

DEBATES
IN THE
HOUSES OF LEGISLATURE
DURING THE
THIRD SESSION
OF
THE FIRST PARLIAMENT
OF
SOUTH AUSTRALIA.

FROM APRIL 29 TO SEPTEMBER 1, 1859.

ADELAIDE
PRINTED AT THE ADVERTISER AND CHRONICLE OFFICES, HINDLEY-STREET

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SOUTH AUSTRALIAN
PARLIAMENTARY DEBATES.

THIRD SESSION,
OPENED ON FRIDAY, APRIL 29, 1859.

ON Friday, April 29, 1859, the Parliament of South Australia was opened in due form by His Excellency the Governor-in-Chief. The hour fixed for the ceremony was 12 o'clock, but long before that time hon members began to gather very thickly, and at 12 (the precise minute when the Speaker took the chair), nearly the whole of the members were in their seats. The only absentees were Messrs Scammell, Collinson, Lindsay, Andrews, Reynolds, and Hart, the last named hon member subsequently entering the House. After the Speaker had taken his seat, the Clerk read the usual *Gazette* Proclamation.

At twenty minutes past 12 o'clock, a shrill blast from a military trumpet outside the building announced the arrival of His Excellency, and in a few minutes a messenger appeared, requesting the attendance of hon members at the Bar of the Legislative Council. His Excellency, who was attended by his usual suite, then read the following address:—

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

1 I have called you together at this early period in consequence of the alteration in the commencement of the financial year adopted by you during the last Session, which requires that provision for the public expenditure should be made prior to the 1st of July, instead of the 1st January, as in previous years.

2 I am gratified in being able to state, that notwithstanding the existence of difficulties affecting particular classes, the commercial state of the colony—as indicated by the amount of exports and imports—is of a satisfactory character, and that there is every prospect of the estimated amount of revenue being exceeded by the actual receipts.

3 The views thus expressed, on the generally satisfactory condition of the province, are corroborated by the steady increase of the receipts from the Post Office, Telegraphs, and Railways.

4 The recent discovery of extensive and valuable mineral deposits to the north of Port Augusta will, I

trust, at no distant date, add new sources of wealth to those already developed, and yet further extend the field for the employment of labor within the province.

GENTLEMEN OF THE HOUSE OF ASSEMBLY—

5 I have directed the Estimates for the ensuing year to be laid before you at the commencement of the Session. They have been prepared with a careful regard to economy, and will be found to exhibit savings on the Establishments, as previously authorised, of upwards of £11,000, though this will be partially counterbalanced by the increase in particular Departments, already sanctioned by the Legislature, or consequent upon the increased requirements of the colony. Still, there will be on the whole of the Establishments a considerable saving, as compared with their cost during the previous year.

HONORABLE GENTLEMEN AND GENTLEMEN—

6 As a part of the saving above alluded to is secured by retaining upon the Estimates only that portion of the Police Force which can be regarded as maintained for the benefit of the colony at large, it will be important that you should consider the expediency of such legislation as may enable the various municipalities and districts in the colony to raise a rate for the support of a Local Police.

7 I deeply regret that there should have been, during the last few months, a want of employment for a portion of the community, which has compelled my Government to interfere for the purpose of providing for their temporary occupation and support. I have, however, much gratification in believing that the surplus of labor is being gradually absorbed by private employers, and I trust that the active and intelligent supervision now exercised by the Emigration Agent in England in the selection of emigrants will result in securing a class better suited for the requirements of the colony. Instructions have, however, been given to the Emigration Agent to allow two months to elapse between the sailing of each emigrant vessel, and to postpone the dispatch of any additional laborers until a time of the year when their arrival

may coincide with the period of greatest demand for labor. In this manner we may hope to secure that moderate annual increase to our population of suitable emigrants, which is so important to the progress and welfare of the colony, without any danger of even a temporary surplus arising from this source.

8 With a view to enable the southern portion of the colony to share in the improved means of communication which are now enjoyed by those parts to the north of Adelaide, it is proposed to extend the Port Elliot and Goolwa Tramway to Strathalbyn. Should the amount of traffic prove to be sufficient to warrant this expenditure. The whole of the plans and details of the proposed work will be submitted to you, and you will be invited to take evidence as to the probable amount of traffic. Anticipating that the result of such evidence will be favorable to the proposed undertaking, a Bill has been prepared authorizing the raising by loan of two-thirds of the requisite expenditure, and I have caused provision to be made upon the Estimates for the remainder.

9 Among the measures which will be laid before you, I would specify a Bill for ascertaining, by a Census, the number of the population of the colony, a Bill for transferring to the Commissioner of Public Works the powers and duties of the South Australian Railway Commissioners, a Bill for including in one schedule, and defining the whole of the main roads of the province, which are at present described in three separate Acts, a Bill for registering designs, and, by patent, the sole rights of inventors in the use of their inventions, a Bill to amend the present Insolvent Act, and Bills to consolidate and amend the Criminal Law of this Province.

10 I have not felt myself justified in proposing the introduction of any measure for removing the existing restrictions on distillation. The advantages anticipated from such a step have not appeared to my Government sufficient to warrant them in incurring the risk of diminishing the revenue on the one hand, or in having recourse to the imposition of new and burdensome taxes, on the other, unless the electors of the province—after the question, in all its bearings, shall have been submitted to them at the next general election—shall pronounce an opinion in favor of such a change. It will, however, be necessary, with a view to the efficient working of the "Act to encourage the culture of the Vine in South Australia," to consolidate and amend the existing laws affecting distillation, and a Bill will be introduced to you for that purpose.

11 I now declare this session to be opened.

On the conclusion of the address a copy was presented to the hon the Speaker of the House of Assembly, after which His Excellency and suite retired.

LEGISLATIVE COUNCIL

PROROGATION OF PARLIAMENT

The Clerk of the Council (prior to the arrival of His Excellency), read the proclamation in the *Government Gazette*, proroguing Parliament till 29th April.

REPLY TO HIS EXCELLENCY'S ADDRESS

After the departure of His Excellency, the address was again read to the Council by the President.

The Hon the CHIEF SECRETARY moved that a Select Committee be appointed to consider His Excellency's ad-

dress, and to prepare a reply thereto. The following members were elected by ballot for that purpose—The Hon the Chief Secretary, Messrs Morphet, Ayers, Bagot and Forster, the Committee to report on the following Tuesday.

THE HON G F ANGAS

The PRESIDENT read a letter which he had received from the Hon G F Angas, requesting a further leave of absence for 12 months, and upon the motion of the Hon H AYERS, seconded by the Hon Major FRELING, Mr Angas's leave of absence was extended till the following 8th December.

STANDING ORDERS COMMITTEE

The Hon the CHIEF SECRETARY gave notice that on the following Tuesday he should move that the Hon the President and Messrs Morphet and Davenport, form the Standing Orders Committee for the present session.

DAYS OF MEETING

The Hon Major O'HALLORAN gave notice that on the following Tuesday he should move that the days of meeting of the Council be Tuesday, Wednesday, and Thursday in each week, at 1 o'clock.

CRIMEAN TROPHIES

The Hon Major O'HALLORAN gave notice that on the following Tuesday he should ask the Chief Secretary what steps the Ministry proposed to take with reference to the Crimean Trophies, which had been sent to this colony as a present from Her Majesty, and where the guns were to be placed.

PARLIAMENTARY PETITIONS

The Hon the CHIEF SECRETARY laid upon the table a number of financial, customs and emigration returns, rules for the guidance of the Central Road Board and Harbor Trust, report and map of survey of Rivoli and Lacedpede Bays, cost of the erection of Glenelg Jetty, Supreme Court rules in reference to the Matrimonial Causes Act, report of Public Works, &c.

The whole of the documents were ordered to be printed. Upon the motion of the Hon the CHIEF SECRETARY, the Council adjourned at a quarter to 1 o'clock till 2 o'clock on the following Tuesday.

HOUSE OF ASSEMBLY.

On the return of the House of Assembly the SPEAKER resumed the chair at half-past 12 o'clock.

PETITIONS

Mr BAKEWELL presented a petition from A H Davis, complaining of the Act of the Legislature, which enforced the system of voting by ballot for the election of members of Parliament, pronouncing it to be a tyrannical and demoralizing measure, and praying that an Act might be passed enabling him to vote openly. The petition was received and read.

Mr MILDRED presented a petition from 430 inhabitants of Clarendon and Cherry Gardens, praying for the opening of a Local Court in that district.

RESIGNATION

The SPEAKER announced the resignation of Mr Burford, one of the members for Adelaide.

The ATTORNEY-GENERAL moved that a writ should issue for supplying the vacancy.

Seconded by the TREASURER, and carried.

STANDING ORDERS

The ATTORNEY-GENERAL moved that the Speaker, himself and Messrs Bagot and Milne, be a Committee to revise the Standing Orders.

Question put and agreed to.

The SPEAKER read to the House the address just delivered by His Excellency.

REPLY TO HIS EXCELLENCY'S ADDRESS

The ATTORNEY-GENERAL moved that Messrs Blyth, Barrow, Hay, and Solomon be, with himself, a Committee to draw up a reply to His Excellency's address, and that they report on Tuesday next.

Agreed to.

THE SUPREME COURT

The ATTORNEY GENERAL gave notice that he would move for leave to bring in a Bill to amend the Practice of the Supreme Court in Criminal Matters.

RETURNS, &c

The ATTORNEY-GENERAL laid on the table returns of various Friendly Societies.

The TREASURER laid on the table various financial returns.

The COMMISSIONER OF CROWN LANDS laid on the table emigration returns.

The TREASURER laid on the table a report and chart respecting Lacedpede and Rivoli Bays.

On motion made that the House at its rising adjourn until Tuesday.

Mr STRANGWAYS hoped that the Attorney-General

would be ready with the various Bills alluded to in the Governor's speech.

The ATTORNEY-GENERAL replied that, with two exceptions, the whole of them were ready.

The question was then put and agreed to.

The COMMISSIONER OF PUBLIC WORKS laid on the table various returns connected with his department.

The House then adjourned to Tuesday following, at 1 o'clock.

LEGISLATIVE COUNCIL

TUESDAY, MAY 3

The PRESIDENT took the Chair at 2 o'clock.

VOTE BY BALLOT

The Hon J MORPHEE presented a petition from Mr A H Davis, praying for such an alteration in the law of the land as would enable him to exercise his franchise in an open and responsible manner.

The petition was received and read.

NATIONAL BANK OF AUSTRALASIA

The Hon A FORSTER presented a petition from Frederick Wright, praying for leave to introduce a Bill to provide for the Management of the South Australian Branch of the National Bank of Australasia.

The petition was received and read, and ordered to be printed.

IMMIGRATION

The Hon Captain SCOTT presented a petition, signed by 492 woolcombers in Bradford, Yorkshire, praying that instructions might be given to the agents of the colony in England, to give free passages to the colony to such of the petitioners' class as were intelligent, sober, able, and industrious.

The petition was received and read, and ordered to be printed.

CRIMINAL LAW AMENDMENT BILL

The Hon the CHIEF SECRETARY gave notice that, on the following Tuesday, he would move for leave to introduce Bills to consolidate and amend the laws in reference to indictable offences of a public nature, offences against personal property by larceny, &c.

POSTAL ARRANGEMENTS

The Hon A FORSTER called the attention of the Chief Secretary to a question of some importance to the colonists. Two days previously he received a letter from the Postmaster-general in Melbourne, intimating that a letter addressed to him (Mr Forster) was detained in that colony in consequence of there being a sum of eightpence due upon it for postage, and that if that sum were paid it would be forwarded to its destination. He had hoped that such a state of things had passed away, and he called the attention of the Government to the circumstance in hope that arrangements would be made by which letters would be forwarded between the two colonies even though a sufficient amount of postage should not, unfortunately, have been paid upon them. He trusted that no example such as he had referred to would issue from the Adelaide Post Office, but that the Government would give instructions that no letters should be detained here for want of the postage being paid, as the inconvenience which would result from such a course might be very great.

The Hon the CHIEF SECRETARY said the attention of the Government had been drawn to the subject some little time back, and a correspondence had taken place with the Victorian Government. In future there would be no detention of letters on account of insufficient postage. Regulations in reference to the subject would shortly be framed.

STANDING ORDERS COMMITTEE

Upon the motion of the Hon the CHIEF SECRETARY, the Hon the President, Messrs Morphee, Dawsonport Hall, and Youngusband, were appointed a Committee of Standing Orders during the session.

THE DAYS OF MEETING

The Hon Major O'HALLORAN moved that the days of meeting during the session be Tuesday, Wednesday, and Thursday, in each week, at the hour of 1 o'clock. It appeared to him that 1 o'clock would be a better hour than 2. The days were getting short, winter was coming on, and it would be exceedingly inconvenient for those who resided at a distance from town to be detained late. By meeting at 1 o'clock instead of 2, they might get through the business in such time as would relieve them from the inconvenience of having to go home after dark. Last session he rode into a team of bullocks, his horse getting gored by the leaders, and on another occasion he nearly got capsized.

The Hon Captain BAGOT seconded the motion, but had no personal interest in the matter, not having to leave town after night-fall, but the convenience of those who were not so favorably situated should be considered.

The Hon H AYERS moved as an amendment that the hour be 2 o'clock. He very much regretted that he should have to appear in opposition to the Hon Major O'Halloran, since that hon gentleman's personal convenience was concerned in the matter, but he would point out to that hon

gentleman that the mere fact of the Council meeting at 1 o'clock would not ensure their rising at an earlier hour than if they met an hour later. It had been their uniform custom not to sit after 5 o'clock, and as their duties would be very light during the early part of the session, he thought it would be found most convenient for them to meet at 2 o'clock. Believing that he had a majority of the Council with him upon that point, it was not necessary he should say more.

The Hon Captain SCOTT sympathized with those gentlemen who had to go home in the dark, but he felt bound to oppose the proposition to meet at 1 o'clock, as it would seriously interfere with the business of many hon members to meet at that hour. If the hour of meeting were fixed at 1 o'clock it would be impossible for him to attend, but he could generally make arrangements to attend at 2 o'clock.

The Hon Major O'HALLORAN asked if the Hon Mr Ayers would split the time?

The Hon H AYERS declined to do so, and the amendment was carried.

THE CRIMEAN TROPHIES

The Hon Major O'HALLORAN asked the Chief Secretary what steps the Ministry proposed taking with reference to the Crimean Trophies, and where the guns are hereafter to be placed? For several months the trophies had been lying like lumber at the Railway Station, and he was anxious to know what it was intended to do with the guns. It was, he thought, a point of loyalty on their part to place the trophies in a proper position, and it also appeared to him there would be no better opportunity of inaugurating the ceremony than on the Queen's Birthday. A party of Volunteer Artillerymen could readily take the guns to Government House, where His Excellency could receive them and present them to the colony. The troops might then fire a salute and the Royal Standard be hoisted at the masthead. The guns might be allowed to remain there. The cost of the ceremony would be nothing, and he thought the occasion which he had suggested a most auspicious one.

The Hon the CHIEF SECRETARY thought the hon gentlemen would see that the cost of removing the guns and placing them in a proper position, would be attended with considerable expense, and at present no money had been voted for such a purpose but a sum had been placed upon the Estimates, and as soon as it had been voted steps would be taken for the purpose of placing the guns upon a suitable platform. If no better place were suggested, the Executive proposed that the platform for the guns should be erected in a commanding position in the Botanical Garden, a similar course having been adopted at Melbourne.

The Hon Major O'HALLORAN said the expense alluded to by the Hon the Chief Secretary would be an after expense, but there would be no expense consequent upon a party of Volunteer Artillery drawing the guns up to Government House, where they would be well protected at night by the sentry.

The Hon the PRESIDENT reminded the hon gentleman that the question had been asked and answered.

REPLY TO THE GOVERNOR'S SPEECH

The Hon the CHIEF SECRETARY, as Chairman of the Committee appointed to consider the Governor's speech, brought up the reply, which was as follows:—

"To His Excellency Sir Richard Graves MacDonnell, Knight, Companion of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Her Majesty's Province of South Australia, &c, &c, &c

"May it please Your Excellency—

"1 We, the members of the Legislative Council, beg to express our thanks to Your Excellency for the speech with which you have been pleased to open this present session of Parliament.

"2 We are gratified to learn that Your Excellency is enabled to refer favorably to the present commercial condition of the colony and to anticipate an actual amount of revenue in excess of that estimated.

"3 We unite with Your Excellency in the hope that the valuable mineral discoveries in the north will be the means—by developing new sources of wealth—of giving employment to a largely increased number of the laboring classes.

"4 We must express our sincere regret that any portion of the community should have suffered from a want of employment during the last few months, and are pleased to believe that the surplus labor is being absorbed by private employers.

"5 We also rejoice to see that your Government proposes to secure such an annual increase of suitable immigrants as shall suffice to maintain the efficient working and fullest extension of our various and great colonial resources without danger of even temporary surplus of labor arising from this source.

"6 We beg to assure Your Excellency that we shall enter upon the consideration of the important matters of legislation alluded to with a sincere desire to promote the best interests of the colony at large."

Upon the motion of the Hon the CHIEF SECRETARY, seconded by the Hon H AYERS, the 38th Standing Order was suspended, to enable the Council to proceed to the consideration in Committee of the reply to the Governor's speech.

The various clauses having been passed without discussion.

The Hon Captain BAGOT moved that the Address be adopted by the Council, and that the President be requested to present it to His Excellency at whatever time His Excellency might appoint, the President to be attended by such members of Council as might choose to accompany him.

The Hon H. AYERS, in seconding the motion, said that he had much pleasure in joining in those feelings of gratification expressed by His Excellency on the present commercial state of the colony. He believed that since the Council last had the pleasure of meeting a considerable improvement had taken place in the commercial affairs of the colony, and that they had passed through a period of considerable anxiety more easily than even the most sanguine could have anticipated six or seven months ago. It was true that last season had been unfavorable for one of their principal exports, but on the whole they had abundant reason to be thankful for the position in which they found themselves at the present time. His Excellency alluded in his address to the exports and imports as indications of the favorable position of the colony, and he (Mr. Ayers) gathered from the public records that there was a great improvement in the latter part of 1858, contrasting the exports and imports of the last half-year with the first half-year. Thus he found that during the first half-year of 1858 the imports exceeded the exports by upward of 300,000*l.*, whereas during the last half-year of 1858 the exports exceeded the imports by 57,630*l.* The imports of the first quarter of 1858 exceeded the exports by more than 15,000*l.*, whereas the exports of the first quarter of 1859 exceeded the imports by upwards of 106,000*l.* He did not mean to say that the exports during the whole of 1859 would be in a similar ratio, because it was known that in the early part of the present year there were large exports of grain and flour, which the colony had not the ability to continue, but there were other cheering circumstances which were known to men in business, for instance, the general manner in which payments were met. Indeed it must be known to all that within the last few months a change had taken place which fully warranted His Excellency in making use of the expressions contained in the second paragraph of his speech. He also coincided with the remarks in the fourth paragraph, in reference to the mineral discoveries to the north of Port Augusta. He knew something of those discoveries, and if they were worked with that zeal and intelligence which such important mineral property merited, not only would there be no want of employment for those already here, but a much larger immigration would be found necessary than had been encouraged during the last two years. In reference to the Bills alluded to by His Excellency, it would perhaps be better to defer any remarks in reference to them till the Bills were before the House.

The Hon A. FORSLER concurred generally in the sentiments enunciated by His Excellency in his address and in the reply, but in stating that he wished to be understood as leaving it open to him to take any course which he might think proper with reference to future legislation on the measures about to be introduced by the Government. In the fifth paragraph of the reply he observed that the sentiments of His Excellency in reference to immigration were echoed. He (Mr. Forsler) had not made up his mind that it was necessary to discontinue immigration altogether, but he had long been of opinion that it was not wise to expend the public funds for immigration under existing circumstances. A large proportion of those immigrants who had been imported by the colony had gone to Victoria, and the colony had not had the advantages which she had a right to expect from such immigration. It was not advisable further to squander the public funds unless some arrangement could be made with the other colonies. He regretted the views which had been taken in reference to immigration, because he understood that any number of laborers could be had from the other colonies. The Hon Mr. Ayers was in Melbourne a short time since, and although he had not heard it from the hon. gentleman's own lips, he believed he was not wrong in stating that he could readily have secured a thousand laborers in one day. He should regret if the House were pledged to expend the public funds until it had been ascertained whether immigration was necessary for the colonies generally, whether, in fact, the natural increase would not be found sufficient, or until arrangements had been made with the other colonies in reference to the expenditure of funds for immigration. The reference made to commercial prosperity was very gratifying, but he regretted the Government had not taken pains to illustrate this prosperity in a different manner from that which they had adopted. It was true that public documents came before the House, showing by analysis and comparison that things were better at one time than at another, but he attached, and the country attached, no great importance to official statements, unless showing in some fair and reasonable manner that the prosperity claimed for the country was real and tangible. He was sorry the Government had not gone into these matters more particularly. Former verbal speeches went rather largely into the statistics of the colony, and a beneficial effect upon the public mind was in consequence produced. He should have been glad if His Excellency's speech had been garnished a little more with statistics of the colony. In reference to distillation, he had never believed that the interests of the

agriculturists were largely involved in the question, but from the feeling which had sprung up, he considered that concessions would have to be made to winegrowers, and that they should be allowed to distil their refuse produce without any interference. He would throw distillation open entirely to the winegrowers, although he was not satisfied that a large and important result would accrue either to themselves or the colony.

The Hon H. AYERS wished to state, in explanation, that he had never said he could obtain any particular number of laborers in Melbourne, but a number of parties who had been employed at the Bura had asked him as to the prospect of getting employment, and that, generally, there was no lack of labor in Melbourne.

The Hon A. FORSLER had understood that the Hon Mr. Ayers could have got a thousand laborers in one day, and had given currency to the rumour in that particular form. He mentioned the circumstance in order that, if the rumour were untrue, it might be contradicted.

The Hon H. AYERS emphatically denied that he had ever made any such statement, or that he could have engaged a thousand laborers in one day.

The reply was then adopted, and it was arranged that those members desirous of accompanying the President to present it to His Excellency should meet at the Council Chamber at a quarter to 1 o'clock on the following day.

The Council adjourned at 3 o'clock till 2 o'clock on the following Tuesday.

HOUSE OF ASSEMBLY.

TUESDAY, MAY 3

The SPEAKER took the chair at 1 o'clock

THE ESTIMATES

The TREASURER laid upon the table copies of the Estimates for the year 1859-60

TELEGRAPH TO KANGAROO ISLAND

The COMMISSIONER OF PUBLIC WORKS laid on the table an estimate of the cost of establishing telegraphic communication between Adelaide and Kangaroo Island, and an estimate of the probable expenditure upon the line for working during one year.

Ordered to be printed

Also, a memorial from Messrs Bielt and Carmichael, of the Submarine Telegraph Company, addressed to the Governor of South Australia.

The SPEAKER remarked that if this document was in the nature of a petition or memorial it should be laid upon the table at the proper time.

The COMMISSIONER OF PUBLIC WORKS said that this could not be done inasmuch as the document was not signed, and was, therefore, informal as a petition. It was merely a document conveying certain information to the Government.

HINDMARSH ISLAND FERRY

The COMMISSIONER OF PUBLIC WORKS laid on the table (pursuant to an address of the House last session), voted on the motion of the hon. member for Encounter Bay, plans for a ferry to connect Hindmarsh Island with the Goolwa, together with estimates of the cost of the same. If the hon. member for Encounter Bay wished that these papers should be printed, he (the Commissioner of Public Works) would make a motion to that effect, but not otherwise.

Mr. STRANGWAYS received the right of making such a motion at a future time should he consider it desirable.

THE INSOLVENCY COURT

The ATTORNEY-GENERAL laid upon the table a number of returns relating to the Insolvency Court, furnished in compliance with a motion of the hon. member (Mr. Strangways).

Ordered to be printed

THE NORTHERN EXPLORING EXPEDITION

Mr. STRANGWAYS, in rising to move the notice standing in his name—

"That the evidence taken during the last session before a Select Committee of the House, relative to the Northern Exploring Expedition, be printed."

reminded the House that a Select Committee was appointed last session, on the petition of Mr. Babbage, to enquire into all matters connected with the expedition, that the Committee held several meetings, and took an immense mass of evidence, and that a report was to have been presented to the House on the day on which Parliament was prorogued, but that owing to the very great punctuality of His Excellency the Governor—(laughter)—the Chairman of the Committee (the hon. member for East Torrens) was unable to bring up the report. It was not his (Mr. Strangways) intention at present to enter into the merits or demerits of the expedition, but when the report was placed in the hands of hon. members, and hon. members had time to consider it, he might afford them an opportunity of expressing their opinions on the matter.

The motion was put and carried, and the Speaker having laid the report upon the table, it was ordered to be printed.

Mr STRANGWAYS again rose and said that he was desirous, in order that hon members might be enabled to form a correct opinion on the whole matter, that returns of the total cost—he did not wish to go into the minute details—of the expedition be supplied. He would therefore move—

“That there be laid on the table a return of the total cost to this country of the late Exploring Expedition.”

The motion was agreed to

OPEN VOTING

Mr BAKEWELL moved that the petition which he had presented on the previous Friday from Mr A H Davis, in reference to the system of voting by ballot, be printed

Mr REYNOLDS wished to know (as he was absent from the House at the time of its presentation) whether the petition might be read, as he could then better judge if it was worth printing, or worthy of occupying the consideration of the House (Laughter)

Mr MILNE wished to know whether it was the intention of the hon mover to bring in a Bill based upon the petition (Laughter)

Mr BARROW asked whether in the event of the hon member's bringing in a Bill, it would be a public or a private Bill, as he thought it better that it should be a private measure so as to entitle the petitioner to pay the costs of it

Mr BAKWELL said he should consider the matter more fully (Laughter) As to the bringing in of a Bill, he should leave that to the Government, or the hon member for East Torrens, who, he saw from the newspaper, had already printed one (Laughter) He believed the subject of the petition was well worthy of consideration. He did not think the people of the country had quite made up their minds on the subject of secret voting

The Clerk here read the petition

Mr REYNOLDS rose, but

The SPEAKER was not sure that Mr Bakewell had not already replied. It would however be for the House to say whether the hon member's remarks should be taken as in reply or not. If that hon member had merely explained whether or not he would take action on the petition, that would not have been a reply, but beyond doing this the hon member had certainly argued the general question. Still, if the House decided that the remarks made should not be taken in the light of a reply, he had, of course, no objection that the discussion should proceed

Mr REYNOLDS merely understood the hon member to make some few observations with the permission of the House

Mr BAKEWELL said he certainly did not wish his remarks to preclude further discussion

Mr REYNOLDS thought it rather late in the day to present such a petition, as it should have been done when the question of secret voting was before the Parliament. Had a gentleman of Mr Davis's weight made such representations at the proper time the House would have given them due consideration but it was too late now, however much they must regret the loss of Mr Davis's vote (A laugh)

Mr STRANGWAYS said that if it was the intention of the hon member for Barossa to introduce a Bill, he (Mr Strangways) would support the present motion, and he had no doubt the House would support the Bill when it was brought in—(“No no”)—but if it was not Mr Davis's intention to do anything more than record his opinion, the printing of the petition would be objectionable

The ATTORNEY-GENERAL objected to this informal mode of bringing papers before the House (Hear, hear) He could not consent that every individual in the community who considered any law, either on public or private grounds, objectionable, should, by means of the form of a petition, place his view on record amidst the proceedings of the House (Hear, hear) In common with all persons who knew Mr Davis, he (the Attorney-General) had a high respect for that gentleman's abilities and judgment, and on this account he should regret that the petition should appear amidst the records of the House, nor did he think that its so appearing would be gratifying to Mr Davis himself. If the hon member for Barossa intended to introduce a Bill based upon the petition he (the Attorney-General) would vote that the petition be printed, but when an hon member who had been long connected with the politics of the country, and for two years a member of that House, said that he did not know whether such a measure as the petition proposed would be a violation of the principle of the ballot, he thought the hon member should make up his mind on the subject, and if he resolved to bring in a Bill, he should make it not a matter of private relief, but of public policy (Hear) He (the Attorney-General) should always oppose the printing of a petition, unless it was the intention of some hon member to take action upon the subject of it

Mr BAKEWELL did not consider the text just laid down a fair one. Petitions were frequently printed when no immediate action upon them was intended. There was no doubt that the subject of the petition was a most important one, and if the question came before the House again, he should vote for the open system, but as it was now settled, he would not disturb it

The motion was then put and lost

CLARENDON LOCAL COURT

Mr MILDRED moved that the petition of 480 inhabitants of Clarendon and the Cherry Gardens, for the opening of a Local Court in that district be printed

Mr STRANGWAYS thought that in considering the previous motion the House had laid down the principle that no petition should be printed unless some hon member desired to take action upon it. If that was the intention of the House, and he thought it was a course which might safely be adopted—(hear, hear)—when a petition was presented and read, it might be allowed to remain in the office of the House until some hon member desired to take action upon it

The ATTORNEY-GENERAL asked the hon member for Noarlunga whether it was his intention to take any action on the petition, as in that case he (the Attorney-General) would not oppose its being printed. He quite concurred in the remarks of the hon member who had last spoken, and thought the decision just arrived at should be taken as a precedent throughout the session (Hear, hear)

Mr MILDRED also concurred in what had been said, but stated that it was his intention to take steps to carry out the prayer of the petition

The motion was then agreed to

CENSUS BILL

The ATTORNEY-GENERAL moved for leave to bring in a Bill to ascertain the number of the inhabitants of South Australia in the year 1859. It had been the practice hitherto from time to time to do so, and the time had now arrived when it was thought desirable to make such an enumeration

Leave being granted, the Bill was laid on the table and read a first time. The second reading was fixed for Tuesday, 10th inst

REPLY TO HIS EXCELLENCY'S ADDRESS

The ATTORNEY-GENERAL laid on the table the report of the Committee appointed to prepare an address in reply to the speech of His Excellency the Governor. The reply was then read by the Clerk, and ordered to be taken into consideration the following day

The House adjourned at 25 minutes to 2 o'clock

WEDNESDAY, MAY 4

The SPEAKER took the Chair a few minutes after one o'clock

UPPER WAKEFIELD—THE TELEGRAPH

Mr PEAKL presented a petition from the Upper Wakefield, praying for a telegraph station at Auburn

IMMIGRATION FROM YORKSHIRE

Mr GLYDE presented a petition from 492 inhabitants of Bradford, Yorkshire England, praying for such an alteration in the immigration arrangements of the colony as would enable some of the wool-combers of the district to come hither

THE MURRAY MOUTH

Mr MILNE presented a petition from 100 inhabitants of the Bremer and Lake Alexandrina, praying for improvements in the entrance to the River Murray

STRATHALBYN TRAMWAY

Mr DUNN presented a petition numerously signed by inhabitants of Strathalbyn, the Bremer, &c., praying that the proposed tramway should terminate at Mtang instead of the Goolwa

GEOLOGICAL INSPECTION OF THE COLONY

Mr BARROW asked the hon the Commissioner of Crown Lands whether the Government had obtained the temporary services of the Government Geologist of Victoria, and, if so, what were the intentions of the Government in respect to the movements of that gentleman

The COMMISSIONER OF CROWN LANDS had much pleasure in stating that the Government of Victoria had given Mr Selwyn a short leave of absence, which would be employed by that gentleman in examining the ranges of this colony, and reporting on the auriferous and carboniferous strata existing amongst them. He was sure the House would be pleased to hear that a gentleman of such acquirements, and who possessed five years' experience of the auriferous and carboniferous strata of Victoria, had come into the province for such a purpose (Hear, hear)

Mr STRANGWAYS enquired whether Mr Selwyn's researches were to be confined to the neighbourhood of Adelaide, or whether he was to act according to his own discretion as to where he should prosecute his investigations

The COMMISSIONER OF CROWN LANDS replied that no course of action had as yet been laid down for Mr Selwyn, as that gentleman had only arrived in the colony on the previous Monday. Mr Selwyn had already proceeded to Echunga, and on his return it would be a matter of consultation between him the Surveyor-General, and the Government as to what his future movements should be. It was, however, intended that he should proceed as far north as possible (Hear, hear)

Mr PEAKL suggested that the Government should point out to Mr Selwyn the value of the country, about Hindmarsh Valley

The COMMISSIONER OF CROWN LANDS replied that it was the intention of the Government that Mr Selwyn should proceed as far south as well as north as possible.

THE HARBOR BOARD

Mr REYNOLDS asked whether the Chief Secretary was still a member of the Harbor Board.

The COMMISSIONER OF PUBLIC WORKS replied that he was, as he had been appointed under an Act of the Legislature.

Mr REYNOLDS enquired whether the Government had appointed the Chief Secretary's successor in accordance with the vote of last session.

The COMMISSIONER OF PUBLIC WORKS thought that notice should be given of the question.

THE SOUTH AUSTRALIAN INSTITUTE

Mr MILNE, in the absence of Mr Hay, moved—

"That in the opinion of this House, the site proposed for the South Australian Institute is unsuitable for such a building, and that a better can be obtained to the east of the Government Domain and fronting North terrace."

He was certain hon members would be pleased to have an opportunity of expressing an opinion as to the proper site of the Institute. He was also certain that hon members who had given attention to the subject must have arrived at the conclusion that the proposed site was the worst that could be selected. In erecting such a building it was desirable that it should be an ornament to the city, but, whatever the architectural embellishments of the proposed Institute might be, they would be quite lost by placing the building in a hollow. The projected site was also between North and South Adelaide, where the traffic was at present very great, and where it would be increased by the interred change in the position of the Railway Station, and the consequence would be that the noise would be a constant source of annoyance to persons who wished to read and study. The site to the eastward of the domain, on the other hand, was about as suitable as could be fixed upon, or, at any rate, it was much superior to that selected by the Government.

Mr MILNED seconded the motion without remark.

Mr GLYDE, is one of the Governors of the Institute, took the earliest opportunity of stating that the Governors were not dissatisfied with the site selected, though at the same time he would not object to the proposed alteration. He thought the disadvantages of the site complained of were exaggerated, but the proposed alteration might be an improvement.

The COMMISSIONER OF PUBLIC WORKS said that the Government had no objection to the proposed alteration of the site, but it decided upon it would entail some little delay. The present site was selected with the concurrence of the House in a former session there being then only one dissentient voice, that of the gentleman who placed this motion on the paper. As a citizen of Adelaide he pictured the site originally selected to that now proposed. The noise and bustle complained of were arguments in favor of the site inasmuch as they proved that the locality was a populous one, whereas the other site was so exceedingly quiet, that it was clearly little frequented.

The COMMISSIONER OF CROWN LANDS, as a private citizen, approved of the original site. The Park Lands were always regarded as places of recreation for the citizens, which should not be encroached upon. He hoped that a sufficient sum would be voted—should it be determined to change the site—for a superior and ornamental building. It was entirely a matter of indifference to the Government which site was chosen, but as the site had been sanctioned by the House, the Government did not feel justified in changing it.

Mr LINDSAY said that the Commissioner of Crown Lands had touched generally upon a question which the House ought to take into consideration, that of using the Park Lands for purposes for which they were not originally intended. At present, there were several buildings on the Park Lands, which were positive nuisances, for instance, the Slaughter-house (Lantern). There were also the Hospital, the Lunatic Asylum, and the Destitute Asylum. Up to the present time these buildings were rather ornamental, with the exception of the Slaughter-house—a laugh—but still some limit should be placed upon encroachments.

Mr REYNOLDS understood the hon Commissioner of Crown Lands to say that as the House had approved of a site for the Institute, the Government did not feel justified in removing it, but if they did not feel justified in altering this site, how could they alter that of the railway goods shed—(hear)—which was to have been placed upon the North-terrace, but which he (Mr Reynolds) now found was to be built in the hollow behind the station, an arrangement made without the sanction of the House. (Hear, hear.) He was anxious that when a site was fixed upon by the House, it should not be changed by the Government, except in very peculiar circumstances, without the House being consulted.

Mr MILNE agreed that to a certain extent, the erection of the building on the Government Domain would be trenching on the citizens' promenade, but that had been done already by buildings which were no ornament to the city but which were enough to spoil the pleasure of any promenade to be obliged to look at.

The motion was then put and carried without a division.

WELLINGTON FERRY

Dr WARK asked the Commissioner of Public Works—

"Whether the Government intends to take any action this session regarding the Wellington Ferry, and, if so, what action is intended by Government?"

His reason for enquiring was, that in 1857 he brought forward a motion on the subject, which the Government stated that they were convinced the inhabitants of the locality who used the ferry were suffering under a grievance which required relief, and that if he (Dr Wark) withdrew his motion such relief as was required would be given. The then Commissioner of Public Works went to a great deal of trouble to procure information on the subject, but before last session commenced that gentleman retired from his office, and was superseded by the present Commissioner. During the last session the question was not considered for two reasons—the first being that a Bill was introduced, one clause of which interfered with the project, and the other that a pontoon bridge had been erected higher up the river and the Government was thinking of erecting a similar one at Wellington. He now brought forward the matter chiefly to elicit from the Government what line of action they proposed to take in it.

The COMMISSIONER OF PUBLIC WORKS said the Government intended to take action in the matter, by bringing in a Bill reducing the rates to as low a point as was consistent with preventing persons from using the ferry unnecessarily. When the Bill was before the House hon members would have an opportunity of expressing their views, more especially as to the schedule in which the rates of fares were stated.

THE NORTHERN EXPLORATION

Mr MILNE asked the Commissioner of Crown Lands whether any correspondence had taken place between the Government and any other parties, since the close of last session, relative to the Babbage Expedition, and, if so, if he will lay the same on the table of the House?

The COMMISSIONER OF CROWN LANDS replied that all the correspondence which took place subsequently to that already laid before the House, was contained in a very small compass. He had, therefore, caused copies to be made of it, which he now laid on the table, and moved that it be printed.

The motion was agreed to.

GREEN FEED FOR CATTLE

Mr MILNE asked the Hon the Treasurer, whether lucerne, clover, tares, sainfoin, rye, and rye-grass seeds are admitted into the colony under the free list?

The TREASURER replied that they were not, as they were not garden seeds.

VALLEY OF THE STURT

Mr MILNE asked the Commissioner of Public Works whether any survey of the Valley of the Sturt has been made, with a view to ascertain its eligibility for a railway eastward, and, if so, if he will lay the same on the table of the House?

The COMMISSIONER OF PUBLIC WORKS replied that the survey in question was not completed. Several surveys were called for last session, and he had advertised for persons qualified to carry them out. The survey in question, together with that between the Goolwa and Strathalbyn, was entrusted to Mr Higney, who would commence his operations in about a fortnight, after which no time would be lost in laying the maps upon the table.

THE ADDRESS TO HIS EXCELLENCY

Mr COLLINSON as the junior member of the House, rose to move the adoption of the address in reply to the speech delivered by His Excellency at the opening of Parliament. The subjects touched upon in the speech were not very numerous, and it would be sufficient to glance over them in passing. In the first place, there was the congratulation to the colony on the prospects presented by its improved revenue, which no doubt was a source of very great satisfaction to every hon member, but though the revenue exceeded the expenditure the excess was not on so grand a scale as to be any great indication of commercial prosperity. As to the mineral districts to the north they were still in embryo but all persons would hail with great satisfaction the moment when their produce should be brought to market. The fact that the estimates were laid on the table on the previous day would enable hon members to form their opinions with great care from the time given for studying them. The want of employment amongst the laboring classes seemed to be one of the most painful features in the condition of the colony, but the statement of the Government that this was disappearing led to the hope that the expected rains and the ordinary work of the approaching season would relieve the pressure. The Government seemed also to have taken measures to stop the inconvenience caused by the large arrivals which appeared so considerably in excess of the wants of the colony last season. The subject of tramways had already been touched upon, but in connection with it he hoped something would be done towards opening up the Murray Mouth. With these remarks he moved the adoption of the address.

Mr ROGERS seconded the motion. He was not pledged to support the present Ministry, unless he considered their mea-

tures to be for the benefit of the province, and he would oppose them if he thought their measures were not for the public good. He was happy to find that there was an increase in the revenue more especially after the very gloomy forebodings expressed in the commencement of last session. He hoped the mineral discoveries in the north would realise expectation, and prove to be another source of wealth to the colony. He was pleased to see the very prompt manner in which the Ministry laid the Estimates on the table. As to the subject of immigration, to which His Excellency alluded, if the money devoted to this purpose were expended in the colony in reproductive public works, it would be of far greater benefit to the colony. As to the proposed tramway to Strathalbyn, it was very gratifying to think that that portion of the colony, which had been so long neglected, was about having justice done to it. In reference to the distillation question, he was glad to find that concessions were to be made which would have the effect of encouraging the cultivation of the vine, a branch of industry which would yet prove very important, and that people settling upon the soil should be enabled to turn their produce to the best account without restriction.

After a brief pause,

Mr REYNOLDS said he was afraid the House was going to adopt the address *sub silentio*, but he could not allow it to pass without a few words of comment. He had now held a seat in that Legislature for several years, and of all the Governor's speeches which he had heard during that time there was none more meagre than the one delivered at the opening of the present session. As the Governor's address he paid it all due honor and reverence but it was also the address of the Minister of the day, and it was in the latter aspect he now dealt with it. From the programme of work laid down by the Ministry they were clearly desirous of having a very short session—(hear, hear, from the Government benches)—and enjoying their laurels until the general election. Although he thanked the Ministry for laying the Estimates on the table, as they were bound to do, at the commencement of the session, or in other words, for doing their duty, still he thought there was another reason for their doing so which was that they might make the session short and go rustivating as soon as possible. (Hear, hear, and laughter.) That was what he understood from the very meagre document which the Ministry presented the House with at the opening of the session. He had intended to leave the distillation question to those who took more interest in it—(laughter)—but unless the Ministry meant to treat the House with disrespect he could not understand how they could say that they did not feel justified in removing any restrictions upon distillation. (Hear, hear.) How could they solve the question? Perhaps for all he (Mr Reynolds) knew they were afraid of their posts. It was a deliberate attempt to treat the action of that House with disrespect. There was one very peculiar feature in the matter. Last session the House came to the assistance of the Ministry and appointed a Select Committee on distillation and another on taxation, and by that means saved the Ministry. He (Mr Reynolds) thought after that that the Government would either remove all restrictions on distillation or greatly diminish them. But they had not done either, as no doubt they preferred rustivating. (Laughter.) There was also another peculiarity in the case. The Finance Minister was appointed Chairman of the Distillation Committee, and it was very strange that that Committee should have recommended the removal of all restrictions. (Hear, hear.) Yet now the Ministry said "We are prepared to receive our money but not to do anything for it." (Hear, hear, and laughter.) That was the meaning of the sublime and beautiful dish which the Government presented to the House. The hon member who seconded the motion seemed to be under the impression that the Government intended to do something, but he was never more mistaken in his life. (Loud laughter.) What the Government said was "The Ministry do not feel justified in proposing any measures for removing the existing restrictions on distillation." How could the hon member suppose that to mean that they would do anything? But a subsequent paragraph said "It will, however, be necessary, with a view to the efficient working of the Act to encourage the culture of the vine in South Australia, to consolidate and amend the existing laws relating to distillation, and a Bill will be introduced to you for that purpose." Some members of the Government were exceedingly shrewd and placid—(laughter)—and it struck him (Mr Reynolds) that these gentlemen argued, "We don't like work, and we would much rather, whether through indolence or want of ability, that the House should do this work for us. We would rather consolidate the laws and the House may insert a few clauses which we will not oppose, and then the House will do the work, and the Ministers will get the pay." (Hear, hear, and laughter.) He was not as thorough a friend of distillation as some other hon members—(much laughter)—but if he were a member of the Government he should feel it his duty, after the solemn decision of the House, to have taken action in this matter. He could not have—he would not say the impudence, but the face to act as the Ministry had done. No Ministry ever came forward with so paltry a programme. It was understood that in many serious matters were to occupy the attention of Government during the recess. The last was made a short session on the ground that the votes were only taken for six months, and the Ministry were to consider several important

matters during the recess. But it was very clear that to trust their promises was like trusting pic-nicists, which were made to be broken. (Laughter.) Whatever confidence he (Mr Reynolds) might at any time have had in the Ministry he had begun to lose. As to immigration, it appeared that it was still to be carried on, and the public funds were to be voted for bringing out men, though the Government was obliged to carry out works of comparative worthlessness to employ them. In other words, the country was to increase the evil under which it suffered. When this question came before the House he (Mr Reynolds) would take the same course which he had taken last session, for if there were sufficient reasons for doing so then, there were higher and more important reasons now. (Hear, hear.) He also found in the reply some matters which he could not agree in. It said, "We regret that the temporary want of employment amongst the laboring-classes should have required the intervention of the Government, but we are glad that this is disappearing." One would think from this that the Government was anxious to relieve the wants of the laboring class, and to put every penny in circulation as soon as it was voted, but he (Mr Reynolds) was not a believer in that deep-seated regret. The House voted last year large sums to relieve the laboring classes, and what did hon members find now? Why, that nothing was done for nearly three months although the House gladly gave the money for the relief of those who were without employment. Under these circumstances how deep was the regret of the Government? He (Mr Reynolds) was credibly informed that instead of urging on the public works, the Colonial Architect had a considerable leave of absence given him. Instead of carrying on the works voted the Government applied a sum of 10,000*l* to employ men on unauthorised works, and yet this was the Government hon members were now called upon to support. (Hear, hear.) He begged, therefore, to move an amendment in the first paragraph of the address, by striking out the words "we regret," &c., and inserting "we regret that the Government has not pressed forward the various works for which sums were voted by us to give immediate relief to the laboring classes, rather than employ laborers and expend unauthorised sums on works of doubtful utility." His belief was that the Government desired to get through the session as quickly as possible.

Dr WARK in seconding the amendment, said the mover had merely referred to the labour question in one aspect, but there were others in which it might be viewed. During the last session it would be remembered that the hon member for Barossa called for returns showing the cost of trenching the grounds around that House, and it then transpired that the cost had been about 28*s* per rod instead of 5*s*. A discussion ensued upon the question, and the Commissioner of Public Works then issued the House that such a thing should never occur again. (Hear, hear.) Small as the matter was, it should have taught a lesson, and when the Government found that employment was becoming scarce, they should have prepared for the coming storm. They should have devised such employment, that whilst the labourer would have had a fair reward for his labour, the country would have received a fair benefit for the money which was expended. So far from any such system having been adopted, the report of the Chief Engineer of Railways was to the effect that hundreds of labourers were sent to him pell-mell, when he was quite unprepared to receive them, and he was compelled to put them to work as best he could, it being impossible to place them upon measurement work. In consequence of this, as the Chief Engineer stated, the works had been done at a great additional expense. (Hear.) Many would probably remember that when Governor Grey arrived here there was great depression, and the first thing he did was to disseminate those who required employment throughout the country, and this would account for a number of the yeomanry being tradesmen, who at that period were compelled to leave town, and had since succeeded in realizing a competency for themselves, but this would never have been done if a similar course had been pursued to that which was adopted by the Commissioner of Public Works. The laborers employed by him in reality scarcely worked five days in the week, for on the Monday morning they were sent off carriage free by the railway, and having to walk to where they were to work they were unable to do anything that day, and on the Saturday they were sent back carriage free by the railway to their wives and families. This was not dissemination, but concentration at the expense of the public funds. No better scheme could have been devised to keep people together where they were not required than that which had been pursued by the Commissioner of Public Works. (Hear.) Then again the work was abruptly terminated and an arrangement was entered into with the Central Road Board of so singular a character that no matter whether a man were good or bad he received the same remuneration, the maximum amount which he was permitted to earn being 4*s* per day. He believed that the whole interference of the Government with the labor market was bad.—(hear, hear)—it was bad for the laborers and worse for the country. With regard to the Strathalbyn tramway it appeared that a Bill had been prepared to provide for its construction, and that the Bill would be introduced if the evidence in reference to the probable traffic warranted it, but he objected to this course, as it was asking the House to do the work, whilst the Ministry got the money—(laughter)—which was cer-

tainly not the position in which a Ministry should place themselves. The Ministry should have taken evidence before preparing a Bill, and if they had not done so they had failed in their duty. (Hear) There was one other point to which he would refer, and which he was surprised had not been referred to by the hon. member for the Sturt, who was so clever in such matters. He contended that they had been dismissed last session in an unbecoming manner. (Laughter) It was most disgraceful and he protested against any such action on the part of the Ministry. It would be remembered that a Committee was sitting, and the characters of two gentlemen were deeply at stake, two members of the Government attended the Committee that day, and knew that the report was ready, but to prevent it from being laid before the House, they brought down His Excellency a little before the time and Parliament was prorogued. (Loud laughter) This no doubt was very sharp practice. The Ministers had treated the House in a most disrespectful manner, and such treatment should be resisted. If members were to be treated in that way by the Government, in what light would they be viewed by their constituents? Why, they would be looked upon as a set of necessary things. (Loud laughter) The course which had been pursued was an insult to members and a disgrace to that House.

The SPEAKER reminded the hon. member that the question before the House was the reply to His Excellency's address. The subject which the hon. member had touched upon might be brought before the House by special motion.

Dr WARK said the Ministry had dismissed them like fools, and had called them together on All Fools Day, and he certainly considered that in His Excellency's address the House should have been apologized to for having been so treated.

The COMMISSIONER OF PUBLIC WORKS intimated that it was his intention to vote for the address, and against the amendment. Several statements had been made by the last two speakers, which required some remarks. At one period of the address of the hon. member for the Murray, it struck him that the hon. member was actually defending him for he appeared to find fault with him merely because, there being vast numbers of persons in a destitute state, he provided them with employment, and sent them by the railway, for which he charged them nothing. (Hear) A number of random charges had been made against him, and language had been used which was scarcely comely, but when people had a bad cause they frequently adopted the vulgar habit of calling names. This course was generally unsuccessful, and recoiled upon those who adopted it, he therefore regretted it should have been followed on this occasion.

Dr WARK rose to order, he wished to know what "names" he had called?

The TREASURER could answer that question, the hon. member had said that hon. members had been dismissed like "fools." (Laughter)

The COMMISSIONER OF PUBLIC WORKS said that such terms as "fools," "crawlers," &c., had certainly been used, and he thought it better that such terms should not be resorted to in such an Assembly as that, they certainly would not be used in his reply. He would reply to the charge which had been made that works for which money had been voted, had not been pressed forward so rapidly as they might have been. He gave that statement an emphatic denial. All the sums which had been voted by that House would be, as he stated they would be, expended by July next, and never since there had been a Colonial Architect's department or a Public Works department, had the work in those departments been in so forward a state as at the present time. He made that statement as a Minister of the Crown, and any hon. member was at liberty to satisfy himself whether it was true or false. The hon. member for the Sturt had stated that the Colonial Architect had had leave of absence, and it was true that officer had, but the hon. member had forgotten to state that it was in consequence of a domestic calamity, and further, that it was the first leave of absence he had had during the six years he had been in the department. There was not a single work provided for in the Supplementary Estimates of 1853, which was not either finished or in hand. (Laughter) He defied hon. members to point out a single work with the exception of a Custom-House at Rivoli Bay, in reference to which there was a report on the table of the House showing why it had not been pressed forward. The amendment expressed regret that so much money had been spent upon works of doubtful utility, but he wished to state that works of the character referred to by the hon. member for the Sturt, and the hon. member for the Murray, did not afford large employment to the class of common or unskilled laborers. All the works which had been undertaken for the last four years could not have afforded employment to a thousand unskilled laborers, and the recent pressure had been upon that particular class. The Government were bound to take the steps which they did, and whatever was the consequence of the amendment, he should have the satisfaction of feeling that he had done that which he felt to be right. The pressure upon the laboring classes pressed on the Government through the Destitute Board, men presented themselves at that Board who were willing and able to work, and it was a question whether the Government should find them work or rations. Work was found for them, some were employed for a few

days in trenching the grounds of that House, and many were forwarded by railway to where they were employed at a moderate rate of wages. Even at the low rate which was given to them the numbers increased, and it became necessary to find them employment at piece work, by which alone it appeared to him they should be employed. Finding it undesirable that they should be discharged at a moment's notice from the railway works, a portion only were dismissed one Saturday, and he then sent for the Surveyors connected with the Central Road Board, for the purpose of ascertaining upon what works—not of doubtful utility—but such as must prove useful, the men could be employed at a moderate rate of wages. Subsequently the Central Road Board pointed out works of pressing necessity and great utility, upon which the men were employed, and he was proud to believe that the works which had been executed by this description of labor, were not only of a most useful and general character, but had given universal satisfaction. He believed that most effective road repairs, metalling and drainage, had been effected at a lower rate than they had ever been effected before and would be fully appreciated by residents in the country districts. Some allusion had been made to the men being only permitted to earn 4s a day, but this was a mistake, it was never intended to prohibit the men from earning more if they chose to work, and in some cases men, by working earlier and later than others earned 5s 3d per day. There was a misapprehension abroad that Government prevented men, under any circumstances, from earning more than 4s a day, but such was never intended. He did not know what more he had to say. The hon. member for the Sturt said that during a period of four months only four public works had been undertaken, but he was prepared to give that statement an emphatic denial—a vast number more had been undertaken, and he would ask the hon. member for the Sturt to move for a return showing what works had actually been executed during the period alluded to, when he was confident that the reply would be such as would be satisfactory to the House. The Government pressed forward works with all the energy in their power, consistent with the means afforded them by that House. The Colonial Architect had worked over-hours, and had been most zealous—and he believed successful—in carrying out the works which had received the sanction of that House. He would not allude to telegraphs and other public works, the progress of which had been most satisfactory. He repeated that the Colonial Architect's department never was in as forward a state as at the present time, and by the 1st July every item voted by that House for public works would have been expended except that for a Custom House at Rivoli Bay. Such a state of things had never occurred before. The class of persons who pressed on the Government were the ordinary class of laborers, to whom buildings of the class referred to by hon. members afforded very small employment, and the Government, as he had shown, adopted the alternative of giving them employment in preference to giving them rations. He would remind the House that during the last session a statement which was made, to the effect that what was saved from public works would be handed over to the Central Road Board, was received with favor. He was satisfied that all right-thinking men would support the Government in the course which they had adopted.

Mr REYNOLDS believed that five public works had been undertaken, instead of four, as he had previously stated.

Mr STRANGWAYS moved an amendment upon that proposed by the hon. member for the Sturt to the following effect—

"We regret the execution of public works long since authorized by us has been so long delayed, as, if they had been proceeded with at once, the temporary want of employment amongst laborers would not have required the special intervention of the Executive."

Mr REYNOLDS adopted this amendment, and withdrew that which he had previously moved.

Mr STRANGWAYS thought it desirable that the House should express its thanks for His Excellency's speech, though it really amounted to "thank ye for nothing," for His Excellency's speech really afforded no information at all beyond this, that it was not the intention of the Government to do anything at all during the present session. In reply, the House promised to afford the Government every assistance in doing this. (Laughter) The address afforded no information, and the reply thanked His Excellency as in courtesy the House was bound to do. Although the paper purporting to contain a copy of His Excellency's speech represented the probability of the estimated revenue being exceeded by the actual receipts, His Excellency had stated directly the contrary with his lips. No doubt they would be told that this was a mistake, the result of a misprint, and he must admit that His Excellency at the time he delivered the address, or that particular portion of it, cast a reproachful glance at the Chief Secretary. The policy of the Government in reference to the police was in accordance with the views which had been expressed by many hon. members during last session, and the Government of course thought they were bound to carry out the views of what they probably thought might be a majority of the House. In reference to the temporary want of employment, whilst he regretted that the laboring class should be in a state of destitution, he could not agree that it was a case which required the intervention of the Government. An immense amount had last

session had been placed at the disposal of the Commissioner of Public Works, and the hon gentleman had urged each vote with the argument that immediate employment would be afforded to the destitute men in Hindley and Rundle streets, yet he now said that these works which he had formerly advocated, on the special ground that they would afford employment to the suffering and destitute class, were of a character which afforded very small employment to that class. He believed that the works authorized by that House would have afforded immense employment to that class, there being a great deal of what was called pick-and-shove work. The Commissioner of Public Works would have the House believe that public buildings required nothing but skilled labor to be bestowed upon them, but any one at all acquainted with such matters must know that in the erection of public buildings a large amount of labor of the common description was also required. If the public works which had been authorized had been carried out, he believed the whole of the labor would have been absorbed. The hon gentleman said that the Colonial Architect's department was never in a more forward state but it was sufficient for the House to know that the works which had been ordered had not been carried out, and if the plans and estimates of them had actually been prepared, the greater he considered was the amount of blame attaching to the Commissioner of Public Works for not having them carried out. The hon member for the Sturt had alluded to the fact of only five public works having been undertaken during a period of four months, and this he believed would be found to be the case, but if the newspapers or the *Government Gazette* were referred to for the latter part of March and beginning of April it would be found that tenders for various works were invited, in order, he presumed, that if any complaint were made of the unnecessary delay which had taken place, the Commissioner of Public Works might be enabled triumphantly to point to these proofs of energy. The works had not been advertised till within a month of the meeting of Parliament, although the money for them had been voted upon the assurance that there were many destitute of the actual necessities of life, whom the prosecution of these works would tend to relieve. The Government had instructed the Central Road Board to employ men at a certain rate per day, and although the Commissioner of Public Works had said that an interpretation had been placed upon his communication which it was never intended to have, and that it was never intended to limit the earnings of the men to 4s per day, it was difficult for any one reading that communication to place any other construction upon it, and thus the free labourer was actually placed upon a worse footing than the convict at the Stockade, for if a prisoner chose to work overtime he received credit for it. According to the Commissioner of Public Works, a free labourer was not allowed a privilege which was conceded to a convict. With reference to the leave of absence which had been given to the Colonial Architect, although not opposed to giving holidays to Government officers, he did not think that the head of any department should grant leave of absence to any officer, if it would bring public works, or any other important works, to a standstill. What he complained of was, that in this instance leave of absence had been granted at a time when the Architect's presence in his office was required and no one was appointed to take his place. With regard to immigration, a new system appeared to have been very lately adopted by the Government, by which one shipload of immigrants would be despatched every two months, the time of departure being fixed at a period which would render them likely to arrive here at a period when they were most wanted. He did not know in what way the Emigration Agent would understand this despatch which had been forwarded upon the subject, and which reminded him of some other celebrated despatches connected with an exploring expedition, but if the interpretation placed by the Emigration Agent met the approval of the House, well and good, and if not, no doubt the blame would be thrown on others, as was the case with the exploring expedition. Then the reply went on to state that the measures submitted by His Excellency should have the most careful consideration of the House, which of course they would, but he had always labored under the impression that from the Governor's speech some idea could be formed of the Government policy, he would, however, defy any one from this speech to infer what the policy of the Government was to be, except that they intended to retain their seats as long as they could, and did not care two straws about anything else. Some members were no doubt anxious to know what the Government policy was to be, but he would defy them to gather it from the speech, and if he asked the Attorney-General the hon gentleman would no doubt say "anything you like, give me your vote and take your chance." The Attorney-General's policy was to secure the votes of that House—that was the only policy that he or the Ministry held by, and though it might secure them in their seats he questioned whether it would prove advantageous to the material interests of the country. The Ministry should have some distinct policy, and come down to the House and say we are in favor of such and such a course, and want you to consider it. For instance, in reference to the tramway between Strathalbyn and Goolwa, it appeared that it would depend upon the report whether the Bill would be

introduced or not, but the course which had been hitherto pursued was to bring down the Bill, and after it had been read a first time, to submit it to a Select Committee to report upon. The Government, however, apparently thought this too hazardous a course to pursue, at least it was too hazardous for so cautious a gentleman as the Attorney-General, who consequently said "if you don't like it, I won't introduce it." If the usual course had been adopted, and the Bill had been thrown out, it might have placed the Attorney-General in a humiliating position, though he questioned whether the hon gentleman would allow anything of that kind to affect him very long, and consequently he said "do as you like if you don't like it, I won't introduce it." (Laughter.) Allusion was made to a Bill to amend the criminal law, but there were no means of ascertaining in what respect the law was to be amended, in fact, there was no information afforded upon any one point, yet the House were called upon to thank the Ministry in general, and His Excellency in particular. He had recently requested that the Bills which were intended to introduce during the session might be laid upon the table as quickly as possible, and the Attorney-General, in a style peculiar to himself had informed the House that out of the five Bills which the Government intended to introduce, all were ready, and would be laid upon the table immediately, except two, and that was the hon gentleman's usual style of explanation. Having given his views in reference to the conduct of the Commissioner of Public Works, he would refer to a remark of the Attorney-General's in reference to a change in the Ministry during the last session. The hon gentleman had stated that no Minister was an autocrat in his own department, meaning, he presumed, that the Ministry as a whole, were responsible for the acts of one particular Minister, if, therefore, the Commissioner of Public Works was open to censure, so were the whole of the Ministry.

Mr GLYDE seconded the amendment.
Mr BARROW said they had been indulged with three severe speeches, one by the hon member for the Sturt—severe and pungent, another by the hon member for the Murray—severe and ponderous, and a third by the hon member for Encounter Bay—severe and humorous (Laughter.) He must say that after all the statements made and the arguments adduced in those speeches, he was still unconvinced as to the desirability of voting for the amendment before the House—not that he wished to be understood as differing materially from the sentiments which had been enunciated, but he would far sooner that a regular motion should be tabled, embodying censures upon the Commissioner of Public Works, than have those censures embodied in an amendment in the shape in which it at present appeared before the House (Hear.) The reply to His Excellency's address must, of necessity, be couched in general terms, unless the reply were to be taken as exhibiting the policy of a majority of the members of that House, in which case every member would consider himself at liberty to introduce his views upon every question touched upon in His Excellency's address. If the opinion of the House were to be taken in reference to the policy of the Commissioner of Public Works, and there were to be a division upon that question, why should there not be a full debate and division upon the question of immigration? Why should they omit the topic of distillation,—and why should there not be a full debate and division upon the proposed modification in the police-force? Why should not every topic, great and small, be made a subject of debate, in order that a division might be taken upon it in opposition to the reply to the address? Some hon members might ask "Why should it not be so?" He would reply that the reason was, there would be an opportunity of discussing all these topics in the proper place, and in their proper order. But if they now proceeded to discuss and to divide upon every point contained in the Governor's speech, what would be the result? Why, they would be in for a fortnight's debate, at least—(hear)—and the whole of the topics must be again discussed when the particular items in the Estimates which related to them were brought under the notice of the House. He had never yet found that preliminary discussions, when greatly prolonged, effected any saving of time as regarded subsequent discussions. He should be sorry, however, to be understood as wishing to discourage general discussion relative to the Governor's speech, if kept within moderate limits, but when hon members had taken a bird's eye view of what was in reality the Ministerial programme, resolutions and divisions upon the various points had better be postponed until the several questions were formally introduced. If this were not agreed to—if on the contrary the reply were made to embody the views of every hon member—the House must make up its mind to a long and protracted debate, all of which would have to be gone over again (Hear, hear.) He must, therefore, vote for the reply to the address, but he did not say he might not vote even for the proposition of the hon member for Encounter Bay if brought forward as a separate motion. He (Mr Barrow) also thought that, after the emphatic disclaimer of the Commissioner of Public Works with regard to the charges alleged against his department, they were not in a position at that moment to agree to a vote of censure. The hon member for the Sturt said that only four public works had been undertaken within a certain period, but the Commissioner of Public Works said that a vast number more than four had been undertaken

within that particular period, and challenged the House to the proof. Thus the hon member for the Sturt and the Commissioners of Public Works, were at direct issue upon a point which involved the credit of one or other of those hon members. He thought, therefore, that the House was bound to pause before pronouncing judgment. The Commissioner of Public Works, as the head of the particular department which had been assailed, said that the Government were entitled to credit on the very points on which they had been attacked, and that he could produce proof of it. He (Mr Barrow) would confess it had been his feeling that though public works had been lately urged forward, they had not been at an earlier period, and when employment for the labouring classes was much wanted (Hear, hear) He stated distinctly and boldly his opinion that there had not been that expedition at an early that there had been at a late period, but then the Commissioner of Public Works said that he (Mr Barrow) and other hon members were entirely in error, and that the Government could produce the most satisfactory evidence if allowed to do so, in vindication of their conduct. When, therefore, the hon gentleman pledged his credit as a Minister of the Crown, and denied the imputation cast on him, the House should accept the challenge which he had offered, and go into the question before deciding upon it, as they had been asked to do by the mover of the amendment. There were no doubt many points in the programme of the Ministry which it would be necessary to discuss but of late years it had been the custom of the House of Commons to vote the address without division though not without discussion, and he thought it would answer the purpose of the hon member for the Sturt, and the hon member for Encounter Bay, if they would now allow the reply to be adopted, reserving to themselves the right of bringing forward in a specific and still more tangible form, those objections which they had brought forward in the form of an amendment. If the House were expected to agree in all the sentiments enunciated in His Excellency's speech, it would be impossible to adopt any reply except one censuring the speech, because nearly every member of the House would find something in it to object to. The reply after all was a mere complimentary acknowledgment of His Excellency's address—(laughter)—as all the matters referred to by His Excellency would be taken into consideration by the House as they were brought forward in the ordinary way. For example, it was proposed to levy a local rate in country districts for police purposes, on account of reductions proposed in the metropolitan police, but on examining the Estimates he found that the proposed reduction was all in the City and Port foot police, and he could not see why the country districts should be called upon to pay rates because the foot police were to be dismissed in Adelaide. But members were not expected to divide upon the reply in reference to such details, or it would be hopeless to expect ever to adopt any reply at all. He held himself free to oppose any Government measure or to join in any vote of censure in reference to delay in the prosecution of public works, but in reference simply to the objection of the reply to the address of His Excellency he should support the original motion before the House.

