squatters under lease from the Crown, it is essential that the following returns be laid on the table prior to the passing of the Assessment on Stock Bill viz —

I A return of the leases granted in the years 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, to 1st December, 1858, stating the names of the lessees, the number of square miles in each lease, and the rent

II A return, for the same years, of the number of acres resumed by the Crown, also, the quantity sold out of the land thus resumed from each lease, together with the names of the purchasers, and the amount paid for each purchase"

RAILWAY MANAGEMENT

Mr REYNOLDS moved—

"That the report of the Select Committee on Railway Management be taken into consideration, with the view of moving—That an address be presented to His Excellency the Governor-in Chief, requesting that he will be pleased to take the necessary steps to abolish the Railway Commission and to appoint other management, in accordance with the recommendation of the Committee"

He would not have tabled the motion so early after the report of the Select Committee had been brought up, had it not been that there was so little time left, particularly for independent members, to take action upon any matter upon which they might feel disposed to do so The Committee had sat for a long time, and had amassed a large amount of evidence, they had narrowly investigated the entire management of the railway Very likely he might be met by hon members stating that they had not had sufficient time to consider the report and examine the evidence, but he was quite sure that the Government would not be justified in taking that course, because they had brought forward very extensive and important Bills which they had asked the House to swallow at once, without allowing time for digesting them, and he therefore believed that the Government, to be consistent, would not urge that objection Whilst there had been a great deal of

hasty Legislation, the Government had no right to complain that they were now called upon to consider the report. He had been induced to bring forward the motion because he perceived there was great anxiety to prorogue, and this was one of those matters in which he felt personally great interest. His action with regard to the hon. gentlemen opposite, shewed indeed that he felt a deep interest in railway management, or he should not appear upon the side of the House which he did. He might also say that another reason for bringing forward the motion was that he saw no disposition at present on the part of the Government to remove the anomaly to which he drew the attention of the House, by tabling a motion to the effect that the position held by the Chief Engineer of the railway as Chief Commissioner was anomalous, and not likely to give the Chief Commissioner that control over the management of the railway which the country had a right to demand. He felt bound to bring the motion forward, in order that the House might be afforded an opportunity of expressing an opinion upon the point, and that the Government might have no excuse for not remedying those anomalies, and present defects in the management of the Railway. The impression which he had about the management of the Railway and the absence of proper control and management amounted now to certainty in his mind, and he was sure in the mind of the country and Committee, though, perhaps not all of the Committee, for it was possible that the Commissioner of Public Works might have formed a different opinion, and that he might have wished to adopt a complimentary report to the effect that he could see no fault or blemish in the management of the railway. If the hon. gentleman did hold such an opinion, he believed that he was the only member of the Committee who dissented from the opinion which he (Mr. Reynolds) had stated that he held. He wished to draw the attention of the House to a few answers which had been given by witnesses who had been examined before the Committee, and he would also quote the question. The House would readily admit that control was necessary in so important an undertaking as the management of railways; but upon referring to question 39 it would be seen by the evidence of the Chief Commissioner (Mr. Hanson), when asked how often the Commissioners met, that they met once and occasionally twice a week, and usually sat from two hours and a-half to three hours. That was the amount of supervision and control. When asked who had the management of the railway in the absence of the Commissioners, it would be found upon reference to questions 167 to 169, Mr. Hanson stated that he could scarcely tell whether the Secretary was responsible for what took place in his (Mr. Hanson's) absence; and further, Mr. Hanson also stated that as Commissioner, he was not bound to attend except upon Board days. Subsequently the Secretary and the Traffic Manager were pointed to as the parties responsible, but upon referring to the evidence of Mr. Borrow (the Secretary) it would be found that gentleman stated his duty was to keep the minute book, to attend the Board, and to do anything which he was called upon to do. Mr. Borrow stated that he had received no definite instructions as to his duties, but that he attended the Commissioners on all occasions and the Board meetings. Again, to questions 482 and 483, the Secretary stated that the management was supposed to be in the Commissioners, but that in their absence he should think each man in his respective position had charge; that he was seldom absent for an hour; that he saw that others were at their work, and he considered it his duty, in the absence of the Commissioners, to take notice of what occurred; that he considered he should be liable to censure if he did not do so; and that, as he occupied a position close to the platform, he could see all that was going on. That was Mr. Borrow's evidence; and as the Committee were informed that the Traffic Manager was also responsible, it would be well to see what he said upon the point. In answer to questions 1,079 and 1,080, as to what were his duties, the Traffic Master stated that they were not defined when he accepted his appointment; that they were not defined by any orders or documents; that he had received no instructions; but that he had arrived at a conclusion as to what were his duties from his experience on other lines. That was the loose state of responsibility which existed in reference to railway management. The Committee were informed that the superintendent of the locomotive department, the superintendent of the carriage department, and others were responsible, but they stated that they had received no written instructions, and that their duties had never been defined. It was strange, but if hon. members would refer, they would find that printed instructions were issued to every servant upon the railway, and yet it appeared, that no one at the head of a department ever saw them. At the last moment it was ascertained that these documents did exist, but not one of the officers upon the railway had ever received definite instructions. With regard to the heads of the various departments he would remark that although there were many heads, they were heads without responsibility. With regard to the Traffic Manager, Mr. Cherry, there was a time when he performed the duties of Secretary to the Board of Commissioners in connection with the City and Port Railway, and at that time he had no assistance as Traffic Master, and, independently of these offices, had the management of all the goods department. But now the Traffic Manager had an assistant, although the goods traffic had been let to Fuller and Co., thus relieving him from the traffic department, which formed the greater portion of his duties. He thought it very natural that when Mr. Fuller was examined he should state that he could not see the use of a Traffic Manager. Nor could he (Mr. Reynolds) see the necessity; but at all events if a Traffic Manager were necessary it could not be necessary that he should have an assistant. Cherry, the Traffic Manager, stated that he performed certain duties in connection with the locomotives; but when Clarke, the locomotive superintendent, was examined, he stated that he had nothing to do with Cherry, but that he was responsible for getting the engines out, and that if any accident occurred, he on his own responsibility got out the engines. The Traffic Manager stated that it was his duty to marshal the trains, but the evidence showed that this duty was performed by the Passenger Manager. The duties of Cherry appeared to be performed by other parties, and he believed that a man of energy and business tact could get the railway managed at far less expense, and that thousands a year might readily be saved, and really efficient management obtained. Clarke, the locomotive superintendent told the Committee that he could also take charge of the carriage department with little assistance, and it appeared that the Assistant Traffic Manager was engaged in taking statistics of railway stock. It was found that Clarke, the locomotive superintendent, also kept accounts of the running of the engines, the Assistant Traffic Manager keeping statistics in connection with the running of the rolling stock and Clarke of the wear and tear of the engines, and so on. Now it appeared to him that Clarke, whom he believed to be an efficient man, might have the control of the carriage department, and as he was at present engaged in keeping statistics he might also keep statistics of the running of rolling stock. By such a course they would be enabled to dispense with the assistance of the Assistant Traffic Manager and the superintendent of the carriage department. The latter might be a good mechanic, but he thought it would be admitted from the manner in which he gave his evidence that he was incompetent to be the manager of so important a department as the carriage department. He believed that impression existed upon the minds of other members of the Committee, unless, indeed, it had been removed by the Chief Engineer. He believed that not only the parties he had named but that the storekeeper and timekeeper might be dispensed with. In the locomotive department not only was there a superintendent, but a foreman of the men, a timekeeper, and a storekeeper—a funny lot of officers truly—and yet they were coolly told by the chief engineer, Mr. Hanson, that he could not tell what the engines cost, nor could he see where a saving could be made, as all the cost went into a lump and that there was not even an account kept of the stores, as everything was charged as it was bought. He would ask where was the use of storekeepers in the locomotive and carriage departments? By uniting the locomotive and carriage departments, the servants and officers to whom he had alluded might be dispensed with, and this alone would effect a very considerable saving. He (Mr. Reynolds) thought that he could have pointed out to the Chief Commissioner, who had had 18 years' experience of such matters how thousands per annum might be saved to the public, if he had applied his mind, with his 18 years' experience, to the subject. Then, again, it appeared by the evidence of Mr. Spence, the Accountant, that he formerly performed some of the duties which were now performed by the Secretary; and Mr. Spence stated that, with a little assistance he could perform the duties of both offices. In justice to Mr. Spence, he felt bound to state that there were no grounds whatever for a charge which had been made relative to his accounts not having been properly kept. Having made a statement to that effect in that House, he felt bound fully to exonerate Mr. Spence, and should have been too happy to exonerate every officer in connection with the railway department against whom charges had been made. But he could not do so. The Attorney General smiled, but he repeated that he could not exonerate the Chief Engineer from the charge of serious neglect of duty, particularly when that gentleman stated that he did not know where a saving could be effected. After such a statement it was clear that the Chief Engineer was not competent for the position which he held. Under existing circumstances there was no efficient head to any department; they were merely nominal heads. There was no interest evinced in the management of the railway. He should be happy to acknowledge that what he had previously stated in reference to the mismanagement was unfounded, but it could not be said that the Chief Engineer had performed his duties satisfactorily. He had spoken of a minute-book being kept, and the Committee had reported upon the manner in which that book was kept. He (Mr. Reynolds) stated unhesitatingly that he had never seen the minute-book of any company kept in so loose a way as the minute-book was kept by the Secretary to the Railway Commissioners. He had the highest respect for that gentleman, but he must still say that the minute-book was no credit to his abilities as Secretary. There was another curious thing to which he would allude, showing that had the railway been properly managed, the Commissioners would have seen the necessity of instituting a searching enquiry. He would call the attention of the House to the subject of apprentices in the locomotive department, which would be found referred to in questions 15 and 58. The question of additional rolling

stock was another matter which he (Mr Reynolds) felt great interest in and he was anxious to know the cause of the delay in carrying out the instructions of November, 1857, for the construction of waggon bodies On this subject he would refer the House to question 928 in Mr Fuller's evidence [The hon member read the question, and several succeeding it] It was of no use for the Chief Commissioner to say that he had made additional accommodation, so that he would not require so many trucks It was more to the public interest to keep the waggons going, and how any man of experience could put such a plan forward as the Engineer had, he (Mr Reynolds) could not understand He would now refer to Council Paper 139 of last year In that the Engineer said that additional waggons and two engines were wanted, and that damages to the extent of £4,000 or £5,000 had been paid for want of them, which need not otherwise have been incurred The House voted money for the waggons, and he (Mr Reynolds) pressed the matter upon his colleagues But he found that instead of 80 waggons, only 13 waggon bodies were made by the railway authorities, and 40 were made by public tender, the contractors being the Messrs Wyatt At the Bowden workshop, where great facilities existed and the waggons could be constructed better and cheaper than by anybody else, only 13 were made in 12 months, whereas they were wanted on the 12th November, or 12 months previously The House would hear presently what the Engineer had to say for not having constructed these waggons It might be remembered that money was sent to England for 80 pairs of wheels and axles, and when these arrived the waggon bodies were not built Why were these wheels and axles sent for if they were not wanted? He would read from question 3,146, page 98, of Mr Hanson's evidence [The hon member read several questions and replies, the latter to the effect that Mr Hanson did not build the waggons at first because he had not wheels and axles, and that subsequently he had made arrangements which would increase the facilities of the traffic The witness also said that he could not at first estimate the traffic, having been but a short time on the line Now as to cost for it was on that ground that the Government had not more waggons made at the railway workshop, though in consequence of the pressing necessity and the facility of constructing *them at the* shop, an order for 40 was given there [The hon member here read another extract from the evidence to show that there was no accurate means of estimating the cost of the waggons made at the workshop] He (Mr Reynolds) had made charges of favouritism He believed now that there were strong grounds for a suspicion that the Assistant Engineer had a share in contracts, and that suspicion had not yet been removed (Ironical hear hear, from the Attorney-General) The Assistant Engineer had the control of some £30 000 in 1856, and according to the evidence of the Auditor General, this money was never certified for except by the signature of the Assistant Engineer It was not until a charge was made by a working man, that he did not receive his wages, that the Commissioners insisted on an officer being present when the men were paid Two of the contractors stated that trial holes were sunk along the line to show where ballast could be procured, but Messrs Beveridge & Coulthard went along the line and saw no ballast holes, though if these gentlemen knew that ballast could be procured, where Messrs Jewel & Penyman obtained it their tenders would have been much lower He would now show the large loss which had been sustained from want of proper management There were losses on flour and bran, and other matters, amounting to many hundreds of pounds (An hon member —"Where?") He (Mr Reynolds) saw, for instance, that Harrison Brothers, of Gawler Town lost 136 bags of bran and flour, and that there was still a dispute with them about 60 or 70 bags which had been left to stand over for 12 or 18 months The Commissioners made an offer of submitting the matter to the Local Court, provided Harrison Brothers would pay 8*l* 5s to try the question But afterwards, on the recommendation of their legal adviser, the Commissioners would not take any steps in the matter He would now refer to the coke-shed [The hon member here read another extract from the evidence] A sum had been voted for the buildings which were here shown to be necessary, but nothing was done to them as yet The engines were suffering also, and the cost of additional sheds was estimated at £1,600, which had been voted 12 months ago, yet not a stone had been laid yet £2,000 had also been voted for goods sheds, and nothing was done to them, as after 12 or 18 months consideration the engineer found that the sum was not sufficient He (Mr Reynolds) did not know that anything had been done in the matter yet If any money was wanted for the railway in future under its present management, he should conclude that it was not wanted for 12 months to come, and should vote accordingly It was also found that the water of the Torrens was injuring the boilers but still the engineer did nothing until about April fool's day, or the 1st April, when he took some action in the matter But this was not until the Government drew his attention to the subject, and when a report was made on the rolling stock, and representations sent to the Commissioner of Public Works on the subject Then, instead of ascertaining whether the engines in the locomotive department could raise the water, the Engineer went to Messrs Pybus and Wyatt, and gave them a contract to supply the railway with water He might have done that before, if he felt that interest in the railway management which he was bound to feel but there was an entire want of interest amongst the railway authorities Knowing this to be the case, was he (Mr Reynolds) not justified in asking his colleagues to remove these men as unfit for the positions they held? He now came to the letting of the goods traffic He had before said and the Council Paper said also, that the contract with the Messrs Fuller was so strangely drawn that a mercantile man could not possibly understand it He found Mr Fuller admitting that certain things in the contract required to be explained in order to be understood, and how was it possible for any man to tender unless the specifications were intelligible The contract with Messrs Fuller was unintelligible, as hon members would see by questions 860, 871 and 874 He now came to the specifications of August last, and in reference to this, perhaps he should exonerate the Commissioners, as the Commissioner of Public Works was more responsible for it He (Mr Reynolds) read the specification, and though there was now a commercial gentleman at the head of the Public Works Department, he (Mr Reynolds) could not understand the document It appeared that after tenders were called for it was necessary to make further alteration in the specifications, and there being no response to the call for tenders a different arrangement was made with Fuller & Co, The Government placed themselves at the mercy of these gentlemen, because the specifications were such as he (Mr Reynolds), as a man of business, could not understand The hon member further observed that some of the witnesses examined before the Committee could not understand the contract He now came to another matter, and that was the charge which he had made against one of the Commissioners, Mr Colley, of tendering in the name of another party for tarpaulin to himself, or rather to other Commissioners He (Mr Reynolds) considered that statement fully borne out Mr Colley solicited Mr Allen, of King William-street, to tender for the tarpaulin, not in Mr Colley's name, but in his (Mr Allen's) name The tarpaulins were not of the specified size The Commissioners required them 20 feet by 14 feet, but Mr Colley's were 20 feet by 24 feet, and by cutting them in two they would be nearly of the specified size, being 20 feet by 12 feet The tenders were sent in *in the name of Allen* It seemed that it would be reasonable to take the cheaper tarpaulins of Mr Michelmore, which were of the requisite size of 20 feet by 14 feet, and which could be got at 72s , whilst the others would cost 63s , a very fair price for 20 feet by 12 feet But there was something more paid than 63s The tarpaulins cost 12s more, or 75s altogether, instead of 72s The reason assigned was that those of Mr Colley were of better quality' and he (Mr Reynolds) would give them the benefit of that But it appeared the Commissioners would not pay Mr Allen 12s each for sewing and eyelets, but only 9s , thus bringing the tarpaulins down to the price of Mr Michelmore's, and Mr Colley had to pay the 3s difference out of his own pocket Even if Mr Colley did not intend to do wrong the matter did not look very straightforward, as Mr Colley should have put the tender in in his own name Besides, other parties might have had tarpaulins of 20 feet by 12 feet Having said this, he thought he had said quite sufficient to show that the present management required alteration , and the Committee had come unanimously to the same opinion, viz "That it was very desirable, in order to secure greater economy and more efficient control and management, that, without further delay, the railways should be placed under one Manager, whose time should be exclusively devoted to them, rather than that they should continue to be managed by a Board of Commissioners "

Mr SOLOMON seconded the motion The hon mover had gone so fully into the complaints against the management of the railway as to preclude him (Mr Solomon) from entering at any length into the subject He would, however, touch upon one point which the hon member had not alluded to, viz —the gross neglect of the Commissioners in having parted with the whole control of the carrying power to Messrs Fuller without retaining over those gentlemen any control If he had the permission of the House, he would prove the facts which he had now stated, by laying before the House the letters which he held in his had He proposed to show that in consequence of the mismanagement and neglect of the Commissioners, the goods which should reach town in 24 hours, were from time to time six or seven days upon the line He alluded particularly to sugars As there were a number of commercial gentlemen members of the House, they must know that sugar was one of the articles liable to such fluctuations, that such a detention might cause a falling off in value of from £8 to £10 a ton That such a state of things should exist the House would acknowledge was wrong , yet he (Mr Solomon) was in a position to prove it, not only by letters from the contractors in reply to others which he would read, but also by cart-notes of the contractors and telegrams, showing the time during which the goods were detained He had also an acknowledgement that this mismanagement existed from the Commissioners themselves, and from the Chamber of Commerce, pointing out that the Commissioners acknowledged that the complaints were just The circumstances were these In February last two vessels from the Mauritius were discharging at the Port—one the Pauline Houghton,

and the other the Mary Smith The main portion of the cargoes were to be sent to a store in Adelaide Now it was a well-known fact that on an article like sugar, especially Mauritius sugar, great difficulties existed in separating the marks and numbers, and it was found that the contractors, instead of keeping each cargo separate and sending them up so, mixed them on the trucks and on the drays On the storekeeper demanding to whom they were to be delivered, that individual was asked for a receipt, and told he might separate the sugars himself the best way he could It was naturally to be presumed that over such conduct somebody would have control, and so after frequent verbal requests to Fuller & Co, which were of no avail, the following letter was written to these gentlemen —

"City Auction Mart, Adelaide, Feb 27, 1858

"Sirs—Drays are arriving at our mart, having sugars thereon for ships Pauline Haughton and Mary Smith

"We hereby give you notice that we will not receive any sugars from the Railway unless those by the different vessels are kept separate, nor will we receive any from the Railway after 5 o'clock It will, therefore, be at your own risk and peril if you store them in consequence of our refusal to receive them, in consequence of the shipments not being kept separate on the arrival at our stores after the proper hours of business

"Yours, &c,

"E SOLOMON & Co

"Messrs Henry Fuller & Co, S A R"

This required explanation, but he would show what it meant It was found that while the drays were sometimes employed in carting stone for the contractors during the day, and that it was only towards evening that they were suddenly loaded, and the sugar rushed into the yard, 10 or 12 dray-loads at a time, after proper business hours This up to the time he (Mr Solomon) spoke of was a thing looked forward to, and in consequence the storekeeper remained for an hour or two But when the mixing of the sugar was resorted to, the storeman would not wait any longer Now, if Mr Fuller was, as he was supposed to be a public servant, a courteous reply to the letter which he (Mr Solomon) had read should have been made But instead of that the word "bosh"—(laughter)—was written across the letter, and it was enclosed back leaving it to the writers to take what course they liked This course was most improper, but he thought he could show it was not so much the fault of the contractors as of the Commissioners, who, in giving the contract, did not hold the contractors under control He would presently show that this had not been done The hon member here read the following letter —

"City Auction Mart, Adelaide, February 27, 1858

"Gentlemen—We are constantly in the habit of receiving goods by the drays from the Port Railway and at the present moment are receiving two cargoes of sugar—one per the ship Pauline Haughton, and one from the Mary Smith The contractors of Railway, Messrs Fuller & Co, have, contrary to all usage, persisted in forwarding several dray-loads of sugar, each load having parcels by the different ships, and our storekeepers have in consequence found it impossible to keep correct accounts

"We have sent a verbal message requesting that this course should not be persisted in, but finding our messenger treated with the greatest incivility, we found it necessary to write a letter to Messrs Fuller & Co upon the subject

"We expected a reply from Messrs Fuller & Co couched in terms of civility at least, and you will no doubt be as much astonished as we were when we request your attention to our own letter, returned to us under cover (and which we forward for your inspection), with a remark thereon which none but a most impertinent man could make

"We suppose that Messrs Fuller & Co are in some measure public servants, and as their contract is held from your Board we presume you have some means of punishing them for impertinence and irregularity and for that reason appeal to you with the greatest confidence

"We are, &c,

"E SOLOMON & Co

"To the Honorable the Railway Commissioners, South Australia"

The writers expected an immediate answer to this letter but in vain, for nine days elapsed before they received one, and on the 9th day, as he supposed after duly considering and seeing how they could best reply without committing themselves, and knowing the act complained of was wrong, the Commissioners wrote the following letter, in the last line of which they committed themselves —

"South Australian Railway, Adelaide, March 8, 1858

"Dear Sirs—I am directed by the Commissioners to acknowledge the receipt of your letter of the 27th February, complaining that your sugars are not delivered with that observance of regularity which can alone ensure correctness The Commissioners regret this very much, for it is their earnest desire that the affairs of the Railway should be carried on in the best possible manner, and that great respect should be paid to those who favor them with their employ

"In this instance they have not failed to offer their opinion very freely to Messrs Fuller and Co, and they feel assured that what they have said will effectually prevent a repetition of such conduct, but for the present Messrs Fuller and Co are the carriers upon the line

"I have, &c,

"R BORROW, Secretary

"To Messrs Solomon & Co"

If that was not an acknowledgment that they had no control, he (Mr Solomon) would like to know what was They admitted that Messrs Fuller & Co had the contract, and it followed that the Commissioners had no control But there was another cargo of sugar discharged from the Eleanora and this was sent up when sugar was fluctuating, so that some kinds went down from £60 to £35, and every day was an object of at least £5 Yet, in order that the contractors might punish the firm which he (Mr Solomon) spoke of for their impertinence in daring to interfere between them and the Commissioners, the sugar which was landed on the 1st April was delivered on the 5th, 6th, 7th, and 8th He (Mr Solomon) had Messrs Fuller's cart-notes in proof of this Was this proper supervision or a proper hold over the contractors when these gentlemen could, in opposition to the interests of the public, take such time as they pleased to bring up goods, which might be the ruin of many a small shopkeeper Men who could make such a contract were not fit to be Commissioners of Railways This last case was laid before the Chamber of Commerce, and every member of that body admitted the injustice, several complaining that they were subjected to the same treatment The hon member here read the following letter, which he had received from the Chamber of Commerce on the subject —

"Chamber of Commerce, May 27, 1858

"Gentlemen—In the matter of the complaint made by you at the last general meeting of the Chamber against the railway carriers on the Port line, I am directed by the Committee to state that they have ascertained that the contract with Messrs Fuller & Co will expire on the 31st instant, and that the Commissioners have entered into a new arrangement with them, coming into operation on June 1, on terms more satisfactory to the public, the carriers to be in future the Agents of the Commissioners, entirely under their control, and responsible to them

"Under these circumstances the Committee are of opinion it would serve no good purpose to proceed further in the matter the Commissioners appearing to admit in their letter to you that your complaint was just

"I return the correspondence on the subject, and

"Have the honor to be, Gentlemen,

"Your obedient servant,

"D MELVILLE, Secretary

"Messrs E Solomon & Co, Adelaide"

Now he (Mr Solomon) thought that the only point on which the hon member for the Sturt had not touched was the one which he had referred to He thought he had shown the House that, as regarded the carriage on the line—a most important branch—the Commissioners had failed to show their capacity for the task they had undertaken Under these circumstances he would support the resolution of the hon member for the Sturt He trusted it would meet the support of the House, which would show that hon members valued, and appreciated services to the public properly performed, and also how they would deal with them when performed so disgracefully as they had been in this instance

Mr MILNE opposed the motion, not because he did not sympathise in it, but because it would be impossible for the Government to act on it during the present session It appeared to him impossible, if they passed the address in its present form, for the Governor to take the steps called for in it The Commission was constituted by the Act of the Legislature, and it would be impossible for the Government to abolish it without the joint action of both Houses of the Legislature Considering the late period of the session and the very long time which had elapsed since the labors of the Committee commenced, it was too late now to expect the Government to introduce a measure to carry out the request of the address, but he thought it would be competent and very proper for the House to adopt the report He could understand that this would be such an endorsement of the opinions of the Committee that it would act as an instruction to the Government to take care that when the next session commenced, they should introduce a Bill for the purpose of carrying out the report of the Railway Committee He cordially agreed in all that had been said in reference to the superseding of the Commission by one active head in charge of the whole department, but there were many points alluded to which it was not necessary for him to follow up some of which he agreed in, and very many of which he dissented from The House was in possession of the whole of the evidence—("hear, hear," from Mr Reynolds)—and also of the report—a report which he (Mr Milne) was quite prepared to justify, and which contained recommendations that everything mentioned in the motion should be done He thought if the House adopted the report, every good or necessary end would be served which the hon member had in view (No, no, from Mr Reynolds) There was one point he could not help alluding to viz, what the hon member (Mr Reynolds) had said respecting the Chief Engineer He alluded to that because the hon member had expressed himself in very strong language (Hear, hear, from Mr Reynolds) The hon member said the Engineer was negligent, incapable, and unfit to take

charge of the railway He (Mr Milne) did not sympathise at all in that opinion, and he was quite certain that in saying so, he repeated the opinion of the Committee (Hear, hear) He did not pretend to maintain that Mr Hanson was infallible, or anything approaching it, but in the line from Adelaide to Gawler Town which that gentleman constructed, the permanent way, and everything connected with the works entitled him to credit instead of blame (Hear, hear) There were some points in which it was possible to find fault with Mr Hanson's management, but the opinions expressed by the hon member (Mr Reynolds) he (Mr Milne) utterly repudiated He moved as an amendment "That the report of the Committee appointed to investigate into the management of the South Australian Railways be agreed to, and that an address be presented to His Excellency the Governor-in-Chief requesting him to take early steps to carry out the recommendations thereof"

Mr Hawker seconded the amendent, which he believed almost met the views of the hon member for the Sturt ("Hear, hear," from Mr Reynolds) There was no person on the Committee but would admit that mistakes were made, but in the initiation of so great a work as the first railway of the colony, that was what must be looked for (A laugh) But as far as errors were pointed out, they were rectified in as speedy a manner as possible, or would be remedied in the course of time

The Commissioner of Public Works would say a few words, and only a few, partly because of the hour, partly because the subject had been so often before the House, and partly because the amendment could not fail to be adopted The hon mover (Mr Reynolds) admitted that the House had not had time to consider the report, but he (the Commissioner of Public Works) would recommend hon members to take that report home with them, and read, not isolated passages, but the whole report, and they would be better informed on the subject It was unfortunate that the hon mover had had a difference with Mr Hanson, and also that the hon seconder had a difference with Mr Fuller But no allusion had been made to the testimonial in that gentleman's favor from 104 firms, stating that they were fully satisfied with the manner in which the Messrs Fuller had executed their contract Unfortunately the names were not attached to the document, but they were those of the first firms in the colony, such firms as Elder, Sterling & Co, and Levi & Co For his (the hon Commissioner's) own part, he did not stand there to justify incivility, and he did not wish to make of Mr Fuller anything but an able man of business He did not justify the expression written on the letter of Mr Solomon, but he would say there was not an abler man of business in Adelaide or one who could better manage the contract he held than Mr Fuller This of course was only his (the hon Commissioner's) individual opinion It was said the Commissioners had no control over Mr Fuller, but was a deposit of £4,000 worth of deeds no control? The House was told by the hon member for the Sturt that that hon member could not understand the specifications He (the hon Commissioner) was sorry for this He could not explain what seemed to him so very simple, but if the hon member (Mr Reynolds) pointed out the portion, which he could not understand, then he (the hon Commissioner) thought that he could give on the spot an explanation of it However hon members themselves would be able to judge on this point He would remind the House had already taken action on this matter, and introduced a Bill, and if that Bill was thrown out, it was no fault of theirs There was one recommendation in the report, viz, that in reference to the leasing of the railway, which had not been alluded to, and this point would have to be taken into consideration, as well as the points spoken of by the hon member for the Sturt He (the hon Commissioner) therefore preferred the amendment