Mr NEALES would not have risen, but for the action which had been taken in reference to the second speaker as to keeping to the point under consideration. The rule in the House of Commons in reference to the reply to the address from the throne was that the discussion was very discursive, and that discursiveness usually led to the result sought to be attained by the last speaker. Lord Derby on one occasion lashed the address in every possible way, but did not divide upon it. To lash, however, such a poor weak child as His Excellency's address, would amount to cruelty (Laughter) Of all the pitiful documents which ever emanated from a printing-press, he believed that address was the most vile. The reply was a most extraordinary production, weaker, if possible, than the speech itself, in fact, no genius could ever surpass it. He did not agree with a single line of the address, but would rather adopt the views of the last speaker, and meet the points to which he was opposed by special motion. He objected altogether to the remarks in reference to the mineral discoveries in the north, believing that we should never have the advantage of mineral discoveries in consequence of the mineral regulations being the worst which could possibly be put before the public. Although the wording of the communication which had been referred to from the Commissioner of Public Works, was calculated to create a belief that he intended to limit the maximum rate of wages of the working classes to 4s per day, he did not believe that the hon gentleman had such intention. He believed, however, that the money which had been spent might have been much better expended.

The ATTORNEY-GENERAL was glad, in one respect, that the amendment had been made, because it would afford the House an opportunity of expressing their feelings with regard to the Government apart from any such vulgar considerations as the justice or foundation for the particular point which had been selected as the ground of attack. It was stated in the amendment that if the works sanctioned by that House had been at once proceeded with, there would have been no necessity for the intervention of the Government to provide for the destitute laborers. Whether that

statement was correct or incorrect, it came before the House without one iota of evidence in favor of its truth. Nothing had been shewn or attempted to be shewn which would lead to the conclusion it was true. The House had heard from the Commissioner of Public Works that a thousand unskilled laborers had been employed, and they had also heard that the works which it had been urged had not been proceeded with, would not have furnished employment to more than probably one-tenth of that number of unskilled laborers. So far then as the assertion that the works not proceeded with would have furnished employment to the whole of the unskilled laborers who required it, there was no foundation whatever. He would put the case in this way—certain works required skilled labor, and there were certain others which could be performed by unskilled laborers, which the Government operated upon directly, employing unskilled laborers upon works for which they were fitted, the country having the full benefit of the works upon which skilled labor was employed. If the Government had shrunk from finding employment by means of the money which that House had voted for the unskilled laborers—if any body of men could come to that House and say that they were willing to give their labor, but the Government refused to give them work, he could understand the accusation against the Government. But what was the fact? Simply, that the Government interfered to prevent a large number of persons from becoming chargeable to the Destitute Board, doing so by means of work suited to the capability of the laborers seeking employment. They had done this in accordance with what ought to have been if it were not the intention of the House in voting the money. The charge contained in the amendment was as utterly without foundation as it could well be but it was as well that it should be so because as he had formerly observed, it afforded hon members an opportunity of voting according to their feelings towards the Government without any reference to the particular question under discussion. The hon member who had moved the first amendment—which he had subsequently withdrawn—had attacked the Government on many points in connection with the address, and especially on two—the first being distillation, and the other immigration. That hon member had said that although his own opinion on the subject of distillation was known to be different from that of a majority of the House, he should have felt had he been in office, bound to carry out the solemn decision of that House. There were certain cases in which he considered it to be the duty of a Ministry to yield to the opinion of the House, but where he entertained a strong opinion in reference to the inexpediency of certain measures, he did not consider it his duty, and never had considered it to be, to bow to the opinion of the House where he believed that opinion to be wrong, and that to carry it out would be injurious to the interests of the country. There were two shapes which distillation might be made to assume, and if it would assume either of those, if the opinions of the House were carried out, he should certainly decline to carry out those opinions, but leave it to his successor to do so, and that was a feeling which he thought should regulate members of the administration in dealing with the expressed opinions of the House. He believed, in reference to distillation, that its advantages to the community at large were greatly exaggerated, and the inconvenience from the loss of a large revenue, and imposing a particular class of taxes which must be more burdensome, very much underrated. He did not, however, mean to say that some means might not be devised by which practical freedom might be given to a class who could not profitably employ their productions because they were not permitted to distil. If anything beyond that were attempted, it would, he believed, end in injury to the community which it was intended to advantage. He was not prepared to introduce any measure to repeal the existing measures in reference to distillation, and so far as any solemn decision upon the point was concerned, he was not aware that the House had come to any solemn decision, and if it were taken he believed, it would be in accordance with the opinions which he had expressed. He should be happy to test the feeling by an amendment on the address, or by any other means. After another election, when the whole question had been submitted to the people, the case might be different, but at present he doubted whether hon members were prepared to go further than the Government proposed. In reference to immigration, he differed with the hon member for the Sturt, and those hon members who would at the present moment put an absolute stoppage to immigration. He could not imagine anything more suicidal on the part of those who felt an interest in the prosperity of the colony. The prosperity of the colony was based on the practical recognition of immigration adding to numbers, and when that was abandoned he believed the prosperity of the colony would begin absolutely and irrevocably to decline ("Oh") He would ask any one who had had experience in the colony what would have been the consequence if at any former period immigration had been stopped. It was about 12 years ago that he arrived in the colony, and the population then was about 20,000, and but for Government immigration he did not believe the population would now be double that number. But for Government immigration he believed the wealth, prosperity, and progress of the colony would have been altogether inferior to what it was at the present

time. If those entrusted with legislative functions kept up a stream of immigration proportioned to the wants of the community, he believed that twelve years hence they would be enabled to as favorably compare the then condition of the colony with the present, as he was enabled to compare its present state with twelve years ago. They would then admit that but for immigration, what had been realized could not by any possibility have been. He would ask hon. members if they could really believe, whilst on the one hand there was a community like Great Britain, increasing in population beyond the means of the country, and on the other South Australia, with its hundreds of thousands, its millions of acres of available land waiting to be cultivated to furnish homes and sustenance to thousands, did they believe it was prudent or christianlike to say they would keep South Australia for those resident here, and afford no opportunity to those resident in the land from which they also came, to come and enjoy that prosperity which they had attained themselves. He believed that those immigrants who had been selected with reference to the wants of the colony had found no difficulty in obtaining employment here, he did not allude to those who had been brought here under the nomination system, but those who had been selected under the new system had not, he believed, contributed to the pressure on the means of the colony, to which reference had been made. He could understand that parties brought from the workhouses in England, Ireland, or Scotland might not, possibly, find themselves able to supply their wants better here than there, but where a selection had been made in England of a class suitable to the colony—and there was no difficulty in making such a selection to the extent of the money available for the purpose—no difficulty had been experienced in their obtaining employment upon their arrival. There was no greater objection than that which connected deficiency of employment with a stream of efficient immigration to the colony. He had said this much, because these matters involved important principles. In reference to the amendment he said again, that the votes of the House would depend upon the feeling towards the Government. If they wanted to censure the Government they would vote for the amendment, but, if not, for the address proposed.

Mr MILNE could not agree with the amendment, because it stated that if the works authorised by the Assembly had been pushed on with vigour there would have been no necessity for the special interference of the Government. A very large proportion of the distress was amongst the unskilled labourers, and no amount of energy on the part of the Commissioner of Public Works could have met the evil. In reference to immigration, he denied that the prosperity of the colony could be attributed in any degree to Government immigration since the discovery of the goldfields. They were indebted for that prosperity principally to the land system and the facilities which were offered for acquiring property. They were indebted not to those who had been brought out at the expense of the Government, but to those who had paid their own passages. Government immigration had encumbered the colony with a great number of paupers of late years, and he was quite sure that all the requirements of the colony would be met by importing labor from the neighboring colony of Victoria, where it was redundant. He could not vote for the amendment, believing the Government fully justified in anticipating the votes of that House, and meeting the difficulty as they had, in fact, so far from being blameable for having provided for the destitute unemployed, he believed they were entitled to the thanks of the House for having done so. He was surprised at the hon. member for Encounter Bay instituting a comparison between free laborers and convicts. The unemployed were free to go where they liked, but the mischief was that as the Government had brought them here they had a claim upon the Government. He believed that the Government did their duty when they found them employment at a rate of wages at which they could live, but beyond this he did not think the Government had any right to interfere with the labor market.

Mr PEAKE approved of the course which the Government had taken in laying the Estimates on the table at an early period, and of the proposition to distribute the large amount formerly chargeable to the general revenue for the Police Force. He did not believe that the distress amongst the labouring classes required the Government to interfere as they had. He held that it was no part of the duty of the Executive to step up as the employers of labor at a minimum rate. He believed there had been a scandalous waste of the public money by adopting the course which had been pursued by the Commissioner of Public Works. The Chief Engineer of Railways had informed the House that the cost of railway works had been much enhanced by the employment of men in this desultory and novel manner. He regarded any interference with the natural adjustment of the labor market as unwise. If there was money in the Treasury why was it not placed in the ordinary channel by which public funds were used to employ labor? Why was it not employed in public works under proper contracts? Why was not the money placed in the hands of the Road Board instead of being frittered away as it had been? With regard to immigration those who said that no more labor was wanted here knew nothing of the colony, the land was not half cultivated, the mineral resources were not half de-

veloped, the vineyards were not half cultivated, and the sheepfarmers were but poorly supplied with labor. The system of agriculture must, he was satisfied, very soon wear out unless more labor was employed. If a farmer got 5s a bushel for his wheat and it cost him 6s to produce it, it was not difficult to say what the result would be. No doubt the labouring classes had suffered greatly, but all classes had in fact suffered, and probably those had not suffered the least who had suffered in silence. He could not agree with the proposition that South Australia should look to Melbourne for a supply of labour, it was absurd to say that South Australia could depend upon a colony which produced twelve millions of gold per annum, and where, he observed, they were inaugurating a new land system which would probably compete with our own, and draw thousands from this colony. Probably in the course of five or six years those who were at present suffering their first colonial difficulties would be the first to admit that it would have been impolitic on the part of the Government at the present time to put a stop to immigration. He must certainly withhold his assent to a wholesale stoppage of immigration, which, he believed, would be suicidal to the working men themselves. He would suggest whether it would not be better instead of the six shiploads of immigrants being diffused over the whole year, that they should all be sent here at a period when the farmers would be in funds, and prepared to employ them. He believed that no Ministry would be enabled long to stave off the question of distillation, and that upon an appeal to the country free distillation would at once be determined upon. He would ask the hon. member for Encounter Bay to consent to an alteration of his amendment, so that it would read—"We regret the temporary want of employment amongst the labouring classes, but are glad to learn this want is gradually disappearing."

Mr DUNN said that much had been spoken about the dilatoriness of the Government in not carrying on public works, and it was asserted that the great want of employment for laborers was due to the Commissioner of Public Works. Knowing something of colonial affairs, he believed that if all the works voted had been proceeded with within a month, it would not have done much good to the class of labour then out of employ. (Hear, hear.) He had been told of one contractor who took a contract for a piece of road from the Central Road Board, and to whom the Commissioner of Public Works offered to send up 40 men at 4s 6d per day each, observing that the work would then get on swimmingly. But the contractor said "no, I am giving my own men 7s and can realise more profit by doing so. The men you would send me would only be a nuisance, as they would create discontent amongst my own men." These were the class of men who wanted employment for the last couple of months. (Hear, hear.) As to the remarks of the hon. member for Onkaparinga on immigration, he entirely demurred against them. It was not immigration, but the character of the men sent out that was to blame. (Loud cries of "Hear, hear.") An able man was always able to obtain employment. If it had not been for immigration what would the colony have done, when nearly the whole population of the colony deserted it. The harvest could not have been gathered in but for immigrants. (Hear, hear.) It was true that they soon disappeared—(hear, hear, and some laughter)—but the question was did not they pay for the cost of bringing them out by getting the harvest in. (Hear, hear.) He (Mr. Dunn) would support the address.

The COMMISSIONER OF CROWN LANDS said that although he had reason to believe that the reply to the address would be agreed to, though some hon. members might not agree with it in every particular, and although he thought matters of detail could be better discussed at a future time, still he could not allow the discussion to pass without saying a few words on the subject of immigration. It was within his province to know that all the unemployed laborers came out under the old system of immigration. (Hear, hear.) He trusted hon. members would not lose sight of this fact. It was necessary to look more to the quality of the labor imported, and the defective quality of some of the labor formerly introduced was owing to the indiscretion which prevailed under the old system. (Hear, hear.) Not one out of 438 men at one time employed at the public expense came out under the new system. The whole of them were sent on the nomination principle. He was astonished to hear the hon. member for Onkaparinga state that the colony derived no benefit from immigration since the gold discoveries. Since then the colony imported 46,000 people, with a nearly equal proportion of both sexes, and what would have been the state of its imports and exports, and all industrial pursuits, if it were not for this most seasonable and large addition to the population. As these persons cost but £16 a-head, the money was well expended. The colony wanted not alone artisans and laborers, but also a constant supply of domestic servants.

Mr LINDSAY agreed that both the speech and the address were very milk-and-waterish affairs, and thought that the less meaning that was put into the reply the better. He therefore agreed with the amendment of the hon. member for the Burra and Clare, as to striking out the paragraph which was the cream of the affair, if there was any cream in it. (A laugh.) The address could not be so much com-

planned of for its sins of commission as for those of omission, but there were several very important matters omitted. The opening up of the River Murray traffic should have been alluded to (hear, hear), and whatever was the policy of the Government should have been boldly stated, for it was a question which must be grappled with. The hon member (Mr Neales) would bring the question forward, and then would be the time for hon members to express their opinions, but he could not help expressing his surprise that any Government at the present juncture should omit mentioning the subject. He did not wish to censure the Government, and he would therefore be pleased to see the amendment of his hon colleague withdrawn, as that amendment, if carried, would certainly amount to a censure. His motto was, to use a hackneyed phrase, "Measures, not men," and he would, therefore, be happy to support any good measures of the present Ministry.

Mr TOWNSEND suggested that the debate be adjourned, as many hon members desired to speak (Cries of "No," and "Go on.") He would begin with a remark of the hon the Commissioner of Public Works, who said that never, since the colony was fortunate enough to possess a Government, was the office of the Colonial Architect in such a satisfactory state as at present (The Commissioner of Public Works—As forward a state.) He (Mr Townsend) would put it to the House whether during the last session, when any sum was asked for, the argument used was not, that although the plans and estimates were not before the House, still the vote would immediately benefit the labouring classes. The session was closed quickly, His Excellency the Governor being very punctual in arriving, so much so indeed as to come up at the very moment the hon the Speaker took the chair (Laughter.) Yet it was not until the 12th of March that any one tender was called for. He had been told now that if the whole of the money voted last session had been at once expended by the hon the Commissioner of Public Works, as should have been the case, it would not give employment to even a considerable percentage of the unemployed. But if so, what did the hon the Commissioner of Public Works mean by asking for votes in order to relieve the labouring classes? He knew from an intelligent master-builder, that the amount of skilled labour unemployed in the colony at present was larger than at any former period, and he believed, had there been any activity in the Colonial Architect's office, 100 masons, 100 carpenters, and 100 other artisans might be employed. It was said the Colonial Architect had but four weeks' leave of absence. He (Mr Townsend) thought it would have been better that that gentleman should just have got out his plans, and then applied for leave of absence. He thought the House should come to a determination not to vote one farthing during the present session for any work, until the plans and estimates for it were laid on the table. As to immigration, the Hon the Attorney-General said the colony would not be what it is, but for the influx of immigrants. He (Mr Townsend) would give the hon member the benefit of the past, but he would say that in future bringing persons here to compete with the thriving colonies of Victoria and New South Wales was throwing money away. The hon member for the Burra had asked whether the country was to compete with Victoria by bringing men out in order that they might go away immediately, and such was really the case. The law of supply and demand regulated the matter, and it was suicidal for this colony to expend money in such a manner. It was no part of the functions of Government to provide employment for the people. When destitution commenced, then it was the duty of Government to protect the people from starving but nothing more. The hon the Commissioner of Public Works in his celebrated letter said he would give 4s per day, but one man actually made 5s 7d. But it was shown, that if any private employer offered a man 4s per day he must go, so that the policy of the Government was that a man should earn 4s a-day, and no more. The hon member for East Torrens had said of the speeches, some as pompous, others as humorous, and so on, but he (Mr Townsend) had never heard so weak a speech from that hon member, who, he was aware, could argue any question with fluency and clearness. The hon member said that the speech meant nothing, and that the address meant nothing, and therefore the amendment, which meant something, was to be got rid of. He now came to the question of distillation. The hon the Attorney-General said that he did not know of any solemn vote of the House in reference to this question. But on the 22nd July, 1857, Mr Waterhouse moved a resolution that all restrictions upon distillation should be removed, and the Government at that day in which all the members of the present Administration were not included, but of which the hon the Treasurer and the hon the Attorney-General formed part, moved as an amendment that free distillation take effect after an interval of fifteen months. The hon the Treasurer also said on that occasion that he believed it would add to the morality of the people to sanction free distillation. The Treasurer, moreover, was Chairman of the Committee which reported in favor of the abolition of restrictions, and the report was mainly that drawn up by him. The hon the Attorney-General said that this was the act of the Committee, but was it not also the act of the Treasurer? His (Mr Townsend's) belief was that it was the intention of the

Government to shelve this question, but he also believed that the people would demand the right to use their own products. As the speech meant nothing, and the address nothing, he could not oppose them, but it seemed to him a solemn farce for a Legislature of 26 members to meet for two days in order to be told that the business before them meant nothing. He would suggest to the Government to withdraw the sixth paragraph of the address, as he could not affirm what he did not believe, and he did not believe that Government should have interfered to provide work for the unemployed.

The amendment was then put, and lost without a division, and the original motion was immediately put and carried.

The House rose at 20 minutes to 5 o'clock.

THURSDAY, MAY 5

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

REPLY TO GOVERNOR'S ADDRESS

The SPEAKER intimated that His Excellency the Governor would receive the reply to his address at half-past 1 o'clock.

Upon the motion of the ATTORNEY GENERAL, it was resolved that the House adjourn at twenty minutes past 1 o'clock till ten minutes to 2 o'clock.

REVENUE AND EXPENDITURE

The TREASURER stated, in reply to Mr Glyde, that the usual statement of the Revenue and Expenditure for the first quarter of the present year would be laid upon the table of the House in the course of the day.

BRIDGE AT ONKAPARINGA

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr Mildred, that he had during the recess visited Onkaparinga for the purpose of determining the propriety of erecting a bridge across the Onkaparinga river in accordance with the prayer of the residents on the south side.

MINERAL LEASES

Mr REYNOLDS moved—

"That a return be laid upon the table of the House, showing the number of mineral leases issued from the date of coming into operation of the Waste Lands Act of 1857, giving the names of the lessees, the amount of rent paid, and terms for which granted—specifying in each case if the lease is renewable or not, and if renewable, upon what conditions."

His object in bringing forward this motion was to test the accuracy of various rumors which were afloat in reference to leases of this description. Some who had obtained mineral leases believed that they held them in perpetuity, whilst some who held them for 14 years held that they had the right of renewal on payment of £80 at the end of 14 years. If so, he doubted whether the Waste Lands Act of 1857 had been carried out. One lease submitted to him was certainly not in accordance with the Act. The Government might be enabled to explain these discrepancies, and it was to afford them an opportunity that he now asked for the returns mentioned in his motion. The Act authorising the granting of mineral leases was passed in 1857, but he found that no regulations had been framed till January, 1859, a period of 15 months. If the hon gentleman took so long a time to attend to his duties, it was time steps were taken to wake him up (Laughter.) In the *Government Gazette* of 13th January, 1859, was a notice to the effect that applications would be received for mineral leases of land in blocks not exceeding 100 acres, but in the regulations the blocks were stated to be of 80 acres. It was possible that this might be an error of the printer, or it might be characteristic of the hon gentleman's mode of dealing with matters—blundering at everything (Laughter.) The Waste Lands Act of 1857 authorised the Governor to frame regulations, and if the House were not sitting, the regulations were to be laid upon the table within 14 days of their meeting. Up to that day, however, the regulations had never been laid upon the table. The regulations stated that there should be a renewal of lease for 14 years, upon payment of a fine of not less than 1/ per acre, but the Commissioner of Crown Lands had fixed the rate at not less than 5/ per acre. What power had he to do this?

Mr HALLIDY suggested the addition to the motion of the following words—"and all mineral leases at present in existence."

Mr SIRANGWAYS seconded the motion as it originally stood.

The ATTORNEY-GENERAL supported the motion, and had the hon mover confined himself to matters connected with that motion, he (the Attorney-General) would not have troubled the House with any address, being always ready to furnish all possible information. But the hon member had gone into matters not connected with or relating to the motion. He had accused the Government of making three omissions or errors. The hon member had stated that he had referred to the *Gazette*, and found that the regulations there referred to named 100 acres, and in making that statement the hon member was quite correct, but it was a pity he had not looked a little further, as he would have seen in the

next number that the error was corrected by the publication of fresh regulations (Hear) The next charge preferred was that the regulations in reference to pastoral leases had not been laid on the table of the House, but if it were so, it was certainly singular that those returns should have been printed as a Council paper and bound up in the records of the House, as the hon member could find upon consulting Council Paper No 25, of 1857, which was ordered to be printed on 23rd December, 1857 (Laughter) With respect to the third accusation, charging the Government with having violated the letter and spirit of the Act, by providing that the penalty should not be less than £5 per acre, unless the hon member was prepared to prove that five was less than one, it would be difficult to show that the principle of the Act had been violated

The motion was then put and carried

ADJOURNMENT OF THE HOUSE

The House adjourned for the purpose of presenting the reply to His Excellency

PRESENTATION OF ADDRESS TO HIS EXCELLENCY

Upon the House resuming at 10 minutes to 2 o'clock, the SPEAKER intimated that the deputation had presented to His Excellency the Governor the reply adopted by the Assembly to His Excellency's Address upon opening Parliament, and that His Excellency had been pleased most graciously to receive the same

NO HOUSE

Mr REYNOLDS drew attention to the fact that there was not a quorum of members present

By direction of the SPEAKER, the bells were rung, and several members made their appearance

Mr REYNOLDS again drew the attention of the Speaker to the fact of there being no House

The SPEAKER said that two minutes had not elapsed since the bell was rung

Another minute having passed, Mr REYNOLDS again called the attention of the Speaker to the fact that there was no House, and

The SPEAKER, at 7 minutes to 2 o'clock, adjourned the House till 1 o'clock on the following day

RESUMPTION OF THE SITTING

A few minutes after the Speaker had declared the House to be adjourned, it was intimated to him that, owing to some defect in the wires, the bell had not rung in the Refreshment-room Under these circumstances, and there having arrived a sufficient number of members, the proceedings were allowed to be resumed

GOOLWA AND STRATHALBYN TRAMWAY

The COMMISSIONER OF PUBLIC WORKS moved— "That a Select Committee be appointed to take evidence and report upon the amount of traffic that may be expected upon a tramway between Strathalbyn and the Goolwa."

Capt HART must oppose the motion He was not satisfied that the route proposed by the Government was the best His own opinion, at present, was that the Linnis should be the point struck At all events it was the duty of the Government to obtain the information which they now sought to impose upon the House The proposed Bill contemplated a line to the Goolwa and there only, but the House wanted to know which was the best line

Mr REYNOLDS considered the course pursued by the Government most unusual and objectionable The House ought to have been placed in possession of Mr Hargreave's report, not on one route only, but on the several routes which it was necessary should be surveyed The Government had no right to remit to a Select Committee the work which they were paid for performing For his own part, he preferred Milang as a terminus, before the Goolwa, but all that had to be considered in connection with the evidence which Government were in duty bound to supply He should move the previous question

Mr NEALES did not care so much for the course adopted being "unusual," inasmuch as there were many unusual things done in a new colony, but he objected to the Government seeking to commit the House to a Goolwa tramway scheme when the House had called for surveys and estimates in reference to the various routes by which Strathalbyn might be connected with the seaboard He (Mr Neales) would not take the one route laid down by the surveyor, in place of that choice of routes to which the House was entitled

Mr DUNN must follow the previous speaker, as the wish of the House last session was for the various alternative routes to be laid before them, and this had not been done He had only the day before presented a petition signed by more than 500 persons, arguing for the adoption of another line

Mr PEAKE was surprised at the novel functions thrust upon the House by the Government Was that House a body of traffic-takers? The course adopted was extraordinary Neither surveys nor estimates were before them, and either he must vote for the previous question, or the resolution must be very much altered

Dr WARK refused to sit for a month or two taking evidence which the Government ought themselves to have procured, and must vote for the previous question

Mr BARROW was not particularly afraid of a little extra work being thrust upon the House, but could not agree with the motion of the hon the Commissioner, because it merely pledged the House to take evidence in favor of one particular line, instead of leaving it to the House to decide upon the respective advantages of various lines He must also support the previous question, but perhaps the Commissioner of Public Works, seeing the general feeling of the House, would withdraw the motion

The COMMISSIONER OF PUBLIC WORKS was by no means dismayed He would withdraw the motion, and take the responsibility of bringing in and supporting the Bill

SOUTH AUSTRALIAN RAILWAY COMMISSIONERS

The COMMISSIONER OF PUBLIC WORKS moved, pursuant to notice—

"That he have leave to introduce 'A Bill intituled an Act to vest the powers and functions of the South Australian Railway Commissioners in the Commissioner of Public Works'"

He said that the matter had been already frequently before the House, when there was a general and unanimous feeling expressed in favor of bringing the several duties and responsibilities now devolving upon the Railway Commissioners under one head, and he merely proposed by this Bill to bring under the head of the department of Public Works all the powers and functions now exercised by the South Australian Railway Commissioners In fact, the Bill placed the management of the whole railway system in the person who filled the office of Commissioner of Public Works for the time being He would avail himself of the opportunity of explaining the several clauses of the Bill when it came before the House in its proper shape

Leave was given to introduce the Bill, which was read a first time, the second reading made an Order of the Day for Thursday, April 12

DAYS OF MEETING

The TREASURER moved—

"That during this session the House meet every Tuesday, Wednesday, Thursday and Friday, at 1 o'clock, and that on Tuesdays and Thursdays Government business take precedence of all other business"

Carried

ROAD FROM PORT ELLIOT TO ABBOT'S TRACK

Mr LINDSAY moved—That a return be laid on the table of this House showing—

i "Length of Cut Hill-road from Port Elliot to junction of 'Abbott's Track'"

ii "Length of 'Abbott's Track' from Port Elliot to junction with the Cut Hill-road"

iii "The gradients (as far as ascertained), upon the above two lines respectively"

iv "Distance 'as the crow flies' from Port Elliot to junction of the Cut Hill-road with 'Abbott's Track'"

v "Lengths of nearest approximations to a direct line compatible with ruling gradients of 1 in 16 $\frac{1}{2}$, 1 in 25, and 1 in 30 respectively, between Port Elliot and junction of Cut Hill-road with 'Abbott's Track'"

vi "Quantity of earthwork and cost, necessary with each of the above gradients respectively, to form a roadway, 18 feet wide, between Port Elliot and junction of Cut Hill-road with 'Abbott's Track'"

vii "Distance 'as the crow flies' from Port Elliot to Willunga, and lengths (approximately) of nearest approaches to direct line compatible with ruling gradients of 1 in 16 $\frac{1}{2}$, 1 in 25 and 1 in 30 respectively"

He said that the information required could easily be furnished, as the necessary materials were at present in existence in the various Government departments, and he therefore trusted the Government would not object to furnish the returns required

Mr NEALES would like to ask the hon member what would be the expense of these returns, for, if they were expensive he certainly would vote against them If the hon mover was in doubt on the subject, he (Mr Neales) would then look to the Commissioner of Public Works for information

Mr STRANGWAYS suggested that the information sought for by the earlier portion of these returns was to be had at the Survey Office, if the hon member would go there with a pair of compasses, and as regarded the latter portion of the returns asked for, new surveys would have to be made He suggested that the mover would withdraw his motion

The ATTORNEY-GENERAL said that the information required by the 5th, 6th, and 7th divisions of the motion could only be supplied after fresh levels and new surveys had been taken and made over every inch of the road, and he was sure the House would not sanction returns of that sort, unless where they were of public importance, or such as would justify the great expense of their preparation

Captain HART would like to learn from the mover his object in endeavoring to obtain this information If, as he apprehended, it were to show whether Strathalbyn should be joined by Encounter Bay by that line, he could have attained his object in a much shorter and less expensive manner

Mr LINDSAY had moved for these returns, simply to afford such information as would cause a saving of 25,000!

public money (Hear, hear, and laughter) And he so voided his motion as to enable the Government to furnish the information without further surveys, and though the line recommended by Mr Delisser might be better than that by the Cut Hill, it was a great deal longer than necessary, and more expensive to construct. From Point Elliot to Grant's Corner, would cost 35,000*l.*, but a better line still might be made for 5,000*l.* He had no personal interest to serve in moving for these returns, but they would cost very little, and if they were refused, more money would be spent than was required, all he was anxious for, was to have an investigation into the merits of the several lines.

Mr GLYDE said, as the member for Encounter Bay (Mr Lindsay) had said that these returns would cost very little, he begged to have the opinion of the Attorney-General upon that point.

The ATTORNEY GENERAL said that a portion of the returns called for would not be furnished without great expense, but if the hon member would withdraw his motion, he (the Attorney General) would undertake to furnish all the information in the possession of the Government upon the subject (Hear, hear).

The question was then put and negatived.

In answer to Mr MILDRED, the ATTORNEY-GENERAL said all the information in the possession of the Government should be furnished as speedily as possible, notwithstanding the motion had been negatived.

Mr LINDSAY had not heard distinctly what had fallen from the Attorney-General, or he would have withdrawn the motion.

TELEGRAPH TO MOUNT BARKER

Mr MILNE asked the Commissioner of Public Works, pursuant to notice—

“Why the Government are not carrying the line of telegraph from Adelaide to Goolwa in the manner voted by the House in the Supplementary Estimates of 1853, namely, ‘through Woodside, Nairne, Mount Barker, Macclesfield, and Strathalbyn?’”

The COMMISSIONER OF PUBLIC WORKS replied that, in accordance with the recommendation of the Superintendent of Telegraphs, the Government had determined to take the telegraph line to Mount Barker in the first instance, with a branch line to Woodside and Nairne, as the other route was expensive, and liable to bush fires.

The House then adjourned till 1 o'clock next day.

FRIDAY, MAY 6

The SPEAKER took the Chair at eight minutes past one o'clock.

TRAMWAY FROM STRATHALBYN TO GOOLWA

The COMMISSIONER OF PUBLIC WORKS gave notice that on the following Tuesday he should move for leave to introduce a Bill authorising the construction of a tramway from Strathalbyn to Goolwa.

THE ENGLISH MAIL

In answer to Mr STRANGWAYS, the COMMISSIONER OF PUBLIC WORKS said arrangements had been made to transmit telegraphic messages to Melbourne during the night, in the event of the arrival of the European mail at that time.

NORTHERN EXPLORATION

The COMMISSIONER OF CROWN LANDS laid upon the table of the House a statement shewing the cost of the Northern Expedition.

It was ordered to be printed.

THE SURVEY DEPARTMENT

The COMMISSIONER OF CROWN LANDS laid upon the table information from the Survey department, requested on the previous day by Mr Lindsay.

THE TRINITY BOARD

The TREASURER laid on the table (as required by law) by-claws prepared by the Trinity Board.

RAILWAY FROM STRATHALBYN

The COMMISSIONER OF PUBLIC WORKS laid upon the table a report upon the proposed railway communication between Strathalbyn and the seaboard. Also, the report of the Chief Engineer of Railways upon the subject.

RIVOLI BAY

Mr MILNE asked the Commissioner of Public Works whether it was in consequence of the report upon and survey of Rivoli Bay that the Government had determined not to expend the vote of £500 for the erection of a Custom-house at Rivoli Bay.

The COMMISSIONER OF PUBLIC WORKS replied in the affirmative.

DAUGHTER OF CAPTAIN FLINDERS

Mr HALLELL moved—

“That this House will, on Wednesday, 11th day of May, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of 500*l.* to be placed on the Estimates

for the purpose of presenting to Mrs Anne Petrie, the daughter and only child of the late Captain Flinders, the original discoverer of this colony, as a testimonial of the respect preserved by the colonists to his memory on account of the eminent services rendered by him, and which ultimately led to its establishment.”

The hon member remarked that the colony of New South Wales, so far back as 1853, granted an annuity of £100 to Mrs Petrie, and that course was voluntarily followed by the colony of Victoria. He wished this colony to place itself in the same honorable position as the others. He would leave hon members to say whether this colony should not stand in the same honorable position as other colonies.

Mr HAWKER seconded the motion, which was carried.

MEDICAL PRACTITIONERS

Mr FOWNSEND put the question of which he had given notice—

“That he will ask the Hon the Attorney-General (Mr Hanson) if it is the intention of the Government to introduce a Bill during the present session to regulate the qualifications of practitioners in medicine and surgery?”

The TREASURER had been instructed by the Attorney-General to state that it was not at present the intention of the Government to introduce any such measure.

INTERCOLONIAL TRADE

Mr BARROW brought forward the notice in his name—
“That there be laid on the table of the House a return of the value of duty-paying goods imported into South Australia from the several colonies of New South Wales, Victoria, and Tasmania during each of the preceding five years, also, a return of the value of South Australian re-exports (on which drawback was allowed) to the same colonies, severally, during each of the same years.”

The hon member remarked that the information which he asked for could be very easily given, and though it might to a certain extent be obtained by going through volumes of the Gazette, still it was information which it would be very useful for members to have before them in a compact form, in order to see how far the intercolonial trade with Melbourne and Sydney was profitable to the colony.

Mr COLE seconded the motion, which was carried.

GOVERNMENT IMMIGRATION

Mr BARROW moved—

“That there be laid on the table of the House a return showing the number of immigrants landed in this colony, wholly or partly at the expense of the Government during each year from 1850 to 1855 inclusive, distinguishing nominated from selected immigrants, showing, also, the amount expended on account of each year's immigration, distinguishing departmental from contract charges.”

The hon member remarked that these returns would greatly assist in the discussion of the question of immigration, which would doubtless come on during the present session.

Mr PEAKE seconded the motion, which was carried.

MAIN ROADS

Mr PEAKE brought on the notice standing in his name—
“That he will ask the Hon the Commissioner of Public Works—

1 “Who is the Chief Engineer charged to set out the main roads of this province?”

2 “To what engineer does the Central Road Board look for professional advice, before authorizing any deviation or alteration of the lines of main road once determined on by the Government Engineer?”

3 “Are the surveyors sent out by the Central Road Board at the suggestion of proprietors and others, to examine projected deviations and alterations of main roads, under the control of a Chief Engineer, or do the surveyors act upon their own discretion (or the suggestions offered in the locality) as to what number of trial lines they will survey?”

4 “Are the surveys, when completed, specially reported on by the Chief Engineer before public money is expended thereon?”

5 “What regulations are in force with respect to the time occupied in these trial surveys, and for the general guidance of the surveyors employed by the Central Road Board, and who is charged to see that these regulations are acted up to?”

6 “Is it the intention of the Government to do away with the present plan of maintaining main roads in repair by employing day labor thereon, and to substitute a system of contracts for maintenance of main roads in lieu thereof?”

The COMMISSIONER OF PUBLIC WORKS replied as follows—

1 There is no Chief Engineer charged to set out main roads.

2 The Road Board in general cases look to the Superintending Surveyor of each district, of which there are four, for professional advice, before authorizing any deviation of lines of road. Occasionally a surveyor who is not on the permanent staff of the Board is employed on new lines or deviations.

3 As there is no Chief Engineer the surveyors sent out cannot be under the control of such an officer. The sur-

veyors do act on their own discretion in the trial lines they survey, unless they have special instructions

4 No Chief Engineer

5 The Board in each case issue such instructions as may appear to be necessary, and the surveyors are responsible that these instructions are carried out

6 The general system adopted for the maintenance of main roads is that of letting by tender wherever practicable, and not of repairing by day work

DEEPENING THE MURRAY

Mr MILNE moved—

“That the petition of the inhabitants of the districts of Bremer and Alexandrina, relative to the deepening of the mouth of the Murray, be printed”

The hon member stated he was anxious that a copy of Council paper, No 14 of 1856, should be placed in the hands of each hon member, and as he was aware that a great many extra copies were in the hands of the Government, no extra cost would be involved, and he would therefore, with the permission of the House, move as an addition to his motion, that copies of Council Paper, No 14 of 1856, be distributed to members. He would at once state it was his intention to take further action in the matter

The motion, as amended, was carried

PUBLIC WORKS

Mr REYNOLDS moved—

“That a return be laid upon the table of the House showing what public works and buildings authorised on the Supplementary and General Estimates of last session have been undertaken, giving the date of each vote, and the *Gazette* or other public notices calling for tenders for the execution of the same, and stating also the present state of each work”

He was not desirous of initiating a discussion in merely moving for returns, as no doubt a discussion upon the subject would take place during the session. The Commissioner of Public Works challenged him with so much boldness the other day to move for these returns, that he being of a constitution not to refuse a challenge, had determined to move for them, in order that the hon gentleman's statement might be substantiated if correct, or his (Mr Reynolds's) if correct

Mr STRANGWAYS, in seconding, remarked that it was desirable that the returns now moved for should be in the hands of hon members before any discussion took place upon the motion of which he had given notice

The COMMISSIONER OF PUBLIC WORKS would produce the returns, and would take care there was no unnecessary delay, but he could not undertake to say they should be ready by the following Wednesday

Mr REYNOLDS said there was a Council Paper already on the table of the House, showing the works which had been executed to the end of the year, consequently it could not take long to continue that return

The COMMISSIONER OF PUBLIC WORKS pointed out that a report was required upon the present state of each work, and as some of the works were at a considerable distance from town, it would take some time to prepare the necessary information

THE NEW GOODS SHED AT THE RAILWAY STATION

Mr TOWNSEND brought forward the notice in his name—

“That he will ask the Hon the Commissioner of Public Works (Mr Blyth) if the new goods shed for the South Australian Railway is being erected on the site shown by the plans laid on the table of the House, and, if not, what is the reason for the change?”

He had been induced to ask the question in consequence of a rumour which had reached him, to the effect that the shed was not upon the site which, during the discussion upon the subject last session it was stated it would be

The COMMISSIONER OF PUBLIC WORKS read the following reply, stating that he had prepared a written reply, in order that it should appear on record—

“Plans of the proposed new goods shed were exhibited during the last session of Parliament, and it was stated to the House by the Commissioner of Public Works that the intended site was fronting North-terrace, but on careful reconsideration, and upon consultation with those who, from experience in the goods department of the railway, were best qualified to give an opinion on the matter, it appeared that the requirements of the railway might, at some future period, render necessary, a fresh alteration in the goods shed, if erected upon the very limited and valuable immediately in front of North-terrace, but that if the goods station were placed on the northern side of the line, the position would be an excellent one, affording ample space for any additional amount of accommodation for goods which may ever be required, being easily accessible from all parts of the city, and not likely to be interfered with by any other building. The decision to place the goods shed where it is now being erected, was, therefore, arrived at”

Mr REYNOLDS hoped the whole answer would appear. The COMMISSIONER OF PUBLIC WORKS said all but the preliminary remarks

LAND NEAR THE HOUSES OF PARLIAMENT

Mr STRANGWAYS brought forward the notice in his name—

“That he will ask the Hon the Commissioner of Public

Works (Mr Blyth) whether it is intended to take any and (if any) what steps to alter the present appearance of the land between the Houses of Parliament and the City Bridge Road?”

Hon members would no doubt be aware that the piece of land to which he alluded was situated between the Houses of Parliament and the road leading to the old Waterworks, and which was enclosed with a handsome fence. He had frequently remarked the ornamental appearance of the ground, and that very morning had made a fresh examination of it. He saw an old fencing-post within the new fence, also, a dead gum tree, and further towards the bridge, an immense quantity of old Council papers (Laughter) In another spot he found an assortment of bottles, pieces of oil-cloth, and old bricks. Having been greatly struck by the appearance of the land, he begged to put the question of which he had given notice.

The COMMISSIONER OF PUBLIC WORKS said— “It is designed to turn the road to the Ford so as to form a junction with the City Bridge-road at some little distance from North-terrace, thus increasing the area of the reserve east of the Parliament House, and obtaining an easier gradient for the traffic to the Railway Goods Shed, and on execution of the work, the unsightly stone now on the ground will be availed of for making the new road, and the plantations will be properly looked to. The trees which had been planted were done under contract, the contractor undertaking to renew any of them that died, and the fresh trees will be planted as soon as the season will permit”

DISPOSAL OF STORED GRAIN

Mr ROGERS brought forward the notice in his name—

“That he will ask the Hon the Attorney-General (Mr Hanson) whether he will, when introducing the Bill to consolidate and amend the Criminal Laws, introduce a clause making it a punishable offence for corn dealers, when receiving grain for storage, to sell or appropriate the same without the consent in writing of the person or persons so storing the said grain?”

He had been induced to put the question in consequence of the great complaints which he had heard amongst farmers in reference to this matter. Farmers frequently stored their grain with corndealers who became insolvent, and it frequently transpired that the corndealers had sold the grain so stored without any authority from the actual owner. The farmers, who were generally unsuspecting honest people, had been great sufferers by such transactions, and if the law at present did not touch such fraudulent transactions, he thought it should be so altered as to punish parties for disposing of the property of others without the authority of the owners

The TREASURER had been instructed by the Attorney-General to state that the Government had seen the necessity of considering this question, and indeed had considered it. Probably during the present session a measure would be introduced upon the subject

ADJOURNMENT

Mr REYNOLDS would, as the Government had not brought forward anything for Tuesday, except the first reading of the Census Bill, move that the House adjourn till Wednesday. There was actually nothing on the notice paper for Tuesday worth coming to the House for. He had understood that a Bill for the construction of a tramway from Strathalbyn to Goolwa had been prepared, and he expected it would have been brought forward. (An hon member—“It's withdrawn”) An hon member said it was withdrawn, but surely that could not be. He would move that the House adjourn till the following Wednesday

Mr STRANGWAYS seconded. The COMMISSIONER OF PUBLIC WORKS said if the hon member for the Start had been in his place at the commencement of the proceedings of the day he would have known that the course which he had advised the Government to take was the very course which they had taken, unfortunately, without having the advantage of consulting with the hon member. He alluded to the introduction of the Strathalbyn and Goolwa Tramway Bill. (A laugh)

Mr STRANGWAYS suggested the propriety of the Attorney-General reconsidering the Census Bill

The motion was then put and lost. A division being called for, the votes were as follows

Affs, 8—Messrs Barrow, Cole, Duffield, Mildred, Strangways, Townsend, Wark, and Reynolds (teller)

Noes, 9—The Commissioner of Crown Lands, the Treasurer, Messrs Hawker, Hallett, Macdermott, McEillister, Milne, Rogers, and the Commissioner of Public Works (teller)

The House adjourned at ten minutes to 2 o'clock till 1 o'clock on the following Tuesday

LEGISLATIVE COUNCIL

TUESDAY, MAY 10

The PRESIDENT took the Chair at 2 o'clock

REPLY TO THE GOVERNOR'S ADDRESS

The PRESIDENT announced that on the preceding Wednesday, he had presented to His Excellency the Governor the reply adopted by the Council to His Excellency's address

upon the opening of Parliament, and that His Excellency had been pleased to receive the same

THE HON JOHN BAKER

The PRESIDENT announced that he had received a letter from the Hon John Baker, intimating that on the 2nd March he presented to Her Majesty the address adopted by the Council, upon the marriage of Her Royal Highness the Princess Royal

THE RIVER MURRAY

The Hon H AYERS presented a petition from 98 inhabitants of Bremer and Alexandrina, praying that steps might be taken for the improvement of the sea mouth of the River Murray, and deepening the channel of the river, as recommended by Mr Goyde

THE WATERWORKS

The Hon Capt BAGOT asked the Chief Secretary if he could lay on the table of the House correspondence which had taken place with the Government relative to the Waterworks, subsequent to the report of the Chief Commissioner upon the works, including a letter addressed to the Chief Commissioner by the former Commissioner of Waterworks, in explanation of implied censure upon former Commissioners

The CHIEF SECRETARY saw no objection to the letters being made public, and would lay them on the table of the House

INDIAN RELIEF FUND

The CHIEF SECRETARY laid on the table of the House, by command of His Excellency, further despatches relative to the Indian Relief Fund

Ordered to be printed

THE RIVER MURRAY

The CHIEF SECRETARY laid on the table of the House a report of the Master of the Timby House, on the present state of the sea mouth of the River Murray, together with a chart shewing the alterations which had taken place during the last two years

OFFENCES OF A PUBLIC NATURE

The CHIEF SECRETARY moved for leave to introduce—"A Bill intitled an Act for consolidating the Statute Law in force in South Australia relating to indictable offences of a public nature." The object sought to be attained was to consolidate and amend the existing criminal Statutes. The Bill closely resembled a Bill introduced by the Lord Chancellor to the House of Lords in 1856, with such alterations as were necessary to adapt the measure to South Australia. When the Bill was in the hands of hon members, they would see the various dates from which the Statutes were compiled. At present the criminal law was compiled from multitudinous Statutes from the time of the Henrys and Edwards to the present date. Great difficulty was felt by those administering the law in searching out the Statutes applicable to the offences they had to deal with. If the Bill which he now asked leave to introduce were passed, Judges and Magistrates would be able to ascertain at once the nature and degree of punishment to be awarded to every indictable offence of which they had cognizance. The punishments prescribed by the Bill were the same as those which were prescribed by the English and other Statutes in force in this colony, but it would be for the Legislature to consider whether it was desirable to alter or modify these punishments. It was at the special desire of the Chief Justice that the Bills, of which he (the Chief Secretary) had given notice, were introduced, and the Chief Justice had devoted much attention to the subject. He moved that he have leave to introduce the Bill.

The Hon H AYERS seconded the motion, which was carried, and the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday.

The Hon S DAVENPORT hoped the Chief Secretary would cause copies of the Bills to be forwarded to honorable members as quickly as possible, as it was not probable the Council would meet until the following Tuesday—the very day proposed for the second reading of the Bill.

The CHIEF SECRETARY would take care that copies of the Bill were sent out that afternoon.

OFFENCES AGAINST THE PERSON

The CHIEF SECRETARY moved that he have leave to introduce "A Bill intitled an Act for consolidating the Statute Law in force in South Australia relating to indictable offences against the person."

The Hon H AYERS seconded the motion, which was carried, and the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday.

OFFENCES AGAINST PROPERTY

The CHIEF SECRETARY moved that he have leave to introduce "A Bill intitled an Act for consolidating the Statute Law in force in South Australia relating to indictable offences against property by larceny and other offences connected therewith."

The Hon A FORSIER seconded the motion, which was carried, and the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday.

The Council adjourned at half past 2 o'clock till 2 o'clock on the following Tuesday.

HOUSE OF ASSEMBLY

TUESDAY, MAY 10

The SPEAKER took the Chair at three minutes after 1 o'clock

TELEGRAPH TO VICTORIA

The COMMISSIONER OF PUBLIC WORKS said that in accordance with a promise made to the hon member for Encounter Bay, he had communicated with the Superintendent of Telegraphs, who had informed him that, for the purpose of facilitating the transmission of important items of English news to Victoria, he had made arrangements to exchange signals with the various stations at 10 p. m., midnight, and 3 o'clock a. m., and that messages for transmission would be received at the Adelaide station during any hour of the night.

MOUNT GAMBIER

The COMMISSIONER OF PUBLIC WORKS laid upon the table of the House preliminary report relative to a Tramway to Mount Gambier, together with the views of the Chief Engineer thereon, plan, &c.

Ordered to be printed

GAWLER

Mr DUFFIELD asked the Commissioner of Public Works whether he had any intention of altering the time of departure of the trains between Adelaide and Gawler, as although there were at present three trains, it was impossible, from the time of their departure, to receive an answer to a letter sent to Adelaide from Gawler upon the same day on which it was written.

The COMMISSIONER OF PUBLIC WORKS said the matter had been brought under the attention of the Government, but it was found that alteration in the time of departure of the mid-day train would be exceedingly inconvenient to passengers, who would be unable to go to Gawler and return on the same day, except at a very late hour. He would remind the hon member that there was a telegraph by which messages might be transmitted at a very moderate rate.

CORPORATION RETURNS

The ATTORNEY-GENERAL laid on the table various papers connected with the receipts and expenditure of the Corporations of Adelaide, Gawler Town, Port Adelaide, Glenelg, and Kensington and Norwood, which were ordered to be printed.

THE BELLS

Mr PLAKE asked if steps had been taken to put the bells of the House in proper order, as, on the preceding Friday, when a division took place, the refractory bells would not articulate, otherwise it was possible the division might have been different.

The SPEAKER said that steps had been taken to put the bells in order, but he would remind the hon member that it was the duty of the whipper-in of the Ministry or Opposition to see that hon members were in their places when a division was called for. It was not, however, necessary that all the bells should ring.

STRAHALBYN AND GOOLWA TRAMWAY

The COMMISSIONER OF PUBLIC WORKS stated that instructions had been given to prepare small plans of the proposed tramway, which would be placed on the table in a few days.

PUBLIC WORKS AND BUILDINGS

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return showing what public works and buildings had been undertaken upon the authority of the Supplementary Estimates, 1858, and Estimates for first half of 1859, and the present state of such works.

Ordered to be printed

THE CENSUS BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that its object was to ascertain the number of inhabitants in South Australia at a certain date in 1859. He did not think it was necessary for him to make any lengthened remarks, as hon members were aware that from time to time since the establishment of the colony measures had been taken to ascertain the number of inhabitants, and it was believed by the Government that the time had come when it was expedient to have another return. The Bill was framed in accordance with the precedents which had been established on former occasions, and which had been found to secure complete and satisfactory returns shewing the number of persons in the colony.

The TREASURER seconded the motion, which was carried and upon the motion of the ATTORNEY-GENERAL the House went into Committee upon the Bill.

The various clauses were agreed to after one or two trifling corrections had been made.

On the schedule being put from the chair,

Mr SHANNON considered the term "race" ambiguous, it had been found so on previous occasions, when some went so far back as to describe themselves of the race of Adam (Laughter)

The ATTORNEY-GENERAL would substitute the words "country where born"

The schedule, as thus amended, was agreed to

Mr STRANGWAYS asked the Attorney General whether the Bill was not defective inasmuch as it did not provide for taking the census in every portion of the colony upon the same day. Neither was it compulsory upon persons to fill in the schedules, although they were bound under penalty to answer questions.

The ATTORNEY GENERAL said the Bill had been framed with the object of securing the schedule being filled up, whilst the persons engaged in going round would see that it was done correctly. The schedule was to be filled up on a certain day, and on another day, which was fixed by proclamation, parties went round to see that this had been correctly done. If a false answer were given, the party giving it would be liable to the penalty imposed by the Act. Hitherto this had been found an abundantly sufficient check. At the same time, if any amendment were deemed essential, and one were proposed, he should be happy to consider it, but if not, he should move the adoption of the report.

Mr STRANGWAYS said that he had pointed out a defect in the Bill, and the Attorney-General had admitted the defect existed, but said there had been a similar defect in former Bills, and parties had not noticed it. The fact remained as he had stated, but he should move no amendment, the Bill being a Government measure, and it consequently being the duty of the Government to correct the defect.

The ATTORNEY-GENERAL said it was somewhat difficult to answer the hon member with that courtesy which the rules of the House required, when he asserted as a fact that which was directly the reverse. (Laughter) If the hon member wished to propose any amendment he should be happy to consider it.

Mr STRANGWAYS had most distinctly understood what fell from the Attorney General to be an admission that the defect which he had pointed out existed, but that, hitherto, no injury had been found to result from it.

The ATTORNEY-GENERAL would not have objected if the hon member had merely stated that, from what had fallen from him, he drew such and such an inference. That would have been altogether different from the statement which the hon member had made.

The consideration of the report was made an order of the day for the following day.

STRATHALBYN AND GOOLWA TRAMWAY

The COMMISSIONER OF PUBLIC WORKS moved—
“That he have leave to introduce ‘A Bill intituled an Act to authorize and provide for the construction of a Tramway to connect Strathalbyn with the seaboard by forming a junction with the Port Elliot and Goolwa Tramway, and to confer certain powers on the Commissioner of Railways.’”
He had had occasion to dwell upon the subject of the notice before, and he hoped that an opportunity would be given, not only to him, but to every hon member of the House, to speak upon the subject at a future time. The action of the Government in preparing the Bill which he asked leave to introduce had been in accordance with an address from that House on 24th September last, praying that steps might be taken to connect Strathalbyn with the seaboard. He had laid upon the table of the House the report of Mr Hargreaves and he also had laid upon the library table a large map of the country, and hoped soon to place a smaller map upon the table of that House. He now asked leave to introduce the Bill.

Mr BAGOT would not oppose the introduction of the Bill, though he felt strongly upon the subject. It would have been well if the House had been placed in possession of the entire address upon which this Bill was said to be founded as it appeared to him that the address referred to did not point to a tramway to the Goolwa, or any other particular place, but merely stated that it was desirable to connect Strathalbyn with the seaboard. He had taken the trouble to visit that part of the country, and was certainly astonished at the temerity of any engineer in attempting to run a railway from Strathalbyn to Goolwa, the country being deep and soft sand. It was true that engineers sometimes accomplished great and extraordinary works, but in this instance he certainly thought it desirable to look out for some other mode of connecting Strathalbyn with the seaboard. When in that neighborhood he went from Milang to Strathalbyn, and that appeared to him to be a good country and one through which a line of railway could be easily carried. He made these observations lest hereafter he should find it his duty to oppose the second reading of the Bill. He hoped the House, before arriving at any conclusion, would well consider which would be the best line, and that the Government, as they were bound to do, would afford every information upon the point.

Mr PEAKE could not pledge himself to vote for the second reading of the Bill, and if he were required to assign a reason, he would merely refer to the report of the Engineer, which was neither encouraging nor satisfactory. In that report it was stated that a line could be taken to Milang, which would effect a saving in the distance of seven miles. There was something very vague in the report as to the amount which would be required to be expended in the construction of a tramway from Strathalbyn to the Goolwa. It did not appear from the report that the proposed tramway would go through a good country, and

it was admitted that bridges would be required of some size. There was also another vague statement in reference to one part—“A crossing on piles can be managed here,” but it did not appear at what cost. The last part of the report made allusion to a survey hereafter to be made, but he had hoped that before the Bill was brought forward the surveys would all have been made. Then again, the report of Mr Hanson did not satisfy him that the Chief Engineer had any sanguine anticipation of the line to the Goolwa.

Mr ROGERS said there was a good deal of misapprehension in reference to this matter. He (Mr Rogers) did not oppose a road to Milang or Rankine's Ferry, but that he contended was not the outlet for that part of the country. As to the “scrub,” if hon members would only look at the map, they would find there was a dense scrub from Strathalbyn to Milang and Rankine's Ferry. Hon members might talk about the cheapness of construction, and no doubt it would be cheaper to construct a line to Milang than to Goolwa, but what he contended was, that the country was entitled to all the benefits which could be secured to it from its natural advantages. To take a line to the lakes as an outlet, would place the inhabitants of the Strathalbyn district in no better position than they were at the present time, in fact, if the agriculturists were compelled to go to the lakes with their produce, they would actually be in a worse position than at present. The freight and port charges would amount to a shilling per bushel. What the people contended for was, that they should not be bound to one market, and by proper communication being opened up with the seaboard, they would be enabled to put their produce in the Melbourne market for less than they could now put it into Port Adelaide. It was a level country from Strathalbyn to the seaboard, and it was the seaboard they should reach. He did not say that he should oppose a line of road to Milang, and he certainly thought that instead of a macadamised it should be an iron one. But they were now considering how to connect Strathalbyn with the sea. Some of the finest agricultural districts in the colony would be benefited by an outlet to the sea, and considering the vast sums which had been expended elsewhere, it was too bad that the sum of 60,000 should be begrudged for this work. He believed that a good deal of the opposition arose from a misapprehension on the part of those who were not conversant with the country, but in conclusion he would say that if justice were to be done to the agriculturists in that locality, the seaboard must be reached, for he defied any one to show how they would be benefited by going to the lakes, or how agriculture was to be carried on at all if they were subject to such disadvantages in getting their produce to market.

Dr WARK considered it a waste of time to discuss the merits of the question at the present stage—(hear hear)—but suggested that all possible information should be laid before the House previous to the second reading, when he should be decided in giving his vote by the plans and estimates. There was, however, one point which he would bring under notice. There was a vast country around Strathalbyn, and the last speaker said the traffic should be taken to the mouth of the Murray. But a great deal of this traffic went up the river—(hear, hear)—and the hon member would not surely say that railways were to be constructed through mountain ranges merely to bring traffic to the mouth of the river, in order that it might be taken up the river again. The hon member spoke as if no one knew the country but himself, but if he (Dr Wark) did not know it, he ought to. (Laughter) The country was very scrubby, but if the line marked out was the best, the House should not object to a reasonable outlay upon it. They should, however, ascertain whether there was any better outlet, a matter which a person merely travelling over the country could not decide upon.

Mr DUFFIELD thought the engineer who drew up the report had travelled beyond the record in enquiring which was the safest place of refuge for vessels in distress outside. If the engineer was only instructed to survey a line of railway from Strathalbyn to the Goolwa, he had exceeded his instructions, and he (Mr Duffield) could not help thinking that there must be some strong influence affecting the mind of a surveyor who departed so far from his ordinary duties. He hoped that by the time of the second reading the House would have fuller information.

Mr STRANGWAYS said that if no other member moved it he should move on the second reading that the Bill be referred to a Select Committee, though he was confident that the Committee would report in favor of the Bill. It was unnecessary to enter into the merits or demerits of the Bill at present, and he would not have risen but that other hon members had deviated from the ordinary rule. The motion passed last session fully justified the Government in introducing this Bill. The hon member for the Light was of opinion because he had driven from the Goolwa to Strathalbyn through a lot of sand hills that the country was not valuable and this would certainly be an argument if the Government or the surveyor had carried the line over precisely the same tract of country as the hon member had wandered over. The hon member for the Burra and Clare had taken care to extract everything in Mr Hargreaves's report which told against the Bill, whilst he omitted everything favorable to it. Thus, the report said, “that the line would

pass over a country generally favorable," and that its completion would be attended with "immediate benefit to the neighbourhood." The report also stated that Mr Hanson, the Engineer to the Railway Commission, entirely concurred in the propriety of taking the line to the Goolwa instead of Milang, though he added that this was not an engineering question properly—meaning, as he (Mr Strathalbyn) apprehended, that whichever line was selected no engineering difficulties would be encountered. The only question then was between the two termini and Mr Hanson was in favor of the Goolwa. All these passages the hon member for the Burra had carefully omitted.

Mr LINDSAY said that the Government was author sed last session to take steps for connecting Strathalbyn with the seaboard but there was nothing said about the Murray navigation. If they were to make a line to the Murray simply, they might go to Wellington or to the Thirty-Nine Sections, but what they had to do was to form a communication with the seaboard. Whether it might not at a future period be desirable to connect Strathalbyn with the Murray navigation by a shorter route was another question which when it came before the House, he would be prepared to judge on its merits. As to the surveyor having travelled beyond the record, he (Mr Lindsay) could not understand the charge. It was the surveyor's duty to find a line to connect Strathalbyn with the seaboard, and in order to do this it was necessary to find a suitable point for a terminus, otherwise the line might be taken into the middle of the Bight near Lacedpede Bay—(laughter)—or to any other impracticable point, so that, in considering where there was a suitable port was merely doing what was his imperative duty. As to the meagreness of the information it was desirable that the Government should furnish all the information in their power, and from the ability of the engineers, this should be a matter of no difficulty.

Mr BARROW supported the first reading, although when the second reading was proposed, his vote would depend upon the information laid before the House in the interval up to that time. In the speech of His Excellency it was stated that the Bill was to be introduced contingent upon certain information being procured, and being found satisfactory. His Excellency said, "with a view to enable the southern portion of the colony to share in the improved means of communication which are now enjoyed by those parts to the north of Adelaide, it is proposed to extend the Port Elliot and Goolwa Tramway to Strathalbyn should the amount of traffic prove to be sufficient to warrant the expenditure. The whole of the plans and details of the proposed work will be submitted to you and you will be invited to take evidence as to the probable amount of traffic, anticipating that the result of such evidence will be favorable to the proposed undertaking," and so forth. He (Mr Barrow) presumed that as in consequence of the rejection of the late motion of the Commissioner of Public Works, they could not have that information before the first reading of the Bill, they would have it previous to the second reading, and he hoped sufficient time would be allowed—(hear)—not only to obtain but to study the evidence so procured. The statement that the Government was instructed to connect Strathalbyn with the seaboard and not with the Murray had much force in it, as regarded the duty of the Government, but he presumed it was not too late to permit of the House modifying its instructions if sufficient cause were shown. It should be an open question as yet whether the tramway should go to the Murray or to the sea. He did not think the Government had done wrong in bringing in the present Bill, but it was not too late to take evidence in order that the tramway should be carried to the most advantageous point. He would not enter into any general discussion, but would support the first reading.

Mr SHANNON hoped the Government would lay some information before the House to show that tramways were superior to macadamized roads, a point which he thought there would be some difficulty in establishing. The speed of tramways was not sufficient for carrying passengers or mails so that if a tramway were constructed there must be a macadamized road also for expeditious traffic. (Laughter.) Another objection to tramways was the necessity of making a double line where the distance was considerable. Animal power could only attain a speed of three or four miles an hour, so that on a tramway of 25 or 30 miles it would take five or six hours to accomplish the journey, and as the vehicles could not pass each other on a single line, a double one would be necessary. One engine would do the work of 100 horses, as it would carry ten times the load and traverse ten times the distance which a horse could accomplish, and it was therefore a question whether it was cheaper to support one engine on bush or 100 horses on hay and oats. (A laugh.) The country south of Adelaide was entitled to a railway, considering the sums spent there on roads and bridges as compared with other parts of the colony, and he believed it would be very much better indeed that a railway should be constructed than a tramway.

The COMMISSIONER OF PUBLIC WORKS would say but a few words, as he judged from the remarks of hon members that the motion would be carried. It unfortunately happened in this colony, and would happen for a long time to come, that on any proposition for the construction of a railway being made there were always two lines projected, each

of which was advocated by a different set of people. The same course would be followed in the present as in previous instances of referring the matter to a Select Committee, for whilst the information very properly asked for could not be laid before the House at present as satisfactorily as might be desired, it could be procured by reference to a Committee. With respect to Mr Hargreaves that gentleman's instructions were to examine most carefully all the lines and termini which had been spoken of—namely, those from Strathalbyn to Milang to the Goolwa, to the head of the Lynnis, and even to Port Adelaide. Every one who knew Mr Hargreaves was aware that he was a most careful and efficient officer, and it was, therefore, hardly fair to charge him with travelling outside the record, because he had entered upon subjects which guided him in coming to a careful and anxiously considered conclusion. As to the questions of traffic, cost, and so forth, they would all come before the Select Committee. He was now only asking the House to comply with its own deliberately expressed conviction and he would take care that all possible information which the House could seek, and which he had never sought to conceal, should be laid before hon members previous to the second reading. Having recently visited the locality he in common with the hon member for Encounter Bay, had little doubt that the Bill would receive the approval of the Committee.

Leave was then granted to introduce the Bill and the Hon the COMMISSIONER OF PUBLIC WORKS intimated that it would be laid on the table on an early day.

DUTY OF RETURNING OFFICERS

Mr GLYDE asked the hon the Attorney-General whether, under the 30th clause of the new Electoral Act of 1853, a Returning Officer would be justified in refusing to receive any nomination letters which may be delivered to him before noon on the day of nomination. He asked this question because he was informed that a Returning Officer, on a recent occasion, would have thought it his duty to refuse any letter of nomination handed in after midnight of the night previous to the nomination. His view of duty he (Mr Glyde) believed was opposed to the popular opinion, and also to the intention of the Legislature.

The ATTORNEY-GENERAL replied that he differed to some extent from the hon member as to the intention of the Legislature in the Electoral Act. Under the former Act, letters of nomination might be delivered to the Returning Officer up to the moment of his going to nominate. The clause drew a distinction between what was to be done before, and what on the day of the nomination, and his (the Attorney-General's) opinion therefore, was that the Returning Officer would be justified in refusing any nomination papers handed to him after 12 o'clock of the night previous to the nomination.

SECTION PLANS OF RAILWAYS

Mr LINDSAY moved—

"That, in addition to the plans sections of the existing and of all proposed lines of railway (or tramway) within the province, drawn on a uniform scale, be laid upon the table of this House as soon as possible after the completion of the survey of each respective line."

His object was, that hon members might, without making any calculation as to gradients form a good opinion of the inclines, by looking at these sections. These sections would increase the expense of the maps very slightly, if at all. He (Mr Lindsay) had a far more accurate idea of the lines in England, Belgium, and the United States, than of even the existing lines of this colony, from having seen sections of the railways in the countries he had mentioned on a reduced and uniform scale. The plan he proposed would enable hon members to compare the lines of the colony, not only with each other, but also with those of other countries, and they could thus judge of the comparative cost of lines with similar gradients in this province.

Mr ROGERS seconded the motion.

The COMMISSIONER OF PUBLIC WORKS said it would be necessary by this resolution that sections of the existing lines should be made, and this would cost something like 4000, but if the House was of opinion that the resolution should be complied with, he had no objection to it.

The question was then put and negatived.

Mr LINDSAY called for a division, when there appeared—

AYES, 5—Messrs Hay, McEllister, Milne, Shannon, and Lindsay (teller).

NOES, 17. The Attorney-General, the Treasurer, the Commissioner of Crown Lands Messrs Barrow, Cole, Collinson, Glyde, Hallett, Hawker, McDermott, Mildred, Peake Reynolds, Rogers, Solomon, Wark, and the Commissioner of Public Works (teller).

TRESPASSING ON WASTE LANDS

Mr PLANK asked the Attorney-General if clause 3 of the Waste Lands Act of last session includes any act of simple trespass or whether the said clause is framed to punish acts of illegal occupation of the Waste Lands of the Crown only? He was informed that prosecutions under the Act of last session had been instituted against persons holding licences to cut timber on the waste lands in the neighborhood of the Burra, and that they had produced con-

siderable distress and loss to the persons proceeded against besides cutting off the supply of wood from the Burr Mine, that great inffatign existed in consequence, and that it was likely to be followed by further wrangling and trouble between the farmers and the squatters if it was found that the Act included simple trespass. If the occupants of runs, not satisfied with occupying their runs, set up claims to the timber upon them, there would speedily arise a feeling of ill-will which would be very disastrous and prejudicial to the country (Hear, hear.)

The ATTORNEY-GENERAL was not sure that this was a question which he should be asked to reply to, but he was always desirous to sit rather on the side of giving an opinion than of refusing it. (Hear, hear.) In his opinion the act was not intended, nor should it be applied to simple trespass, but he thought it did apply to what was not illegal occupation—as for instance to illegally cutting timber. The Act would not apply to mere trespass of cattle. The hon member subsequently states in reply to a further enquiry that he could not say whether a person holding a licence to cut timber could be proceeded against, unless he (the Attorney-General) saw the licence such person held.

SOLICITORS AS JUSTICES OF THE PEACE

Mr SIRANGWAYS asked the Attorney-General whether the Act of Imperial Parliament, which enacts that no Solicitor or Attorney should be a Justice of the Peace, is in force within this province? He referred to the 10th Geo II, c 13, which enacts that no person shall continue to be or shall be appointed a Justice of the Peace in England or Wales, whilst he followed the business of a solicitor or proctor. He inquired of the laws in force in England at the date of the foundation of this colony were also in force in the colony so far as they were applicable. The question would, therefore, substantially be whether the act was applicable to the colony, and whether any person could be a Justice of the Peace whilst practising as an attorney or proctor.

The ATTORNEY-GENERAL thought the provisions of the Act did not prevent an attorney or proctor being a Justice of the Peace. A person could not be a Justice of the Peace in England or Wales whilst he was practising as an attorney in South Australia, but he might be a Justice of the Peace in the colony.

SOUTH AUSTRALIAN TELEGRAPHS

Mr BARROW asked the Hon the Commissioner of Public Works—

"I. Whether this colony stands in any degree pledged to the Government of Victoria to connect the main land of the Province with Kangaroo Island by means of a submarine telegraphic cable.

"II. Whether apart from such obligation, it is the intention of this Government to extend telegraphic communication in the way described.

"III. Whether, in the event of a submarine cable not being laid down, it is the intention of Government to extend the overland telegraph from Willunga to Yankalilla, or some other point near to Nepem Bay, in order that the community may be instantly forewarned of the arrival of each mail from Europe."

The COMMISSIONER OF PUBLIC WORKS replied in reference to the first question, that the only reference to the subject was contained in a despatch from His Excellency the Governor to the Home Government, published in Council Paper 112, and dated May 7th, 1857, in which the advantages of such a telegraph, in the event of the mail steamers calling at Kangaroo Island, were pointed out. That document showed the whole extent to which the Government of the colony stood pledged to any other Government. The second question he would ask the hon member to allow stand over for the present. Upon the third, he (the Commissioner of Public Works), had communicated with the rival officer, in order to ascertain from how great a distance the mail steamer could be seen from any of the points referred to. He had not yet received a reply to this communication, and the decision of the Government would be in a great measure formed with reference to the answer which was expected.

LANDING MAILS AT GLENELG

Mr SIRANGWAYS asked the Attorney-General whether it is the intention of the Government to take any steps to land the mails at Glenelg. It was only on the previous day that the public had an instance of the advantage of doing so for had the H. W. Iah's mail been landed at Glenelg, it would have been in town by 7 o'clock. It would have been delivered early on the following day, and a large portion of it could have been sent up the country by the mid-day mails.

The ATTORNEY-GENERAL replied that some short time ago this subject was brought before the Government by means of a memorial, and the Government accordingly put themselves in communication with the proprietors of the steamer's trading between this port and Melbourne. Answers were received from the owners of the Admella and H. W. Iah, and these had been referred to the Postmaster General with the view of ascertaining what establishment would be necessary in case an arrangement were made. No decision had yet been come to, but the Government was prepared to make an arrangement, provided the cost was such as they would be justified in proposing to the House. A provision had,

however, been made that the Coro's mails should, when practicable, be landed at Glenelg.

Mr SIRANGWAYS asked whether the proprietors of the steamers had not offered to land and take in mails at Glenelg provided they were allowed to land and take in passengers.

The ATTORNEY-GENERAL replied in the negative. The proprietors of the steamers declined to enter into any positive arrangement to land the mails at Glenelg. They only said they would do so when practicable, the question to be decided by the captains of the vessels.

The House rose at a quarter to 3 o'clock.

WEDNESDAY, MAY 11

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

BOTANICAL &c, SOCIETY

Mr MILNE presented a petition from the officers of the Botanical South Australian Agricultural and Horticultural, Horticultural and Floricultural, and Philosophical Societies, (laughter)—for a building of glass, or some other material to be used for their shows, &c.

The SPEAKER remarked that the petition could only be received as the petition of the parties signing it.

STRATHALBYN AND GOOLWA TRAMWAY

The COMMISSIONER OF PUBLIC WORKS stated in reply to Mr Lumsay, that it was the intention of the Government to lay on the table of the House, plans and sections of both of the proposed lines from Strathalbyn to Goolwa.

THE ASSESSMENT ON STOCK BILL

The SPEAKER stated, in reply to Mr. Strangways, that it would be quite competent to move an address to His Excellency the Governor, praying that the opinion of the law officers of the Crown might be taken as to the power of the Government to compel payment of assessment on stock, under the Act passed last session.

THE INSOLVENT ACT

1 Mr HAY moved—

"That a return be laid on the table of the House of the names of all persons who have taken the benefit of the Insolvent Act No 14 of 1858, the amount of liabilities and assets in each estate, also, the amount of fees received under Schedules A and B, and all other fees (if any) received from each estate, stating the amount received under each Schedule separately, the amount paid to Accountant, and the net amount payable to creditors in each estate."

The hon member amended the motion by substituting for the words "taken the benefit" in the first part of the motion, the words "utilised themselves of the provisions," as this alteration would include parties who had taken the benefit of the arrangement clauses. His object in moving for the returns was to endeavor to obtain some knowledge as to the working of the new Insolvent Act. He had heard that the working of the Act was most expensive, and that the amount realized from insolvent estates was greatly reduced by fees payable to officers of the Court and other parties. He had always looked upon the Insolvent Act as a protection to a debtor against a creditor who was disposed to bear too hard upon him, but on the other hand it was most essential that insolvent estates should be wound up in the most economical manner. As an amended Act was about to be laid on the table of the House the return he asked for would greatly assist hon members. He wished the assets and liabilities alluded to in his motion to be as stated in the schedule when filed as other returns would shew what had actually been realized.

Mr TOWNSEND seconded the motion.

Mr. MILNE suggested that the returns should distinguish the amounts paid to petitioning debtors or creditors' counsel, to the messenger, to the trade assignees, solicitors, for the maintenance of the insolvent, for fees of Court, fees paid by insolvents petitioning themselves, contrasted with the amount collected in each estate, where such can be ascertained.

Mr SIRANGWAYS said that many of the returns asked for had been prepared up to the 30th September last, and suggested that they should be continued up to the first of the present month.

Mr HAY adopted the additions suggested by Mr. Milne.

The SPEAKER said there would be no opposition on the part of the Government to furnishing the returns. The Government were, in fact, anxious to afford all the information in their power.

The motion as amended was carried.

RAILWAY TO THE MURRAY

On the motion of Mr NEALES, the notice standing in his name was made a Order of the Day for Wednesday, June 1.

ASSESSMENT ON STOCK ACT

Mr HALLETT asked the question standing in his name— "That he will ask the Commissioner of Crown Lands and Immigration (Mr Dutton) if it is the intention of the Government during this session to introduce an amended Assessment on Stock Act, with the view to reduce the minimum assessment upon stock per square mile." The hon member stated he asked the question because pre-

viciously to the Bill passing the second reading in the Upper House a promise was made by the Chief Secretary that if the assessment were found unequal it should have the reconsideration of the Government. He had no hesitation in stating that it was oppressive—

The SPEAKER remanded the hon. member that he must not offer argument when asking a question.

The COMMISSIONER OF CROWN LANDS stated it was not the intention of the Government during the present session to introduce an amended Act.

BREAKWATER AT GLENELG

Mr HALLITT then brought forward the following notice—

"That he will ask the Hon. the Commissioner of Public Works (Mr. Blyth) if it is the intention of the Government during this session to take action upon Messrs. England and Coulthard's report in regard to the breakwater at Glenelg Jetty."

A quantity of material was on the spot, and it was important that the experiment should be tried either there or elsewhere.

The COMMISSIONER OF PUBLIC WORKS said it was not the intention of the Government to propose any item of expenditure upon the Glenelg Breakwater during the present session.

Mr REYNOLDS would like to know what the Government intended to do with the material.

The COMMISSIONER OF PUBLIC WORKS was not then prepared to answer the question, as some matters were going on in reference to the subject which had not yet been matured.

SUPERANNUATION FUND

Mr HALLITT brought forward the notice in his name—

"That he will ask the Hon. the Treasurer (Mr. Finnis) if it is the intention of the Government during this session to introduce an Act of Superannuation to provide for such officers upon the establishment who from age or other infirmity are not enabled to continue their duties."

The TREASURER stated that during the recess the Government had been fully alive to the importance of the subject, and had well considered it, but there was not at present any intention on their part to introduce during the session a Bill for that object.

LEAVE OF ABSENCE TO GOVERNMENT OFFICERS

The notice on this subject in the name of Mr REYNOLDS was postponed. That hon. member stated that he wished some returns to be on the table of the House before bringing the motion forward.

DELAY OF PUBLIC WORKS

A notice by Mr STRANGWAYS on this question, was postponed for a week, in consequence of some returns moved for, in connection with the subject, not yet being in the hands of hon. members.

TELEGRAPH TO NEPEAN BAY

The notice on this subject, in the name of Mr BAGOT, lapses, in consequence of the absence of that hon. member.

LEAVE OF ABSENCE TO GOVERNMENT OFFICERS

Mr RYLANDS moved the notice in his name—
"That a return be laid upon the table showing the names of those officers in the Government service who have obtained six weeks or less term of leave of absence during each of the years, 1853, 1854, 1855, 1856, 1857, and 1858."

With the leave of the House he added the following words—

"Also a return of those officers who have obtained 18 months' leave of absence since the date of the last return." A statement affording the information which he desired had been prepared up to a certain period, and although the practice of granting 18 months' leave of absence had been discontinued, it was necessary that the returns which he now asked for should be before the House before bringing forward another motion upon the subject standing in his name. It was well known to hon. members that the practice was still pursued of granting six weeks' leave of absence to Government officers, although it was not extended to clerks in the Post-office, Electric Telegraph office, and other departments of the public service. He found that the Collector of Customs had six weeks' leave of absence a short time since, although they were told last session, when called upon to vote a house for that officer, that the object was that he might always be found at home, that his duties were of that nature that he could be called upon at any moment, and Mr Newland, who had just returned from England after 18 months' leave of absence, had also had six weeks' leave. There was one point connected with this matter which had struck him, and that was that if parties connected with Government offices were entitled to obtain six weeks' leave of absence annually, it was quite clear that one-eighth of the whole staff must always be holiday-making, and therefore it would be for the House to consider whether it would not be possible to reduce the number.

Mr MILDRED seconded the motion.

Mr STRANGWAYS asked the Treasurer or the Attorney-General whether any records were kept of leave of absence.

The ATTORNEY GENERAL said that in no case was leave of absence granted without an official record being pre-

served in the office. He was glad that the return had been moved for because it would shew to how small an extent the privilege afforded by the Government had been availed of in the department over which he presided; he did not think either of the clerks had availed themselves of leave of absence during the whole period that he had held office. In many of the Government departments the permission was not used to the extent which probably many hon. members supposed, and there would be no objection whatever on the part of the Government to furnish the return.

The motion was carried.

KAPUNDA RAILWAY

Mr SHANNON postponed the notice in his name.

CAPTAIN FLINDERS

Upon the motion of Mr HALLITT, seconded by Mr LINDSAY, the House went into Committee for the consideration in Committee of an address to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of Five Hundred Pounds (500*l.*) to be placed on the Estimates for the purpose of presenting to Mrs. Annie Petrie, the daughter and only child of the late Captain Flinders, the original discoverer of this colony, as a testimonial of the respect preserved by the colonists to his memory on account of the eminent services rendered by him, and which ultimately led to its establishment.

Mr HALLITT remarked that no doubt it would be remembered during the first session of the Legislature that he introduced this question in the shape of an annuity, but there being no petition, the application was declared to be informal, and fell to the ground. In the second session, he presented a memorial or petition, and again brought the subject forward, when a number of arguments were brought forward against his proposition. One of these was that Mrs. Petrie was amply assisted by her husband, although he had stated at the time that he was not able to maintain her. Another argument was, that Captain Flinders had been amply remunerated by the British Government, although there was no evidence that the British Government had ever contributed sixpence. Another ground upon which the proposition was opposed, was for fear that other parties should present themselves, and claim similar testimonials as the descendants of parties who had conferred similar benefits upon the colony. The only case of the kind, however, which could occur would be in connection with Captain Barker, but he, so far as they knew, had no descendants, and the fact of his being a young officer, at the time he lost his life in exploring Encounter Bay, afforded evidence to some extent of his having no descendants, whilst, so far as his memory was concerned, a lasting monument already existed to his fame. Another argument which had on a former occasion been used against the proposition was, that Victoria and New South Wales having each contributed £100 annually Mrs. Petrie was already provided for, and there was no necessity for this colony to do anything. The House, however, having granted an annuity to Captain Sturt for his discoveries, he thought it would not be unworthy of the colony that Mrs. Petrie's name should also be attached to that pension list. As the matter had been mooted, he now looked to the self-respect and the honorable position of the colony as involved.

Mr HAY suggested that £500 was rather a large sum of money, but thought £250 might meet the purpose. He admitted that many who had arrived here in the early days of the colony and had spent their energies and perhaps sacrificed their lives in endeavouring to advance the interests of the colony, had derived but a very small pecuniary advantage and had not been able to leave anything to their families, but men who had come after them had reaped the fruits of their early labours. He would cheerfully support a vote of £250 to Captain Flinders's only descendant.

Mr BARROW felt it his duty to oppose both propositions (Hear, hear). He feared the House would be entering upon a questionable, if not a perilous course, in entertaining propositions of this description. He was not surprised, however, at the hon. member for Gumbracha, after the eloquent appeal he had made on behalf of Mr. Kidley, now advocating the cause of the daughter of Captain Flinders. With respect to the arguments which had been adduced by the hon. member for the Sturt, they did not seem to him to be such as would justify the House in adopting the motion which had been submitted to it. He understood the hon. member to say that he did not ask the vote on account of the poverty of Mrs. Petrie, although, had the hon. member put it upon that ground, he did not feel that the House would therefore be justified in acceding to it, but the hon. member had said that the honor and reputation of the colony were involved. The hon. member considered the honor and reputation of the colony involved, because the colonies of New South Wales and Victoria had seen fit to bestow annuities upon Mrs. Petrie. But if South Australia were bound to bestow annuities and gratuities upon any or every individual who had been favored in that way by New South Wales or Victoria, the best plan would be for the Government, first of all, to enter into correspondence with those governments for the purpose of ascertaining how many persons had been pensioned, or had been voted sums of money, in order that the extent of the obligations of this colony might be ascer-

tation (Laughter) Hon members would observe that the motion before the House did not ask for a grant of money for an individual who had conferred certain benefits upon the colony, but for a member of his family. Therefore, if the principle were recognized, it would be impossible to tell how many applications of a similar character might be made to the House, for though the number of parties who had conferred benefits upon the colony was known, it was impossible to tell the number of their relatives and descendants. He did not like to vote against a proposition which had originated in an honorable and good motive, but he felt if the House entertained such a proposal it would be difficult to say where they should draw the line, and he therefore hoped the hon mover would withdraw the motion rather than sustain the annoyance of defeat. He (Mr Barrow) was sure the House, looking at what might be the probable consequences, would not think of endorsing the proposition contained in the motion.

Mr McLELLISIER intimated he should oppose the motion, and suggested that if a testimonial were presented to Mrs Putne, it should be raised by private subscription. He would willingly contribute his share.

Mr REYNOLDS would like to hear what the Government had got to say in this matter, because it struck him that if the descendant of Captain Flinders were entitled to any testimonial, the Government should take action in the matter. If, however, he recollected rightly, the Government last session voted against any sum being granted for such a purpose. He (Mr Reynolds) had also some little fear that he and his colleague might be mixed up in bringing this motion forward. He must say that he did not agree with his hon colleague upon the subject of pensions and gratuities, in fact there was a great gulf between them. (A laugh.) If the House assented to this grant of £500, the probability was, that they would quickly have other parties claiming annuities or gratuities, as the descendants of parties who had assisted in the discovery of New Holland. He must, however, compliment the hon member for the Stut upon his pertinacity in this matter, never before had he known him so pertinacious upon any question, and he only hoped the hon member would show similar pertinacity and zeal in all questions affecting the public interest.

Mr LINDSAY regarded this case as quite an exceptional one, and not to be brought forward as a precedent. The facts were, simply, that Captain Flinders was an officer of considerable merit, who had rendered considerable service to parties of the present day, by making very accurate surveys, and he had been very badly treated by the Home Government. Other colonies had thought proper to present his descendants something, though not as a matter of right, but neither was that House asked to grant anything as a matter of right. A pension had been granted to Captain Stut, and he thought very properly, and the gratuity now asked for might also, he thought, be very properly granted.

Mr HALLIDAY with the permission of the House, withdrew the motion.

NEW BILLS

Mr STRANGWAYS asked the Attorney-General when he would be prepared to lay upon the table of the House the various measures alluded to in the Governor's speech. Various measures had recently been laid before the Upper House, in connection with an alteration in the criminal law, but they had not yet been laid before the Assembly. He also wished to know whether the Government proposed introducing any other measures than those alluded to in the Governor's speech, because, during the previous session, a great number of Bills were introduced to which no allusion was made in His Excellency's speech upon the opening of that session.

The ATTORNEY-GENERAL said if the House gave him leave to introduce the Bill, of which he had given notice, he should be prepared to place it on the table on the following day, and the other Bills, alluded to in the Governor's speech, as soon as they were in a state which would justify the Government in doing so. Whether any other measures than those alluded to in the Governor's speech, were introduced, would depend upon whether it appeared that the interests of the country demanded there should be other legislation. (A laugh.) It was thought that the interests of the country demanded that other measures should be introduced they would be, but if not, no other measures would be introduced than those alluded to by His Excellency.

PORT ELLIOT

The COMMISSIONER OF PUBLIC WORKS laid upon the table of the House, a report upon the best line of road from Noarlunga to Port Elliot.

THE REAL PROPERTY ACT

Mr LINDSAY asked the Commissioner of Crown Lands why the 113th clause of the Real Property Act, which provided that maps should be deposited at the Registrar's Office, had not been carried out.

Mr STRANGWAYS said he had a contingent notice of motion as to the probable cost of supplying these maps.

The COMMISSIONER OF CROWN LANDS said the 113th clause of the Real Property Act had not been complied with, in consequence of there not being either at the office of the Registrar-General, or the Supreme Court, accommodation for the custody of valuable maps, but when the new building was completed, the clause would be complied with.

The maps supplied to the Registrar General would probably cost 200*l* a year, the salary of one additional draughtsman.

ADJOURNMENT

Mr MILNE having remarked that the business for succeeding days was light, a discussion ensued, and it was ultimately determined to adjourn till the following Friday.

The House adjourned at a quarter-past 2 o'clock, till 1 o'clock on the following Friday.

FRIDAY, MAY 13

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

HINDMARSH VALLEY

The COMMISSIONER OF CROWN LANDS stated, in reply to Mr Strangways, that a Bill would shortly be introduced for settling disputes in reference to roads, &c, in Hindmarsh Valley. The Bill would meet cases where two grants had been issued by the Crown for the same land.

PLANS FOR PUBLIC BUILDINGS

Mr REYNOLDS moved—

That in the opinion of this House, no vote involving an expenditure of 500*l* or more for any public building or work should be agreed to, unless working plans specifications and estimates have been previously prepared for the information of the House.

It was well known to many hon members that last session he brought forward a similar motion, but some objection was taken to its form, and he then modified it as he thought to meet the opinions of the House. It was most desirable that plans should be laid upon the table, in order that it might be seen what deviations were made from the original plans. He was aware that some expense would be involved in the adoption of his proposition, and as the Colonial Architect's Office was overburdened with work, probably it would be thought too serious a tax. Several hon members thought it sufficient that the plans should be upon the library table, but he preferred it that they should be upon the table of the House, in order that any member might be afforded an opportunity of ascertaining what deviations were made. If working plans and estimates were prepared, the various works could be proceeded with the moment that the money was voted. Notwithstanding the assurance of the Government last session that action should be taken the moment the money was voted, they had not shown that diligence in the prosecution of public works which the House had a right to expect. He would take the sense of the House upon the point, whether it was not high time that when sums of money were voted for particular works, those works should be at once proceeded with for the purpose of giving employment to the working classes. He found by a report in the public papers, that a short time since, a deputation from the working classes waited upon the Commissioner of Public Works, who informed the deputation that so anxious had he been to push forward public works, that upon his own responsibility he had secured the services of two additional draughtsmen. Now, if so, the work in the hon gentleman's department must have been sadly in arrear, or, probably, the hon gentleman had been having plans and estimates prepared of the works for which he was about to ask the sanction of the House. If so, he gave the hon gentleman credit for unwonted diligence in this matter.

Mr STRANGWAYS seconded the motion.

The COMMISSIONER OF PUBLIC WORKS, in the few remarks which he had to offer, would avoid replying to the remarks of the mover in reference to the conduct of public works, because that was a subject which would be debated on a future day, and he would then have to repeat his remarks. Not wishing to take up the time of the House, he would avoid any allusion to that subject. He would say at once that the Government had no objection to the motion, but there was a contingency—the means must be placed at the disposal of the Government to enable them to comply with the motion. If the Government were expected to make bricks they must be supplied with the necessary straw. The Government could not be expected to comply with the request conveyed in the motion unless they were supplied with a sufficient number of draughtsmen in the Colonial Architect's Office. He would readily comply with the resolution, but at the same time, if it were carried, he should feel bound to state to the House what staff he considered essential. There was another matter to which he would allude, and that was, that he thought it most undesirable that that House should be turned into a building committee. As one of the trustees of the Savings Bank, he had latterly attended meetings at that institution for the purpose of considering the specifications for a new building, and the differences of opinion as to the most suitable plan amongst unprofessional men occupied considerable time, led to endless discussion, and there was great difficulty in arriving at an unanimous conclusion, in fact, at the last meeting, which he had been unable to attend, he was informed that no decision was arrived at. He should be sorry to see such a course adopted in that House—every member taking up a specification, and discussing the particular timber of which such and such a work should be constructed, whether it should be varnished

or painted, and whether the fittings should be of cedar or deal. During the last session no conclusion was arrived at upon the point, but the Government stated to the House they were perfectly willing to lay upon the library table the plans of any work the cost of which would exceed £1,000. Several plans and estimates had that morning been laid upon the table. Further than this he did not think it desirable to go, but if the House wished the resolution to be acted upon, and were willing to pay the cost involved, the Government would make no objection, but he repeated that it was unreasonable to ask the Government to make bricks without laying them the necessary straw.

Mr. MIDDEL, in supporting the motion, expressed regret that the Commissioner of Public Works should have used such lame arguments against it. It would be in the recollection of the House that the votes for several works last session were wholly suppressed, in consequence of the wish of the House, there being no plans and estimates before it. He might refer to the Court house at Port Adelaide, the telegraph, police barracks, &c. The money for these works might have been voted, but that the pledge given to the House of placing plans and estimates before it had not been carried out. Placing plans upon the library table he regarded as a mere subterfuge, as such a course could never give the information to honourable members which they had a right to expect. If the course proposed by the resolution under discussion were carried out, it was not probable that much time would be occupied in the discussion of the plans, as the very fact of plans and estimates having been prepared, would be a guarantee to the House that the probable cost of the work had received careful consideration. If there were so much difficulty in getting plans and estimates from the Colonial Architect's Office, he would strongly urge the expediency of tenders being called for them, satisfied that in nine cases out of ten more suitable plans and more graceful buildings would be secured by that course than by any other.

Mr. STRANGWAYS supported the motion, and cited the new goods shed at the Railway Station as a strong argument in its favor. The House last session voted 7,000*l* for that work, upon the understanding that it should be placed in a certain position, but not only had the site been altered, but the general plan of the work had been altered also, and it was possible that in consequence of this alteration the House would be called upon to vote a very large additional sum for the purpose of completing the building. The cost of haulage would be greatly increased by the alteration in the site. When the money was voted it was stated that the building was to be in accordance with certain plans, but it would be for the House to consider whether the money had been properly expended when there had been a departure from the plans upon which the money was actually voted. He apprehended it would be admitted that the Government had no authority to alter the plans which had been approved by the House. What they wanted when asked to vote a sum for a certain purpose was to see that there was a probability of the building being erected for the vote, and that the design was suitable for the purposes for which the building was required. The expense was a bugbear raised by the Commissioner of Public Works and was usually brought forward when any sections of railways were applied for. He believed that if the system were adopted here which was adopted by the Board of Ordnance at home, namely, a system of photography, for multiplying maps and plans, all which had accumulated could be done for 500*l*, and the cost of each succeeding year would not exceed from 100*l* to 150*l*.

Mr. HAY scarcely knew what the hon. member for Sturt meant by pressing his motion, and at the same time alleging that plans and specifications for public buildings should be advertised for.

Mr. REYNOLDS rose to order. He had not said that plans and specifications should be advertised for.

Mr. HAY said then it was the hon. member for Noarlunga who had said so, and he fully approved of the plan, believing that to advertise for plans and specifications would be the best plan that could be adopted. He thought it would be far better to abolish the system of the plans of all buildings being prepared by the Colonial Architect. Let the Government state what buildings were required, and when the money had been voted for them, let plans and specifications be advertised for, but he thought it a very wrong principle that plans and specifications should be advertised for before it had been determined that the buildings should actually be erected. Plans and specifications having been prepared, the Executive could then choose those which they considered best suited. He observed that in hon. member of the Legislative Council had given notice of a similar motion (the Speaker said the hon. member was out of order in alluding to the proceedings of the other House.) He did not see that any good could result from placing plans and specifications on the table of the library, but the course which he would suggest was, that after the vote had been taken, plans and specifications should be invited.

Mr. BAGOT hoped the hon. member for the Sturt would withdraw the motion, feeling convinced that no good could ever come from binding the House by a general resolution of such a character. A strong argument against it might be used from the very fact that the hon. member for Encounter Bay was not aware till informed by the Speaker, that plans

and specifications of the goods shed at the Railway Station had actually been placed upon the table of the House last session. If plans and specifications were to be laid upon the table of the House for the purpose of binding the Executive, it was quite clear there could be no alteration from those plans but it might be necessary when the House is not sitting that alterations should be effected and the Executive would be cramped if they were to be bound to make no alterations without the sanction of that House. The Executive should be allowed some latitude. He had always objected to the Government carrying out public works further than was actually necessary, he had always objected to their carrying out railways. He agreed with the hon. member for Gumeracha, that tenders should be invited after the money had been voted, but as no good could result from binding the House by a resolution of this kind, he hoped it would be withdrawn.

Mr. MACDEBRYOTT felt compelled to vote against the motion and if the same time to express an opinion that the House ought not to assume the functions of an Executive Government. A great number of plans and estimates had reference to police barracks and court houses in distant places and if such trifling matters were to occupy the attention of the House, they would have enough to do. If he remembered rightly it was the hon. member for the Sturt who was last session instrumental in reducing the staff of the Colonial Architect's Department, and thus prevented many plans from being prepared which otherwise would have been. If any fault were to be found with the Commissioner of Public Works he thought it was that he had not taken the responsibility of increasing the staff of that department when it was the general wish that public works should be carried out. He agreed that, in connection with works of great importance, it was quite right that proper plans should be laid before the House.

Mr. BARKOW should feel inclined to vote for the proposition if pressed to a division. He did not know whether the hon. member would take the advice of the hon. members for Gumeracha and Light, but if not, he should prefer voting for to voting against the motion, the more so as the House had already heard from the only member of the Government who had spoken on the subject that there would be no objection on the part of the Government, provided the means were placed at their disposal to give effect to the wish of the House. Of course, the House could not refuse the means which were really necessary—their—and, therefore, he saw no difficulty there. He thought too much had been made of the enormous amount of work which would be entailed upon hon. members if the resolution before the House were carried out. Balance-sheets of Building Societies and other institutions were laid upon the table of the House, and might be examined by hon. members if they pleased, but he generally found that hon. members contented themselves by passing them as they were without discussion, or as the hon. member for the Sturt would say *sub silentio*. If plans of court-houses, police barracks &c. were laid before the House, he questioned whether hon. members would feel disposed to go into them quite so minutely as the Commissioner of Public Works appeared to apprehend. Besides, it would be observed that a minute class of works was not contemplated by the resolution, which would only have effect when the works contemplated were estimated to cost 500*l* or more. The whole question in his judgment was one of expense. Would it entail a large expenditure of money? If so, that was a sufficient reason to vote against it. The Commissioner of Public Works had not said that any great expense would be involved but that if it were the wish of the House that the resolution should be complied with the Government would offer no objection. Under such circumstances he thought he must support the motion, unless the hon. member were prepared to adopt the suggestion of the hon. members for Gumeracha and Light.

Mr. TOWNSEND should support the motion. The question which the House wanted to decide in connection with public works, was not whether certain portions should be painted or varnished, but whether they could conscientiously vote the sums asked for. To determine this, it was absolutely necessary that the House should have plans and estimates before it. Last session hon. members would remember the sum of 7,000*l* was voted for a new goods shed, the site being then stated as opposite North-terrace, but he now found that the building was being erected in a hole at the back of the railway, and he had been informed that the contract, instead of being limited to 7,000*l*, exceeded 13,000*l*. Persons who had the contract for cartage would have to go up two hills to come up from the railway. He felt that plans and estimates should be before the House, not because the House should be a building committee, but that the House upon seeing the plans should consider what amount of money it could spare, and if necessary, that the works should be immediately set about. If this plan had been adopted last session he believed that the 37,000*l* which had been voted but which still remained unexpended, would have been devoted to the purposes for which it was intended, and that the whole of those works would be in course of completion.

Mr. DUFFIELD, like some other hon. members, hoped that the hon. member for the Sturt would withdraw the motion, otherwise he should vote against

it. All that he could gather from the resolution and the discussion which had taken place upon it was, that if they passed the resolution, they would stultify themselves and tie their own hands. Under existing circumstances it was optional with the House when any money for particular works was asked for by the Ministry to refuse to grant it, until plans and estimates had been prepared. He believed that the preparation of plans was a very expensive operation, and it appeared to him quite sufficient that it was competent for the House to deal with every case upon its merits.

Mr PEAKE had no desire to see that House converted into a building committee, but he had a very great wish that its well designed plans and carefully prepared estimates of buildings should be laid upon the table of the House when money for the erection of such buildings was asked for. He believed that such a course would have a most beneficial effect, not only causing greater care in the preparation of the plans and estimates, but expediting the carrying out of them. He believed it would be great economy in the long run, even though two extra draughtsmen were employed in the preparation of such plans. If he wanted proof of the position which he had just laid down he need merely refer to the melancholy report of the Chief Commissioner of Waterworks. He had read that report with great regret, for it pointed to the burial place of 15,000*l* of the public money in excess of the vote of that House and as appeared by the report there had been an unauthorised expenditure by the Commissioner of Public Works of 6,300*l*. He found too, that extensive deviations from the original plans had been made, and that an enormous excess in expenditure had taken place in consequence of the badness of design and construction of the River Weir. The sad report to which he had alluded induced him to support the motion that plans and specifications should be laid before the House before a grant of money for public works was assented to. The Chief Commissioner of Waterworks it appeared, had actually been in office a considerable time before he could find any record of these deviations and excesses authorized by the Public Works Department. He would prefer that the sum of 500*l* should not be mentioned at all, but that the House would order, in general terms, that plans and specifications of all public works should be laid upon the table of that House before votes for such works were assented to. He felt satisfied that such a plan would prevent the gross waste of public money which there could be no doubt had taken place. The aggregate amount was difficult to imagine, when he had shown that upon one public work there had been so great an excess and that money had apparently been squandered in so reckless a manner. How could that House keep any check upon expenditure if, though only 13,750*l* were voted for a work, the actual cost proved to be something like 22,000*l*, the difference being expended without the sanction or authority of that House.

Mr ROGERS felt rather disposed to support the motion, but feared at the same time that if it were carried it might prevent the General Estimates being passed, as plans and specifications for many of the works provided for upon those Estimates could not, he apprehended, be prepared in sufficient time. If the hon. mover were disposed to alter the motion that it should take effect from and after the present session and would alter the amount from 500*l* to 1,000*l* he should be rither disposed to support the motion. He could not, however, support the motion as it stood, as it frequently happened that repairs were necessary during the recess, and if this motion were passed the hands of the Executive would be completely tied. He did not see how it would be possible to dispense with the office of the Colonial Architect.

Mr LINDSAY remarked that if the Government first went to the expense of preparing plans and estimates the House might reduce by a half the amount asked for the completion of the works and then as a matter of course, fresh plans would have to be prepared so that there would be an outlay for preparing two sets of plans. He should support the motion, however, believing that as a general principle the plan proposed was a correct one.

The ATTORNEY GENERAL would feel it his duty as a member of the House to vote against the motion, because he believed it would involve an undesirable and injudicious expenditure. The idea that before the House discussed the propriety of devoting money to a particular purpose they should have plans and estimates before them, appeared to him to be a very foolish one, but if the House agreed to the motion, as a member of the Government he should not object to it. It was for the House as the guardians of the public purse to say in what way the money should be spent, and as one of the representatives of the people he felt it his duty to guard against any needless expenditure of money but as a member of the Government he should raise no objection to carrying out the resolution, if the House thought it desirable. He should have contented himself by saying that much, had it not been for the strong attack made upon the Government by the hon. member for the Bura, with regard to injudicious and unauthorised expenditure at the Waterworks. He was glad that attack had been made, because it would afford the hon. member for the Sturt who was Commissioner of Public Works at the time that expenditure took place, an opportunity of defending himself from attack, and he was sure the hon. mem-

ber would be able to show that his conduct had been such as to place him above every imputation of blame. (A laugh.)

Mr REYNOLDS said the Attorney-General had raised the point that he (Mr Reynolds) was bound to defend himself but he would ask, was he a member of the Government? It was only the other day the House had heard from the Attorney-General that the whole of the Government were responsible for the acts of one member. What then did the hon. the Attorney-General want? Did he want him (Mr Reynolds) to defend him? (Laughter.) He had always thought the Attorney-General a grant in intellect who wanted no one to defend him, but was capable of defending himself against a host. Let him then defend himself. He was not at that time going into the question of the Waterworks, but was perfectly prepared to defend any act of his, if indeed any required defending. The great objection to the motion appeared to be the great expense, but he would draw the attention of the House to the fact that he did not ask the plans to be laid upon the table of the House, all that he asked was that they should be prepared. At present the Colonial Architect made a calculation of the cost of a work, but how did he do it? Did he jump at it and inform the Commissioner of Public Works that a certain sum would be required? If he made specifications to enable him to judge of the cost of the work, why should not the House have them? Why should the House not have before it the data upon which the Colonial Architect said that a certain sum was required? What additional expense, for instance, was there in laying plans upon the table of the Library? It would be much better that the House should waste the money which the preparation of certain plans would cost, than that they should erect buildings eyesores to any one who knew anything of architecture. Better throw away money in plans than erect buildings which were a disgrace to the colony. The hon. member for Mount Barker did not like to vote against the motion, but wanted him to trim a little and let this session pass quietly over without enforcing the motion, but he would remind that hon. member that he (Mr Reynolds) had brought forward the motion last session, but that it had slipped through after the Government had promised they would carry out the spirit of the resolution. Had they done so? The hon. member for Barossa said that the House could deal with each item as it was brought before them, but the Government perfectly well knew how to work the oracle. (Laughter.) One hon. member wanted a railway to Strathalbyn, another a railway to Kapunda and so on so that in the hope of getting their wants supplied, the Government generally found they had a sufficient number of supporters to carry their projects. The Commissioner of Public Works had assured the House that the Government would have no objection to assent to the motion but the Attorney-General said that the Government had a very serious objection and it appeared to him that the Commissioner of Public Works had answered without consulting his chief.

The ATTORNEY GENERAL rose to order. What he had stated was, that as a member of the Government he had no objection, but the hon. member for the Sturt, quite unintentionally no doubt, had attributed to him directly the reverse.

Mr REYNOLDS begged pardon. It appeared the hon. the Attorney-General divided himself into two parts, but how would he vote? Why against the motion? The Commissioner of Public Works should have consulted his chief before answering. The result of not doing so was, that the Government were at issue, and the peace of the happy family was disturbed. (Laughter.) He was anxious to see how the Government would vote, and should certainly not withdraw the motion, having by a sort of legalism, been done out of it last session. He could not understand the hon. member for the Light standing up and apologising for the Government, unless, indeed, he were their standing counsel, or expected the railway was to be carried to Kapunda. (A laugh.)

The SPEAKER stated, in reply to a question from Mr Hawker, that he had no control over plans merely placed on the Library table.

The motion was then put and carried.

MESSRS BLYTH BROTHERS

Mr REYNOLDS brought forward the motion in his name—

“That a return be laid on the table of the House showing what amount of goods (if any) have been supplied by the firm of Blyth Brothers to the Central Road Board and other Boards or works under the charge of the present Hon. Commissioner of Public Works, from the 9th June, 1853 to the present time, also, showing by whom the accounts for such goods have been certified or approved.”

The hon. member obtained permission from the House to amend the latter part by inserting the words ‘whether such goods were supplied under contract or private purchase’ if by private purchase, by whom ordered.” He thought that any gentleman holding the position of Commissioner of Public Works ought not to have anything to do with any contract, or any work or supplies for any Government department. When the hon. gentleman had guarded so zealously the interests of the country by regulations for the guidance of the Harbour Trust, the Central Road Board, the Waterworks, and the Railway, precluding

Commissioners and members of Boards from being parties to any contract or having any beneficial interest in any work undertaken by these Boards, it would be a very grave matter indeed if it were found that the Commissioner himself was interested in works under his charge. He did not say it was so, but he was in the habit of seeing the news papers, and he would say thus, that if the Commissioner of Public Works were innocent of the charge he should be relieved from it, and if he were guilty he should be punished. It was only right, indeed, that the Commissioner of Public Works should be afforded an opportunity of showing whether he had any interest in any such contracts or supplies—whether he had been in the habit of supplying picks and shovels and so on, to any department. He had put the motion in an unmistakable form, because he regarded it as a very serious matter. Since he had been a member of this House he had never had any interest in any contract of the kind he had alluded to, and looked with great suspicion upon any member who had, more particularly if he were a member of the Government.

Mr. STRANGWAYS seconded the motion.

The COMMISSIONER OF PUBLIC WORKS had only two remarks to make. First, as a member of the Government, he would say that the Government could have no possible objection to furnish the return, and secondly, as a member of this House and of the community, he had not the least possible objection to the fullest enquiry into the matter.

The motion was carried.

SIRATHALBYN

Mr. BARROW in the absence of Mr. Dunn moved—
“That the memorial of the inhabitants of the districts of Strathalbyn, Bremer, &c. &c. be printed.”
The hon. member stated that when the petition was in the hands of hon. members it was intended to take action upon it.

Dr. WARK seconded the motion, which was carried.

AUBURN AND UPPER WAKEFIELD

Mr. PEAKE moved—
“That the petition of the inhabitants of Auburn and Upper Wakefield be printed.”
The hon. member added that he intended to take action upon the petition.

Mr. MILDRED seconded the motion, which was carried.

DUTY ON LUCERN &c

Mr. MILNE postponed the question in his name till Mr. Barrow's motion in connection with the revenue had been discussed.

WASTE LANDS RANGERS

Mr. PEAKE moved—
“That copies of all instructions or letters issued from the Crown Lands Office to the Waste Lands Rangers since the passing of the Waste Lands Act, No 13 of 1858, be laid on the table of the House.”
The hon. member stated that from information he had received from the North it appeared considerable distress had been caused amongst the woodcutters and tenants from action which had been taken under the Waste Lands Act, it was important the House should be in possession of the information which he asked for.

Mr. TOWNSEND seconded the motion, which was carried, and the Commissioner of Crown Lands undertook to lay the requisite information on the table of the House.

RUNS OF THE COLONY

Mr. HAWKER moved—
“That the map showing the runs as classified by the Surveyor General, be laid on the table of the House.”
The hon. member said he believed the Commissioner of Crown Lands was quite ready to produce the map which he was desirous should be produced for the general information of members, when he believed, it would be found that since the classification, neither the spirit nor the letter of the Act of Assessment had been complied with.

Mr. STRANGWAYS seconded the motion.

Mr. PEAKE suggested that the present lessees of the runs should be named upon the map.

Mr. HAWKER had not the least objection, but questioned whether they were aware at the Survey Office who were the present lessees.

The COMMISSIONER OF CROWN LANDS had already given instructions for a copy of the map but the original must remain in the Survey Office. He expected the copy would be ready early in the ensuing week, and suggested that the names of the lessees should be forwarded in a separate form. Leases were transferred from hand to hand, so that in all cases the present holders were not known.

The motion was carried.

EMOLUMENTS OF GOVERNMENT OFFICERS

Mr. MILDRED moved—
“That a return be laid on the table of the House showing if any and what emoluments have been received by the Hon. the Surveyor-General and the Engineer to the South Australian Railways, beyond their usual salaries, during the years 1855, 1857, and 1858.”
The hon. member remarked that he had heard reports to the

effect that gentlemen holding high Government appointments, were paid most extravagantly for their time when required to do anything not exactly in their ordinary routine, particularly the parties named in his motion, and he was desirous of knowing whether the funds of the country were so frittered away.

Mr. PEAKE seconded the motion which was carried.

TRANSMISSION OF MAILS

Mr. BAGOT put the question of which he had given notice—
“That he will ask the Hon. the Commissioner of Public Works (Mr. Blyth) whether any steps have been taken to facilitate the transmission of mails from the Semaphore Jetty, by having a steam carriage in waiting, and a conveyance ready at the beach at the time of the arrival of the steamer with such mails.”

The COMMISSIONER OF PUBLIC WORKS said his attention had been called to the whole subject, but, the Semaphore Jetty not being completed, no arrangements had been made. With regard to having a steam carriage in waiting, in consequence of the arrival of two fresh engines it was intended to increase the number of trains to the Port, which would in future run every hour.

COUNCIL PAPER NO 16

Mr. LINDSAY withdrew the motion in his name relative to Council Paper No 16.

ROAD TO PORT ELLIOT

Mr. LINDSAY moved—

“That a return be laid upon the table of this House showing the amount of money expended upon the road between Port Elliot and the Cut Hill, distinguishing between the amount expended in the purchase of land and that expended upon the construction of the road.”

Mr. BARROW seconded the motion, which was carried.

LEAVE OF ABSENCE TO GOVERNMENT OFFICERS

Mr. REYNOLDS postponed the motion standing in his name.

TELEGRAPH TO NEPEAN BAY

Mr. BAGOT moved—

“That this House will on Tuesday, the 7th June, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, requesting a sum to be placed on the Estimates for the extension of the telegraph to Nepean Bay.”

As the matter could be discussed better in Committee, he should not make many remarks, but it appeared very important to extend the telegraph to Nepean Bay, in order amongst other reasons to bind the other colonies more closely to this province, considering that the population was small as compared with that of Victoria and New South Wales. If this were not done, this colony would very likely be left in the lurch again, and the mails would cease to be landed on its shores. A gentleman who had just come out from England, informed him (Mr. Bagot) that the Peninsular and Oriental Company had intimated to him that though it was not a part of the contract that a telegraph should be laid down to Nepean Bay, still it was considered a part of the compact that such a line should be established.

Mr. HAWKER seconded the motion, though he would not bind himself to vote in Committee for the telegraph. He wanted further information respecting the contract entered into with the Mail Company. If it was not in the bond that the colony should go to the expense of laying down this telegraph, he did not see why the cost should be incurred, inasmuch as Victoria would derive most benefit from it. As to New South Wales he would shortly be able to convince hon. members that both the Government and the people of that colony were in favor of landing the mails not merely at Kangaroo Island but even at Glenelg.

Mr. REYNOLDS asked the hon. the Attorney-General whether the Government had as yet obtained a copy of the contract entered into by the home Government with the Peninsular and Oriental Company, as, if not, the hon. member had better postpone his motion until the House was in possession of that document.

The ATTORNEY GENERAL said the Government had not yet received a copy of the contract.

Mr. LINDSAY supported the motion, thinking it desirable that the question should be discussed, but he could not support the project, as he believed that a great portion of the expense would be unnecessary. The estimated cost would be some 7,500*l*. in addition to the yearly outlay upon the line, but as submarine cables were continually liable to be broken and put out of order the actual cost would probably be about 15,000*l*. in the of 500*l*. (“No, no,” from Mr. Barrow) There was already telegraphic communication between Port Elliot and Melbourne though it was almost dangerous to speak of Port Elliot just now—(laughter)—but by extending the telegraph about four miles further overland, messages could be transmitted without any great expense or difficulty. The present contract with the Corio amounted to about 2,500*l*. a year and he apprehended that a considerable amount could be saved if the mails were landed at Victor Harbor instead of Nepean Bay. Probably for an additional 200*l*. or 300*l*. per annum the

present contractor for the southern mails would be glad to take the English mails overland, and then when the road, which was at present execrable, was improved—(laughter) the mails could be brought from Victor Harbor to Willunga, and from Willunga to Adelaide in about seven hours.

The motion was then agreed to.

THE NORTHERN RAILWAY

The ATTORNEY-GENERAL, in the absence of Mr SHANNON, moved to postpone the question in the name of that hon member.

Agreed to.

POSTPONEMENT OF GOVERNMENT BUSINESS.

The ATTORNEY-GENERAL moved that all the Government business on the paper be postponed to Tuesday, 17th instant.

Mr STRANGWAYS asked why this business was not to be proceeded with (Hear, hear) The Railway Commissioners' Bill was now lying on the table, and why under these circumstances the hon the Attorney-General should move for a postponement, he (Mr Strangways) was it loss to understand. There was also the consideration in Committee of the whole House of the Census Bill. He did not see any reason for postponement. (Hear, hear)

Mr REYNOLDS said that as the House had met so frequently and done so little, he thought it better to go on. On Tuesday the Estimates were to come on, and they might take the whole day or even two or three days. It was then not 3 o'clock, so that the House could sit for two hours and a-half, and all the Government business on the paper might be gone through. (Hear, hear) There was also the distillation question to be brought forward on next Tuesday, by the hon member for East Torrens, which might take several days. He should oppose the motion.

Mr PEAKE also opposed it, in the absence of any reason for taking the course proposed. (Hear)

The ATTORNEY-GENERAL said that at the commencement of the session, the House resolved that Tuesdays and Thursdays should be Government days and on these days he had attended and been ready to proceed with business. But, for the convenience of hon members, the House did not sit on the previous day, and he (the Attorney-General) was not prepared now to go on. If, therefore, the House did not consent to make the Government business an Order of the Day for Tuesday, it would lapse, and he should give fresh notice. The motion was then put and negatived without a division.

MEASUREMENT OF SHIPS

Mr MILDRED moved—

"That there be laid upon the table of this House a return showing the number of ships measured for tonnage by any Government Officer in South Australia during the years 1857, 1858, and 1859, by whom measured, and, if any fees were paid, how such fees were appropriated."

He was given to understand that there had been a large number of ships measured and he had never seen any return of the fees paid for this purpose, nor was he aware what became of them.

The motion was agreed to.

SOUTH AUSTRALIAN INSTITUTE

Mr MILNE asked the Commissioner of Public Works whether, in the event of the South Australian Institute being built upon the site recently approved of by the House, the building would be in accordance with the plan which had been laid upon the table.

The COMMISSIONER OF PUBLIC WORKS replied in the affirmative, adding that the building had been commenced.

FRIENDLY SOCIETIES

Mr MILNE moved—

"That the petition of certain members of certain societies presented by him on the 11th of May, be printed."

It was his intention to take further action in the matter.

The motion was agreed to.

THE ATTORNEY-GENERAL AND THE GOVERNMENT BUSINESS

Mr STRANGWAYS asked the Hon the Speaker what would be the fate of the lapsed Government business. He should take an early opportunity of ascertaining the opinion of the House in reference to the conduct of the Attorney-General (Mr Hanson) in refusing, without any reason other-wise than that of his personal convenience, to go on with the Government business on the notice-paper. (Hear, hear)

The ATTORNEY-GENERAL rose to order. The hon member should give notice of his motion, that he (the Attorney-General) might be enabled to reply to it.

Mr STRANGWAYS said he was entitled to speak in reply to what the hon member had said, as he was about to move that the House, at its rising, adjourn to Tuesday next. It would be very convenient for the Hon the Attorney-General that no hon member should have the right of replying to him as the tone of the hon member's remarks would be very different when he had the last word, as he (Mr Strangways) had frequently found to be the case. He thought the House would agree with him that it was a most unwarrantable thing for a member of the Government to say that he would not proceed with the business because he

did not find it convenient. (Hear, hear) Many hon members might have attended specially to discuss the business in question. But perhaps the hon the Attorney-General knew that there would be a larger attendance of members favorable to the Government upon some future occasion. (Laughter) He (Mr Strangways) now moved that the House at its rising do adjourn to Tuesday, 17th inst, at 1 o'clock.

The SPEAKER replied that no Government business had lapsed. The Hon the Attorney-General moved that the Government business on the paper be made an Order of the Day for Tuesday, and this motion was negatived. The hon member must therefore replace it upon the paper by giving proper notice.

The House rose at 10 minutes to 3 o'clock.

LEGISLATIVE COUNCIL

TUESDAY, MAY 17

The PRESIDENT took the Chair at 2 o'clock.

MESSAGE FROM HIS EXCELLENCY

The Hon the PRESIDENT announced the receipt of Message No 1 from His Excellency the Governor, in reply to Address No 7 of the Legislative Council relative to the mode in which the operations of the Harbor Trust should be carried out.

THE WATERWORKS

The Hon the CHIEF SECRETARY laid upon the table further correspondence relative to the Water works, which, upon the motion of the Hon Captain BAGOT, was read and ordered to be printed.

MESSAGE FROM THE ASSEMBLY

The Hon the PRESIDENT announced the receipt of a message from the Assembly, intimating that the Library Committee had been reappointed, with power to confer with the Library Committee of the Legislative Council.

PUBLIC BUILDINGS

The Hon J MORPHEAL, in the absence of the Hon Dr DAVES, postponed the notice of motion in the name of the latter gentleman till the following Tuesday.

OFFENCES OF A PUBLIC NATURE CONSOLIDATION BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said it was unnecessary to make any further observations than to remark that when the Bill was in Committee he should move, according to suggestions from the Chief Justice, some small modifications and alterations in the degree and mode of punishment. The Bill was compiled from the statute law as it at present existed.

The Bill was read a second time and considered *pro forma* in Committee its further consideration being made an order of the day for the following Tuesday.

OFFENCES AGAINST PROPERTY CONSOLIDATION BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a second time and considered *pro forma* in Committee, its further consideration being made an order of the day for the following Tuesday.

OFFENCES AGAINST THE PERSON CONSOLIDATION BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a second time, and the House went into Committee upon it. A proviso was introduced by the hon gentleman to the effect, that where sentence of death was pronounced, and no day named for it being carried into effect, it should take effect on the twenty-first day from the date at which the sentence was passed.

The Hon the CHIEF SECRETARY proposed an alteration in the clause referring to manslaughter, the punishment for which, according to the English law, was penal servitude for life, or any term not less than four years. This provision the hon gentleman moved be struck out, and imprisonment for life, or any less term substituted. The words which he proposed to strike out were in the English statute, but were not applicable here. In England penal servitude was substituted for transportation and there it had many mitigating circumstances, for instance, good conduct would entitle a party sentenced to penal servitude to a ticket of leave, or the Judge might order transportation in lieu of penal servitude and if the convict were sent to Western Australia or other convict colony, he might by good conduct, soon obtain a ticket of leave or conditional pardon. Here the only punishment was imprisonment with hard labor, and sentencing to that punishment for the same term as penal servitude would be essentially more severe. By introducing the words he proposed, the term of punishment by imprisonment with hard labor might be mitigated at the discretion of the convicting Judge, according to the degree of criminality which attached to the offence.

The Hon JOHN MORPHEAL asked if it would not be necessary to keep the term "penal servitude" in the clause, in order that convicted felons might be sent to the Stockade. A man might be sentenced to im-

prisonment for life but under the terms of the clause as amended, it seemed to him that he must be kept in the gaol at Adelaide, where no works were carried on, and consequently the convict could not be made to earn the cost of his maintenance. He had understood that it was necessary the term penal servitude should be kept in, in order that convicts might be sent to the Stockade.

The Hon the CHIEF SECRETARY was not aware that such was the case, but would make enquiry, and if it should prove to be, an alteration of the law in that respect would be necessary.

The Hon Captain BAGOT thought the observations of the Hon J MORPHETT exceedingly pertinent. The term penal servitude appeared to him to embrace everything, and if it were used they would be enabled to send convicts to the Stockade or elsewhere. It was more comprehensive than imprisonment, as to his mind the term imprisonment did not imply that any service was to be received from the prisoner.

The Hon the CHIEF SECRETARY pointed out that the words "with or without hard labor" were introduced and that penal servitude and imprisonment in the Stockade were one and the same thing. In England, penal servitude might be mitigated afterwards or, if the party were transported, he might become a conditional pardon man, but here there was no mitigation.

The Hon J MORPHETT called the attention of the Hon the Chief Secretary to instances which had occurred here of parties being sentenced to imprisonment and hard labor, by which the public understood that they were to be sent to the Stockade instead of which they had been kept in Gaol during the whole period of their sentence, and upon the authorities being asked why these parties had not been sent to the Stockade, the answer had been that they had not been sentenced to penal servitude but to imprisonment.

The Hon H AYERS thought the Hon the Chief Secretary would find there was a great difference between penal servitude and simple imprisonment, as the term penal servitude was again made use of in the 10th clause, showing, he thought, that the two punishments were considered different.

The Hon the CHIEF SECRETARY wished to explain that penal servitude in England was not the same thing as penal servitude here. In England parties sentenced to penal servitude had a mitigatory chance, but not so here.

The Hon Capt BAGOT asked if it was not intended to admit any mitigatory chance here. He thought it would be only right, and that they should leave the door open to the Executive to exercise their discretion as to the employment of prisoners. Circumstances might arise making it very desirable that persons suffering punishment should have an opportunity of making themselves useful and not be kept constantly under lock and key. For instance, he thought that many parties who had been sentenced might be made very useful in exploring parties.

The Hon the CHIEF SECRETARY pointed out that there was no ticket-of-leave system in force here. The Act of 1855 would, if hon members would refer to it, show what was meant by hard labor. Those sentenced to hard labor were employed at the Stockade quarries, where the work was very severe.

The Hon A FORSTER very much wished the Hon the Chief Secretary to explain the difference between imprisonment and hard labor, and penal servitude. If this difference were fully explained the Council would be better able to deal with the question. If penal servitude really implied that the party convicted should be exported from the place where the offence was committed, he saw a necessity for excepting the expression from the present measure, but if penal servitude were synonymous with imprisonment and hard labor, he hardly saw the use of abandoning the term.

The Hon the CHIEF SECRETARY said under the English statute penal servitude comprehended transportation with the chance of a conditional pardon on prison servitude in England, with the prospect of a ticket of leave, and there would be a difficulty here in sentencing any one to penal servitude, as there was only one kind of punishment, which was imprisonment with hard labor at the Stockade. No tickets of leave or conditional pardons would be granted under the law of this colony.

The Hon A FORSTER said if that were a correct definition of penal servitude, and that it merely had reference to England but did not apply in this colony, it was desirable it should be expunged from the statute. He agreed with the Hon the Chief Secretary it would be better to insert imprisonment with hard labor in lieu of penal servitude.

The clause as amended was passed, and a similar alteration was made in subsequent clauses.

The Hon Captain BAGOT suggested that in clause 21, relating to placing wood upon railways it was desirable that the punishment of whipping should be retained, as in other clauses, for juvenile offenders, under the age of 18 years.

This suggestion was adopted.

Clause 22 related to rape for which a punishment was provided of imprisonment for life or not less than four years.

The Hon J MORPHETT asked why the punishment for this offence should be less here than in England.

The Hon the CHIEF SECRETARY said the charge was one very easy to make, but difficult to disprove. No doubt

there were many cases in which innocent parties were convicted.

The clause was passed as proposed by the Chief Secretary Clause 42 related to unnatural offences.

The Hon the CHIEF SECRETARY proposed, at the suggestion of the Chief Justice that parties sentenced to imprisonment for offences of this nature should be cut off from their fellow-men and kept in solitary confinement.

The Hon Captain BAGOT thought it would be impossible to devise a more severe punishment, and that it would be better to let the clause stand as it was. If solitary confinement were imposed, it was not probable it would be of very long duration, as it must produce speedy death of a most aggravated nature.

The Hon A FORSTER thought it desirable to allow the clause to stand as it was with the alternative of imprisonment for life with solitary confinement. In all cases where death was involved, he thought such an alternative should be given to the Judge. He suggested the clause should read "Should suffer death as a felon, or imprisonment for life with solitary confinement."

The Hon Captain BAGOT remarked that it frequently happened that parties charged with murder or robbery suffered innocently. He thought all difficulty would be removed by giving the Judge power to pass a sentence of death or solitary confinement for life.

The Hon the CHIEF SECRETARY adopted the suggestion and the clause was passed.

Also the remaining clauses, with an additional clause introduced by the Hon the Chief Secretary, to the effect that the singular number should include the plural, and the masculine gender the feminine.

The Bill was then reported to the Council the report adopted, and the third reading made an order of the day for the following Tuesday.

The Council adjourned, at 4 o'clock, till 2 o'clock on the following Tuesday.

HOUSE OF ASSEMBLY

WEDNESDAY MAY 17

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

ELECTION FOR THE CITY

The SPEAKER announced that he had received a return to the writ which had been issued for the election of a member to represent the City of Adelaide in the House of Assembly, in the room of Wm Burford, Esq., resigned, and that Wm Owen, Esq., had been duly elected.

Mr OWEN was introduced by Messrs TOWNSEND and REYNOLDS, and took the oaths and his seat.

SURVEY TO KAPUNDA

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr SHANNON—The survey from Section 1411 to Kapunda, as ordered during last session, has been made, but as the various surveys ordered at the same time open up the whole question of the route to the North, it is impossible to report as to the best means of approaching Kapunda, until further surveys are made and the whole question considered simultaneously. Until further surveys have been made and considered, it is impossible to say whether the station should be on the east or the west side of the township of Kapunda.

THE ASSESSMENT ACT

The COMMISSIONER OF CROWN LANDS stated in reply to Mr HARTT, that upon the following day he should be prepared to lay upon the table copies of the new lease under the Assessment Act of last session.

MR BABBAGE'S PETITION

Mr BARROW wished to ask the hon the Speaker how it was that the minutes of evidence upon Mr Babbage's petition had been laid upon the table in so unusual a form. The report was not there though perhaps the report had not been moved for, at least he anticipated that would be the answer, but the resolution of the House appointing the Committee, and the Chairman's minutes of evidence, were all absent in fact, the form was quite unusual.

The SPEAKER said that the evidence only had been moved for, and that therefore the papers had been laid upon the table in the manner in which they then appeared.

Mr STRANGWAYS, as mover of the resolution, explained that he had purposely left out the report in his motion, as he had no wish that it should be laid upon the table of the House.

TELEGRAPHIC COMMUNICATION TO THE MURRAY

The COMMISSIONER OF PUBLIC WORKS laid upon the table of the House, extract of a letter from Captain Murtreile, of Sydney, and Mr Gowin, of Melbourne relative to the construction of a direct line of telegraphic communication via Echuca.

THE ESTIMATES

The TREASURER said that, according to the notice on the paper, he should be in possession of the House but before the motion was put to go into Committee on the Estimates, he should be glad to know the feeling of the House with

reference to another motion which also stood upon the paper in the name of the hon member for East Torrens (Mr Barrow), because if the House desired to proceed with the motion of that hon member rather than the Estimates, the Government were perfectly prepared for that course. The Government were desirous of leaving the matter in the hands of the House, and would take any course which the House desired. The Government having no desire to take advantage of the Standing Orders being in their favor by bringing on the Estimates to prejudice the discussion of any important question which the House wished to take precedence. With those preliminary remarks he begged to ask the hon member for East Torrens whether he intended to oppose the consideration of the Estimates in order that his motion might take precedence. If so, the Government had no wish to proceed with the Estimates, in fact, they were prepared to take either course.