The Speaker called the hon member's attention to the fact that it was 3 o'clock

Mr Reynolds moved that the Standing Orders be suspended, in order to allow of the debate being proceeded with

The motion was put, when there appeared—Noes, 11, Ayes, 16

Ayes, 16—Messrs Burford, Cole, Glyde, Hay, Lindsay, McEllister, Mildred, Milne, Peake, Rogers, Solomon, Strangways, Townsend, Wark, Young, and Reynolds (teller)

Noes, 11—The Treasurer, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Andrews, Barrow, Collinson, Harvey, Hawker, Macdermott, Scammell, and the Attorney-General (teller)

The motion was therefore lost, and the discussion lapsed

SELECT COMMITTEE ON TAXATION

The Treasurer obtained an extension of time for this Committee to Tuesday

SELECT COMMITTEE ON THE PETITION OF B H BABBAGE, ESQ

Mr Barrow obtained an extension of time for this Committee for a week

ASSESSMENT ON STOCK BILL

The House having gone into Committee on this Bill,

The Chairman said the question before the House was that clause A, moved by the hon the Attorney General, be inserted, upon which an amendment was moved by the hon member for Victoria that his (Mr Hawker's) clause No 1 be inserted

Mr Reynolds asked the Hon the Commissioner of Crown Lands for an explanation which he understood that hon member to have made to the effect that one of the schedules was impracticable

The Commissioner of Crown Lands had never said in any words that a schedule of the Bill was unworkable or could not be carried out This was only another instance of the total disregard of candour—he would not say of truth, for that would be unparliamentary—but of candour, which characterised the conduct of the hon member for the Sturt (Laughter) But there was a great difference between what he (the hon Commissioner) had said, and what the hon member attributed to him What he had said was, that in respect to cattle there would be no great difficulty even on the part of the cattle owners themselves in saying whether the returns were correct as the cattle were dispersed far over the country, and it was very difficult to muster them in order to see whether the schedule was correct This was also found to be the case in America What he (the hon Commissioner) said was, that in all Assessment Bills this objection would apply to the schedules With regard to the clause, it was in the identical words used by the hon member for Victoria, which the House had already discussed and the principle of which he believed hon members approved

Mr Reynolds did not think the hon member had thrown much light upon the subject

Mr Milne was very glad the Government had adopted the clause, which was a decided improvement on the Government Bill Hon members were aware that he had opposed the Bill because, although he felt that the squatters had too good a bargain of their runs, still he believed the Government were committed to an arrangement under which no assessment, except for district purposes, could be levied The House decided to the contrary, and the squatters through their representative, the hon member for Victoria, assented He therefore thought that all opposition should be withdrawn ("Oh, oh," from Mr Reynolds) The most obnoxious part of the Government Bill was that which contemplated giving an abatement to those squatters who had bought lands on the runs of one sheep per acre That, he (Mr Milne) considered unnecessary and unjust The squatters purchased land because at the time he felt it his interest to do so, and he (Mr Milne) could not see why such persons should receive a reward now for having consulted their own advantage If the proposal was to grant an abatement to squatters who in future should buy land, he could understand it He would move that that clause be struck out He would also call attention to clause 4 If the House substituted the amendment giving value of improvements—(cries of withdrawn)—as he found that the clause was withdrawn, his remarks were of course unnecessary

Mr Solomon expressed his general approval of this clause, which he would support, with the amendment of some minor portions of it

Mr Reynolds objected to the principle embodied in this clause, which hampered the action of any future Legislature by limiting the assessment to 2d per head

The Commissioner of Crown Lands said that under the provisions of this Bill the public would derive a considerably greater revenue than formerly, and, such being the case, he could not conceive how any one with any spirit of fairness could object to it He believed, however, the majority of the House would agree to the assessment, based on the provisions now embodied in the Bill The colony had always derived great advantages from the pastoral interest, and it had been the endeavor of the Government to ensure a proper contribution from the squatters, without placing any unjust restrictions upon them

The Attorney-General would say, in the first place, that although there could be no doubt that, in point of law, the Government had the right to tax the squatters to any extent, still such deference was paid by the Government to the report of the Committee on this question, and the circumstances under which the leases were granted, that they could not but agree to take them into consideration in framing this measure After the cordial concurrence with which the principles of the Bill had been received by the majority of hon members, he was surprised at the symptoms of opposition which were now being displayed, though not general He felt that it would have been unjust to ignore the moral claims of the squatters, which had been assented to by the Committee, and he believed what the Government had done was a reasonable concession—all that was necessary, and the Government were prepared to stand by it.

Mr Hay hoped the hon member for the Sturt would not oppose the Bill on the grounds he had stated He thought it only just and necessary that the squatters should know what they had to pay Every encouragement should be given to parties to bring stock into the colony, and nothing would tend more to this than absolutely fixing the amount of the assessment He was quite willing that the House should state now what was a fair and just rate of assessment

Mr Peake, to be consistent, must oppose this Bill, although, as the representative of the squatters in that House agreed to it, his (Mr Peake's) opposition would be exhibited in a less prominent form He objected, however, to the pro-

vision by which the lessees could surrender their leases, and renew them without limitation, and by which it was attempted to bind any future Legislature. He would like to hear the opinion of the Attorney-General on this point.

Mr GLYDE said the clause ordained that it should only effect leases granted under the Orders of Council, and those orders ceased some twelve months ago. This Bill was the effect of a compromise between the squatters and the Government and he (Mr Glyde) as one of the representatives of the people, could not see that any harm would be done by it. The only thing that might create a difficulty was, if a district rate should be imposed, the squatters, according to this clause, might refuse to pay it, as not being for general purposes.

The COMMISSIONER OF CROWN LANDS confirmed the explanation of the hon member for East Torrens (Mr Glyde), and said, with regard to rates levied for district purposes, these rates would only be levied under the operation of the District Councils Act, in which case that portion of the run within the boundary of the district would be withdrawn, and subject to all the authority exercised by virtue of the District Councils Act.

The ATTORNEY-GENERAL again stated, in answer to Mr Peake, that a legal power was possessed by the Legislature to impose the assessment but there was a moral claim recognised by the Committee, on behalf of the squatters, which he thought that House should also recognise. The hon member for the Burra and Clare must be aware that it was a fixed principle that nothing injured the value of property more than the uncertainty of tenure.

Mr MILDRED was surprised at the amended clause containing a proviso which was not in the original clause. What he referred to was the guaranteeing what a succeeding Parliament should do. He would wish all the words after "rendered" in the 14th line to be omitted.

The ATTORNEY-GENERAL said that the clause was voluntarily introduced on the part of the Government. It was not forced upon them as had been inferred by an hon member.

The clause was passed as printed.

Clause 2 (clause A substituted), "Governor on surrender of old lease to grant new lease."

Mr LINDSAY hoped such a clause as this would not be passed. It contained all the worst features of the original one. He objected to the privileges which were under this clause conferred upon some portions of the lessees of the Crown to the exclusion of other portions. He suggested that the whole contribution should be in the shape of rent, though the amount were exceeded, and this would obviate the complication attached to an assessment. In the shape in which the clause stood at present he should have to vote against it, because he should be ashamed to belong to any Legislature which would be guilty of passing such a law. (Laughter.) With respect to the assertion of the Attorney-General that the Government had certain powers irrespective of moral claims, he could very well understand that. It was maintained that the King could do no wrong, and that maxim might apply in this case. But kings had been beheaded before now. Whether they had the power to cut off the Governor's head he did not exactly know—perhaps they had. (Great laughter.)

Mr BARROW said if the House should ever proceed to legislate by resolution he thought the hon member who had just sat down was as likely to be selected for decapitation as any one. (Hear, and laughter.) But as the business they were now discussing was not the decapitation of Kings and Governors, he would refer to what was more immediately before them. The Government had introduced a Bill to ensure a proportionate contribution from the squatters estimated to amount to some £20,000. That Bill had been considered. The legal right to impose the assessment had not been disputed but it was considered unfair considering the moral claims of the squatters, and consequently reported against. Now another proposition was brought before the House which would bring in a larger sum to the revenue, and at the same time not be considered as a grievance by the squatters. The question was, therefore, whether they should take the 20,000*l* and incur the displeasure of those who had to pay the money, or consent to accept a larger sum, which would not be considered as a grievance. (Hear, hear.) The Government were satisfied the squatters were satisfied—and if the bargain was fair, there was no necessity to waste time. The Government would get all, or more than they even asked for, and those who had to pay were contented. This being the case, he (Mr Barrow) should certainly vote for the amended clause. Their business now was to unite both parties. The assessment, it must be admitted was just, and the certainty of tenure was necessary to secure the value of the leases. Therefore he should support this clause, and all the clauses in the Bill, without considering it necessary to discuss them. He did not look upon it so much as a compromise, but as uniting the views of both parties.

Mr STRANGWAYS objected to this Bill, as it was a repudiation of existing arrangements. There could be no doubt that the old system of granting leases for 14 years at a fixed rent was not a good system. By this proposed arrangement a person could take a lease for five years and at the end of that term have it valued, and so occupy it in perpetuity. But he would like to know whether the advantages which would be gained thereby would be equal to those which the squatter lost by the assessment. From the permissive nature of this clause he would point out also that there would be three kinds of tenure, and he would suggest whether some alteration should not be made in this respect.

The COMMISSIONER OF CROWN LANDS pointed out that the new leases were under the Waste Lands Act, and would be free of assessment for four years.

Mr YOUNG withdrew his opposition to this Bill, but stated some minor objections to portions of this clause.

The ATTORNEY-GENERAL said, in answer to a former question, that if persons chose to surrender their leases, well and good; but if they did not, they would be liable to any future assessment.

The clause was amended by the insertion of the words "or before," after the word "on," in the fourth line, and passed as amended.

Clause 3 (clause B substituted)—"Waste lands to be divided into several classes."

The COMMISSIONER OF CROWN LANDS said, in answer to Mr MILDRED, that he did not think it would be found desirable to limit the classification of runs.

Mr HAY suggested a modification of the mode of fixing the assessment.

Mr GLYDE had no objection to the principle of the Bill, nor had the Government or the squatters. Looking at the clause, however, he should have supposed it necessary to have three classifications; but as the Commissioner of Crown Lands said no he (Mr Glyde) was satisfied. He thought, however, the size of the blocks should be named. He would suggest that the House should appoint the persons who were to value the runs. (No, no.) The Commissioner of Crown Lands he would propose as one, the Surveyor-General as another, and the Inspector of Scab as the third. He could not agree to cut down the minimum number of sheep to the square mile to 75. Mr Hawker asked that it should be 100, and had expressed himself content.

Mr HAY asked the Attorney-General if this clause applied to the leases under the Orders in Council, or to those subsequently granted or now being granted.

The ATTORNEY-GENERAL said it applied to the leases under the Orders in Council.

An amendment proposed by the Attorney-General, viz., to insert the words "from time to time" after the words "to be" in the 5th line, was carried.

Mr HAWKER wished to make an amendment in the maximum number of sheep to the square mile, and said that though there were some runs in the colony which would carry the maximum number set down in this clause, viz, 250, yet it was not a fair average. He suggested 200 as the maximum, which would be found to be a fair one. The Government had every means of testing the correctness of this by the returns of the Inspector of Scab, and the House would find on reference to these returns that the average first-class runs throughout the colony would not carry more than 200 sheep to the square mile. If this clause were passed in its present shape, it would make an addition to the assessment of ¼d to ½d per head.

The COMMISSIONER OF CROWN LANDS pointed out the usefulness of having a sufficiently high maximum, as it would ensure the runs being stocked to the fullest extent. The Government had every desire to deal fairly with the squatters.

Mr HAWKER could not see what was to be gained by putting a greater number of stock on a run than it would carry; and as to the deciding of the carrying capabilities of the runs being left to those persons appointed by the Government, they would not have that practical knowledge necessary to such a task. He would move that the word "fifty" be struck out and the maximum left at 200 sheep per square mile.

Mr SOLOMON was quite willing to go with the hon member for Victoria, but then he (Mr Solomon) would move that the lowest class be increased from 75 to 100. It was no doubt dangerous to give the power of extreme valuation.

Mr REYNOLDS agreed with the hon member for Victoria, that it might not be desirable to fix the maximum rate so high, and he would suggest that it should be struck out altogether. He could not understand how Mr Hawker could say that the best runs in the colony would not carry more than 200 sheep to the square mile, as he found it was contemplated in the 6th clause that a square mile might carry 640 head of sheep.

Mr STRANGWAYS suggested the striking out of the maximum number altogether, as there were some runs which would carry a much larger number of sheep than that indicated in the clause. He thought it would be desirable also to modify the clause, that all runs hereafter should be valued and the assessment and rent made one payment.

Mr LINDSAY—There was more importance to be attached to fixing the lowest class at such a number as not to prevent poor lands from being taken up. There were some lands which would not carry 50 sheep to the square mile. By fixing the lowest class so high as 100, it would entirely prevent the poorest runs from being taken up.

Mr MACDERMOTT would be glad to see the number reduced to 50.

After some further discussion Mr SOLOMON's amendment for raising the lowest class to 100 was put and carried.

Mr HAWKER's amendment for reducing the highest class to 200 was divided upon with the following result —

AYES, 15—The Attorney-General, the Treasurer, the Commissioner of Public Works, Messrs Andrews, Peake, Lindsay, McDermott Harvey, Solomon, Rogers, Collinson, Scammel, Bakewell, Hawker, and the Commissioner of Crown Lands (teller)

NOES, 12—Messrs Young, Milne Hallett, Hay, Cole, Bagot, Townsend, Mildred, McEllister Glyde, Rogers, Reynolds, (teller)

The amendment was consequently carried by a majority of three

Mr REYNOLDS moved that the words "nor more than two hundred sheep per square mile for the highest class," be struck out altogether

On a division, there appeared 12 for and 14 against the amendment

Mr MILNE moved that the highest classification should be 240 He moved the insertion of the words "and forty," which was divided upon with the following result —

AYES, (17)—The Attorney-General, the Commissioner of Crown Lands the Treasurer, the Commissioner of Public Works, and Messrs Rogers, Hay Hallett, Bagot, McEllister, Glyde, Cole, Blyth, Strangways, Reynolds, Townsend, Burford, and Milne (teller)

NOES, (10)—Messrs Peake McDermott, Collinson, Harvey, Andrews, Solomon, Rogers, Scammel, Lindsay, and Hawker (teller)

There was a majority of seven accordingly in favor of the ayes

The clause was passed as amended

The 4th clause provided that upon the expiration of the lease, the annual value of the land should be determined for the next five years

Mr HAY wished to insert the words "on the application of the lessee twelve months before the expiration of the lease"

Mr MILNE asked the Attorney-General whether it was intended to carry out the valuation, as he considered it exceedingly objectionable that there should be two systems of taxation concurrently If there were to be a valuation of the annual rent he should think that would answer all the purpose If every five years there was to be an alteration or valuation of the rent, he did not see the necessity of there being an assesment concurrently He moved the addition of the words "and shall be in full of all rent and assessment except for the general purposes of the colony"

Mr LINDSAY considered this proposition must commend itself to every man of common sense, and he hoped that there would be no further discussion upon it, but that it would be at once adopted

The ATTORNEY-GENERAL suggested that an amendment in the 5th clause would meet the views of the hon member (Mr Milne) The rights of parties under valuation would come in under the 6th clause, to which he proposed to add the words, "after such new lease shall be granted, the assessment hereby imposed shall cease in respect of such lands"

Mr BAGOT thought that the House ought not to pledge the Legislature for a longer period than the leases which were now running

The ATTORNEY-GENERAL referred the hon member to the second clause, which it would be seen did not bind the House beyond the term named in the existing leases

MESSAGE FROM HIS EXCELLENCY

The SPEAKER announced the receipt of Message No 25, from His Excellency the Governor, intimating that an additional sum of £250 had been placed on the Estimates for prosecuting the search for gold in the Barrier Ranges Also, suggesting amendments in the Act relative to the validity of Registrations

Upon the motion of the ATTORNEY GENERAL, the first message was referred to the Committee upon the Estimates and the second was ordered to be taken into consideration on the following Monday

WASTE LANDS OF THE CROWN

The COMMISSIONER OF CROWN LANDS laid upon the table returns moved for that day, in reference to the waste lands of the Crown

ASSESSMENT ON STOCK BILL—RESUMED

Mr MILNE said the suggestions of the Attorney-General exactly met his views, and he would therefore withdraw his amendment

Mr HAY pressed his amendment relative to the application of the lessee within 12 months, which was lost, and the clause was passed as printed

Clause 5 provided that a new lease might be granted for a further term of five years

The ATTORNEY-GENERAL explained that the rent could be increased from time to time in lieu of assessment, and moved the addition of the words "and after any new lease shall have been granted, the assessment herein named shall be determined"

Mr GLYDE repeated that he believed hon members were laboring under a misapprehension in reference to this Bill At all events he could not understand it as it had been interpreted by the Attorney-General

Mr BAGOT understood the Bill to provide that in future there should be no assessment, but that a rent should be charged in lieu of that assessment, that the land should be valued according to its sheep-bearing capabilities, and that the House was pledged to that principle He had scarcely made up his mind whether it would be prudent that there should be no assessment, but he thought the Attorney-General's explanation of the Bill so clear that it was impossible it could be misunderstood

The ATTORNEY-GENERAL said the Government did not propose to fetter in the slightest degree the freedom of action of future Legislatures If a future Legislature chose to impose an assessment, this Bill would not prevent them in any way All that the present Legislature did was to propose there should be an assessment during the leases, and at the end of those leases to substitute something else for the assessment So long as the Bill before the House remained in force any person holding a lease of waste lands from the Crown would be entitled to a renewal of it Any existing lease would be eligible for renewal so long as this Bill was not repealed

Mr REYNOLDS asked—After the passing of this Bill, under what regulations would leases be issued?

The ATTORNEY-GENERAL said any new original lease under the regulations connected with the Waste Lands Act, and any renewed lease, would be issued under this Bill

Mr BURFORD hardly thought it was necessary for him to make any observations, as the hon member for Victoria was present, but it certainly appeared to him that this Bill was playing battledore and shuttlecock with the squatters, and he certainly could not understand how it could be said that this Bill would not bind future Legislatures If it were not to bind them, what security had the squatters?

The clause was passed as printed

Clause 6 provided that there should be an allowance in respect of purchased land

Mr MILNE proposed that this clause should be struck out altogether, because it was notorious that the holders of 14 years' leases—those parties, for instance, who got their leases seven years ago, applied that large tracts of land should be surveyed on both sides of the water, and having secured all the water it was obvious that the lease in the hands of other parties would be totally valueless, in consequence of there being no water He disapproved of the provision by which these parties would be enabled to obtain a reduction in the assessment of one sheep per acre as regarded their purchased lands

The ATTORNEY-GENERAL was very much disposed to agree with the hon member, but at the same time he would remark that this clause had originally been inserted under circumstances which would have rendered it a great injustice had it not been inserted in reference to purchased land, so that the owners should be enabled to claim exemption, but now, as it was only proposed to tax in proportion to the grazing capabilities of the run, the necessity for the clause did not exist, and he was disposed to vote with the hon member that it be struck out

Mr SOLOMON must oppose the amendment, thinking that to strike out the clause would be to act most illiberally to the squatters He admitted that he thought the squatters ought to contribute more than they hitherto had, but the House had no right to interfere to prevent them from depasturing sheep upon land which they had purchased and paid for

The clause was struck out

A clause was introduced by the ATTORNEY-GENERAL and passed, in reference to leases not under the Orders in Council, and which had not been surrendered The clause provided that "every occupant under the waste lands of the Crown shall pay the assessment hereinbefore provided" Another clause was also introduced and passed, providing that "any classification of the grazing capabilities of such lands shall remain in force for five years and no longer"

The ATTORNEY-GENERAL intimated that, although he wished to take the Bill out of Committee that day, he should not oppose its recommittal, for the purpose of reconsidering these clauses, but he did not expect that hon members would wish to recommit them, as they were precisely in accordance with the expressed wishes of the House

Clause 7, relative to proceedings to be taken in the event of the non-payment of assessment, was passed as printed

Clause 8, providing that there should be no assessment upon cattle depastured on new runs until the expiration of four years from the date of the lease, was passed as printed

Clause 9, providing that the Commissioner of Crown Lands should prosecute offences under the Act, was passed as printed

Clause 10, provided that unbranded wild cattle found upon lands not within the limits of a District Council should belong to the Crown

The various clauses having been agreed to, the consideration of the report was made an Order of the Day for the next day of meeting

LAND GRANTS BILL

The ATTORNEY-GENERAL moved the third reading of this Bill

Mr STRANGWAYS was desirous of recommitting the Bill, contending that one of the clauses amounted to a repeal of the Waste Lands Act

Mr HAY disapproved of the provision by which grants could be issued without the signature of the Governor being attached

The ATTORNEY-GENERAL said that the Bill had been

drawn by the Registrar-General, and was recommended by him as necessary to procure the issue of land grants as rapidly as they were required. He saw no objection to the Bill, because the grants would be signed by the Treasurer, the person who would be responsible for the money, and the Registrar-General also, and being assured that it was something which was absolutely necessary for the despatch of business, he moved the third reading.

The Bill was read a third time, and passed.

MONDAY SITTINGS.

The Attorney-General moved that the House, at its rising, adjourn till the following Monday.

Mr Strangways, as an amendment, moved that the House adjourn till Tuesday.

The amendment was lost, and the original motion carried.

ESTIMATES.

After some opposition from Mr Strangways, the House upon the motion of the Treasurer, went into Committee upon the Estimates.

Clearing the Channel of the River Murray, 1,000*l*. Agreed to.

Extension of Milang Jetty, £700.

The Commissioner of Public Works stated, in reply to Mr Strangways, that there were no plans and estimates of the work, the amount not reaching £1,000. The amount asked for would not accomplish the whole of the work, but the remainder would be contributed by residents in the locality. In reply to Mr Reynolds, the hon. gentleman stated that the Government would have the expenditure of the amount. The amount asked for was, in fact, "in aid of subscriptions," and having been so described, the vote was agreed to.

Maintenance of jetties, £500.

Mr Hay suggested the expediency of handing over jetties to the District Councils.

The Commissioner of Public Works said that by the District Councils Bill the jetties would be handed over to the District Councils, but it was extremely probable that, before taking charge of them, the District Councils would require them to be placed in good order, and the vote asked for was to accomplish that.

The vote was agreed to.

Wells on overland route to Port Lincoln, £350. Agreed to, the Commissioner of Public Works stating that there was a further sum of £360 available for the purpose, and that it was estimated the cost of the work would be about £710.

Special grant to the Corporation, Frome Road, £300.

Mr Reynolds proposed to strike out this item.

The Commissioner of Public Works said that this was not a road under the charge of the Corporation, but it was proposed that this amount should be given to the Corporation upon the understanding that they should keep the road in repair.

The vote was agreed to.

Surveying new lines of railway, £2,000. Agreed to.

Reporting and printing Debates of Parliament, £650.

Mr Strangways said it was clear this amount was in excess of the sum required by £150, as the House had previously voted a sum of £1,300, of which only £500 were required for the Hansard of last session, and consequently there must be a balance of £800 from that vote, which, with an addition of £500, would make up the £1,300 for the Hansard for the present session.

The Attorney-General stated that £550 were required for the "Hansard" of last session.

Mr Hay objected to the subsidising of newspapers, and would far rather that an arrangement were made for the publication of a "Hansard" merely, without the reports first appearing in the newspapers.

The Attorney-General stated that the Government contract was for the publication of a "Handsard" for £1,300 annually, and that the arrangement was that the reports should be first published in the newspapers, otherwise the cost of the "Hansard" would be much greater.

Mr Reynolds had no objection to sanction a vote of £550 in addition to the item already voted for the present session, but he should object to a similar vote for the future, as he thought they were paying rather too dear for their whistle for having their sayings and doings reported.

The Treasurer said that this vote had nothing to do with the vote which had been previously taken. £1,300 a-year had been voted, and this sum of £650 was for the half-year up to the 1st July.

Mr Strangways pressed his amendment to reduce the amount to £550, which was lost, the votes being, Ayes, 5, Noes, 14, as follows:—

Ayes—Messrs Harvey, Hay, Mildred, Strangways, and Reynolds (teller).

Noes—the Attorney-General, the Commissioner of Public Works, the Commissioner of Crown Lands, Messrs Burford, Glyde, Townsend, Milne, MacDermott, Solomon, Cole, Collinson, McEllister, Rogers, the Treasurer (teller).

The vote of £650 was then agreed to.

Aid to Trinity Board for lighthouses, buoys, and moorings, £2,935. Carried after a brief discussion.

Stationery, £3,500. Agreed to with an intimation from the Treasurer that the Government had no objection to try the system of obtaining supplies of this description by tender, a plan which had formerly been found very economical.

Fuel, £1,000. Agreed to.

Reprinting *Gazette* notices in German newspaper, £26. Agreed to.

Electoral charges £1,000. Agreed to.

Subsidy for Steam Postal Communication, £7,000.

Mr Solomon enquired whether any arrangement was being made for the steamers at Kangaroo Island, for if no arrangement was made the colony might be in a worse position when the steamers came than at present.

The Attorney-General replied that the matter was under consideration. Arrangements would be made before the steamers could arrive, which would not be before the end of April. In all probability the advertisements would be issued in a very short time.

The item was then agreed to.

Incidental expenses, including repayments, £700. Agreed to.

Compensation to lessees for improvements on sale of Crown lands, 1,500*l*. Agreed to.

Provision for military defence, £4,500. Agreed to.

Taking the census and statistical returns, £2,000. Agreed to.

Two other items which do not appear on the printed Estimates, including a sum for the exploring trip to the Barrier Ranges, were also agreed to but neither the amounts nor, in one instance, the title of the vote, were audible in the gallery.

The next item was for the introduction of immigrants from the United Kingdom, £20,000.

Mr Townsend opposed the item. Was it wise to expend money for which we would have no return. It was a fact known to those who were familiar with the proceedings of the working class that they went off to Melbourne. He would mention a case. An advertisement appeared lately in the *Advertiser* for masons to work in Melbourne. Six men applied to know, as their passages were to be paid to Melbourne, how they were to get there. They had not the slightest idea that they were under any obligation to remain here, although they had arrived by the very last immigrant ship. Believing that we had abundant skilled and unskilled labor in the colony, he moved that the item be struck out, unless some portion of it was necessary to pay for nomination orders already sent home.

Mr Solomon said the illustration just given by the hon. member was only one of many. It was next to madness to continue sending home money for immigrants, who merely made the colony a stepping stone, which had always been the case, by means of the Land Fund. The fact was well known to every hon. member as to the great majority of the colonists. To continue this system when the neighbouring colonies voted mere nominal sums, would be throwing the money away—at least a very large portion of it. He believed when last the question of immigration was before the House, the Government had no objection to reduce the sum by one-half. The Government had entered into arrangements for vessels which could not be recalled, and therefore he would be most happy to assist by his vote in giving half the amount—(hear, hear, from the Government benches). He moved that the amount be £10,000.

Mr Milne opposed the amendment. He would strike out the whole with the understanding that the Government be authorized to pay all expenses to which their faith was pledged either through the agent at home or otherwise. But unless the House, signified by its vote, informed the Government that the immigration should cease for a given time, the Government would act as they had already done for the ensuing half-year, before they would again have an opportunity of consulting the House.

Mr Burford supported the amendment, but thought it would be imprudent to negative the entire sum. The House should place some confidence in the Government in the matter. If the vessels were limited to one every two months, well and good, but he would be sorry to strike the whole sum out.