Mr BARROW felt indebted to the hon the Treasurer for the courteous manner in which he had referred to the motion standing in his name. He, like the hon the Treasurer, was in the hands of the House, and should be perfectly willing to pursue any course which the House might indicate a wish to adopt. Individually he should have no objection to the Treasurer making his financial statement in Committee, provided that the hon gentleman would then move that the Chairman report progress and proceed with the Estimates on some future day, allowing time for the consideration of other questions bearing upon the Estimates. He should like the motion standing in his name to be discussed in as full a House as possible, altogether irrespective of what might be the fate of the motion (Hear, hear). It was a question which ought to be decided in as full a House as could be got together (Hear, hear). Several hon members who entertained strong views upon the question of distillation were at present out of town, though it might perhaps be said that if they liked to go out of town, instead of being in their places in that House to take part in an important discussion, that was their business (Hear, hear). Whilst he admitted that such might be advanced as a fair answer, it was desirable that the question should be discussed in as full a House as could be got together. He would prefer that the motion in his name be made an Order for the following Friday, and that the Estimates be brought under consideration that day week. That course, however, would not preclude the Treasurer from making his financial statement, if it were understood that the hon gentleman would not proceed with the Estimates. He would leave the matter in the hands of the House.

Mr STRANGWAYS asked if there was any question before the House?

The SPEAKER said the Treasurer wished to take the opinion of the House whether they would go on with the Estimates, or prefer discussing the motion of the hon member for East Torrens.

Mr REYNOLDS would like to make a few remarks, but thought the discussion most irregular. The proper course for the Treasurer to adopt, in order to take the sense of the House, would be at once to move the House into Committee.

The TREASURER remarked that some confusion arose last session as to the time at which the Treasurer should make his financial statement, and the discussion upon the Estimates was in consequence put off from time to time. Before the Speaker proceeded to put the question that the House go into Committee, he wished to ask whether the mode in which the question had been settled last year as to the time at which the financial statement should be made, had established a precedent for the conduct of the Government in this instance, and whether the financial statement should be made before going into Committee or afterwards.

The SPEAKER said the custom in the House of Commons was that the Chancellor of the Exchequer made a formal motion that the Speaker leave the chair, and upon that motion being put any member could move an amendment, but the financial statement was invariably made when the House was in Committee. Till however, the whole financial statement had been discussed the House were not bound to discuss any particular item. The hon gentleman, in support of his statement, referred to the course taken by Mr Disraeli in 1837, when the Chancellor of the Exchequer made his financial statement.

The SPEAKER was about to put the motion that the House resolve itself into a Committee of the whole for the consideration of the Estimates when

Mr STRANGWAYS asked if the ruling of the Speaker was in accordance with the Standing Orders, remarking that the motion of the Treasurer merely appeared upon the paper as an Order of the Day in consequence of a resolution of the House that upon Tuesdays and Thursdays Government business should take precedence.

The SPEAKER said it was for the House to decide in what way they would read the Standing Orders. The strict letter of the Standing Orders bore out the observations of the hon member for Encounter Bay. The Standing Orders had the force of law but it was for the House to say whether they should be read in connection with the previous practice, or whether they should override that practice.

Mr MILNRE, as an amendment, moved that the motion in the name of the hon member for East Torrens, Mr Barrow be proceeded with in preference to the Estimates that is, that the offer of the Treasurer be accepted. He considered

the House were under obligations to the hon gentleman for having made the offer but he should like a day to be fixed on which the Treasurer would be prepared to go on with the consideration of the Estimates.

Mr DUFFIELD said the hon member for Nowrlunga might be of opinion that it was desirable to proceed with the motion of the hon member for East Torrens in preference to the Estimates, but he (Mr Duffield) was of a different opinion. Hon members were there to conduct the business of the country and he thought they should go on with the Estimates. They had met for three weeks, and had been continually met by postponements. It now appeared there was a chance of a battle, two parties professing to be quite ready to fight, but neither being willing to buckle on the armor. He trusted the House would proceed at once with the business, and should certainly support the proposition that the Treasurer proceed with the Estimates.

Mr REYNOLDS would support the amendment in a modified form, because he found in the Governor's address reference made to an important force—the Police Force—and the House was invited to take action in the matter. The House was called upon to consider the expediency of such legislation as would enable the Municipalities to raise a rate for a local police. He hoped the Government, before going on with the Estimates, would lay the Bill relating to that matter upon the table of the House in order that hon members might know whether they could support the Bill or not. He should support the adjournment on that ground.

The SPEAKER said that really no motion had yet been brought forward in a proper form.

Mr PEAKE should support the proposition for going on with the Estimates. The Government must have a definite policy, and it appeared to him more child's play to place a notice upon the paper, and then to postpone it, merely because there was another notice upon the paper involving some financial considerations. The Government he apprehended, must have a policy, and he hoped they would stand to it.

Mr GLYDE supported the proposition for proceeding with the Estimates. It did appear to him an extraordinary course that the Treasurer, because there was a hostile motion on the paper, should come forward and offer to postpone the Estimates if the House preferred going on with the hostile motion. He was anxious to hear the financial statement, and after that he had no objection to the House adjourning, but he could not see any reason that the motion of the hon member for East Torrens should be first entertained.

Mr SOLOMON would support the proposition at once to proceed with the Estimates. It would, perhaps, have been advisable that the motion of the hon member for East Torrens should not have appeared on the paper that day, as it involved a large amount of revenue, and would interfere with the Estimates before the House. For that reason he thought they should at once go into Committee upon the Estimates, to give the Treasurer an opportunity of stating what were really his Ways and Means for the ensuing half-year. He did not think it would be right to postpone the Estimates, in order to afford the hon member for East Torrens an opportunity of bringing forward his resolution, which involved such a very large amount of public money, and which was one which must involve a very large amount of consideration.

Mr TOWNSEND suggested that the Hon the Treasurer should intimate to the House whether, after he had made the financial statement, he would be prepared to postpone the consideration of the Estimates. If the hon gentleman was prepared to postpone the consideration of them for a week, he should have no objection to go into Committee.

The TREASURER rose for the purpose of saying a few words, but was informed by the Speaker that he was not entitled to reply.

The TREASURER, as a point of order, asked whether the Government were to be assailed by hon members, and were not to have the privilege of reply. If he had not the privilege of replying, at least he could explain.

The SPEAKER said the hon gentleman would be perfectly in order in explaining.

The TREASURER would explain to the House the course which he intended to take when the motion for going into Committee upon the Estimates was put. If it were affirmed, he should then make his financial statement, and having made it, the Government had no intention of proceeding with the consideration of the Estimates that day, but would leave the financial statement in the hands of hon members to debate, if they thought proper. The Estimates would not be brought forward till that day week. He merely proposed to depart from the order of business, as it appeared upon the paper, in favor of the motion of the hon member for East Torrens, in order to carry out that constitutional principle, which admitted of a redress of grievances before supplies were granted.

The SPEAKER remarked that the motion of the Treasurer that the House go into Committee upon the Estimates was always regarded as a formal motion, and the hon gentleman did not address the House, either in bringing it forward or in reply.

The motion that the House go into Committee was then put and carried.

MESSAGE FROM HIS EXCELLENCY

The SPEAKER announced the receipt of Message No. 1, from His Excellency the Governor, in reply to Address No. 22 of the Assembly, relative to the mode in which the operations of the Harbor Trust should be carried out.

THE FINANCIAL STATEMENT

The TREASURER, in rising to address the House on the subject of the Estimates would state that, seeing a notice on the notice paper, to which allusion had been made, he had prepared himself to do battle with the hon member for East Loirens (Mr BARTON), expecting that hon member, faithful to the constitutional precedent, would have pressed for a redress of grievances before voting supplies. Seeing however, from some reason or other, that the hon member desired to postpone his motion, probably in consequence of the non attendance of several members who felt a deep interest in the question, he would now proceed with the consideration of the Estimates. He must begin with the past year. The Ministry were accountable to the House for what had been done, and were prepared to make up their accounts as it were with the House, by referring to the receipts and expenditure. That he should do before beginning with the new Estimates, and would then address a few words to the House on the subject of the current Estimates, and expected revenue. As there might be some confusion in dates, he wished to impress upon the House that there would be three periods embraced in his remarks. The first, to the end of December last, related entirely to the past, the second embraced the first six months of the present year to 30th June next, and the next period related to twelve months from the 1st July next, that being the period for which the Government were going to ask supplies from the House. He would say a few words on a subject not altogether barren, and one which was looked upon with some kind of importance, he alluded to the imports and exports for last year. He would say very few words upon that subject, because the period had passed, and, bad as the prospects were during that period, he would not dwell upon them, seeing there were better prospects in store for them. But he must refer to the subject, because very important conclusions were drawn from the exports. The exports had fallen off largely during last year, and in an article of staple produce materially less than the income of the people of South Australia. There was a large deficiency in wheat and cereal produce, and that alone was sufficient, without other causes, to account for the want of employment which had been felt for some months past. Without looking to personalities, or this cause or that cause, there was one great fact—that we had lost in 1858, as compared with 1857, 355,619*l*, that is to say, the exports of 1858 were less than they were in 1857 by 355,619*l*. When the whole colony had less to spend by 355,619*l* he would ask if that was not sufficient to account for the depression which had been felt? All classes whose incomes depended upon production had suffered in the means of expenditure. The value of imports to the colony during 1858 was 1,599,621*l*, and of the exports, the produce of the colony, 1,354,193*l*. Thus the excess of imports over exports in 1858 was 235,448*l*. This comparison did not bear immediately upon the remarks which he had made, because he had introduced the element of imports, showing that our imports had been much larger than our exports. The staple produce exported in 1857 was valued at 1,709,802*l*, whilst the value of that exported in 1858 was estimated at 1,354,193*l*, showing a loss or falling off in the value of the exports of last year of 355,619*l*. That loss fell to a considerable extent upon the agricultural interest, for he found that the estimated falling off in the export of wheat and cereal produce was 197,684*l*. The farmers suffered to that extent, and the mining interest suffered to the extent of 85,647*l*. In wool there was a falling off to the extent of 83,607*l*, and upon the remaining products of the colony sums making up the aggregate amount which he had stated of 355,619*l*. He should not take up the time of the House by drawing further conclusions from the statement which he had made, but merely wished to draw the attention of the House to the fact of that statement relating to the 31st December last. He might, however, also explain that this loss in money value had been accompanied by a loss in the quantity produced, because he found that the quantity of wheat exported in 1857, changing flour into its equivalent in wheat, was 1,677,232 bushels, and in 1858 only 1,364,796 bushels leaving a loss in the quantity exported last year of 312,526 bushels. This deficiency was evidently attributable to a deficiency in the harvest of 1857 as compared with the harvest of 1856. He thought that was the irresistible conclusion to be drawn from the facts he had stated. The loss to the colony in its exports was not attributable entirely to a difference in price, but to a failure in the harvest. That deficiency would of course be felt through all the various ramifications of trade, and he need dwell on it no longer. He should proceed to shew the results gradually accruing to the revenue from that state of things during 1858. He would confine himself to statements for that year, and would refer the House for the figures he should give to the comparative statement laid before the House of the estimated and actual revenue and expenditure for last year. From the accounts which had been laid before the House under the

signature of the Auditor-General it would be seen that the total Wares and Means were 469,637*l*, that was the actual revenue whilst the estimated revenue for the year was only 414,200*l*. The actual revenue exceeded the estimated amount, allowing for some decreases in special branches of revenue, by 55,437*l*. That was shewn by a statement published by the Auditor-General, which exhibited the state of the books and public accounts but it required some modification when they came to apply it to practice, as it embraced some receipts which were not strictly revenue, which the Government could not expect to realize again, and which they were not prepared to realize last year. From this should be deducted, under the Miscellaneous—penalties on ships, 656*l*, profit on bonds, 6,990*l*, profits on Exchange Bills, 15,596*l*, repayments in England, 10*l* 10*s*, and repayments to the neighbouring colonies of Murray customs, 4,065*l*,—making a total deduction of 27,130*l*, and deducting this from the Auditor's total of 469,637*l*, there would remain a total of revenue of 442,506*l*. The excess of receipts over estimated revenue for last year were as follows—The estimated receipts from land sales were 180,000*l*, but they had realized 205,065*l*, and there was therefore an excess of 25,065*l*. In the Customs there was a falling off although there was an apparent increase, was much as after deducting the 4,065*l* repayments on account of the Murray customs the customs had only netted 151,218*l*, whereas the estimate was 154,000*l* showing a loss of 2,781*l*. The harbor dues also showed a decrease, as they were estimated at 2,200*l*, and the receipts only amounted to 1,329*l*, indicating a falling off of 370*l*. Rents showed an increase of 1,236*l*. Licences shewed an increase of 725*l*, and on the item of postage, there was the large gain of 2,638*l*, the estimate being but 10,000*l*, and the receipts 12,638*l*. There was a falling off in fines and fees of 2,021*l* and in sales of Government property a deficiency of 931*l*. Reimbursements in aid, showed a decrease of 996*l*, and on the other hand, the miscellaneous receipts showed an increase of 945*l*, but deducting from this the penalties on ships, there was a deficiency of 279*l*. Under the head of special receipts there was an item of 5,421*l* in aid of immigration part of which was contributed in England, and for which no estimate was made. The profits on the railways after paying all expenses, were estimated at 2,000*l*, but they had realised 2,391*l*, and there was also a profit of 1,788*l* on the Port Elliot and Goolwa tramway, shewing a total gain of 2,190*l*. On telegraphs, as in the previous quarter, a loss of 1,181*l* had been sustained. He had now indicated all the items in which the revenue showed an increase upon the Estimates, and also those in which there was a falling off, and balancing the increase against the decrease there appeared a net gain of 27,130*l*. Of this amount the House would remember that he had estimated this surplus at 25,000*l*, of which 15,000*l* was carried forward into the Estimates for 1859, so that instead of a remaining surplus of 10,000*l*, which he (the Treasurer) had anticipated, the amount had proved to be some 12,130*l*. He now came to the current year, 1859, and as he had already alluded to the imports and exports of the preceding year, he would observe that, taking the four quarters ending on the 31st March, the value of imports consumed was 1,501,507*l*, and of exports, the produce of the colony, 1,526,669*l*, showing a balance in favour of exports to the extent of 25,162*l*. What he would specially draw attention to was, that the exports had been increasing during the last quarter, and that their value was likely to exceed that of the exports during the corresponding quarter of last year, and that the excess of exports over imports during the last six months made up for loss during the first six months of the year, so as, in fact, to leave a balance on the whole year in favor of the colony. This large additional exportation, upon which the colony had to congratulate itself, arose from the very large shipments of wheat, and which very greatly exceeded those during the previous quarter. It was still too early in the season to be able to form a conclusion or anticipation as to what might have been the value of the harvest of last year, or to tell whether these large exports of wheat would be maintained, as that must depend upon what was the yield of the harvest, but these large exportations certainly did not appear to arise from any excessive prices prevailing. He would now make a few remarks on the revenue of the current year, or rather of the current six months. The House would recollect being informed in the opening address of His Excellency the Governor, that the Government expected the receipts to exceed the Estimates, and, in this anticipation, they appeared to be justified. He would now refer to the receipts for the first four months of the present year. The land sales for the first quarter produced 53,000*l*, and for the month of April, 19,310*l*, making a total of 72,310*l*. This would give about 2,890*l* per week, so that the Government estimated, at the lowest calculation, upon receiving 23,190*l* during the remainder of the year. This would make a total of 96,000*l*, the estimate being but 90,000*l*, so that there would be a gain of 6,000*l*. In respect to the Customs the picture was not so flattering. The receipts for the first quarter amounted to 37,126*l*, and the double of this would be somewhere about 74,000*l*, which would show a loss upon the year. But the receipts during April and up to the present time did not justify a belief that the receipts would double those of the first quarter, and he (the Treasurer) had therefore assumed that they would not exceed 22,000*l*, during the months of May and

June, making, with the receipts of the previous four months, a total for the year of 71,366*l*, which would involve a loss as compared with the estimate of 5,634*l*. He had preferred assuming that this loss might amount to 7,000*l*. For harbor dues, the receipts up to the end of April were 771*l* and he estimated them at 1,900*l* for the next two months, which would exactly cover the original estimate of 900*l*. On rents there would probably be a loss of 469*l*. They were estimated at 13,000*l*, and up to the present time they had realized only 2,981*l*, but the large amounts were chiefly paid in June so that he had no doubt that 9,550*l* would be received during the last half of the half year making a total of 12,531*l*, against an estimate of 13,000*l*, and a consequent deficiency of 469*l*. From licences there had already been received 12,066*l*, but as the receipts for the remainder of the year would be but moderate, March and April being the most unproductive periods, he had only assumed that he would receive 976*l*, showing a loss of 432*l*. The assessment on stock he had originally estimated at 16,600*l*, but that estimate was made before the Bill had passed, or before the system under which the assessment was established was decided on, and the Government not being able to judge of the probable amount to be realised he had put down the very low figure of 10,000*l*. He believed that when the assessment was collected from the valuation now being made and on which it would amount to 30,000*l* he was safe in assuming a return of 15,000*l* on the first half year, which would leave a gain of 5,000*l*. The postage showed a very remarkable increase, inasmuch as it had produced 4,415*l*, being 914*l* more than the Estimate. In fines and fees a larger sum had been received than in any corresponding four months. He had expected to receive 9,368*l*, but he now calculated upon a gain of 1,368*l*. On sales of Government property, he anticipated a deficiency of 2,661*l*, on reimbursements in aid a gain of 386*l* and on miscellaneous, a gain of 670*l*. On interest and exchange, a loss of 32*l*, on special receipts, a loss of 388*l*. Railways and tramways he had estimated at 4,000*l*, but as 7,047*l* had already been received, he might safely look forward to a gain there. On the telegraphs there was a falling off of 1,197*l*. Thus the total gains would be about 13,000*l*, and the losses about 9,000*l*, so that the revenue would certainly exceed the expenditure and probably by as large a sum as 8,000*l*. He would also remark in reference to the reimbursements in aid that though the amount actually received was 5,701*l*, he only took credit for 4,681*l*, as he did not regard the interest on the bonds as revenue. He had now passed over two of the periods which he had alluded to, namely, the last year, and the period as yet included in the current Estimates. He should not go more into detail, as he considered the statement in reference to the revenue as the most important, but would proceed at once to the new Estimates. He had used every exertion during the recess to procure information with the view of forwarding the Estimates, and he was gratified that he had been enabled to lay them upon the table at a period anterior to that named by the House. But although it was an advantage to him members and perhaps to the country, to ascertain at an early period the ways and means and the future plans of the Government, it was a disadvantage to the Government to be obliged to prepare them Estimates so early in the session. In the first place with regard to the revenue, the Government might base their calculation upon an actually existing state of things, which might change, very much in six weeks or two months and to meet the change in which an alteration in the Estimates would be necessary. The Estimates might be calculated too high at a time when the whole colony was falling, or on the other hand the expectations of their framers might not come at all up to the reality. The Estimates might be very much in excess or very much too low, and in his opinion they should always be as near the mark as possible, for he thought it would be nearly as great an error to be too low as to be too high. In the present Estimates there was a balance of 35,000*l* to be brought forward and after carefully looking at the balance on the last day of the last year, and considering the liabilities which the Government would have to incur during the current year, some of which were not provided for in the present Estimates, as, for instance, the 10,000*l* handed over to the Central Road Board to provide work for the unemployed—making allowance for this sum, and for the repayments to be made to the Government of New South Wales, and for repayments which might have to be made under the new postal contract with the mother country, and taking all the circumstances into consideration, he thought it would not be safe to estimate the balance above 35,000*l*, and in this estimate he allowed for some saving which might be effected in the current estimates. The receipts from the sale of Crown Lands he estimated at 160,000*l*, which would be a considerable falling off from the revenue derived last year from the same source, amounting to 295,000*l*. He took this low figure because he found it one of the most difficult things possible to estimate the land revenue. He had as yet found no test to apply to the consuming power of the people in reference to the lands, as the land system of the colony was not sufficiently long in existence to allow of such a test being made use of. He had therefore looked carefully over the receipts of the last few years, and found them diminishing ever since 1854 in a rapid ratio notwithstanding the increase of the population

in that interval. With regard to the Customs, he had set them down at 150,000*l*, and in preparing his statement on this point he had taken great pains to satisfy himself as to the probable grounds upon which the receipts should be calculated. He had taken the receipts for the years ending on the 30th June 1855, the 31st December 1853, and the 31st March 1854, and he had adopted as near as could be, the mean of these various periods. He would state the items from which he expected to realise this amount. From apparel and shops he expected 2,600*l*. These articles had produced larger sums in previous years, but for the year ending 31st March, 1853, they only yielded 2,108*l*. Still as a season of depression had now only just passed over such as could hardly be expected to last until the 31st July, 1859, he did not consider his estimate too high. From corbids he anticipated 3,000*l*, from beer 7,500*l*, boots and shoes 4,800*l*, candles 600*l*, coffee 1,150*l*, cutlery and hardware 3,500*l*, drapery 17,500*l*, drugs 900*l*, earthenware 700*l*, dried fruits 1,200*l*, furniture 500*l*, groceries 1,700*l*, hops 1,400*l*, iron 2,000*l*, implements 700*l*, jewellery 400*l*, leather 700*l*, machinery 500*l*, malt 500*l*, musical instruments 200*l*, oils 700*l*, paper 1,500*l*, soap 250*l*, spirits 56,000*l*, stationery 500*l*, sugar 8,000*l*, tea 5,200*l*, tobacco 12,000*l*, wine 3,000*l*, timber 2,400*l*, other ad valorem goods 9,530*l* would make up a total of 150,000*l*. The harbor dues he estimated lower than last year, making them 1,800*l* instead of 1,429*l*. He allowed a trifling increase in rents from 22,336*l* to 23,900*l*. The assessment on stock he took at 29,000*l* the licences at 13,700*l*, postage at 13,000*l*, fines fees, and forfeitures 15,000*l*, sale of Government property 1,000*l*; reimbursements in aid 4,000*l*, miscellaneous receipts 2,000*l*, interest, exchange, &c., 1,000*l*. He would explain the great difference between this item in last year's and the current year's estimates by observing that in the former it included the interest upon the bonds in England and elsewhere, and he did not allow this interest to appear amongst the revenue of the present year. The special receipts he put down at 4,000*l*, as that was the amount expected to be derived from persons desirous of coming out to the colony. He put down the railways at 8,000*l*, as it was impossible to foresee what additional causes of expense might arise in connection with them and he preferred on that account taking a low estimate. As to the telegraphs, he put them down at 7,000*l*, being wholly guided in doing so by the information given him by the Superintendent. By these means he arrived at a total revenue of 463,900*l* for the year. He had already alluded to the Postage and the Real Property Act, and he would say a word or two further respecting them. First, with respect to the Real Property Act, as a matter in which the House took a deep interest, especially as there was a sum on the Estimates for an alteration in the department, which would have to be discussed during the session. The fees received under this Act from the 1st July to the 31st December 1858, amounted to 221*l* 13*s*. in January, 1859, they were 110*l* 17*s* and in February they fell to 81*l* 13*s*. in March they were 27*l* 13*s* 6*d* and in April they rose to 221*l* 2*s*, exactly equaling the amount for six months, ending in December, 1853. He believed the falling off in the receipts in February and March was partly attributable to some delay caused by an alteration in the form of the registration. Deducting the amount received in 1853, the receipts would amount to 497*l* 5*s* 6*d* for the four months of the current year, and multiplying this by three gave the receipts for a year at 1,491*l* 16*s* 6*d*. But if the House took the large receipts of April as an index, then they would have an annual receipt of 2,652*l*. There was also the Assurance Fund connected with this department, which had realized 312*l* 8*s* 9*d*, and the largest receipts in this office were in the month of March, a circumstance which seemed to correspond with the large receipts in the other portion of the establishment in April. These funds the Government would not appropriate to purposes of public expenditure, but would invest in a profitable manner in Government securities. With regard to the Postal Service respecting which the House had seen and heard so much, he had carefully noted from the accounts and statements of the Home Government the cost of this service. He found that the contract packets were employed in the despatch mails from England since 1856 and took the mails home during the whole of the same period excepting for four months, namely from July to October 1857, during which time the colony had to make special arrangements. The cost of the sea service, not including the department in Adelaide was in 1857 5,690*l* 15*s* 3*d*, in 1858 5,970*l* 5*s* 6*d*, and in 1859 1,192*l* 16*s* 8*d*. The total cost of the sea postage was therefore 12,852*l*, and the receipts to the credit of South Australia during the same time, were 4,061*l*. The total cost of the main service performed by the mail steamers was 12,210*l*. The branch service cost 191*l*, and there was a further sum of 419*l* for the services of vessels which took the mails independently of the contract. He would not trouble the House further with items of the receipts, but would proceed to the expenditure. Establishments were set down at 185,904*l*, being slightly below the rate authorised at present. The decrease arose as follows—In the Legislature there was an increase of 410*l*, and a decrease of 100*l*, in the Audit Office an increase of 60*l*, and a decrease of 40*l*, in the police, an increase of 269*l* 14*s* 6*d*, and a decrease of

5,865l 6s 6d, in galls, an increase of 112l 3s 6d, and a decrease of 540l, in convicts an increase of 625l, and a decrease of 732l, in the Post Office, an increase of 426l 10s, in education, an increase of 550l 7s 6d. In the Medical Department, an increase of 604l 9s, and a decrease of 1,187l 0s 6d. For the destitute poor, an increase of 1,019l 9s, in the army, an increase of 217l, in the Printing Office, an increase of 306l, in the Military estimate, a decrease of 106l 10s, in the Magistrates and Local Courts, an increase of 220l 17s 6d in the Insolvency Court an increase of 30l, in the department of the Registrar-General of Deeds' Office an increase of 660l, and a decrease of 1,661l 1s, in the office of the Treasurer an increase of 120l, in the Customs an increase of 410l 14s, and a decrease of 460l, in the Survey and Crown Lands Office an increase of 350l, and a decrease of 10l in the Public Works Office, a decrease of 125l in that of the Colonial Architect, an increase of 540l 7s 6d on the Port Elliot and Goolwa Tramway, an increase of 141l 19s, and a decrease of 350l, in the Observatory and Telegraphs an increase of 1,171l 3s and a decrease of 460l. The result showed a total decrease of expenditure of 3,911l. In two instances there were increases of salaries, and in one there was a vital change—the Police force. The decrease upon that department was to be effected by throwing upon the city the cost of such portion of the force as is required for the protection of the lives and properties of the citizens alone, but a certain number of foot police would be retained to guard against the criminals who naturally took refuge in the metropolis. One of the increases in the magisterial expenditure was intended for the remuneration of the City Police Magistrate, and to compensate that gentleman for the additional duties imposed upon him by the abolition of the Mayor's Court. Another increase was intended to place the Secretary of a department on the same footing as the Secretaries of the other departments. He (the Treasurer) now called attention to some prominent features of the expenditure, the first being, that the amount set apart for public works was considerably larger than in the existing Estimates. For immigration in amount of 20,000l was set down, as compared with a vote of last year at the rate of 40,000l. The salary of the third Judge also appeared for the first time on these Estimates. With respect to the interest upon the bonds, he would lay on the table a return which would afford the House detailed information as to the position of the country up to the year 1834 at which period the last of these bonds would be paid off. They constituted a very heavy charge upon the colony, whose surplus income was entirely appropriated to two objects—one the payment of the interest and sinking fund on the loan and the other the construction of public works and main roads. It followed that as the loan fund increased the other diminished, and he thought it very probable that the Government would propose some project to lessen the pressure caused by this means. He believed that the whole system was susceptible of improvement, and that it was possible to lessen the annual amount paid for the sums which the colony might in future borrow. This might be effected by a smaller annual appropriation to meet loans, to be brought about by extending the period for repayment of the bonds and other means, which would be indicated in a scheme which would be laid before the House probably when any new loan might be proposed. The Government did not propose to include in the fixed appropriation in these Estimates sums for loans which might become necessary to carry out works which the House might vote as, for instance, the Strathalbyn and Goolwa tramway, as this work could be sufficiently provided for out of the 20,000l appropriated amongst the items for public works. He now moved that the House go into Committee on that day week for the consideration of the Estimates, in order to give hon. members present an opportunity of discussing the principles which he had enunciated without pledging themselves to any particular item of the Estimates.

The SPEAKER suggested that the best course for the hon. member would be, to move the first item of the Estimates.

The TREASURER accordingly moved the item, Private Secretary to Governor-in-Chief, 400l.

Mr. GLYDE felt much regret and disappointment that the hon. the Treasurer did not say what led him not to carry out the report which he had signed last session, as Chairman of a Select Committee on Distillation, which sat last session—(hear, hear)—a report which recommended the removal of all restrictions upon distillation—(hear, hear)—and a corresponding revision of the tariff. He regretted that the hon. member did not either induce his colleagues to coincide with him or failing that leave the cabinet. He could understand the hon. member differing with his colleagues on minor matters but when they differed upon a vital question he (Mr. Glyde) could not understand what principle actuated him in retaining his office. (Hear, hear.) He (Mr. Glyde) could not follow the hon. member's figures until he saw them in print, but he observed that the hon. member was very cautious in his tone. He (Mr. Glyde) believed that instead of having an income of 128,000l for the first quarter of the year, as by dexterous arrangement was made to appear that sum would be found to represent at least 20,000l more than was really earned. He had no doubt the hon. the Commissioner of Crown Lands knew that the first item of 53,000l for

Crown lands sales was over stated by at least 9,000l, which would have to be returned to purchasers for improvements on their runs. He found only 1,500l set down for this purpose in the last Estimates, but at least 9,000l would be required, and how in these circumstances the hon. the Treasurer was to balance his accounts with the Auditor-General, he (Mr. Glyde) did not know. With respect to the Customs the hon. member was very cautious, but he seemed to agree in what he (Mr. Glyde) said six months ago, that the Customs would not exceed 70,000l. Again the miscellaneous receipts for the first quarter amounted to 1,430l, and the Treasurer had only estimated them at 900l for the whole six months. Then there was the interest, that mysterious item which showed that the figures were well arranged. The Treasurer stood up in December last and said he only expected 500l, but now he had 5,000l by a dexterous manipulation which seemed in some way connected with that 8,000l of repayment which the House would have to vote, in order to rectify a mistake. As to the railways he (Mr. Glyde) did not believe there was one penny of the 6,000l earned during the first quarter of 1858, but that it represented all the money made in 1858. Last year the Ministry were honest enough to put an asterisk before the sum and say that it represented the profits of 1857, but they had not done so now. In fact the Treasurer had spent 30,000l more than he earned, and the balance was all slipping away, as hon. members said last session it would, and as the figures showed it was now doing. The balance was only 139,000l in March, and it would be only 100,000l at the end of this quarter. He trusted that members would prevent this balance from slipping away. The Treasurer of South Australia should always have 100,000l in hand. (Oh oh.) He (Mr. Glyde) did not mean that the money should be locked up in the Treasury, for two-thirds of it might be employed in earning or saving 6 per cent. What did the Treasurer want with 50,000l lying in London at 2½ or 3 per cent? The Agent General had 30,000l, and the Immigration Commissioners had 20,000l, so that we were in the absurd position of borrowing money at 6 per cent to invest it at 2½ or 3 per cent. The Treasurer had spent 347l (though the amount might seem trifling) in interest and exchange for remitting money to London. There must be some bad management in this, as he might have sent his bonds to London, instead of cash, or sold his Treasury drafts to the public at a profit, instead of paying a discount. This was a matter which required that further information should be given. He (Mr. Glyde) doubted whether the assessment on stock would produce 15,000l or 5,000l during the current quarter, as there was no penalty until the 1st August for non-payments, and persons liable to the assessment would withhold their payments until that date. The Auditor and the Treasurer were not of one mind, for the Treasurer set down the actual revenue for the year 1858 at 465,000l, and the Auditor at 451,000l, from which there was some 4,000l to be deducted, so that there was a difference between the two statements of 18,000l. He would like to see the House make a rule that all revenue derived from Crown Lands or Railways should be devoted to public works and that not one penny of it should be spent in salaries or current expenses. The current expenses of the half year were 244,000l, and the legitimate earnings only 214,000l, so that the House was asked to spend 30,000l more than the country earned, and he (Mr. Glyde) contended that the House had no right to dip into the Crown Lands, which were the security for the money which the country borrowed. If hon. members studied the figures they would understand the arrangement between the Treasurer and the Commissioner of Crown Lands, by which they killed a squatter every fortnight. (A laugh.) Every other week a squatter's land was put up for sale, but on the alternate weeks the usual result was a paragraph in the newspaper that the attendance was very small, and that several of the lots were passed by. This accounted for the mysterious statement of the Commissioner of Crown Lands last November, that he knew where to find 50,000l when the Government required it. He moved, as an amendment, that the Chairman leave the chair, and ask leave to sit again on that day week.

The TREASURER said, in reference to the Distillation question that as Chairman of the Committee he was bound to sign the report, whether it was against his conscience or not. (Oh! oh!) This was a rule of the House, and neither he nor any other Chairman of a Committee was responsible for the report which he signed. But let the hon. member or any other hon. member, show that he (the Treasurer) had ever said anything indicating that he was in favor of free distillation. He could explain his views upon the subject when the hon. member for East Torrens brought on his motion, if that hon. member ever should bring his motion on. The hon. member (Mr. Glyde) said that the figures in the quarterly statement were dexterously arranged, but the arrangement was one settled and sanctioned by the Audit Office for years past. The order of the figures was the same that it always had been, and the Auditor had to certify to the correctness of the accounts, which he prepared as a check upon the Treasurer, and not with a view of enabling the Treasurer to mystify the public.

Mr. GLYDE rose to order. He had not charged the hon. member with mystifying the public.

The ATTORNEY-GENERAL said the hon member (Mr Glyde) had said that the Treasurer had very dexterously arranged the figures, so as to make them appear different from what they really were.

The TREASURER said that the hon member used the word "mystery" very often, and if that did not mean to mystify, he (the Treasurer) did not know what it meant (A laugh.) The published accounts would show the House that the Government had received amongst other sums, 51,000*l* for land sales, but the hon member said this was not the case. The Government had had the money, and the fact rested not on his (the Treasurer's) word, but on that of the Auditor-General. The hon member said it was not revenue, but he might say that of the Customs, or any thing else, and the Government could not pay it away to any one with the sanction of the House. 4,000*l* was the largest amount paid in any one year, for four years past, as compensation for improvements upon runs, but the hon member said that some very large sum would have to be paid.

Mr GLYDE had said that he believed 9,000*l* would have to be paid, and he challenged contradiction.

The TREASURER had had no information on the subject. Perhaps the hon member had gone to the Surveyor-General, or meant to put in a claim himself. In any case it was incorrect to state that the Government had not received the amount. He (the Treasurer) did not say that the Government would get as much in the next quarter as in the past six months, but that they would get it in the next six months. With respect to the land revenue instead of saying that it would be doubled in the next six months, which would make it 166,000*l*, he had taken 10,000*l* off that amount, so that if the hon member wanted the 9,000*l* which he spoke of, there it was. The hon member (Mr Glyde) did not believe that the money put to the credit of the railway was earned, but he (the Treasurer) took no account of what was earned, he only looked to what he was to receive. The hon member also said that the balance was slipping away but if the House voted the money it must go. That was all he could say (Laughter.) The hon member asked why the Government held 30,000*l* in exchequer bills in England, but the Government had to pay 67,000*l* a year there, and must always have the money emitted in time or send bonds for sale. The bonds could not be sold at a moment's notice and the affairs were at present managed by a gentleman who fed the market only with sufficient amounts to meet for thooming liabilities. Neither did this gentleman keep the money idle, for he invested it in exchequer bills, for which he received 3*1*/₂ per cent. As to the Government lending money at 6 per cent, he did not know what the hon member meant by it, but he (the Treasurer) would be sorry to advise the House to keep large sums in the Treasury. At present the Government funds were invested in their own bonds (Hear, hear, from Mr Glyde.) The hon member was now applauding the course which he (the Treasurer) had taken (A laugh.) The hon member spoke of the Government forcing the land sales, and as he had said the same before he (the Treasurer) supposed he was fully impressed with the belief that this was the case. The Government did nothing of the kind, and if the hon member looked at the returns he would find the exact amount paid by squatters for their land, and also what the farmers paid, and he would then see that the case of the squatters was not so desperate. The hon member read a return of the amounts paid for land by squatters and farmers during each of the three years referred to, and concluded by offering to withdraw his motion in favor of Mr Glyde's amendment.

The amendment was then agreed to.

BOUNDARIES OF RUNS

The COMMISSIONER OF CROWN LANDS obtained leave to bring in a Bill to facilitate the defining of the boundaries of squatting runs, and the Bill was accordingly brought in and read a first time.

FREE DISTILLATION

Mr BARROW was called upon to move the following motion standing in his name—

"That in the opinion of this House, considering the important addition secured to the Revenue by means of the assessment upon stock—considering also that the whole or a large portion, of the money hitherto sent out of the country for immigration purposes might be retained in the province—the present is a favorable opportunity for introducing a measure to remove the existing restrictions upon distillation, and that this session ought not to be allowed to pass without an attempt to deal with this question."

The hon member stated that at the request of several hon members, not then present, but who wished to take part in that discussion he intended to move that the motion be made an order of the day for the following Friday (Hear.) He would do so, not that he was unprepared to proceed at once with the question, but because he felt that a motion of so much importance ought to be disposed of as far as the House is could be got together (Hear.) The hon member (Mr Glyde), had intimated a possibility that he (Mr Barrow) would never bring the motion forward, but what ground he had for such an assertion, it was very hard to say. If he were to be suspected of intending to

abandon his motion because when standing there on the notice paper, he did not bring it on first, much more might it be supposed that the Treasurer wished to abandon the Estimates altogether, seeing that although they stood first on the paper he had proposed to postpone them (Hear, and laughter.) He (Mr Barrow) begged to assure the hon member that the motion would be brought forward, and would, whatever its fate, be pressed to a division. On Thursday there would be no House, and on Friday (in consequence of the Government Bill the night previous) there would be a thin attendance (Oh, oh.) If he postponed the motion until next Tuesday it would again clash with the Estimates. He therefore asked permission to make it an Order of the Day for Friday, when, if there was a House, he would be prepared to go on with the motion,—if not, to bring it forward on the first opportunity that presented itself.

The question was then put, and the motion of the hon member made an Order of the day for Friday.

The House rose at 10 minutes to 4 o'clock.

WEDNESDAY, MAY 18

The SPEAKER took the Chair at two minutes after 1 o'clock.

SURVEYOR GENERAL AND CHIEF ENGINEER

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return moved for, showing the emoluments independent of their salaries, received by the Surveyor-General and Chief Engineer of Railways.

Ordered to be printed.

MINERAL LEASES

The COMMISSIONER OF CROWN LANDS laid upon the table a return showing the mineral leases issued from the date of the Waste Lands Act coming into operation.

Ordered to be printed.

IMMIGRATION

Mr BARROW asked the Commissioner of Crown Lands when the returns ordered by the House, relative to immigration, would be laid upon the table of the House. He asked the question as he had been informed that the returns were ready.

The COMMISSIONER OF CROWN LANDS said the returns were being prepared with every possible dispatch, but they were necessarily of that nature that their preparation occupied a considerable time. He could assure the hon member that not a single hour should be lost in laying them upon the table of the House.

Mr BARROW had been informed upon the best authority that the returns were ready.

The COMMISSIONER OF CROWN LANDS stated upon the very best authority that the returns were not ready, at least he had not seen them.

Mr BARROW, after that statement, would remark that he had received information from the Auditor-General that the returns were ready.

THE IMMIGRATION AGENT

Mr REYNOLDS put the question in his name—

"That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Dutton) the following questions—

"I The date of Mr Moorhouse's appointment as Emigration Agent, when his duties commenced, and from what date his salary has been reckoned?"

"II The date of Lieutenant Dashwood's appointment, when he entered upon his duties, and when his salary commenced?"

"III Whether the passage to England of Lieutenant Dashwood was paid by the Government, and, if so, the amount and out of what fund the same had been paid, and from what vote authorized?"

The COMMISSIONER OF CROWN LANDS stated in reply to the first question, that the appointment of Immigration Agent was offered to Mr Moorhouse, who was at that time in England, by a letter dated 8th January, 1858, in which it was stated that the salary would be payable from the date of the acceptance of the appointment. A notification, dated 1st April, was received, applying for salary from that date. With respect to the second question, Lieutenant Dashwood was appointed on 22nd July, 1858, and his salary commenced from that date, taking the duties from Mr Moorhouse from 1st November, 1858. With respect to the third question, 120*l* were allowed to Lieutenant Dashwood for passage money, which was charged against the Immigration Fund in England.

TELEGRAPH TO SYDNEY

Mr HAWKER moved—

"That on Friday, 20th May, this House will resolve itself into a Committee of the whole, for the purpose of moving an address to His Excellency the Governor-in-Chief, praying that he will cause a sufficient sum to be placed on the Estimates of 1859 to establish a direct line of telegraphic communication with Sydney, by way of the Murray."

He had been induced to place the notice upon the paper in consequence of his attention having been called to the subject a few weeks since, when in Sydney, by some of the lead-

ing merchants and gentlemen of that city. They had pointed out to him the great inconvenience which they experienced in getting telegraphic messages, particularly upon the arrival and departure of the mails. A great want of courtesy was shown by the parties connected with the telegraph, in fact every possible impediment was thrown in the way. The Sydney merchants and other gentlemen to whom he had alluded had requested him to bring the matter under the notice of the Legislature, and having promised to do so, he had placed this notice upon the paper. Before bringing the question before the House he had consulted Mr Todd and had found that it had also been brought under his notice by Mr McGowan of New South Wales. New South Wales he should mention, was willing to take the lion's share of the work, and the distance from Kooringa, as the crow flies, was not more than 120 miles or the extreme distance to be undertaken by this colony could not be estimated at more than 140 miles. Mr Todd estimated the total expense at 9,000*l*. The advantage which would be derived from the completion of the work referred to in his motion would be that upon the arrival and departure of the mails the people of New South Wales would have the same advantages as those of Victoria. He believed that the line would be exceedingly profitable, most of the merchants having established accredited agents here for the purpose of forwarding the earliest news relating to commercial matters. Mr Todd had informed him that if this project were not carried out, a second line to Melbourne would very shortly be required, and that the cost would be about 5,000*l*, so that for an additional 4,000*l* they might obtain an independent line altogether. An accident which had occurred only on the previous day showed how desirable it was that there should be a second line not so liable to accident as that which at present existed, and which, not being so near to the sea, would not be so liable to accident from the weather. Another strong fact had been brought under his notice by the gentlemen of New South Wales, and that was that if this colony agreed to the proposition the New South Wales Government would give this colony every assistance in connection with the mail service in the steamers calling at Kangaroo Island and they would have no objection to the mails being landed at Glenelg, in fact we should have the whole weight of New South Wales thrown into the scale with our own, so that there would not be so great a probability of the interests of South Australia being sacrificed as they always had been or at all events attempts had been made to sacrifice them at home by the colony of Victoria. In looking at the question there was another view which would, he thought, cause it to be received as a desirable undertaking for whilst it was admitted that the works which were undertaken last year did not give employment to unskilled laborers, who principally required employment, this was a work which would afford employment to that class, the principal portion of the work consisting in cutting timber and digging holes, which could be done by the particular class amongst whom distress existed. Supposing the whole work to cost 9,000*l*, the cost of the wire would not, he believed, exceed 1,000*l*, and, consequently, there would, in round numbers, be nearly 8,000*l* expended amongst the unskilled laborers of the colony. He thought the remarks which he had made would show the great advantages likely to result from the establishment of this independent line with Sydney, and if the work were put in hand immediately it would give employment to a large portion of the unskilled labor in the colony.

Mr STRANGWAYS seconded the motion, without pledging himself to support the Committee. He would suggest to the mover the expediency of altering the date to the 27th inst. He should not offer any further remarks, as the discussion would have to be repeated in Committee.

Mr HAWKER acceded to the suggestion, and the motion as amended was carried.

ADJOURNMENT OF THE HOUSE

The ATTORNEY-GENERAL moved that the House sit its rising adjourn till the following Friday. The hon gentleman remarked that the following day would be the Queen's birthday, and that it could be scarcely expected a House would assemble upon that day.

Dr WARK suggested that the House should adjourn till the following Tuesday, as he believed it would be impossible to get a House on Friday. County members would, no doubt, go into the country for the remainder of the week, and for all the business which appeared upon the paper, he saw no necessity to meet till the following Tuesday.

Mr DUFFIELD hoped the House would determine upon meeting on Friday. He might be called a country member, but he considered it his duty to attend for the purpose of assisting in carrying on the business of the country. He did not like to see such a disposition to put off the business, for though the Assembly had met for nearly three weeks, the business of the session had hardly commenced. He hoped the Government would push on business, so that they might the sooner bring the session to a close, and send hon members about their business.

Mr SHANNON supported the proposition to adjourn till Tuesday. There was a very thin House that day, and the following day being a holiday, it was not very likely that country members would attend on Friday. It would be

much better to adjourn till Tuesday, as he observed that on Friday a most important question relating to distillation would be brought forward by the honourable member for East Torrens Mr Barrow, and it was advisable there should be as full a House as possible when that question was brought under discussion. He was not disposed to remain in town on the following day, merely for the purpose of attending a levee, and no doubt many country members felt similarly to himself. He wished to see on the notice paper sufficient business to last three or four hours.

Mr BAKROW was quite prepared to bring forward the motion in his name, and which had been referred to as standing on the paper for Friday, but he did not think he should be acting justly by bringing forward the motion in a very thin House (Hear, hear). It would make no difference to himself personally, but it might to the question itself (Hear, hear). If he found on Friday that there was a very thin House, he should let the motion lapse, in order that he might be afforded an opportunity of bringing it forward at a future time, when there would be a better chance of the House doing justice to it. He admitted with the hon member for Barossa, that it was desirable to get through the business, but it was equally desirable that important questions should be discussed in a full House (Hear, hear). He should support the proposition for an adjournment till the following Tuesday.

Mr STRANGWAYS was glad that the discussion had taken place, as they would know what to do with other notices which were upon the paper. If there were an adjournment till Tuesday, not only would private notices be postponed, but the Government business would be postponed also, the Government being apparently desirous of sitting, and thus an opportunity would be afforded to the Government of doing what they did last session—collecting six or seven members, who undertook to sit till midnight for the purpose of passing the Estimates. Such, he believed, would be the effect of postponing the motions referring to distillation and immigration which appeared upon the paper for Friday. Those questions materially affected the Estimates, and if those questions were postponed the Estimates would have to be postponed also, and an opportunity would be afforded to the Government of acting as he had stated. He should object to business being postponed, unless sufficient reason were shown.

Mr MILDRED supported the proposition to adjourn till Tuesday, believing it essential that the question of distillation should be settled before the Estimates were dealt with. It was a matter of the greatest importance, and he much regretted that it had been deemed expedient it should stand over till the new elections. At every public meeting the people directed the attention of representatives to the necessity of removing the restrictions upon distillation, the Ministry had promised it, and he trusted that an opportunity would be afforded of having the representatives of the people present when the question was discussed in that House. He believed the question could not be fully discussed on Friday, as those who had spent a festive evening the preceding night would not be likely to attend on the following day.

Mr TOWNSEND said that a festive evening was not likely to prevent him from attending on Friday. He was not likely to dance till morning, and consequently Friday would suit him as well as Tuesday, but he wished it to be understood that though a large number of independent members attended on Government days the paper was almost vacant. It appeared that the Attorney-General was determined not to proceed with the business unless it could be brought forward precisely upon the day which he wished. He wished it to be distinctly understood that the representative members were prepared to proceed with the business, the more so as he was aware that the people were anxiously watching the decisions upon those great questions which he fully agreed should be fully discussed. He was perfectly prepared to proceed with the business on Friday.

Mr COLE, as an independent member, objected to such continued postponements. Not many days since he had been joked by a party who, alluding to the short meetings of the Assembly, said, "How hard you fellows work." On several occasions recently they had met only for an hour. If hon members, after the usual notice had been given for the discussion of important questions, regarded balls and parties as a primary consideration, then let them take the result at the general election, but his motto was, business first and pleasure afterwards.

Mr ROGERS supported the proposition to adjourn till Tuesday, remarking that he and no doubt many hon members would be glad of an opportunity of attending to their private business.

Mr REYNOLDS was prepared to proceed with business, and frequently came specially to attend to Parliamentary duties when he had plenty to attend to elsewhere. Last session they legislated at a railway pace, and for fear that they should fall into a similar error at the close of the present session it would, he thought, be much better to proceed with the business on the paper. If there were a division he should certainly vote for Friday. Constant procrastination he regarded as most unwise. His notice for instance, amounting to a vote of censure upon the Government, appeared upon the paper, it was only fair to those hon gentlemen that they should have an opportunity of explaining, or be put out of

their misery. It would be better to proceed with the business, as there had been sufficient time to consider the motion in the name of the hon. member Mr Barrow, involving a question which affected the general interests of the colony and if hon. members did not choose to be present at its discussion let them look out at the general election.

The ATTORNEY-GENERAL said, almost every member who had spoken was in favor of the motion which he had made. There had been one of those amusing little exhibitions of feeling of which there were so many in that House, but being perfectly prepared to meet on Friday, he should vote for the motion which he had made.

The SPEAKER put the question that the House adjourn till Friday, which was carried.

THE WATERWORKS

Mr PLAKE put the questions of which he had given notice—

"That he will ask the Hon. Commissioner of Public Works (Mr Blyth) when he will be able to lay on the table of this House a statement of the present condition of the City Waterworks under the new management? When it is likely that the engineer will be ready with a scheme to replace the weir across the River Torrens? Who authorized the expenditure of 6,300*l*. more than was originally sanctioned for making reservoir, dam head, &c., and how it happens that the late Commissioner of Waterworks and the Commissioner of Public Works seem to have been so long in ignorance of this excess of expenditure, and what sort of check or control the Commissioner of Public Works exercised over the subordinate department of waterworks when authorized expenditure was thus exceeded for so long a time without his knowledge? What means did the Commissioner of Public Works take to satisfy himself as to the real state of things at the City Waterworks, and as the responsible head of the department of Public Works was he ignorant of the excess of expenditure, and deviation from original plans reported on by the late Chief Commissioner?"

The COMMISSIONER OF PUBLIC WORKS read the following replies—

1 The report of the state of the Waterworks under the new management will be ready to be laid upon the table of the House during the ensuing week.

2 The Engineer at the Waterworks has fixed upon a site for a new weir, and its foundations have been laid bare, but he does not propose to commence building it until the winter breaks.

3 The original extension of the reservoir from 16 to 22½ acres was sanctioned by the Commissioner of Public Works who held office in Mr Finnis's administration, and that departure from the original plan was reported to the House in the first report on public works for 1857. The second extension of the reservoir from 22½ to 26½ acres, was sanctioned by the late Commissioner of Public Works, Mr Reynolds, and that deviation was also reported to the House in the first report on public works for 1858. The following is the report on this point by the late Chief Commissioner—"In reply, would you be so good as to state that my ignorance arose from there being no office copy of the original estimates. Shortly after my accession to office I sought to compare the expenditure with the original estimates but on enquiry I was informed that no original estimate, or copy of original estimate, was in the office or known to exist. Subsequently, in looking through some printed Parliamentary Papers, I found that one had been prepared, and when it is remembered that during the short time I held office, I was mainly engaged in one of the most unpleasant investigations that could devolve upon me, it is rather a wonder that I should not have detected this excessive expenditure at all, than that I should have remained ignorant of it so long. The Commissioner of Public Works was not ignorant of these extensions of the works, since he communicated them to the House as before stated."

4 If the Waterworks or any other department should incur expenditure without authority, the person who caused such unauthorised expenditure would be liable to be surcharged with the amount when his accounts came before the Auditor-General.

5 The Waterworks Board were not permitted to enter into any contracts, or to make any appointments without the previous sanction of the Commissioner of Public Works, their letters, therefore, from time to time, in which authorities were applied for, kept him informed of the state of the undertaking. In addition to this, the reports, &c., which they were compelled to furnish, gave him further information with respect to the state of that department.

Mr TOWNSEND asked the hon. gentleman whether he had received any communication from the other Commissioner of Waterworks, and if so whether he had any objection to lay it on the table of the House.

The COMMISSIONER OF PUBLIC WORKS said, that in another place a communication from Mr Maturin had been ordered to be printed.

DEPASTURING LICENCES

Mr SHANNON put the questions of which he had given notice—

"1 Whether a person who holds a depasturing licence within a Hundred can legally impound cattle found trespassing on the Crown Lands of such Hundred, and, if not, what

course can he pursue to prevent cattle from illegally trespassing?"

"2 If the holder of a depasturing licence can legally depasture stock on the Crown Lands of any Hundred but that in which the property is situated for which he claims?"

The COMMISSIONER OF CROWN LANDS said in reference to the first question, that he thought parties holding depasturing licences could legally impound, but if a doubt arose, there was sufficient authority vested in the Commissioner of Crown Lands under the Act of 1853 to depasture the necessary authority to any person to impound. With regard to the second question, the holder of a depasturing licence could not depasture except upon the portion for which he had taken out a licence.

PROSECUTION OF PUBLIC WORKS

Mr SIRANGWAYS brought forward the notice in his name—

"That this House is of opinion that if the execution of the public works long since authorised by this House had not been so long delayed, the temporary want of employment among the laboring classes would not have required the special intervention of the Executive."

One of the principal objects which he had in tabling the motion was to afford the hon. member for the Sturt an opportunity of showing the accuracy of a statement which he had made to the House, and which had been flatly contradicted by the Commissioner of Public Works. The hon. member for the Sturt had stated that within a certain period only a certain number of public works had been commenced, and the Commissioner of Public Works flatly contradicted the statement. That, however, was a matter, perhaps, more between the Commissioner of Public Works and the hon. member for the Sturt than for the House generally. He believed the hon. member for the Sturt would be enabled to show that the statement which he had made to the House was substantially correct. He would call attention to Council Paper 39, which professed to contain an account of the various works which had been commenced, and the date at which they had been commenced, but he had discovered one item in which there was certainly an error in an important particular, and such was very likely the case with others. For instance, the boat jety at the Semaphore was represented in that return as having been commenced on 13th October, but he was prepared to show by reference to Hansard, that on the 5th November, the Commissioner of Public Works stated he intended to call for tenders in about a fortnight. A vast number of important works for which money was voted towards the close of last session were entirely omitted. For instance, the Hospital at Port Adelaide, the Printing-Office, the Observatory, the Lunatic Asylum, the General Post-Office, and he believed a number of other items voted on the Supplementary and General Estimates for the first six months of the present year, did not appear in the return. Then there was the sum of 7,000*l*. voted for the railway goods shed at the latter part of last session. The Commissioner of Public Works stated that one of the principal objects in undertaking that work at that particular period, and urging it forward, was that the work could be economically performed, and would give employment to a number of unemployed. But what had been done towards carrying out the work? Why, nothing was done till March, and then the site of the shed was entirely altered, the plan was modified, and he had been informed that the Commissioner of Public Works had accepted a tender for the work for 13,000*l*., being in excess of the vote of that House by 6,000*l*., without any authority. Probably the hon. gentleman with his usual sleight of hand, would endeavour to shift the blame to the Chief Engineer of Railways, but he would impress this upon the House, that the money was voted in November, and that the Commissioner of Public Works then urged the House to vote it, as it would afford employment to a large number of the unemployed. That was the principal argument of the Commissioner of Public Works and Treasurer. All the works which had been advertised for shortly after the votes were taken were small in amount. The principal works were not advertised till 15th April, about fourteen days before the meeting of Parliament. The only works which appeared in the return were advertised for after March, and thus it would be seen that three months were allowed to elapse before any steps were taken. The money had been voted, to a great extent, upon the plea that it was required for the relief of the unemployed, and it remained with the Commissioner of Public Works to prove that the money had been expended, or to give some good and sufficient reason for it not having been expended. The first thing for the House to consider was, whether the public works which had been ordered had been properly or improperly delayed, and that was perhaps a question of individual opinion, not admitting of absolute proof. Some might say that the effect of this motion would be to say that the moment votes were passed the Commissioner of Public Works should proceed with the works for which the money was voted, but the question was, had there been too much delay? If those works were prosecuted at once, employment was afforded to the laboring classes, and the money was at once put into circulation, and all classes were benefitted, the laborer did not keep money in his pocket, but circulated it for the benefit of the community.

As to the intervention of the Government some hon members might hold it was not the duty of the Government to interfere between the employer and the employed, except to relieve actual cases of destitution. That however was not what was now put in issue, but whether the remedy applied by the Commissioner of Public Works was not worse than the disease, for that hon gentleman had issued a notice that all persons employed upon the roads at a maximum rate of 4s per day, who refused the offer of any other person to work for that amount, should immediately be discharged. The result of such a course would be that not only for the unemployed but the employed the rate would be fixed at 4s per day. This he regarded as a most unjust interference on the part of the Government between the employer and the employed. The Government should not keep the money voted by that House in the Treasury, but should at all times be prepared to give a man a fair day's wages for a fair day's work. The Government ought not to interfere either as to a maximum or minimum rate. Labor should be regulated by supply and demand, and Government had no right to interfere with the labor market either directly or indirectly. If public works were ordered the Government should go into the market and take labor at the market rate. He would again remind the House that money had been voted, and that it was for the Commissioner of Public Works to show it had been expended, or give some good and sufficient reason for it not having been so expended. If hon members objected to the wording of the motion he had no objection to modify it, but he repeated that the principal reason he had tabled it was not only to obtain an expression of opinion relative to the conduct of the Commissioner of Public Works, but to afford the hon member for the Sturt an opportunity of shewing that the statements which he had previously made, but which had been flatly contradicted by the Commissioner of Public Works, were substantially correct.

Mr REYNOLDS seconded the motion.

The COMMISSIONER OF PUBLIC WORKS could not approve of the motion (Heard and laughter). Although it was probable he should have to repeat though somewhat more at length and in a more detailed form a statement which he had already made to the House, he should endeavour to place before hon members in as calm and as far as he could, dignified way, the real state of the case (Hear, hear). He was quite sure that in discussing a question of this importance there were very few members who would wish to approach it in any other mind than that which he had indicated. The House were asked to affirm that if public works sanctioned by that House had not been so long delayed, the interference of the Government to relieve the pressure upon the labour market would have been unnecessary. The temporary want of employment amongst the working-classes especially amongst unskilled labourers—those fit for manual exercise and little else—commenced long before the discussion of the Supplementary Estimates. So far back as August last, there was great want of employment amongst the class to which he had alluded arising from a variety of causes over which the Government could exercise no control. The deficient harvest of last year caused a number of farmers and yeomanry, formerly the employers of labor, to cease to be so, and become laborers themselves. The Corporation, from a variety of causes, had no funds at its disposal for the employment of the particular class amongst whom distress existed. In this colony there were a large number of persons fit for particular work, and a particular work alone. Even masons' laborers were somewhat higher in rank than the class to which he alluded, who were available for railway works, trenching, &c. They were a large body who were generally profitably employed, but from circumstances which he had glanced at, a large number were thrown out of employment about August, and the pressure came upon the Government in the most painful way that it could—through the Destitute Board. A number of men were willing and anxious to work, but were unable to obtain employment, and the Government considered it their duty to endeavor to find strong able bodied men employment. The Government endeavored to do it by the very course which the motion before the House stated they did not adopt. They endeavored to do it by pressing on public works for the express purpose of finding that class employment. The first work which was undertaken was the pressing on the railway to Kapunda, he pressed on that work with all the power which he could, even before the Bill was finally passed. If employment of this kind had not been afforded the men must have received from the Government the means of living, and he should have been sorry to see that, because he believed it perpetuated in a man a pauper spirit. He believed that if men were willing to work it was the duty of the Government to place them in work. Hon members had referred to the Council Paper which had been laid upon the table, but he would remark that when returns were prepared or ordered it was customary to forward a copy of the motion ordering them to the department furnishing the returns. There had obviously been a mistake in reference to the Semaphore Jetty, as the tender could not have been called for upon the day on which the money was voted. It was one of those little errors which would creep in with the most careful, even with the hon member for Encounter Bay, though not so prone

to error as others. He considered it the duty of the Commissioner of Public Works to take the provision which the House had given him and endeavor by all the means in his power to carry out those works which had been assigned to the Colonial Architect before the 30th of June, 1859. He asked the House to grant a draftsman for that department but the request was refused. He had carefully looked into the Colonial Architect's Department, and had merely asked for those means which he believed necessary, but the House refused to give them. He believed it was the duty of every Minister to endeavor to carry out those works which were deemed essential with the means assigned to him. He would allude, though no reference had been made to it in the address of the hon member for Encounter Bay, to the short absence of the Colonial Architect, a short leave having been granted him after six years' service. In consequence of a domestic calamity four weeks' leave of absence was granted to that gentleman a short relaxation from duty being called for, but even that was not awarded to him until he had consented to work after hours, and by doing so he brought out the plans for the Registry Office, and other works, frequently sitting up till a very late hour in the night. Perhaps it would assist hon members if they would refer to previous years and if they compared the various sums voted, and the expenditure, and the dates they would find that works had been put forward much more quickly than in previous years and with a much less staff. He approved of a large contract for a work which it was unnecessary to name, and though the contractors had eight months to complete their work they called upon him and said that they were afraid they would be greatly injured by the Government works being pressed on as they were, and solicited an extension of time for the completion of their contract, which he declined to allow. On reference to Hansard, it would be seen that he had asked for assistance for the Colonial Architect's department, and that it had been refused. He would again state, which it had been so frequently misrepresented, that the Colonial Architect's department was never in a more forward state. It had been represented that he had stated in so satisfactory a state but this was not the case. The plans for all the works which had been sanctioned had been prepared, except for a Custom-House at Rivoli Bay. If hon members referred to this time last year they would find a different state of things. As reference had been made to the statement of the hon member for the Sturt, that only four works had been undertaken since the close of last session, he would again give that statement an emphatic denial. On looking at the report of what occurred on that occasion in a paper not unfavorable to the hon member, he would ask if he was not justified in giving a denial to that statement. The Government had pressed forward public works as far as they possibly could, and many works which had been asked for season after season had been at last accomplished, much to the joy of the farmers in the districts in which these works had been effected, he alluded to roads, &c. He referred to this because it had been said that the works which had been undertaken were of doubtful utility. He was satisfied that there never had been a period at which works of greater utility had been undertaken, or at less expense to the community. Never had so large a body of colonists been benefited by the course the Government took to find employment for the destitute unskilled laborers. If he had erred it had been from a desire to use the means placed at his disposal, and the only departure which he had made from the instructions of the House had been by engaging an extra draughtsman in the Colonial Architect's office finding it actually impossible to carry out the various works which had been sanctioned, with the means placed at his disposal. He should watch the progress of the debate with far greater interest for the feelings of others than his own, because statements had been made involving a most meritorious officer, the Colonial Architect, than whom no officer had more frequently devoted his time after business hours to forward the work of his department. He felt pleasure in making that statement to the House. That officer had varied duties to perform, for instance, by the District Councils Act power was given to the Government to hand over jetties to District Councils, and it became necessary for him (the Commissioner of Public Works) and the Colonial Architect to inspect the jetties. Other matters frequently required the absence of the Colonial and Assistant Colonial Architects, but every hour had been devoted to pressing on public works. Whoever might at a future time fill the office of Commissioner of Public Works would find that, from the closing of the last session till the present time, public works had been pressed on with all the rapidity they could be, in order to give employment to the laboring classes. He was aware that he had imperfectly stated the case to the House, but relied upon a plain, unvarnished statement, and was satisfied that hon members, on calmly looking at the matter, would oppose the motion of the hon member for Encounter Bay.