The Attorney-General would agree to reduce the sum by one-half, but would strenuously oppose striking it off altogether. The prosperity of South Australia was due to the labor fund. He knew former times and the hon. the Speaker remembered them when there was a great cry of want of employment, and surplus population, and all that as now. These things would always occur periodically in every civilised country on the face of the earth, which was subject to the fluctuations of population seeking employment and capital seeking labor. It would be suicidal on the part of the Legislature to stop the stream of immigration entirely, though he could quite understand the propriety under the circumstances of the colony of limiting the amount. It would be at variance with the principles on which the colony was founded, and with the practice which gave it prosperity to strike out the entire amount, and withhold facilities from those in the colony by contributing to the sum for immigration for the purpose of bringing out their relations, that they might become fellow-settlers here. He had not heard that the immigrants brought out by nomination orders left the colony, but he believed the great number of them were added to our productive power.

The Commissioner of Crown Lands said, in reply to Mr Reynolds, that at the end of the year there would be about sufficient funds for two ships remaining in his (the Commissioner's) hands. The hon. member dwelt briefly upon

the advantages of the nomination system, and the benefits which might be anticipated from the efficient services of Mr Dashwood

Mr SOLOMON, in explanation, said that unless matters improved within the next six months, he should not vote a farthing for immigration of the last half of 1859 His only reason for voting £10,000 now was to enable the Government to carry out arrangments already made

Mr MCELLISTER, in a few words, supported the amendment, and was followed by Mr REYNOLDS, who condemned the immigration system altogether

After some further discussion the amendment for the lesser amount viz, £10,000, was put and carried

Excessess on Votes, 1857—

Establishments, £1,456 11 10d Agreed to

Pensions, retired allowances, and gratuities, £97 18s 9d Agreed to

Public works, buildings and improvements, £1,520 3s 8d Agreed to

Miscellaneous services, £19,483 8s 2d Agreed to

Interest and exchange, £96 Agreed to

Immigration (exclusive of establishments), £31,400 8s 4d, Agreed to

Schedule A, part 1, £553 9s 11d Agreed to

Schedule A, part 2, £293 16s 4d Agreed to

Colonial Chaplain, £300

Mr MACDERMOTT moved, pursuant to notice, the reconsideration of this item, for the purpose of increasing the sum to £350 After some discussion, the motion was negatived

The House then resumed,

The CHAIRMAN reported the resolutions of the Committee, and their consideration was made an order of the day for Monday next

RAILWAY MANAGEMENT

The amendment of Mr Milne and the original motion of Mr Reynolds, referring to the Railway Commissioners were withdrawn, on the Government stating that it was their intention to provide for the railway being vested under the control of a Manager instead of, as at present, under Commissioners

MR RIDLEY

Mr HAY moved—

"That the thanks of this House be conveyed to John Ridley, Esq, as a recognition of his claim to the gratitude of the people of South Australia for his invention of the reaping machine now so generally in use in this country"

The motion was carried unanimously, and the resolution of the House was desired to be conveyed to Mr Ridley in writing through the Speaker

The House then adjourned at a quarter to 8 o'clock until 1 o'clock on Monday next

MONDAY, DECEMBER 20

The SPEAKER took the Chair shortly after 1 o clock

THE HARBOR TRUST

Mr SOLOMON presented a petition from the Chamber of Commerce, praying that the Harbor Trust might be permitted to continue, without interference, the prosecution of the work which it had hitherto conducted in so satisfactory a manner The petition was signed by the President and Vice-President on behalf the Chamber

The SPEAKER said that the petition could only be taken as the petition of the persons signing it, the Chamber of Commerce not being a recognised body

Mr SOLOMON asked if he understood the Speaker to rule that the Chamber was not a recognised body?

The SPEAKER said that it was not, and Mr Solomon, in consequence, withdrew the petition

THE APPROPRIATION BILL

The TREASURER gave notice that on the following day he should move the report of the Committee of the whole House upon the Appropriation Bill be agreed to, and that, contingent upon the motion being carried, he should move the Standing Orders be suspended, in order to allow of the Bill being read a third time

ASSESSMENT ON STOCK BILL

The ATTORNEY-GENERAL gave notice that on the following day he should move the report of the Committee of the whole House upon the Assessment on Stock Bill be adopted, and that he should also move the suspension of the Standing Orders, for the purpose of enabling the Bill to be read a third time the same day He proposed to ask to recommit the Bill for the purpose of making one or two alterations

IMMIGRATION

Mr SOLOMON gave notice that on the following day he should move that in the opinion of the House it was not advisable that immigration at the expense of the colony should be continued, after the sum of £10,000 voted for that purpose had been expended

BREACH OF PRIVILEGE

The SPEAKER called the attention of the House to a breach of privilege. He perceived in one of the public journals of the colony what purported to be the report of a Select Committee of that House which had not yet been presented to the House. He could not say how it had got into the printer's hands, but he had ascertained from the clerks of the House that when they sent documents to the papers which were intended for publication they were addressed to the Editor Should, however, the Editor happen to be a member of that House they were simply addressed to the name of the Editor Thus papers intended for publication would be addressed to the Editor of the *Advertiser*, but papers intended merely for the Editor, as member of that House, would be addressed to J. H Barrow, Esq, M P,

The TREASURER said that upon this question there had no doubt been a breach of privilege As Chairman of the Committee upon Taxation he was in a position to inform the House that the Committee had not agreed to any report whatever upon the subject, and that the report which had been alluded to by the hon the Speaker, as having appeared in that day's *Advertiser*, was not the report of the Committee He was unable to say how the document had found its way into the paper

Mr BARROW, as the individual unfortunately connected with this most involuntary breach of privilege, felt it his duty to say a few words He had observed with very deep regret and much personal annoyance the publication of the document which had been referred to, and begged to assure the House that he knew nothing whatever of its publication till he saw it in the *Advertiser* (Hear, hear) The facts were simply these. The Sub-Editor of the *Advertiser* mistook the report which was intended for his (Mr Barrow's) private perusal for one of the papers ordinarily sent down to the *Advertiser* Office for publication, and, under this misapprehension, put it into the printers' hands during his (Mr Barrow's) absence on Sunday night It was done quite inadvertently, and he (Mr Barrow) was quite ignorant of the occurrence till he saw the report in the *Advertiser* It was purely an accident, although it was one which he deeply regretted—(hear, hear)—but having occurred once, steps had been taken to prevent such an accident ever occurring again (Hear, hear) The House would thus see that the breach of privilege was quite unintentional on his part, and he was himself more deeply annoyed at it than any other member could possibly be. (Hear, hear)

CONFIRMATION OF REGISTRATIONS BILL

Upon the motion of the ATTORNEY GENERAL, the House went into Committee for the consideration of Message No 26 from the Governor-in-Chief, recommending certain amendments in the Confirmation of Registrations Bill The hon. gentleman remarked that the amendments suggested by His Excellency had reference to one matter only It appeared that since the Bill had passed both branches of the Legislature attention had been called to the circumstance that duplicates had been stamped, not with the public seal of the province, but with a lithographed copy of it A question might arise as to the validity of such registration, and as the Bill related only to registrations which had already been effected, and did not affect future registrations in any way, but was merely to remove doubts in reference to a system of registration which was now at an end, he had no hesitation in asking the House to agree to the amendments He therefore, moved that the amendments be agreed to

The motion was carried, and upon the motion of the ATTORNEY-GENERAL the House resumed, the report was adopted, and was ordered to be transmitted to the Legislative Council with copy of the message from His Excellency, stating that the Assembly had agreed to such amendments, and requesting the concurrence of the Council therein

ASSESSMENT ON STOCK BILL

The ATTORNEY-GENERAL, before moving the consideration of the report of the Committee of the whole House upon the Assessment on Stock Bill, said that there were two amendments which he was desirous of making, one being of a formal and the other of a substantial character because without the latter amendment the intention of the Legislature would not be carried out He therefore moved that the Bill be recommitted The formal amendment had reference to the date of the Orders in Council, which had either dropped out of the print or had never been inserted in the draft, and in reference to the other it related to the sixth clause, which provided for the payment by the lessee of the Crown who had not surrendered his lease, of the assessment imposed by the Act That was inconsistent to a certain extent with the fifth clause, which provided that after a renewed lease had been granted the assessment should cease to be paid He therefore moved the insertion of the words, "not being a renewed lease as aforesaid"

The House having gone into Committee, Mr HAY drew the attention of the House to the 3rd clause, relating to the classification of runs He believed that a great error had been committed in changing the classification or in altering the minimum number of sheep from 75 to 100 Instead of raising the number of sheep from 75 to 100, he believed the House would have acted more wisely by reducing the number to 50 The effect of the clause as it stood he believed would be that no return would be procured from the inferior lands He moved that the third clause be recommitted, with the view of altering the classification as regarded the minimum number of sheep from 100 to 75, as originally proposed by the Government

Mr STRANGWAYS moved that 50 be inserted for 100, and that the highest classification be struck out altogether He did not think that the Bill would be found satisfactory to the Government, the squatters, or the public, and he believed that the simplest way of dealing with the question would be to cancel all leases which were now held, and to provide that new leases should be issued for five years, and that during the first five years to fix the maximum amount of rent that should be charged for any run He believed that the arrangement which he had suggested would give the squatters as great advantages as were taken away from them, and that they would have no objection to the leases being cancelled in this manner Instead of a complicated arrangement by which there would be a classification for rent and another for assessment there would be one classification only That would be the simplest course, and the one which he believed the Government would eventually have to adopt The present Bill was, in fact, not a Bill for the assessment on stock, but a Bill to increase the rental upon runs

Mr GLYDE supported the clause as it was, because the hon member for Victoria had himself proposed 100 as the minimum number, and the hon member was the advocate of the squatters, and was supposed to know what their wants and wishes were He would remind the House also that another clause provided that for a period of four years no assessment should be levied, and he could not believe that any land at all available for pastoral purposes would not after four years carry 100 sheep to the square mile It would be hardly fair to leave so much in the power of the valuers as was proposed by the hon. member for Encounter Bay

Mr PEAKE said the argument of the hon member for Gumeracha confirmed his impression that the House in attempting to make itself the valuer of the waste lands of the Crown had made a mistake He had disbelieved in the Bill from the commencement and did so still Experience would, he was assured, prove that they were making a great mistake in passing this Bill, and he believed the day was not far off when they would have to turn back It would be better, in his opinion, that the screw should be put on at once, and then they would sooner find out the mistake which they had made He should, therefore, support the clause as it stood, simply for the purpose of showing as quickly as possible that the House had made a mistake in passing the Bill

Mr LINDSAY hardly knew whether he should support the last speaker, but he believed that the course suggested by the hon member would have precisely the effect which he predicted, and that the House would be called upon next session to retrace their steps and alter the Bill It would, in his opinion, be far more satisfactory and rational not to attempt to fix any maximum or minimum number, but leave the assessors to determine each particular case

Mr MACDERMOTT thought the reasons which had been assigned by the hon member for Gumeracha were just and it would be remembered that when the Bill was in Committee, he (Mr Macdermott) had recommended that the number should be reduced to 50, because he felt that if the runs would not carry 100, they would not be occupied He would recommend the hon member for Encounter Bay to deal with the minimum number first, and afterwards with the maximum If the hon member would divide his amendment, he would support the reduction of the minimum number to 50

Mr MILDRED said that something like a mutual arrangement having been come to between the squatters and the country, he was prepared to support that arrangement The squatters were satisfied, and the country had a right to be It would be the duty, however, of the Commissioner of Crown Lands to see that lands which would not carry the minimum number were not cut out of lands which would carry double and treble the number The course pursued by the late Commission of Crown Lands was not to allow certain portions of a run to be cut out, but that it should be classified as a whole He certainly thought that a maximum and minimum should be fixed

Mr SOLOMON should support the clause as it stood The calculations were based upon the rental at present paid, of 10s 15s, or 20s per square mile If 100 were taken in connection with the lowest rent, the amount paid would be 26s 8d, if 150, £2 per square mile would be paid, if 200, in connection with the medium rent, £2 13s 4d, and if 240, with the highest rent, £3 He could not conceive that these rates were too high, and he believed the House could not do better for the public and the squatters than by adopting the present scale

The ATTORNEY-GENERAL should support the clause as it stood, and had he not imagined that the House would have assented to the Bill without altering any of its principles, he should certainly not have moved its recommittal, but would have rather allowed mere verbal errors to pass than jeopardise the principle of the Bill He did not deny that what had been pointed out by the hon member for Gumeracha might arise, but as four years must elapse before it could, he trusted the House would not agree to either of the amendments

The amendments were negatived, and the clause passed as printed

Upon the motion of the ATTORNEY-GENERAL, the following words were inserted in the sixth clause —"Not being a renewed lease as hereinbefore provided," and in the preamble "19th June" was inserted

The House resumed, the CHAIRMAN brought up the report, and its consideration in Committee of the whole House was made an Order of the Day for the following day

THE ESTIMATES

The TREASURER moved that the report of the Committee of the whole House upon the Estimates be agreed to

Mr PEAKE wished to reduce one source of expenditure which was at present very high He alluded to the item for police, in which he believed that a great reduction might be effected He proposed instead of expending £37,000 per annum upon police, that the amount should be reduced to £30,000, and to begin with he would move that the item which the House had agreed to for police, for six months, £18,378, be cut down to £15,000 He believed the present Executive were not blind to the principle that whilst the metropolitan police should be maintained by the metropolis, it was not fair that the item of £37,000 should any longer be kept as a charge upon the general revenue

Mr STRANGWAYS said that he too was desirous of moving that several items which had been assented to should be recommitted, and after some discussion as to the proper course to adopt to accomplish this object,

The SPEAKER put the question for the adoption of the Estimates as they stood, "that the words proposed to be omitted stand part of the question," which was negatived by a majority of four, the votes on a division, Ayes 9, Noes 13, being as follows —

AYES, 9—The Attorney-General, the Commissioner of Public Works the Commissioner of Crown Lands, Messrs Collinson, Macdermott, Hallett, Hay, Milne, and the Treasurer (teller)

NOES 13—Messrs Townsend, Glyde, Burford, Strangways, Mildred, Hawker, Harvey, Barrow, Cole, Solomon, Rogers, Lindsay, and Peake (teller)

Mr STRANGWAYS wished the item of £1,000 for a new Government Printing-Office recommitted, as he believed that the present building was quite sufficient for the purposes for which it was required He should move that item be struck out There was also another item, in aid of rates collected by District Councils He was not opposed to granting one-half the amount collected, but the revenue would not always permit it, and he believed that the balance in hand at the end of the ensuing year would be considerably less than it ought to be The House had voted the sum of £12,500 in aid of District Councils for the first six months of 1859 and he was desirous of moving that that amount be reduced to £10,000 There was another item of £1,500 for military defences, which he thought they might strike out, as, if it were intended to erect a battery for the purpose of preventing Port Adelaide from being shelled, he much questioned whether that was the sort of defence which was required He believed, however, that the Government should have a sufficient amount placed at their disposal to enable them to assist a Volunteer Rifle Corps, by granting them ammunition, and the Enfield Rifles, which were at present in store He believed £1,000 would be sufficient for the half-year The Government had, he believed, had the question under consideration for some months, but they were slow in arriving at a conclusion, as usual, although he believed that they approved of the scheme With regard to the vote for immigration, he was desirous of increasing the vote from £10,000 to £15,000, for, whilst he agreed that, under the present state of the colony, it was undesirable that immigration should be kept up at the rate of one ship a month, but that a ship each alternate month would be sufficient during the next 12 months he did not believe that £10,000 would be sufficient to accomplish this, although £15,000 might do He thought that £15,000 would send out about 850 statute adults, which would be about three ship-loads

The motion for the recommittal of the Estimates upon the following day was carried

LEVEL CROSSING AT BROMPTON

The House having gone into Committee,

Mr COLE with the permission of the House, amended the motion in his name and moved that an address be presented to His Excellency the Governor, requesting His Excellency to make such arrangements as were necessary for the purpose of forming a level crossing at East street, Brompton

Mr SOLOMON seconded the motion

The ATTORNEY-GENERAL should not oppose a sum being placed on the Supplementary Estimates of 1859 for the purpose If the House passed the present resolution the Government would take it as an authority to expend the necessary amount to construct the work Up to the present time the Government had not felt justified in assenting to the construction of the work, because it involved continued expenditure for a gate and gatekeeper, but the Legislature having sanctioned such an alteration in reference to level crossings as abolished gatekeepers there was no objection to the work being undertaken

Mr LINDSAY said it was highly necessary to have a crossing at the spot, but as it was a very crowded neighbourhood, he hoped the Government would endeavour to devise some ingenious machine, something like that which was in use in America, for the purpose of catching children as they passed He complained that level-crossings were frequently made where the natural features of the country pointed out that they should be on a different level

POLICE-STATION AT AUBURN

Mr PEAKE, in accordance with notice moved that on the 22nd instant the House go into Committee of the whole, to consider an address to His Excellency the Governor-in Chief, requesting him to place a sufficient sum on the Estimates for the erection of a Court-house and Police-station at Auburn He need say very little in support of the motion, as any one who knew the Northern District must know that what he asked for in the motion was urgently called for There was a Stipendiary Magistrate at the Burra, who could easily hold a Court at Auburn, which was the centre of a very extensive agricultural district, and where it was most desirable to have a police-station It would be a great boon to a large number of settlers in the immediate district to have a periodical Court there The extra work to the Stipendiary Magistrate would be very small, Auburn being only 15 miles from Clare and as a Court was held at Clare the magistrate on his way home could easily call at Auburn [Here the hon member held a short conference with Mr Harvey] He had just been informed that a Court was held there already (Laughter) They had a magistrate and a Court but what they wanted was a police station, that was it—(renewed laughter) and, notwithstanding the blunder which he had made in his first statement to the House, he trusted the motion would be assented to

Mr HARVEY seconded the motion

The ATTORNEY GENERAL should not oppose going into Committee upon the subject in order that it might be fully discussed, but from information which he had received he did not think the expenditure was necessary at present

Mr HAWKER should certainly support the motion, as a Court-house and police station were much wanted at Auburn, which was in the centre of a very large population and as £800 had recently been voted for a Court-house at Goolwa though there was already one at Port Elliot, which was only seven miles off, there was much more reason that there should be similar buildings at Auburn, the nearest police-station to which was 15 miles off

Mr LINDSAY would not oppose going into Committee upon the subject, but in reference to Court-Houses generally, would remark that it was very desirable that Government should have some recognized design for such buildings, as he found that the cost, or sums voted, varied from £200 to £800, although the accommodation required was much about the same

The motion was carried

The ATTORNEY-GENERAL, in moving the adjournment of the House, intimated that if the Committee came to any decision upon the Estimates on the following day, he should move the suspension of the Standing Orders to enable the report to be agreed to at once

THE REAL PROPERTY ACT

Mr LINDSAY, as there was no other business before the House, begged to put to the Attorney-General the question of which he had given notice—that he would ask the Attorney-General whether in his opinion registration of title is better than registration of assurance if so, why ? Also, whether in his opinion the system of transfer of real property by registration will be workable in all cases under the amended Act of the session, and whether it is likely to be beneficial to the colony, and whether in his opinion a better system could or could not be devised ?

The ATTORNEY-GENERAL exceedingly regretted that the hon member should persist in asking questions to which he must be aware that he (the Attorney General) could give no other answer than that he declined to answer them He should have thought the hon member had had so much experience in putting questions which had not been answered as to enable him readily to determine what questions fell within his sphere (Laughter)

The House adjourned at half-past 2 o clock till 1 o'clock on the following day

LEGISLATIVE COUNCIL

TUESDAY, DECEMBER 21

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon H Ayers, the Hon Captain Hall, the Hon Captain Bagot, the Hon Dr Davies, the Hon Major O'Halloran, the Hon Captain Scott, the Hon Abraham Scott, the Hon J Morphett, the Hon S Davenport, the Hon Dr Everard, the Hon the Surveyor-General

THE HARBOR TRUST

The Hon Mr DAVENPORT presented a petition signed by Messrs Henriques, Young, and Melville, on behalf of the Chamber of Commerce, expressing their satisfaction at the manner in which works in connection with the improvement of the Harbor had been carried out by the Harbor Trust, and praying that there might be no interference with the executive power of that Trust The petitioners expressed regret at a resolution of the Assembly to the effect that the Steam Dredge should be taken from the outer bar

The petition was received and read

The Hon the PRESIDENT announced that he had presented to His Excellency the Governor in-Chief the address adopted by the Council, requesting that Henry Simpson, Esq might be appointed a member of the Harbor Trust in the room of E G Collinson, Esq , M P , resigned

MESSAGES FROM THE ASSEMBLY

The Hon the PRESIDENT announced the receipt of the following messages from the House of Assembly —"No 42, intimating that the Assembly had passed a Bill to remove doubts affecting the validity of certain land grants and regulating the fees thereon, in which they desired the concurrence of the Council No 43, transmitting an Act to establish the validity of certain registrations and transmitting copy of a message from His Excellency, suggesting certain amendments, to which the Assembly had agreed, and desired the concurrence of the Legislative Council No 44 intimating that they had passed the Assessment on Stock Bill, and desired the concurrence of the Legislative Council therein

VALIDITY OF GRANTS BILL

Upon the motion of the Hon the CHIEF SECRETARY, the Bill to remove doubts as to the validity of land grants, was read a first time, the second reading being made an Order of the Day for the following day

ASSESSMENT ON STOCK BILL

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a first time the second reading being made an Order of the Day for the following Thursday

REGISTRATIONS BILL

Upon the motion of the Hon the CHIEF SECRETARY the consideration of the amendments in the Bill to establish the validity of certain registrations was made an Order of the Day for the following day

THE HARBOR TRUST

The Hon the PRESIDENT announced the receipt of a message from His Excellency the Governor, intimating that steps had been taken to comply with the wishes of the Council as expressed in address No 6, by appointing H Simpson, Esq , member of the Harbor Trust

The Hon Captain BAGOT gave notice that on the following Thursday he should move the House take into consideration the report of the works proposed to be undertaken by the Harbor Trust, and that an address be presented to His Excellency the Governor expressive of an opinion that the Harbor Trust should be allowed to carry out such improvements in the harbor as were proposed in the Council Paper 153

THE REAL PROPERTY ACT

The Hon H AYERS asked the Hon the Chief Secretary if any one had been appointed under the Real Property Act in the place of Mr Belt, as counsel and solicitor, and if not, whether any one was to be so appointed ?

The Hon the CHIEF SECRETARY said no such appointment had been made up to the present time, but he could not answer the latter part of the question

PROROGATION

The Hon H AYERS, seeing that the Real Property Act was before the Council for that day, would ask the Hon the Chief Secretary when it was intended to prorogue Parliament and when to call it together again

The Hon the CHIEF SECRETARY said the Government had no intention of advising His Excellency to prorogue Parliament until the business before the Council had been disposed of In all probability Parliament would be called together in the early part of April.

THE HARBOR TRUST

The Hon the CHIEF SECRETARY laid upon the table correspondence between the Harbor Trust and the Commissioner of Public Works, together with a number of charts connected with the harbor

JOHN RIDLEY, ESQ

The Hon Major O'HALLORAN, in moving that the thanks of that House be given to John Ridley, Esq , as an acknowledgment of his claim to the gratitude of the colonists of South Australia, for his invention of the reaping-machine now in general use, said that he was not aware there was any individual in the province who was not prepared to eulogize the merits of Mr Ridley in inventing the reaping machine He regretted that no public testimonial had been bestowed upon such merit, for Mr Ridley was the greatest benefactor South Australia had ever seen or was likely to see There were during the present season 175,000 acres of wheat under crop, but if it had not been for Mr Ridley s invention there would not have been half that quantity upon the ground, as there would have been no possibility of obtaining the necessary amount of labor to reap it On one occasion, in 1845, he had the honor of presenting Mr Ridley to Governor Grey, who presented him with a subscription purse, contributed by a few individuals, of 65 guineas, which amount Mr Ridley immediately handed over as a gift to the Mechanics' Institution It would be admitted that Mr Ridley was entitled to much greater praise than had been bestowed upon him, and although it was unprecedented to give a vote such as he proposed, it would be better to adopt that course than to allow Mr Ridley to go unrewarded As a farmer he had kept statistical returns

during the last 20 years, and had drawn up a return, not from the rule of thumb, but from actual documents, showing the extraordinary benefits derived from Mr Ridley's invention In 1839 he farmed in a small way, from 1840 to 1843, he found that he had 327 acres under crop, and the cost for reaping, &c, not including thatching, amounted to £1 18s 1d per acre From 1844 to 1858, he had had 2,063 acres under wheat, which cost him, by using Mr Ridley's machine, including cleaning, only 14s 6d per acre, so that the difference in favour of the machine was £1 3s 7d per acre The saving in 15 years upon 2,063 acres amounted to £2,432 12s If this amount were divided by 15, it would leave £162 3s 6d, the annual saving, and allowing 10 per cent, for the cost of the machine and tear and wear, there would still be a clear saving of £145 per year He was only one out of 4,000 farmers, for the last census return showed that the number of farmers was 2,800, and the present number could not be below 4,000, so that the benefits derived from Mr Ridley's invention were incalculable He therefore moved that the thanks of that House be given to John Ridley, Esq, as a recognition of his claim to the gratitude of the community of South Australia for the invention of the reaping machine, and that the President be requested to convey the same by letter to Mr Ridley If, as he believed, the vote would be unanimously assented to, it would add to the gracefulness of the act if the President were to forward the letter to the Hon John Baker, requesting him to present it, accompanied by some old colonists, such as Mr Stephens, Mr Dutton, and others at present in London He moved that he have leave to amend his motion as stated

Leave having been granted,

The Hon Captain BAGOT seconded the motion, remarking that he could bear full testimony to all which had been stated by the mover He did not think, indeed, that as much had been said in favor of the advantages which Mr Ridley had conferred upon the province as might have been said The hon mover had shown in the most clear and lucid manner the benefits which he had himself derived from the use of this machine by the saving of labor, but he had not shown the enormous profits which had resulted to the colony upon the 175,000 acres of wheat which were under cultivation It was impossible, indeed, to calculate these advantages, for, but for Mr Ridley's invention, instead of there being 175,000 acres under cultivation, there would in all probability not have been one eighth of that quantity The benefits conferred by this admirable implement had during the last six or seven years enabled the colony not only to supply the wants of a wonderfully increasing population amongst ourselves, but also to supply an unheard of rush to a neighboring colony It had been the means of enriching the farmers, and he believed that upwards of a million of money had been expended in the purchase of land, which would not have been expended but for this machine the use of which, he believed, had enriched agriculturists to the extent of several millions Mr Ridley spurned anything like an attempt to put upon him anything like a pecuniary reward and he might remark that when Mr Ridley made the discovery which he did he made a discovery which had never been thought of before Numerous attempts had been made to invent a reaping machine, but Mr Ridley passed them all by and introduced a locomotive thrashing machine, and by doing so established a claim to the deepest gratitude of every individual in the colony The step proposed by the Hon Major O'Halloran was a just and proper one It might be objected that many years had passed by, and that after a reasonable time had been given to test the invention would have been the suitable period at which such a vote as this should have been arrived at, but it was never too late to take a step in the right direction

The Hon the PRESIDENT put the motion, which was carried unanimously

THE THIRD JUDGE AND DISTRICT COURTS BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed, and ordered to be conveyed to the House of Assembly with an intimation that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly

DISTRICT COUNCILS ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed, and ordered to be transmitted to the Assembly, with an intimation that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly

LICENSED VICTUALLERS ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed, and transmitted by message to the Assembly, intimating that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly

BOARD OF WORKS BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed, and ordered to be transmitted to the Assembly, with an intimation that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly

IMPRISONED DEBTORS ENLARGEMENT BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed, and transmitted by message to the Assembly, intimating that they had agreed to the Bill with amendments in which they desired the concurrence of the Assembly

LONGBOTTOM'S PATENT BILL

On the motion of the Hon H AYERS, this Bill was read a third time and passed, and transmitted by message to the Assembly, intimating that the Council had agreed to the Bill with an amendment in which they desired the concurrence of the Assembly

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY in moving the second reading of this Bill, said that when the Act of 1855 and 1856 was passed, strong objections were expressed to it on account of the inequality of the rate of assessment That Act provided that there should be a construction rate of two shillings in the pound upon property within the city boundaries, and sixpence for a supply rate, the construction rate being chargeable whether a supply were taken or not The Ministry of that day undertook to give the subject their best consideration at a future time, and the result had been the present Bill, which provided a more equitable mode of raising the necessary amount It had received the careful consideration of the Commissioners of water supply, and he need merely refer hon members to the schedules to the Bill to shew them what alterations were contemplated by the present measure The property within the city was divided into four classes The first class related to private dwellings and offices for business purposes, which were assessed at so much per room, the second referred to stables, stockyards, &c, and there was a provision by which sixpence per week would be charged for every head of cattle or horse using the water The third class had reference to buildings in which water was not consumed, but which would nevertheless be benefitted by the large sum which would be saved in insurance, and upon these it was proposed to charge 2½ per cent upon their annual value The fourth class took in the same class of buildings, in which water was used in contradistinction to those in which water was not used Upon these it was proposed to place an addition to the rate charged upon private dwellings of 2½ per cent Clause 48 gave the Commissioners power to impose an additional rate upon mills, breweries &c, according to the quantity of water used The only other alteration of importance was that in carrying out the Act the operation of the Commissioners would be dispensed with, and the Commissioner of Public Works substituted With that exception the whole scope of the measure was merely to reduce the rate He moved that the Bill be read a second time.