Mr REYNOLDS would approach the subject with as much calmness as he was possessed of, and he hoped in that unvarnished manner and with such simple statements as would have weight amongst such intelligent men as constituted the Legislative Assembly of South Australia. He saw no necessity for doing otherwise, because when he accepted the challenge of the Hon the Commissioner of Public Works to

substantiate statements which he had previously made, he did so in the confidence that he could substantiate those statements. He felt that his veracity was at stake, and he was not a slanderer or a liar as had been insinuated by some parties out of doors. The House would exonerate him from such imputations, and he believed that even the Hon. the Commissioner of Public Works would himself do so. No one could say that he (Mr. Reynolds) had not acted fairly in this matter, or that he had shirked the question which he gave use to a couple of weeks since, and now that he had heard the defence of the Commissioner of Public Works, he was prepared to canvass that hon. member's statements, and to enter upon his own. The hon. member had exonerated the Colonial Architect, and stated that the office of that gentleman's department was never in so forward a condition as at present. Taking that statement in connection with the intimation that the department was not in an efficient condition, owing to the want of an additional draftsman, he (Mr. Reynolds) confessed he could not understand them. If the Colonial Architect had done his duty as he (Mr. Reynolds) took it for granted he had done, then all the blame, if there were any, rested with the hon. the Commissioner of Public Works for not advertising for tenders for works, the plans for which were prepared so long ago, and the hon. member in that case was alone amenable to the censure of the House. The hon. member referred to the state of the department now and at any former period, perhaps wishing the House to draw a comparison between it in his predecessor's time, and since the hon. member himself came into the office, but the House had not returns before it to form an opinion on this point. (Hear, hear, from the Attorney-General.) The hon. the Attorney-General called "hear, hear," and perhaps that hon. member meant to contend that the present Commissioner made more progress than his predecessor, and then to take shelter under the absence of returns. But the hon. the Attorney-General was himself a member of the Ministry when the late Commissioner of Public Works was in office, and should rather defend that gentleman in case he had not made such progress as the present Commissioner had made. But if there was any dilatoriness on the part of the hon. member's predecessor, that gentleman had never made statements as to the progress and pushing forward of works such as the present Commissioner had made. When the Government asked for money for public works, on the ostensible grounds that the works were to be immediately pushed forward, then they were responsible for any delay, but if the predecessor of the present Commissioner of Public Works had made no such representation, there was no parallel between their cases. The present Government in asking for sums of money, both on the Estimates and Supplementary Estimates of last year, did, however, make such representations. The hon. member here read from the Colonial Hansard replies given in the House by the Commissioner of Public Works on the 24th September, and by the Attorney-General and the Treasurer on the 5th October, in support of his statement, and continued to remark: It was the desire, at least the apparent desire, of the Government to hasten on the public works. There was one item of 7,000*l*. which the Government objected to having placed on the ordinary instead of the Supplementary Estimates on the ground that if it were so placed the work could not be undertaken until December, and yet the tenders for this work were only called for in February. He (Mr. Reynolds) certainly thought, taking into consideration the vast number of men out of employment—as the Commissioner of Public Works had just remarked, as far back as August last, that the public works would have been pressed forward, but he now affirmed on the authority of the returns upon the table that the great works with four exceptions were not undertaken. On the Supplementary Estimates a sum of money was authorized by the House on the 15th of October to be expended upon a colonial store which was then in the course of erection. The next vote he saw was for a boat jetty at the Semaphore, which was passed on the 14th of November, and the letter of the Colonial Architect calling for tenders was issued six weeks afterwards. Had similar expedition been used in calling for tenders for the other works voted there would be little ground of complaint. Then for the Onkaparinga tunnel the tenders were not called for until the 29th December, and for the new Registry office not until the 3rd of February. In fact, out of some 30,000*l*. voted there were works to the extent of 20,000*l*. which had not yet been commenced. Of the general Estimates, out of some 23,000*l*. voted for public buildings, only some 6,000*l*. or 7,000*l*. had been advertised for up to the 18th April, the works being—repairs to Adelaide Gaol, Custom-House at Port Augusta, the Institute Port Lincoln Jetty, and Keedy Creek Bridge. Again he repeated, the hon. member had not removed from his (Mr. Reynolds's) mind the impression, now amounting to a certainty that what he (Mr. Reynolds) previously stated was substantially correct, and as the House had authorized the expenditure of some 50,000*l*. or 60,000*l*. on public works and these works were delayed three or four months, and had these works been prosecuted instead of dipping into the Treasury for another 10,000*l*. which they were not authorised to take, much employment would have been afforded, he considered the Government had taken a great liberty with the public funds. (Hear, hear.) They should have gone on with the works which

were voted instead of breaking stones which they could not now either sell or make use of and which they were, he believed, now putting into a concrete foundation. (Hear, hear from the Government bench.) The Hon. the Commissioner of Public Works said that the works proceeded with were not of doubtful utility, and he (Mr. Reynolds) was very glad to hear this as he believed that in the commencement there was an awful waste of money. It was very fortunate that there was a Central Road Board to take the 10,000*l*. which had been appropriated for the unemployed out of the hands of the Commissioner of Public Works. That hon. member, instead of prosecuting the works which had been authorised, sent them to the extension of the railway, and pushed forward the works there. But the House was told by the Engineer of the works, that in consequence of this interference on the part of the Government with the laboring classes, the money was not spent very profitably. Mr. Hanson reported that a very large number of men were employed to the relief of the Destitute Board, but at an increased cost for the works. There were some 700 employed at one time, but as he was obliged to employ all that came good, bad, and indifferent, he could neither let the works, nor execute them economically. He (Mr. Reynolds) asked why not let the works in the face of the work which had been done in trenching the Parliament reserve at the rate of 10*s*. or 30*s*.—he did not know which.

Mr. TOWNSEND was understood to inform the hon. member that the rate was 2*s*. 8*d*.

Mr. REYNOLDS only knew it was some fabulous price. With respect to what the hon. the Commissioner of Public Works had said as to a large contractor remonstrating with him on his employing those persons who were out of work, he (Mr. Reynolds) thought that if the hon. member had pushed forward the works which had been authorised without consulting any of these large contractors, he would have done much more good. It was true that a portion of the funds of which he (Mr. Reynolds) had spoken was used by the Superintendent of Telegraphs who had advertised for some poles, and thereby relieved the Commissioner of Public Works of a portion of his duties. His (Mr. Reynolds's) one friend on his right (Mr. Strangways) had referred to other matters which did not appear in the return on the table, but for this he did not blame the Commissioner of Public Works, as he (Mr. Reynolds) had not included them. There was Rivoli Bay, and the telegraph to the south, and the telegraph to the north, the railway shed, the Hospital, the Botanic Garden, the planting around Government-house, the Observatory, the old Lunatic Asylum, the Court-House at Pennington, the Custom-House at the River Murray, the Police station at Blanche Town, the lock-up at Mount Remarkable, the trial lines of railway, the printing-office the Post Office, the Registration Office, but these were enough. He had made up a sufficient list of works which up to the present day were not commenced, to justify him in censuring the Government. He (Mr. Reynolds) regretted that the Hon. the Commissioner of Public Works had not referred to the Waterworks. It was well known that there was a great deal of delay in prosecuting them. The River Weir had taken a great many months to report upon, and from what he (Mr. Reynolds) could learn the plans were not yet agreed upon. If this was not shortly done the work would be thrown back another twelve months before the city received a supply of water, if it ever got such a supply at all. It should also be borne in mind in reference to those works that every day's delay increased their cost owing to the enormous interest paid for the money borrowed for their construction, and the large staff of officers employed to carry them out. Considering that there was no reason for delay in carrying out the public works authorised by the House, inasmuch as the department of the Colonial Architect was in so very forward a condition he considered the Ministry deserving of the censure of the House.

Dr. WARK had listened with pleasure to the dignified oration which the House had heard from a dignified quarter, but he could discover in it very little in vindication of what the Government had done. The speech was a vindication of the Colonial Architect, and it had been said that there was so much the more to be thrown upon the Commissioner of Public Works, which that hon. member had very generously taken upon himself. He (Dr. Wark) complained that the Commissioner of Public Works had merely generalised, and had not entered into the particulars of the case, nor shown, as he should have done when each particular vote was given and when the tenders were called for the execution of the work. Instead of that the hon. member merely said that distress was felt before the supplementary votes were asked for or passed. It was on that account that the House was called upon to vote money at one time for the relief of skilled labor, and at another for the relief of destitution. According to the Commissioner of Public Works it was the Destitute Board which first aroused the Government to action, and informed them of the number of people willing and able to work, and unable to procure employment. The hon. member took great credit for sending the men to work on the railway, but the engineer of the works said that the sending of the men greatly increased the cost of the line. It might be said that the Government gone on with the authorised public works, they would only have employed skilled laborers. A mason could not build without stones, and every one class of work-

men employed gave employment to others. The men sent to the railway should have been employed on the authorised public works. There was a vast sum available for this purpose, and hon members had pointed out several works which might have been carried on, and which were not undertaken.

Mr PEAKE had heard with much pleasure the speech of the hon the Commissioner of Public Works, in which that hon member accepted the entire responsibility of all that had been done in his department. He (Mr Peake) was glad to find that there was no fault attributable to the Colonial Architect. If there were any fault, the hon the Commissioner of Public Works accepted it himself, and it was the duty of the House to say whether there was any fault or not. He would suggest to the hon member for Encounter Bay to amend his motion somewhat, as in its present form it would commit him to a difficulty. The closing portion of the motion affirmed that the temporary want of employment amongst the labouring classes would not have required the special intervention of the Executive. He (Mr Peake) would prefer saying that the temporary want of employment would have been greatly relieved if the public works authorised by the Legislature had been proceeded with, and if the hon member (Mr Strugways) assented to this alteration, he (Mr Peake) would move it before resuming his seat. He should also feel disposed to append to the resolution a direct censure on the Commissioner of Public Works for the policy adopted by him in this matter. He disagreed entirely with the hon member, and would state his reasons for doing so presently, and if the House would go with him, he had no objection to add to the motion the expression of censure which he had referred to. He wished the House to express its disapproval of the policy pursued, but he would be content with the alteration which he first suggested in the closing part of the resolution. He saw plainly that a considerable delay had taken place in the prosecution of many public works, but he did not wish to go into particulars, and one reason of his not doing so was, that he found a great difficulty in going through the report, inasmuch as some 13 works out of 26 appeared to have been commenced before the money was voted. But he would refer to a more expensive return than continuing the sums voted for various public works during the year, the sums expended upon such works, and the unexpended balances remaining in hand. In 1857 there was an unexpended balance of this description of £7,775½ carried over to 1858, and in 1859 a similar balance of £7,104½ carried over to 1859. These totals were quite sufficient to show that there must have been very considerable delays in the execution of various public works, and consequently in expending the moneys voted for such works. If the colony were in a high state of prosperity, and labor scarce and dear, he (Mr Peake) could see the policy of permitting some delay in the execution of public works, inasmuch as if the Commissioner of Public Works were to hurry on works, at such a time, he might hamper the country, or even prevent the getting in of the harvest. But it was the duty of the Government to retain no balance in hand—(oh, oh!)—when the people were distressed, and there was money in the Treasury to carry on public works. The policy in the one case was as clear as in the other. He now came to the policy, the unfortunate policy of the Government in standing up as employers of the unemployed at a minimum rate of wages. That policy it was impossible to carry out, for though begun in a spirit of kindness and good will, it would be very easily brought to a standstill by the continuance of distress. The funds of the Government would become exhausted, and there would then be no more remedy for the state of things than when it began, although the public money had been all wasted. Like as an instance of this the melancholy report of the Engineer of Railways, stating that by the interference of Government in the present instance, the cost of the works had been largely increased. This statement had a wider significance than might be supposed. He (Mr Peake) believed that this policy of open-handed relief to all unemployed laborers who came to seek it, was the cause of many such evils as were referred to by the Engineer in this case. And what was the effect of this money, which was apparently spent to relieve the hands of the Destitute Board? Had it been of any real benefit? It might have kept the people alive, but that was not the way to relieve men by public works. Had more prompt action been taken to push on the authorised works, the men might have been employed at fair wages, and not made hangers on and loungers on Government bounty, by which means they became spoiled and discontented even with those who adopted the poor policy of so employing them. Had the authorised works been proceeded with the men of strong arms and strong hearts would have worked for the wages given, whether they were 10s a day or 4s 6d, instead of having the semi-workhouse system which had been pursued. Another point which he objected to was, that the Government fixed the price of labor. They said it should be 4s 6d, but they might as well say it should be 10s 6d. He believed such a system was unknown out of this country, though here it had a precedent in certain piles and stumps of trees which had been dug up and piled in Victoria-square, but were shortly afterwards destroyed, because they were a reproach and a bye-word to the Executive who placed them there. The Commissioner of Public Works said that

the distress was known to have begun in August, and this destroyed the hon member's last chance of excuse for any delay, great or small, in carrying out the public works. The causes of the distress were the abstraction of capital, the deficient harvest, and, in many instances, the unwillingness of working men to accept such a diminished rate of wages as capitalists could afford to pay. But whatever were the causes of the distress capital and population should regulate the rate of wages. He would not go into any questions between one Commissioner of Public Works and another, but he believed no Government could persevere long in the policy which the present Administration had pursued, and that even as a temporary expedient it was bad, inasmuch as Government should only assist labor through the ordinary channels. Why not have let the work? Would not the men employed by the Government have been employed by the contractors? He believed the policy pursued was very much to the detriment of the public service, and he therefore expressed his dissent from it, and hoped the House would express its disapproval also.

The ATTORNEY-GENERAL said the motion made by the hon member for Encounter Bay, and on which the discussion hitherto had taken place, was one of those propositions which might be termed self-cutting, or rather which taken in connection with the most palpable and obvious facts within the knowledge of every member of the House, did refute itself. The fact was that the Government was compelled to interfere before any single one of the works referred to had been sanctioned by the House, so that the proposition was self-refutatory on the face of it. But as it was proposed to be amended it had almost the character of a truism—(a laugh)—inasmuch as to say that if more employment had been provided there would have been a less want of employment for the laboring classes was a truism. In order to make the motion go further and affirm something, it should say that the House censured the Government for not pressing forward the public works. If this were not done the resolution might be affirmed without at all affecting the position of parties in the House on that of the Government. He hoped the hon member for the Barré and Clare would, in order to enable the resolution to mean what he (the Attorney-General) presumed it was intended to mean, add another sentence to it, when it could be discussed much more satisfactorily than was possible at present. He would not have risen at this stage of the debate, but that he wished to reply to some remarks of the hon member for the Barré. The view which he (the Attorney-General) took of the functions of a Government, or of the one called to administer it, were very different from those of the hon member. The first duty of every civilized Government was, to see that no person should perish from hunger ("Hear, hear," from all parts of the House.) Then, what he asked, became of all the eloquent appeals as to the last farthing of the Government funds being expended, and the people still left in the same position as they were in before?

Mr PEAKE rose to order. He was sure the hon member would not wilfully misrepresent him. What he had said was, that the money would be uselessly expended.

The ATTORNEY-GENERAL—It only amounted to this, that the people would be in the same position with regard to employment as before. Assuming such to be the case, the question was whether the money should be expended in supporting those who eat the bread of idleness or upon those who were compelled to furnish even an inadequate amount of labor for their sustenance, was best expended. So far as the funds of the colony were concerned it made no difference, except that these funds were more likely to be exhausted in the one case than in the other, for the temptation to claim relief on the plea of destitution, when persons were not required to give any equivalent for such relief, would induce applications for it, which would not be made if an equivalent were required. So far, therefore, as the argument based upon the exhaustion of the Government funds was concerned, it applied in an equal or rather in a greater degree to the policy of the hon member for the Barré than to that adopted by the Government. But he would go further and say that it was the duty of the Government whenever it felt called upon to relieve destitution, to employ a labor test in order to ascertain whether the destitution arose from the idleness of the individuals themselves or from want of the opportunity of procuring employment. The idea of turning this colony into a vast pauper establishment was preposterous, and to propose that the thousand persons for whom the Government had lately been obliged to find employment should be relieved by the Destitute Board in addition to those who would be attracted by the knowledge that relief could be had on easy terms, would turn the country into one vast pauper establishment, and would destroy that spirit of independence on which the country depended for the maintenance of a proper tone of feeling amongst the laboring classes. The result of such a state of things would be as injurious as could possibly be conceived. There were only two ways in which public relief could be offered to destitute persons, which did not involve the old pauper system of England. One of these was the labor test system, and the other that which was called the Bastille or the workhouse system. The circumstances

of this country prevent the erection of large buildings in which the sexes could be kept separate, and the other restraints on freedom imposed in workhouses would be practised, and this state of things deprived the Government of any other course than that of adopting a labor test. He therefore contended that the Government had adopted a wise course. It was not the first, and might not be the last in which the intervention of the Government of the colony would be called for to relieve distress amongst the laboring population. If in an old and established country like England, with its vast capital and great industrial occupations, so large a proportion of the people were dependant upon public support, for the means of sustenance, it must be expected that in a colony like this subject to such frequent fluctuations at all times, the intervention of the Government might be necessary, and it was impossible to say when or how it might be required. At such a time he believed that any Government adopting a system of relief without a labor test, would be acting as traitors to the trust reposed in them. He could see nothing more calculated to excite alarm, than that a Government should say that every person claiming relief on the ground of destitution should be entitled to it without giving any equivalent. But the hon. member for the Burra not merely attacked the general principle acted on by the Government, but also the mode in which it was carried out. It would, perhaps, be sufficient to say that the employment of these persons upon the railway was effected whilst the House was in session, and yet so far as he (the Attorney-General) was aware, not one word of objection was ever raised against the system at that time. He did not say this as seeking to evade any responsibility which properly belonged to the Government, but merely to call attention to the fact that no voice was then raised against the Government policy. It was quite true that the employment of these laborers led to a waste of money, as the work which these people performed was not as profitable as that of persons whom contractors would select. But it was just because they were men whom contractors would not select or employ, and that, if the line were let, it would prevent the Government from employing them, that the Government stepped in. The only question was whether the system resulted in a gain, as compared with relieving the people and requiring nothing in return. It was always found that employing such persons was less profitable than employing men selected and supervised by contractors or similar persons, but that did not affect the question as to whether the Government was justified in employing them. And now a word as to the general policy of the Government, in reference to the expenditure of money voted by the House. He always understood when the House voted money, that it was not the intention of the House, nor was it the duty of the Government, that the money should be expended as soon as possible. The feeling of the House had always seemed through many sessions to be that the works should be spread as far as possible over the whole time for which the money was voted. He believed it would be exceedingly unwise in the Government to expend the whole of the money voted in the shortest possible time. If it could at any time be clearly seen that there was a temporary depression which, if tried over for a few weeks would give way to a time of prosperity, then the Government would be justified in taking such a course, but if the circumstances of the country were such as to show that if the whole of the money were expended there would still be a large amount of distress, then it was the duty of the Government to spread the money equally over the whole period for which it was voted. Personally he was indifferent in one respect to the result of the motion. He believed if the motion of the hon. member for Encounter Bay were carried it would be absolutely at variance with the facts. The amendment of the hon. member for the Burra might mean anything or nothing, but he (the Attorney-General) could have wished that if hon. members believed they had just grounds for censure against the Government, they had put their views in such a shape that there could be no doubt respecting them, and then let the matter be fully discussed.

Mr IOWNSEND said the Attorney-General seemed very anxious that members of that House should at once pass a vote of censure upon the Government, but he could assure the hon. gentlemen that he need not be so anxious, for it would come in due time, when it would be assented to not only by members of that House, but by the voice of the country. The hon. the Attorney-General had made a long speech, but what did it amount to? Why, merely to a lecture upon the pauper system of Great Britain. He did not hesitate to say that the hon. gentleman had sought to throw dust in the eyes of members of that House. When the Commissioner of Public Works last year asked the House to vote sums for public works, he stated that plans and estimates would be at once prepared and the works proceeded with, in order to give employment to a large number of the unemployed. The Commissioner of Public Works stated that the distress existed only amongst the unskilled laborers, but he (Mr Townsends) denied that there were a large number of skilled mechanics out of employment, who would have been employed if public works had been pushed forward. Why were not numerous works which he might mention pushed on? Why was the printing office not proceeded with, the alterations in the Post Office, painting Government-house, alterations to the Lunatic Asylum, &c? If the Commissioner

of Public Works had vigorously proceeded with those works which had been sanctioned by the House, a large number of both skilled and unskilled laborers would have been employed. The Government had done more than employ labor, for they set up a price for it, and more than that, they told those to go about their business who did not choose to accept that price. Could the Attorney-General shew that in any part of the world the Government established a price for labor? He would ask the Commissioner of Public Works how he supported his assertion that he had pushed on public works when he found that averaging the dates, tenders were called about the 10th April for works for which money was voted on 10th November. The Attorney-General said it was customary to spread the expenditure over a certain period, but in this instance the principal argument used to induce the House to vote the money was the assurance that it would be immediately expended for the purpose of relieving the working classes. He believed the motion to be strictly true, and that the country knew it to be a fact, but if some hon. members wished he should have no objection to the substitution of the word "relieved."

Mr YOUNG hoped to have heard such an explanation from the Government as would have enabled him to oppose the motion, but he had heard nothing to satisfy him, and felt bound to support the amendment of the hon. member for the Burra. He had listened attentively to the arguments of the Attorney-General, but it appeared to him that the hon. gentleman half the time argued upon false premises. The House did not complain of what the Government had done, but of what they had not done. The Attorney-General had stated that no voice was raised against the employment of day labor when the House was sitting, but the reason was that the House was not placed in possession of the information which it asked for in order to know how much was spent on day labor. On the 3rd December he gave notice for a return relative to the men employed upon the Gawler Extension line, a strong feeling existing that the public money was extravagantly spent in day labor, and that only half the work was obtained by that system which would be obtained by contract work. To some extent he agreed with the Commissioner of Public Works, believing that a great error had been committed in voting large sums for public buildings in the immediate neighbourhood of Adelaide. The object should be to disseminate the laborers over the country, but he could not divest himself of the feeling that there had been unnecessary delay, and that the evil might have been checked by an earlier intervention on the part of the Government, by an expenditure of the money voted by that House. He should support the amendment of the hon. member for the Burra.

Mr BARROW felt that he could not consistently give a silent vote upon a question of so much importance, though he came to the House without any intention of speaking to the question. He must confess he felt disappointed at the explanation which had fallen from the Treasury benches (Hear, hear). He hoped to have heard a complete answer to the remarks of the hon. member for Encounter Bay. There were two or three points which must be very clear to them all. The first was, that last session they voted considerable sums for public works. The next was that a very large portion of that money remained unexpended, and the third was that whilst this large unexpended vote was it the command of the Treasurer and the Commissioner of Public Works, a great number of persons were out of employment (Hear). Putting those facts together—the money was voted, that the people were out of employment, and that the money was not spent, it was difficult to avoid voting with the hon. member for Encounter Bay (Hear, hear). He wished the case had been different, not because he should have felt pleasure in voting against the hon. member for Encounter Bay—(a laugh)—but where there was a popular Government it was a matter of pleasure and pride to him to support that Government (Hear, hear). He regretted, therefore, that he could not vote with the Government. He was aware that the practice in former years had been for the Commissioner of Public Works and others holding analogous situations to retain in their possession considerable sums voted for public works, and to spread the expenditure over a long series of months, as the Attorney-General had stated, and, if there had not been representations of a different intention made when the money was voted last session, the plea of the Attorney-General would have much greater force than it now possessed (Hear, hear). But when the House were asked to vote large sums for public works at the close of last session, it was repeatedly stated by the Government that the object was to afford immediate relief to the labor market, and that the money could not be voted at a better time. Although the Attorney-General was perfectly correct as to the general practice of former years, the plea which was urged when the money was voted last session precluded him from now availing himself of the precedent of former years (Hear, hear). The House were called upon to vote money because the state of the labor market was such that it was desirable there should be means of giving immediate employment to a large number of persons. The money was voted—voted at the request of the Government, and upon the distinct statement that their intention was to furnish immediate and legitimate employment to the people. Yet, as must have been well known to every member of the Treasury

benches public works had been delayed whilst the people remained unemployed (Hear, hear) But notwithstanding this, he (Mr Barrow) still hoped that a satisfactory answer might have been given by the Ministry He hoped to have heard satisfactory reasons for those unexpected delays but he had not heard them If the Commissioner of Public Works had shown reasons of public policy why this or that particular work had not been carried out, the House could have estimated those reasons, and have vindicated the hon gentleman if they had proved satisfactory, but what reasons did the Commissioner of Public Works allege for not having commenced those works sanctioned by the House, and which would have afforded employment to the people? In the first place the Commissioner of Public Works stated that he could not proceed with them because he had not a draughtsman, yet, as had been pointed out, the hon gentleman had also stated that the Colonial Architect's department was never in so forward a state He could understand the distinction which had been drawn by the Commissioner between a forward state and a satisfactory state, but it appeared to him (Mr Barrow) that the more "forward" the department was, the less excuse there was for any delay in the prosecution of those works which had been sanctioned by the House (Hear, hear) He could not see how the Commissioner of Public Works could vindicate any delay in the construction of works, when the Colonial Architect's department was in a forward state, and when the money was voted for his use He did not know if the Commissioner of Public Works intended to rely altogether upon the plea of the absence of a draughtsman, but if any member of the Government could show that the department was obstructed or impeded in its operations by the absence of a draughtsman, that would be a strong and valid reason for refusing to vote for the motion, inasmuch as the House, by refusing a draughtsman, had cramped the operations of the department, and the blame would then rest upon that House and not upon the hon gentleman But he was afraid the impression of hon members was rather against than for that supposition (Hear, hear) If the hon gentleman had stated to the House distinctly that he had spent the money as fast as possible, the House might have rested satisfied with stating that he should not have asked for money so much faster than it could be spent, and that brought him (Mr Barrow) to another point upon which he would make a few remarks The House should not, he thought, sanction votes for public works unless such works were really required, and that quite irrespective of the labor market For the sake of public convenience all public works should be constructed as quickly as possible after the vote had been taken but he considered that money should not be asked for on account of works which were not required A good deal had been said about the Government interfering with the labor market It had been said that the Government should not so interfere but so long as the Government imported labor they did interfere (Hear, hear) It was futile to say on the one hand—"import labor," and on the other—"don't interfere with the labor market" The importation of labor was an interference in the strongest and most direct manner So long therefore as this importation of labor continued, they must not apply to the question of public employment, the ordinary rule of supply and demand (Hear) If the Government were to spend the public money in importing labor it was useless to say "leave the employers and the employed to settle the matter between themselves" It was clear that by importing labor the Government interfered with the labor market, and if that interference were considered desirable it would be therefore necessary to adopt a policy consistent with that interference There would, however, be other opportunities of discussing the question of immigration, and he would say no more upon it With regard to the question immediately before the House he believed it would have been more to the interest of the colony if the Commissioner of Public Works had earned on public improvements more vigorously during the early part of the season He did not wish to advance this as a formal censure upon the Government, viewing it thereby, as it was often viewed as a sentence of official death (Laughter) Hon members might express themselves strongly, believing that one member of the Government had made a mistake, or that another had not been sufficiently active, it did not follow, however, that every such censure should have a fatal effect He did not intend any censure at all more than his remarks conveyed, but would take the amendment as described by the Attorney-General who had called it "a truism" It might be a truism, or a sophism, or an argument, but it was undoubtedly a fact that if the Government had prosecuted public works more vigorously, trade would have been better, and many who were out of work would have been receiving and spending their weekly wages He did not see how he could vote against the motion, but he should, without pressing the matter further, be satisfied with the result of the discussion, because he was sure that such an excuse as that now advanced for not spending the public money would not be heard again till the present members of the Assembly had all vacated their seats (Laughter) If it went to a division, he must vote against the Government, but he was satisfied with the expression of the views of the House, and did not wish to be a party to any more direct form of censure He should, however, be voting against his honest conviction were he to say

that he believed the utmost had been done to advance public works, and find employment for the people (Hear, hear)

The TREASURER said that the hon member for East Foriens had said that in agreeing to this motion, he did not mean to impute censure to the Government, but if it was not a censure he should like to know what it was

Mr BARROW explained that what he said was he did not use the word "censure" in the fatal sense usually given to it, namely, a sentence of ministerial death (Laughter)

The TREASURER said the effect of the vote would be for future consideration The motion clearly involved a censure upon the Government, and if passed, the House would affirm that the Government had unjustifiably postponed public works The amendment did not relieve the motion of its sting, and it appeared to him that if the House wished to censure the Government, they might as well do it in one way as the other The alleged delay, he contended, had not been borne out by a single fact or argument which had been brought forward He considered, indeed, that the hon member for the Burre had given a specific reason why the Government had not expended the money in their possession The hon member had computed the sums unexpended at the beginning of 1858, with the amount remaining unexpended at the end, and, because the sum remaining unexpended at the end of 1858 was greater than that at the end of 1857, he had argued that this was proof that the Government had not expended as much as they ought to have If the hon member, instead of looking at the unexpended balance, had looked to the whole expenditure, he would have found that the expenditure in 1858 was larger than in 1857 In 1858, the amount voted for public works was 105,363*l.*, and the unexpended balance 73,400*l.*, so that the Government were, in fact, authorised to expend 179,000*l.* during the year The Supplementary Estimates were not authorised till December, so that the Government were incurring responsibility in incurring any expenditure prior to that period The amount actually expended in 1858 was 168,000*l.*, so that the whole amount at the disposal of the Government was expended with the exception of about 10,000*l.* The amount at the disposal of the Government on the 1st January last was about 115,000*l.*, but 46,000*l.* had been spent during the first quarter of the year, leaving a balance of 99,000*l.*, and if an equal amount to the first quarter were expended during the next, there would be at the end of that quarter only a balance of 53,000*l.* to expend, being a smaller unexpended balance than in any previous year He would not touch upon any particular item or upon any particular work said to have been delayed, because the Commissioner of Public Works was the only member of the Government who could go into that question, but looking at the sums voted by that House he had shown that expenditure had gone on in a larger ratio than in previous years There were several works which had been sanctioned, which there were good reasons for not proceeding with For instance the alterations at the Post Office were not proceeded with, because when the plans and specifications were considered it was found that the expenditure would be absolutely thrown away, as sufficient accommodation would not be afforded So in reference to the Hospital at the Port, it was found necessary, in order to render it effective, that a larger grant should be obtained There was no other point to which he was desirous of alluding, but if the House thought the Government had not proceeded sufficiently rapidly with the works which had been ordered, there could be no doubt that expression of opinion involved a censure upon the Government, and he should conscientiously vote against the motion, because it had been shewn by the Commissioner of Public Works, and it could be demonstrated, that there had been no delay in the prosecution of public works The objection which had arisen had not arisen from the conduct of the Government, as whatever works had been undertaken, the labor market would have been affected, but to a very trifling extent, but the failure of the harvest of 1857 produced the distress, and the decrease in the value of exports last year left 355,000*l.* less than in the previous year in the hands of the community to expend

Mr PEAKE in explanation, said he had quoted the unexpended balances from the returns before the House, and had shown that large amounts were in the hands of the Commissioner of Public Works at the close of those years He had blamed the policy of the Government for keeping so large a balance unexpended

Mr STRANGWAYS said the Commissioner of Public Works had dragged the Colonial Architect into the discussion, and hoped, apparently, he would have a monopoly of him, and that no one would allude to him because the Colonial Architect would have no opportunity of reply He (Mr Strangways) had never alluded to the Colonial Architect, for he did not like shifting the blame from a chief officer to a subordinate, particularly where the latter was undeserving of it The Commissioner of Public Works did not like to appropriate any blame to him if in this resolution but said that the delay in carrying out public works for which money had been voted arose from the House having refused to vote the salary for a draughtsman At the same time the hon gentleman stated that the Colonial Architect's Office was never in a more forward state, and these two statements certainly appeared inconsistent It, as stated by the Commissioner of Public Works, everything was in so forward a

state, where was the necessity for extra assistance? The Commissioner of Public Works had alluded to a statement, made by some builders, that if public works were carried out, the price of labor would be increased, but what right had the Commissioner of Public Works to go round to builders and ask whether it would be advisable that public works should be undertaken or not? It appeared the hon gentleman was in the habit of taking the advice of builders upon these points or else his remarks had been misunderstood, like those which he recently sent to the Central Road Board, and which were intended to have a directly contrary meaning to that which could fairly be placed upon them. The Attorney General had in fact carefully avoided touching upon the question before the House, and had entered upon the question whether Government should interfere between the employers and the employed. The Attorney-General termed the motion as amended a truism whilst the Treasurer regarded it as a truism with a sting in it, so that there was a slight difference of opinion amongst that happy family. The Commissioner of Public Works endeavored to disprove the motion, and the Attorney-General admitted it was perfectly true. It was singular, but if ever there was any chance of a motion being carried against the Government after two or three members of the Government had spoken, the Attorney-General always got up and admitted it was all perfectly correct. The Attorney General had said that labor was applied in this instance as a test, and to procure the colony some return for the outlay of the Government but the hon gentleman had quite left out the providing the means of living for the unemployed. It had been said that if the money had been placed in the hands of the contractors for the Kapunda railway, they might not have employed the same men but he believed that some of these very men were sent to the Central Road Board and were employed. It might be true that the course usually pursued was to advertise for tenders and spread the expenditure of the public money over a certain period, but in this case the House had voted money upon the distinct understanding that works would be carried out as expeditiously as possible. One hon member (Mr Barrow) had said that it did not follow every motion of this kind should have a fatal result and that it did not, had been repeatedly proved in that House to the entire satisfaction of hon members. Thin-skinned persons might have looked upon resolutions which had passed the House as censures, but they had no fatal results for the gentlemen on the Ministerial benches, nor did he anticipate that this motion would. The motion never would have been tabled in the manner in which it had been but for the emphatic denial of the Commissioner of Public Works of the statement made by the hon member for the Staff. The Commissioner of Public Works had, by his own admission, shewn that the statement which he had previously made was quite incorrect. One good result would accrue from the motion—it would arouse the gentlemen on the Treasury Benches, who managed just to keep awake during the session, but during the recess became political doxies. He would point out that it carried the resolution would only be a record of opinion. He was quite willing to adopt the amendment of the hon member for the Buria, and would ask the leave of the House to do so.

The SPEAKER put the question, that the words proposed to be omitted stand part of the question, which was negatived.

Mr MACDERMOTT was desirous of moving an amendment, remarking that the form of the motion or amendment was exceedingly inconvenient to the country. If the hon members who had brought them forward were desirous of taking the places of the present Government, a much more straightforward course would be to table a motion of want of confidence. He did not know that the motion would have such importance and he should regret if it had such consequences. He was desirous of moving the previous question.

The SPEAKER said the hon member could not do so at present. The motion that the words proposed to be added be so added was then put, and negatived by a majority of 3, the votes, Ayes, 9, Noes, 12, being as follows—

AYES—Messrs Barrow, Duffield, Hawker, Mildred, Owen, Stringways, Iohnsen, Waik, and Peake (teller).

NOES—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Bagot, Cole, Collison, Hallett, Macdermott, Rogers, Scammell, Shannon, and the Treasurer (teller).

The effect was that the original motion was cut off to the word "would."

Mr MACDERMOTT rose to move the previous question. Mr STRINGWAYS urged that the hon member had already spoken.

The SPEAKER said that any hon member who had not spoken could move the previous question.

Mr HAWKER would then move the previous question. During the discussion he had felt great difficulty as to how he should vote upon the question, because he could not acquit the Government altogether of blame in the matter, and yet he did not think they were so much to blame as to make it a question of a trial of strength to turn the Government out. After the debate, and the severe handling which the Commissioner of Public Works had received, he thought it very likely that the object of the motion would be gained, and that there would be no repetition of the course which had been adopted by the Commissioner of Public

Works. He thought blame did not attach so much to the Government and the Commissioner of Public Works for not having put the work in hand sooner, as for the statement made by the Commissioner of Public Works last session when each vote was taken, that the works were to be immediately commenced for the purpose of relieving the distress amongst the working classes. He had never believed that those works would afford the amount of relief to the particular class they were intended to relieve, and it would have been far better to have expended a large sum upon roads and works of that description to employ unskilled labor. He had objected to works being undertaken in Adelaide, and believed that if the Commissioner of Public Works had not pointed out the necessity of them last session he would not have been so severely handled during this debate. He remembered that last session a draughtsman was asked for in the Colonial Architect's Office and refused by the House. On the previous day he had been into the Colonial Architect's Office, and had requested to look at the plans and specifications of buildings in course of erection. He looked at the plans and specifications of the Registry Office, and found that after the Colonial Architect had completed plans ground plans and elevations, they were then handed over to a draughtsman to make working drawings for the contractors. He saw 14 large sheets containing such plans, and was informed that it would take a draughtsman at least three weeks or a month to prepare them. If all the works which had been sanctioned were to have been undertaken by the Government, it was clear that there must have been a great deal of assistance in the Colonial Architect's office, and therefore he thought the Commissioner of Public Works should not have laid so much stress upon the relief which these works would afford to the working classes because they could not be put in hand immediately after the votes had been taken as the plans would take a long time to prepare. He believed one of the most judicious things the Government had done had been placing 10,000*l* at the disposal of the Central Road Board. He had recently seen some works executed in the north by this vote and if all the works were equally well done, the money had certainly been most judiciously expended. He did not think the Government had a right to get work done for less than what it was actually worth, and for this reason he was strongly opposed to the limitation of wages to 4*s* a day. Let a man earn 8*s* or 9*s* a day, if he chose to work. Looking at the whole question, though the Government were not free from blame in the matter, he did not think it should be made a point on which to turn them out. The delay in the public business which would be caused by such a course would be far more loss than anything which could be gained by it. He hoped the effect of the debate would be to make the Commissioner of Public Works more careful for the future.

Mr DUFFIELD seconded the previous question. The Attorney-General had said that no disapprobation had been expressed at the employment of day labor last session, but if the hon gentleman would look to the Hansard of the 8th November, he would find that he (Mr Duffield) brought the question forward. He was pleased to hear the hon member for Victoria speak favorably of the Central Road Board. He believed the secret was that the men under that Board had been employed by piecework.

Mr ROGERS supported the previous question, though not wishing to screen the Government. He did not believe if all the works had been undertaken that the labor market would have been relieved to any considerable extent. Had it not been for a deficient harvest there would have been no lack of employment.

Mr SCAMMELL supported the amendment of the hon member for Victoria. He believed the distress which had been experienced arose not only from a deficient harvest, but from absenteeism, many parties drawing large sums from the colony without having imported any capital to it.

Mr MILDRED would support the previous question, not because he believed the Commissioner of Public Works to be free from blame, but because he believed the original motion more severe than the Government deserved. He hoped it would not be necessary to read another lesson to the gentlemen on the Treasury Benches.

The previous question was carried and the House adjourned at 5 minutes to 5 o'clock till 1 o'clock on the following Friday.

FRIDAY, MAY 20

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

THE TRUCK SYSTEM

Mr SOLOMON presented a petition from 126 working men, praying the House to take measures to abolish the truck system, and the practice amongst contractors of only paying their workmen a portion of the wages due to them weekly.

HINDMARSH

Mr COLE presented a petition from the District Council and 192 inhabitants of Hindmarsh, praying for the establishment of a Local Court in that locality.

RAILWAY TO THE MURRAY

Mr BAKEWELL presented a petition from the inhabitants of Mount Crawford and vicinity praying for the construction of a line of railway from Gawler to the Murray, by way of Lyndoch Valley and Mount Crawford

PUBLIC HOLIDAY

Mr GLYDE asked the Attorney-General by whose authority the Government Offices were closed on April 23rd, without any notice. The offices were closed not only on Good Friday but upon the following Saturday, to the great inconvenience of many parties, and himself amongst the number.

The ATTORNEY-GENERAL requested the hon member to give notice of the question.

THE HARBOR TRUST

The COMMISSIONER OF PUBLIC WORKS stated in reply to Mr Reynolds, that he believed the Chief Secretary was still a member of the Harbor Trust.

THE STEAMER CORIO

Mr SIRANGWAYS wished an explanation in reference to the mail steamer Corio, which did not call at Glenelg on Wednesday evening for the supplementary mail. He wished to know what arrangements had been made by the Government for sending the supplementary mail to Kangaroo Island. A notification had been made by the Post Office that the mail would close at 4 o'clock in the afternoon, but that letters would be received till 6 o'clock upon payment of sixpence, and be forwarded by the supplementary mail. As he had before said, the mail was not called for at Glenelg, and at 11 o'clock at night a message was forwarded to the Postmaster-General to state that no steamer was to be seen, and asking if the mail should be forwarded by the Alert. The Postmaster-General replied in the affirmative, and the cutter was despatched, but from stress of weather she was not able to reach Kangaroo Island. He was informed that the contract with the Corio was that she should call at the Glenelg Jetty, weather permitting. The crew were put on board the Alert in a small dory, so that the mail boat could have experienced no difficulty in putting the mail on board the Corio. But he was informed that there was really no intention from the first of calling at Glenelg, and, as a proof that there was no intention a telegraphic message was sent to the agents of the vessel in Adelaide, requesting the agent to embark at the Port instead of Glenelg. If the mail contractors were allowed to refuse to call for the supplementary mail, the inconvenience not only to the merchants of this, but the neighboring colony, would be great, and he believed that the inconvenience which would on this occasion be felt by His Excellency the Governor would be very great, all his despatches being in the supplementary mail boxes. He hoped the Government would compel the mail contractor to obey the order of the Post Office, but, in the meantime, he was anxious to know what arrangements had been made for despatching the mail to Kangaroo Island. In order to elicit discussion upon the subject, he would move that the House sit at its rising adjourn till the following Tuesday.

The ATTORNEY-GENERAL said if the hon member wished to obtain information upon the subject, he should be happy to afford it, but he was not going to be led into a discussion upon the subject upon a motion so utterly irrelevant.

Mr TOWNSEND asked the Speaker if it was not quite customary in the House of Commons to make a mere formal motion of this kind and then to put questions to the Government upon any subject on which information was required. He believed that very important questions had been put to the Government in such a process. Such a course as that which had been adopted by the hon member for Encounter Bay he believed to be perfectly in accordance with Parliamentary usage, and, if so, he could not help thinking that the Attorney-General had treated the House with great discourtesy.

The SPEAKER said the hon member had been quite in order in the motion and in the question which he had put. Had the hon member simply asked the question, he could not have made the explanation which he had.

Mr REYNOLDS asked the Attorney-General what arrangements the Government had made to dispatch the supplementary mail?

The ATTORNEY-GENERAL would be happy to give every information in his power. The contract with the owners of the Corio was, that she was to call at the Glenelg Jetty, wind and weather permitting, and that must be left absolutely, in the first instance, to the master of the Corio, but he and the owners would afterwards be responsible to the Government. In the exercise of his discretion, the master did not call at the Glenelg Jetty, and whether he would be enabled to justify that course was a question which he would not enter upon, as he had not the facts before him on which to form an opinion. The Government instantly procured the services of the Alert, and put the mail on board, but the Alert having been driven back, the Government had made arrangements to dispatch the young Australian, which it was hoped would reach Nepean Bay in sufficient time. Just as he came to that House that day he parted with the Chief Secretary, who was then going to expedite as much as possible the arrangements for the despatch of that vessel.

DISTILLATION

Mr PEAKE referred to a remark in His Excellency's speech to the effect, that it was intended to introduce a Bill to amend the Act relating to the culture of the vine in South Australia, and as the action of the Government might influence the opinions of hon members upon the Distillation question, it was highly important the House should be in possession of the plans the Government had in view. When might the House expect the Government would be enabled to place them in possession of the course which they intended to follow in reference to this question?

The ATTORNEY-GENERAL said the object of the Bill of which he had given notice for the following Thursday, was to give facilities for distilling from not only the produce of the vineyard, but the orchard, and thus enable parties to distil from fruits which would otherwise be thrown away, leaving grain and potatoes, or what might be termed field produce, under the operation of the existing law.

YANKALILLA

Mr TOWNSEND put the question in his name—“That he will ask the Hon the Attorney-General (Mr Hanson) if the person holding the appointment of bailiff of the Local Courts of Yankalilla and Normanville is also a mounted police-constable?”

The ATTORNEY-GENERAL believed that the person at present performing the duties was a mounted police-constable, but constables were never employed in that way where the Magistrate could find a suitable person for the performance of such duties.

IMMIGRATION

Mr TOWNSEND moved—

“That in the opinion of this House the Government should immediately instruct the Emigration Agent in London to discontinue sending any free emigrants from Britain for twelve months.”

He had been induced to place the motion on the paper, not because there was some excitement in the public mind upon the subject, but he always had the views which he at present entertained upon the question. In the first address which he had issued to his constituents, he had protested against any portion of the public money being devoted to immigration. He wished the subject discussed, because when it was brought forward on 17th December last, there was a very thin House. It was impolitic and unjust that the public money should be expended for the purposes of immigration, impolitic, because notwithstanding the statements which had been made to the contrary, it was notorious that large numbers of the immigrants imported at the expense of South Australia had gone to the neighbouring colony of Victoria. At the present time it was a fact that there were large numbers of skilled and unskilled labourers out of employ. Nominated immigrants who arrived here displaced others who were in work before, and therefore it was impolitic to import them. Was it fair to bring parties here to compete with working men whose labor was their only capital? It would be no more unfair on the part of the Government to introduce conscripts or any other commodity because there was a scarcity. In connection with immigration the very money which was sent home was derived from the taxation of the people. It was opposed to all true political economy for the Government to introduce labor. At the present time there was no demand for labor of any kind, and he therefore confidently asked the House to assent to the motion. He did not anticipate opposition, believing the Government would assent to the motion, but he should certainly divide the House on the motion.

Mr SOLOMON seconded the motion, remarking that he thought those who on a former occasion had opposed a resolution of this kind must now be satisfied that the views which they took on that occasion were not correct. He believed that the object sought to be attained—the discontinuance for a time of immigration—was correct in principle. It was not likely that the resumption of immigration would be required for a considerable period. If the House looked at the large amounts which had been expended in immigration, and calculated what would have been the probable effects of an expenditure of that money in public works, they would at once declare in favor of the latter course. Had the money been expended in public works there would have been no necessity for importing immigrants, as a sufficient number would have been attracted from other places. Had half the amount expended in immigration been expended in public works he believed they would have had a much larger number of persons here than at present, and there would have been full employment for all. Those who opposed on a former occasion the motion which he brought forward on this subject, would, he thought, now admit that there was an absolute necessity to carry out such a system as that proposed. It was not merely amongst unskilled laborers that want of employment was felt, there being a large number of skilled laborers who were unable to obtain employment. When there was a superabundance of labor it was absolutely unjust on the part of the Government to attempt to introduce a larger number of men. The arguments in connection with the subject had been so frequently repeated in that House and in the public press, that it was unnecessary to dwell upon them at any length. He believed a majority of the House were in favor of a dis-

continuance of immigration, and his opinion was that to continue it at the present time would be like throwing money into the sea. A large proportion of those who had been imported at the expense of the colony had gone to Victoria. If any one calculated the number who had been imported, and the natural increase, and compared the gross amount with the actual population, it would be found that the population was far short of what it ought to be. If the country were polled from end to end he believed nineteen-twentieths of the population would be in favor of a discontinuance of immigration.

The COMMISSIONER OF CROWN LANDS rose at that early period of the debate to state that he intended to oppose the motion. It appeared to him that for several reasons it had been prematurely placed before the House. In the first place the hon. member (Mr. BAYLOR) had moved for returns which were being prepared as quickly as their voluminous character would permit and when prepared would put a great deal of information bearing on the subject before hon. members, and as the hon. member for East Torrens had given notice of motion upon the subject, it certainly appeared as if the hon. member for Onkaparinga wanted to take the wind out of the sails of that hon. member. He would draw attention to the fact that immigration was regulated by an Act of the Legislature, and it would be hardly fair of that House by a simple resolution to override that Act, without affording the other branch of the Legislature an opportunity of expressing its opinion. With regard to the principles involved, the stoppage of free immigration he would point out that by an Act of the Legislature of 1857, it was provided that immigrants should consist in part of parties nominated by residents in the colony, who paid part of the expense of such immigrants and virtually became responsible for starting them in life upon their arrival here, and partly of free immigrants. The immigration of both of these classes was based upon the principle, that the number from England, Ireland, and Scotland, should be regulated according to the population of those separate portions of the United Kingdom that law had been strictly carried out by him as the head of the department, but what would be the effect if the resolution before the House were carried? The nominations taken out in the colony, so far as he could ascertain very far exceeded the proportion for Ireland which the law admitted. It was necessary within certain periods, which for convenience were the financial periods of the several votes, that the proportion should be equalised. If the resolution before the House were passed, the effect would be that the law could not be carried out, a very large preponderance must be imported from Ireland, and the equalisation contemplated by the free immigrants selected by the Immigration Agent could not be carried out. The returns in course of preparation bore upon this subject, and as the resolution, if carried, could not be sent to England for a month, he thought it would be better to postpone the motion till those returns had been produced. He was strongly convinced, however unpopular the idea might be, that it was important to the best interests of the colony that there should be a well-matured system of moderate immigration. He should not be deterred from expressing that opinion, and so far as he was concerned the discussion had not come too soon for him. He was not afraid of expressing what he believed to be for the best interests of the colony. He was quite aware that during the gold mania in Victoria many of those imported at the expense of South Australia did go to that colony, but a great many came back and he believed that the system had now been thoroughly but a step to. By a return for the past year it would be seen that the balance of immigration over emigration was in our favor by 600, which was sufficient to dispose of what had fallen from previous speakers. No one could regret more than he did the temporary want of employment which had existed, but he was quite satisfied that all who came to the colony would ultimately find themselves in independent circumstances. Although he deeply regretted the want of employment which had existed, it had arisen from circumstances over which no one could exercise any control. With regard to the character of the immigration now brought to the colony, the House must not lose sight of the fact that a very much improved system was in force, and that every immigrant now had to pass in review before the Immigration Agent in England. The report of Dr. Duncan stated that the immigrants selected by Mr. Moorhouse were of a very superior description compared with those who had been selected formerly by the Commissioners. He believed that all working men would ultimately find employment but if the system now in force had been in force for the last five years, the House would not have been called upon, as they had been during the last few months, to relieve the want of employment. He would call attention to the report for the first quarter of 1859 to show how extremely undesirable it would be to stop female immigration, 232 single women readily finding employment in a short time. He trusted that the House would not lose sight of these facts, and calmly and dispassionately consider this very important question. He felt it his duty to oppose the motion.

Mr. BAGOT said this was one of those subjects on which there had already been considerable discussion. He felt he must vote for the resolution. He hoped however, that the mover would consent to a slight alteration, so that

free immigration would not be entirely stopped so far as domestic servants were concerned. It appeared to him that was the only strong point which could be urged by the Commissioner of Crown Lands. The necessity of keeping up a flow of female immigration to the colony would, he thought, be admitted. In the neighbouring colony of Victoria the male population was considerably in excess of the female, but here, fortunately, the number of males and females was pretty equal. It was of the utmost importance to the welfare of the colony that this proportion should be kept up. If by means of public works this colony were made more attractive than at present, the probability was that the proportions would be disturbed and that there would soon be a far greater number of males than females. Men were of a more roving disposition than women, and consequently there would probably be a far greater number of males than females coming to or going from the colony. It would be injurious to the best interests of the colony that the males and females should not be kept as nearly equal in number as possible. No injury could, he thought, result from stopping free male immigration for 12 months. It was not necessary to go into the question as to what the necessities of the colony were as regards labor, but it had often struck him that if the money which had been expended on immigration had been expended in works useful to the community—such as roads, and in developing the resources of the colony—the colony would have been in a far more advanced state, even as regards the number of its inhabitants. Those were his views, and he thought they must be palpable to all, except perhaps, employers of labour. They were there to look after the interests of the colony generally, and must not merely consider the interests of the employer or the employed. He believed, however, that the employer would be benefited if the course proposed by the motion were adopted. During the last three or four years he found it was no uncommon thing for immigrants to go direct from the vessel in which they were imported to the neighbouring colony, instead of remaining here to become useful members of society. Many others came here, not for the purpose of settling, but merely to get sufficient money to enable them to go to one of the other colonies. He hoped the alteration he had suggested would be adopted so as not to exclude female immigration. This would not only carry his vote, but that of other hon. members.

Mr. McELLISIER supported the motion, and expressed a wish that the office of Immigration Agent were abolished. It was needless to bring men here when there were numbers standing at the corners of streets from week to week unable to obtain employment.

Mr. COLLE said he did not see why this colony should furnish females for Victoria any more than males. If the amendment were intended to have that effect he should oppose it.

Mr. DUFFIELD could not allow the question to go to the vote without expressing his views. He partly agreed with the resolution, but in principle he disagreed with it *in toto*. He admitted that at present it was not desirable to import more immigrants, particularly of the class of whom at the present moment there were so many out of employ. The motion he thought was untimely, as returns had been moved for and would be shortly furnished, which would give information as to the particular class who had been thrown on the public resources. Such a question should not be dealt with impulsively. It could not be said there were no means of employment, for the hills abounded with copper and there were millions of acres requiring cultivation which would afford employment for the millions of Europe. There would be an abundant supply to all. But during the last two or three seasons there had been a deficiency in the harvest, and those who had been in the habit of employing labor, had been thrown into such a position that they could not. If the next harvest were a good one, he did not believe there was a man in South Australia willing to work who would not readily obtain employment. He did not look at the question as an employer, but as a colonist. He looked at the interests of the country, and not merely to one class or another, but to the general welfare of the community. They knew that to the North there was abundance of copper, and all that was required was labor and capital. It was not, however, the want of capital which had brought about the late scarcity of employment, but it was a deficient harvest. Although we were rather deficient of capital at present, there was plenty on the other side of the water, and if they could show that there was copper to be dug from the bowels of the earth, and that there was labor to do it with, the capital would soon be sent here. When the returns which had been alluded to were furnished, he thought it would be found that those who had suffered from want of employment had not been accustomed to the work which we had to give them. He had three men working for him, who had long been stammering every nerve, and laying by their small earnings, to enable them to send for their friends. Did that look as if this was a bad place to emigrate to? He had said before that he believed some better system might be adopted, but to adopt such a resolution as that before the House would do more injury to South Australia than anything which had ever been done by that Parliament. It would be in the recollection of the House that the Germans had petitioned to be allowed to share in the benefits of immigration. They were certainly as poor a class as any that arrived here, yet they had not proved bur-

dens, and they evidently did not consider this such a bad country to come to. He should vote against the motion, and if he could not do better, should support the amendment of the hon. member for Light.

Mr ROGERS seconded the amendment.

Mr REYNOLDS must confess he felt disposed to go with the amendment of the hon. member for Light. He would first deal with the arguments of the hon. member for Barossa. That hon. member stated that we had labor here which was not suited to the circumstances of the colony, but was that any reason that we should send any more capital for the purpose of getting some labor perhaps a little more suitable? He thought it would be better to make use of the material which was here and endeavor to bring it up to the proper standard, than to send more money away, to get labor perhaps not a bit more suitable than that which we already had. There was no guarantee that free or assisted immigration under the present system would be more suitable. He did not think that the arguments of the hon. member would hold water—excuse the remark—but that was his element (Laughter). He was perfectly satisfied that no injury could result from the suspension of immigration for one year, and had expressed that conviction on former occasions. Look at the vast numbers for whom the Government had been compelled to find employment, and yet in the face of that it was said we wanted more immigrants. Already they had been compelled to vote £10,000 for the relief of the unemployed, but if all the available funds were sent home for more immigrants, where was the money to come from to employ them when they arrived? They were told by the hon. member for Barossa there was plenty of copper in the hills. Very well, then, why not work it? For there was plenty of labor. Then it was said there was plenty of land waiting to be ploughed. Then, why not plough it? For there was plenty of labor but to spend any more money to import labor of that particular description, which was already superabundant, would he contended, be suicidal. If there was so much copper, why not develop it? If there was so much land why not cultivate it? There was plenty of labor to be had for 3s a day, and on no account, said the Government, give more than 4s a day. It could not be on account of the high price of labor that labor was not employed in the pursuits which had been referred to by the hon. member for Barossa. There must be another reason, and he believed that to be the want of capital. First let them have the capital, and then would be time enough to import labor. The circumstances of the colony were widely different now from what they were at the early period of its existence, the land had been cultivated, and they had already begun to talk of what they were to do with their surplus grain. They had heard of free distillation in order to make available the grain already produced. What! bring out more labor when the land was already over-cultivated? At all events there was plenty of labor, and let those who chose cultivate a little more. The Commissioner of Crown Lands said he should oppose the motion, of course the hon. gentleman would, for there was a sum upon the Estimates for more immigrants, but the argument enunciated by the hon. gentleman was one of the shallowest he ever heard. It was true that the Act of 1857 provided that the Governor should make certain regulations in reference to immigrants, and because the Governor had done so the hon. gentleman held that we were therefore bound to bring out immigrants. He could not understand that argument. He did not want to legislate upon the question for years to come, but he thought the time had arrived when there might be a stop to immigration for 12 months, and for that reason he would support the amendment. The House, in dealing with the question should not look merely to one particular interest, but to the circumstances of the colony as a whole.

Mr BARROW thought if the House were required to come to a deliberate opinion upon the subject that day it would be impossible to entertain any other business. He should not think it right to dispose of so important a question without full discussion, and giving every member an opportunity of expressing his opinion. (Hear, hear.) He was well aware that this colony had thriven under a system of free immigration. He did not want to question that, nay, he would go further and say that circumstances might arise when it might be necessary to vote large sums for immigration. But the House had to deal not with the past history of the colony, but the present. The question was, whether the colony was now suffering from a superabundance of labor and whether it was necessary in the face of a deficiency in capital to send away a portion of that capital for the purpose of importing labor which they did not want. (Hear, hear.) They had capital in deficiency and labor in excess and therefore it was expected that they should send away a portion of that of which they had too little, for the purpose of importing that of which they had too much. (Laughter.) Some days since he had moved for certain returns in connection with immigration, with the view if the returns justified him in taking that course, of tabling some motion upon the subject, but whether the hon. member for Onkaparinga thought the information not necessary, or whether he considered himself sufficiently informed personally upon the subject, or whether, as was perhaps the case, he did not want the returns at all, he could not say, but the hon. member

called upon the House to vote upon a question upon which the House expected shortly to receive large and important information. He did not attribute to the hon. member any desire to take the wind out of his (Mr Barrow's) sails. If the hon. member wanted any of the wind in his sails, he was perfectly welcome to have sails and all, and he (Mr Barrow) would endeavour to go along by steam. (Laughter.) He had no apprehension of being stopped in his career by the hon. member for Onkaparinga and was quite sure the hon. member did not meditate taking the wind out of his sails. He thought the hon. member for Onkaparinga had tabled a motion which the House would in some shape have to agree to. He did not say that the question would have to be decided that afternoon, nor did he consider it important that it should be, as if the resolution was carried it could not be transmitted for a month, and consequently it would have the same practical effect if it were decided at any time within the month. It was a question which should be calmly looked at and impartially discussed. (Hear, hear.) There might be a want of labor in the country districts, of this, however, the country members would be enabled to speak, and they ought to tell the House whether there was really a scarcity or not. It was the bounden duty of the country members to do so, in order that the House might have the benefit of the collective information of the representatives of the people. (Hear, hear.) But even although it were shown that in the country districts there was a deficiency he might enquire if there was not a redundancy in town sufficient to supply the wants of the country. Could they not by dispersing the labor provide sufficient for the wants of the community. Before they could give a satisfactory answer upon these points they should have the information of the country members, who must be in possession of the necessary information as to whether a scarcity or not existed in the country districts. It was only fair to their constituents and to that House, that the country members should adopt the course which he had suggested. Having tried immigration for twenty years, he thought they might, without being traitors to the community, do without it for one year. If the result were not satisfactory, they could then put a sum upon the Estimates, upon finding that they could not go on without immigration. He did not know whether the hon. member intended his motion to have the literal effect which the words implied as the motion only proposed to discontinue free immigration. Did the hon. member intend to continue assisted immigration? This was an important point which, if interpreted literally, would enable many members to vote for the motion who were not favorable to the complete stoppage of immigration. He thought that a good many circumstances in connection with this question, which they had had cause to regret, arose from the town outgrowing its proportions as compared with the country, that is, the population of the town he believed bore a large proportion to the total population than the population of any other capital bore to the empire of which it was the centre. The immigrants should be spread over the country districts even those imported partly at the public expense, to prevent the location of a large number in the city, where they could not readily find employment, though they would readily be enabled to do so in the remote districts. He would suppose some such scheme as this—Suppose a farmer in the north or the south said that he wanted half a dozen laborers, and was prepared to pay half their passage money to the colony if the Government would pay the other half. By such an arrangement there would be no fear of the laborers becoming a burden to the country as no farmer would pay down 50 per cent to bring out servants unless he was pretty sure he could employ them and that they would stay with him. (Hear, hear.) He (Mr Barrow) had only nominated one family since he had been in the colony, and that family, upon landing, went to Goolwa, where they still remained, engaged profitably to the country and comfortably settled themselves. No one wanted population to stand still, population might be multiplied tenfold with tenfold advantage to the colony. The hon. member for Barossa had stated that he had three men in his employ who were straining every nerve to bring out their friends to the colony, and he (Mr Barrow) trusted they would be successful in doing so, for those were the kind of men who were wanted. (Hear, hear.) It was almost impossible to over-estimate the advantages derived by the colony from men of that stamp, coming here and straining every nerve to bring out their friends who were moving in a poorer position at home. He rejoiced that the hon. member for Barossa had in his employ men sufficiently happy prosperous, and thrifty, to contemplate bringing out their relations, and he hoped there were many who contemplated a similar course. (Hear, hear.) The Commissioner of Crown Lands had alluded to the balance of immigration over emigration as shown by returns on the table of the House, but he should like to ask the hon. gentleman in whether those returns had been obtained from the Customs returns, or from any other source of information, because, if from the Customs returns they were not worth a straw, there being no account kept of those who went to the adjoining colony or land, nor of those who went on board after ships were cleared, so that the Customs returns were perfectly fallacious in proof of there being an excess of immi-

gration over emigration. The Commissioner of Crown Lands had not stated upon what he had based those remarks. He did not know if the hon member for Onkaparinga intended to press the motion to a division that afternoon, or whether he would content himself with having it settled prior to the departure of the next mail homeward, allowing a sufficient time for the returns which had been moved for to be laid upon the table of the House before coming to a decision. He was not anxious as to what course the hon member adopted. If the hon member meant by his motion that there should be no more immigration, he could not go with him, but he could not see that it could inflict any grievous disaster, even though the views of those in favor of suspension of immigration should prove to be wrong, to suspend immigration for twelve months, because it could not be denied that there was this great fact, that the House had been called upon to vote 10,000 in consequence of there being a superabundance of labor in the colony. The hon member for Barossa had said that at next harvest every man would be employed, and he trusted it would be so, for he liked to see no more laborers than there was labor. But he feared that there were some who would not be content unless they saw a balance of unemployed labor (Hear, hear.) If the hon member for Onkaparinga pressed the motion to a division, he should like to know whether it was intended that the 12 months should date from the time of the arrival of the despatch in England or from the time of passing the resolution, because if the latter, he should prefer 15 months to 12, which would bring them near to the following harvest, but if it were to be from the arrival of the despatch in London, he would then say, let it stand as it was in reference to the amendment of the hon member for the Light, he did not see that they were called upon to import female immigrants if they did not require to import male. The hon member had failed to convince him of the necessity or the utility of the amendment. He thought it would be better to leave the motion as it stood. In signifying his intention of voting for the motion, if it were pressed to a division, he wished it to be understood that he left the question of assisted immigration open, and he might add that assisted immigration in the absence of proper regulations, might be worse than free immigration, and nominated immigration, as it had been carried on, had been proved to be far worse. If pressed to a division he should feel it his duty to vote for the motion, though he thought the question might gain much and could lose nothing by being kept open till the next homeward mail, he suggested that for the personal consideration of the hon mover.

THE COMMISSIONER OF CROWN LANDS pointed out that the returns between Adelaide and Victoria were verified by the latter colony.

On the motion of Mr MILNE the debate was adjourned till the following Friday.

BROMPTON

Mr COLE brought forward the notice in his name—

“That he will ask the Hon the Commissioner of Public Works (Mr Blyth) if the Government has taken action with reference to the construction of a level crossing at East-street, Brompton, if not, why such action has not taken place, the cost of same having been voted in December last?”

THE COMMISSIONER OF PUBLIC WORKS said the money was not voted in December last, but merely an address to His Excellency, requesting that a sum might be placed on the Estimates for the purpose. The sum had been placed on the Estimates and the railway authorities had been requested to make the necessary arrangements.