The Hon Captain BAGOT seconded the motion

The Hon Dr DAVIES thought it would have been better if the old construction rate had been continued, and that it had been left optional with parties whether they took the water or not He regretted to observe that, in a sanitary point of view, drainage appeared to be considered a secondary matter, as he felt satisfied that if a Council of medical men had been appointed they would have reported that drainage was more important than water supply If water were brought into the town, and there were no drainage, the result would be that mere deluging the streets and surface would lead to putrefaction and disease He regretted to perceive that the small amount which would remain for drainage after water supply had been obtained would be wholly insufficient for the purpose No benefit would result to the health of the citizens from water supply unless it were accompanied by drainage It had been stated by the Hon the Chief Secretary that this Bill provided for imposing a more equitable rate than the former Bill, but he did not think this was the case in all instances, for washerwomen, scourers, and dyers, used eight or ten times as much water as many who occupied large houses, but as the classes he had named would probably occupy premises containing two or three rooms they would only be assessed accordingly He believed the scale would have to be altered

The Hon S DAVENPORT remarked that the previous assessment was upon the same principle as that of Melbourne being an assessment upon property without reference to the individual benefits derived from the Waterworks He thought the system proposed by this Bill altogether more equitable The Hon Dr Davies had referred to the absence of provision for sufficient drainage, but he believed they were placed in this position, that the drainage of the city would be such an expensive operation that it would be impossible to undertake it, as it was so far beyond their means He believed that much benefit would result, so far as drainage was concerned, from obtaining an abundant supply of water, the volition as contrasted with the force with which water came from a water-cart clearing away many impurities To make channels underground was an antique mode, created much sickness, and was the cause of many deaths He believed that surface drainage was far more wholesome, and that with the balance which would remain in hand after the Waterworks had been completed much might be done in the way of drainage to improve the health of the City of Adelaide The Hon Dr Davies had observed that dyers and others were not taxed in proportion to the water which they consumed, and he (Mr Davenport) had formed the same opinion in reference to the wholesale consumers

of water when he first read the Bill, but upon consulting Clause 48 he found that power was given to impose an additional rate in such cases He believed that much benefit to health would result from an abundant supply of water, so that, as in London, the poor man might be enabled to get his warm bath with 54 gallons of water for a penny, or an ordinary sponge bath for a quarter that amount.

The Bill was then read a second time, and the House went into Committee upon it

The Hon H AYERS drew attention to schedule A, which provided for a rate upon rooms containing 30 superficial feet, that would be only six feet by five, and he would, therefore, suggest that the 30 should be altered to 60

The Hon Captain BAGOT thought this would exclude a great many, as he believed that in the smaller houses there were many rooms occupied as bedrooms which were not larger than six feet by five

The Hon H AYERS said that his proposition had reference to rooms 10 feet by 6, and he did not think there were any smaller

The amendment was lost, and the various clauses and schedules having been agreed to, the House resumed, the report was adopted, and the third reading was made an Order of the Day for the following day

REAL PROPERTY ACT AMENDMENT BILL

Upon the Order of the Day for the second reading of this Bill being called on, the Hon the PRESIDENT said he must again call the attention of the Council to a fact to which he had directed their attention before—that this was a Bill containing clauses appropriating revenue, and there was nothing to show that it had been recommended by the Governor There were two clauses in this Bill appropriating revenue, and under the Constitution Act, the 40th clause, neither House could introduce a Bill for the appropriation of revenue, unless it had been recommended by the Governor There was no intimation that this Bill had been so recommended, and, furthermore he would call the attention of the House to the address of His Excellency upon proroguing Parliament, last session, in which he referred to there being a clause appropriating revenue in the former Act, and stated that clause was inoperative. He might also refer to the letter of the Secretary of State to his Excellency upon the same subject

The Hon the CHIEF SECRETARY asked if he was to understand the objection was, that the Bill had not been introduced in that House, but in the House of Assembly?

The Hon the PRESIDENT referred to the 40th clause of the Constitution Act, showing that it was not lawful to introduce Bills appropriating revenue in either House

The Hon H AYERS was desirous of submitting a motion, with the view of testing the feeling of the House upon the point

The Hon the PRESIDENT said the Hon the Chief Secretary was in possession of the House at present, being about to move the second reading

The Hon J MORPHETT submitted that the Hon Mr Ayers was perfectly in order The Council had been addressed by the President upon an irregularity, and had been cautioned against committing an unconstitutional act, and then the Hon Mr Ayers rose, he presum , for the purpose of moving that the Bill be not passed He thought the hon gentleman was perfectly in order in so doing, and that the Hon the President was perfectly correct in his view, for the 40th clause of the Constitution Act distinctly stated that neither House should pass Bills appropriating the revenue unless such Bills were introduced by the Governor The President had called the attention of the Council to the fact that they were about to do an illegal act, and he thought the Council were indebted to him for so doing, as it was important that the Council should be kept within the bounds of their lawful authority He considered that the Hon. Mr Ayers was perfectly in order in moving that the House could not pass this Bill

The Hon the PRESIDENT understood that the Hon Mr Ayers was about to move for a Committee

The Hon H AYERS said that was not the case, as he considered this a question of privilege

The Hon Captain BAGOT could not see on what ground this objection was raised Just now they had gone through a Bill disposing of revenue and providing for levying taxes That was a Bill to amend a Bill, and so was the one before the House The Council were not called upon to enact a new Bill but merely to amend one He could not conceive that the argument of the hon. the President would hold water

The Hon the PRESIDENT hoped the Council did not think that it was he who objected to the Bill being proceeded with, but he had merely pointed out as a matter of duty, what he had no hesitation in saying was the case, that the Council had no power to deal with the Bill

The Hon H AYERS said he was about to move that the House had no power to proceed with the Bill, as it had not been introduced by His Excellency He need merely refer to the remarks of His Excellency on proroguing the House last session By the 35th clause of Act No 15, known as the Real Property Act, it was provided that for the insurance fund there should be a payment of a farthing in the pound, and in default of this assessment being found sufficient, provision was made to make good the damage from the general revenue That clause was construed by His Excellency into a contingent appropriation of revenue, and in proroguing the Parliament His Excellency remarked that he hoped the alterations made in the laws would realize the best wishes of their promoters, but that he felt the 35th clause of the Real Property Act contemplated a contingent appropriation of revenue, and not having been initiated by himself would have to be rendered effectual by future legislation The 21st clause of the Bill before the House repealed clause 35 of the old Act and enacted another clause increasing the assessment from a farthing to a halfpenny in the pound He found according to the records of the Assembly that this Bill had been introduced by Mr Hanson, and he presumed that the same objection which His Excellency made to the former Bill must exist to the present one He moved that the House do not proceed with the Bill

The Hon S DAVENPORT said that on previous occasions when the Hon the President had called attention to the 40th clause of the Constitution Act, he felt that he should have done the same thing had he been in the President's position, but the ruling of the House had hitherto been that a Bill which had been passed by the Assembly and recommended by the Government was introduced in a perfectly regular course, the Government having exercised their constitutional right of arranging the public purse The clause in the Constitution Act rather referred to the appropriation of revenue, but the Bill before the House referred to the raising of revenue If the conscience of the Hon Mr Ayers were so constitutional, why had it not been equally constitutional on previous occasions, for instance, when the Council passed the Third Judge and District Courts Bill or the District Councils Act Amendment Bill, which the hon member not only agreed to but it was actually at his suggestion that the twopenny fee for registration was struck out

The Hon the CHIEF SECRETARY said the question now raised had been set at rest long since. There was this difference between the present Bill and that which was introduced last session, the present Bill being introduced by a responsible Minister of the Crown, and it was always considered that a Bill introduced by a responsible Minister of the Crown was in the same position as a Bill introduced by the Governor The point had been decided over and over again in reference to the Railway Bills and others

The Hon the PRESIDENT said there had been no ruling upon the point in that House

The Hon H AYERS also urged that there had been no ruling in that House upon the subject

The Hon the CHIEF SECRETARY said the House had decided the point on several occasions, and he had hoped it would not have been raised again The Hon H Ayers had referred to clause 35 in the Bill of last session, but he would remark that it was not proposed by this Bill to amend that clause in any way, or to touch the revenue of the colony

The Hon J MORPHETT considered this question one of great importance He should have no objection to have the question fully argued whether that Council could pass any Bills appropriating the revenue of the colony, providing such Bills were not introduced to Parliament by the Governor The matter had now come before the House in such a way that it demanded attention The Hon the President had expressed an opinion that the Council could not pass such Bills because it would be in contravention of the 40th clause of the Constitution Act He considered in doing so the President had not merely done his duty, but that it was his imperative duty to act as he had, as it was to him that the Council looked to keep them within the bounds of lawful authority It should be remembered that the Acts appropriating the revenue which had been passed by the Council, though they had not been introduced by the Governor had not yet stood the test of the Courts of Law, and it was never too late to arrest themselves in a downward course if it were found that they had really been led into error He had understood the President to state that he had drawn the attention of the Council to the point in consequence of the Secretary of State having drawn the attention of His Excellency to it, and this made it more important that the matter should be closely looked into The Chief Secretary might determine upon going on with the Bill, but that would not relieve hon members from their duty to themselves and their constituents He should second the amendment of the Hon. Mr Ayers

The Hon the PRESIDENT remarked that there was a certificate attached to the Real Property Bill, to the effect that it had originated in the Assembly, but upon another Bill received from the Assembly—the Assessment on Stock Bill—there was a certificate that it had been recommended by His Excellency the Governor The only legitimate way that the Council could be informed of the fact was by the certificate

The Hon H AYERS in reference to the remarks of the Hon Mr Davenport relative to having taken no notice of such irregularity before, said that he considered this was a most fitting time to do so when the President had called the attention of the Council to the subject The hon gentleman had also alluded to the District Councils Act, and alterations which he (Mr Ayers) had effected in it, but he was not aware that the District Councils Act was not properly introduced to the Assembly, no doubt it was, as the attention of the House had not been called to any irregularity in connection with it In reference to the remarks of the Chief Secretary that the 21st clause of the present Bill did not contain the same provision as the 35th clause of the old one, if the hon gentleman would refer to the 40th clause of the Constitution Act, he

would find that neither House had power to deal with Bills not introduced by the Governor which imposed any tax or rate and if levying an assessment of a halfpenny in the pound was not a rate, he did not know the meaning of those words

The Hon the PRESIDENT referred particularly to the 91st clause of the Bill, providing for indemnity out of the Insurance Fund, or the General Revenue of the province

The motion of the Hon Mr AYERS having been lost,

The Hon CHIEF SECRETARY, in introducing the second reading of the Bill said that the amendments had been suggested by the Registrar General who originally introduced the Bill, the Lands Title Commissioners and their solicitors The amendments were the result of their observations upon the practical working of the Act during the last six months, and although they might seem extensive, upon referring to the Act it would be found that they were purely of a technical character to assist in carrying out the measure During the last session the Council fully conceded in the principle of the Bill, and he was sure they would not hesitate to assent to amendments for the purpose of making it more beneficial

The Hon Captain BAGOT seconded the motion

The Hon J MORPHETT scarcely knew how to address the House on the present occasion or how he should be able to answer the arguments in favor of the Bill No doubt those arguments were very good, but seeing they were advanced by parties not in that House, he did not see how he could answer them The Hon the Chief Secretary had not favored the House with the reasons that the Bill should be amended, but admitting that the old Act ought to be, as it was very likely it should be, it was unquestionably their duty to amend an Act which was found to work badly or to contain errors which required amendment He objected, however, to the motion of the Chief Secretary, because no time had been given for the consideration of these amendments, which their duty to their constituents, and the importance of the subject demanded should be given to the matter The Bill he believed, was only in print on Saturday, and it was very probable that many like himself had not received it until the previous day, so that there had been 24 hours to study 96 clauses which the Bill contained to say nothing of the necessary consideration to determine the effect of striking out 76 clauses which the Bill repealed, and four schedules If he could have devoted every moment since he received the Bill to its consideration he should have been unable to arrive at a clear and decided view upon the question Some hon members might be so gifted as to be enabled to study a Bill of such length in so short a time, but he confessed he was unable to do so, and as he considered that no injury or injustice could result to the country at large by throwing out the Bill for the present, and introducing it next session, he should move that the Council adopt that course If the Bill were thrown out now the Chief Secretary would be enabled to introduce it again when the Parliament assembled and the hon gentleman had stated that would probably be in the early part of April He was in hopes that before the Bill was brought forward certain returns which had been moved for in the Assembly would have been forthcoming, but this had not been the case, although a long time had elapsed The Constitution Act had given them two Houses of Parliament, and it had always been held that the advantage of two Houses was that a guarantee was given due consideration would be given to all measures which were introduced The Council had always been referred to as an advantage in presenting a check to hasty Legislation, but he would ask the Chief Secretary if that character could be maintained if the hon gentleman were to introduce a Bill of this important character which had only been in print on the Monday, and on the Tuesday ask that House to pass it into law The Chief Secretary would recollect that when the last Act was passed there was one clause to which particular exception was taken, and that was clause 1, which repealed all other Acts which at all interfered with the Bill Great objection had been taken to that clause, and since that period His Excellency the Governor had received certain instructions not to assent to any Act on the part of Her Majesty, unless all Acts which were repealed by it were specially mentioned If the Bill were passed, which would be unwise, His Excellency could not in the face of those instructions assent to it, His Excellency being specially ordered not to assent to any Act which did not specially mention the Acts which were repealed by it Now he believed the present Act repealed about 40 Acts, containing in all 1500 clauses, so of course it was expected by the Chief Secretary that during the 24 hours which they had had for the consideration of this Bill, hon members would have read these 1,500 clauses, and no doubt hon members would have done so, if they had only known what Acts they were, but as they were not mentioned in the Bill, they could not tell It was the duty of the Chief Secretary to point out in the Bill the Acts actually repealed He was surprised at the course which the Chief Secretary had taken He thought the hon gentleman must have made a mistake in introducing the present Bill without any provision rectifying the error in the previous Bill to which His Excellency alluded in proroguing Parliament The hon gentleman must feel that he had made a mistake in not introducing such a clause, but he would suggest that if the Council threw out the Bill now, the hon gentleman would be enabled to introduce such a provision in the measure which he laid before the Council next session The Chief Secretary had been very concise in introducing the Bill, but he thought the hon gentleman should have stated upon what grounds the Council were asked to double the assessment, and why if a farthing were considered sufficient last season they should now be asked to increase it to a halfpenny When they taxed the community at large they should should show some good grounds for doing so and he contended that this amounted to an increase of taxation upon the whole community, as almost all were purchasers of land He should be happy to consider amendments which were considered necessary to remedy defects in the present Bill, but he must have reasonable time to consider them, and was not prepared to take the arguments of parties not in that Council as sufficient justification for passing an Act which he did not understand He had been sent to that House by a constituency upon the faith that he would carefully weigh and consider every measure which was brought before it, and it would not be a sufficient justification for him to say that Mr This or That said it was considered desirable that such an Act should be passed He wanted to be enabled to form his own judgment, and to be allowed a proper time for consideration He moved that the Bill be read that day six months

The Hon Captain SCOTT was sorry to say that he felt it his duty to second the amendment of the Hon Mr Morphett He should really like very much to see the Bill pass, and in such a manner as would give full satisfaction to those who were entrusted with the working of the measure, and to the country He should like to see it pass in such a way as would be becoming the dignity of that House, but the Bill before the House furnished clear evidence of the evils of hasty legislation, and by calling upon the House to repeal 70 clauses and amend five, furnished 75 powerful arguments to guard them against falling into a similar error on the present occasion The Bill was not yet 11 months old, and the original Bill contained 123 clauses, but by the Bill before the House they were called upon to repeal 70 and amend 5 leaving only 48 in the original Bill, and they were called upon in order to amend these to add 96 new clauses, or 200 per cent upon the remainder of the Bill, on which they were to legislate, and to repeal four schedules and add five Another difficulty appeared to be that the new clauses were to be dovetailed into the old Bill in some way, but where they were to go hon members did not know, except by some red ink marks which had been made upon a Bill which had been placed in the hands of members, but he presumed that these red ink marks would not always remain in the Bill, and consequently if parties went to law under this Bill, who would there be to say where certain clauses should be inserted?—who could say where the red ink marks were? (Laughter) It appeared that clause 2 was part of clause 3 in the original Act, and the succeeding clause was to be clause 4 but whether clause 4 in the original Act was to be struck out, was not stated He confessed he had tried to understand how these clauses were to be arranged but could not for at the end of clause 9 was to be inserted clause 6 of the new Bill, and between clauses 13 and 14 came clauses 7 and 10 to be inserted Between clauses 26 and 27 clauses from 11 to 17 of the new Bill were to be inserted, and in another part there was a memorandum, clauses 22 to 41 to be inserted here Who could possibly understand this? Would it not have been better to have repealed the old Bill, for he would defy any one to understand the two measures as they were placed before the House There was no intimation as to the order in which the various clauses were to be considered When the original Bill was passed they were told that it was to be a very cheap Bill, a people's Bill—and it might be so ultimately, but he confessed he did not think the way to make it so would be to pass the Bill now introduced It might prove very advantageous to the lawyers, but he could not see how a plain man could know how to deal with it if he had nothing but this Bill to guide him It should be remembered that the Bill proposed to deal with every man's hearth, with every man's house, and every foot of land in the colony The Bill was of so important a character that it ought not to be hastily passed It would be well worth their while to take time to pass it, so that it would not interfere disadvantageously with any man, but that it would work smoothly and advantageously to all The Bill had not been in actual operation five months, and yet it had been found that it would be necessary to repeal 70 clauses, and that five would have to be amended, making an average of three clauses for every week that the Bill had been in operation He did not wish to detract from the judgment, intention, and perseverance of the framer of the Act, who had undertaken a most herculean task, and it could not be expected that the first Bill should prove perfect, but that it had not proved so was a greater reason that they should not rush hastily into the present measure, and leave it but an imperfect one after all If they passed the new Bill, it might be found within six months that 20 or 30 other clauses required amendment, and then they would have the same thing to go over again There would then be another set of amendments instead of bringing forward a new Bill till at last the lawyers themselves would become so puzzled that they would require a pretty handsome fee to induce them to have anything to do with the Act It would be more just to the country and to the gentlemen who were entrusted with the working of the Act, and more creditable to themselves, to throw out the Bill

before the House, and if a new Bill were introduced early in the ensuing session, he should be happy to endeavor to make it as perfect as possible. The other colonies would laugh at them if, after boasting of having introduced a perfect measure, it were found that within a few months 75 clauses required alteration. He was not opposed to the Bill, which he believed might be made a great boon to the country, but they would be adopting a most unsatisfactory course by agreeing to the Bill before the House.

The Hon Captain BAGOT said the last speaker had mystified himself, and had endeavoured to mystify the House, by comparing the two Bills, but the fact was that the Bill marked with red ink, which had been referred to, had merely been placed in the hands of hon members for the purpose of directing their attention to those portions which it was proposed to amend. He would remind the Hon Captain Scott that no ship had ever yet been built which would not bear improvement, and the House had no right, he thought, to say that they would not proceed with improved Acts of Parliament as often as they were required. The House would bear in mind that this was a new measure, and, as had been stated by the previous speaker, the framer had undertaken a most herculean task. It was not to be supposed that the Bill should be perfection in the first instance; in fact, he was quite prepared to find the Bill require amendment ten times during the time he had a seat in that House. The Hon Mr Morphett had stated that His Excellency the Governor could not give his assent to the Bill of last year, but he would remind the House that there had been no disallowance of the Bill after it had been submitted to Her Majesty's law officers. The hon gentleman stated that he considered he should be doing his duty to his constituents by rejecting the measure; but he (Captain Bagot) had been returned to that House by the same constituency who returned the hon member, and he felt bound to support the Bill, because in doing so he felt satisfied he echoed the wishes of nine-tenths of the constituency who sent him to that House.

The Hon H AYERS did not rise to oppose the principle of the Bill, because if he were opposed to the Bill or the original Act which this Bill sought to amend, he should remain silent, but it was because he wished to see Act No 15 so amended that not only those who were wedded to its principle and practice, but those who conscientiously objected to come under its provisons might have those objections removed, that he should support the motion of the Hon Mr Morphett. From the short time which they had had for the consideration of the Bill he must object, as they no doubt would if the second reading were carried, to proceed with the consideration of the measure clause by clause. The Bill had only been actually in operation five months, and had been only very partially adopted by the public. The Government had the power of showing to what extent the Bill had been successful, but had not done so. The Bill was, in fact, altogether an experiment, and was characterised as such when it was very hastily passed last session by that Council. They could not indeed have any better proof of it having been merely an experiment than being asked to strike out 70 clauses and insert 90 new ones, besides altering and inserting several schedules. Even supposing that hon members had devoted the whole of the time from Friday last, the earliest date at which the Bill was said to have been circulated, to its consideration, still there was not time to enable them to understand it. He had urged the Chief Secretary to put off the second reading of the Bill, but had been told in reply that the Council must take the Bill on trust; that certain gentlemen entrusted with the carrying out of the Act had framed the new Bill, that there was no time for hon members to consider it, and that they must take everything for granted. If the House assented to that principle how very simple would then duties be, for they would have nothing to do but allow the heads of departments to make what arrangements they thought proper and the House would assent to them as a matter of course. The Collector of Customs under such an arrangement would arrange the tariff, and the Surveyor-General would fix the price of waste lands. In fact, the heads of departments would arrange everything, and the Council would have no right to reject any measure that was brought before it, because if they attempted to do so the head of some department would say "That's precisely the sort of Bill we want." He was there to exercise his judgment to the best of his ability, and claimed as a right due time for consideration. He did not object to amend the existing Act, but what he said was that the Chief Secretary had not given them sufficient time to consider the amendments or to set about amending the Bill. No doubt many of the amendments which were proposed were very good, but if as had been suggested by the hon Captain Bagot, that they might be called upon to amend the Bill ten times, why not at once appoint a committee or commission to enquire into the matter and let the House know what was passing and what was required? Why should the Bill be brought forward just upon the eve of prorogation, and members be told "there, that's the Bill pass it." It was monstrous that the highest Assembly in the province should be asked to accept a Bill upon the mere assurance of one of the officers appointed to carry it out. Allusions had been made to the first clause of the Act No 15, which sought to repeal all ordinances in any way repugnant to the Act, but did any one suppose that the Act could alter the Imperial law in reference to real property? that it could alter the common law as had been pointed out in the valuable notes upon the Bill by the Hon the President? At the very threshold of the Act he saw that there had been no attempt to amend it so as to make it a perfect measure. Whatever was worth doing was worth doing well, and as but a short time would elapse before the next meeting of Parliament, that time might be well devoted to an endeavor to bring forward a more perfect measure than that before the House.

The Hon S DAVENPORT felt considerable interest in this measure, and had done so from its first passing. Having seen the working of the measure his opinion was that it was a most valuable one as regarded the welfare of the country. He regretted that the amendments had not been brought before the House at an earlier period of the session as there could be no doubt the question was a most important one and as there was a diversity of opinion upon it, nothing should be permitted to interfere with the due deliberation of the Legislature. He felt when he received the Bill, which he believed was on Friday, that the amendments being so exceedingly numerous he ought not to be called upon to express an opinion upon them at such short notice, but when he came to look at the amendments and to inspect the office at which the Act was brought into operation, and see how simple the process was, he felt that the Government had acted rightly in adopting the amendments, and that the Council would act wisely in consenting to them. The amendments were the result of the deliberations of those who had been entrusted with carrying out the measure, two of whom were legal gentlemen, and the other though not a professional man, from the zeal which he had displayed, and the time which he had devoted to the measure, was fully competent to arrive at a correct conclusion. From the 1st July last, that gentleman had devoted all his energies to carrying out the measure, and he might remark that these amendments had been adopted by a Government who, without exception, were opposed to the measure when it was first introduced. He could scarcely, indeed, wonder at their being opposed to such a mighty change, but, now that it was no longer a theory, but had become law, and had been in action many months, during which period those who were opposed to it were not backward in finding out its faults, it had received the approval of the Government, and commended itself to the Legislature. When he read the various clauses, and saw the object which those entrusted with the carrying out of the measure had, he saw there could be no possible danger in assenting to the Bill. Some hon members asked that the Bill should be delayed for another session, but why lose time? for when a good thing had to be done, the sooner the better. It was true it was reported out of doors that it was probable the House would be called together in April, but he would remind the House, that on previous occasions it had been reported that they would meet for the despatch of business much earlier than they actually had, and that the House were not justified in postponing amendments which were so highly recommended by those who were entrusted with carrying out the measure. He regretted that in consequence of the pressure upon the Government Printing Office the report of the Registrar-General was not in print; but if it had been, it would have been seen that a great deal of business had been done under the Act, and that it was becoming popular—176 applications to bring land under the Act having been made, 30 of which had been refused, four withdrawn, and 158 approved; 80 transfers had also been effected. The hon gentleman concluded by giving a brief sketch of the proposed amendments.

The motion for the second reading of the Bill was carried by a majority of 4, the votes—Ayes, 8; Noes, 4—being as follow:

AYES, 8—The Honorables Freeling, Bagot, Hall, O'Halloran, Davies, Everard, Davenport, Chief Secretary (teller).

NOES, 4—The Honorables Ayers, A Scott, Captain Scott, Morphett (teller).

Upon the motion of the Hon the CHIEF SECRETARY, the House went into Committee upon the Bill; and the various clauses having been passed, with verbal amendments, the House resumed, the report was adopted, and the third reading made an Order of the Day for the following day.

The Council adjourned at 5 minutes past 6 o'clock till 2 o'clock on the following day.

HOUSE OF ASSEMBLY

TUESDAY, DECEMBER 21

The SPEAKER took the chair shortly after 1 o'clock.

THE HARBOR TRUST

Mr SOLOMON presented a petition, signed by Messrs Henriques, Young, and Melville, on behalf of the Chamber of Commerce, praying that the Harbour Trust might be permitted to continue without interference the work which they had hitherto so successfully prosecuted.

The petition was rejected in consequence of an informality.

WASTE LANDS ACT AMENDMENT BILL

Upon the motion of the ATTORNEY-GENERAL the consideration in Committee of the amendments made by the Legislative Council in the Waste Lands Act Amendment Bill was made an Order of the Day for the following Thursday.

DATE OF ACTS BILL

The Attorney-General, in moving that the reasons forwarded by the Legislative Council for disagreeing to the amendments made by the Assembly in the Date of Acts Bill be taken into consideration in Committee of the whole House, said that he did not consider it necessary to go into detail, but he would merely state that it would be impossible for the House to assent to the amendments without altering its Standing Orders The Bill, as originally introduced into the Legislative Council, involved a course of procedure at variance with the Standing Orders of that House, which having been assented to by the Governor, possessed the force of law The reasons assigned by the Council did not appear to him to be such as should induce the House to assent to what would involve a repeal of the Standing Orders passed by that House, and what he intended to propose was that the Committee do not agree to the amendments, and if the Committee agreed to that resolution he would then move that the reasons assigned by the Council be referred to the Standing Committee upon Privileges to draw up an answer The hon gentleman formally moved that the amendments of the Council be not agreed to

Mr Reynolds asked if this motion were carried what would be the next course? Would it be necessary that there should be a conference between the members of the two Houses?

The Attorney-General was sorry what he had stated had not reached the ears of the hon member What he had stated was that he intended upon the motion before the House being carried, to move that the Committee upon Standing Orders and Privileges be requested to state the grounds upon which the Assembly declined to agree with the amendments made by the Council The chief reason that the House should resist the amendments was that they would in fact repeal the Standing Orders

The motion was carried, and the Committee upon Standing Orders and Privileges were appointed a Committee to draw up reasons, showing the grounds upon which the amendments had been disallowed

ASSESSMENT ON STOCK BILL

The Attorney-General moved the report of the Committee of the whole House upon this Bill be adopted, and the motion having been carried, the hon gentleman, in accordance with notice previously given, moved that the Standing Orders be suspended in order that the Bill might be read a third time He was still in hopes that the intention of the Government might be carried out, and that the House might be prorogued before the holidays This would of course depend upon the state of business in the other House, but he had understood that the Real Property Amendment Act, which was the only matter respecting which he had entertained any doubt, was likely to pass the upper branch of the Legislature before Friday next, without such amendments as would involve any difficulty with the House of Assembly, and, consequently, he did not see anything to prevent the prorogation taking place on Friday, if the state of business in both Houses would permit He was not without hopes that all the important measures which had yet to be disposed of would be assented to substantially by the other House, and in order to facilitate business he begged to move that the Standing Orders be suspended, in order that the Bill before the House might be read a third time and sent to the other branch of the Legislature a day sooner than it would otherwise be

The Bill was then read a third time and passed, and transmitted by message to the Legislative Council, requesting their concurrence therein

THE ESTIMATES

Upon the order of the day for the recommittal of the Estimates for 1859, with a view of reconsidering the item for Police £18,378, being called on, Mr Peake, who had given the notice, was not in attendance

The Attorney General said that, although the hon member for the Burra was not in his place, if he had been present, he (the Attorney-General) should have taken the same course as that which he now proposed, and that was, to move that the report of the Committee of the whole House be agreed to If the House believed that any advantage could result to the country from the reconsideration of the Estimates, in whole or in part, he should not oppose such a course, but he would remark in reference to the item for Police, which was the only one under consideration, or the only one which it was competent for the House to consider, he believed there was scarcely any department which would less bear such a reduction as that which was proposed by the hon member for the Burra and Clare Ever since he had been in the colony, and he was not a very young colonist, the admirable arrangements of the police force, and the efficient manner in which that force performed their duties, had been matter of congratulation to the people of South Australia. Notwithstanding the proximity of the colony to the convict colony of Tasmania, and the fact that a number had come to this colony from other colonies who were known to have been sent out as criminals, the criminal population of South Australia had not increased The proceedings before magistrates and the Supreme Court showed that there had been no increase, and this might no doubt be attributed to the efficiency of our police force He did not believe that there could be a reduction in the country districts without imposing upon the public a greater expense than at present for various matters performed by the police, though not strictly police duties If the number of police in Adelaide and at Port Adelaide were to be diminished, then they would prevent the proper check upon the introduction of criminals which at present existed, and diminish the usefulness of a force to which South Australia was in a great degree indebted for the security to personal property which existed Lest the motion for the recommital of the Estimates had been brought forward with any intention to prevent the Parliament from being prorogued before the holidays, he would state unhesitatingly, on the part of the Government, that they had no intention of proroguing unless the Assessment on Stock Bill and the Real Property Act Amendment Bill, which were before the other House, had been finally disposed of If those measures were not disposed of the Government would merely ask the House to adjourn, not to prorogue He could hardly believe indeed that any hon member of that House thought it was the intention of the Government to act otherwise Whilst he admitted the right of the House to reconsider any item upon the Estimates, he had always considered that having once been brought under discussion and received the full consideration of the House, unless it could be shown that an error had been committed it should not again be brought forward There was one item which the House had refused which he should like to have been reconsidered, he alluded to the item of £30 for furniture and contingencies for the Private Secretary, which item had been refused, but he felt it was not the intention of the House that the Governor should not be afforded an opportunity of providing stationery and other articles usually included under the head of Contingencies He felt, however, that the Estimates having been passed, it would be better to allow the matter to go, and if any expenditure were necessary to come to the House afterwards and ask the House to sanction it, than to recommit the Estimates

MESSAGE FROM THE GOVERNOR.

The Speaker announced the receipt of messages from His Excellency the Governor, intimating that the necessary steps had been taken to comply with the addresses of the Assembly relative to the survey of the Kapunda line of railway, and the appointment of Henry Simpson, Esq, as a member of the Harbor Trust

THE ESTIMATES—RESUMPTION OF DEBATE

Mr McEllister had no wish to embarrass the Government, but at the same time he wished to place them in possession of some information which would shew that there were abuses in the police force through the instrumentality of the Commissioner, who was not fit for his appointment He wished to bring under the notice of the Government the conduct of the Commissioner in reference to Inspector Reid——

The Speaker said the hon member was out of order in alluding to a matter not under discussion The question was as to the recommittal of a portion of the Estimates

Mr McEllister said he was desirous of moving that the salary of the Commissioner be reduced, and of assigning reasons for doing so When he had an opportunity he should certainly move that the salary of the Commissioner be reduced to £400.

Mr Reynolds said that when the report upon the Estimates was brought up the other day, he gave notice that he wished to recommit them, for the purpose of raising a discussion upon the vote for the snagboat on the River Murray He presumed he would be out of order in moving the reconsideration of the item, having been absent at the time notices of the items to be brought under reconsideration were given He regretted that the hon member for the Burra was not present, in order that the item for police might be again brought under discussion, for he was of opinion with many others that the item for police was a very serious one, and that it might be reduced without prejudice to the country, but the item had been passed with the understanding that the question should receive the consideration of the Government during the recess He hoped that it would be so considered, and that it would not be shelved as many other matters had been The last recess had lasted for eight or nine months, yet nothing appeared to have been done by the Government during that period He hoped the Government would well consider the subject, and be prepared during the ensuing session to come down with something like a scheme He thought the time had arrived when the police should be handed over to the Corporation, and then came the question in reference to the mounted police, who no doubt the squatters would be quite ready to take charge of He repeated that he hoped the Government would be prepared to come down next session with some scheme to reduce the item for police

Mr Strangways said that he also had moved the recommittal of the Estimates, but in reference to the item for police, his own impression was that there was not time before the 1st January, to make the necessary arrangements to enable the city police to be charged to the City of Adelaide. Whether the Government took the police question into consideration or not, appeared to him to be a matter of very little importance, as it was very seldom that anything resulted from their deliberations If the Government did not

during the recess make such arrangements as would enable the local police to be charged to the particular localities for whose advantage *they* were *maintained*, when the Estimates came up for consideration he should certainly be prepared to move that the item for the metropolitan police be struck out. He was in favor of the mounted police being maintained for the protection of the whole colony, but he considered the metropolitan police, being solely for the benefit of the city, should be paid for by the citizens, and that system should be carried out throughout the colony. The new Police Act, which he trusted would be introduced next session, should provide for all these matters and for the levying of a police rate. He thought the mounted police should be maintained out of the general revenue, as Adelaide being their head-quarters the citizens derived a fair proportion of benefit from them.

Mr PEAKE (who had just entered the House) rose to a *point of order*. Upon the report of the Committee of the whole House being brought up, it was ruled by the Speaker on the previous day—

The SPEAKER said the hon member was out of order in referring to what had taken place on the previous day.

Mr STRANGWAYS moved that the Estimates be recommitted on the following day with the view of reconsidering the items for the new Government printing office, the amount in aid of the rates of District Councils, the vote for military defences, and the vote for immigration. The House had abundant evidence that a new Government printing office was not required. The present office was sufficient for all ordinary requirements, and it was only when a large amount of business required to be done in a short space of time, when, for instance, a number of Select Committees were sitting, that any inconvenience was felt. It was true the present building might not be in accordance with the architectural taste of the present Colonial Architect, but that was no reason that a new building should be erected. It would be quite sufficient for all purposes for a year or two to come. In reference to the amount in aid of the rates of District Councils, they could not year after year pay what they had been paying to such a source, or if they did, the result would be that they would have to levy a special tax for main roads, so that what the Government gave to District Councils, they would have to call upon them to pay in the shape of a special rate. This would be precisely the same thing as reducing the amount in aid. He believed that the course which the House would have eventually to adopt would be, to annually reduce the amount paid to Corporations and District Councils in aid of the rates collected. In order that the amount might be decreased gradually, so that Municipal and District Councils might not feel so great injury as though the amount were suddenly stopped, he should move that the £12,500 be reduced to £10,000. In reference to military defences, for which the House had voted a sum of £4,500, he was prepared to move that amount be reduced to £1,000, which he believed might be judiciously expended upon a Volunteer Artillery Force in the neighborhood of Adelaide. He believed £100 or £200 a year would be sufficient for this, and that it would be money well expended. He thought that £1,000 would enable the Government to do what he believed they were desirous of doing—establish a Rifle Corps in various portions of the colony, and, under certain regulations, to issue the Enfield rifles which were in the Government Store, and provide the necessary ammunition. During the six months £1,000 might be beneficially expended in this way, but it was not in any way desirable that the report of the Committee upon Colonial Defences should be adopted, or that Martello towers should be erected, or a battery at Torrens Island. The other item to which he had alluded was the vote for immigration. Hon members, it would be remembered, had expressed an opinion that half the sum originally proposed would be sufficient, and had voted £10,000 for the purpose but he was of opinion that this reduction was too much, and that it would not pay for half the immigration to which the colony had been accustomed. He should, therefore, move the recommittal of these items upon the following day.

Mr BARROW felt bound to oppose any further postponement of the Estimates. (Hear, hear.) In reference to the Police item, the hon member who had just sat down had stated that it would be impossible to institute any change in the administration of the police force before the 1st January, and that the present system would have to be kept up. That was a strong argument against any delay. He should have liked, if possible, to effect alterations in a few items as they passed through Committee, but he and hon members who had voted with him had been fairly beaten, and must submit to the defeat. He did not expect, however that the hon member for Encounter Bay would ever submit to defeat, for the hon member was gifted with the powers attributed he believed by Goldsmith, to the village schoolmaster—"Though vanquished he could argue still." The hon member was frequently defeated, but was never put to the rout. He did not think they would accomplish any good object by the recommittal, because it was not intended that their reconsideration should be directed to any particular item which had been overlooked in passing, but in which it had been afterwards discovered that there had been an oversight, but it was proposed to go into the whole philosophy of the Estimates, the administration of the police force, colonial defences, the whole question of immigration, and the establishment necessary for carrying on the printing department. They would be called upon in fact to reopen the whole discussion upon the Estimates. Whilst he guarded against giving his approval to every item which had been passed in Committee, still those items had been passed, and as it appeared impossible to effect any alteration in items which had been passed, he could not see how any advantage could result to the public from a waste of the public time. This was in his judgment what a recommittal of the Estimates would amount to, and although disapproving of some items he should deem it his duty to resist any further delay in passing the Estimates.

Mr PEAKE wished to resume his remarks upon the point of order which he had previously raised, and contended that the Speaker's ruling had not on the previous day been in accordance with the Standing Order 138.

The SPEAKER stated that the hon member was out of order in alluding to anything which had occurred on the previous day.

The ATTORNEY-GENERAL explained that the Standing Order had reference to a point of order raised at the time. A question of order could not be raised upon a point which had occurred on the previous day.

The report of the Committee of the whole House was then agreed to.

THE APPROPRIATION ACT

The TREASURER laid upon the table the Appropriation Act, and moved that it be read a first time.

Mr STRANGWAYS enquired whether it was competent for the hon member to move that a Bill be read a first time which had not been sent to the House either by message from His Excellency or from the other House, without giving notice.

The SPEAKER replied that the hon the Treasurer had been instructed by a Committee of the whole House to prepare this Bill.

Mr REYNOLDS supposed the House would next be called upon to suspend the Standing Orders, with the view of passing the Bill through all its stages.

The ATTORNEY-GENERAL said the hon member had been a member of the Legislature for some years, and he had always seen the same course followed. He (the Attorney-General), during the eight years he had been a member, had always seen the Appropriation Bill introduced the moment the report of the Committee of Ways and Means had been agreed to.

Mr REYNOLDS—Not when a motion was made for the recommittal of certain items.

The ATTORNEY-GENERAL—Whenever the report was agreed to.

The Bill was then read a first time, and ordered to be printed.

The TREASURER said he had given a contingent notice of motion on the previous day, in order that the Bill might pass through its various stages that day. He would, therefore, move that the Bill be read a second time.

In accordance with a suggestion from the ATTORNEY-GENERAL, the hon member withdrew this motion, and the second reading was made an Order of the Day for the following day.

THE WATERWORKS COMMISSION

Mr LINDSAY, pursuant to notice, asked the Hon the Commissioner of Public Works (Mr Blyth) whether he intends taking any steps towards compelling or inducing the Waterworks Commissioners to comply with the condition No 4 of the *Gazette* notice of 25th January, 1855, with the view of rendering the Adelaide water supply scheme effective for the extinguishing of fires.

The COMMISSIONER OF PUBLIC WORKS said that the Waterworks Act was under consideration in another place, or would be so that day, but it was the intention of the Government to make the Adelaide Waterworks scheme effective for the extinguishing of fires.

MESSRS YATES AND HAIMES

Mr BURFORD, pursuant to notice, asked the hon. the Commissioner of Crown Lands and Immigration (Mr Dutton) that there be laid on the table as early as possible, all correspondence between the Messrs John and Sidney Yeates, the Government, and Mr John Haimes, connected with the use of water in Beroota Creek, situated upon the run leased to the said Messrs Yeates, including Mr Haimes's application previous to the 18th October, 1856, for a water reserve in the said creek. Also, what were the reasons why Captain Freeling did not grant a water reserve for Mr Haimes's use in Beroota Creek. Also, that there be laid on the table a copy of the memorandum which was submitted by the Bench of Magistrates of Mount Remarkable for the opinion of the law officers of the Crown, respecting the document signed C B, together with their reply thereto. Also, how soon the Commissioner of Crown Lands and Immigration will be likely to lay the information asked for before the House. He wished, however, to amend the question by striking out the closing sentence.

The COMMISSIONER OF CROWN LANDS said that as soon as the notice was put upon the paper he had given instructions for the preparation of the returns. These would be ready to appear amongst the Council Papers of the present session,

as he expected to be able to lay them on the table on the following day.

MR. J. F. DUFF.

Mr. BARTWELL moved—

"That the House will, on Wednesday, the 22nd December, resolve into a Committee for the purpose of considering the report of the Select Committee on the petition of J. F. Duff, with a view of presenting an address to His Excellency the Governor-in-Chief, to place the sum of £153 8s. on the Estimates as remuneration to the said J. F. Duff for damages sustained by the action of the Government."

This was a formal resolution, by which it was sought to give effect to the opinions of a Select Committee appointed to enquire into the claims of Mr. Duff; but as the whole matter would come under consideration next day, he would ask the House to assent to his motion as it stood.

The ATTORNEY-GENERAL would not oppose the motion for Committee, as he considered the report of the Select Committee *prima facie* evidence in favor of Mr. Duff; but he must say that so far as his information extended, he thought it would be his duty to oppose the address when the motion for it came before the House.

Mr. STRANGWAYS would like to know by what process of arithmetic the hon. member and the Committee arrived at the special sum of £153 8s. From the evidence of Mr. Duff himself it appeared (and there was no other evidence to contradict him) that the loss he sustained amounted to £639 11s. He thought either that Mr. Duff was entitled to this amount, or he was not entitled to anything at all.

Mr. BAKEWELL said there could be no doubt that Mr. Duff sustained by the action of the Government a loss of £639 11s. He had clearly proved that; but the Committee were of opinion that he might have by vigilance reduced that loss considerably. The Committee were of opinion that when Mr. Duff found that his seamen had been taken away he should have engaged white seamen for the run to the Mauritius, discharged them on arrival there, and engaged coolies; for though a large sum would have to be paid for this purpose, the seamen were to be had at a price, and by taking this course the damages would have been reduced. The loss he would have sustained in that case would have just been the amount recommended by the Committee to be paid.

The motion was then agreed to.

PRIVILEGE.

Mr. REYNOLDS rose to ask the hon. the Speaker a question of order or privilege. The House had voted on Friday a sum of £1300 as a subsidy for a colonial "Hansard," which he presumed was given on the understanding that the "Hansard" was to be considered a faithful record of the discussions and divisions of the House. But in the proceedings of Friday the numbers of a division were given without the names. He believed the practice of the English "Hansard" was to give the names in all divisions. He wished to know whether such was the rule.

The SPEAKER said he hardly knew how to reply to the question, as there was nothing in the rules or orders of the House on the subject. In fact the "Hansard" was not recognised in the rules or orders. The only answer he could give was that a record to be perfect should give the names of those who voted on each side in each division. Such was the case with the "Hansard" published in England, which was however a private publication.

Mr. REYNOLDS enquired what course he should take. The Government had voted in the Noes, and the compiler of the "Hansard" had also voted in the Noes, but whether these facts had anything to do with the omission of the names, he (Mr. Reynolds) could not say.

Mr. BAGOT thought if any hon. member spoke to the editor of the "Hansard" on the subject that gentleman would correct the deficiency.

Mr. REYNOLDS presumed that as the "Hansard" was a record of the House, the Clerk of the House was the proper person to call attention to the omission.

The SPEAKER said the Clerk had nothing whatever to do with the matter.

Mr. STRANGWAYS presumed that the slips of paper which were sent to hon. members for correction were not things which the hon. the Speaker could take any notice of. There was no "Hansard" before the House until the volume itself was published.

Mr. BAGOT said that, upon one occasion, a joke uttered by the hon. member for the city was put down as a joke of his (Mr. Bagot's). (Laughter.) He thought any hon. member in correcting his slips would be justified in inserting the names of a division which were omitted.

The COMMISSIONER OF PUBLIC WORKS was quite sure, if the Editor of the "Hansard" were spoken to, the omitted names would be supplied. Personally, he (the hon. Commissioner) had no desire that his name should be omitted.

The matter then dropped.

CAPTAIN JOHN FINNIS.

In the absence of Mr. Solomon, the motion standing in that hon. member's name, "That the petition of John Finnis be printed," lapsed.

MECHANICS' INSTITUTES.

Mr. ROGERS, pursuant to notice, asked the Hon. the Attorney-General (Mr. Hanson) what system the Government intend to adopt respecting the supplementing of contributions towards the erection of Mechanics' Institutes in the country districts. He wished to know whether those institutions which merely rented buildings would be placed on a different footing from those which erected buildings of their own; also whether annual contributions to Institutes in the country districts would be supplemented in the same manner as other contributions.

The ATTORNEY-GENERAL replied that a sum of £250 had been voted in aid of Institutes, and the course which the Government intended to pursue was to invite statements from the institutes of their claims, including particulars of amounts subscribed. When this information was received the amounts would be divided in the manner which seemed most just. He could not give a more specific statement; but the Government were quite as well disposed to contribute to institutes which rented as to those which erected buildings provided there was some reasonable guarantee of these institutes being permanent. The Government would not dictate how the institutes should spend their funds.

Mr. BAGOT enquired whether it was usual to supplement the funds of these institutions by giving an equal amount to that contributed in each case. If such was not the case, he should, if he had the honor of a seat in the House next session, move that that system be adopted.

CONSIDERATION OF ESTIMATES.

Mr. PEAKE, pursuant to notice, moved—

"That this House considers it essentially useful to the exact performance of its duties, as guardians of the public purse, that the Estimates should be presented to this House within 14 days next following the meeting of the Parliament."

The House had made some few attempts to economise during the present session. They had tried various schemes, but he (Mr. Peake) did not see how to arrive at real economy without a fresh arrangement of the Estimates. He would not detain the House by a lengthy speech, but would refer to the practice of the House of Commons, which had passed a vote in 1821 similar to the resolution he now moved. [The hon. member here read the resolution in question.] It was of great importance that the Estimates should be laid on the table on an early day, as many points in which economy could be practised would be then discovered; and he could see no reason why they should be withheld. If 14 days seemed too short a time to allow, let the House fix a later period, but a limited time should be specified. The House laboured under a difficulty here which did not exist at home, inasmuch as in England there was a Committee of Ways and Means, and a Committee of Supply, and both these Committees reported, so that the labor was distributed better than was the case here. One consequence of bringing on the Estimates early would be that if the House ultimately decided on dealing with the totals the Treasurer would be able to take back the Estimates when reductions were made, and remodel them before submitting them again in detail to the House. Notwithstanding the adverse ruling of the hon. the Speaker that day, he (Mr. Peake) did not despair of obtaining some slight modifications of the present Estimates.

The SPEAKER ruled that the hon. member was out of order in referring to a former debate.

Mr. PEAKE would therefore not go further, but would ask the House to fix an early day for going into the Estimates, so that the House would know when to expect that important document, and be enabled to give it full consideration.

Mr. STRANGWAYS seconded the motion.

The ATTORNEY-GENERAL did not know of any objection to the opinion of the House being expressed as to what was necessary for the performance of its own functions. Individually he (the Attorney-General) thought it of little consequence whether the Estimates were laid on the table within 14 days or a little more or less, as the exact performance by the House of its duties as guardians of the public purse, did not depend upon the day on which the Estimates were introduced. But in the manner in which the Estimates were dealt with in this province, it was impossible to place the General Estimates upon the table until the Supplementary Estimates were disposed of. If, however, the House wished that the Supplementary and General Estimates were to be laid on the table together, there could be no objection on the part of the Government. The General Estimates could be ready in a fortnight from the opening of the session, provided the Supplementary Estimates were disposed of within that time. But when alterations were made in the Supplementary Estimates they necessitated alterations in the General Estimates. Thus for instance, if on the Supplementary Estimates there appeared a large sum for the Central Road Board, that would necessitate a deduction from both sides of the General Estimates. If, however, the House believed that it was expedient to have all the Estimates in one, and instead of having the Supplementary Estimates the excesses should be made part of the Estimates for the ensuing year, then the Estimates could be laid on the table in the commencement of the session. On the present occasion the Estimates were prepared before the House met, and the Supplementary Estimates were laid upon the table at an early period, the hon. the Treasurer stating at the time that the only delay in the production of the General

Estimates was that of waiting until the Supplementary Estimates were decided upon The Government had no objection to the motion, as they always considered it their duty to lay the Estimates on the table as soon as possible

Mr STRANGWAYS believed the only objection of the hon the Attorney-General to the proposal of Mr Peake, that the Supplementary and General Estimates should be brought on together was that the House should be kept as much in the dark as possible with respect to the sums voted The hon member said that Supplementary Estimates were laid on the table early this session, and that the General Estimates were ready also, but the latter were not laid upon the table

The ATTORNEY-GENERAL had said that the Supplementary Estimates were laid upon the table, and that the General Estimates could not be introduced until the others were disposed of not that it would not be desirable to produce them, but that it would not be practicable

Mr STRANGWAYS said where there was a will there was a way, and if the Government wished, they could lay the Estimates on the table early He could not see any difficulty in the way The General Estimates would be only a continuation of the Supplementary, and any balance on the Supplementary Estimates would also be shown in the year If the balance on the Supplementary Estimates was altered, that on the General Estimates would only have to be altered The advantage of having both sets of Estimates before the House at once would be that the hasty manner in which many items had been lately passed would be avoided If, for instance, the Estimates for the year were before the House, when the hon member (Mr Milne) moved that £10,000 additional should be given to the Central Road Board, the amount would not have been raised to £20,000 without notice It would be known that whatever was added in this way would have to be deducted from the Estimates for the next ensuing period He was aware this would not be a very convenient course for the Ministry, as by the existing system they had considerable sums placed at their disposal which they would not have otherwise, and then hon members found that as they had voted a sum for a new establishment, or for commencing a building, they must vote further sums to continue the establishment, or continue the building The House of Commons having voted a resolution similar to the one now before the House, he could not see why they should not do likewise

Mr REYNOLDS said that one advantage of the proposed system would be, that when an item was negatived on the Supplementary Estimates, there would not be the same opportunity of putting it on the General Estimates as had been done in the present session It would be desirable to have not merely the Estimates, but the whole policy of the Government, provided the Government had a policy at all, before the House in the early part of the session The Bills to be introduced should also be laid upon the table in order that the House might not have to legislate at railroad pace, and that they might not have this hurry scurrying to get their Christmas dinner, and the Government so timid that they were shaking in their seats for fear they should be turned out of office, thinking perhaps there might be a report of a Committee adverse to the hon the Commissioner of Crown Lands He (Mr Reynolds) believed that if the House met again after the holidays the Commissioner of Crown Lands might find himself censured From what he could hear that hon gentleman would not be likely to keep his place long unless the House was prorogued, and, therefore, let the House get through the session in order that the hon gentleman might enjoy his salary for another three months (Ironical laughter from the Government benches)

The TREASURER said the Supplementary Estimates were laid on the table within four days of the assembling of Parliament, and the Estimates for the year were also prepared at that time If the House had not passed the Supplementary Estimates great alterations would have been required, inasmuch as the circumstances were peculiar this year, some new departments altogether having been created This rendered it especially desirable that the General Estimates should not be introduced until the Supplementary Estimates were disposed of, and so it would always be when alterations in the departments were introduced The hon member spoke of the rush of legislation, but this was always the case at the end of a session The hon member must be acquainted with the phrase used in England, "the massacre of the innocents" which was applied to the Bills summarily disposed of in the end of a session When a Legislature first met, the members were always cautious, and even though the Government brought in measures, they always said "give us time, we want to consult our constituencies and persons at a distance, we must wait for petitions" (No no) That was the case in every Legislature, and it was the real cause of business being delayed, as was proved by last session The Government of the hon the Attorney General came in at the end of that session, and there was the same rush of business as at present That Government surely could not be said to be afraid of losing its seats, for it was only just come in having been put in by a large majority, and yet it was obliged to rush Bills through Hon members in the early part of a session would speak—(a laugh)—and introduce new motions, though it entailed the necessity of afterwards rushing Bills through the House

After a few words from Mr PEAKE in reply, the motion was put and agreed to

SUSPENSION OF FREE IMMIGRATION

Mr SOLOMON, pursuant to notice, moved—

1 "That this House, having voted the sum of £10,000 upon the Estimates for 1859 for Immigration, does not deem it desirable that immigration at the expense of the colony should continue beyond the time when such sum shall have been expended for such purpose "

2 "That this House request the Government to make such arrangements as will prevent any further contracts being entered into by their agents in the United Kingdom for a continuance of immigration, after the amounts so voted and the balance to the credit of the Immigration Fund shall have been expended "

He would not detain the House by a long speech, especially as the House had just been reminded that it was the long speeches generally made which caused such delays, though he (Mr Solomon) did not believe that this was the greatest or nearly the greatest cause of such delays His object in bringing this motion before the House was to induce hon members to affirm that, at any rate until the House met again, it should not be in the power of the Government to make any further arrangement for immigration purposes He was not prepared to say that the present state of things would last six months, but he thought before any arrangements were made for further immigration the House should be consulted He did not suppose the resolutions would meet any opposition as they merely asked the House that there should be no further immigration until the House had an opportunity of expressing its opinion on the subject

There being no seconder for the resolutions, they then lapsed

MESSAGE FROM THE LEGISLATIVE COUNCIL

A messenger from the Legislative Council was here announced, and entered accordingly

The SPEAKER intimated that the Legislative Council had agreed to the following Bills with certain amendments, in which they requested the concurrence of the Assembly, viz Third Judge and Circuit Courts Bill, Abram Longbottom's Gas Patent Bill, Enlargement of Imprisoned Debtors Bill, Board of Public Works Bill, Publicans' Licensing Act Amendment Bill, District Councils Act Amendment Bill

The ATTORNEY-GENERAL moved that the amendments upon all these Bills be taken into consideration on the following day Agreed to

SELECT COMMITTEE ON TAXATION

The COMMISSIONER OF CROWN LANDS moved that the bringing up of the report of this Committee be postponed to the following day Agreed to

POONINDIE MISSION STATION

The COMMISSIONER OF CROWN LANDS laid on the table certain papers relative to this establishment

The House adjourned at 23 minutes to 3 o'clock

LEGISLATIVE COUNCIL

WEDNESDAY, DECEMBER 22

The PRESIDENT took the chair at 2 o'clock

Present—the Hon the Chief Secretary, the Hon Capt Scott, the Hon Capt Bagot, the Hon Dr Everard, the Hon Dr Davies, the Hon H Ayers, the Hon Capt Hall, the Hon A Forster, the Hon J Morphett, the Hon S Davenport, the Hon Capt Freeling, the Hon Abraham Scott

MINTARO

The Hon A FORSTER wished, before the business of the day was called on, to ask the Chief Secretary a question relative to a letter which had been placed in his hands from several persons resident at Mintaro requesting to know why a memorial which had been presented to His Excellency the Governor, signed on behalf of about 50 landholders of the proposed district of Stanley, had not appeared in the *Government Gazette*, as other memorials of a contrary prayer had appeared in the *Gazette*.