FREE DISTILLATION

Mr BARROW, in rising to move the motion in his name—

“That, in the opinion of this House, considering the important addition secured to the revenue by means of the assessment upon stock—considering also that the whole, or a large portion, of the money, hitherto sent out of the country for immigration purposes might be retained in the province—the present is a favourable opportunity for introducing a measure to remove the existing restrictions upon distillation, and that this session ought not to be allowed to pass without an attempt to deal with this question.”

asked leave to amend it by omitting all the words from “House” in the first line, to “Province,” so that the motion would read—

“That, in the opinion of this House, the present is a favorable opportunity for introducing a measure to remove the existing restrictions upon distillation, and that this session ought not to be allowed to pass without an attempt to deal with this question.”

Leave having been granted, the hon member said he felt some reluctance in so shortly again intruding upon the House. He should have refrained from speaking at any considerable length upon the preceding question, had he expected that the debate would have so quickly terminated, but as there appeared a disposition to continue the debate upon immigration, he felt disposed to have his share in the discussion. It was however his duty to move the resolution standing in his name. He would state at the outset that he was not anxious to see what was termed free distillation carried into effect as the law of the land during the present session, not because his

own opinion was unsettled or vacillating upon the point, but because he deemed it a sound constitutional principle that every question of vital importance should go to the country for their verdict upon it (Hear.) He believed, whatever views might be entertained by hon members upon this question, that all would admit it was one of great and vital importance (Hear, hear.) It was a great question, as affecting an important branch of industry, it was a great question as affecting revenue and finance and it was a great question as affecting our intercolonial relations. He had thus avowed his opinions upon the question, in order that it might not be said he had taken it up without considering the responsibilities which he incurred. No doubt there was a general demand in the country for free distillation. He did not say that people were united in their views upon the point—some for instance might mean free distillation under free trade principles, and others under a principle of protection. Some who were in favor of free trade principles, considered that free trade might be reached gradually by a series of reductions, whilst others supported an abolition of Customs duties at once. The question, however, must not be allowed to die out, it must be grappled with, and it must be presented to the community in such a shape as would enable them to arrive at an intelligent decision (Hear, hear.) It was not enough that the question should be submitted at the next election in a bald and naked form. It was not enough to ask the country whether there should be free distillation or not. The country should know what was meant by free distillation, and what they would have to pay for it (Hear, hear.) Honorable members who were opposed to free distillation, cheered in an ironical manner, as though they thought they had an advantage in that admission. He (Mr Barrow) was well aware of the difficulties of the question, but it must not be shirked or put off (Hear, hear.) The question had been perpetually shirked and put off, and that House was accountable for its procrastination upon a subject upon which it knew that the public felt deeply and had very decided views. The time had arrived when the question must be placed before the country with all its terms and conditions, so that the country would know whether to have the boon at the price or not. He should have been glad, therefore, if the Government had brought forward a measure upon the subject, in order that their views might have been known. As the House were aware, the subject was enquired into by a select Committee of that House last session. He did not join in censuring the Treasurer, who was Chairman of that Committee, for signing a report which he did not approve of, because it was well known that a Chairman of a Committee signed the report officially, but it was also known that where the Chairman entertained strong views opposed to the report, he recorded his protest against the report (Hear, hear.) The Treasurer, however, signed that report without any protest from which the House were led to infer that, although he would not grant free distillation in the way in which some required, he would grant it upon some terms of his own. He had hoped to have seen from the Government a Bill proposing to deal with this subject, as if even the Bill had been referred to the country, that would not have been construed into a censure. The question must be put before the country in a specific form. It was not putting it in a specific form to say, “Will you have free distillation, or not,” but it must be put with all its terms and conditions. He had brought the motion forward, to enable hon members to state the terms upon which they considered free distillation should be granted, and he should be thankful if the result of that discussion were to be the introduction of a Bill, which no doubt by some of those numerous forms in parliamentary textbooks, could, after having been submitted to the House, be withdrawn or allowed to lapse, becoming what *Punch* would call “a drowned kitten of the session” (Laughter.) It had been said that if the farmers got free distillation it would not pay, but if that were the only argument against it there was not much in it, because if it wouldn't pay it wouldn't be persevered in. There was no few of persons long persevering in a losing business, and if it were found that distillation did not pay it would very quickly be given up. But he was not satisfied with the manner in which the decision had been arrived at that it would not pay, for wheat had been calculated at the average market value, fuel at the average market value, and labor at its former high average market value. By this calculation, it had been attempted to be shown that brandy could not be manufactured in the colony at so cheap a rate as it could be imported. That might be true, but those were not the conditions upon which distillation should be carried out in this colony. It would rather be followed up as in Prussia where there were small farm distilleries, the spirit being manufactured from spoiled or damaged grain or various refuse, for which there was no remunerative market (Hear, hear.) Then again, labor in connection with free distillation was not employed at a period when there was other work to do but was prosecuted when labor was of little value to occupy the spare hours, or spare weeks, of the farmer and his laborers. When labor was worth nothing, and material was worth nothing in the market, then distillation might be carried on profitably to the farmer in the country districts, though it would not pay in Adelaide. The spirit would, in

fact, be manufactured from refuse material. Witnesses examined before the Select Committee alluded to the manner in which distillation was carried on in Prussia, and a similar course might with advantage be adopted here. The House had just been talking of importing labour and of increasing the cultivation of acreage, but he would ask, were they not aware that a foreign market was becoming less and less trustworthy? Victoria was increasing the growth of grain, and it would be better to guard against danger of that kind by finding the means of enabling the farmer to realize on his produce in the same way that the boiling-down establishments afforded an opportunity to the stockholders of New South Wales of disposing of their stock. With regard to loss to the revenue from free distillation, or if hon. members preferred the term, removing the existing restrictions, he would say that they were now in a favourable position to suffer some little loss. The Government anticipated a large amount from the assessment on stock, and although they might not perhaps get all they anticipated, the amount being perhaps a little over-rated, still he must do justice to the Government by stating that he found less fault with them for over-estimating their receipts than for under-rating their expenditure: they were generally more correct in estimating their income than their expenditure. As then the Government were generally pretty nearly right in reference to their revenue, they might get all they expected from the squatters, though, he confessed, he looked upon that item with some misgiving, but suppose they only get 25,000*l.* out of the 30,000*l.* that would be a large addition. At the same time the House contemplated suspending immigration, and though in future years this might have to be resumed, it would not in all probability be necessary to expend such large sums as had been expended upon that particular object. The revenue had been enriched by the assessment on stock, and one of the exhausting drains upon it had been cut off by the termination of the immigration system. Thus they were in as good a position to deal financially with the question as they were likely to be for years to come. He had heard hon. members refer to loss of revenue as though it were loss of money, but what was a loss to the revenue was sometimes a gain to the people. (Hear.) Loss of revenue meant reduced taxes, and taking that view, they need not view with alarm a diminished revenue, because that diminution was not caused by a diminished consumption, but by a reduction in the taxes upon the people. (Hear hear.) The money kept out from the coffers of the Treasury remained in the pockets of the people. The question resolved into this—if they repealed the spirit duties, would there be sufficient revenue to carry on the business of the country? He had no hesitation in affirming that there would be sufficient to carry on the business, though there were a large reduction in the Customs' duties. (Hear, hear.) The Attorney General appeared to be inclined to allow distillation from peaches. (A laugh.) But he (Mr. Barlow) wished to enable the farmers to distil, not from peaches only, but from potatoes or anything. Why should a man be told that he must not distil because his potatoes were not peaches? (Laughter.) He did not like such piecemeal legislation, he did not like the Government to lavish their favors on apricots and peaches, but wished the farmer to have liberty to distil from anything he produced. He would say one word in reference to intercolonial relations. He should be sorry to adopt any course likely to be offensive to our neighbors, or to cause them to be on bad terms, still more deeply should he regret sacrificing our own interests to be on good terms with them. At all events, Victoria had not set us an example, though it might be a chastisement to return good for evil, for Victoria in respect of the postage question was ready to do us harm to gratify her pride and vanity. Let us look to the prosperity of our own colony, and let Victoria take care of herself. It had been intimated, however, that Victoria might retaliate by putting a duty on wheat and flour. The diggers would be belated, look out after that. If Victoria taxed the bread which the people of Victoria had to eat let the people there settle the question with their own Government. All that was to be feared was the establishment of a Custom-house on the Murray, and experience had generally shown that even this would be more inconvenient to those who established it, than to those who had to pass under its notice. He repeated that his object was not to pass a law upon the subject this session, but to have the question put in a tangible form before the country, with all the terms and conditions connected with it, in order that they might say whether they would have free distillation or not. He moved the resolution in his name, reserving to himself the right of reply.

Mr. HARVEY seconded the motion.

The TREASURER did his duty thus early to intimate his intention to oppose the motion because the question to which the motion referred, fell particularly within the department over which he presided. Another reason that he should thus early express his views upon the subject was that he was Chairman of the Committee upon Taxation last session, and the information which he had obtained as Chairman very much strengthened the opinions which he had previously formed as to the inexpediency of introducing a measure for free distillation, at all events at present. He should not be satisfied with a mere enunciation of those reasons, but enter somewhat into arguments. He

thought that was the best time at which the matter could be urged before the country. No doubt the matter would be taken up at the new elections, and it was therefore exceedingly desirable that the views of the Government and members of that House should reach the country through the medium of the reports of the proceedings of that House. It was desirable that the country should know the grounds upon which the Government withheld action in the matter. In the course of his remarks he would allude to the evidence given before the Select Committee of which he had been Chairman, and the deductions from that evidence. The hon. member had a nerved his motion, and it would be observed did not now ask the House to vote for a specific resolution, pledging themselves to a certain course, yet he in fact, asked the House to do the same thing by asking them to support him in his resolution for the very reasons which he had previously placed upon the notice paper. The whole argument of the hon. member was, that the House could afford to reduce taxation, because it had secured an additional revenue by assessment on stock, and that as immigration might be stopped there would be no further drain upon the revenue for that object. Those were the only two reasons that the hon. member had brought forward why the House should assent to the motion, although the hon. member had very ingeniously attempted to induce the House to believe that in supporting the amended motion they would not be supporting the motion as it originally stood. He had one word to say in reference to his Chairmanship of the Committee alluded to by the hon. member for East Torrens. It was quite true that he had signed the report, and that he had not appended a protest to the report, but he had not done so because he wished to consider, with his colleagues, the whole effect of the evidence, and not to come to a hasty decision, pledging the Government upon the point. Till he had fully considered the whole question he thought it would not be right, as a member of the Administration, to sign any protest to that report. The hon. member for East Torrens had given some reason that there should be free distillation, that they now had assessment on stock to make up the revenue, and therefore were in a position to afford a reduction in taxation, but he joined issue with the hon. member upon that point. He denied that assessment on stock would create an addition to the revenue. So far from such being the case the revenue for the next year would be less even with the assessment than it had been the preceding year. The estimated revenue for 1859-60, including 29,000*l.* for assessment on stock was 433,900*l.*, whilst in 1857 the revenue was 417,000*l.*, so that even with the addition of the assessment the revenue was less than the preceding year, and upon going back to 1857 it would be seen that the revenue was then 451,000*l.*, so that at the present time there was a falling revenue. It was well known also that the land sales were falling off, and that the balances were very rapidly diminishing. From that source there was considerably less to spend each year. He would presently proceed to show what would be lost by free distillation. The hon. member for East Torrens said that it was no evil to have a falling revenue, so long as it was not caused by a decrease in consumption. He admitted that they ought to reduce taxation to the lowest amount consistent with the requirements of the public service, and if the hon. member could show that the Government could do with a less amount of revenue than the Government considered they could, he would satisfy him of what it pleased him as not disposed to believe. Not only did he find nothing in the prospects of the revenue to justify a reduction in taxation, not only did he find no elasticity in it, but he found directly the reverse. Notwithstanding the addition which had been spoken of he found the revenue decreasing and diminishing, though he hoped it would not long be the case. He trusted that the depression in trade which had produced this diminution during the last two or three years would pass away, and when they were again prosperous would be the time to effect fiscal alterations, but not at the present time. He had looked carefully over the estimates of expenditure and was quite sure the House would agree with him that the Government could not reduce that expenditure to an extent equivalent to what would be lost by free distillation. He believed, too, the House would find that they could not decrease the amount for which the Government was liable for loans for public works. Instead, indeed, of the liability for loans being less than at present, he found that, during the next three years, there would be an increase from 67,000*l.* to upwards of 83,000*l.*, an absolute necessity, increase upon the expenditure. With such a prospect, would the House undertake to say that the Government could reduce the expenditure to an extent equivalent to the loss which would be sustained by free distillation. The hon. member might point to the establishments and say "Make reductions in them." But those establishments would be brought under discussion and last session though they were discussed very fully, the House had not been able to effect any material alteration in them. He found, on reference to the Estimates that 181,000*l.* were put down for establishments, that amount being increased by upwards of 13,000*l.* for the Civil List. But it should be remembered that this large amount was not all paid for salaries to Government officers, large sums from that amount were for purposes which he was quite sure hon. members would never venture to say should be left alone. Thus he was sure they would not propose to

reduce the item under the head of the Post Office, for though the gross amount for that department was 17,000*l.*, the salaries only amounted to about 8,000*l.*, the balance being for the conveyance of the mails. Then again, there was the Education vote nearly 20,000*l.*, but he was sure the House would not be disposed to reduce that amount which was for the education throughout the country of the children of those who could not afford to pay for education. Then again, under the head of medical, was 11,989*l.*, and for the destitute poor, 6,700*l.* The printing-office was a Government establishment, but it was an economical mode of getting the printing for that House and other Government departments done. The House might think that the amount upon the Estimates for expenditure appeared large, but upon examination it would be found that only a moderate portion was for Government officers, the remainder was for purposes which he was quite sure neither that House nor the country would sanction being struck off. He had shown that the Government could not reduce the expenditure by a sum commensurate with the loss which would be sustained by free distillation. Since the revenue was falling, they could not reduce taxation, as the expenditure, instead of diminishing, was increasing, they could not on either of those grounds reduce taxation. The question of immigration had been discussed at some length, and from having been adjourned till another day, he assumed that hon. members were more disposed to go on with the question of distillation, but he thought it would be fatal folly for any Government of that community to put an absolute stop to immigration that had been the tendency of every argument which had been used, but they could do this when there was any large amount of surplus labor. Let there be a check to immigration till the time arrived when every man was in employment. When capital was locked up for want of labor, then emigration might be recommenced. If the hon. member wanted to gain money by stopping immigration, it must not be a mere temporary measure, but it must stop altogether if the amount saved were to be looked upon as a source of revenue. He would now touch upon the question of free distillation. The report of the Committee went very largely into the question of how the loss to the revenue ought to be made up. One scheme was to alter the tariff by increasing the ad valorem duty, and increasing the duty on all the luxuries of life, the necessities being left free. Another scheme by which the loss might be made up was by throwing almost all the taxation on the necessities of life, trebling the duty on tea and sugar, allowing the ad valorem duty to remain as at present. Another scheme was, that direct taxation should be introduced to make up the whole revenue. These three schemes were considered very important, and there was so much difference of opinion as to which was best, that Government were not prepared to effect any radical change until the matter had been referred to the country. It was thought right that the country should know what the cost of free distillation would be. He was not prepared to admit that free distillation would be beneficial to the farmers. He had considered the question very fully, and indeed an inspection of the report of the Committee would show that, almost every question having been put by him. He had been asked by hon. members what was free distillation? and he would ask the country what they meant by free distillation? Did they mean liberty to distil from any article produced or imported—a liberty to make free use of the produce in any way they pleased, to do so without any restriction on the principle of free trade without any protective duty? If it were otherwise, it would not deserve the name of free distillation because free distillation implied something more than freedom from restriction, it implied freedom from fiscal arrangements which might put an improper profit in the pockets of those engaged in free distillation. If they permitted every one to distil from his own grain without duty on the product—maintaining the duty on imported spirits—there was contained in that measure the obnoxious principle called protection, against which a large and influential party in the mother country had so strongly contended. It was a delusive principle, which, whilst giving an apparent advantage, ended in great disadvantage to the country which adopted it. With regard to distillation considered absolutely free, no duty on the imported spirit, and none on that manufactured in the colony, if that principle were adopted it was needless to say that there would be a total loss of the spirit duty, amounting to 60,000*l.* He should refer to figures brought before the Committee, because the deductions of the Committee were from those figures. He had said there would be an absolute loss of 60,000*l.*, and what would the colony gain? He might here remark that the Committee had summoned every one who was considered capable of giving an opinion upon the subject, and the unanimous opinion was that it would be impossible to produce spirits in this colony, except perhaps brandy, at a price which would enable the distiller to command a market in any part of the world. It would be impossible, for instance, to produce here such spirits as Jamaica rum, brandies such as were manufactured upon the Continent, or spirit such as were made in England and America, where the materials were on the spot, and labour was cheap. Looking at the state of the markets of the world it was hopeless to meet the foreign market of spirits in his own market. Such being the case, it

would be necessary to fall back upon the home consumption, and it was found that the consumption of spirits in the colony annually was about 100,000 gallons. Two gallons could be made from one bushel of grain, so that the quantity of grain required to manufacture this quantity of spirits would be 50,000 bushels. But even this was an exaggerated view, for it would be impossible altogether to shut out foreign spirits indeed it could scarcely be expected that more than one half would be shut out that was now imported, many parties preferring foreign spirit to that manufactured in the colony. Thus 32,500 bushels of wheat would make all the spirits which would be required in the colony or which would probably find a market in South Australia, and as three millions bushels of grain were grown here annually the quantity required for distillation would be only 1 per cent upon the whole product of the colony. A farmer producing 1,000 bushels would be able to sell 10 bushels more annually and taking the cost at 5*s* 8*d* per bushel, this would make 3*l* 6*s* 8*d* in the year. This however would not be all profit for there was the cost of production to be deducted and he thought members of the House acquainted with agriculture would agree with him, that wheat could not be produced and brought to market for a less sum than 3*s* 4*d* per bushel so that the cost of production would be 1*l* 13*s* 4*d* and the consequent gain in the year only 1*l* 13*s* 4*d*. But this would not be all gain, as on account of free distillation the farmer would be called upon to pay additional taxation. Supposing there were an alteration in the tariff to correspond in some respects with that of Victoria, the duty upon tea and sugar would be three times what it was at present independently of a duty on hops and coffee, and we should still have to pay the 5 per cent ad valorem duties. Supposing the farmer's family to consist of five adults, the extra duty on tea which he would be called upon to pay during the year would at a very moderate calculation be 17*s* 4*d*, and upon sugar 1*l*, so that he would have to pay 1*l* 17*s* 4*d* for gaining 1*l* 13*s* 4*d*, in other words he would gain 1*s*. Then take the owner of an 80-acre section, the strong probability was that he did not cultivate more than 40 acres producing say 500 bushels the advantage to him would be that he would be able to sell six bushels more annually, but if his family were as numerous as that of the larger farmer he would have to pay in the shape of extra duty 1*l* 17*s* 4*d* for gaining 1*l*, so that he would be an absolute loser of 17*s* 4*d*. He wished to know if those farmers who wished for free distillation wished for such a result as that. It was only fair that the case should be put before them. The Government stepped forward and said that they would not put them to that loss till the case had been fairly explained and they had had an opportunity of expressing an opinion upon the matter. He believed that some hon. members had not read the report of the Committee, and therefore it could not be expected that the electors should be in possession of it. The report on taxation was an appeal to the country. At this particular crisis it was most desirable that this question should be fully explained out of doors in order that it might be understood. That was a better course than it would have been to take the course suggested by the hon. member for East Torrens, by the Government introducing a Bill. Let the hon. member introduce a Bill himself, but the Government were not going to do so. The Government had put a mass of evidence before the House in order to explain to the House and to the country, leaving to the country to say whether they would have free distillation or not. If the country said they would have it it would be the duty of the House to bow, every constituency had a right to say whether they would pay taxes out of the right hand pocket or the left, but he hoped they would never say there should be a protective duty mixed up with the scheme, if so, they would be throwing away all the experience of the mother country and re-establish a system which they might have to fight for years to get rid of. If the country said they would have such a system, he should be obliged to oppose it, and say that some other person must bring forward a measure which he believed so detrimental to the interests of the country. If they permitted distillation in the colony and kept the duty on spirits imposed they would be robbing the country to pay the distiller as the distiller would put into his own pocket the amount which now went into the Treasury for the benefit of the community at large. There would be a rush of capital into this particular investment which would prove a delusive one, for the country would not stand it long. He would never consent to a system of protective duties, and when he appealed to a constituency as he probably shortly should he should tell them not to elect him if they wished him to carry out protective duties in South Australia. He wanted free trade principles. In reference to the effect which any change might have upon the neighboring colony, no doubt there would be considerable irritation and Victoria might meet us by counter legislation, but he could not conceive they would be so foolish there as to put a duty on wheat, they would not allow themselves to be taxed merely to be revenged upon this colony for having effected a change in tariff. No doubt, however, there would be an attempt to impede its working. He looked on that, however, as a minor consideration. Their duty was to do the best for South Australia and leave the result to be worked out. He repeated that he had carefully considered the whole question and felt bound to vote against the motion.

Mr PFAKE said that when he first saw the motion tabled, he was somewhat surprised, as he recollected a report of the Taxation Committee of last session, to which was appended in addendum, which said that the question of free distillation should be submitted to the country before any action was taken to alter the mode of levying taxation. But since he heard that the object of the motion was merely to obtain a discussion and, if possible, to elicit from the Government some scheme to submit to the country upon a subject on which so many hon members and so many persons out of doors felt so strongly—when he found that the hon member (Mr Barrow) merely wished to have such a scheme propounded in order that it might be laid before the constituents, then he (Mr Peake) could see no harm in the motion, and there might be some good. The hon the Treasurer said that the hon member for East Torrens should get his Bill ready, for that he (the Treasurer) would not prepare one, so that it was clear the Government would do nothing but the House might gain a little information from the present discussion. He would now allude to one or two points which the Treasurer had touched upon. That hon member hoped that the revenue would improve, but said that at present it was falling off, and that the receipts were not meeting the expenditure. That, however, was no reason why a fiscal system should not be considered which hampered the industry of the country, and prevented the production of those things which this country was capable of raising for itself instead of bringing from elsewhere. The question amounted, as the Treasurer had well said, to whether the people should pay their taxes out of the one pocket or the other. Persons who said that free distillation would reduce the revenue produced a false impression on the minds of those who heard the assertion. To say that the revenue would fall, was not representing the matter truly. The real state of things was that the revenue would be changed from one kind to the other, that the revenue now raised by hampering the productions of the country would be changed for one which would not have that injurious effect. The Treasurer did not dwell much upon this point. That hon member would have done better had he illustrated how the revenue could be changed from one kind to another, so as to leave unimpeded the productions of the country. The House was told that free distillation would not pay with labour at 7s 6d per day, and with it 6s per bushel, the high rates which at present ruled. But this state of things was not going to exist always. Many products of the country would increase, and would require a market which must be found for them. It was from looking to the future that he desired to let free the producing power of the country whilst at the same time he was no advocate for protection. On the contrary, he believed that protection would be a most disastrous thing for the country, and that the energy and skill of the people were quite sufficient to support them, provided they were allowed to manufacture their own produce. The hon the Treasurer had given the House a lot of figures to show that the farmer would gain but a shilling a bushel, as he (Mr Peake) understood, by free distillation.

The TREASURER—A shilling a year.

Mr PFAKE was glad the hon member had put him right, for the very striking fact referred to showed that the calculation was made very carefully. It was a very nice thing to calculate it to a shilling. The calculation when read next morning would no doubt appear to be well illustrated, and he (Mr Peake) believed that its fallacy would be very apparent also. If the Treasurer gave the farmer who under the proposed system would gain this lucky shilling leave to act freely whether he gained or not, and discovered another plan by which to collect the revenue, he would adopt a better course than he at present took. The Treasurer had proved nothing, and he had kept in the dark any possible plan by which the revenue could be raised without hampering as was at present the case, the producing power of the country. To see that something was wanted to be done in this matter hon members need only look to the report of the Collector of Customs appended to the report of the Select Committee on Taxation by which it appeared that the country paid for wines and spirits 16s 78/100 and for other articles which it could produce 17 366/100 making a total of 21s 15/100. If the country could produce those articles for which it sent elsewhere, a fiscal system should not be continued which took away the probability of their being produced. The imports of the colony amounted to about one and a-half million, and the country could produce about one-seventh of the articles for which it paid this enormous sum. It must be apparent that all the calculations as to whether free distillation would pay formed no part of the duty of the Treasurer. That hon member need only trouble himself about raising the revenue. If the hon member had let these matters alone and set his mind to work to consider how he could devise a tax which would press equally on all classes, he would have been better engaged than in those calculations which proved nothing. As there was no definite measure before the House, and the Treasurer was not likely to bring one forward, he (Mr Peake) would not enter further into the subject but he would assure the hon the Treasurer that either he or some one else would have to tackle this question, and to say, not whether free distillation would pay but how it was to be brought about, leaving those who believed it would pay to decide the fact for themselves.

Mr BARROW finding that no other hon member attempted to address the House rose to reply when Mr HAY moved that the continuation of the debate be made an Order of the Day for Wednesday, 25th instant. The House rose at twenty minutes after 4 o'clock.

LEGISLATIVE COUNCIL

TUESDAY, MAY 24

The PRESIDENT took the Chair at 2 o'clock

THE TRUCK SYSTEM

The Hon A FORSIER presented a petition from 128 working men praying the Council to adopt measures for the abolition of the Truck System.

STOCKPORT

The Hon A FORSIER presented a petition from 109 settlers at Stockport praying that the Post-Office might not be removed from that locality, it having existed there for three years.

ARTESIAN WELLS

The Hon J MORPHEIT asked whether the 75% voted for Artesian Wells or any portion of that amount, had been expended for the purpose for which it was voted.

The Hon the CHIEF SECRETARY would have to refer to another department for the information, and requested that notice might be given of the question.

CROWN GRANTS

The Hon A FORSIER wished to call the attention of the Chief Secretary to a question of very considerable importance. Very considerable inconvenience had resulted to the public from the circumstances of the grants for sections purchased at Government Land Sales not having been issued till two or three months after the purchase had been made. Not only was this a grievance to the purchasers but it hampered the operations of the Real Property Commission. He wished to ask whether it was likely that any arrangements would be made by which the grants would be issued at an early period. For instance, he saw no difficulty, where land was purchased on the Thursday of one week, in the grant being ready on the Thursday of the next week. The land sales were falling off and consequently the department from which the land grants issued could not be deluged with business. He saw no difficulty in the grants being issued in a week, and was desirous of knowing if any arrangements were in progress to accomplish that desirable object.

The Hon the CHIEF SECRETARY said the Government were quite as anxious as the public could be that the grants should be issued as quickly as possible. He did not think that any complaints were now made in reference to the time which elapsed between the sale of land and the issue of the grants but a short time ago it was discovered that an error had crept in to the form of land grant under the new Act, and a great many which had been made out had to be re-issued, which would account for the delay when took place in their issue.

THE HARBOR TRUST

The Hon H AYERS wished to ask the Hon the Chief Secretary whether he had ever received any remuneration for his services as a member of the Harbor Trust?

The Hon the CHIEF SECRETARY said that members of the Harbor Trust received 10s for each attendance, but after he became a member of the Administration he declined to attend the meetings of the Harbor Trust, and consequently never received any fees or emoluments.

PLANS OF PUBLIC BUILDINGS

The Hon D DAVIES moved—

"That it is the opinion of this House that in future, when any public building or other work is to be constructed, of the estimated value of 20000/ or upwards, plans and specifications for such works shall be called for and submitted to public competition.

He had been induced to bring the motion forward in consequence of observing that the building intended for the South Australasian Institute was totally inadequate. It was not generally known, and certainly not to the members of the House of Assembly, that the lecture room which filled would only hold about 270 persons, and deducting the necessary room for passages he did not believe it would accommodate more than 200. The library had only accommodation sufficient for half the number of books in the present library. He did not blame the Colonial Architect, because that officer had not only been tried down to time, but to a particular sum of money. The works in the Public Works Office were generally in arrears and moreover, it was only just to the colonial architects that they should have some interest in the works of the colony. In England the practice which he suggested was adopted and a similar course was also pursued in Victoria. Another advantage if the practice were adopted by the Government, would be, that plans and specifications would be called for during the recess and that the Government would be enabled to go before Parliament with complete plans. He was aware that House could only express an opinion—that it could not carry the resolution into effect—

but all he asked was that the House should sanction the abstract question. The successful candidate would, he presumed, be remunerated by commission. He had mentioned 2,000*l.* in his motion, but if that was thought too high, he was quite prepared to reduce the amount to 1,000*l.*

The Hon. Captain BAGOT had always considered the position occupied by the Colonial Architect a false one. It was not desirable that officers should be called upon to be the executors of work of which they ought to have the supervision. The business of the Colonial Architect should be to see that those who were entrusted with the execution of the work performed it according to contract. At home the invariable practice was when work of any note was required, that plans and specifications were put to competition, and by this means more perfect and more suitable buildings were obtained. Had such a system been adopted here long ago, they would not have been assembled in so unsuitable a building. Government House would not have been so inconvenient, and it was unnecessary to allude to other buildings. The duty of the Colonial Architect was to give his advice in reference to the plans, but not to be interested in them. He would suggest a slight alteration in the wording of the motion.

The PRESIDENT asked if the hon. member intended to second his motion?

The Hon. A. FORSTER formally seconded the motion.

The Hon. Captain BAGOT suggested that after the word "upwards" the motion should read "the furnishing of plans and specifications for the same shall be submitted to public competition."

The Hon. Dr. DAVIES adopted the amendment.

The Hon. the CHIEF SECRETARY thought if the resolution were carried it would impose an additional charge on the Colonial Architect's department, as the usual staff could not be dispensed with. He believed that plans cost about 50*l.* each, and if there only were 10 or 12 during the year the cost would be 500*l.* or 600*l.* a year in addition to the existing staff. Members of the old Legislative Council would remember that something of the kind was tried about seven years ago but failed, as the Houses of Parliament would shew. It could hardly be said they were perfect buildings, well adapted for the purposes for which they were required. The new City Bridge was another instance, although the design had never been carried into effect. He would also draw the attention of the Council to a resolution passed by the Assembly to the effect that no vote even of 2500 should be assented to unless plans and specifications of the proposed buildings had been previously sanctioned. That resolution would probably operate more satisfactorily than the one proposed by the Hon. Dr. Davies.

The Hon. Dr. DAVIES could not understand how taking work out of an office could increase the expenses of that office. He might mention that public buildings generally cost 25 or 50 per cent. more than the estimated cost, and this he thought would not be the case if plans and specifications were submitted to public competition, as parties would feel bound in honor to keep something near the estimated amount. He believed that the amount which would be saved to the public by the adoption of his motion would be immense. The Hon. the Chief Secretary had stated that the House of Assembly had passed a resolution that no building the cost of which would be 500*l.* or upwards, should be proceeded with unless the plans and specifications had been first approved by that House. But what he (Dr. Davies) wanted was to develop the talent of the colony, and was assured that by the course which he proposed there would not only be a great improvement in the appearance of the buildings, but a great saving to the colony.

The Hon. S. DAVENPORT must oppose the motion, feeling that it would only trammel the Government without leading to any beneficial result. He had been about to move as an amendment, "as far as was consistent with the public interests," but imagined that the hon. mover would rather that the motion should be negatived than adopt such an amendment. He believed that under existing arrangements economy could be well carried out and works efficiently performed. The hon. mover had stated that the actual cost of public works frequently exceeded the estimate by 25 or 50 per cent., but he was aware there were a great many instances in which the estimate had not been exceeded by 10 per cent. He did not think the grounds which had been urged sufficient to bind the Government down to a fixed rule. Already, as regarded the other House, a step had been taken which showed the disposition and which in fact was much more stringent than that which was contemplated by the hon. mover of this resolution. As he believed that public works could, under existing arrangements, be carried out with that economy of time and money which they should be, he should oppose the motion, believing that the effect of that motion would be to trammel the Government, and lead to most inconvenient results.

The Hon. A. FORSTER said if the object of the Hon. Mr. Davenport were to recommend the Government to avail themselves of the genius and talent of engineers and architects beyond the pale of Government, then he quite concurred in the views which he had enunciated, but he thought it a pity that the Government should not also avail themselves of the talent of the Colonial Architect. It appeared to him a pity that the Government should be called

upon to pay for plans which the Colonial Architect could readily prepare. He believed it could be maintained that Government works generally cost considerably more than the original estimate, and if the motion would be likely to prevent this he should be disposed to go with it, but he could not see that the plans being prepared as proposed by the hon. mover would prevent this excess. Let the Government avail themselves of the talent outside their enclosure but at the same time not reject the talent of their own servants. If the Hon. Mr. Davenport would not press his amendment probably the Chief Secretary would take such steps as would meet the view of that hon. gentleman.

The Hon. H. AYERS would feel it his duty to oppose the motion but if an amendment were brought forward to the effect mentioned by the Hon. Mr. Davenport, he would give it his support. It would be a pity that the hands of the Government should be tied, as they would be if the motion of the Hon. Dr. Davies were adopted. For instance, it appeared to him that if that resolution were carried every work upon a line of railway or the plans for every work, must be submitted to public competition, and this would add greatly to the expense attendant upon the operations of the Government. There would be no diminution in the present offices, as precisely the same number of engineers and draftsmen would be kept for the purpose of seeing that the works were carried out.

The Hon. S. DAVENPORT rose for the purpose of moving the amendment which he had suggested, but was informed by the Hon. the President that he could not do so, having already addressed the House.

The Hon. Capt. SCOLL moved the amendment suggested by the Hon. S. Davenport, remarking that he did not see any advantage which could be gained by fettering the Government who he thought should be left to exercise their own discretion and judgment, and avail themselves of the talent they had at their control. He did not see why they should incur any further expense. If it were calculated to promote the public interest the Government would still have the power to submit plans and specifications to competition.

The Hon. Captain BAGOT said if the original motion were carried, instead of the expense of the Colonial Architect's department being increased it would necessarily be reduced, as the necessity for elaborate plans for large buildings would be removed. With regard to remuneration to the successful party who furnished plans, he saw no reason to depart from the practice pursued in Great Britain, which was that where plans were adopted the party who had prepared them was rewarded, by having the supervision of the building at a percentage upon the cost. The duty of the Colonial Architect would be to generally supervise the successful competitor. Experience had shown that there was great economy in this supervision. If, for instance, money had been expended upon proper plans for the Houses of Parliament they would not recently have had the Assembly debating upon the expediency of voting another large sum for Houses of Parliament, in consequence of the unfitness of the present building.

The Hon. Captain HALL supported the amendment, as he could conceive that it might not be consistent with the public interest, that the successful candidate should be paid by a percentage upon the amount of the work, whilst the Government had a full staff for that purpose. He agreed generally with the spirit of the motion, that they should avail themselves of all the talent they could, but at the same time they should avail themselves of that talent for which they paid and the Colonial Architect should not be considered as debared from putting his plans in competition with others. Hitherto in such cases Government employees had been frequently the successful candidates, although it was not known at the time the selection was made who were the competitors.

The PRESIDENT put the amendment, which was carried.

The Hon. Dr. DAVIES brought forward this second motion in his name—

"That a copy of the foregoing resolution be sent to the House of Assembly, requesting its concurrence with the opinion therein contained, and that the House be further requested to adopt such measures as it may deem fit to give it practical effect."

He did not think the House of Assembly could take umbrage at the Council merely expressing in opinion, and therefore did not see any impropriety in sending a copy of the previous resolution to the Assembly.

The Hon. A. FORSTER seconded the motion, which was carried.

OFFENCES OF A PUBLIC NATURE CONSOLIDATION BILL

Upon the motion of the Hon. the CHIEF SECRETARY, the Council went into Committee upon this Bill when the hon. gentleman intimated that he should move the substitution of "imprisonment with hard labor" for "penal servitude" wherever the latter occurred in the Bill.

The Hon. Dr. DAVIES thought it desirable that the term penal servitude should be retained as it would then be apprehended, be possible to make a difference in the punishment of offenders. For instance, he thought it exceedingly undesirable that young persons, or those only committed for

short terms, should be sent to the Stockade, to be mixed with the very worst men in society, and in all probability to be contaminated. In goal all were happy from the kind treatment which they received from Mr Legm (Laughter.) The men there did far more work than was equivalent to their maintenance.

The Hon. A. FORSIER said, during the previous week asked the Hon. the Chief Secretary if there was any practical difference between imprisonment with hard labour and penal servitude, and the Chief Secretary had informed him there was none, but that the term penal servitude had been imported from the English Act and had no significance. He thought the views of the Hon. Dr. Davies would be met by there being a discretionary power in the Judge to send prisoners to the Stockade or not. It was not necessary, for instance, that boys who were sentenced to a short imprisonment, should be sent to the Stockade. Unless it could be shown there was some distinction between imprisonment with hard labor and penal servitude, the latter expression had for the sake of uniformity, better be struck out if it had been from a Bill which the Council had had under its consideration during the past week.

The Hon. Dr. DAVIES considered that whipping ought to be defined, whether by the birch, cat, or knout. He disapproved of it altogether, and was quite sure the time would come when it would be abolished from the Statute Book. Formerly women were flogged, and he was quite prepared to admit that there were many women who were worse than young men under 18 years of age, whom it was proposed by this Bill to subject to flogging. He believed that the punishment brutalized men. When Walter was ordered to be flogged, an old enemy of his requested to be allowed to flog him and actually sat up all night practising with the cut upon a deal board, in order that he might be able to make every stroke tell. When again the punishment was not sufficiently defined. Who was to see the punishment enforced? Who was to determine the number of lashes? Because he remembered, when a black was ordered to be flogged, the Sheriff who held office before Mr Boothby was asked if the man had had enough, and replied "No, give him five-and-twenty more." It appeared to him curious that the Bill should merely provide for the flogging of offenders under 18 years of age, so that older offenders would escape altogether, though probably more deserving than younger men. He wished however, to see whipping erased from the Statute Book altogether. Mr Legm, of the Gaol, assured him that he never resorted to whipping, but did more by kindness and humanity than could be accomplished by any coercive means.

The Hon. Captain BAGOT did not approve of taking away from a Judge the power of ordering offenders under 18 years of age to be whipped. He had seen the effects of that punishment upon full grown men. Many men it made desperate and abandoned, and he could also speak feelingly of the benefits from the use of the rod to youth. (Laughter.) He believed that flogging men was a bad system, though in military life he was acquainted with a colonel who had risen from the ranks and was the most determined flogger he ever met with, yet the colonel never flogged a man without saying, "Now, Sir, if you benefit by that flogging as much as I benefited by a flogging I got at Barbadoes, you may be where I am, at the head of a regiment." He believed, however, that in nine cases out of ten flogging was an evil.

The Hon. the CHIEF SECRETARY was understood to say that the flogging contemplated by this Bill was not of an indiscriminate character, and was performed under the inspection of a magistrate.

The Hon. Captain HALL contended that there was no necessity to erase the expression 'penal servitude' from the Bill, penal servitude being a higher penalty than imprisonment with hard labor.

The Hon. A. FORSIER said penal servitude involved transportation, but there was no transportation here. If any designation could be found implying a higher punishment than imprisonment with hard labor, he should be happy to support its introduction.

The Hon. the CHIEF SECRETARY said in England penal servitude was not so severe as the Hon. Captain Hall seemed to think. It comprehended incarceration in the hulks or transportation to a penal colony and was mitigated from time to time by tickets-of-leave or conditional pardons. Here there was only one punishment, and that was imprisonment with hard labor.

The Hon. Captain HALL still contended that penal servitude was a higher punishment than imprisonment with hard labor, and that the Judge should be empowered to inflict it. Men sentenced to hard labor might be sent to goal to pick spurnyarn, but there were many whose crimes merited a far more severe punishment.

The Hon. the CHIEF SECRETARY said that hard labor was regulated by the health and constitution of prisoners. Some were employed in carrying stone, and others in quarrying stone, but here no other punishment could be carried out than imprisonment with hard labor, differing in character and degree according to the character of offences.

Eleven clauses of the Bill having been gone through, the President reported progress, and obtained leave to sit on the following day.

The Council adjourned at a quarter past 4 o'clock, till 2 o'clock on the following day.

HOUSE OF ASSEMBLY

THURSDAY, MAY 21

The SPEAKER took the chair at 1 o'clock.

STRATHALBYN

Mr ROGERS presented a petition from 970 inhabitants of Strathalbyn, Oakparunga, &c., representing 74,300 acres of land praying for the establishment of a railway or tramway to Goolwa.

HINDMARSH

Mr STRANGWAYS presented a petition from 613 inhabitants of Hindmarsh, praying the House to authorise the construction of a tramway to connect Strathalbyn with the Port Elliot and Goolwa tramway.

STOCKPORT

Mr McELLISTER presented a petition from 100 inhabitants of Stockport, praying that the Post Office might not be removed from that locality.

THE CORIO

Mr STRANGWAYS asked if the Government intended to take any steps to compel the owners of the Corio to bear the expense of employing the Young Australian in taking off the supplementary mail.

The ATTORNEY GENERAL said the Government had not at the present time any intention of doing so, but they had called for a full explanation of the circumstances which prevented the Corio from calling at the Gluezelg Jetty for the supplementary mail. In the absence of that information he could not say what steps would be taken by the Government. In answer to a further question the hon. gentleman stated that he would lay the written explanation of the owners of the Corio upon the table of the House when received.

ROAD FROM PORT ELLIOT

The COMMISSIONER OF PUBLIC WORKS laid upon the table of the House a return which had been called for, shewing the money which had been expended upon the road from Port Elliot to the Cut Hill.

STRATHALBYN TRAMWAY

The COMMISSIONER OF PUBLIC WORKS introduced a Bill to authorize the construction of a tramway to connect Strathalbyn with the Port Elliot and Goolwa tramway. The Bill was read a first time, and ordered to be printed.

MESSRS BLYTH BROTHERS

Mr RLYNOLDS asked the Commissioner of Public Works when the return which had been moved for shewing the amounts paid to Messrs Blyth Brothers, for supplies furnished to various Government departments, would be laid upon the table of the House.

The COMMISSIONER OF PUBLIC WORKS said that the various Boards had been requested to furnish returns of the supplies which they had received, but these returns had not yet reached him. So soon as they did, the return should be laid on the table of the House.

COLONIAL ARCHITECTS' DEPARTMENT

Mr RLYNOLDS asked if there was any truth in the report, that seven additional draughtsmen had been employed in the Colonial Architects' Department.

The COMMISSIONER OF PUBLIC WORKS said that some additional assistance had been found necessary in consequence of the resolution of the House, that plans and specifications should be prepared for all works the estimated cost of which was 500*l.* before the amount was voted. He did not think, however, that so many as seven had been engaged, but should be enabled to state on the following day.

RAILWAY MANAGEMENT BILL

The COMMISSIONER OF PUBLIC WORKS in moving the second reading of the Railway Management Bill, said that the question had very frequently received the attention of the House, and it was in conformity with the action which the House had taken, that this Bill had been prepared. Although the Bill was a short one, it had been very carefully prepared, in order to effect the object in view, which was a general handing over of the powers of the Railway Commissioners to the Commissioner of Public Works. Power was given by the Bill to engage the necessary staff to carry on the important undertakings contemplated by the Bill. A similar measure had on several occasions been before the House, but generally in connection with other Bills, which had rendered the action of the House futile. He believed the alteration contemplated by the Bill would be found satisfactory to the House and the country. It would bring hon. members in direct communication with a responsible minister of the Crown in reference to railways. He would say no more upon the subject, which had been so frequently discussed in that House, but merely move the second reading of the Bill, reserving to himself the right of answering any objections which might be raised by hon. members to the Bill.

The ATTORNEY GENERAL seconded the motion.

Mr RLYNOLDS did not rise for the purpose of opposing the second reading of the Bill. The Committee who sat

upon railway management last session recommended that railways should be placed under the management of a responsible head who should be directly responsible to the Commissioner of Public Works. If the Government would agree to a modification of the third clause so as to submit to that House the salaries of the various officers to be appointed by the Commissioner of Public Works, that is, that the salaries of those officers should be placed upon the Estimates, he would support the second reading of the Bill, with the proviso also that the word "solitor" should be struck out of the third clause. With reference to the salaries of officers appointed under the Bill appearing upon the general Estimates, it would be much better that that course should be included in that Bill, than that they should leave it open to a certain motion being carried or not. He preferred that the Commissioner of Public Works should not have the appointment of Solicitor to the Railway Board, as he was aware that the Solicitor to the Railway Board received large sums of money from that office, and as they had a Crown Solicitor, he could not see why that officer could not do all the business. If the gentleman in who held the appointment of Crown Solicitor had so much to do that he could not attend to the legal work in connection with the railway, it would be far better to increase that department, than to go to this or that legal firm, as the legal advisers of this or that Board. The Crown Solicitor had a large income, and he contended the House would not be justified in sanctioning the payment of separate legal firms when the Crown Solicitor should do all the work. If the Government agreed to the alterations which he had suggested he should support the second reading of the Bill, but he had one more remark to make. The Government, on a motion brought forward by himself at the close of last session, promised to make enquiry with a view of ascertaining the possibility of leasing the railways, because that was one of the recommendations of the Committee, that the Government should see if they could not lease the railways to some responsible persons. After the 31st December next, he was informed that the railways in Victoria would be out of the hands of Government, and that private parties would be engaged in working them. It was desirable that some such arrangement should be effected here instead of the Government having the management of the lines. If placed under the management of private individuals and men of business, he was quite satisfied that the railways would be much more economically managed and be much more profitable than when under the management of the Government, for there were many matters which would be looked to by private individuals, and which would materially affect the prosperity of the undertaking, which would not be looked to by the Government. With regard to the power of leasing the railways, he should like to know from the Attorney-General whether the Government really had power to do so. He was aware that the Government had the power to lease the tolls on the City and Port, and Gawler Town Lines, but he doubted whether they had power to lease the City and Port Line. If the Government had not that power, he thought that power should be given to them when the Bill was before the House. He should support the second reading of the Bill, on the understanding that the Government would agree to the suggestions which he had thrown out. There was one other matter which it appeared the Government had not carried out, although it had been recommended by the Committee of last session upon Railway Management. He alluded to the Government still keeping on the Grand Junction Station. The Committee thought it unnecessary that station should be continued. Yet the trains continued to call there, frequently merely to take up a single passenger. He regretted that the recommendation of the Committee, in reference to that station, had not been adopted.

The ATTORNEY-GENERAL supported the second reading of the Bill. He was not disposed, on the part of the Government, to make any promise as to the course which they would take upon the points alluded to by the hon. member for the Sturt. He had great doubt in agreeing to the proposition of placing the salaries of persons employed upon the railway on the annual Estimates. With regard to the appointment of a solicitor, there would be no objection on the part of the Government to the business of that and various Boards being performed by persons appointed for that purpose, but it would not be just to the Crown Solicitor that he should be required to do all the business which was now done by the solicitors employed by the various Boards. If the House thought it would be more economical for a solicitor to be appointed to the various Boards, there would be no objection to that course on the part of the Government. To have all the persons employed in the management of Railways placed upon the Estimates, would so far fetter the action of the Manager that he questioned whether it was likely to lead to any diminution in the expenditure, but that was a point which required very careful consideration. Another question had been referred to by the hon. member for the Sturt, which was the leasing of the lines. The Government had been most anxious to place such undertakings as soon as constructed under the management of private individuals, and he thought it very probable that there would be greater profit in connection with them when in the hands of private individuals than when under the management of the

Government. Though whether ultimately the advantages which would be derived would correspond with the anticipations, nothing but experience could decide. The Government, however, would be glad to be relieved from the trouble and responsibility connected with the management if they could find persons possessed of suitable capital and qualifications to take lease of the railways. Enquiries had been made upon the point, and the result was that at present there was no probability of procuring any person to take the management possessing the requisite capital and qualifications, but it was believed that power was possessed by the Government at present sufficient to enable them to lease the whole management of both the Port and Gawler lines, and whenever any individual or any body of individuals were prepared to give the necessary security, a proposal to lease the lines would be received by the Government, with a sincere desire to accept it if possible.

Mr. SPURRINGWAYS would not be content with the alterations suggested by the hon. member for the Sturt. He should not be content merely with striking out "Solicitor," but wished to strike out Manager and Secretary also. (Laughter.) At present there were two Railway Commissioners at a certain salary, they had their secretary at not a very high salary certainly, and they had their solicitors, who, he believed, were Messrs. Hanson & Hicks. Now, as a substitute for this management they were called upon to pay a Manager probably as much as was at present received by the two Commissioners. The way in which the railways should be worked, if they were under the control of the Commissioner of Public Works, should be, that the Commissioner of Public Works should be the General Manager, and there should be two other parties, the one attending to the traffic, and the other to the engineering department. He believed that such a system would be as efficient and far more economical than the system of appointing a Manager, probably with the same results as attended the Waterworks, the system being that an engineer was appointed, and a person who was not an engineer was appointed to look after him, at least that was the system adopted by the Waterworks Commission. He should wish the clause to stand, that the Commissioner of Railways should appoint and dismiss officers, but that their salaries should be voted by Parliament. Railways were different from waterworks. Something might be said in favor of the appointment of a manager of waterworks, it being necessary that the accounts should be more distinct, because they became chargeable to the rate of the city, but not so with railways. With regard to the appointment of a solicitor, he would remark that in the early days of railway making (he believed the Port Elliot and Goolwa tramway was the first which was constructed), it was not deemed necessary to have a standing counsel. Conveyancing was very short in those days, for in those days the Government had very little money, and consequently had very little to spend in law, but now that they had a good deal of money to spend it appeared that the lawyers thought they ought to come in for their fair share of plunder. He would not oppose the second reading, with the understanding, however, that he should endeavor to effect the alterations he had referred to in the third clause.

Mr. PEARL had no objection to oppose the second reading of the Bill, but should certainly oppose it altogether if he thought that the whole 1st, Manager, Secretary, Engineers, and all, were to be appointed without their salaries being submitted to that House or without that House having any check or limitation upon them. If such were to be the case, the House in assenting to the Bill might be voting away a serious sum of money for patronage. He could not see that the Government had made any provision upon the Estimates to pay these salaried officers and seeing that the Government had not provided for the salaries of those officers, he should certainly vote against the measure, unless he heard from the Government that they were ready to place the salaries immediately under the control of the Parliament. He did not wish to dictate to the Government what they should do, but he thought that all salaries exceeding 200/ should be placed on the General Estimates. With that limitation he endorsed the views of the hon. members for the Sturt and Encounter Bay and would give his assent to the second reading of the Bill, with the distinct understanding that salaries over 200/ should appear upon the General Estimates. He thought there was a good deal of force in the remarks of the hon. member for Encounter Bay, relative to the large staff of officials apparently contemplated by this Act. He could not see why the Commissioner of Public Works, with a first class engineer at his elbow, could require such an enormous staff of managers, &c. He could hardly think such a staff necessary, believing that the Commissioner of Public Works and the Chief Engineer would be enabled to do a good deal. The House could not see the extent to which the Bill would go, until they had seen the figures which it called forth, but probably the remarks which had been made that afternoon would induce the Government to alter their scheme.

Mr. BARROW hoped the Government would be in a position to place the salaries in connection with this Bill upon the Estimates. Letter-carriers, policemen, and persons holding subordinate positions, appeared upon the Estimates at so much per day, and no reason had been stated why there should be an exception made in the case of

the officers whom it was proposed to appoint under this Bill. He hoped the Government would fall in with the recommendations urged upon them, and subject these salaries to the same rule as others.

Mr GLYDE had understood the hon member for the Sturt to ask a distinct question of the Government, whether the salaries of the officers mentioned in this Bill would be placed upon the Estimates, and he understood the Attorney-General as distinctly to state that the Government would not assent to such a course. Such being the case, he could not understand how the hon members for Encounter Bay and the Burra could say that though perfectly agreeing with the hon member for the Sturt, they would not oppose the second reading of the Bill. He distinctly understood the Attorney-General to say that the Government would oppose any attempt to place the salaries on the Estimates, and consequently he felt compelled to oppose the second reading of the Bill in its present shape.

Mr PEAKE said there appeared to be considerable misapprehension on the point, as he had distinctly understood the Attorney-General to say that there was no objection to place the salaries upon the Estimates.

Mr NEALES wished, before the discussion went any further, to let it be clearly understood what the Attorney-General had stated. He certainly understood the Attorney-General to state what had been imputed to him by the hon member for East Torrens. If the Attorney-General had distinctly stated that the Government would not place the salaries upon the Estimates, he (Mr Neales) must distinctly state that he should vote against the second reading of the Bill.

The COMMISSIONER OF PUBLIC WORKS said that several suggestions had been made to the Government and would be brought under discussion when the third clause was under consideration. The Government did not object to adopt some of these suggestions, but it would be better that the House should go into Committee, prior to those suggestions being discussed. He understood two suggestions to have been made by hon members who had addressed the House—the one being that all salaries should be annually submitted to Parliament, and the other that all salaries over a certain amount should be.

The ATTORNEY-GENERAL said what he had intended to say was that he could not promise on the part of the Government to assent to the amendment which had been proposed, but he was glad that the discussion had taken place. His own feeling was against placing all salaries upon the Estimates, but he should be glad to have the matter properly discussed.

Mr NEALES had now no hesitation in saying that he should vote against the second reading of the Bill. The salaries of letter-carriers, policemen, and so on, appeared upon the Estimates, but if a Bill of this kind were passed monstrous salaries might be paid, and the House would only hear of them in deductions from our loans in England. Immense sums might be wasted in patronage, and he for one would never support a Bill which did not provide that all salaries should be submitted to Parliament. He hoped the Attorney-General would reconsider the question, as he felt the House would not assent to the measure, unless all the salaries were placed on the Estimates.

Capt HART should not oppose the second reading of the Bill, but when the third clause was under consideration he should certainly support the proposition that all salaries should appear upon the Estimates. The Bill proposed to form an establishment similar to all other establishments, and he could not, therefore, see any reasons that the same lines in connection with it should not appear upon the Estimates in precisely the same manner as the salaries attached to all other establishments. He would much rather have seen the Bill in a different shape, keeping the railway accounts altogether separate from the general revenue. He believed that a mixing of the accounts would cause serious errors, and it would have been infinitely better if the whole accounts in connection with railways were rendered to that House in the same way as though the railways were a public company and the directors were rendering an account to the shareholders. South Australia had, in fact, entered upon a railway venture, and the accounts should be rendered yearly to shew what amount was earned to profit and loss in the general revenue. He believed it would be perfectly impossible for any man holding the office of Commissioner of Public Works to undertake that which the directors of a railway company would perform. The Commissioner of Public Works could not hold the place of the directors of a railway company, but the sooner such an alteration in the mode of keeping accounts as that which he had suggested were effected the better. On looking at the Estimates he saw an instance of the mistake in mixing up accounts with the general revenue. He would direct the attention of the House to one item of profit on bond transactions, £8,890, that was the premium on certain bonds for railway extension, Waterworks, and various other public works, but as it had been stated by the hon member for Encounter Bay, the Waterworks accounts should be kept perfectly distinct. It was clearly an error carrying the premium on the Waterworks bonds to the general revenue, and a serious error too, for it might eventually be used as an argument why the city should not pay back the amount as proposed by the Bill. He

had urged last session the adoption of such a course as he had now suggested, and the advantage of such a course was much greater than it appeared, for whether works of this character paid or not, had a great deal to do with the credit of the colony. If it could be shown that they had been profitable there would then be no difficulty in borrowing more money, and probably on much better terms than before. There would be great advantage in showing that the works for which the country borrowed money had been reproductive and profitable. He wished to bring the credit of the colony as near to the credit of the mother-country as possible. At present there was a wide margin, though it had been greatly reduced during the last two years, and he believed it could be reduced still further by the adoption of the system which he had suggested.

The TREASURER rose, not with the intention of answering the arguments of the previous speaker, inasmuch as he agreed with that hon member, but he would say, in reference to one remark to the effect that the hon member would prefer a more comprehensive Bill under which the railways would be managed by a Board of Directors that this described the state of things already in existence, the Railway Board being in precisely the position referred to. By referring to the printed statement before the House, the hon member would find returns which would show the receipts and expenditure of the railways. The present Bill sought to divest the Railway Commissioners of the character of a company, and to bring them under the immediate control of the Commissioner of Public Works. There was no doubt that the accounts of the department should be kept separately, for the reason which had been so well stated by the hon member for the Port. The accounts would, of course, be properly audited, in order that they might be laid before the House, and the whole of the receipts and expenditure would be then shown to hon members. It was the practice until very lately to pay the premiums into the Treasury, so that they were used apparently as part of the revenue, and the present Bill was introduced to enable the Government to repay to the loan fund the sums which had hitherto gone to the revenue. It had been said that the Commissioner of Public Works should act as a sort of manager of the railways, but this would be impossible. The manager, or some person corresponding to a manager, should be always upon the spot, but the Commissioner of Public Works should be continually in his place in the House and attending to other duties, and he could not therefore be always in the railway office. It had been said that the railway expenditure should be transferred to the Estimates, but this need not affect the second reading of the Bill at all. One of the inconveniences of the course proposed would be that hon members now in opposition could taunt the Government with making an increase in the expenditure. These hon members, if still in opposition, could say that there was 36,000*l.* a-year added to the Estimates, and that they could not afford such an outlay. There was also the question as to whether the Government should be at liberty to lease the railways to private individuals, and under the proposed system this could not be done until Parliament was sitting. The hon member for Encounter Bay had referred to some matters of detail which could be better settled in Committee, but these did not affect the principle of the Bill, which had been approved of by the House during the last session, and which the Government then pledged themselves to introduce.

Mr ANDREWS moved the previous question, which was then put, and carried without a division.

THE CRIMINAL LAW

The ATTORNEY-GENERAL moved—

"That he have leave to introduce 'A Bill intitled an Act for consolidating the Statute Law in force in South Australia, relating to criminal procedure by indictment or information, by the Attorney-General, by virtue of the Act No. 10 of the year 1852, intitled 'An Act to provide for the trial of offenders without the intervention of grand juries'."

This was one of a series of Bills which would be brought before the Legislature, and some of which had already been introduced in another place. The remainder were in such a state of forwardness as would, he trusted, enable him to move that they would be read a first time on the following day. The object was not so much to alter the law as to consolidate the whole of the criminal law. At present the great number of statutes, extending over some centuries, the greater portion of which were passed within the last 30 or 40 years, but some of which were dated from a very early period indeed. The Government believed that the time had now come to consolidate these laws. When the Bills came under discussion he would point out where they affected changes in the existing law, and would ask the House to assent to those changes, but the chief object of the Bill was rather consolidation than alteration.

The Bill was then read a first time, and the second reading was made an Order of the Day for Tuesday, 31st inst.

INDICTABLE OFFENCES AGAINST PROPERTY

The ATTORNEY-GENERAL moved—

"That he have leave to introduce 'A Bill intitled an Act for consolidating the Statute Law in force in South Aus-

traha relating to indictable offences against property by malicious injuries' "

The remarks which he had made in introducing the previous Bill would be sufficient introduction for this measure.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday, 31st inst

ACCESSORIES AND ABETTERS OF INDICTABLE OFFENCES

The ATTORNEY-GENERAL moved—

"That he have leave to introduce a Bill intituled an Act for consolidating the Statute Law of South Australia relating to accessories to, and abettors of indictable offences."

He should have mentioned in introducing the previous Bills, that they were founded upon measures which, during the last session of the British Parliament, were laid upon the table of the House of Lords, and which he believed had since passed into law. The attention of the Government of the colony had been called to this circumstance by His Honor the Chief Justice, and the form of the Bills was due to the assistance of that learned functionary. It was due to His Honor Sir Charles Cooper that this should be stated.

The Bill was then read a first time, and the second reading made an Order of the Day for Tuesday, 31st inst

THE CENSUS BILL

The ATTORNEY-GENERAL moved that the report of the Committee of the whole House on the Census Bill be adopted.

Mr STRANGWAYS said that when this Bill was in Committee, he had pointed out what he had believed to be a defect in it, and this defect still remained. It consisted in the fact, that there were no means of enforcing the taking of the whole census upon one particular day, and the result was that in some of the thinly populated districts it might extend over a fortnight. He could not see why the census should not be taken annually, when the notices required by the electoral law were served. When this was done a copy of Schedule A might be left at each house, and filled up by the householder, and a census would thereby be obtained, at least as correct as the one now in question, which would only require a very slight modification (if any) in the present mode of collecting the electoral returns. The expense would be very little, if at all, increased.

Mr REYNOLDS had not been present when the Bill was discussed in Committee, and therefore felt considerable reluctance in voting against the third reading, but he thought that as there was in existence machinery which could be put in operation for the purpose of collecting the census, the Government should take advantage of it. The agricultural statistics might also be collected at the same time.

Mr BARROW said that the House during last session had voted a sum of money for the purpose of taking the census, and during the present session had supported the principle of the Bill now under consideration. Under these circumstances he could not support the previous question, although he concurred in what had been said by the previous speaker as to the taking of an annual census. This was a matter worthy of consideration, though the time for the collection of the electoral lists was not the most favorable for agricultural statistics. If, however, a system could be devised for collecting the agricultural statistics, the electoral lists, and the enumeration of the population at once, it would be very desirable. There was a great disadvantage in taking the census at different periods of the year, as for instance, at one time in March, at another in July, and at another in August. He should support the Bill.

The ATTORNEY-GENERAL said that the present Bill was framed on the model of the previous Census Act, which had secured full and accurate information. The hon member for Encounter Bay had pointed out what he believed to be a defect in the measure, but he (the Attorney-General) was not sure that the cost of rectifying this supposed defect would not greatly exceed the advantage to be gained. With regard to collecting the agricultural statistics, hon members would see by the Estimates that it was the intention of the Government to combine the collection of these with the taking of the census. He should support the motion as against the previous question, but he was quite willing to consider the suggestions thrown out for the combination of other matters with the taking of the census, provided the House would supply the requisite funds.

The motion was then put and agreed to, and the third reading was made an Order of the Day for Thursday

PAPERS

The COMMISSIONER OF CROWN LANDS laid upon the table certain returns relative to the Immigration Department and the Assessment on Stock

THE ESTIMATES

The TREASURER moved that the House go into Committee on the Estimates

Mr PEAKE said that as it was the Queen's Birthday, he should move that the House adjourn. (Hear, hear)

Mr REYNOLDS suggested that, before the House adjourned, the Hon the Attorney-General should fix a day for going on with the Estimates

The ATTORNEY GENERAL presumed that there would be no use in putting the Estimates on the paper for the following day, as the adjourned debate on the motion of the hon member for List Torrens would then come on. Perhaps the hon member would move that the Estimates be an order of the day for Thursday

Mr REYNOLDS said he would second such a motion

Mr FLAKE moved that the Estimates be an Order of the Day for Thursday

Agreed to

DISTILLATION

Mr MILDRED in rising to move—"That he have leave to bring in a Bill, intituled 'An Act to repeal Act 19 of the 5th of Victoria, intituled An Act to regulate internal distillation in the province of South Australia,'" asked leave to strike out all the words, from the word "repeal" to the word "Act"

The ATTORNEY-GENERAL said that the motion was one which would give rise to much discussion. When he consented that the Government business should not be proceeded with, it was on the understanding that it was the Queen's Birthday, but if any business were to be proceeded with, he should prefer the Government business being gone on with.

Mr MILDRED was willing to have the motion made an Order of the Day for Friday

Agreed to

CLOSING GOVERNMENT OFFICES

Mr GLYDE asked the hon the Attorney General by whose authority, and for what reason, the Government Offices were closed to the public on Saturday, April 23, without previous notice having been given in the *Government Gazette*

The ATTORNEY-GENERAL read the following reply—"By the Chief Secretary's authority, in accordance with a usage which has obtained during several years past in the Government service, of closing the public offices on Saturdays intervening between two public holidays, due notices being placarded on the doors of the several public offices a day or two before, the special occasion alluded to was during the Easter holidays, and the usual notices were posted both in Adelaide and at the Port."

The House rose at half-past 2 o'clock

LEGISLATIVE COUNCIL.