The Hon the CHIEF SECRETARY said the reason the memorial referred to had not appeared, was to avoid, if possible the expense of inserting memorials having the same object in view Six memorials had already been published, that alluded to by the hon gentleman being the seventh, and if this memorial had been published, there might have been no end to such A letter had, however, been addressed by the Government to the parties signing the memorial to the effect that the Government regretted they could not comply with the request in the shape in which it was made

CONFIRMATION OF REGISTRATIONS BILL

On the motion of the Hon the CHIEF SECRETARY the message from His Excellency, suggesting amendments in this Bill, was read, and the various amendments having been agreed to, a message was ordered to be sent to the Assembly to that effect

WATER SUPPLY AND DRAINAGE ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY the Bill was read a third time, passed, and transmitted by message to the Assembly, intimating that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly

REAL PROPERTY ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time and passed, and transmitted by message to the Assembly, with an intimation that the Bill had been agreed to, with amendments in which the Council desired the concurrence of the Assembly

LAND GRANTS BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that it proposed to accomplish three objects The first was to remove any doubts as to the validity of land grants to which the public seal had not been attached, but merely a lithographed copy Doubts had arisen as to the validity of such grants, but the present Bill would remove them, The second object was to provide that the fees for land grants should be paid to the Treasurer at the time such grants were issued, and the third object was to do away with the necessity for the Governor-in-Chief signing the grants This course was strongly recommended by the Registrar-General as essential for the quick passing of property under the Real Property Act The Bill proposed that the grants should be signed by the Treasurer, who would receive the money, and by the Registrar-General through whom the grants would pass He begged to move the second reading of the Bill

The Hon A FORSTER seconded the motion

The Hon the PRESIDENT suggested whether the three objects were objects which bore a proper relation to each other

The Hon the CHIEF SECRETARY said all had reference to the issue of land grants, all had reference to the same object

The Bill was then read a second time and upon the motion of the CHIEF SECRETARY, the House went into Committee upon it

The Hon H AYERS pointed out that the Bill provided the grants should be signed by the Treasurer and the Registrar-General, and that they should be valid without the signature of the Governor, but what means had the public of knowing that the Governor had actually made the grant if his signature were not attached to it?

The Hon the CHIEF SECRETARY said it would be sufficient that the grant was signed by a responsible officer of the Crown

The Hon H AYERS understood then that the grants were to be made by a responsible officer If the responsible officer signed the grant, the land was not then granted by the Governor

The Hon the CHIEF SECRETARY said the grant would be made by a responsible officer under the authority of the Governor

The Hon H AYERS said to make it complete there must be evidence that authority had been given to the Treasurer in every case

The Hon the CHIEF SECRETARY said the fact of the Treasurer being a responsible Minister of the Crown was sufficient

The various clauses having been passed with amendments, the report was adopted, and the third reading made an Order of the Day for the following day

THE APPROPRIATION BILL

The Hon the PRESIDENT announced the receipt of a message from the House of Assembly intimating that they had passed the Appropriation Bill, and desired the concurrence of the Council therein

On the motion of the Hon the CHIEF SECRETARY the Bill was read a first time, the second reading being made an Order of the Day for the following day

SUSPENSION OF STANDING ORDERS

The whole of the business on the paper for the day having been disposed of, the Standing Orders were, upon the motion of the Hon Capt BAGOT, suspended for the purpose of enabling him to bring forward a motion on the paper for the following day in reference to the Harbor Trust

THE HARBOR TRUST

The Hon Capt BAGOT moved that this House take into consideration the report of the works proposed to be undertaken by the Harbor Trust and that an address be presented to His Excellency the Governor-in-Chief expressing the opinion of the Council that the Harbor Trust should be allowed to carry out the improvement of the Harbor as proposed by it in Council Paper No 153 The hon gentleman remarked that before entering upon the motion he would allude to the circumstances which had arisen which had induced him to ask the House to agree to the motion Hon members would remember that some years back, under a former Legislature, an Act was passed appropriating a large sum for the improvement of the harbor Certain gentlemen were named in that Act, and their places were supplied by the recommendation of the Legislature Acting under that Act, the Governor had appointed certain gentlemen who had been nominated by the Legislature as members of the Harbor Trust, and it might be assumed that the Legislature selected men who were believed competent to conduct very important works in the very best manner There was no limitation of power in reference to these gentlemen, but they were simply to conduct the operations which devolved upon them to the best of their judgment The Board thus constituted had been nearly three years in active operation It would be seen by the returns before the House that the first thing which they did, and wisely too, was to send to England for proper machinery to execute the requisite works, and during the time which elapsed until the arrival of this machine they employed such machines as were at their disposal in deepening the inner harbor, which he had always held to be one of the most important works connected with the Trust At all times there was a capability of bringing large ships into the harbor by taking advantage of the spring tides but when they were in there was not sufficient water to keep them afloat During the time that the inner harbor was being deepened 200,000 tons of silt were removed, and the harbor to an extent of 20 acres was deepened to a depth of six feet, affording ample accommodation for 200 vessels Since the arrival of the dredge imported from England, it had been employed last summer in deepening the outer bar, which was considered, and he thought justly, a work of great importance Sand and silt had been removed to an extent to enable large vessels to pass easily at high water at any state of the tide The Harbor Trust had placed a paper before the Legislature, shewing how they intended to appropriate the balance of £23,000 remaining from the £100,000 which had been entrusted to them They proposed to expend £5,000 upon the outer bar, and it would by seen by maps which were upon the table of the House that if the outer bar were sufficiently deepened large vessels could enter at any time of the tide as far as Light's passage, there would be ample water for vessels of any size, they would be perfectly safe in all weathers, and there was smooth water to enable them to discharge their cargoes in lighters It was proposed to expend £10,000 in deepening the inner harbor, and although it would unquestionably be a great advantage to have the inner bar deepened at some time or another, still it was not of that great importance, as regarded the safety of vessels, as deepening the harbor itself, to enable the vessels to lie there after they had got in It was proposed to continue the dredging in such a direction that it would meet the spot from which 200,000 tons of silt had been removed, and he believed that this would be the best mode in which the funds could be applied, for there could be no doubt that the deepening of the harbor and the outer bar were the first steps which should be taken to render the harbor safe and commodious The reason he had brought this motion forward was, that reports had gone abroad that it was intended to interfere with the mode of procedure proposed by the Harbor Trust, and that the Trust were to be directed as to the manner in which they should prosecute the works He believed that any interference would be unjust to the members of the Harbor Trust, and injurious to the public

The Hon S DAVENPORT seconded the motion, remarking that it explained itself, and after the speech of the hon Captain Bagot, he was sure that the Council would not require further argument to adopt it The question seemed to him to be whether it would not be better to do one thing well than to do two things badly The funds at the disposal of the Trust were as they had heard £23,000, but to remove the inner bar would take at least £10,000 more than the whole of that amount, and after the whole amount had been expended upon the inner bar, it would be found necessary to leave it, the work still being imperfectly performed, and the outer bar still existing as a bar to vessels deriving any advantages from the operations upon the inner bar It was obvious that vessels must pass the outer bar before they could get to the inner one The removal of the inner bar would take at least six years and a-half to complete, all that time no benefit whatever would be derived by vessels, and after the work had been completed there would still be the outer bar to remove The whole question appeared to him a very simple one, and he thought there could be no doubt that the course proposed by the Harbor Trust was the best—to proceed with the outer bar, so that at the lowest spring tide there would be water for vessels drawing 16 feet To complete this, an outlay of only £5,000 was required, and there could be no doubt of the advantages to vessels of a large class, as instead of lying in the vicinity of the Lightship, they would be enabled to come three or four miles further in the harbor in a position near the inner bar, where lighterage could go on in any weather The case appeared so plain that he thought no arguments were necessary to show that the motion was worthy the support of the Council

The Hon Captain HALL supported the motion, and stated that it had been deemed necessary to bring it forward in consequence of an impression having been created upon the public mind that the members of the Harbor Trust had not done their duty, and that it would be more advantageous to carry on the works in connection with the improvements of the harbor in a manner different from that which they had suggested It would be in the recollection of the House that when the Act No 20 of 1854 was passed, certain gentlemen were elected in conjunction with the Senior Wardens to expend £100,000 in deepening the harbor Very soon after these

gentlemen undertook this duty they found themselves in the position of the Israelites of old, who were set to burn bricks without straw. They had no machinery with which to carry out the heavy works which were required, and they then applied to the Government for permission to transmit an order to England for the necessary machinery for deepening the harbor. The application was granted, and he might remark that the Trust never incurred any expenditure without first submitting it to the Government and procuring their sanction. The whole of the operations of the Trust had been sanctioned by the Government before they were undertaken. Gawler Reach, where vessels were in the habit of discharging cargo, was very confined and narrow, and the old dredge and spoon barges were at once set to work there, and by means of its operations where ships were unable to swing except at high water, and even then at great risk, they were now able to swing at any time. Immense additional accommodation for ships had been afforded, and the intention was to carry on the deepening till the heaviest ships would be enabled to lie afloat at low water. After getting out the dredge, it was fitted and sent to the outer bar for the purpose of deepening, and exceeded the most sanguine expectations of the Trust. It was necessary to be particular as to the season at which the dredge was set to work, but during the few months which it was employed last summer, it increased the depth to an extent of three feet. The object in removing the outer bar was that vessels, instead of lying at the Lightship for the spring tide, and then perhaps being obliged to lighten, might be enabled at once when they arrived to enter a place of safety. If the Trust were permitted to carry out their operations as detailed in the paper before the House, during the coming summer, the dredge would enable them to remove the bar altogether, as a depth of 16 feet had been attained over the greater portion of Light's Passage. Whilst the Trust had thus deepened the outer bar, they had availed themselves of such tools as were at their disposal to deepen the inner harbor, which was deemed almost as essential as the removal of the outer bar, in order that ships might be placed in a position to be enabled to land goods with ease and without expense, but this could not be done without deepening the inner harbour, as vessels of very heavy draught could not lie afloat there. The Trust imagined that unless there were some expression of opinion on the part of that House, they would not be allowed to proceed with the improvements as detailed in the paper on the Council table, but that they would be obliged to take the dredge from the outer bar, in order that it might be employed upon the inner one. The Trust had had the inner bar sounded, chained, and bored, to ascertain to a nicety its length and breadth, and they found that to obtain a depth of 14 feet at the inner bar, they would have to remove limestone crust more or less to the extent of two miles, and the number of cubic yards which would have to be raised, would, at the cost which had been hitherto paid, amount to fully £10,000 more than the whole amount at the disposal of the Trust. If operations were commenced at the inner bar they would be enabled to get through about two thirds of the entire length and then they would be brought to a stand still for want of funds. To complete two-thirds of the work would take between four and five years, and in the meantime the outer bar would have to remain as at present. After all the funds had been expended, and after a lapse of four or five years, the harbor would be in no better state than it was at that moment. If the Trust were allowed to continue their operations as they proposed, the outer bar during the approaching summer would be removed altogether, and vessels would be enabled to come up at once and anchor in Light's Passage. The Trinity Board were getting a set of moorings to lay down in Light's Passage, for the greater convenience of vessels arriving. Simultaneously it was proposed to carry on operations at the inner harbor, so as to enable vessels to lighter during any weather at night or day at a very small expense compared with what they would otherwise have to pay if lying outside. He would put it to the Council, whether it would not be more for the improvement of the Port, that the outer bar should be cleared away, so as to enable vessels to get into a position of perfect safety whilst they were discharging and landing their cargoes. He maintained though the inner bar was unquestionably an obstacle, it was of very little practical difficulty in navigation, in so far that vessels never lay there, but merely passed across it, doing so by taking advantage of high water, and by the aid of the powerful steam tugs they were very few minutes indeed in crossing. He was satisfied that the improvements of the harbor could not be carried on and that the shipping interest and the interest of the colony would be seriously affected if the Harbour Trust were interfered with. He could not understand the objections which had been raised to the course proposed by the Trust, those objections contemplating the abandonment of useful works to clear away what he admitted was an obstacle, but one so slight and of so little consequence as hardly to be taken into account with other difficulties which the Trust proposed to remove. At first the Trust had been entrusted with certain duties, though they did not consider themselves bound by any special rule. They had been chosen by the Council partly because they were men who had some professional knowledge, and were men of some standing and character. They had endeavored faithfully to discharge their duties, and as he thought he had shown, had done the best they could with the materials at their disposal. They applied to the Government for more powerful machinery, and having obtained it, they had applied it to effect those improvements which they believed would prove most advantageous.

The Hon. Captain SCOTT had much pleasure in supporting the motion. There appeared to him to have been some misunderstanding in reference to the Act No. 20 of 1854, the wording of which had led some persons to suppose that the intention of the Legislative Council was that the Harbor Trust should commence operations at the outer bar, and then proceed up to the limits fixed by the Act. As he understood the preamble of the Act, however, it merely fixed the limits within which the operations of the Harbor Trust should be confined. He did not see how it could be supposed that the Trust should commence at the outer bar, and work upwards, as £100,000 would be nothing for such a work, and when double that amount had been expended the most important portion of the work would have to be done. He alluded to making suitable provision for vessels lying in safety. When a charter was offered to a vessel, the first enquiry of the captain or owner was, "What water is there in the harbor?" and the next was, "Can she lie afloat?" Some vessels could lie aground without injury but others could not. The Hon. Captain Hall had justly said that the Trust had not the means in the first instance to touch the outer bar, unless indeed they had wasted the money entrusted to them by setting to work with the spoon-barges. They had economised the money entrusted to them, and had turned the machinery at their disposal to the best account by deepening the inner bar by the aid of the spoon-barges and the old dredge. The Trust considered that they would best promote the interest of the country and of the shipping by procuring the greatest depth of water in the least time and at the least expense, and they had done so. Having done this they then thought it their duty to deepen the shoal part of the inner bar, so that vessels might pass up or down either to or from the deep water. It had already been stated that to deepen the inner bar would take six years or six years and a half and if the Trust were compelled to undertake that now, not only would vessels have to lie at the Lightship for the next six years to lighter or wait for spring tides to get over the bar, but after that they must stop till the outer bar had been deepened, in order that they might get in. The Trust had been so careful in carrying on their operations, that they had not approached within a hundred feet of any private property, but had merely deepened the stream. Even at the Government Wharf, they had abstained from approaching within a hundred feet, so that it could not be said there had been any expenditure of public money for the accommodation of private individuals or that the value of property had been increased in any other way than by the increased value which commerce must give to property in the vicinity. The importance of deepening the outer bar had been already stated, in order that vessels might get into Light's Passage, where they might lie in safety; but there was another important object, and that was that they should lie afloat when they got to the inner harbour. The first object of the Trust had been to enable the vessels to leave a dangerous position at the Lightship and the next object had been to provide them a place of safety when they got in. The Trust, in fact, had not merely to deepen but to widen, for the upper part was so narrow as to be unavailing, but now the largest class of vessels could lie there in perfect safety, and their object was to enable vessels of any tonnage to lie afloat. What they contemplated was, deepening the channel in the stream to the extent of 200 feet in width, and where the vessels would lie to the extent of 300 feet in width, so that three vessels could lie in tiers, and there would be ample room for another to pass them without risk. It had been stated that the balance left of the £100,000 was £23,000, but it should be borne in mind that the rest had not been expended in deepening the harbor—the plant, steam dredge, and barges having been all paid for out of the £76,000. He believed that £28,000 or £30,000 had been expended in plant, all of which would be available for deepening the harbor. He found by a document just placed in his hands, that the cost of the plant had been 26,300*l.*, besides repairs, amounting to 3,746*l.*, so that the plant had cost 30,000*l.*, making an expenditure of 46,000*l.* upon the works. The object was to get vessels into a place of safety. Vessels frequently took in part of their cargo in the inner harbor, and then went to the Lightship to fill up, but when the outer bar was deepened as proposed by the Trust they could lie at Light's Passage and load to any depth they pleased. The Act provided that a depth of 18 feet should be attained, but the Trust only proposed to go to the extent of 14 feet on the inner bar, as if 18 feet were required, instead of 33,000*l.* being sufficient, 80,000*l.* would not do it. The Trust considered that their plan for future proceedings was the best for the public interest, the most convenient for shipping, and the most economical way in which the public money could be expended.

The motion was carried.

MESSAGES FROM THE ASSEMBLY.

The PRESIDENT announced the receipt of the following messages from the Assembly:—

No. 46. Intimating that they had agreed to the

amendments made by the Council in the Third Judge and District Courts Bill

No 47 Intimating that they had agreed to the amendments made by the Council in the District Councils Act Amendment Bill

No 48 Intimating that they had agreed to the amendments made by the Council in the Licensed Victuallers Act Amendment Bill

No 49 Intimating that they had agreed to the amendments made by the Council in the Public Works Bill

No 50 Intimating that they had agreed to the amendments made by the Council in the Imprisoned Debtors Enlargement Bill

No 51 Intimating that they had agreed to the amendments made by the Council in Longbottom's Patent Bill

ASSESSMENT ON STOCK BILL

On the motion of the Hon the CHIEF SECRETARY, the Standing Orders were suspended, for the purpose of proceeding with the Assessment on Stock Bill, which appeared upon the notice paper for the following day The hon gentleman, in moving the second reading of the Bill, remarked that in the leases held by the squatters there was a covenant by which the lessees were liable to be called upon to pay to the Government an assessment on their stock, as well as the rent, and it was thought that the time had arrived when it was desirable that this covenant should be acted upon He believed that the bulk of parties out of doors had no objection to the present measure, although, perhaps, some dreaded that, commencing at the small amount proposed, this Bill was merely getting in the thin edge of the wedge To meet this objection, however, on reference to the second clause it would be found that upon the lessees surrendering their leases a covenant would be made with them fixing the assessment during the existing tenure of the lease, which term would be renewed to them Clause 3 fixed the absolute number of sheep per square mile upon which the assessment should be levied, so as to prevent any question as to the number of stock carried on the run Clauses 4 and 5 protected the squatter from injury, as 12 months before the expiry of the existing leases a new rental value would be placed upon the run, and the squatter would be secured a tenure for five years longer Clause 9 was another protective clause to the squatter, providing that there should be no assessment till runs had been in occupation for a period of four years The assessment proposed was moderate, and as he had stated, the bulk of those affected by it did not object to it He begged to move the second reading of the Bill

The Hon. J MORPHETT, in seconding the motion, congratulated the Chief Secretary upon introducing to the Council a Bill which, whilst it was likely to assist the Government, by adding to their yearly income, was calculated to advance one of the largest interests in the country The squatters were quite willing to pay such an amount as was considered reasonable and fair for the advantages which they enjoyed in the occupation of the waste lands of the Crown, but they considered that hitherto they had not had that reasonable consideration in reference to fixity of tenure and occupation, which they were entitled to He thought that the views expressed by the Government, and embodied in the Bill before the House, would go far to satisfy the squatting interest, and they might in consequence look for the development of that interest to a very great extent Fixity of tenure would enable the squatters to apply their capital to the improvement of their runs to the advantage of the colony Already the export derived from this branch of industry was the most important the colony had, and he scarcely saw any limit to it, particularly with some modifications in this Bill There was a vast extent of land to the north which might be occupied by sheep He thought the Chief Secretary would see that the third clause pressed a little hard upon sheepfarmers, and in some measure detracted from the general merits of the Bill by fixing a minimum and maximum number of sheep to the square mile He believed he could show by most satisfactory evidence that there were many runs which, though occupied, would not carry 60 sheep to the square mile He thought the maximum should be 200 and the minimum 60, and if the hon the Chief Secretary stated it would not endanger the Bill, he would move an amendment to that effect when the Bill was in Committee

The Bill was then read a second time, and the House went into Committee upon it

The Hon Mr MORPHETT thought in reference to the third clause, that there should be four classifications of runs, the maximum number of sheep to the square mile being 200, and the minimum 50, and next session he hoped the Chief Secretary would not oppose an amendment to that effect if he asked leave to introduce a short Bill to amend the Bill before the House in that particular

The Hon S DAVENPORT entertained the same view as the Hon Mr Morphett, thinking that the minimum number of sheep, which was in fact the minimum amount of additional rent, had been fixed too high at 100 He hoped the Government would next session be prepared to reconsider the question

The Hon Captain HALL thought if it were considered desirable to alter the classification that was the proper time to discuss the question, but rather than jeopardise the Bill he should support the greater number He felt that 100 were too many, and would rather see the number reduced to 50, but he should refrain from making any amendment upon the subject if doing so would jeopardise the Bill

The Hon A SCOTT regarded this clause as a money clause, and therefore thought it would not be politic in the present state of the Bill to alter it He wished to record his opinion, based upon 18 years' experience as a sheepowner, that there were a great many runs in the colony not capable of depasturing throughout the year 50 sheep per square mile He was in occupation of a run considered a very valuable one, and frequently quoted as nearly the best in the North, which was not capable of carrying 200 to the square mile all the year round He was laying out about £1 000 upon it to make it capable, but he questioned whether after laying out that amount to make the run valuable he should be subject to taxation upon that outlay The effect of the clause would be that the most valuable portions of land only would be occupied, nothing would be derived from inferior country

The Hon the CHIEF SECRETARY was glad that no amendment had been pressed, and on behalf of the Government stated that if the numbers were found unequal the Government would be happy to reconsider the question at the proper time On the merits of the matter, he must say that his own experience differed from that of previous speakers, for as a squatter of old standing he did not know any run which had been occupied for four years which would not carry a hundred sheep to the square mile He was not acquainted with many parts of the country, but he spoke as far as he was enabled to judge from experience

The Hon J MORPHETT thought that purchased land should be exempted from the assessment, as it frequently happened that during the currency of the leases parties became purchasers of portions of their runs

The Hon the CHIEF SECRETARY said this was provided for under the Waste Lands Regulations When the land was purchased, the assessment to which it had been subjected ceased

The Council adjourned at 4 o'clock till 2 o clock on the following day

HOUSE OF ASSEMBLY.

WEDNESDAY DECEMBER 22

The SPEAKER took the Chair shortly after 1 o'clock

THE HARBOR TRUST

Mr SOLOMON presented a petition from Messrs Henriques, Young, and Melville on behalf of the Chamber of Commerce, praying that the Trust might be permitted to prosecute the works they had hitherto so satisfactorily conducted, without interference

The petition was received and read

THE COMMISSIONER OF POLICE

Mr MCELLISTER gave notice that on the following day he should move for a Select Committee to enquire into the conduct of the Chief Commissioner of Police, in reference to Inspector Reid

THE HARBOR TRUST

Mr SOLOMON gave notice that on the following day he should move the petition presented by him on behalf of the Chamber of Commerce be printed

MINTARO

Mr MCELLISTER gave notice that on the following day he should ask the Attorney-General why a petition recently presented from certain residents of Mintaro had not appeared in the *Government Gazette*

POINT OF ORDER

Mr PEAKE gave notice that on the following day he should move that, in the opinion of the House upon the motion for the adoption of the report of the Committee of the whole House upon the Estimates, it was quite in accordance with the Standing Orders for an hon member to move a reduction in any item, and that in the opinion of the House the ruling of the Speaker to the effect that such a step could not be taken was an excess of the Standing Orders

The SPEAKER drew the hon member's attention to the necessity of always taking the sense of the House on points of order immediately they arose, as unless this was done it was not possible to trust to the memory of parties as to the exact words used, this rule applied to points of order, as also to taking down words of any hon members which might be done at the moment

Mr PEAKE withdrew the latter portion of the motion

MITCHAM

The following motion in the name of Mr REYNOLDS lapsed in consequence of the absence of that hon member—

"That the petition of the ratepayers of the district of Mitcham be taken into consideration"

THE RIVER WEIR

The following motion in the name of Mr REYNOLDS lapsed in consequence of the absence of that hon member—

"The consideration of Papers Nos 19 and 73, in reference to the river weir, with the view of taking the sense of the House on the conduct of the Government with regard to the water supply and drainage of the City of Adelaide"

THE DATE OF ACTS BILL

The SPEAKER brought up the report of the Committee upon the Standing Orders, assigning reasons for dissenting from the amendments made by the Legislative Council in the Date of Acts Bill

Upon the motion of the ATTORNEY GENERAL the report was agreed to and ordered to be transmitted to the Legislative Council, as the reason of the inability of the Assembly to agree in the amendments made by the Council in the Date of Acts Bill

STEAM COMMUNICATION BETWEEN PORT ADELAIDE AND PORT LINCOLN AND PORT AUGUSTA

Upon the motion of Mr MACDERMOTT, the House went into Committee for the consideration of the motion of which he had give notice—"That an Address be presented to His Excellency the Governor-in-Chief, requesting that the sum of £1,000 may be placed on the Estimates for 1859, to remunerate the owners of the steamer Marion for the conveyance of the mails between Port Adelaide, Ports Lincoln and Augusta, for the year 1858, and also, a further like sum for the same service for the year 1859" The hon member obtained leave to amend his motion by introducing "Supplementary" before Estimates, and divide the amount proposed into two parts

The ATTORNEY-GENERAL would state what was the feeling of the Government with regard to the matter, which would perhaps induce the hon mover not to press the motion It would be in the recollection of the House that an address had been adopted to His Excellency, requesting that the necessary steps might be taken for the purpose of inducing steamers to touch at certain ports upon the coast, but the Marion had omitted touching at one of these jetties The owners of the Marion had performed a very useful service, but as £1,000 had been fixed for the whole service, and as the terms of the resolution of the House had not been fully complied with, the Government were not prepared to recognise a claim for the full amount, but were prepared to recommend an amount proportionate to the service rendered, and would place such sum upon the Estimates It would be impossible to give a pledge as to the precise amount at the present time, but it would be for the House to consider whether the amount proposed was fair, when the item was under discussion If the motion for a fixed amount were proceeded with the Government would feel bound to oppose it, but as he had before stated, the intention of the Government was to place upon the Estimates a sum proportioned to the service rendered

Mr MACDERMOTT felt he should be carrying out the wishes of the parties interested by complying so far as possible with the views of the Government, but he would remark that the service had been already performed for 1858, and he would ask the Attorney-General if he was not prepared to concur in the vote for the service already performed, and leave the service of 1859 to be dealt with as the Government thought just The service for 1858 had been performed faithfully and punctually, a trip having been performed every fortnight for more than twelve months The original vote did not include Yankalilla, but merely related to an appropriation from the land revenue of a sufficient bonus to induce steam-vessels to ply every fortnight between Port Adelaide, Port Lincoln, and Port Augusta for a period of twelve months That service had been performed, and he would also call attention to the vote for 1858, as it appeared upon the Estimates —"Steam Postal Service for Port Lincoln and Port Augusta" There was no mention made of Yankalilla The petitioners stated that the obligation to call at Yankalilla would not only have greatly increased the insurance, but the consumption of fuel, and that the amount would have exceeded the vote upon the Estimates and they further stated that the placing the sum mentioned upon the Estimates for the service induced them to purchase a steamer to put upon the line He would also call the attention of the Committee to the fact that the pastoral interest had now been taxed for the general revenue, and was consequently entitled to some consideration in the way of postal communication beyond what it might have expected previously The steamer had performed an important service, as Augusta was the outlet for all the northern runs in the outlying districts, and the Government also derived important aid from the conveyance of the police and the members of the exploring expedition He would ask the Attorney-General whether he would consider the item for the service for the year already performed

The ATTORNEY-GENERAL said the Government were quite prepared to take into consideration the past as well as the future, and to place such a sum upon the Estimates as they considered would be equivalent to the service rendered, having reference to the amount which had been voted for the whole service He did not wish to say anything which would anticipate the decision of the Government upon the matter, as indeed he had not the necessary information before him to enable him to arrive at a conclusion The Government, however, admitted to a great extent the claims of the owners of the steamer Marion, but not for the whole amount, and if the motion were pressed, the duty of the Government would be to resist it, but if it were left in that way that a sum should be placed on the Estimates for the purpose, the Government were quite prepared to give that pledge

Mr STRANGWAYS suggested that the Government should advertise for tenders and pay the owners of the Marion such a sum as they found they would have to pay for the ensuing year If, however, the owners of the steamboats refused to undertake the contract, except at an exorbitant rate, the Government would, he apprehended, adopt the course of employing sailing vessels