WEDNESDAY, MAY 25

The PRESIDENT took the chair at 2 o'clock

DEFENCES OF THE COLONY

The PRESIDENT announced the receipt of a Message from His Excellency the Governor enclosing a despatch from the Secretary of State, on the subject of colonial naval and military defences

BOUNDARY OF THE COLONY

The Hon the CHIEF SECRETARY moved—
"That an address be presented to Her Majesty with reference to that part of the colony of New South Wales which is situated between the eastern boundary of Western Australia and the western boundary of this province, representing the natural dependence of that territory upon South Australia, through whose ports alone access can be obtained to it, and the difficulty and cost attending its settlement and government by any other colony, and praying Her Majesty since no steps have been taken by the colony of New South Wales upon the subject, to cause the requisite measures to be adopted to procure the sanction of Parliament to its being united with the province of South Australia, and that a Committee of three persons be appointed to prepare such address"

Hon members were no doubt aware that the piece of land referred to was part of the territory of New Holland, westward of South Australia, and lying between that colony and Western Australia. Normally it belonged to New South Wales, but it was virtually cut off by an impassable desert. In the session of 1857 a similar resolution was in effect passed, in the shape of an address to His Excellency the Governor, who was requested to communicate with the Imperial authorities upon the subject. Communications had been made, and a correspondence had taken place with New South Wales, but he regretted to say with no effect. It was now proposed to bring the matter more prominently forward by an address to Her Majesty. It was well known that the territory could not be of any service to New South Wales, but it might prove of great value to South Australia, the port from which produce could be exported being part of South Australia.

The Hon A FORSTER seconded the motion, which was carried, and the Hon the Chief Secretary, and Messrs. Morphett and Davenport were appointed a Committee, to report upon that day week

THE ENGLISH MAIL

The Hon Captain BAGOF put the questions of which he had given notice—

"1. At what hour the last portion of the English mail was put on board the Corio at Port Adelaide, on Wednesday last, the 18th instant, and at what hour she got under weigh to proceed to Nepean Bay?"

"11 Why that vessel did not call at Glenelg for the supplementary mail as she was bound to do?"

"111 For what sum was the steamer Young Australian chartered to take that mail to Nepean Bay, and to whom is that money paid or payable?"

The hon. gentleman remarked it was very desirable the Council and the public at large should be informed of the cause of the irregularity in the conveyance of the mails by the Corio to Nepean Bay. He was particularly desirous of knowing why there had been a departure from that particular portion of the contract, by which the Corio was bound to call at Glenelg for the supplementary mail. He also wished to know what delay there had been at Port Adelaide after the receipt of the mail, and who would pay the cost of chartering the Young Australian.

The Hon. the CHIEF SECRETARY said that from inquiries which he had made, he had ascertained that the mail was put on board at six p.m. on the preceding Wednesday, and that the vessel left 25 minutes afterwards. No official report had yet been received from the owners of the Corio, but any further information would be communicated to the House. The Young Australian had been chartered for 100l., which amount was payable to the owners.

ARTESIAN WELLS

The Hon. J. MORPHETT asked the Chief Secretary if any steps had been taken for the expenditure of a sum of 750l., placed by His Excellency on the Estimates for the current half-year, for boring for artesian wells. The House would remember that last session there was an impression that large quantities of land adapted for pastoral purposes were rendered useless in consequence of the absence of water, and Parliament voted 750l. for the current half-year to be expended in the Government thought fit in boring for artesian wells. The half year having nearly expired he was desirous of knowing what steps had been taken in the matter.

The Hon. the CHIEF SECRETARY said the 750l. were to be expended under the Surveyor-General, who reported on the 22nd November, that it was not desirable to expend the money until there had been a geological survey of the country. The sum being quite inadequate for the purpose, an addition was made to the original motion of the following words:—"or sinking wells where necessary." A well was being sunk at the north west bend of the Murray, and another would shortly be commenced. A geological Surveyor was at present here on a visit from Victoria, and in his examination of the country would report specially upon the geological formation of the country for artesian wells.

STANDING ORDERS

The Hon. Dr DAVIES asked the Chief Secretary why, at the commencement of the third session this Council has not properly sanctioned Standing Orders, having only provisionally adopted those of the old Legislative Council, also, why the Joint Standing Orders have never been mutually agreed upon by the two Houses, and confirmed. He had put this notice on the paper as he thought it exceedingly desirable that hon. members should know what the Standing Orders really were. The Standing Orders Committee had been sitting so long, that he really thought it was time the Council had some result from their labours. The Council had conditionally adopted the Standing Orders of 1852, but it was surely right they should have some for 1859, particularly as upon demanding a printed copy, he found that the Standing Orders of 1852, were out of print. It was important that hon. members should not only have copies of the Standing Orders upon the table of the House, but also at their own houses, for reference. It appeared also that joint Standing Orders had been prepared for the two Houses, but these had never been confirmed.

The Hon. the CHIEF SECRETARY did not know why the hon. member should particularly ask him, as he thought the question had better have been addressed to the Chairman of the Committee. If the hon. member referred to Council Paper 167, of 1857 and 1858, he would find there a recommendation that the joint Standing Orders should not be adopted by the Council. The Committee upon the new Standing Orders had not yet brought up their report, and the Council were consequently still under the Standing Orders of 1852. Perhaps the Chairman of the Committee on Standing Orders would be enabled to answer the question more specifically.

The Hon. the PRESIDENT said that every member was furnished with a copy of the Standing Orders referred to, and as to the Standing Orders being on the Council table, they had invariably been ready for the inspection of any member. The Committee had been anxious to arrive at some practical result, and having had the experience of two sessions, hoped to be able to make a report. The reason there were no joint Standing Orders, was that the Council had determined they could not be adopted, and the existing Standing Orders were adopted expressly till the Council otherwise ordered.

THE BOTANICAL GARDENS

The Hon. Dr DAVIES moved—

"That all the correspondence that may have passed between the Government and the Botanic Garden Committee,

relative to the tenure by which the said Committee hold the land for the purposes of a garden and public recreation be laid before the Council, and also, if there be any deed or document conveying the said land to any persons acting as trustees, or to the said Committee, for public use, that a copy of the same be produced.

He had put this motion on the paper in consequence of the Government proposing to resume portion of the ground allotted to the Botanic Gardens. It was desirable it should be known who had power to resume land after it had been given for public purposes. In this case, the Committee of the Botanic Gardens simply had notice that the land would be taken from them, they were not even asked whether it would interfere materially with their operations. When land was given for public purposes it was a matter of sufficient importance that the Executive should be consulted, before any one member of the Administration took it upon himself to resume the land. He understood that the Commissioner of Crown Lands knew nothing about the matter prior to an intimation being given to the Botanic Garden Committee that the land was required. The land required was the only mound in the grant. It was a most picturesque spot, and taking it from the gardens would interfere very much with the arrangements—in fact, their whole beauty would be entirely destroyed. The purpose to which the land was to be applied was, at least, doubtful, it having been determined to extend the Lunatic Asylum. He was aware that the Keeper of that Asylum was a most humane man, and that the Colonial Surgeon ably discharged his duties, but he objected to any further expenditure upon the Lunatic Asylum, which should, he considered, be removed to the country.

The Hon. A. FORSLER seconded the motion.

The Hon. the CHIEF SECRETARY said there could be no possible objection on the part of the Government. The Colonial Architect reported that a certain portion of land adjoining the Lunatic Asylum was required for the purpose of erecting an addition to that building, the money for which had been voted by Parliament last session. The land would as a matter of course, be resumed, if there were no objection raised by the Botanic Garden Committee, and if they had thought the Gardens would be damaged, they had only to make that representation, and no doubt it would have been attended to. There was no intention on the part of the Executive to offer any affront to the Botanic Garden Committee. He had understood from the Colonial Architect, that the spot which had been taken was the only one which could be made available.

The motion was carried.

CENTRAL ROAD BOARD

The Hon. Dr EVERARD moved—

"That, on Tuesday next, the draft regulations of the Commissioner of Public Works for the guidance of the Central Board of Main Roads, with the objections of the said Board thereto, and the reply of the Chairman of the Central Board of Main Roads embodying those objections, be laid before this House."

He had been induced to table the motion for the purpose of showing in what an anomalous position the members of the Central Road Board were placed by the very stringent regulations of the Commissioner of Public Works. The Board were in a great measure an elective body, but it was impossible they could do their duty if they abided by the regulations of the Commissioner of Public Works.

The Hon. Major O'HALLORAN seconded the motion, which was carried.

ELECTORAL RETURNS

The Hon. Dr DAVIES moved—

"That an addition be made to the next Electoral Returns of the number of notices to electors delivered in each district or division of the colony, and of the number of such notices that are returned to the proper authorities."

He believed that if the suggestion contained in his motion were carried, the returns would be much more complete than heretofore. By the present returns it could only be ascertained who claimed to vote, but there were a large number of voting papers which were sent out which were never returned, and it was necessary to know what that number really was, in order to ascertain the total number of electors in the colony. He was informed that, in the city of Adelaide alone, one thousand more notices had been sent out than had been returned.

The Hon. A. FORSLER seconded the motion.

The Hon. the CHIEF SECRETARY would take an opportunity of consulting the Returning Officer, and if he thought it desirable the suggestion should be carried into effect it should be.

The Hon. J. MORPHETT hoped the Chief Secretary would consider the expense, as it might be very considerable and he did not see what benefit was likely to arise. He believed it would prove a perfectly useless expenditure, unless the Hon. Dr Davies could show what benefits would result from it being ascertained whether there were 100 or 200 who chose to be indifferent to the franchise under the most liberal constitution in the world—one which in some respects exceeded Mr Bright's. All had the privilege of exercising a vote, and if from indifference they did not choose to do so, he

could not see what practical good would result from knowing whether there were 100 or 1,000 who were so indifferent.

The Hon A FORKSIER understood the desire of the mover was to know how many electoral notices were sent out in each district, and how many were returned. He did not see there could be much expense attending this. He could see some benefit likely to result from these returns. During the last Adelaide election it was stated that a large number had not received voting papers, but if it could be shown that the Returning Officer had sent out these voting papers, he would, of course, be exonerated from neglect. If it were for no other purpose he thought it was important it should be known that the Returning Officer had discharged his duty. It would be a very important statistical return to show the numbers who had received voting papers, without availing themselves of the opportunity of exercising their franchise. If there would be any considerable expense he questioned whether it would be desirable it should be incurred, but as none was involved he should support the motion.

The Hon Dr DAVIES said the additional cost would not be 5s., only two additional columns would be required.

The motion was lost.

OFFENCES OF A PUBLIC NATURE CONSOLIDATION BILL

This Bill was further considered in Committee. Various verbal amendments were made, and the President reported progress, and obtained leave to sit again on the following Tuesday.

The House adjourned at 20 minutes to 4 o'clock, till 2 o'clock on the following Tuesday.

HOUSE OF ASSEMBLY

WEDNESDAY, MAY 25

The SPEAKER took the chair at 1 o'clock.

THE WATERWORKS

The COMMISSIONER OF PUBLIC WORKS, at the request of the late Chief Commissioner of Waterworks laid upon the table of the House a report of the late Chief Engineer which was ordered to be printed.

Mr RYNOLDS understood there was a communication from Mr Maturin, and wished to know whether the hon gentleman had any objection to lay it on the table of the House.

The COMMISSIONER OF PUBLIC WORKS said the communication referred to had been moved for in another place, and had been ordered to be printed.

MESSAGE FROM HIS EXCELLENCY

The SPEAKER announced the receipt of a message from His Excellency, enclosing a despatch from the Secretary of State, on the subject of colonial naval and military defenses.

MEASUREMENT OF SHIPS

The TREASURER laid upon the table of the House a return, shewing the number of ships measured for tonnage for the past year, which was ordered to be printed.

GRAND JURIES

Mr MILDRED moved—

"That he have leave to bring in 'A Bill intituled an Act to repeal Act No 10 of 1852 intituled 'An Act to provide for the trial of offenders without the intervention of Grand Juries'."

He had been induced to bring forward the motion in consequence of having observed for a long time past the very unsatisfactory manner in which trial by Jury had been conducted in South Australia. He objected to it from the first time that he had an opportunity of witnessing its operations. He objected to a supposed offender being placed in the felon's dock, without there having been a preliminary enquiry beyond that which had taken place before the committing magistrate. The offender would be placed altogether in a different light if there were the intervention of a Grand Jury. If, after an inquisitorial examination of that character the Bill were not found, the character and honor of the individual remained untouched. On the other hand, after an individual had been placed in the felon's dock, and had received all the advantages which could be derived from the employment of a talented barrister, and was in consequence discharged, the remark was frequently made that he had escaped by the employment of a clever solicitor to get him out of the mess. Such were his impressions in reference to trial by Jury, when he heard that an institution so valued in England had been thrown overboard in South Australia. In England the magistrates were formed of different material from what they were in this colony, where there were such limited means of selection. Some of the Justices in this colony had been shepherds who could scarcely write their own names yet the liberty, character, and honor of their fellow-men were placed in their hands. After a committal had taken place, the case was sent to Adelaide to be dealt with, and he would ask how many cases were thrown out of the Supreme Court upon the plea that there was not sufficient evidence to support them? In how many cases, when the Crown Solicitor was reconstituted with by the Judge, after the case had been entered upon, had that

officer stated that he was very sorry, but that was all the evidence which he had to offer? What he objected to was that there was no stepping stone between the committal by a Justice of the Peace, and placing the accused in the felon's dock. It was understood that the committal went before the Crown Solicitor or the Attorney General, but it appeared to be thought that the mere fact of a man having been committed was sufficient to justify his being sent before a Jury. He had hoped from the announcement made by His Excellency at the opening of the session, that the Bills referred to in His Excellency's speech would have been placed upon the table of the House, so that they would have seen whether any improvement was contemplated in the present system. It was not consistent, it was not English, nor was it consistent with English jurisprudence, that persons should be sent to take their trial at the Supreme Court under circumstances such as they were sent in South Australia. It was quite possible that either the Crown Solicitor or Attorney-General might be employed by private individuals to prosecute parties before Justices of the Peace, and subsequently they would also be called upon to prosecute the parties at the Supreme Court. He knew an instance in which the Attorney General pleaded in the Police Court for the committal of a party and the appeal from that decision was of course from the Police Magistrate to the Attorney-General himself. Some material alteration was essential in the present system. There should be some ordeal between the committal of an offender by a Justice of the Peace and his trial at the Supreme Court. Those were his reasons for placing the motion upon the paper, and if no other means could be devised for accomplishing the object in view, he suggested the repeal of the Act which abolished trial by Grand Jury. He should feel it his duty to press the motion, unless the Attorney General could assure him that material alterations in the existing system were in contemplation.

Mr SOLOMON seconded the motion.

Mr BAKWELL felt it his duty to oppose the motion. The Grand Jury system was a worn out institution, which was very properly put an end to by the Act of 1852, which Act the hon member for Noarlunga wished to repeal. He had not heard the whole of the hon member's address, but he would point out that the Act of 1852 did two things—it threw upon the Attorney-General the duty of signing all indictments, and of perusing the evidence upon which persons were committed. If the person were committed by a Special Magistrate or by two Justices of the Peace, then the Attorney-General was bound to let the case go to trial. If, on the other hand the committal had been by a single magistrate, then the Attorney-General was bound to inspect the depositions, and if after doing so, he thought it was not a fit case, then he did not allow the prosecution to go on. He thought that afforded every protection which could be desired. The evils which had been pointed out by the hon member for Noarlunga would not be remedied by a revival of the Grand Jury system and there could be no doubt that the Grand Jury system afforded great facilities for the escape of criminals. The evidence taken before a Grand Jury was in secret, and thus it would happen that a man when charged before a Police Court would be committed, but when before a Grand Jury the witnesses might so change their evidence by perjury that no Bill would be found, and there would be no means of punishing the witnesses. The Grand Jury could only act upon the evidence before them, and would be bound to acquit the accused, though aware of the discrepancies between the evidence before them and that which had been given at the Police Court. There were many reasons that they should not revert to the system of Grand Juries, a great waste of time was involved, and it would be impossible to get the class here who it was desirable should constitute the Grand Jury. Latterly every party entitled to act as a special juror was also entitled to act upon the Grand Jury, and when the Grand Jury system was in operation here instances had been known in which parties sitting upon the Grand Jury had used their private influence to ensure the acquittal of the accused. Some years ago he prosecuted a party charged with a series of most atrocious libels, extending over a period of five or six weeks but he was told before he went before the Grand Jury that the accused would be acquitted in consequence of the private influence of parties who were upon the Jury and so he was. He hoped the hon member for Noarlunga would not press for the revival of Grand Juries, as it would be very much to be regretted that they should be revived.

Mr MILDRED wished to explain that as he read the Act it was optional with the Attorney-General whether he should send persons for trial, it was not imperative.

Mr BAGO though he would not pledge himself to the second reading should support the motion for the introduction of the Bill doing so for the purpose of giving the Attorney-General an opportunity of replying to some questions which he should put to him. It did appear to him that something should intervene between placing men in the felon's dock and the committal by a Justice of the Peace, because the depositions taken before a Justice of the Peace were frequently of that character that had the witnesses been subjected to a strict cross examination there would have been no *prima*

five ease against the parties. He wished to know from the Attorney-General, and the reply of that gentleman would guide him in reference to the course which he should adopt upon the second reading, how many cases had occurred within the last few years, since the Act, which the motion before the House sought to repeal, had been in operation in which the Crown Solicitor had withdrawn the prosecution after parties had been placed in the dock, distinguishing the number of cases in which no case was disclosed upon the depositions. He could from his own experience state that many instances of this kind had occurred, and that was not such a state of things as should exist. Gentlemen acting as Justices of the Peace in remote districts frequently did not understand the law, and from the manner in which the depositions were taken it was difficult, when they were sent to the Attorney-General, to say whether a case against the prisoner appeared upon the face of them or not, but after the Crown Solicitor had had an opportunity of examining the witnesses he frequently had a different impression from that which a mere perusal of the depositions would give him. He wanted to know from the Attorney-General how many cases there were in which the parties, after being committed, had not been placed upon their trial, he believed the number was very few. He should support the first reading, though he did not pledge himself to support the details of the measure, but he thought there should be an alteration in the present system.

The ATTORNEY-GENERAL should oppose the motion, though he should be quite prepared to support any motion having for its object an improvement of the present system. He was quite willing to admit that the system which existed at the present time was susceptible of amendment, and if any practical amendment could be suggested he should be happy to adopt it. If the hon member for Noarlunga did not wish to revert to the old system but to amend the present one, he should be happy to consider the proposition on its merits. The motion, however, was not for an amendment of the present system, but to revive in South Australia what the highest legal authorities in England with a strong preponderance of public feeling, had pronounced unsuited, and were preparing to do away with. Any one familiar with the subject, knew that in nine cases out of ten, where a Grand Jury ignored a Bill, it was not because there did not exist sufficient evidence and suspicion to justify the individual being placed upon his trial, but because there were some peculiar circumstances connected with the case, which induced the Grand Jury to take a more favorable view of the individual than justice warranted. He need merely refer to one case which had recently excited a good deal of feeling in England, and had been referred to by the Lord Chancellor in the House of Lords as a proof of the fallacy of justice by Grand Juries. He alluded to a case in which the death of the inmate of a Lunatic Asylum, in England, had been caused by the improper and cruel treatment to which he had been subjected, and he believed that throughout the whole country, nine out of ten were satisfied, if not that death had been caused by this treatment, that the circumstances were such as required full and fair public investigation. The investigation, however, was conducted privately, and he might mention that before the Grand Jury the only evidence taken, was of persons to a certain extent accomplices, who gave their evidence in such a way, as to create a favorable impression in reference to the accused party, and the result was there was no Bill found. Thus the matter ended, though there could be no doubt that the death of an innocent individual had been caused. He quoted the case to shew one of the essential vices of the Grand Jury system. All persons summoned to give evidence before a Grand Jury, gave it without the sanction of publicity, without a possibility of that evidence being known, and such a color was given to it as to create an impression favorable to the persons accused, if the parties had any bias in their favor. There could be no doubt that a great many criminals escaped in that way. He knew a number of instances in which bills against parties were found by the Grand Jury, yet those parties had been afterwards acquitted, so that it could not be said the Grand Jury always operated as a protection to innocent individuals, if their acquittal were to be taken as an evidence of their innocence. There was one session here in the early days of the colony, when every person was acquitted against whom the Grand Jury had found bills, and every one of those must be presumed an innocent man. If the number of acquittals under the existing system were contrasted with the number under the system of Grand Juries, he was satisfied it would be admitted that Grand Juries were no protection whatever. The number of acquittals was as great as under the present system. The hon member for Brossa had referred to a gross and palpable denial of justice simply because the friends and connections of the accused party happened to be upon the Grand Jury. The supporters of the paper of which the accused was editor happened to be upon the Grand Jury, and thus it was that there was a denial of justice, and the same thing might occur again when a person had the sympathy of the Grand Jury. He did not object to discuss the present system, to see if it could be amended, but he should oppose from the beginning and throughout any attempt to do away with the present system by introducing one inconsistent with the present circum-

stances of the colony, and which in England had been found to impede rather than promote the ends of justice. It was a system which it would be in the highest degree unwise to establish. Grand Juries had their origin in England in the duty which by the common law was imposed on all persons of finding out offenders, originally the enquiry was in the nature of an inquest, it being the duty of the Jury after enquiry to present the case to a petty jury, and with the characteristic love of Englishmen for old customs the system was adhered to. At the present time, however, it was found to be an institution behind the wants of the community, and which it was expedient to do away with. He could not give the precise number of cases referred to by the hon member for Light, but he would state the principle which guided the Crown prosecutor, who substantially decided whether the parties should be placed on their trial or not. Where the evidence did not shew that an offence had been committed there was no prosecution, for instance, he might refer to a recent case from Mount Gambier, where a party was charged with obtaining goods under false pretences, and although there could be no doubt he had acted very wrongly still, as he had not committed an offence punishable by law, there was no prosecution. Where, however, the depositions showed that an offence had been committed, and it was a question of the effect of evidence, the Crown prosecutor always felt it his duty to prefer an indictment. Sometimes, although on the face of the depositions it appeared there was not sufficient to convict, still, when the witnesses met, other evidence was, perhaps, adduced which ensured a conviction. If, however, the Crown prosecutor, after examining the witnesses, found that there was no case, it was his duty to say so to the Court, when however it was clear that an offence had been committed, the Crown prosecutor had no right to say that because the evidence did not produce the impression upon his mind that it had upon the committing Magistrate, there should be no prosecution. He should be glad of any suggestions which would effect an improvement in the present system.

Mr PEAKE should support the motion in the hope that the amendment which the Attorney-General thought possible might be introduced. He thought the argument of the Attorney-General was a two-edged sword cutting as much against himself as his adversary. The hon gentleman had stated that the Grand Jury had grown out of ancient custom, and for that reason he (Mr Peake) respected it, for he found a great many of the ancient customs had their origin in the jealousy with which the people watched over their freedom. A union, for instance, got about that a certain man had done a certain wrong and then there was an examination by a Grand Jury but if they found he had not been guilty of the offence imputed to him, he was not put in the felon's dock. That he considered a wise precaution to prevent the character of an individual being blighted in the opinion of his fellow-countymen, and for that reason he upheld the institution, the Attorney-General had stated that justice might be defeated by collusion between the parties on the Grand Jury and the accused, but precisely the same thing might occur with a petty jury. The evil of the present system was, that though a man were acquitted he had been branded perhaps for months previously as a felon in consequence of his committal. He believed whatever imperfections there were in the Grand Jury system might be cured. The Attorney-General had quoted a high legal authority at home as opposed to Grand Juries, but it did appear to him strange that if the Grand Jury system had produced such serious results at home, it had not long since been abolished.

Mr STRANGWAYS should vote against the motion, and must confess himself perfectly astonished at hearing from the hon member for the Burra his views upon the Grand Jury system. He thought the hon member was better acquainted with matters of constant occurrence for many years past under the Grand Jury system, and how any one acquainted with its working could support that system he could not understand. At the termination of the Assizes or Quarter Sessions, when thanked by the Judge for their attendance, the Grand Jury had in numerous cases presented addresses expressing an opinion that their services were worse than useless. Any innocent man could be placed upon his trial under the Grand Jury system, as a story could be trumped up, and no cross-examination was allowed. The Attorney-General had alluded to one instance, in which the Grand Jury system had prevented a party, against whom very strong suspicion existed, from being put upon his trial, but the hon gentleman might have instanced hundreds of similar cases. He thought the hon member forgot that it would be from the Justices of the Peace that the Grand Jury would have to be selected. The feeling in England was in favour of the appointment of a Crown prosecutor, but since the Attorney-General had become a responsible Minister of the Crown, he questioned whether it was not desirable that office should be placed in the hands of a non-political officer. He should decidedly oppose a return to the Grand Jury system.

Mr ANDREWS should vote against the motion, though he regretted the necessity of doing so, as he was strongly in favor of the advantage which the subject enjoyed from the intervention of a Grand Jury. But as the hon the Attorney-General had given notice of a measure for the amendment of

the criminal law, he (Mr Andrews) considered it desirable that that measure should be first disposed of, as it would be well to have as few statutes on the statute-book as possible. It might perhaps be necessary to have something in this country tantamount to a Grand Jury, for an officer of the Government did not stand in that position, but such an arrangement might be introduced in the Bill to amend the criminal law. He understood from the hon the Attorney-General that it was the practice at present to abandon prosecutions on the mere *ipse dixit* of the Crown prosecutor. The Attorney-General was at present in the position of a Grand Jury, and this was not a proper position for any officer of the Crown. (Hear, hear.)

The ATTORNEY-GENERAL, in explanation, said that he had been misunderstood as having said that the Grand Jury stood between the Crown and the people, inasmuch as the Attorney-General in England could put any person on trial on a criminal information without the intervention of a Grand Jury.

Mr BAKWELL, in explanation, said he had stated that the Attorney-General in England had a right to put a person upon his trial or not after he was committed by a Justice. He had also said that he might be sent to trial by a Special Magistrate in this country, or by two Justices of the Peace.

Dr WARK rose with more than ordinary diffidence on the occasion. (A laugh.) There might be some defect in the law as it stood but the hon the Attorney-General had promised to take action in the matter and under these circumstances he thought it would be wrong to dive into the matter. The rights of the subject had already been so ably urged by the professional members of the House that he would not enter at any length upon them, but he would say that in the country in which he was born, Scotland, the criminal law was administered in the same way as it was administered here, the Advocate-General having the power of bringing offenders to trial. The system had worked so well that he never recollected hearing an objection raised against it, and it was acknowledged that under it the liberty of the subject was fully preserved. He believed that it allowed of more independence than existed where a number of gentlemen who did not understand anything of law—for law was law—were entrusted with the decision. (Laughter.) The system in force in Scotland worked very well, and there were many Scotch persons in this country who liked the habits of home. He (Dr Wark) believed that it was whilst a Scotchman was in office that the system was introduced in this country. He could only see one objection to it, and that was where the party giving the information prosecuted the accused at the bar. In the maze between him and the law (for he belonged to another learned profession) he was prepared to allow the hon the Attorney-General to decide as to when prosecutions should be instituted, but he would not by any means go back to the old Grand Jury system. He could not fancy anything worse than a dozen gentlemen sitting to decide upon the criminality or innocence of an individual in secret, and that whilst the country possessed one gentleman on whom it could lay the burden—let him be whom he might—whom the public could hold responsible, and to whom if he were ever very much in the wrong, they might point the finger of scorn. He believed there were at present some difficulties in the way of the administration of justice, but he was content to await the action of the Attorney-General.

Mr YOUNG could not enter into all the feelings of the hon member for the Murray as to the objectionable features of the Grand Jury system. He considered that that system was a very desirable one. He would just on the spur of the moment—as he was unprepared for the debate—refer to the last Court of Assize at which only about one third of the prisoners tried were convicted. Looking to the other two-thirds it was a fair and reasonable assumption that a large proportion of them were placed in the criminal's dock unjustifiably. He believed the existence of the Grand Jury system would in many instances have prevented these persons from being placed in the position which their circumstances would not warrant. The subject should have a fair opportunity, whether or not there were justifiable grounds for his being placed in a criminal dock to take his trial. He should support the motion unless the hon the Attorney-General was prepared with a measure to remove the difficulties which at present existed.

Mr BARROW thought that if the House adopted the Grand Jury system it would be a retrogression inasmuch as the public feeling in England was against it and many steps had lately been taken to procure its abolition. It was said that Justices of the Peace were not always learned in the law, and that on this account they committed persons who did not deserve committal. But what guarantee was there that a Grand Jury in this country would hold any better position than the Magistrates and if the Magistrates were below the standard of the Magistrates in England in ability and information, might not the Grand Jury also be below the English standard? He presumed if Grand Juries were to be constituted it would be done by means of a property qualification, that persons possessing a certain amount of property would be considered competent to decide as to the cases which should be sent to Special Juries. There should have been shown some cases of oppression under the present

system to justify the House in passing such a Bill as the one in question. He had heard references made to a bulwark between the Crown and the people, but he had always thought that to be tried by his peers was the bulwark which every Englishman desired. (Hear, hear.) And if he (Mr Barrow) were put on his trial before his peers—(laughter)—he should be quite as well pleased as if his case was sent before a Grand Jury. He did not see that any case had been made out for the motion, whereas it was proposed to return to a system which the colony had abolished, and which all reformers in England were opposed to. There should be some satisfactory reason assigned for going backward in this matter, when in all other respects the colony was advancing. (Hear, hear.)

Mr NEALES thought that nothing whatever had been said in favor of the motion. The system was exploded so long ago that he did not care to discuss it now. He would only remark that the hon member for the Burra and Clare had stated that where a Grand Jury existed there were two bulwarks between the Crown and the subject, but if the Grand Jury declined to find a Bill, the petty Jury could do nothing. There was no doubt as to the public feeling in England on this matter. Crab-like legislation would never do for this country, and this measure if passed would be not one but two steps backwards. He hoped the hon member (Mr Mildred) would withdraw his motion, or that the House would come to such a decision upon it as would prevent a similar proposal being brought forward upon any future occasion. He was strongly of opinion at the same time that the public prosecutor should not be a political partisan.

Mr COLLE said if he were in the position supposed by his hon friend the member for East Torrens—(laughter)—he would rather be tried before the public and the press in open day than by a dozen gentlemen, who probably knew nothing more than the chairs they sat upon respecting law. He should much rather have the decision of one gentleman who knew and had made a study of jurisprudence.

Mr MILDRED observed, in reply to the hon member for East Torrens, that Grand Juries, if instituted here, would be composed of the same class of persons which composed them in England, and in reply to the hon member for Encounter Bay, that Grand Juries were not restricted to Justices of the Peace, he (Mr Mildred) was a Grand Juror for the city of London, and for the county of Middlesex, though he was not a Justice of the Peace. He would also remark, that in all cases brought before the Grand Jury every opportunity existed for cross-examining witnesses with a view to elicit facts against the accused person. As he had said in his opening remarks, it was not possible in this country to get men who had been brought up to the bar to act as magistrates, nor was it always practicable to procure men of intellect to act as common jurors. There was, therefore, a necessity for Grand Juries, and it was not knowledge of law that was required so much as common sense and justice, such as he believed, Grand Juries could supply. He believed he had done his duty in introducing the motion, and that it would cause more investigation to be made into the cases sent before the Supreme Court, and that the effect would be to prevent many innocent persons from being placed in the criminal dock. He should now, with the leave of the House, withdraw the motion.

THE ASSESSMENT ACT

Mr NEALES put the question standing in his name—
“That he will ask the Honorable the Commissioner of Crown Lands and Immigration (Mr Dutton) why the numbers only of the leases under the Assessment Act are given in the *Gazette* notices, and not the names of the holders or presumed holders, as contained in former advertisements relating to the leases held under the Crown?”

Mr DUTTON replied that there was no particular reason why the schedule was given in such a form. The schedule was prepared by the valuator. All parties interested in the valuation were referred to the map, which gave all the information which could be required, and public attention was called to this fact.

MINERAL LEASES

Mr NEALES moved—

“That there be laid on the table of this House a map or maps containing particulars of all the mineral leases, marked with the names of the grantees, date of grant, payment made, and distinguished by some color for each district the same map also to contain a description of all areas claimed for mineral leases, with the name of claimant, date of claim, date of payment (if any made), and any further information in possession of the Government relating to mineral leases.”

There was a very large extent of mineral land in the country, and he thought there should be more information respecting it than the mere names of two individuals, when it was well known that there were other parties who had obtained leases. He (Mr Neales) wished to know the names of all lessees and the areas taken up by each person. He believed that many more mineral leases would be taken if more information were afforded respecting them and many claims would be made by persons representing British capitalists. He believed the want of information existed in consequence of some arrangement in the office of the Surveyor-General to whom at the same time he did not attach any blame. There were also some unnecessary delays

There was first an interval of three months before a person was required to state the claim he required, then there was six months' notice for any person who might have stock upon the land, and there was a further liberal allowance of time before any one was required to be raised. With respect to the last interval, he was of opinion that the lessees should be required to raise the one as soon as possible, as such a course would be for the public advantage.

Mr GLYDDE seconded the motion.

The ATTORNEY-GENERAL said that the Government had not the least objection to laying upon the table the information referred to. He agreed to a great extent, if not entirely with the opinions expressed by the hon member, that when claims were made they should be subject only to such restrictions as were required to protect persons from improper interference. If there were any undue restrictions now in existence, as the attention of the Government had been called to the matter, they would be attended to.

The motion was then agreed to.

THE LABOR QUESTION

Mr SOLOMON moved—

"That the petition of the working men, complaining of the truck system existing on various public works be printed." As it had become a custom of late in making such motions to state that it was the intention of the mover to take action in the matter, he would state that such was his intention. His object was to give hon members the opportunity of ascertaining for themselves whether this truck system prevailed upon the public works. If it did exist it was certainly a most unsatisfactory state of things, very unfair to the working classes, and such as it would become the House to take action upon.

Mr BARROW seconded the motion.

IMMIGRATION

Mr OWEN, before moving the following motion standing in his name—

"That a return be laid on the table of this House showing the entire expenses connected with the emigration agency in England for the years 1857 and 1858, including full particulars as to the manner of their being incurred, whether by commissions to local agents in the various countries, travelling expenses, advertising, or otherwise, the names of such local agents also to be given and the amount paid to each." Enquired of the hon the Commissioner of Crown Lands whether the information referred to was contained in certain papers which had been laid upon the table on the previous day.

The COMMISSIONER OF CROWN LANDS replied that the papers in question did not convey the exact information required by the hon member, and suggested that the hon member should press his motion.

Mr YOUNG seconded the motion.

The motion was then put and agreed to.

THE EASTERN ROAD

Mr HAWKER moved—

"That there be laid on the table of this House a return of the total amount expended on the Eastern road from the City of Adelaide to the junction of the Echunga and Mount Barker road, and from such junction to Strathalbyn and Wellington, and by way of Mount Barker to Strathalbyn."

His object was that as there was a large sum proposed to be expended on a tramway from Strathalbyn to the Goolwa, he, in common with other hon members, might possess such information as might guide them in their votes upon that subject.

The motion was agreed to.

THE CHIEF SECRETARY

Mr REYNOLDS moved—

"That this House—having declared by its vote of December 10, 1858, that it is not conducive to the public interests that any member of the Responsible Government should be at the same time a member of any Board or Commission entrusted with the expenditure of any portion of the public revenues of this province—considers the position held by the Honorable the Chief Secretary as member of the Harbor Trust Board, as setting at defiance the opinion of this House, and, consequently deserving of its censure."

Before moving in the matter he had taken what he considered to be the proper course in asking the Government on two occasions, whether the hon the Chief Secretary was still a member of the Harbor Trust or not. He was told that the hon gentleman did still hold that position, and he (Mr Reynolds) then asked whether it was the intention of the Government to nominate the hon gentleman's successor. It did not appear from the reply to be the intention of the Government to do anything in the matter. He (Mr Reynolds) asked again the other day, whether the hon gentleman was a member, and the hon the Commissioner of Public Works replied, that to the best of his (the hon Commissioner's) belief, he was. He (Mr Reynolds) presumed that the Commissioner of Public Works ought to know, as the Hon the Chief Secretary would send in his resignation to his junior colleague. He had no wish to bring forward this motion, and he had thought that from the information which he had given the Government, the Government would have requested the Hon the Chief Secretary to resign

his post on the Board in order that they might come with a good grace before the House. Hon members knew that portion of the words of the motion were an amendment upon a motion introduced by him (Mr Reynolds) last session in reference to the anomalous position of the Hon the Commissioner of Public Works, and it would also be remembered that he (Mr Reynolds) had tabled a motion in reference to the Hon the Chief Secretary's holding a position on the Harbor Trust. He (Mr Reynolds) presumed, when that motion was carried, that the Hon the Secretary would resign, and he presumed that the House in carrying the amendment, intended it should be carried into effect. If such was the intention of the House he thought that the Government had treated the House with very great disrespect. And if the hon the Chief Secretary or the Government set that House at defiance, it followed as a natural consequence that he or they were deserving of the censure of the House, though whether the House would carry the vote of censure or not was another question. It might be said that in passing this vote the House would be interfering with the members of the other House. But the motion did not amount to that, as it dealt with the Government and not with the Hon Wm Young husband. It did not refer to the Hon George Scott or the Hon John Hall, but to the Hon the Chief Secretary, who on the Board was acting as the subordinate to his own subordinates. This was an anomalous position, and one which, if the Hon the Chief Secretary had good taste he would resign, but he had not done so, and therefore he had involved his colleagues in a charge. It might be said that the Chief Secretary had not attended the Board, or received any fees, but this only showed that he continued a member of a Board which he could not attend, and of which he dared not receive the fees. If the hon gentleman found it his duty not to attend the Board or receive the fees, then he (Mr Reynolds) could not find a stronger argument to support his position. It might be asked, in such a case, what was the hon gentleman's objection to resign, but the reply was, that the Board consisted of one too many, and the country might as well save the unnecessary fees. He (Mr Reynolds) believed there was no man in South Australia who delighted more in playing stings than the Hon the Chief Secretary (some laughter). He believed that was the hon gentleman's favorite pursuit. He (Mr Reynolds) once saw in a lawyer's office a picture of a dry old monkey—(laughter)—who could not otherwise get a potato out of the fire, making use of the paw of a cat. (Laughter.) The Hon the Chief Secretary, whom he (Mr Reynolds) would not at the same time call a monkey—(laughter)—was also very fond of using cat's paws, and the hon gentleman had played some very curious, and he (Mr Reynolds) believed some very wrong stings in his lifetime. He now moved the motion standing in his name.

Mr STRANGWAYS seconded the motion.

The ATTORNEY-GENERAL would vote against the motion. He should only say a very few words for the purpose of putting the question as it appeared to him fairly before the House. The Harbor Trust was appointed by an Act of the Legislature. The Chief Secretary was appointed by name a member of the Board, and the Act constituting the Board provided the means of procuring the removal of any member by a vote of the House addressed to the Governor. Until that course was taken he conceived that the Hon the Chief Secretary was quite justified in retaining his seat. It had been said very truly by the hon mover of the resolution, that the Chief Secretary did not attend the Board or receive any fees. If the Assembly or the other branch of the Legislature thought that the hon gentleman should not retain his office, a vote could be passed to that effect, but the Chief Secretary thought, and he (the Attorney-General) concurred in the opinion, that he was not otherwise called upon to resign. Having said this much he should make no further remarks on the motion strictly before the House, but would merely speak of the tone in which the hon gentleman who moved the motion had thought proper to speak, and would then allow that hon member's remarks to produce their natural effect. But when the hon member charged a person, who was absent at the time with a want of good faith he (the Attorney-General) would say that the absent person would be justified in treating such remarks with the most absolute and unmitigated contempt. It was said that the Government felt great indifference in this matter. He could only say that he did feel great indifference when matters of a mere personal character were brought forward, but when any question affecting their public policy were introduced he trusted that neither himself nor the Government had shown either reluctance to discuss them nor indifference as to their settlement. But in these mere personal matters he felt no interest. The present motion involved a charge against the Government, but it was founded upon one of the smallest matters which even so petty an individual as the hon member (Mr Reynolds) could have laid hold of. If the House thought the Government not fit to remain in office, he for one, was quite prepared to retire, and to allow any gentleman to take his place who possessed what, in the event of an adverse vote, he should feel that he no longer enjoyed—the confidence of the House. He had now stated what he believed to be the position of the hon member, and would leave the House to deal with the question before it.

Dr WARK had thought that this subject would be approached with coolness and temperance—(laughter) and no one regretted more than he did the manner in which the hon member had treated the matter. He believed that that hon member had lost some friends by his mode of treating the question, though he had not lost his (Dr Wark's) friendship (Laughter). He agreed with the motion, but should condemn the manner in which it was introduced. Why should it go forth to the other colonies that the Chief Secretary of South Australia was pulling strings and making use of cats' paws? (Laughter)

Mr REYNOLDS said the hon member seemed to imply that he had taken a dishonorable course.

The SPEAKER suggested that Dr Wark should withdraw any phrase which would convey such an imputation.

Dr WARK did not mean to convey such an idea. He highly respected the hon member, but he thought the hon member had forgotten himself in this matter. Whatever an individual might be in his private life was nothing to that House—(laughter)—but such language as that of the hon member going before the other colonies, would have a most injurious tendency. He was surprised that the hon the Attorney-General should have taken such high ground. It might arise from that hon member's being fretted out and tired of his office, for it required a large amount of patience and ability to ward off the blows aimed at him (Laughter). The House was bound from principle to affirm the motion, but the Attorney-General said that either the House must fly from its decision of last session, or he would fly from his position. It was neither more nor less than that (Laughter). He (Dr Wark) considered that the decision of last session was right, and he thought so still, and how the Attorney-General could take up the position which he had assumed he could not understand. If the vote were carried, he could not see how the Government were to keep their places, and he could not, therefore, see why they should make such a stand.

Mr ANDREWS was glad the hon member stated what he intended to do, inasmuch as he (Mr Andrews) supposed that he intended to support the Government. He thought there could be no doubt on the subject after the statements of the hon the Attorney-General. If there were to be a change of Ministry about every personal matter, there would be no end of such changes. He had heard with great pain the manner in which the motion was introduced—(hear, hear)—and he could not blame the Government for retiring upon such a matter. It was time that the Government should mark then sense of such motions.

Mr NEALES could not support the motion, as he was quite satisfied the explanation of the Attorney-General, though that hon member was accused of taking up high grounds, that, morally speaking, the resolution of the House was carried out by the Government, although legally the House had not taken action in the matter. If the Ministry were to be continually attacked about these personal matters, the House would become a mere low debating shop (Hear, hear). The people out of doors were beginning to break down class distinctions, and if such a motion was carried they would scarcely know where to look for representatives, and could only send delegates. If the motion was affirmed he should consider it no honour to hold his seat. The House had many causes of complaint against the Ministry, though rather for sins of omission than of commission, as he (Mr Neales) had complained at the opening of the session. He would never vote for a motion which contained the essence of patriarchy in it. He believed the Ministry had been guilty in many instances, and if hon members voted with him the Government might at no distant day be compelled to resign. But he considered this motion a paltry matter, as he believed that the Hon Mr Youngusband, as a member of the Harbor Trust, had morally done all that the House desired him to do.

Mr STRANGWAYS compared the speeches of the hon member for the Murray and the hon member for the city. The first hon member said that such statements as that the Chief Secretary used cats' paws and pulled strings ought not to go forth to the other colonies (Laughter). The hon member for the city also said that the motion only included one member of the Government, and not the whole, but the hon member might recollect that the hon the Attorney-General's stating last session, when the conduct of the hon member for the Sturt was under discussion, that a Minister could not be an autocrat in his own department, and that if each Minister was to act on his own responsibility Government would become impossible.

Mr NEALES rose to order. He had never stated the motion only included one of the Ministry. He had said it was an attack on one of the Ministers individually.

Mr REYNOLDS—A personal attack.

The SPEAKER here called attention to the fact of its being three o'clock, and the Orders of the Day being called on, the discussion closed.

FREE DISTILLATION—RESUMPTION OF DEBATE

The adjourned debate on the following motion standing in the name of Mr Barrow was then resumed—

“That, in the opinion of this House, the present is a favorable opportunity for introducing a measure to remove the existing restrictions upon distillation, and that this session

ought not to be allowed to pass without an attempt to deal with this question.”

Mr HAY said he would rather hear some of those hon members whose views upon the distillation question were less known than his, express their opinions at this early period of the debate. He should likewise prefer that the discussion should take place on the second reading of the Bill which the hon the Attorney-General proposed to introduce. He considered it premature for the hon member for East Torrens to have tabled this motion. The Government were about to bring in a bill to consolidate and amend the laws relating to distillation, and from what had been said by the hon the Attorney-General, he (Mr Hay) feared he would not agree with the Government respecting that measure, but he thought that the second reading of the Bill would be the proper time to discuss the question. Even though the present debate should go on, he would suggest to the hon member for East Torrens to withdraw his motion until the Government Bill came on, and then hon members would know the views of the Government. The hon member for East Torrens said his only motive was that hon members might express their opinions as to the terms on which they would have free distillation, and that he would be thankful if the discussion resulted in the introduction of a Bill. But the hon member gave the House precept without example. He (Mr Hay) had looked through the speech of the hon member (not having been present when it was delivered), and he could find in it nothing of the hon member's views as to the terms on which free distillation should be granted. He trusted to hear the hon member's views on this point (“Hear, hear,” from Mr Barrow). He (Mr Hay) believed the present system to be injurious to a large portion of the population, and he would therefore say, “Do away with it, and let the Treasurer find other means of raising the revenue.” Every branch of industry in the colony commenced from very small beginnings, and required to be fostered and encouraged. It was necessary that all manufacturers should have the greatest possible freedom, and that they should not be hampered with regulations which required more capital than would otherwise be absolutely necessary. In support of that view, he would refer to the report of the Select Committee on Taxation, in which the evidence of the persons best acquainted with distillation in Europe clearly showed that, if the manufacturers were allowed to work on their own systems a very small capital would suffice for their operations. The Treasurer, in his very able speech on this subject, said that some 32,500 bushels of grain would be all that would be required for the distillation of spirits for home consumption, but there was no getting over the fact that during the last quarter over 84,000^l was sent out of the colony for spirits. With such a large amount as this being sent out of the country, was free distillation to be stopped? It was stated and acknowledged by the Treasurer that bandies could not be made in the colony equal to any of those imported, and yet whilst the Government gave the greatest freedom in other matters they imposed restrictions in this. The hon the Treasurer had only given the quantity of grain requisite to distil the spirits consumed in the colony, but he made no allowance for the expenditure of those engaged in manufacturing the spirits. Yet it was known what a great benefit the expenditure of those persons engaged in growing wool or raising minerals conferred upon the colony, and that such persons conferred benefit upon the agriculturist, and, in fact, upon all other classes of society. It was argued by the hon the Treasurer that the manufacture of spirits could not be made profitable, but the evidence proved the contrary, though some witnesses believed that the pursuit would not pay. The evidence of those who seemed most practically acquainted with the matter was favorable. That of Mr Sobles, in reply to question 358—and this was a gentleman who had been for many years practically engaged in distillation—was to the effect that a still would cost 1^l a gallon or some 50^l, or 60^l in all. Hon members should not estimate the cost of distillation by the great distilleries of England, Ireland, and Scotland. Whenever the duties upon spirits in Ireland or Scotland were raised, the revenue declined as hon members would find on reference to “McCulloch's Dictionary of Commerce.” Thus, in 1811, when the duty in Ireland was only 2s 6d a gallon the quantity of spirits which paid duty was six and a half millions of gallons, whilst when the duty was raised to 5s, 6d the quantity fell to somewhat below three millions. Yet at the latter period the quantity consumed was over ten millions of gallons, of which one million was manufactured by fraudulent distillers, and six millions in illicit stills, situated in small and insignificant places, out of the way of observation, the whole machinery of which would not probably cost 20^l. The capital necessary for a distiller in South Australia would be very small, whilst it would no doubt become in a short time a very important branch of industry in Ireland and Scotland, whenever the Legislature tried to prevent the consumption of spirits the attempt was unsuccessful. The question here was one of native industry. It was whether we should send 84,000^l a year out of the colony to import spirits or allow people who wished to manufacture them to do so. He hoped no man in South Australia would do so suicidal an act to the country as to retain a check on native industry. In alluding to the report of the Committee on taxation he

would also refer to the evidence of Mr Marsh, and in doing so he might state that the witnesses most prettily acquainted with distillation here were principally Germans, some of whom had been for 20 years engaged in the manufacture of spirits and whose opinions were, therefore, more valuable than those of persons who went upon mere theory. One witness stated distinctly that a still worked by eight or ten men, including an overseer, could run about 300 or 400 gallons per day. Every calculation and statement made went to show that the expense of manufacturing spirits would be much more than was generally supposed. If the people were allowed without restriction to distil their produce he (Mr Hay) had no doubt that the country, instead of being an importer, would soon be an exporter of spirits. Then would be the time to look for another market, which he (Mr Hay) believed would be found in Britain within a very few years. The question that would arise then would be whether the country should export grain or grain manufactured into spirits. He believed that not alone garden produce but field produce would then become profitable for exportation. When a branch of industry of such importance was so nicely balanced, that it was questionable whether it would pay or not, it was the duty of the Legislature to allow the colonists to try what they could do at it, and no branch of industry could thrive which was subject to constant references to excise officers and restrictions upon every operation. South Australia was now in the position of a large wine producing country, and in France or the Cape (whose position was more analogous to that of this country, no such restrictions existed as were in force here. At the Cape there was a duty of 3s or 3s 6d, and the people were allowed to make any quantity of spirits they pleased. The duties should be reduced here in a similar manner, a small licence fee charged to distillers, and permission given them to make as much spirits as they could. As to what had been said respecting the relations of South Australia to the other colonies, he considered it the best policy to consult only the interest of South Australia herself.

Mr BAGOT supported the measure. He trusted the hon member would not withdraw the motion, as if it were lost hon members could vote for the Government measure, so that if they could not get all they wanted they might get an instalment. He could bear out what the hon member had said as to the cost of production. All those persons who came from the country which he (Mr Bagot) had the honor of coming from—(a laugh)—know that very fine spirits were made there (Laughter). This was made in little pots (Laughter). It received its name from that circumstance, and any person who was fond of spirits tasting it once would like to taste it again (Laughter). It was called pottien (Laughter). With regard to the fiscal question as to how the Government was to raise a sufficient revenue he had not the least fear of leaving that to the Treasurer, whoever he might be, whether the hon gentleman who sat on the Treasury Bench now, or one of the hon gentlemen on the opposite side. The Customs duties should be gradually abolished, and then if the people wished to have distillation free, no doubt they would pay taxes in another shape, and so keep up the revenue of the colony.

Mr MILNE rose to uphold free distillation, but could not help expressing his opinion that, either with or without protection, he did not believe that the farmer at present could compete with foreign distillers. It was said that by free distillation the farmer could make sure of a minimum price for his grain, but if that price was below what he could produce grain at without a loss, it was useless. With a protective duty the only spirit produced would be for home consumption, and the quantity used for that purpose would have little effect on the price of grain. Besides, the vine-grower could undersell the farmer, inasmuch as he could produce a spirit superior to that obtainable from grain, from materials which would be otherwise valueless. Looking at free distillation as it affected the vinegrower, he felt that it must be granted, whether now or in a short time. Vine-growing here was still in its infancy, but with proper care and freedom from all restrictions, it would grow to be second to no interest in the colony. It would be a pity to lose a large revenue at once, and on this ground he (Mr Milne) had moved in the Committee on taxation an amendment, to the effect that there should be a sliding scale of duties adopted, by which the duty on imported spirits should decrease, for as the vinegrowers could not yet produce sufficient spirit even for home consumption, it would be of no use to lose the revenue derived from foreign spirits. He also thought that, as the Parliament was now so near a dissolution, that the country should express its opinion on the subject.

Mr STRANGWAYS hoped the hon member for East Torrens would withdraw his motion. The hon member said he only introduced the motion in order to give rise to a discussion, suggesting that the Treasurer should introduce some plan to give effect to free distillation, and thus the hon Treasurer declined to do. His opinion was the same as he had expressed when the question was discussed in a former session, viz, that distillation should be free, but that this should be the consequence and not the cause of free trade. When there were no taxes on local industry then there should be free distillation. As to the 8,000,000 of gallons of spirits described as being made in quart pots—(laughter)—he presumed like those of Mr Babbage—(laughter)—if there was one of these in every house, instead of 8,000,000 we might have

80 millions. Mr Primrose had informed him (Mr Strangways) that he would not distil either from grain, wine, or imported sugar, but that he would import spirits of low quality and rectify them. As to the capital required in distillation there were three or four exporting distilleries in London, because the capital required was so large that small distilleries could not compete with large ones. He believed that if free distillation was established, a modified system would have to be introduced in three or four years. As to the difficulty of manufacturing spirits, he had been told by Mr Primrose that it was very difficult to distil drinkable whisky at all. In a few years it would be sufficient time not only for free distillation, but for free everything else (A laugh). The present cry was only got up, and he did not blame the persons originating it, to shift a burden from their own shoulders to those of others, for it was clear that if the restrictions were removed, the amount to which the revenue would be injured must be made up from some other source.

Captain HART did not know whether it was the intention of the hon member to call for a division on this very important question, but he felt no difficulty in stating emphatically that he should oppose free distillation upon several grounds, and he could not see that any argument could be used in support of it which carried any weight whatever. He could not understand if the quantity of grain grown or wine manufactured was not greater than readily met a market, or if there were pigs enough to eat all refuse, and the wine-grower was in fact laboring under no practical difficulty why he should come to that House to ask for relief. He could not see that free distillation was required. In a few years we might aspire to becoming a great brandy producing country, as we were now a great wine growing country. He believed indeed that the colony was only in its infancy in its productions, and that in a few years the wines of South Australia would be known all over the world. Many estates just coming into cultivation would give a name to the most delicious wine known in Europe or the world. He would dismiss however, from the argument the question of the vinegrowers, who could not reasonably require more than was afforded them by Dr Wark's Act. The last speaker had said that he should like to see free trade in its widest sense, and he (Captain Hart) should have been disposed to go with him, if the colony had not done anything to put it out of its power, but the Government of the country had assumed to do that which rendered such a course impossible, because in order to construct roads, railroads, &c, they had borrowed large sums of money, and must consequently keep in hand the means of paying their liabilities. For this reason it was clear, unless they brought themselves to the point from which they originally started, that they could not afford to give up any portion of their revenue. The mover of this resolution originally called the attention of the House to the Assessment on Stock Act, but hon members supported the Assessment on Stock Act on the understanding that the power to put on an assessment should be accompanied by a liability that certain things should be done, such as the protection of runs, &c. Therefore they could not take the assessment as a whole and say, that they would give relief to that extent to another interest, indeed, he did not see how such an argument could be raised. Would hon members favourable to the proposition of the hon member for East Torrens say that if distillation were made free on the following day, and without protection, that any portion of the grain in the colony would be used for the purposes of distillation. It was perfectly impossible that such could be the case. Taking wheat for instance, at the present market price 9s 6d, how could distillation be carried on under such circumstances? But then perhaps it would be said that wheat would not always be 9s 6d, but that probably it would be 2s 6d. Suppose it was so, were they to have no spirits except when wheat was at 2s 6d. At that price farmers could not afford to drink grog. When it was 10s they could afford it, but then it appeared they were to have none because the grain could be tinned to better account than being converted into spirits. It was quite clear that unless wheat was at the lowest possible price, it was quite impossible for spirits to be manufactured from it. He would refer hon members to the evidence of Mr Sutherland, in the evidence in page 5, before the Committee. Mr Sutherland stated it was perfectly impossible in the absence of protection, that the farmer here could compete with imported spirits, even with wheat at 1s a bushel. He would direct the attention of the House to the fallacious argument of the hon member for Gumeracha, in reference to small stills. Small stills came into use, according to the hon members shewing, when the duty then was high, but when there was but little duty then there were no small stills. If there were free distillation here, large manufactories alone would be enabled to distil with advantage, there would be no such thing as small stills. Capital and machinery would do the work so much better, that small stills could not live in opposition to large manufactories. We had free brewing, and what was the result? Why, the principal portion of the beer was made from imported sugar and four-fifths of the malt used by the brewers was also imported. What he objected to was throwing away a revenue for the purpose of enabling the farmer to do what it must be obvious he would not take advantage of. Let them glance at what would be

the probable effect in the neighboring colony of Victoria of resorting to free distillation here. He knew from experience that colony would avail itself of the smallest possible excuse to put a duty upon flour. At present they could not on account of the large number of diggers, but owing to the new land regulations that class was gradually becoming smaller and smaller, and all that was wanted in Victoria was a protective duty, to enable the agriculturists to compete with us. Ten per cent upon the 37,000 tons of flour exported from South Australia in 1857 would amount to a greater tax than if the farmers paid for all the spirits which came into the colony. There would be a hard struggle between the farmers of this colony and Victoria. We had the advantage, and if nothing were done to neutralize it no doubt this must be the colony to supply the other colony with grain. It could be shown by the statistics of Victoria that double the number of persons engaged in Victoria in agricultural pursuits produced a smaller result,—thus, we exported 37,000 tons of flour, but the amount produced in Victoria was only 25,000 tons. Independently of this export of 37,000 tons, we raised a larger supply of hay and dairy produce with the result of the labor of less than half the number of persons employed in similar pursuits in Victoria. With the result had stated, it would be a great pity if by an Act of the Legislature they should give Victoria a handle to take from us that advantage, by imposing a duty upon produce. He hoped the House would show that they were opposed to the views of the hon. member, and as the question would shortly go before the country, he felt satisfied that but a small portion of the electors of the colony would take the view that free distillation was called for. Those persons who were in favor of free distillation he was quite sure were under the impression that there was to be a protective duty of 9s, but if the House expressed an opinion that that should be abolished, not one in twenty would be satisfied, advocate free distillation. With regard to a gradual reduction of duties, so as to enable people to get the thing under weigh, he contended that would not only be impolitic, but cruel to the parties who would be led on by such legislation. Stills could not be put up without the expenditure of considerable capital, and when it was proposed to take off the last portion of the duty, those parties who had been engaged in distillation would come forward and say, "You have ruined us and we claim compensation for vested interests."

The ATTORNEY-GENERAL should oppose the motion before the House. He confessed he could hardly understand how hon. members who had spoken in favor of it had been able to arrive at the conclusions which they had announced to the House. The hon. member who introduced this motion called upon the House to affirm that the present was a favorable opportunity to introduce a measure to remove the existing restrictions upon distillation. If the hon. member meant that any advantages, public or otherwise, could result from a removal of those restrictions, he thought it would be admitted he had been palpably contradicted. The present appeared to him a most unfavorable period, when wheat was 9s 6d per bushel, and potatoes and other descriptions of produce proportionately high. Every wine-grower was enabled to sell his wine at a far better price than he could obtain for it if it were converted into brandy, so that to say this was a favorable time to remove restrictions upon distillation, was a mockery, unless the hon. member meant to say that it was favorable, because no one would take advantage of it. In any other sense, it was little less than a mockery to make use of such language. The reasons which had been urged, certainly did not show that the time was favorable, but he could understand the hon. member wishing to have the opinion of the House upon free distillation—a question which he was prepared to meet with a negative. He did not believe the revenue of the colony could be collected in a manner more advisable or less burdensome than at present, nor did he believe that any such effect would be produced by the hon. member's motion, as stimulating branches of industry which it was supposed would be directly affected by it. The effect upon the revenue would be most injurious, and it would do no good to those whom it proposed to benefit. He was, therefore, prepared to meet the motion with a direct negative. The hon. member for Gumeracha had referred to "McCulloch's Commercial Dictionary," and he (the Attorney-General) would also quote from that work to show that there was no duty which could be enforced with greater benefit or less inconvenience to a community than a duty on spirits. He thought all would agree with that. The House had not heard one word from the supporters of the motion about the benefits of cheapening spirits throughout the colony. When facilities were sought for production, the advocates showed the great advantages to the community by facilitating the production and cheapening the price to the consumer, but not any one member had made use of that argument in reference to spirits. Would any one venture to say that the morals, health, or happiness of the community would be increased if the consumption of spirits were doubled or trebled and every one admitted that it was unwise to impose too high a duty upon spirits, because that afforded encouragement for smuggling, but the highest possible duty that could be imposed without leading to such a result was a boon if it had the effect of limiting the consumption of spirituous liquors

He thought that argument was not unworthy the consideration of the House. He did not advocate the Maine Liquor Law, he did not interfere with individual liberty, but he had a right to call upon the House not to assent to a course which would have disastrous effects upon the community. He was not a teetotaler, but he sympathized with that class to the extent that a large proportion of the crime and want of a community might be traced to the abuse of ardent spirits, and he was sure that those who went with him in opposing the resolution would agree with him that they should not give legislative sanction to any measure which could have the effect of increasing the evil to which he had alluded. The hon. member had not touched upon the importance of the question in its moral view, in which he (the Attorney-General) considered it as important as in the other character, and its moral view was such as to justify him in negating the resolution. A good deal had been said about the evidence which had been given before the Committee, but he took this to be the incontestable conclusion from that evidence, that it was impossible spirits could be produced profitably in the colony without protection that is, from any natural products. The question then arose, were they to have protection. He believed that such a course would only be found a delusion to those who invested their capital upon the faith of such a course. The hon. member had referred to Prussia, as an instance of what might be done here by free distillation, but he had not stated what would be the effect upon the morals or condition of the people. He was prepared to state, however, that spirits were actually dearer in Prussia than they were in South Australia, having reference to the value of money and the rate of wages. That is, it was more easy for the laborer to indulge in spirits in South Australia than in Prussia. With regard to the effect on the revenue, not only in Prussia but throughout the countries to which the commercial league applied, the average revenue from imported spirits was only 2,000l a year. In spite of the large population of Prussia the amount of revenue derived from spirits was, in 1846, only what he had stated, and he believed there had been no increase since that period. As to the high duty in Ireland and Scotland, that was only what might occur here if the duty were such as to offer a premium for illicit distillation. The fact was that smuggling drove out of the field the honest merchant, but he wished the hon. member for Gumeracha had proceeded a little further, and he would then have seen what Mr. McCulloch stated as the result. Vice, poverty, and suffering were occasioned by the increase of small stills, and the Legislature were compelled to retrace their steps and reduce the duty in order to enable the honest dealer to put a stop to illicit distillation. It must be obvious to any one who considered the question, that the small stills could never compete with the larger manufactories. It had been said that spirits could be made in a quart pot, and so wheat might be ground with a handmill, but the party resorting to that mode would scarcely, he thought, be enabled to compete with the large miller. There never was a time when free distillation was less required than at present, and as a means of relief it would be utterly useless without protection. If protection were granted it would be unjust to the consumer and illusory to the producer, the one would suffer advantage and the other would reap only a trifling fugitive advantage. All thinkers now agreed that nations prospered not by protective laws, but by their energy and freedom, enabling them to neutralize those laws on which they formerly relied. The effect which would be produced upon the morals of the community should not be lost sight of. The learned gentleman concluded by saying that it would not be just to themselves or to those who had trusted them to surrender so large an amount of revenue as that involved in granting free distillation.

Mr. BAKEWELL did not agree with all that had fallen from the Attorney-General in reference to protection. In France and America protection was adopted, and even England to this day imposed from 10 to 25 per cent upon many articles. A distinguished Irish author was in favor of protection, and he would quote from him (Name, name) It was Smith O'Brien (loud laughter) Smith O'Brien was not the only man who held such opinions. A very great number of political economists said that it was folly for a nation to throw away money for articles which could be produced in the country. He believed if the whole country were polled the people would say that they preferred to pay a little more to the farmer for spirits if the money were kept in the country. It was Quixotic to throw away protection. It was very well for an old country to do so, but certainly not for a young one.

Mr. REYNOLDS moved an adjournment of the debate till that day week.

The motion was lost.

Mr. REYNOLDS should support the motion of the hon. member for East Lothians. He should do so because he found in connection with this subject that they had hitherto been legislating for a class, and as he was not a class legislator he should be prepared to give the farmer the same facilities as the wine-growers. The Bill at present in operation he repeated was class legislation. If people would drink brandy and wine he thought it far better that they should drink that which was made in the

province than that money should be sent out of the country for supplies. The Attorney-General appeared to be of a different opinion, and divesting the hon. gentleman's speech of its froth and elegance, it really amounted to this, that it was to the interest of the colony that some 60,000*l.* a year should be sent out of it. He (Mr. Reynolds) could not agree with this. There was a little protection at the present, the wine-grower, the manufacturer of leather, the soapmaker, for instance, to a certain extent were all protected, and before they spoke of the free trade principle in its entirety, they must wipe off all valorem duties, and then he was afraid they must have direct taxation. He should support the resolution upon the understanding that other parties should have equal facilities with the wine-growers, because under the present system he contended there was class legislation.