Mr SOLOMON should support the first part of the vote for £1,000 for 1858, believing that the service had been performed in such a manner as to entitle the owners of the Marion to that amount Although there appeared to have been some mistake between the owners and the Government in reference to one place of call, it seemed to him that the obligation to call at that place must have been foregone, as the Postmaster must have been constantly in the habit of putting mails on board, and must have known that the steamer did not call at Yankalilla The owners of the Marion were no doubt under the impression that they were performing the full service which they were called upon to perform, and under such circumstances he considered they were entitled to the £1,000 He was glad to find that it had been determined to consider the two items separately, because he believed that it would be found necessary to advertise for tenders, and he had prepared an amendment to the second portion, so that the House should go into Committee to consider the necessity of addressing His Excellency with the view of having an amount placed upon the Estimates to carry out the service which would be necessary for carrying the mails from Kangaroo Island to the Port

Mr BARROW would rather that the matter were left in the hands of the Government, if the understanding were arrived at that they would deal liberally with it Whatever might be alleged, in reference to the steamers not having called at Yankalilla, the postal service between Adelaide and Ports Augusta and Lincoln had been very regular If the Government considered it really necessary to deduct anything from the £1,000, he hoped it would not be a large sum Perhaps it might assist the House to a conclusion if they were informed whether any representations had been made to the owners of the Marion by the Government to the effect that they must not expect the whole amount of £1,000, unless they called at Yankalilla as well as at Port Lincoln and Port Augusta He should not like to subject the motion to risk by dividing upon it, but he should certainly vote for it, unless he thought the Government would deal with the claim in a liberal and generous spirit

Mr LINDSAY should oppose the whole amount being paid, as he did not believe there was any great additional risk or expense incurred by calling at Yankalilla It was true, it might be dangerous for sailing vessels to touch there, but not for steamers, and he should, therefore, vote for only a fair proportionate sum being paid to the owners of the Marion

Mr MACDERMOTT in reply to the remarks of the previous speaker, said that the amount on the Estimates for last year was for postal service to Port Lincoln and Port Augusta, there was no mention of Yankalilla, although that place had been added by the Postmaster-General in the tenders which had been called for Relying upon the promise of the Attorney-General, he would, with the consent of the Committee, withdraw the motion

AUBURN

Upon the motion of Mr PEAKE the House resolved itself into Committee for the consideration of an address to His Excellency the Governor-in-Chief, requesting him to place a sufficient sum on the Estimates for the erection of a Court-house and Police-station at Auburn A petition, recently presented on the subject, was read, and the hon member remarked that a Court was held at Auburn, and that it was important there should be a Court-house and Police-station there, Auburn being the centre of a large agricultural district He was sure the House would agree with him that Court houses and Police-stations were erected in many districts in which the requirements were not so urgent He hoped the Government would not oppose the motion, but would at once consent to place a sufficient sum upon the Estimates

The ATTORNEY-GENERAL said he should not oppose the motion The Government were quite prepared to place a sufficient amount upon the Estimates, because they considered it expedient as a rule where a Local Court of full jurisdiction was held a Court house and Police-station should exist Of course the Government would place the amount on the Estimates with all other public works which they considered it necessary to submit to the consideration of the Assembly, and it would be for the Assembly to deal with all votes according to their opinion of their relative importance and the necessity which existed for them The Government were prepared to act upon the spirit of this resolution so far as placing an amount on the Estimates for the purpose

The motion was carried

TAXATION

The TREASURER said that as one of the members of the Committee upon Taxation wished to append a few remarks to the report, he would move that the Order of the Day for bringing up the report be postponed till after the other Orders of the Day had been disposed of Carried

THE APPROPRIATION BILL

The TREASURER moved that the Appropriation Bill be read a second time

Mr STRANGWAYS called attention to a point of form in reference to the Appropriation Bill During a former session it had been decided that that House and that House alone had the control of the public purse, but he would call the attention of the House to a difference in the preamble of the Appropriation Act here and that of the House of Commons His object in calling the attention of that House to the point was that if that House and that House alone had power over the public purse it appeared desirable that some form in the Appropriation Act should be adopted which would tend to a recognition on the part of the other House and the Governor of the rights of the Assembly If the Assembly had not sole power over the purse it was a matter of no consequence, but as the preamble at present stood it admitted that the Legislative Council, as regarded the public purse, had power equal to the Assembly

The ATTORNEY-GENERAL said the form of the Appropriation Act in England recognised the necessity of the joint action of both Houses of the Imperial Legislature as fully as the Appropriation Act here recognised the joint action of both Houses We did not adopt the form of the Appropriation Act in England, because there was nothing in our circumstances analogous to those circumstances which had led to the adoption of the form in question Taxes were imposed by authority of both Houses, sums raised were appropriated by both, and so long as there was a practical recognition of the powers of the House of Assembly to originate, limit, and appropriate the revenue it would not only be idle but inexpedient to make any alteration in the form, which would of necessity involve long consideration and lengthy discussion, and would revive the question of privilege, which had been settled to the satisfaction of that House with a salvo of the dignity of the other branch If there were any amendment proposed to the effect which the hon member for Encounter Bay had mentioned he should most strenuously oppose it, and trusted he should have the support of the House in so doing

The Bill was then read a second time and passed through Committee, when the TREASURER, in accordance with notice, moved the suspension of the Standing Orders, in order that the Bill might be read a third time

Mr STRANGWAYS wished, before the question was put, to ask the Attorney-General what course the Government intended to pursue in reference to the prorogation of Parliament It was generally understood, and he believed it was the intention of the Government that Parliament should be prorogued on the following Friday He wished to ask if such were intended, and whether the state of public business was such that the Government would be justified in recommending His Excellency to prorogue Parliament on Friday If the Attorney-General stated there was a reasonable probability of being enabled to advise His Excellency to prorogue on Friday, he should not object to the Standing Orders being suspended for the purpose of enabling the Bill before the House to be read a third time, but if there were to be no prorogation on Friday he did not see there was any necessity to hurry on the third reading

The ATTORNEY-GENERAL said that the wish and hope of the Government was that they would be enabled to prorogue on the following Friday, but that would be contingent on the action of the other branch of the Legislature with regard to the Assessment on Stock Bill No consideration of mere convenience would induce the Government to leave that measure unsettled If difficulties arose in reference to that measure the Government might be defeated in their expectation of being enabled to prorogue, but there was no prospect of such difficulty arising, and but for that belief he should be as opposed to moving the suspension of the Standing Orders as the hon member could be in assenting to such a course

The Bill was then read a third time and passed

CLAIM OF MR J F DUFF

Mr BAKEWELL moved pursuant to notice—

"Consideration in Committee of the Report of the Select Committee on the petition of J F Duff, with the view of presenting an Address to His Excellency the Governor-in-Chief, to place the sum of £153 8s on the Estimates as remuneration to the said J F Duff for damages sustained by the action of the Government"

In moving this resolution he did not consider it necessary to go into any statement of the facts on which the claim was founded, as he took it for granted that every hon member had read the report of the Committee, and had in some degree made up his mind as to the mode of dealing with the question The Committee went into the enquiry with every desire to arrive at a satisfactory conclusion, and had examined several witnesses many of whom might be supposed to be adverse to the claim, yet the Committee had found that damages to the amount of £153 8s had been sustained, and recommended the payment of that amount There was no doubt by the action of the Government in putting the seamen of the Anna Dixon on board the Carnatic, Mr Duff sustained larger damages than had been assessed, but the Committee had considered whether it was possible for Mr Duff, by any course of action which he could adopt, to diminish that loss The Committee were of opinion that if Mr Duff had shipped a white crew to take the vessel to the Mauritius he could have reduced the damages considerably, and they acted upon a principle of the Courts of law in estimating the amount of compensation The question now was did the damages arise from the action of Mr Duff or that of the Government He (Mr Bakewell) thought that Mr Duff was in no shape or form the cause of those damages Mr Duff relied upon an undertaking from the Police Magistrate, who was the proper functionary to liberate the men, and Mr Duff was therefore justified in relying upon that gentleman's engagement The loss was occasioned by the Government and by the Government alone The fault of the Government consisted in putting the men on board the Carnatic without making any application to the committing Magistrate Wherever a warrant of deliverance was desirable the committing Magistrate should be applied to, but the men were sent on board the Carnatic without any such communication It was clear that the men could only be liberated in one of three ways either by the expiration of their sentence, by the Crown exercising its prerogative of pardoning them, or by the Police Magistrate issuing a warrant of deliverance It was not pretended that the Governor had pardoned the men, but if he had done so a communication should have been sent to the Magistrate in the same way as a communication was always sent to the Judge who tried a case The Government were, therefore, bound in accordance with natural justice to make amends to Mr Duff

The ATTORNEY-GENERAL confessed he was unable to agree to the resolution He thought it was inexpedient where persons had legal claims on the Government or such as were really borne out, that the Legislature, which had given all such persons redress in the Courts of justice, should interfere to procure payment or compensation for claims, without ascertaining whether such claims really existed It appeared that the persons on board this vessel of Mr Duff's were imprisoned for refusing to perform their duty, and whilst they were imprisoned, after some arrangement between the owner and the Police Magistrate, the vessel sailed from the colony, and there was then no obligation, either legal or implied, upon the owner or master to return and take the seamen on board again The vessel went away without any intimation being made to the Government on the subject, and in that way the owner had made himself liable to a penalty for having left the crew in the colony An application was then made by other persons to the Government to transfer the seamen on board the Carnatic The owner of the Anna Dixon, if the vessel were here, would have had a right to claim them, but when the vessel left, under innumerable contingencies as to whether she would come back or not, then Mr Duff had no right to expect that the Government would retain the men in ignorance of his (Mr Duff's) intentions It was said that the Government did not consult the committing Magistrate The Government might have taken such a course, but there was nothing in the circumstances, in the warrant of committal, or in anything which they were aware of at the time, which would render such a proceeding on their part necessary or expedient The Magistrate would have nothing to do but to issue a warrant of deliverance, and that only for the purpose of putting the men on board the ship from which they were imprisoned, but when the ship was away, the Magistrate could not grant such a warrant The Government had only taken the natural course, the men not being unwilling, of placing them on board another vessel in order to save the cost of their maintenance The whole fault lay with Mr Duff in the vessel's leaving the colony without notice being given to the Government

Mr STRANGWAYS supported the motion The only question in his mind was whether the amount proposed was sufficient compensation for Mr Duff His (Mr Strangways') opinion was that it was not The hon member for Barossa stated on a former occasion, and had repeated it now, that the Committee had ascertained the amount by calculating what Mr Duff would have had to pay for a crew of white men to proceed to the Mauritius, where he might discharge them and obtain Lascars But Mr Duff stated in his evidence that he could not procure in Port Adelaide a crew of white men who would consent to go to the Mauritius and be discharged, or, if so, that he could only get them at a very high rate of wages He presumed the hon member for Barossa had calculated the wages at that high rate, but the hon member had not stated what the rate was If Mr Duff had only to take a crew of white men to an Indian port, and leave them there the loss might be very small, but he (Mr Strangways) gathered from the evidence that a white crew could not be obtained on those terms The fact of Mr Duff's residing at Port Adelaide and the vessel being registered there, placed the matter in a different position from an ordinary case, though the hon the Attorney-General did not think so But as the Attorney-General considered the interpretation of an Act of Parliament a matter of opinion, and put one construction upon it at one time and another at another, he (the Attorney-General) must allow other hon members to differ from him Was the hon the Attorney-General satisfied that Mr Duff could get a white crew at any cost, and if so, would £153 indemnify him?

Mr LINDSAY also supported the motion, believing that if full justice was done, Mr Duff would receive a much heavier sum

Mr COLE believed the hon the Attorney-General had said, that the captain and owner of the vessel allowed her to go away without saying when she would return Now, it appeared from the evidence that the captain intimated to the

Police Magistrate (Mr. Newland) that he would return. [The hon. member here read a passage to the effect he spoke of, from the evidence.] It also appeared that the vessel did return, and that an application was made prior to the expiration of the sentence for the restoration of the men. [The hon. member here quoted the evidence.]

The ATTORNEY-GENERAL did not deny or wish to conceal what had been stated by the hon. member for Barossa, that something was said to the magistrates about the ship's returning, but the magistrate could do nothing but grant a warrant of deliverance, and if the ship returned in time he would have done so; but it was only about a fortnight before the expiration of the term of imprisonment that the ship returned, and during all the time there was nothing to lead the Government to know that she would be here within the time. Had the vessel come 15 days later than the expiration of the sentence, the Government would have had to support the men, and could not then compel them to go on board their own vessel. Moreover the men would have a claim against the Government for having been left behind. Was the Government to wait during the whole 11 weeks or 13 weeks before they recognised the claim of the public to be freed from the support of these men on the mere chance of the vessel coming back.

Mr. MILNE opposed the motion. As to the returning of the ship, Mr. Duff must have presumed things which he had no control over, as through contrary winds, stress of weather, loss of masts, or many other accidents which were liable to occur on the coast, the vessel might be delayed. If once the men were liberated the captain would have no control over them, as having left the colony without them he forfeited all claim to their services. The loss was therefore the captain's own act.

Mr. HAWKER supported the motion, believing that Mr. Duff did everything in his power to make sure that he would have the crew on his return. He applied to the Police Magistrate, and Mr. Newland said that the men would be returned if the vessel arrived before the expiration of their sentence. Mr. Newland also said that it was usual to apply to the committing Magistrates before liberating men, and if this had been done, the Government would have been informed that the captain informed Mr. Newland that he was coming back. Mr. Finniss also said that so long as the captain had applied for the men within the duration of their sentence, his understanding was that the men should be restored to the ship. The hon. the Attorney-General said that the vessel might have left permanently, and that these men would be thrown upon the colony, and would become a burthen on the public. But the vessel was not like one that was not known. The Anna Dixon was a regular trader, and belonged to a very old colonist, and a resident here. He (Mr. Hawker) presumed that if the vessel did not return the Government would have sued the owner for the cost incurred in sending back the men to the port from which they came. (Hear, hear.) It was clear that whether from a mistake of the magistrate, or the fault of the Government, Mr. Duff had sustained a large loss, and the Committee had awarded this sum, including the difference of pay between £18 and £6 per month, the relative amounts given to a white crew and one of lascars.

Mr. BAKEWELL should set the hon. the Attorney-General right upon a question of fact. The hon. member thought the men were committed for three months, whereas they were only committed for six weeks. The hon. member could not have read the evidence with the care which the House had a right to expect from him. (Laughter.) The Committee had also a right to complain that the hon. member, though on the Committee, had failed to attend, notwithstanding that he was frequently requested to do so. He (Mr. Bakewell) thought it was rather a breach of faith with his colleagues for the hon. member to lie by, not setting them right when he could, but reserving his opposition until now. He thought the Committee had some right to feel indignant at such conduct. There had been one important point touched on by the hon. member. The hon. member said that no claims should be entertained except those of a legal character. Now he (Mr. Bakewell) understood that the House was in the habit of considering claims based on natural justice. He did not know whether Mr. Duff had a legal claim but he had cast aside all such considerations when nominated on the Committee. [The hon. member here cited one or two cases in which such claims had been entertained.] The Government could have pardoned the men, but they did not, for the men were put on board the Carnatic by the police; or the men might have been let out of prison on a warrant of deliverance signed by Mr. Newland but not by one signed by anybody else. The Government had therefore acted illegally in taking the men out of prison. It was clear the men were not pardoned, and the etiquette of every Government required that the right of pardoning should not be exercised without communication with the Judge who tried the case. The hon. the Attorney-General had made another strong point. Mr. Duff was residing in this colony, and the hon. member said that if Mr. Duff allowed the vessel to go out of the bounds of the colony without the imprisoned seamen, he was liable for his conduct. But why did the vessel go to Melbourne? At the very moment of the mutiny she was on the point of sailing, and there was no other course but to take the men to the Port, and put them in prison. What was Mr. Duff to do? Mr. Duff said, "I will go to Melbourne, which I can do in two or three days, and I will be back in time." But before going he took a pledge from Mr. Newland, and he (Mr. Bakewell) asserted that Mr. Newland was competent to give one. ("No," from the Attorney-General.) He (Mr. Bakewell) would like to know what functionary was competent if Mr. Newland was not—

The CHAIRMAN called upon Mr. Bakewell (who was looking towards the Attorney-General) to address himself to the Chairman.

Mr. BAKEWELL did not know of any Standing Order by which he was bound to look at the Chairman.

The CHAIRMAN.—The hon. member must know that it is usual to address the Chairman.

Mr. BAKEWELL.—Then it is a bad usage. I address the Chairman but I look where I please.

The CHAIRMAN repeated that it was usual to address the Chairman.

Mr. BAKEWELL said that in the House of Commons, where many members were too far off to be seen by the Speaker, he had seen members look where they pleased. To do otherwise would be preposterous. He had been called to order three or four times on this ground, and it was exceeding inconvenient. He considered Mr. Duff justified in the course he pursued.

The ATTORNEY-GENERAL would not have replied if the hon. member (Mr. Bakewell) had not made a personal attack upon him. The hon. member charged him with a breach of faith because he now opposed a report to which he had never agreed. He could understand the hon. member if having attended the Committee and apparently assented to its proceedings, he (the Attorney-General) came forward now to oppose them. But having to choose between getting the business ready for the House and attending the Committee, he was unable to attend the latter. The hon. member (Mr. Bakewell) himself could not, however, deny that he (the Attorney-General) had told him and other members of the Committee that he (the Attorney-General) dissented from their views, that Mr. Duff had brought the loss upon himself, that either he should not have gone away, or that he should have made an arrangement with the Government, inasmuch as Mr. Newland was not the agent of the Government. He had communicated to the members of the Committee his strong feeling on the matter, and stated that he could not assent to the report. He did not pretend that he had read the evidence throughout, but there were certain essential features in it upon which there could be no dispute, and upon which the whole case rested. The men being imprisoned, the vessel went away without them, and the shorter the term of imprisonment, the greater chance there was of the vessel not being able to return in time. [The hon. member here referred in a few words to some remarks of Mr. Bakewell in reference to claims not strictly of a legal character, which had been entertained by the House.] In the present case, he felt it his duty, as a member of the Government and as a member of that House, entrusted with the guardianship of the public purse, to oppose what he believed to be an unreasonable and improper claim.

Mr. COLLINSON, as a member of the Committee, explained how the sum of £153 8s. was arrived at, which was as follows:—Additional wages of crew for 42 days, to enable the ship to reach the Mauritius, £93; additional labor, £14; delay, £30; additional provisions, £12; grog, £4. Total, £153 8s.

Mr. SOLOMON supported the item, as the Government had not given any reason why the men should have been allowed to leave the Gaol. (Hear, hear, from Mr. Strangways). If the Government had done so, the House might find still greater objections than could be seen now for their liberation. The captain had told Mr. Newland that he would return, and Mr. Newland promised on the vessel's return to give the usual warrant of deliverance, provided the vessel came in time. The Magistrate, of course, was often in the habit of committing seamen; and if there was any law in existence opposing vessels going away without their crews, it was the duty of the Magistrate to compel the captain to enter into a bond that he would return in proper time. There was one reason for his being opposed to the hon. member (Mr. Milne), who said that the men might be cast upon the Government for support—("hear, hear," from the Treasurer)—in case the vessel did not return. One thing appeared to be forgotten, viz., that the registered owner of the ship was a resident in the colony, and liable for any infringement of the Customs laws in the colony or elsewhere committed by the vessel. The object of registration was that he (the owner) should be saddled with any costs or faults which the ship might commit. The fault in this case was, in the first instance, on the part of the Government in undertaking to deliver the men out of the custody of the Gaoler without any authority. The only competent authority was the committing Magistrate, who could by warrant of deliverance have given them up to the ship from which they were taken.

Mr. BARROW said the hon. member for the city had stated that he would vote for the amount sought for, because the Government had not given any reasons for the liberation of the men. He (Mr. Barrow) heard the hon. member for Encounter Bay (Mr. Strangways) cheer that declaration, and as the cheer might have been meant as the prelude to, hoping to dissuade the hon. member from so useless

a course as a grave censure on the Government, he (Mr Barrow) felt called upon to make a few remarks He had heard the hon the Attorney-General say that the Government liberated the men because they did not think the Anna Dixon would be back in time, and in order to save the cost of their maintenance That might be a good reason or it might not, but at all events it was a reason (Hear hear) But when the hon member said the Government had given no reason, he seemed to infer that there was some secret reason for the liberation of the men (Hear, hear) If they were liberated in order to save the public purse—if it was done for some secret reason as might be inferred from the hon member for the city, then he (Mr Barrow) hoped the discussion would be continued until the House found out that secret and mysterious reason (Hear, hear, and a laugh) He (Mr Barrow) did not believe there was anything of the kind On the merits of the case he should go with the hon member for Barossa, as he considered that hon member's arguments more weighty and powerful in favor of paying the money, than those of the Government were against doing so It had been said that the vessel might not have come back, but it had not been said that she could not come, and in fact she had done so It was the duty of the House to prevent any lavish expenditure of the public money, but it was also one of its functions to pay all just debts due by the Government to members of the community Not having personal knowledge of the transaction, he could not but be guided by the balance of evidence, and by what he had endeavoured to gather from the speeches of hon members, and his impression was that the balance recommended by the Committee should be paid for the losses sustained by Mr Duff, through the action of the Government on this occasion

Mr BAGOT hoped the Government would withdraw their opposition He believed the Government had acted *bona fide*, wishing to save the cost of keeping the men during the remaining period of their sentence, but still it did not appear that they had acted according to the strict letter of the law, and though Mr Duff had not complied with the letter of the law either it appeared he had acted under the advice of a Government officer Under these circumstances it appeared to him only just and reasonable that the Government should withdraw their opposition

The ATTORNEY GENERAL would not withdraw his opposition He believed he had done his duty in giving the Committee his reasons for opposing the proposition, and he would do his duty by voting against it, but if the rest of the Committee adopted the report, the Government would place a sum on the Estimates to carry out the object of the address Still it was his duty to call attention to all the facts The men were willing to take service on board the Carnatic, to which vessel they were sent [The hon member here read a passage from the evidence, showing that Messrs Acraman, Lindsay, and Co were willing to receive the men, and that the men were willing to serve] There was, therefore, evidence for the Government to act on It was not denied that the men were left here by the vessel to which they belonged, and hon members knew that it was not always easy to forward persons of their class to the countries of which they were natives The Sheriff in his evidence showed clearly that it was a provision of the law that no person should be left behind out of a vessel without a communication being made to the Chief Secretary The captain had no right to communicate with any other person, and when he did not communicate with the Chief Secretary, the Government presumed that he had not communicated with any one The Sheriff also said that he never knew a case of a vessel sailing from the Port leaving persons behind and afterwards coming for them, but he (the Sheriff) had known several instances of persons being put into other vessels because the Government were desirous of getting rid of the cost of maintaining them

Mr STRANGWAYS thought the hon the Attorney-General was not right in his law when he said that there was any Act to prevent a master of a vessel leaving any of his crew behind The Act only provided for a master voluntarily discharging his crew If a man was committed to gaol and not discharged by the master or owner, if a man refused duty and was imprisoned, then he (Mr Strangways) thought the hon member for Barossa and other hon members would agree that the case did not come within the meaning of the Act Suppose a murder to be committed by a crew, and the men handed over to the proper authorities surely the master would not be bound either to obtain leave to go away or to remain until the men were tried (A laugh) The intention of the clause he believed was, to prevent men being left behind voluntarily The hon the Attorney-General said that the master acted illegally, because he took the ship away and then the hon member said that the Government were justified in acting illegally also in transferring the men to the Carnatic (Laughter, in which the Attorney-General joined) Again, there was no Colonial Secretary at the time of this occurrence —(a laugh)—and how was Mr Duff to apply to the Colonial Secretary? The words of an Act should be literally interpreted, and surely the Attorney-General would not say that if the Attorney-General was to be consulted, the Treasurer would answer as well If so, he (Mr Strangways) would make the hon the Treasurer the chief law officer of the Crown (A laugh)

Upon the hon member resuming his seat, loud cries of "Question" arose from all parts of the House

The motion was accordingly put and passed, and the House having resumed, the report was adopted

MESSAGES FROM THE LEGISLATIVE COUNCIL

Messages 29 and 30 were received from the Legislative Council enclosing the Water Supply and Drainage Act Amendment Bill, and the Real Property Law Amendment Bill, as passed with certain amendments, in which the Legislative Council desired the concurrence of the House of Assembly

Message No 31, enclosing the Confirmation of Registrations Bill, with the amendments of His Excellency the Governor on the same, duly considered and agreed to

On the motion of the ATTORNEY-GENERAL, the consideration of the amendments by the Legislative Council in the Water Supply and Drainage Act Amendment Bill, and the Real Property Law Amendment Bill, were made Orders of the Day for the following day

TAXATION

The TREASURER brought up the report of the Select Committee on Taxation, together with the evidence taken thereon The report was read, and, with the evidence, was ordered to be printed

THIRD JUDGE AND DISTRICT COURTS BILL

On the motion of the ATTORNEY GENERAL the House went into Committee for the consideration of the amendments made by the Legislative Council in the Third Judge and District Courts Bill, which were agreed to

The House resumed, the Chairman reported the amendments as agreed to, and a message to that effect was ordered to be sent to the Legislative Council

DISTRICT COUNCILS ACT AMENDMENT BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS the House went into Committee for the consideration of the amendments by the Legislative Council in the District Councils Act Amendment Bill

The COMMISSIONER OF PUBLIC WORKS moved that the amendments be agreed to With the exception of two clauses relating to unbranded cattle the alterations were merely formal ones

Mr REYNOLDS said it appeared to him that there were other amendments besides those merely formal If they looked at folio 11, line 2, they would find, he thought, several lines struck out

The COMMISSIONER OF PUBLIC WORKS said that related merely to the exemption in certain cases of auditors from office

The ATTORNEY GENERAL said the alteration simply placed the auditors in the same position as that sanctioned by that House in the case of District Councillors

Mr LINDSAY called attention to the 114th clause having been struck out altogether That was a clause which he (Mr Lindsay) had wished to amend, but he was opposed by the House in so doing He considered the clause would have been very useful, if amended, and if he were wrong in endeavouring to amend it, the Legislative Council must surely have been as much to blame in striking it out altogether

Mr SHANNON approved of the alteration made by the Legislative Council, and he considered if they had made further amendments the Bill would have been materially benefited by it

The amendments were agreed to The House resumed, the Chairman reported the amendments as agreed to, and a message to that effect was ordered to be sent to the Legislative Council

LICENSED VICTUALLERS ACT AMENDMENT BILL

On the motion of Mr STRANGWAYS the House went into Committee for the consideration of the amendments of the Legislative Council in the Licensed Victuallers Act Amendment Bill, which were agreed to

The House resumed, the Chairman reported the amendments as agreed to, and a message was ordered to be sent to the Legislative Council to that effect

BOARDS OF WORKS BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS, the House went into Committee for the consideration of the amendments of the Legislative Council in the Boards of Works Bill which were agreed to

The House resumed, the Chairman reported the amendments as agreed to, and a message was ordered to be sent to the Legislative Council to that effect

IMPRISONED DEBTORS ENLARGEMENT BILL

On the motion of the ATTORNEY-GENERAL, the House went into Committee for the consideration of the amendments by the Legislative Council in the Imprisoned Debtors Enlargement Bill, which were agreed to

The House resumed, the Chairman reported the amendments as agreed to, and a message was ordered to be sent to the Legislative Council to that effect

LONGBOTTOM'S PATENT BILL

On the motion of Mr MILNE the House went into Committee on Longbottom's Patent Bill, for the consideration of

the amendments made by the Legislative Council therein The amendments were agreed to

The House resumed, the Chairman reported the amendments as agreed to, and a message was ordered to be sent to the Legislative Council to that effect

PETITION OF JOHN FINNIS

On the motion of Mr SOLOMON the petition of John Finnis was ordered to be printed

ADJOURNMENT

Mr STRANGWAYS asked whether there was any other business on the notice paper for the following day, besides the consideration of the amendments in the Waste Lands Act Amendment Bill If there was not he should propose that the House adjourn to Friday next, and meet then earlier, say at 11 or 12 o'clock

The ATTORNEY-GENERAL would have no objection to such a course if it were the wish of the House

Mr REYNOLDS moved that the notices of motion standing in his name, and which had lapsed during his absence, be proceeded with He subsequently proposed to defer them until Friday

The ATTORNEY-GENERAL said it would be better, perhaps, to move their consideration on the following day, as on Friday there were several formal matters connected with the prorogation which would engage the time of the House

Mr STRANGWAYS moved that the House adjourn until 2 o'clock on the following day This would give the Select Committee now sitting an hour's additional time

Mr REYNOLDS moved that the House adjourn until 4 o'clock on the following day, which was carried

The House then adjourned at 20 minutes past 3 o'clock until 4 o'clock on the following day

LEGISLATIVE COUNCIL

THURSDAY, DECEMBER 23

The PRESIDENT took the chair at 2 o'clock

Present—The Hon the Chief Secretary, the Hon H Ayers, the Hon Captain Bagot, the Hon Captain Scott, the Hon A Forster, the Hon Captain Hall, the Hon the Surveyor-General the Hon J Morphett, the Hon Dr Davies, the Hon Dr Everard, the Hon S Davenport

THE HARBOR TRUST

The Hon the PRESIDENT announced that he had presented to His Excellency, the Governor-in-Chief an address adopted by the Council praying that the Harbor Trust might be allowed to carry out without interference, the improvements of the Harbor as proposed in Council Paper No 53

LAND GRANTS BILL

The Hon H AYERS wished, before the business of the day was proceeded with, to ask the Hon, the Chief Secretary a question in reference to the Land Grants Bill which had been brought under discussion the previous day He had then mentioned that as the third clause gave the Treasurer and the Registrar-General power to issue land grants it was necessary that the Governor should give some authority under his hand to enable the Treasurer and the Registrar-General to execute grants He wished to know whether the law officers of the Crown were called upon to make any report upon Bills which had passed both Houses of Legislature prior to His Excellency assenting thereto, or withholding his assent

The Hon the CHIEF SECRETARY said the law officers advised His Excellency upon every Act before his assent was given thereto

THE INSOLVENT LAW

The Hon J MORPHETT wished to ask the hon the Chief Secretary a question in reference to some returns which he had hoped would have been laid upon the table of the House It would be remembered that some time since he had asked a question in reference to the Insolvent Law, and subsequently the Hon Mr Ayers moved for certain returns, which were laid upon the table by the hon the Chief Secretary, and ordered to be printed, but although a considerable time had elapsed, the papers had not been printed, and the Council would agree with him that that it was a great inconvenience to have papers withheld for a considerable period when it was intended to take action upon such papers during the session Such occurrences were not unfrequent He believed that the law officers of the Crown in England had recommended Her Majesty not to allow the Insolvent Law as passed by the Parliament last session As the papers were not printed, he wished to ask the hon the Chief Secretary whether the law officers of the Crown in England had not advised Her Majesty not to assent to the Insolvent Law, notwithstanding that it had been assented to by His Excellency the Governor-in-Chief, and he would also ask why action had not been taken by the Government during the present session to remedy the objections raised to the Act

The Hon the CHIEF SECRETARY said that His Excellency the Governor in-Chief had forwarded to Her Majesty's advisers a copy of the opinion of the Attorney-General of the province upon the subject, and had requested a reconsideration of the subject

The Hon J MORPHETT hoped the Hon the Chief Secretary would take steps to ensure the more speedy printing of documents ordered by the House He found that the documents to which he had referred had been ordered to be printed 23rd November and yet they were not in print

The Hon the CHIEF SECRETARY reminded the hon gentleman that at that particular season there was great pressure upon the printing department, but in cases in which any special wish was expressed that documents should be printed, he always endeavored to comply with that wish He was not aware that, in reference to the documents which had been alluded to, any special wish had been expressed that they should be immediately printed, otherwise he would have taken steps to comply with that wish

LAND GRANTS BILL

Upon the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time and passed, and forwarded by message to the Assembly, requesting their concurrence in the amendments which had been made by the Council

ASSESSMENT ON STOCK BILL

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time and passed, and transmitted to the Assembly, with a request that they would concur in the amendments made by the Council

APPROPRIATION BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill drew attention to the fact that the receipts for 1858 were largely in excess of the estimated amount, whilst the proposed expenditure for the half year ending 30th June, 1859, was much less than the estimated receipts, so that in the event of the revenue falling off, the finances of the colony would not be in any way embarrassed, there being a large balance in hand The cost of general establishments for 1859 was not in excess of the cost for 1858, except in connection with the new office of the Registrar-General, necessary in consequence of the passing of the Real Property Act, and the expenses consequent on the establishment of the Electric Telegraph, which was a reproductive work

The Hon J MORPHETT asked whether the Appropriation Act had been introduced by message from the Governor?

The Hon the CHIEF SECRETARY believed that the Bill had been introduced into the Assembly in the customary and proper manner

The Hon J MORPHETT remarked that by the Constitution Act all money Bills should be introduced by the recommendation of His Excellency the Governor

The Hon the CHIEF SECRETARY said, not being a member of the Assembly, he could not say whether the Appropriation Bill had been so introduced, but the Estimates upon which the Appropriation Bill was founded were introduced by message from His Excellency

The various clauses having been agreed to, the report was adopted, and the Bill was read a third time and passed

The Council then adjourned till 4 o'clock

THE DATE OF ACTS BILL

The PRESIDENT announced the receipt of a message No 52, from the House of Assembly, intimating that the Assembly insisted upon the amendments made by them in the Date of Acts Bill Reasons for doing so accompanied this message, and were to the effect that the provisions of the Bill as originally introduced to the Council amounted to a violation of the Standing Orders, and that the amendments made by the Assembly were strictly in accordance with the practice of the House of Commons

THE APPROPRIATION BILL AND IMMIGRATION

The Hon J MORPHETT wished to ask the Hon the Chief Secretary a question in reference to the Appropriation Bill, and although it had reference to a Bill which had that day passed the House, he hoped the hon gentleman would have no objection to answer it It struck him in the early part of the day, when they were called upon to pass the Appropriation Bill, that there was one portion of very great importance, although not of sufficient importance perhaps to interfere with the action of the Government, or arrest the business of the colony by moving amendments in the Act itself Still the points to which he alluded were of great importance, and he wished particularly to allude to the vote for immigration It appeared that the Assembly had finally passed a vote for the ensuing six months of £10,000 for Immigration, but he had understood that the Hon the Chief Secretary in preparing the financial statement, had appropriated £20,000 to this purpose and he believed that the hon gentleman had acted wisely in so doing and had displayed a proper consideration for the best interests of the colony He was sorry that the House of Assembly—

The Hon the PRESIDENT said the hon gentleman could not comment upon the proceedings of the Assembly

The Hon J MORPHETT, in making the allusion, merely wished to bring the question more home to the Hon the Chief Secretary He wished to point out how the answer of the hon gentleman could be made most acceptable to the House He wished the hon gentleman to point out how it was that the Government had not maintained their original position in reference to the Estimates by securing the £20 000, which they had originally intended to devote to immigration, because he considered——

The Hon the PRESIDENT said the hon gentleman could not enter into an argument upon the question

The Hon. J. Morphett merely wished the Hon. the Chief Secretary distinctly to understand what answer would be acceptable. He did not wish the hon. gentleman to say that he had been taken at any disadvantage. He considered immigration the life and soul of the colony——

The Hon. the President was afraid that involved an argument.

The Hon. J. Morphett thought it was an axiom which could not be disputed. He would however formally ask why the Government had not maintained their original position on the Estimates in reference to immigration for the next six months. At all events he thought he might say that less than £20,000 would not suffice.

The Hon. the President was afraid that the hon. gentleman could not go into arguments upon an Act which had been passed.

The Hon. J. Morphett was quite within the ruling of the President. He merely wished the Hon. the Chief Secretary to answer the question clearly and distinctly, and if the hon. gentleman would do so, he did not wish to elaborate his question. At the same time he thought immigration highly important to the colony, and that the sum of £10,000 was not sufficient for the ensuing six months. One institution alone at the Burra would take all the supply which could be afforded by such amount.

The Hon. the Chief Secretary, though taken somewhat by surprise, had no objection to answer the question. It was quite within the legitimate scope of the Assembly to revise the Estimates, and though the Government thought it sound policy to introduce the sum of £20,000 for immigration for the first six months of the ensuing year, the Assembly had thought proper to reduce the amount by one-half. At the same time he might remark that he did not think this reduction was a matter of much importance, because the Emigration Agent would have in hand a sum of £10,000 over and above the amount expended for last year, so that the amount at disposal for immigration would actually be £20,000, and he believed it was not the intention of the Government to instruct the Commissioners to ship emigrants during the months of April, May, and June, lest they should arrive here during the months of July, August and September, rendering, as was the case last year, the market overcrowded.

MESSAGES FROM THE ASSEMBLY.

The Hon. the President announced the receipt of the following messages from the House of Assembly:—No. 53, intimating that they had agreed to the amendments made by the Council in the Waste Lands Act. No. 54, intimating that they had agreed to the amendments made by the Council in the Water Supply and Drainage Act Amendment Bill. No. 55, intimating that they had agreed to the amendments made by the Council in the Real Property Act Amendment Bill. No. 56, intimating that they had agreed to the amendments made by the Council in the validity of Land Grants Bill.

PROROGATION.

The Hon. the Chief Secretary intimated that His Excellency the Governor would attend the Council on the following day at 1 o'clock, for the purpose of giving his assent to various Bills and proroguing Parliament.

The Council adjourned at 20 minutes past 4 o'clock, till 1 o'clock on the following day.

HOUSE OF ASSEMBLY.

Thursday, December 23.

The Speaker took the Chair shortly after 4 o'clock.

Mr. Reynolds gave notice that he would on the following day move that under Act 27 of 1855 and '56, the appointment of the Engineer-in-Chief of Railways as a Commissioner of Railways, was illegal, and, therefore, null and void.

MESSAGES FROM THE COUNCIL.

The Speaker announced he had received from the Legislative Council the following Bills which had received the assent of that House:—Lands Grants Bill (with amendments), Assessment on Stock Bill, and Appropriation Act.

The Attorney-General moved that the amendments in the Lands Grants Bill be taken into consideration after the Orders of the Day.

Agreed to.

AMENDMENTS BY THE COUNCIL.

The amendments made by the Legislative Council in the Waste Lands Acts Amendment Bill, Water Supply and Drainage Act Amendment Bill, Real Property Act Amendment Bill, and Lands Grants Bill were successively considered in Committee, and agreed to. The reports on the various Bills were likewise adopted, and messages to that effect ordered to be transmitted to the Legislative Council.

MESSRS. HENRIQUES, YOUNG, AND MELVILLE.

Mr. Solomon moved that the petition of these gentlemen be printed.

Mr. Townsend seconded the motion.

Agreed to.

LAPSED MOTIONS.

In the absence of Mr. McEllister, the two motions standing in his name lapsed.

BUSINESS OF THE HOUSE.

Mr. Peake moved pursuant to notice—

"That, in the opinion of this House, on motion being made for adopting the Report of the Committee on the Estimates, it is strictly in accordance with Parliamentary usage, and not at variance with the Standing Orders of this House, for an honorable member to move the reduction of any item of expenditure in that report, and the same may be at once dealt with by this House."

His desire in moving this resolution was to set at rest a question which seemed at present to be in some doubt. He thought without referring to previous proceedings—which, he believed, would not be in order—that it would be sufficiently in the minds of hon. members that on a recent occasion substantial justice had not been done in reference to the Estimates, in consequence of the practice which he proposed not being observed. He had therefore adopted the earliest means of taking action in the matter. In the House of Commons there were two Committees—one of Supply, and one of Ways and Means. Both these Committees reported to the House, and their reports were taken into consideration, and on this being done, any hon. member could move a reduction upon any item in either report, and this motion would be considered; but it was not competent for an hon. member to propose an increase. As, therefore, the course he proposed was strictly in accordance with the practice of the House of Commons, he had no doubt that the House would agree to it. It might happen in a country like this where the commercial and financial organisations of society were so fluctuating, that an exercise of a power such as he suggested even at the eleventh hour, might prove of great benefit. He need not detain the House with a long argument, but in May, p. 444, hon. members would find the action of the House of Commons in such matters detailed. [The hon. member here read the extract which he referred to.] On a recent occasion he wished to reduce an item of expenditure and it was ruled, probably quite rightly and consistently with the practice of the House, that he could not do so; but it was clear that the practice of the House was not consistent with that of the House of Commons, and that the practice of the House of Commons was much superior. With respect to the general policy of dealing in open sitting of the House with questions of this kind "May" lays down that the House could deal with questions of finance by Bill and without Committees of the Whole at all. He did not refer to diminutions of the burthens of the people generally, but to reductions of expenditure which might be very valuable at particular times. He contended also that there was nothing in the Standing Orders which enforced such dealing with any diminutions proposed on the Estimates as he complained of. No. 370 was the order which seemed to relate chiefly to this point, but if hon. members referred to it they would see that there was nothing in it which should prevent the House dealing with any proposal to diminish any item passed by a Committee of the whole House on the Estimates. [The hon. member read the order referred to.]

Mr. Hay trusted the motion would not be agreed to, whatever the reading of the Standing Orders might be. It would not be in accordance with the good conduct of business in the House, that after adopting the report on the Estimates, a motion for reconsidering any particular item should be proceeded with at once without notice. There might be a thin House and some of the most important business might come on early, and then a large proportion of the Estimates might be cut down which had been well discussed previously in a full House and agreed to. He would cite a case in point in the Waste Lands Bill which had been just agreed to. He had intended to be in the House in time to oppose that measure, but he did not think it would come on so soon. He believed the adoption of that measure would not be for the benefit of the country. He should oppose members having a right on the adoption of the report on the Estimates being proposed to move a reduction of any item without notice, though he agreed that members had a right to move the consideration of any item on a future day.

The Treasurer also opposed the motion. He thought it would be exceedingly inconvenient at a late period of the session, after the various grants had been affirmed, that a resolution should be introduced, when the Appropriation Act was under consideration, to alter the resolutions previously arrived at, without due notice. He thought the hon. member was laboring under a mistake when he read from May, as the remarks quoted applied to Committees of Ways and Means, and not to Committees of Supply. (Mr. Peake—"To both.") He (the Treasurer) found, in page 424 of May, that effect may be given to grants passed by the House of Commons previous to the passing of the Appropriation Act. [The hon. member read the passage in question.] From this it was evident that if the report was to be amended in the manner proposed, it would be quite inconsistent with the practice of the House of Commons.

The Attorney-General thought the question before the House had been well put by the hon. member for Gumeracha, viz., whether, after the lengthy labours of a Committee of the whole House, after the whole matter had been gone through, and all the items had been settled, not by any arbitrary calculations, but with a careful regard to the wants of each department—whether a discussion of questions of finance, which should include every item, was to be brought

on again, and the House was without any notice, or referring back to the Committee to rescind the previous decisions He thought it was settled by the Standing Orders that matters of finance should be settled in Committee If the hon member could show that items of the Estimates could be considered without going into questions of finance, he (the Treasurer) could understand the motion, but as that was impossible he must oppose it

Mr PEAKE was aware that the Standing Orders asserted the general principle that matters of finance should be considered in Committee, but he apprehended that it was quite competent for the House to review in open session what was done by its own Committee There was nothing so outrageous or monstrous in that, but something very valuable, he was sure, would come of it He believed if the system he advocated was in force, the reduction which he proposed recently in the Police Department would have been carried He believed the Government were not adverse to that reduction, but the mode of effecting the object was not apparent, and so the vote was carried against the judgment of the majority of the House, because hon members could see no way of dealing with the question It was ruled that the matter could not be entertained under the Standing Orders, and this was the reason of his (Mr Peake's) taking the earliest opportunity of bringing this motion forward Personally, he cared very little whether the policy was adopted or not, but the policy of the House should be consistent with the policy of the House of Commons, and notwithstanding the quotations which the hon the Treasurer had amused the House with—for the quotation referred to the Appropriation Bill, which was altogether beside the question—it was not so at present His (Mr Peake's) quotation was from "May," and referred both to Committees of Ways and Means and of Supply

The SPEAKER put the question, and declared that the noes had it, whereupon Mr Peake called for a division, but immediately afterwards withdrew his demand

The motion was therefore lost

PUBLIC RESERVES IN MITCHAM

Mr REYNOLDS, before moving the resolution standing in his name for the consideration of the petition of the ratepayers of the District of Mitcham, wished to ask the hon the Commissioner of Crown Lands whether Sections 884 and 1093 in the District of Mitcham had been sold, as the reply would affect his (Mr Reynolds's) motion

The COMMISSIONER OF CROWN LANDS replied that section 884 had been granted to Mr Torrens, in virtue of a land order The rest of the hon. member's reply was inaudible, owing to the noise of conversation which prevailed

Mr REYNOLDS would now make some remarks, and this was not the first time he had taken action in reference to these reserves In Colonel Gawler's time these sections were reserved, because Colonel Gawler was of opinion that they constituted the only place from which the people of Adelaide could procure water Subsequently it appeared that Messrs Hanson, Babbage Hawmes, and Freeling reported on the desirability of retaining the place as a source of surplus supply, and 50 acres were then reserved for that purpose During the administration of Sir H Young, it appeared that Mr Torrens laid claim to one of the sections by virtue of a land order, but in consequence of the strong expression of public opinion and of certain questions put to the Legislature of that day, the Government were induced to prevail upon Mr Torrens not to claim the section, and the consequence was that the sections were reserved, as he (Mr Reynolds) understood, as public reserves The quarries were marked off at the same time as quarries and marked public reserves, yet now the House was told that these had been sold Notwithstanding the expression of opinion of the District Council and ratepayers of Mitcham, the Government had allowed Mr Torrens to claim one section by virtue of a land order Yet it appeared there was not too large an amount of reserved land around the city, for the Government had been obliged to pay £50 an acre for land as a site for a Lunatic Asylum After that it appeared a great pity that the Government should, to please Mr Torrens or any other gentleman, allow these reserves to be taken up by virtue of a land order Looking to the conduct of the Government after they had been requested to reserve this land for quarries, by which means the District Council of Mitcham could let them out for the purpose of procuring road metal from them, and considering that the Government had allowed persons to monopolise the land he thought that instead of the address which he had intended to move, he would move "That the conduct of the Government in alienating certain lands at Mitcham, is deserving of the censure of the House"

The SPEAKER said the hon member should ask leave to amend his motion

Mr REYNOLDS intended to amend it His first intention was to move, "That an Address be presented to His Excellency the Governor-in-Chief, requesting that he will be pleased to give instructions to carry out the request of the District Council and others of Mitcham, in the matter of reserving certain quarries and certain roads necessary as approaches to water, as contained in their memorial to the Government of October last"

The TREASURER thought it hardly right to give the hon member permission to alter the motion in the way in which the hon member sought to alter it He (the Treasurer) thought an amendment involving a censure on Government required a notice to be given He should be fully prepared to go into the discussion of the question raised by the original motion

The SPEAKER—There was no rule to prevent an hon member's obtaining leave to amend a motion The nature of the amendment was before the House, and it was for the House to say whether it would give leave or not

The question being put, the hon member obtained leave to amend his motion

Mr REYNOLDS said, as the Government were so anxious not to have a vote of censure passed upon them, that he would not press it Whilst he thought the Government richly deserved the censure of the House for alienating this land after the expression of public opinion, still he had so much respect for the Government (laughter), and especially for the hon the Commissioner of Crown Lands that he would like to give that hon member an opportunity of mending his ways (laughter), and seeing whether he could not manage his department better, that he (Mr Reynolds) would move the address which he had put be read

The motion was then put and negatived without a division

Mr STRANGWAYS moved that the House adjourn

The COMMISSIONER OF CROWN LANDS asked leave to say a few words in explanation In the first place the Government had nothing to do with the right, or otherwise of persons exercising the privileges conferred by land orders If the hon member was of opinion that the rights conferred by outstanding land orders should not be exercised by the parties holding them he should bring in a separate motion to that effect He (the Commissioner of Crown Lands) could only see that the privileges of the orders were exercised in the legitimate and legal manner in which they had been always exercised The land at Mitcham was comprised in four sections, and they had never been reserved He wished hon members clearly to understand that in no map in the Survey Office were these sections declared reserves In a recent map they were colored red, but they were not described as reserves They were only colored red to intimate that they were not for sale at present The reason of their being so colored was that, until the site of the Waterworks was fixed, the Government wished to keep back this land in order, that if the engineers declared the water of Browhill Creek to be the best, the Government might have it in their power to reserve that water The engineers had fixed upon another place, but even now there was sufficient land reserved at both sides of the creek at Mitcham which never would be sold These sections under the consideration of the House comprised only a portion of the reserves, so that even if the Government should think it necessary at a future time to establish a supplementary reservoir for water, they would have an ample supply for the purpose, and two miles of reserved land With regard to the roads being required, these sections were, for the most part, so precipitous that it would be impracticable to make any roads through them, except those marked on the Government survey, and surely the Surveyor-General, a gentleman who had so ably filled the office he held for many years, must be as competent to point out what roads should be made as a few interested residents at Mitcham With regard to land having been bought at great expense for the site of the Lunatic Asylum, none of the sections now in question could be used for the purpose, as they were so steep, being situated on the brow of a hill, that they could not be made available. Section 884 was the only one which could have been used, and that was claimed by virtue of a land order, which the Government, in accordance with the practice of the colony at all times, could not legally refuse to recognise If the House thought the holders of land-orders should not be entitled to claim under them, they should say so by a distinct motion The Government knew there were five of these orders yet outstanding, and some day, no doubt, the land under these would be claimed The quarry alluded to was not a road-making quarry at all, but one of freestone —a material which no one would recommend for road metal But there were no less than three quarries on the other side of the creek which would be reserved, and which contained enough road stone to supply the colony for a century He could easily fancy that some residents of Mitcham who were allowed for years past to graze their cattle on these sections, should prefer, as most persons would in such circumstances, that the land should not be sold at all, that they should still be allowed to graze their cattle on it But he had yet to learn that any part of the colony should exercise a claim of this sort, to which it had no right, and the mere fact of these persons residing in Mitcham had not given them a right to run their cattle on the Sections He thought he had now answered all the questions of the hon member (Laughter)

MITCHAM BUILDING SOCIETY

The ATTORNEY-GENERAL laid on the table the balance-sheet of the Mitcham Building and Investment Society

THE PROROGATION

The ATTORNEY-GENERAL stated it was proposed that His Excellency the Governor should prorogue the Parliament at 1 o clock the following day

PETITION OF B H BABBAGE

Mr BARROW would, with the permission of the Speaker,

ask leave to bring up on the following day a progress report of the Select Committee sitting on the petition of B H Babbage, in the event of the final report not being completed

The motion was agreed to

The House then adjourned a few minutes before 5 o'clock until 1 o'clock the next day

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FRIDAY, DECEMBER 24

Simultaneously with the Speaker taking the chair at one o'clock, a messenger from His Excellency entered the House and announced that His Excellency desired the attendance of hon members in the Legislative Council Chamber

The members, headed by the Speaker, accordingly proceeded in a body to the Council Chamber

LEGISLATIVE COUNCIL

FRIDAY, DECEMBER 24

The PRESIDENT took the chair at 1 o'clock

Present—The Hon the Chief Secretary, the Hon Captain Hall the Hon A Forster, the Hon Major O'Halloran, the Hon Dr Davies the Hon Dr Everard, the Hon Captain Scott, the Hon Abraham Scott, the Hon H Ayers, the Hon J Morphett, the Hon Captain Freeling

His Excellency the Governor-in-Chief and suite entered the Council Chamber at a few moments after 1 o'clock, and were immediately followed by the members of the House of Assembly

The Hon the SPEAKER of the House of Assembly presented to His Excellency the Act for the further appropriation of revenue for 1857 and 1858 and for the general appropriation of revenue for the first six months of 1859, to which His Excellency assented in the name and on behalf of Her Majesty Also to the following Acts, passed by both Houses of Legislature during the session —

An Act to authorize the construction of a Railway from Adelaide and Gawler Town, at Section 112, Hundred of Light, to Section 1411, Hundred of Kapunda

An Act to amend the Laws relating to Customs

An Act to facilitate remedies upon Bills of Exchange and Promissory Notes by preventing frivolous defences thereto

An Act to further amend the Supreme Court Procedure Act

An Act to amend the Railway Clauses Consolidation Act

An Act to repeal No 9 of 1852 intituled an Act to regulate the Salaries of certain Clerks and Establishments, and to provide a progressive rate of increase for length of service

An Act to consolidate and amend the Laws relating to the Impounding of Cattle

An Act to confer certain Privileges on the Houses of Parliament of South Australia

An Act to Consolidate and Amend the Laws relating to District Councils

An Act to provide for the Enlargement of Imprisoned Debtors, who have not the means of paying Fees for Advertisements which require to be published

An Act to subject certain Commissioners and Trusts therein named, to the control of the Commissioner of Public Works

An Act to provide for the appointment of a Third Judge and to provide for the holding of Courts as occasion may arise in Country Districts

An Act to alter and amend the Law relating to the Sale of Fermented and Spirituous Liquors, and to preserve good order in Licensed Houses

An Act to establish the validity of certain Registrations under Act 23 of 1855 and 1856

An Act to amend the Real Property Act

An Act to amend the Act to provide Water Supply and Drainage for the City of Adelaide

An Act to amend the Waste Lands Act

An Act to remove doubts affecting the validity of certain Land Grants, to facilitate the issue of Land Grants, and to regulate the Fees payable thereon

An Act for the Assessment of Stock and other purposes

An Act to provide for the Incorporation of Institutions of a religious, educational, or scientific character, and for other useful objects

An Act to amend the Law relating to Divorce and Matrimonial Causes in South Australia

An Act to regulate the Execution of Criminals

PRIVATE BILLS

HIS EXCELLENCY also assented in the name and on behalf of Her Majesty to the following private Bills —

An Act to secure to Abraham Longbottom for the remainder of a term of fourteen years, an invention, being certain improvements in the manufacture of Gas where oil and fatty matter are used

An Act to remove doubts as to the titles to certain Lands and Hereditaments formerly belonging to Matthew Smillie Esq

PROROGATION

HIS EXCELLENCY then delivered the following address —

"HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE HOUSE OF ASSEMBLY—

"I am glad that the state of the public business enables me to close the present session at so seasonable a period of the year

"GENTLEMEN OF THE HOUSE OF ASSEMBLY—

"I thank you for the supplies which you have granted for the public service, and assure you that in their expenditure due regard shall be had to economy, so far as is consistent with the attainment of the objects for which those supplies have been voted

"HONORABLE GENTLEMEN AND GENTLEMEN—

"I congratulate you that the new arrangements for the Postal Service which have been made by Her Majesty's Government contain a provision that the ocean steamers shall touch at Kangaroo Island, for the delivery and receipt of the mails, both on their inward and outward voyage My Government will not fail to take the requisite steps to concur in this arrangement, relying upon your sanction of their proceedings

"The result of the investigations undertaken by the Select Committee of the House of Assembly appointed to consider the existing scheme of taxation in the colony, as it affects the freedom of distillation, shall receive the careful consideration of my Government during the recess, and I shall rejoice if the removal of existing restrictions on distillation can be rendered compatible with the security and maintenance of an adequate revenue and the general interests of the community

"The amendments which you have made in the Real Property Act of last session will, I trust facilitate the operation of that measure

"The Act imposing an Assessment on Stock has secured a permanent addition to the public revenue of the province upon terms which fully assert the public rights, while they recognize the reasonable claims of the lessees of the Crown

"I am happy that I have been able to assent on the part of the Queen, to all the various Acts which you have passed for the amendment and consolidation of the law of the province

"In conclusion, Honorable Gentlemen and Gentlemen, I congratulate you on the fact that, notwithstanding the gloomy anticipations which many experienced persons had formed at the commencement of this session as to the financial prosperity of the colony, the revenue of the past quarter, now nearly completed, shows no indication of any such decline as to justify apprehensions for the future And I, therefore, feel that I can again part from you with a confident reliance on the continued favor of Divine Providence enabling you to re-assemble under circumstances not less favorable than those which have so long been enjoyed by this province

"I now declare this Parliament to be prorogued until the first day of April next

"RICHARD GRAVES MACDONNELL,

"Governor-in-Chief

"December 24, 1858"

The Address having been delivered, His Excellency and suite left the Council Chamber, and in a few minutes the members of both Houses had dispersed

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