Mr. BARROW said if no other hon. member wished to address the House he would do so in reply. He should certainly not accept the proposition of the hon. member for Encounter Bay, and withdraw his motion. (Hear.) That hon. member had requested him to withdraw the motion, and the reason which he had assigned for doing so was that they were in this particular predicament—that either the Treasurer or himself (Mr. Barrow) must bring in the Bill, and being in that predicament the hon. member suggested that the motion should be withdrawn. The hon. member's desire for the withdrawal of the motion was simply the result of a feeling of uneasiness that he himself had not originated the discussion. The motion, however, should not be withdrawn. So far from doing this, it was his (Mr. Barrow's) intention to carry it to a division. (Hear, hear.) It would be remembered that some time ago the Treasurer in a very pointed manner, intimated a doubt whether it was intended to bring the motion forward at all, it having been postponed several times, and he (Mr. Barrow) had then stated that he would not only bring it forward, but that he would carry it to a division whatever the result. Having done the one it was now his intention to do the other. The hon. member for Gumeracha had stated he was surprised that, on tabling this motion and introducing it to the notice of the House, he (Mr. Barrow) had not submitted something like a scheme—a detailed plan—to carry out free distillation, and the hon. member having expressed his regret upon that point, added, that his (Mr. Barrow's) own course would be first to remove existing injustice, and then leave the Treasurer to find the means to carry on the Government. (Hear and laughter.) If that was what the hon. member would have done, and as it was precisely what he (Mr. Barrow) had done, he did not see how the hon. member could blame him for the course which he had pursued. With regard to the motion itself, it would be remembered that he obtained leave to modify the terms of it, as it originally incorporated a sentiment to the effect that a large amount of revenue having accrued from the assessment on stock and on the whole or a great portion of the amount hitherto devoted to immigration might be retained in the province, the present was a favorable time for abolishing the restrictions upon distillation. Although at the request of some hon. members he struck out those two conditions, he did not abandon them, but in the remarks which he made in submitting the motion to the House, had dwelt upon both those points. The House had been informed by the Treasurer of the gloomy financial prospects for the ensuing year, and he could assure the hon. gentleman that that statement would not be forgotten when the new Estimates were under consideration. He had placed the motion before the House in the way which he thought best calculated to ensure its success. He had no personal object in the matter, as he did not aim to throw out the Government, nor did he intend to establish a distillery for East Torrens. When he was returned a representative for distillation, and although he was aware that his hon. colleague went in upon the other principle, he (Mr. Barrow) was returned upon the understanding that he would support free distillation. He had done no more than his duty to his constituents in bringing the motion forward, and he had brought it forward in the way least open to objection. Had he stated that he would remove the restrictions upon distillation, and have protection, he would then have alienated the free trade party, he would then have immediately abolished all import duty, he would then have offended those who were in favor of a graduated scale of reduction. If he had stated that he would make alterations in the tariff, he would have been asked what alterations? And if he had said he would make up the deficiency by direct taxation, every one in the House would have raised his particular objection. (Hear.) Of course those questions would have to be discussed, but he did not think the present a right time to go into details, but merely wished the House to say whether they desired to remove the existing restrictions on distillation or not—(hear, hear)—and notwithstanding all that had been said about it being his duty to bring forward financial and other detailed schemes, he considered it quite right that he should first ask the House the simple question, whether the time had come to liberate a particular branch of industry from oppressive restrictions. If the House decided on affirming the proposition, there would be sufficient opportunity to bring forward such a detailed scheme as that which had been alluded to. What he

therefore wanted, was an expression of opinion, as to the principle involved, whether restrictions ought to be removed or not. If the House said no, it would then be unnecessary to go further, but if the House said yes, they would then be in a better position to discuss the ways and means for their removal. With regard to the various objections which had been raised during the debate, they appeared so conflicting and antagonistic, that he had the bane and antidote both before him. The difficulty, however, was to place these antagonisms in clear juxtaposition, as this involved their extrication from the mass of complications and fallacies with which they were interwoven. He might instance that the hon. member for the Port said, it was in evidence, that if wheat was at more than 1*s.* per bushel, spirits could not be profitably distilled from it, even if the duty of 9*s.* were preserved, whilst the Attorney-General said, that if there were a gradual scale of reduction only, so much capital would be embarked in distillation, that when the last instalment of duty was taken off, vested rights would be pleaded and parties would come to that House and say, "You tempted us into this lucrative business and now you take advantage of us." Now, if the authority of Mr. Sutherland (quoted by the hon. member for the Port) were worth anything, if spirit could not be distilled at a profit, though the 9*s.* duty were preserved and wheat was at 1*s.* a bushel, they could hardly have that fightful competition which had been alluded to by the Attorney-General. (Hear, hear.) He would refer to another portion of the learned gentleman's address. The Attorney-General had said that he (Mr. Barrow) had introduced the question in its political, financial, and intercolonial aspect, but not in its moral view. But remembering that on former occasions arguments of that description had not been very well received, he had not thought it desirable to introduce that view of the question. Arguments drawn from temperance societies had not been well received, and had produced little effect. The Attorney-General, though he had ably pleaded the temperate cause himself, had scarcely sustained his argument, for the hon. gentleman had stated that in Ireland and Scotland intemperance was so great that the Government were obliged to reduce the spirit duties in order to reduce intemperance. (Hear, hear.) A good deal had been said about the impossibility of profitably distilling from wheat, and from some of the arguments it almost appeared to him that there had been a deliberate attempt to blink the real question, as if the object was to convert into spirit what would otherwise be profitably converted into flour. Hon. members who had a special interest in flour would naturally feel somewhat alarmed at the prospect of their staple being considerably diminished. (Loud laughter.) But it was never intended that wheat should be converted into spirit when it would pay to convert it into flour. It was never intended that the wheat should be converted into whisky if it would pay to convert it into bread. That had been no part of his opening speech, nor should it be of his concluding argument. The Blue Book compiled from evidence taken last year, stated that there was very little wheat used in Prussia for distillation, but that the spirit was principally manufactured from substances of far less value. What he contended for was, that they should enable the farmers to distil from whatever material grew upon their farms. (Hear, hear.) They would find a large quantity of material, which would fetch nothing in the market, valuable for distillation, and distillation could also be carried on at a time when ordinary labor was in least request for other farming purposes. The Treasurer had favored the House with a calculation of wheat at the highest market price, fuel at the highest market price, and labor at the highest market price, thence deducing his reiterated conclusion, that the farmer would not be able to compete with the cheaper labor and cheaper material in a foreign market. He (Mr. Barrow) should indeed, think a man very imperfectly informed in reference to distillation, who would attempt to distil upon the terms mentioned by the hon. the Treasurer. In reference to the remark that there was no public feeling upon the subject, and that if duty put, not one man in 20 would be in favor of free distillation, he could only say that he entertained a very different opinion, and it was from the sincerity of his conviction, that he was desirous of placing the question before the country. Those, however, who voted against the motion, declared that the question should be shelved. (No, no.) Hon. members certainly did so, for his motion said that this session ought not to be allowed to pass without legislation upon the subject, whilst hon. members who opposed the motion said that it ought. (Hear, hear.) There he joined issue with those hon. members. He did not seek during the present session mainly to legalize free distillation, but he thought if the Ministry, after the repeated expression of opinion of that House, and considering the known sentiments of at least one of the Ministry, had brought in a Bill to relieve distillation from the restrictions which now surrounded it, the Bill might have been discussed, the opinion of the House ascertained, and the question might have been submitted in a developed form to the country at the next general election. But the question would be presented to the country in an unintelligible, unexplained, and intangible form, if the House affirmed that the question ought not to be dealt with during the present session. The hon. member for Gumeracha said, "leave the

fiscal question to the Treasurer," and the hon member for the Light thought it might be safely left to that hon gentleman, and stated that he would abolish the Custom duty gradually. He (Mr Barrow) entertained a somewhat similar opinion to the hon member for Light. They might abolish half the duty at once, and provide for the abolition of the other half gradually, so that it could not be said that persons had embarked in the business of distillation thinking that protection would be continued, when the Act would distinctly state that the duty would be as this year, as the next, and so on, until it reached a minimum or nominal point. How in the face of an Act containing a graduated scale of reduction, could any man come forward in future years and say that he had been deceived? The argument was so flimsy that it showed the weakness of their cause when men of ability condescended to have recourse to it (Hear, hear). Something had been said about Victoria, and the action which would probably be taken by that colony if free distillation were adopted here, but he would ask, were they to understand that they were legislating for the people of this colony under the lash of Victoria? Were members of this House, in legislating for the interests of South Australians, to ask themselves what Victoria would think of such and such a measure, and what degree of punishment Victoria would inflict if it did not meet with her approval? If they did justice to South Australia they would not do injustice to Victoria, but he could not help reminding the House that Victoria and New South Wales made arrangements for a postal system without consulting this colony, although instructed by the Lords of the Treasury to do so. Did Victoria consult the interests of South Australia in that step? So far from that, Victoria stepped out of her way to do this colony an absolute wrong (Hear). Yet it was now proposed that we should refrain from advancing our own interests lest we should displease Victoria. Should Victoria attempt to retaliate by levying a duty on our flour, he believed she would soon had she had adopted an unwise alternative, and would gladly go back to cheap bread, and leave us to free distillation. The hon the Treasurer had stated that he would not hold office under any Government which adopted a system of protection, but protection to the colonial distiller was already granted to the extent of 2s 3d per gallon, and there was a financial draft scheme of the Ministry—(hear, hear)—restoring the balance of the revenue, supposing the duty to be reduced from 9s to 3s. He thought the cry of protection was got up as a stalking horse, by means of which hon members, unprepared to grapple with the question on its merits, attempted to ride over those arguments which they could not logically refute ("Hear, hear," from the Attorney-General). He congratulated the Attorney-General upon having at last been abused from his apathy. He thanked the learned Attorney for his attention, and hoped he would always be equally attentive to the observations of hon members as he had apparently been to the remark which he (Mr Barrow) had last made. (Laughter.) He should now carry the question to a division, but would again state that he had no idea of a division, but would again state that he had no idea of finally legislating upon it during the present session. He thought, however, after what had taken place during previous sessions, that the Government might have introduced a measure. It was clear they must appeal to the country to pronounce, otherwise there would be a distillation debate every session for the next 20 years. A mass of evidence had been taken on the subject, and appeared in the Blue-Book of last session, and if hon members had not studied it during the recess it was their own fault. He would leave the fate of his motion in the hands of the House, and would commit the question itself to the country, satisfied that in bringing it forward he had only redeemed the pledge he gave to his constituents, and believing that free distillation would yet become the law of the land.

The SPEAKER then put the motion, which was lost by a majority of two.

The Votes, Ayes 11, Noes 13, being as follows —
 AYES, 11 Messrs Bagot, Bakewell, Harvey, Hay, McEllister, Mildred, Peake, Reynolds, Rogers, Young, Barrow (teller).

NOES, 13 — Attorney-General, Mr Cole, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Duffield, Dunn, Glyde, Hallett, Hawker, Hart, Macdermott, Owen, Treasurer (teller).

THE HARBOR TRUST

Mr Reynolds moved that the debate on the 7th Order of the Day be adjourned till the following Friday.

An amendment by Mr MILDRED that the debate be proceeded with, was negatived by a majority of 9.

The House adjourned at 25 minutes past 5 o'clock till 1 o'clock on the following day.

THURSDAY, MAY 26

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

LATE-COLONIAL STOREKEEPER.

Mr HAY presented a petition from Mr Wm Reynln, the late Colonial Storekeeper, praying that the office formerly held by him might be re established.

PULLING DOWN TREES

Mr BARROW presented a petition from Mr F P Mansfield, of Melbourne, praying for leave to introduce a Bill to secure to him for 14 years within the province of South Australia, the exclusive right of using an invention for pulling down and extracting the roots of trees. The petition was withdrawn, in consequence of not being signed.

BOUNDARIES OF RUNS BILL

The COMMISSIONER OF CROWN LANDS, in moving the second reading of this Bill, said that the preamble sufficiently indicated the scope and intention of the Bill. It was to provide for the settlement of disputes which, for years past, had occurred between the lessees of the Crown. Hitherto it had been found impossible to come to any equitable adjustment because if one of the lessees appointed a surveyor, the other was sure to object. The Bill proposed that the Government should satisfy themselves that the surveyors were duly qualified, and that they should then be licensed, and the reports of a surveyor being accepted, there would thus be a means of definitely settling the dispute. The Bill provided that in the event of a lessee objecting to the appointment of a particular surveyor, the Surveyor-General might be communicated with, and another surveyor would probably be appointed.

The ATTORNEY-GENERAL seconded the motion, which was carried, and the House went into Committee upon the Bill.

The COMMISSIONER OF CROWN LANDS stated, in reply to Mr Reynolds, that it was intended the surveyors should be paid by the parties who employed them.

Mr HAWKER remarked that he did not see in the Bill any provision for testing the accuracy of the surveys, nor was there any clause providing for the payment of the surveyors. It would never do to pass the Act and leave the question of payment an open one, otherwise the charge might be enormous. He thought the Bill should fix a maximum rate per day.

Mr STRANGWAYS said the whole Bill would be useless. He was at a loss to imagine what benefit could be obtained from the measure, for when the surveys were made, neither the Government nor the settlers would be bound to accept them in any way. A squatter might get his run surveyed, and if the survey included a waterhole or some spot which he valued, well and good, but if not he would not be bound to it. In the survey of runs a very trifling error might involve very serious consequences, and it was consequently exceedingly desirable in his opinion that the survey of runs should not be entrusted to licensed surveyors, who had nothing at stake but their licences. Human nature was but human nature, and licensed surveyors would be only human, consequently they might not be above taking "tip" (Laughter.) He would suggest to the Attorney-General that a clause should be introduced to the effect that any surveyor guilty of any gross and inexcusable neglect, or wilfully making an incorrect survey, should be heavily fined. This would be the only way to secure accuracy, and he should be glad to know if the Attorney-General would introduce such a clause.

The COMMISSIONER OF CROWN LANDS said, in reference to what had fallen from the hon member for Victoria, that the Surveyor-General would, as a matter of course, be sure that the surveys were correct, and verify them before accepting them as correct. The Surveyor-General had the means of doing so, because the triangulation of the northern country was in a complete state, and the Survey department would be enabled to verify the surveys. In reference to the remarks of the hon member for Encounter Bay, the necessity of some such measure as this had been apparent to the survey department for many years, but no means had been at the disposal of the Government to settle the disputes. He was quite sure that the Bill would be looked upon by the settlers as a boon, as it would afford them an opportunity of settling disputes which had existed for years, and knowing accurately the boundaries of their runs. With regard to remuneration to surveyors, he thought any difficulty upon that point could not arise, because if a licensed surveyor made an exorbitant charge he would not be employed. It would be for the settlers to arrange with the surveyors as to their charge, and he might remark that as it was customary for settlers to furnish the necessary labor for surveys and the horses, the actual expense to the settler would merely be the actual remuneration to the surveyor himself.

On the motion of Mr HAWKER the words "on verification by the Surveyor-General" were introduced in the second clause.

Mr STRANGWAYS asked how the surveys could be verified? It appeared to him that the Surveyor-General would have to send up another surveyor to go over the work which had already been done. The Commissioner of Crown Lands and the hon member for Victoria laid their heads together to concoct the Assessment on Stock Bill, and when he remembered what a precious mess they made of that Bill last session he looked with great suspicion upon any measure which was approved of by the hon member for Victoria, as the present measure appeared to be. He repeated that although the surveys might be executed there was nothing whatever in the Bill to compel the Government to accept them, and he wished to know if it

was intended to introduce any provision to compel acceptance of the surveys by the lessees, for it appeared to him that after the surveys had been made it was in the power of the lessees to dispute them.

The ATTORNEY-GENERAL said he had made inquiries of the Treasurer, who was conversant with such matters, as to how the surveys were to be verified, and found that it would not be necessary for the Surveyor-General to send out another surveyor, as the Formulation and Field Books in the Surveyor-General's office would enable him to verify the surveys.

Mr PEAKE would not give much for the verification if it were to be made in the Surveyor-General's office. It was possible that the Surveyor-General might be in possession of a few main points of the survey, but it was impossible he could have the necessary details. He believed that the Bill would be found as nearly as possible useless, that is, it would leave the occupants of waste lands in the same position as at present, only it would raise the price which they would have to pay for surveys. So far as the country was concerned the Bill would be useless, but he believed that the appointment of licensed surveyors would tend to raise the price of the surveys. If the Shepherd Kings of South Australia quarrelled about the boundaries of their runs, the best thing they could do would be to settle the matter in a friendly way, to go to the Surveyor-General's office and request that a competent surveyor might be sent up to survey the runs and determine the boundaries.

Mr COLE was extremely sorry that he had not been in his place a little earlier to have heard the commencement of the eloquent speech of the hon. member for Encounter Bay. He understood the hon. member to make some allusions to the honorable profession of surveyor. He hoped the hon. member did not gauge the honor of members of that profession by the honor of that to which the hon. member belonged himself, as if so they had the old adage realised—of measuring another man's corn by one's own bushel. As much honor was, he believed, to be found amongst surveyors as amongst any other profession, and in support of this he might appeal to the Commissioner of Crown Lands, who had been brought in contact with many of the profession. He agreed with the principles of the Bill, and should give it his support.

Mr HAWKLER said the Bill had been condemned as useless, but it was quite clear that those hon. members who so condemned it had not made themselves acquainted with the circumstances of the case. The whole of the runs in New South Wales had been defined by licensed surveyors, and by licensed surveyors only, and the system had been found to work admirably. He was in Sydney a few weeks since, and met a number of gentlemen from Moreton Bay, Darling Downs, and other distant parts from whom he learnt that the system had given great satisfaction. The great difficulty here for a number of years had been in getting runs surveyed, no surveyors having been appointed by the Government to survey runs and to survey runs only. The consequence had been that the settlers had been compelled to do the best they could, and in many instances the parties who had been selected to make the surveys were not thoroughly qualified. The great object of the settlers was to have such parties as were contemplated by the Act sent up to survey the runs.

Mr BARROW said that the House having agreed to the second reading of the Bill he hoped hon. members would not be tempted into a discussion of the principle of the measure, which should have been considered before the Speaker left the chair. Having affirmed the principle of the measure he should support the clause with the amendment proposed by the hon. member for Victoria.

Mr PEAKE said if gentlemen, for whose advantage the Bill was introduced, were satisfied, he should certainly not oppose the measure. He hoped those gentlemen would receive all the benefits they anticipated from the measure, though he confessed he did not think they would.

The ATTORNEY-GENERAL said the hon. member, in his new character of prophet, would have an opportunity of seeing how far his anticipations were verified by the result. He approved of the addition made by the hon. member for Victoria, because although the addition was implied in the language of the clause as it originally stood, the question having been raised it was better to say in so many words what the meaning was.

Mr STRANGWAYS disclaimed any intention of alluding to the hon. member for West Torrens in the remarks which he had made relative to the possibility of surveyors taking "tip" but he had alluded to circumstances which had actually occurred here, and which were perfectly well known in the colony. He still thought it quite within the bounds of possibility that under certain circumstances a surveyor might find a sum of money falling into his hands quite promiscuously. (Laughter.)

Mr COLE asked the Speaker whether the language of the hon. member for Encounter Bay was in order. The hon. member had intimated, he might almost say, that he (Mr Cole) was capable of taking what was vulgarly called "tip."

The CHAIRMAN did not understand the hon. member for Encounter Bay to impute anything personal to the hon. member for West Torrens. (Laughter.)

Mr STRANGWAYS distinctly disclaimed any intention of impugning the character of the hon. member for West Torrens.

The second clause was passed as amended.

Upon the third clause being read,

Mr HAWKLER pointed out that there was no provision to the effect that the lessees of the adjoining runs should agree about the survey of the boundary. Cases might arise in which the holder of one boundary would be perfectly satisfied but the party on the adjoining boundary being dissatisfied, he would of course raise the question, and insist on having the run surveyed, whilst the other would object. It was important, he thought, that there should be an arrangement by which the parties interested should agree to the survey, as he observed that the decision of the surveyor was to be final.

Mr MILDRED thought it was the party who was dissatisfied who should have the right of applying to the authorities to set him right. It was certainly desirable that the parties interested should agree as to the surveyor who should survey the run, but still the party aggrieved should have the privilege of applying, through an impartial party be sent up to determine the boundaries.

The ATTORNEY-GENERAL thought if the views of the hon. member for Victoria were carried out, the Bill would be neutralised. If the proposition were carried, it would be useless to pass the Bill. The object of the Bill was to provide a definite and final settlement between the Crown and the occupants of lands, and between the lessees of Crown lands. It was proposed to bring various disputes to a settlement, through the medium of the licensed surveyors, instead of, as at present, allowing those disputes to remain unsettled, or compelling the parties to resort to the present costly and unsatisfactory proceeding of an action at law. If the consent of both parties were required, the object of the Bill would be defeated, because any party thinking himself wrong would object to the appointment of a surveyor to determine the boundaries, hoping that the party really aggrieved would submit to some violation of his rights rather than urge them in a Court of law.

The third and subsequent clauses were passed with trifling discussion.

The COMMISSIONER OF CROWN LANDS remarking that the revocation of licences to surveyors would only take place upon the report of the Surveyor-General.

Mr HAWKLER asked the Commissioner of Crown Lands not to take the Bill out of Committee, as he still thought the third clause was very arbitrary, and he should like to have an opportunity of consulting gentlemen out of doors upon it.

The COMMISSIONER OF CROWN LANDS had no objection, the Bill having been brought in expressly for the benefit of leaseholders under the Crown.

The CHAIRMAN then reported progress, and obtained leave to sit again on the following Thursday.

THE CULTURE OF THE VINE

The ATTORNEY-GENERAL moved—

"That he have leave to introduce 'A Bill intitled an Act to repeal 'An Act to encourage the culture of the vine in South Australia' by permitting the distillation of the fermented juice of the Grape,' and to make other provisions in lieu thereof."

He did not consider it necessary to trouble the House with any lengthened statement, because this was one of those measures which had been referred to in the opening speech of His Excellency, and the general intention of the measure had been defined already. The object of the Bill was twofold. In the first place it proposed to extend the facilities intended to be given by the Act which this Bill proposed to repeal to other garden produce besides grapes, and secondly, it introduced such provision as was necessary to secure the revenue more effectually against frauds, or he might term them erroneous practices on the part of those who had availed themselves of the provisions of the Act. Those were the two main objects of the Bill, the one to extend the relief afforded by the former measure, and the other to guard against the privileges conferred by that measure being abused, as no doubt they had been in some instances.

The TREASURER seconded the motion.

Mr MILDRED had much pleasure in supporting the Bill, and after the lengthened discussion which had taken place upon the subject of free distillation, he was sure the Bill would be acceptable to every hon. member. The ground had been so well travelled over on the preceding day by almost every hon. member of that House, that it was unnecessary for him to enlarge upon the question of free distillation. It was well known that ever since he had been a member of that House he had been an advocate of free distillation in the colony of South Australia. It would open to the people another stream of commerce, and he was prepared to make any momentary sacrifice for the purpose of obtaining those advantages which he was quite sure would result from free distillation. What he wanted was that the farmer or vine grower should be able to convert any article of produce which was useless for other purposes, into a remunerative article, by being converted from one commodity to another. He took this ground, that it was necessary to encourage native industry. It had been shown that £34,000 were sent out of the colony at the present time, which might be retained in the province, and if that amount

were distributed amongst the working classes what benefits would it not confer? He held it to be the duty of those who were entrusted with carrying on the Government, to devise means by which an amount equal to that which would be taken from their income if free distillation were allowed would be returned. The assessment on stock involved an amount of 25,000*l.* or 30,000*l.*, at least that was the calculation, which however he believed was erroneous, but a very large amount would be obtained from that source. That tax had been levied because it was thought the squatters did not pay their proper proportion, and that he held to be a proper principle to tax every man according to his means, or position for the purpose of raising the necessary amount for carrying on the Government. It was upon that principle that the squatters were taxed. Various classes were protected, being permitted to manufacture articles, which, if imported, would be subject to duty. The brewer, for instance, converted produce into beer, which, if imported, would be subject to duty, so that the brewer was protected, and he would ask why should not any man be similarly protected, by being permitted to convert one article into another, which would yield a more remunerative return? Why not tax the miller who converted grain into flour? It would be no more unreasonable than to impose a tax for converting certain commodities into spirits. He believed that at no remote period spirits would be the most important production of the colony, and he urged upon the House the necessity of giving every encouragement to native industry as the best means of extending the exports and limiting the imports of the colony.

Mr STRANGWAYS asked if the hon member was in order in making such frequent reference to the subject of the debate on the previous day?

The SPEAKER certainly thought the hon member's speech would have been more in order on the previous day.

Mr BAGOT asked if the Speaker ruled that the hon member was out of order?

The SPEAKER said he did not, but the speech would have been more in order on the previous day.

Mr MILDRED had been prevented on the previous day from taking part in the very interesting discussion (laughter) He was not in the habit of addressing the House at any great length, like the hon member for Encounter Bay, and it was too bad that hon member should attempt to cut him short when he wished to say a few words. He had been desirous of speaking upon the subject under discussion on the previous day, but had been prevented in consequence of the lengthy addresses of other hon members. He would only remark, in conclusion, that if the Attorney-General brought in a Bill which would meet the requirements of the people, he (Mr Mildred) should withdraw the motion which he had tabled for consideration, or leave to bring in a Bill. He had seen the deficiencies of the Bill introduced as a sort of palliative by the hon member for the Murray. That Act was shackled with so many difficulties that it was rendered completely useless. For instance, it was necessary to have a certain quantity of spirits for the purpose of fortifying wines, but before the attendance of the necessary officer could be obtained to enable the spirit to be distilled, the probability was that the wine would be spoiled. He repeated, that all which he wanted was that every man in South Australia should have the opportunity of converting the produce of which he was unable to effect a sale into a marketable commodity. If there were a deficiency in the revenue in consequence of this permission being given, let the Government devise the means of making up that deficiency. The hon member again referred to the subject of free distillation, but was informed that question had been settled on the previous day.

Dr WARK thought it was exceedingly desirable that Bills likely to prove useful should be passed through their early stages as quickly as possible, and that discussion should be reserved for the second reading. He accepted that part of the speech of the Attorney-General, in which he had informed the House that the object of the Bill was to extend the facilities for distilling from articles not hitherto sanctioned as those from which spirits might be manufactured. They had been told on the previous day, that of the ten millions of gallons manufactured in Ireland not more than three millions paid duty. No doubt here some little license would be taken, but the evils resulting from that were not for a moment to be compared with the advantages.

Mr BAKEWELL would not have risen but to correct an egregious misstatement made by the hon member for Noarlunga. That hon member had stated that the attendance of some officer was necessary to enable parties to distil, but that was not the case, all that was required being that the party should give three days notice of his intention to distil, that notice he might put in the nearest post-office, and at the expiration of three days, whether any one attended or not, he was perfectly at liberty to commence distilling. He (Mr Bakewell) had prepared the Bill himself, and it had been pronounced singularly workable by many with whom he had conversed upon the subject.

Mr MILDRED had been misunderstood, having spoken of the application of the spirit after it had been manufactured.

The SPEAKER put the question, which was carried. The Bill was read a first time, and the second reading made an Order of the Day for the following Tuesday week.

POLICE

The ATTORNEY-GENERAL moved—

"That he have leave to introduce a Bill intituled an Act to authorise the imposition of a police rate and the appointment of police constables by Municipal Corporations and District Councils."

It would be in the recollection of hon members that during the discussion upon the Estimates in the previous session, considerable objection was raised to the amount proposed to be voted for the maintenance of the police force within the city of Adelaide, and it was stated by hon members representing suburban districts that the proposed expenditure in that way was unfair, having regard to the wants of other portions of the community. He must confess that he felt individually there was very considerable force in that statement. He felt that, whilst it was quite right the Legislature should, out of the public funds, provide for that portion of the police in the city of Adelaide which was required for the general benefit such as those in attendance at the Supreme Court, the Detective Police, &c., it was not fair to provide from the general revenue for such as were kept for the special protection of the inhabitants of the city. As the Government were not prepared to place on the Estimates a sufficient sum for providing a police force at the various municipalities and townships of the colony, they felt, though there was a reason that the Government should ask for the sum upon the Estimates last session, still that the matter was one to which the Government were bound to give their attention during the recess. It would have been unfair to take off the protection hitherto afforded without giving the city of Adelaide an opportunity of providing that protection for themselves. In the Estimates it would be found that the number of police at Adelaide and the Port was greatly diminished, and in order to give the inhabitants of this and other places, where it was requisite protection should be afforded, an opportunity of obtaining it the present Bill had been prepared. The object was to enable the City of Adelaide and all Corporations, and any districts who wished to avail themselves of its provisions, to levy a police-rate, and, when levied, to appoint a police force. It was proposed that the general rules and regulations should be framed by the Government, but that the appointment and dismissal of the police should be placed in the hands of the locality by whom they were appointed.

The TREASURER seconded the motion.

Mr BARROW should support the motion, though, until the Bill was before the House, it was impossible to say what vote he should give upon the second reading. He observed in the Estimates of Ways and Means that the reduction was wholly in the foot police. There was no reduction whatever in the mounted police. As by a reduction in the foot police they would only affect the security of the City and Port, he did not see why the reduction in the foot police was a reason that the country districts should be called upon to assess themselves for a police-rate, seeing that the foot police did not at all affect the security of those districts, and that the mounted police were left untouched. He presumed the intention was that the rate should be permissive only, that there would be no compulsion to levy the rate. Such being the case, no reasonable objection could be raised to giving permission to municipalities and District Councils to levy a rate for police protection if they found they were not sufficiently protected. On the understanding that the Bill was of a permissive character, he would support the motion before the House, reserving any objections which he might have till the Bill was on the table.

Mr SOLOMON should not oppose the motion, but pointed out that it was in the City and at the Port that the greatest amount of police protection was required. He trusted that the Government would grant the licensing fees for public-houses within the city as a set-off to the cost of the police. If it were the intention of the Government to take to the general revenue of the province all the publicans' licence fees and various other fees which should belong to the city, he thought the Attorney-General might, upon the second reading of the Bill, find that he had a large amount of opposition than he anticipated. He should reserve to himself the right at the second reading of dealing with the various clauses of the Bill as circumstances would justify.

Mr HAY believed it would be the better course to assent to the introduction of the Bill and discuss its merits upon the second reading. He believed it was a correct principle that the foot police should be supported by the localities in which they were employed, and that the mounted police were necessary for the general protection of the community. Publicans' licence fees he thought should go to the localities in which they were situated, and be devoted to the reduction of the police rate, but he questioned whether it would be found to work well for the police to be partly under the control of the Government, and partly under the control of the Corporation.

The ATTORNEY-GENERAL could not assent to a proposal to strike out of the Estimates all the foot police for the City and Port, because he thought that portion of the police force maintained in these two places was as much for the benefit of the community as for the particular locality. There was no district in the colony which would not be the more secure because at the gates of the colony—the City and Port—there was a police force on the look-out for con-

victs, &c. He could not therefore consent to strike off the whole estimate for foot police, believing a portion of that force to be as necessary for the country at large as for the City and Port, and therefore that they should be maintained from the general revenue. But he felt when the subject was under discussion last year, that, whilst it was for the public benefit that a portion of the police should be maintained, it was not fair that the public should have to pay for that portion of the police which was for the individual benefit of the City and Port as distinguished from the public at large. When it was proposed that the Government should hand over to the city and districts all sums received for licences, he should be happy to discuss the question when raised, but it appeared to him to be a mockery to say, on the one hand—we throw on you the burden of providing your own police, and, on the other, we give you more than an equivalent to the cost of maintenance: The Bill was only permissive, and it would be for every locality to act according to its own views, whether it was in circumstances to avail itself of that permission or not. He had not thought it expedient to attempt to introduce the compulsory principle, as in England, nor would it be advisable to introduce that principle unless it were found that the permissive power was not availed of, and inconvenience consequently resulted.

Leave having been granted, the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday-week.

THE WELLINGTON FERRY

The ATTORNEY-GENERAL, in the absence of the Commissioner of Public Works, who was seriously indisposed, moved—

“That he have leave to introduce ‘A Bill intituled an Act to amend an Ordinance to establish a ferry at Wellington, on the river Murray.’”

The object was simply to diminish the tolls at present collected. The matter was brought under the notice of the House and the Government the session before last, and last year it would be remembered the Government proposed to throw upon the various localities the burden of maintaining their roads when it became necessary that the ferry should be self-supporting. The House, however, did not affirm that principle, and as the Government did not intend to take action in the matter during the present session, he asked leave to introduce the present Bill, which proposed to reduce the fees to such a sum as would ensure the use of the ferry, there being at the same time a provision that parties should not occupy it for a longer period than was necessary.

The TREASURER seconded the motion, and leave having been granted, the Bill was read a first time, the second reading being made an Order of the Day for the following Thursday.

THE WESTERN BOUNDARY

The ATTORNEY GENERAL moved

“That an address be presented to Her Majesty, with reference to that part of the colony of New South Wales which situate between the eastern boundary of Western Australia and the western boundary of this province, representing the natural dependence of that territory upon South Australia, through whose ports alone access can be obtained to it, and the difficulty and cost attending its settlement and government by any other colony, and praying Her Majesty, since no steps have been taken by the colony of New South Wales upon the subject, to cause the requisite measures to be adopted to procure the sanction of Parliament to its being united with the province of South Australia, and that a Committee of three persons—consisting of Messrs. Hart Peake, and the mover—be appointed to prepare such address.”

He did not think it necessary to take up the time of the House by dwelling at any length upon this subject. It would be in the recollection of the House that on a former occasion it was agreed to present an address to Her Majesty upon the subject, and at the commencement of last session certain papers were laid upon the table of the House shewing that Her Majesty's advisers in England recognized the expediency and justice of the proposed measure, but as a matter of courtesy to New South Wales, within whose limits the land was nominally included—though it never could form a geographical part of that colony, that is, it never could be connected except by legal ties—it was referred to that colony. A long time had elapsed since the despatch of the Secretary of State must have reached New South Wales, and as no steps had been taken by the Legislature or Government of that colony to give effect to the recommendation of Her Majesty, he thought enough had been done as far as courtesy between the English Government and New South Wales, and between the two Governments and South Australia, to justify the step proposed by the present motion. Although they had no precise knowledge of the portion of country to which the motion referred, there were circumstances which induced many to believe that it might form a valuable addition to this colony. Pastoral settlement was extending in that direction, and as the country was supposed to afford pasturage to an almost indeterminate extent, it was impossible to say at what period settlement might be pushed to the borders; then, beyond the boundary, parties would find themselves in the position of being compelled to swell the revenue of

a colony from which they could derive no possible protection, inasmuch as there could be no proper administration of the law, except at an enormous cost, nor could there be any communication with New South Wales, except by passing through some portion of this colony. To New South Wales it would be a useless appendage, as that colony must altogether neglect the protection of those who were settled there, or do so at a cost altogether disproportionate to the benefits which it received. With those views he moved the motion standing in his name, thinking the House would agree with him, that the time had arrived when they should take action in the matter. He would also propose that the Committee have power to confer with the Committee appointed by the other branch of the Legislature.

Mr. BAGOT supported the motion, though he had grave doubts as to how it should be done, as no steps had been taken by the New South Wales Government in the matter. If that Government had no claim to the territory, it was a piece of idle courtesy to communicate with them on the subject in any way. He thought the House should not discuss the question again, but take the view that the territory did not belong to New South Wales, but to the Crown, and that it was in the power of the Queen to make it over to any other colony.

Mr. NEALES rose to correct an error which had been made. The home authorities believed that this territory belonged to New South Wales. He thought it should be an instruction to the Committee to treat the matter also with reference to the proportion of the public debt of New South Wales this territory was liable for. It would be better to settle the matter even that way than to put it off for two or three years, considering that the sum which the colony would have to pay for so large a tract of territory would be so small.

Captain HART said that the hon. gentleman who had spoken last had referred to the importance of taking immediate action. He (Captain Hart) was of opinion that the colony could lay various claims to the territory in question, based on the discoveries lately made from this country in the neighbourhood, more particularly as the country could not be approached from New South Wales by sea, its only available port being situate in South Australia. He believed this matter would create considerable difficulty if permitted to remain in its present condition, as the country would before long be stocked with sheep, and all accounts tended to show that the opinions respecting it which were entertained long ago were correct. He was only sorry that he would not be able to ascertain from personal observation the nature of the country, as he had made many attempts to induce a friend to join him in a visit to it. He believed there was a large country there which would yet be of great value to South Australia, and that Fowler's Bay would become a very important port, and would possess a large export trade. He believed it would prove one of the best sheep countries and most valuable domains of South Australia, and he was satisfied that no just or proper objection should be urged against its being annexed to this province, but that the address, if voted, would attain the object which the House had in view.

Mr. SOLOMON supported the motion, though he could not understand the arguments which the two last speakers urged in favor of it. One hon. member spoke of the large debt of New South Wales, and the difficulty of procuring the separation of Moreton Bay from that province. But Moreton Bay had cost New South Wales a large sum, having been for a long period a depot for its convicts, and it should, therefore, pay a large sum to New South Wales for the improvements effected at the cost of that colony. The hon. member for the City suggested that this province should take the strip of territory at a valuation from New South Wales, and that the valuation would be very trifling, whilst the hon. member (Capt. Hart) said it would be the most valuable part of the colony. He could not understand why, if hon. members wished to procure the territory, they should make New South Wales attach such a value to it (A. Hugh). He supported the resolution, believing the territory to be a “no-man's land,” which might yet become of great value to this province.

Mr. NEALES explained that he had never said that the case was to be judged by that of Moreton Bay. What he said was that if the area was to be measured against the portion of the debt of New South Wales, for which the territory was liable, it would be better to pay the money at once than have any delay in obtaining possession of the country.

Mr. MILNE asked the Attorney-General whether it is an established fact that the country belongs to New South Wales, as he could not find any authority to that effect. He would also ask whether it would not be better to ignore New South Wales altogether in the matter by striking out certain words which would cause the resolution to read, “That an address be presented to Her Majesty having reference to that part of New Holland,” &c., and leaving out all reference to New South Wales.

Mr. BARROW said that, whether the territory was part of New South Wales or not, it was part of the dominions of Her Majesty, and that the appeal should, therefore, be made to the Queen. He had no objection to the amendment of the

hon member for Onkaparinga, but he did not approve of making an appeal to the Government of New South Wales. The Queen had as much constitutional right to transfer this territory to South Australia as she had to separate New South Wales or Victoria from the original New Holland. The reference to New South Wales was, however, no more than an act of courtesy, and did not prejudice the case of this colony, though that part of the resolution might be struck out if it was considered desirable.

Mr STRANGWAYS agreed in the desirableness of making an appeal, but the House should avoid making any allusion which could prejudice its case. On this account he agreed with the amendment. He would suggest that, in the sixth and seventh lines, the words, "since no steps have been taken by New South Wales," be also struck out. The territory belonged either to New South Wales or South Australia, for Western Australia had never made any claim to it, nor would the country be of much use to that province. He would suggest that the reply of the Attorney-General to the question of the hon member for Onkaparinga should be only regarded as an opinion, in the absence of any official document proving the real extent of New South Wales. He apprehended that there was some limit to New South Wales Proper, and that the authority of the Governor-General over the unsettled territory was only a sort of a protectorate, which did not imply that the whole of the continent outside the boundaries of Victoria and South and Western Australia belonged to New South Wales.

The ATTORNEY-GENERAL said that the commission of the Governor-in-Chief of New South Wales defined the boundaries of the province in such a manner as to include the territory under discussion. The boundaries extended to the boundary of Western Australia. It would be unwise to ignore this commission, but the boundaries were also defined in the Act of the Imperial Parliament which granted a constitution to New South Wales which Act authorised the Queen to separate a portion of New South Wales from that province, but this to the north of a certain line, whilst the country which the House wished to obtain was to the south of that line. Whatever might be the feeling of the House as to the justice or expediency of the present claim, it could not be expected that a request would meet with any consideration from the Crown if it ignored Her Majesty's right to define the boundaries of New South Wales.

The motion was then put and carried, and a message to that effect was ordered to be transmitted to the Legislative Council.

THE CENSUS BILL

On the motion of the ATTORNEY-GENERAL this Bill was read a third time, and passed.

It was ordered to be transmitted to the Legislative Council.

THE SOUTH AUSTRALIAN RAILWAY

The TREASURER laid on the table certain returns relative to this railway, which were ordered to be printed.

THE ESTIMATES

On the motion of the TREASURER the House then went into Committee on the Estimates.

Dr WARK complained that he had not as yet received a copy of the Estimates, and was proceeding to complain that he had been haughtily treated by the Chief Clerk, when

The CHAIRMAN suggested if the hon member had any charge to prefer against the officers of the House, it should be laid before the Standing Orders Committee. (Hear, hear.)

The TREASURER then moved the first item on the Estimates—Governor-in-Chief's Private Secretary, &c., £806 2s.

Captain HART before proceeding with the items separately, would call attention to the Estimates as a whole. He wished to know, in the first place, from the Hon the Treasurer why that hon member carried to the credit of the general revenue the interest on exchequer bills, which included the premium on the bonds of the colony. It was understood last year that this was not to be done, and he (Captain Hart) believed that in last year's Estimates the item was omitted, as it should not belong to the general revenue, and it would lead to considerable inconvenience to have entered to the credit of the general revenue this large sum, which did not belong to it. This made it appear that the country was borrowing money at a lower rate than was the fact. In many respects this arrangement was objectionable, as the sum was made up of the premiums on various bonds. It was not the premium on the railway bonds alone, or on the waterworks bonds, so that there was no statement as to what particular bonds the premiums belong to. It was clear that the premiums on the waterworks could not belong to the general revenue, inasmuch as they stood to the credit of the city. These premiums would be carried to an account which the Corporation would have to liquidate at some future day. He should also say that he was exceedingly sorry to see that reductions had not been effected in the general Estimates, where he believed large reductions might have been made. The reduction in the police estimates would not he believed prove to be one in reality. This reduction might have been effected by reducing the force by a certain number of constables, corporals, and sergeants, but it could be better accomplished by diminishing the number of officers who received higher rates of pay—(hear, hear)—and the rates

of payment given to them. He was certain that, if the police at the Port were reduced, the people there would not pay for additional constables, and the general public would therefore have to suffer from any disturbances which might arise from the want of police protection there. The police of the Port were employed principally in keeping order amongst seamen, and those Swan River people who favored the colony with a visit. The police were stationed at the Port because these persons were more easily caught at the point where they landed than when they had distributed themselves over the country. There were several items of the Estimates which he (Captain Hart) would oppose when they came on for discussion. (Hear, hear.)

Mr REYNOLDS was not prepared to support the Estimates. He had expected, seeing at the head of the Government the Hon Wm Young husband, who, in 1855, considered that the colony was going completely to ruin, and who consequently urged the appointment of a Select Committee on the Estimates, with a view to their reduction. Having that hon gentleman at the head of the Administration, and remembering the manner in which he then reported upon departmental reform, in connexion with the hon the Commissioner of Crown Lands, who also was a member of the Committee, he (Mr Reynolds) expected to see such reforms proposed as the House would readily agree to. But it appeared that when gentlemen had arrived at that goal which was the bound of their ambition, they forgot what the country required of them. That was the position of the hon the Chief Secretary. Whether the hon the Attorney-General, who was opposed to the appointment of the Estimates Committee, had any influence over the hon the Chief Secretary, he (Mr Reynolds) was unable to say, but otherwise, as head of the Government, might have said to the Attorney-General, such thing shall be done, or otherwise the Attorney-General will have to resign, and leave the management of the administration to me (the Chief Secretary). It might not be out of place to refer to the speech of the Hon Wm Young husband, in reference to the Estimates Committee, and also to that of the hon Commissioner of Crown Lands, who also thought that the colony was drifting to ruin, and that it was time to stem the torrent of lavish expenditure. The hon the Commissioner of Crown Lands said that the cost of establishments amounted as per head of the population, to 16s 3d in 1852, in 1853 to 20s 2d, and in 1854 to 25s 6d, but the amount for 1856 was 35s per head. The hon Commissioner in his speech went on to say that at the then rate of increase the colony would be paying at the rate of 3l per head for establishments in four years time and that if they were reduced one-third there would still be a very handsome provision remaining. He (Mr Reynolds) believed so still, and thought that the hon gentleman would believe so too if he were on the opposition side of the House. Last session the subject of reducing the departmental expenses was discussed, and some hon members were in favor of reducing the sum in a lump, but the Government declined doing so. The hon the Commissioner of Crown Lands had formerly spoken approvingly of the Victorian Legislature having ruthlessly reduced their salaries by a million, and could he now complain if the House ruthlessly curtailed the amount of the present Estimates? Some idea was also thrown out as to the cost of Government being submitted to public competition, and the hon Commissioner said he would like to see it tried. The hon member for the city also agreed in that opinion. The hon the Treasurer must admit that the revenue was not in an elastic state—that it was falling off—(hear, hear)—and was it not, therefore, time that the establishments should be reduced rather than increased. The House was told in His Excellency the Governor's opening speech that there were reductions in the Estimates but he (Mr Reynolds) had been looking and could not find them, except in the Lands Titles estimate, where there was a reduction effected by shifting some clerks from the Registration of Deeds Department. There was also a reduction in the police but that was like taking money out of one pocket and putting it in to the other, as the cost would only be transferred to the Corporate body. There was a little exception in this, inasmuch as there would be no lessening of taxation to the people. He was, however, pleased to find the hon the Treasurer favourable to direct taxation, as there might be other means found of diminishing Government patronage, and allowing the people to manage their own affairs. In 1856, the year following the sitting of the Estimates Committee, the General Revenue, including the land revenue amounted to 516,414, and the cost of establishments, 178,322, being about 35 per cent, but for the year 1860, out of an estimated revenue of 434,900, there was a proposed expenditure on establishments of 197,652, or about 46 per cent, or as compared with the year following the Estimates Committee an increase of 11 per cent. He thought the country had not benefited by having hon gentlemen opposite in the positions they now occupied seeing that they had not reduced the taxation or the amount of the Estimates, but increased them. The Hon Wm Young husband had spoken of the normal state of the country in 1851, and in 1855 as having arrived at the same state. In 1852, the Ordinary Revenue was 125,000, and it was proposed by the Government to expend 110,000, but only 60,000 of this was required to keep up establishments, being 50 per cent on the revenue, so that there was an

increase since that time of 75 per cent on the same kind of revenue. Under these circumstances, would it not be better that the House should take action itself and propound a scheme for reducing the expenditure, if, indeed, they did not ruthlessly sweep away 10,000/ or 20,000/ at once, and so reduce the cost of establishments? The Government would say as they said before, that it was the duty of the House to go into details; but he (Mr Reynolds) maintained that it was the duty of Government during the recess to go into the various departments and see where reductions could be made. He would not be content with the reports of any head of a department, but when these persons said they did not see how they could conveniently make reductions, he would point to the Victorian Government, which cut off a million of expenditure without impairing the efficiency of the departments. He believed that if there 10,000/ was asked for the House gave 8,000/, there would still be sufficient ability and energy left in the department to carry on the public service. In the Railway department there was a sum set down as profit left, after payment of all expenses, which sum was brought over from last year, but instead of there being a profit last year the House had voted 7,000/ to provide increased accommodation. In the same manner there was an item for a level-crossing at Bowden, and for a siding at Woodville, and so on. Thus it was made to appear, by some financial ledgerism, that there was a profit when there was not. Last year also, the House disposed of the Colonial Storekeeper's department, but the Government now proposed to restore him. There was a resurrection, in fact, under the head Armoury Again, there was to be an increase in the Colonial Architect's department. As to the Police, there were at present too many officers, and too much silver lace. Seeing that the Government had been able to send the Chief Commissioner to the North on an exploring or hunting expedition, it was clear that the country was maintaining an officer too many, as he could be spared away from his duties for months. Either the Chief Commissioner or his second in command could be dispensed with. Again, when the House found gentlemen getting their six weeks' leave of absence there must be too many hands. If smaller sums were voted, these gentlemen would be found quite competent to perform their duties even in the hours during which they were now engaged, or if not they should have fewer holidays. The Telegraph Department had now swelled to a very serious item, and when it came under discussion he should propose certain reductions in it. There was a station-master at — a year another at Kapunda, another at Mount Lofty, with a messenger at 30/, and several others. He would support every motion for reduction in each and every part of these Estimates.

Mr SOLOMON, so far from wishing to support the Estimates in their present form, hoped that some action would be taken by which they would be sent back for revision. The Treasurer, in introducing them, said that he expected in the Customs a deficiency of 10,000/ for the year, but the hon member did not take the trouble to point out that the deficiency which arose in the first quarter of the year, arose principally on those items which he (Mr Solomon) took the liberty of indicating last session, as those upon which a deficiency would arise namely, those goods chiefly consumed by the working-classes. Before the Estimates went into Committee last session, he (Mr Solomon) pointed out that the times in South Australia were such that working men who were formerly in receipt of large wages would be unable to meet the cost of living, and that the revenue, so far as the Customs were concerned and even in the case of the land sales, would fall considerably short in consequence. Hon members were aware that the quarter between December and March was the busiest, and that the largest consumption, especially in liquors, took place during it. The first article he found in the Customs returns for that quarter was beer which was largely consumed by the working classes. The beer consumed in the previous quarter paid 2,438/ in duties, whilst that for the quarter ending the 31st March yielded but 1,290/, leaving a deficiency of 1,148/, or a falling off of 50 per cent, notwithstanding that the quarter ending March was the best of the year. How the hon the Treasurer could reconcile this state of affairs with his estimate of last session he (Mr Solomon) could not understand. But this was not the only article which showed a deficiency. Tobacco, which was largely consumed by the working classes, showed a falling off of 25 per cent, or the total revenue derived from it in the last quarter of 1857. There were various other articles, such as clothing and boots and shoes, which exhibited a falling off, though he (Mr Solomon) admitted that in two items which had for a long time been scarce in the market, there was a large increase. These articles were tea and sugar. On them the increase was very large and naked, but it arose not from their consumption increasing, but from articles which had been so long scarce coming in in large quantities, and the consequent necessity for retail dealers making up their stocks. Sugar, which only produced 1,407/ in the last quarter of 1858 produced 1,802/ in the first quarter of 1859, and tea, which in the last quarter of 1858 brought in 1,336/, produced in the first quarter of 1859, 2,377/, being an increase of 1,041/. At this ratio there was no doubt that the Treasurer would realise the present estimated revenue from the

Customs, but hon members could see, as he (Mr Solomon) said last session, that it was utterly impossible without the occurrence of events which could not possibly be foreseen, that the revenue set down from the Customs could be maintained. There were not the means in the colony. If men could not get more than 45/ or 50/ per day who previously received 9s and 12s, they could not afford to pay the heavy duties set down on them. The House was told in His Excellency's speech of great reductions in the police department, but it only amounted to this, that if the part of the police force was taken off, the people would either have to take the cost on their own shoulders or remain without protection. Very large reductions were necessary in the departments and he (Mr Solomon) did not consider it the duty of the House to point out where these reductions should be made. It was the duty of the Government who were paid for doing it. If the Government thought they were unable to make reductions let them say so, and then it would be the duty of the House to put men in the Administration who were able and willing to effect retrenchments ("Hear, hear," from the Government benches). He believed that the test of the welfare and prosperity of a country was the amount of its consumption. The excess of population in 1858 as compared with 1857, was 4,909, and taking the population at 120,000, this gave an increase of 5 per cent. Yet the Customs' returns for 1857 were 152,000/, and those of 1858 153,000/—1,000/, or an increase of about 3 per cent in the revenue for an increase of 5 per cent in the population. These facts showed whether the people were as well able in 1858, or likely to be as well able in 1859, to spend as much money as they used to spend previously. Retrenchment was necessary, and for this the House should look to the Government, and from them to the heads of departments. The present expenditure was frightful, and he could not see where it would end, or whether the time might not come when the country would be unable to meet even the interest on its loans.

The TREASURER said the hon member for the Sturt had commenced his attack on the Estimates, by referring to the Estimates Committee stating that the present Chief Secretary should have come forward with the reforms suggested in the report of that Committee. But the Government of that day had carried out most of the suggestions of the Committee and it was, therefore, unnecessary to do so now. The Estimates at the time referred to were revised, in accordance with the report. The hon member also said that when men were in a position to propose very large reforms, having obtained office, they forgot the promises which they had made at previous times. There was great truth in the remark, and, no doubt, if the hon member ever came into office, he would find it impossible to carry out the views which he held in opposition. (Laughter.) The Government had been unable to reduce the Estimates with a due regard to the efficiency of the departments. It was for the House to make reductions and he hoped they would not make them rashly. Notwithstanding the statement of the hon member, the Government were satisfied with the assurances of heads of departments, the members of the Ministry had gone through the departments with a view to make reductions. The hon member for the Sturt must be aware that there were constant demands made upon the Ministry for increases of the Estimates and salaries, but the Government had evaded these demands, as far as possible, and turned a deaf ear in all but two instances, which he would mention when the items were under discussion to claims for increased pay. The hon member proceeded at some length to enumerate in detail the increase which had been made in departments, briefly explaining the reasons for such increase. The expenditure on railways referred to by the hon member for the Sturt, was rendered necessary by the increasing traffic consequent on the extension of railways into the interior. The hon member (Mr Reynolds) was very particular in reference to the silver lace of the police officers, but the Government did not ask the House to pay for that lace, and he (the Treasurer) could not see why the hon member should, under these circumstances, attack persons who were not present to defend themselves. If the police officers chose to deck themselves with silver lace at their own expense, why should they not do so, as the hon member decked himself with a black coat? The hon member might think there were too many officers, but when explanations were asked for, in the details of the Estimates, the House could decide that point. The hon member, Mr Solomon, preferred referring to the past, and attacked him (the Treasurer) on the Estimates of last year. He did not consider it necessary to go into any explanations on this point except in a general way. The hon member said he (the Treasurer) expected a deficiency of 10,000/ in the Customs revenue, but what he (the Treasurer) said was that the utmost deficiency which could occur would not exceed 7,000/. The hon member took great credit for having been so clever a financier. (A laugh.) He hoped that whenever the hon member was in the position that he spoke of his Estimates would bear minute criticism. But the hon member must admit that he made a great mistake in the land sales, for there was no doubt that they would realize 6,000/ more than the estimate. The hon member might rely that

if he was in the position to frame Estimates, he would have to rely principally on his totals of Ways and Means being correct, for he would find it very difficult to be accurate in matters of detail. On the whole, the Estimates of the Government for the present year would be amply realised. In reply to the hon. member's remark that the estimated Ways and Means for 1860 will not be borne out, he (the Treasurer) could only refer to the statements which he made in his financial statement. Even in the Customs, which the hon. member had taken under his protection, the 150,000/ would be realised if there were no alteration in the tariff. The Estimates had been framed upon a careful consideration of different periods, and he (the Treasurer) believed that during the twelve months commencing from June next, trade would increase, that the productive interests of the country would improve, and that in consequence the receipts of the Customs would be equal to those of former years. The increases on the Estimates which seemed so large were occasioned, not by enlarged salaries to officers, but because many departments, such as the Destitute Board, the Education Board, the Medical Estimates, and others must necessarily, not merely with the increase of population, but also with that of destitution and the physical circumstances attendant on a time of scarcity arising from a deficient harvest, require that they should be increased. He would now move the first item.

Mr DUFFIELD was much disappointed at being unable to discover the reductions promised in his Excellency's opening speech. The hon. member also pointed out some discrepancies which he conceived existed between the returns furnished by heads of departments and the sums appearing on the Estimates. He complained of the duty of 5 per cent levied upon corn bags, whilst ore bags and wool-packs were permitted to go free. The whole of the surplus arose from the large sales of Crown Lands, but for which there would be a deficiency, but he held that selling the Crown Lands was only selling the estate of the colony and that they should not be sold for any other purpose than the making of internal improvements. Retrenchment to the utmost possible extent was absolutely essential.

Mr STRANGWAYS said there was another item in reference to which the Government might have some little difficulty although the Attorney-General relied upon it. He recollected not long since reading a letter from the Attorney-General to a gentleman in the North, in which the Attorney-General stated it was his opinion that lands comprised within any lease were not waste lands of the Crown. It was true that the hon. gentleman might say that was the meaning under one Act, but that under another the same words conveyed a meaning totally different. Supposing that lands comprised within a lease were not waste lands of the Crown, there would be a difficulty in realising the 29,000/ put down for the assessment on stock, because that was payable on lands comprised in leases if not there was no assessment payable. Again, it was provided in the Act that the squatters should pay the assessment hereinafter provided, but there was none, the assessment being only payable where the squatter surrendered his lease in accordance with the Assessment on Stock Act, and took a new lease. If these views were correct it was clear there was no assessment payable. With regard to the police he considered that the Government had adopted an entirely wrong course. The course which it appeared they intended to adopt was merely to keep a small portion of police under the authority of the Commissioner of Police, and enable the Municipal Corporations and District Councils to appoint constables where they thought necessary. He would not give Municipalities and District Councils any discretion, considering that it was a question for that House to decide what amount of police protection was necessary. It was quite as necessary that they should do so now as last year. What would be the effect, for instance, in this city? It would of course give the Corporation the power of appointing constables. There were several publicans in the Corporation, and if that body were to have the appointment of the constabulary it was quite clear that informations which had hitherto been laid against publicans for breaches of the Licensing Act would cease, for it was not probable that constables would lay informations against their masters. He should, however go more fully into the Bill when it was on the table of the House. There was no difficulty in taking a sheet of paper and reducing the Estimates to a pretty considerable extent, but whether they would be enabled to get those departments in working order after the reductions had been effected, was another thing. He questioned if any of the departments could be greatly reduced. In reference to telegraphs, he believed the estimate for that department would increase annually, if the business increased as it had, it was quite clear that in two or three years the strength of the department must be doubled or trebled. That however, was one of the last establishments to which the House should object, because it brought in an annual return, which very few of the others did. If any person but the Secretary to the Railway Commissioners made out the railway accounts he believed that instead of the railways of the colony shewing a profit, they would shew a considerable loss. The Treasurer appeared to forget that he came to that House annually for large sums for railways, to be expended by the Commissioners on matters which, were they directors of a railway in England,

they would have to expend from the earnings of the railway. By charging these amounts to the general revenue a better account was made out for the railways. If the Commissioners were abolished and the railways were under the Commissioner of Public Works, instead of the accounts being muddled, the House would have annually a proper debtor and creditor account of all railways in the colony, such an account as the directors of a railway company in England were obliged to have printed and distributed amongst the shareholders. The hon. member for the city had referred to the items under the head of Customs, and it would be remembered the hon. member had done so last year, predicting that the anticipated revenue would not be realized, but he believed that the revenue which was anticipated was actually realized, and that the same thing would occur with the revenue anticipated by the present Estimates. The hon. member had also said that the consumption of a colony was the best sign of its prosperity, but he could not understand that doctrine, except upon the principle that a good appetite was a sign of good health. He reserved to himself the right of objecting to any items when they came before the House in detail, and should certainly object to the proposition of the Government in reference to the police force, believing that it would prove highly prejudicial. He should also object to many items for public works and there was one item in connection with the Post-Office, he alluded to the Money Order Office which he should certainly endeavor to sweep away, it having apparently only been established to provide for an ex-Waterworks Commissioner.

Mr NEALES said that when the Estimates were brought forward last year he took the earliest opportunity of entering his protest against treating the amount derived from the sale of public lands as common revenue. He trusted the House would insist upon a distinct and separate account. If a lot of land were sold, and they got a good road instead, he could understand that they got a useful article in exchange, but when the accounts were muddled up, and land sales were treated as general revenue, it was not fair. He had entered his protest against such a system every year. They would never get a fair and proper statement of Ways and Means so long as they allowed the proceeds of land sales to be mixed up as revenue. He had no objection to the amount being expended in fair and legitimate improvements, but what he wanted to see was a fair return—a separate and distinct account.

Mr PEAKE had, with many others, rejoiced when His Excellency, in his opening address, stated that so large a saving upon previous Estimates would be effected, but he had looked in vain for that saving, and had been unable to discover it. He did not think that the Treasurer could point out where that saving had been effected. He agreed with the hon. member who had said down that it was wrong to treat as revenue of the country—as general revenue—the waste lands which were, in fact, the capital of the country, yet they were using them as income. When the colony was founded an engagement was made that every man who paid £1 an acre for land, should have as much labor and road accommodation as the capital so expended would give him. That was the proposition which had been laid down, and he would say that it had been very fairly acted on in this country. There was a clear undertaking to the purchaser of land that he should have labor to cultivate that land, and roads to bring his produce to market. Not long since it had been said that immigrants were brought here by money taken from the pockets of the people but that was a fallacy, they were brought out by those who became the purchasers of lands heretofore valueless. He believed that the hon. the Treasurer in his estimate of income was on the right side. The receipts from a variety of sources were estimated at £258,000, but he would remark that he called the assessment on stock a revenue derived from waste lands of the Crown. He did so in order to afford the Treasurer an opportunity of giving him better information. He called that £29,000 a revenue from waste lands, because when that land was sold they would cease to get that revenue. He also treated the amount under the head of railways, as revenue derived from waste lands of the Crown, because it was derived from expenditure taken from the waste lands of the Crown. The Treasurer estimated the whole income at 468,000/, and there was a surplus then left for establishments of 209,600/, but the hon. gentleman proposed to expend on establishments and luxuries 27,000/ more than he should after deducting those items to which he (Mr Peake) had alluded as being derived from the waste lands of the Crown. The House should look sharply to what was being done with the revenue from waste lands, as he was afraid they were gradually eating into an amount which should be applied to the introduction of labor and the construction of roads. He would not go further into the matter, but would leave it to the Treasurer to confute his statements if he could. He should have a few remarks to offer in reference to various establishments when going through them in detail. Last session he had been most anxious to pue down the totals, and found that the Government had commenced acting upon the views expressed by the House in reference to police. He was not exactly aware of what plan was proposed, but he presumed it would be to distribute the expenditure in conformity with views which had been expressed by the House. There was one

piece of extravagance, however, to which he must allude, and he thought the House would agree with him that it was extravagance—he alluded to keeping up two registration departments. He found the sum of 6,218/ 11s put down for registration, but he believed that one of those departments was not required at all, and that consequently the sum of 1,889/ could be struck off altogether. He hoped that the House would take a stern view of this question, and refuse to vote for two officers, or two sets of officers. If hon members were in earnest in cutting down unnecessary expenditure, here at least was one item. There were some other little luxuries disposed over the estimates, which he should feel it his duty to refer to when before the House. In conclusion, he hoped the Treasurer would be enabled to give a satisfactory account of the application of the land fund, and that the House would not desert the principles upon which the colony had been founded.

The COMMISSIONER OF CROWN LANDS said there were some remarks in the speech of the hon member for the Burra which pleased him much, and would tend to dispel the popular delusion that immigrants were paid for by taxes imposed upon the people. When they considered the large sums which were derived from the sale of waste lands, he was sure they would agree with him that it would be suicidal policy, indeed, not to devote a portion to making additions to the population by which alone the position of the colony could be improved. With regard to the fine distinctions drawn by the hon member for Encounter Bay, he confessed he could not see any ground for joining in the fear that the assessment on stock would not be paid. On the contrary, he believed that the leaseholders would willingly pay, and the large number of old leases which had already reached the Surveyor-General's office was a proof that the measure was acceptable, and that there would be no objection to pay on the part of the stockholders. The hon the Treasurer had gone so fully into the Estimates, and had so well explained them, that it would be a work of supererogation for him to touch upon them. He was convinced that, when in detail, the Treasurer would be enabled to show the House there were very strong grounds for supporting the Estimates. The estimated Ways and Means from the land sales had been put at a very low figure, and he had every confidence that the estimate would be fully realized. From the experience of past years the Government had every reason to state with confidence that the estimate of the land sales, which had been carefully considered, would be fully realized. He would take that opportunity of replying to an observation which had fallen from the hon member for East Torrens, in which the hon member threw out the idea that the way in which land sales were regulated by the Surveyor-General would have the effect of picking the eyes out of the country. He scarcely thought that remark could have been seriously made, for the Surveyor-General, who was a gentleman of well known integrity, possessed the thorough confidence of the Government and the public. It needed few words from him to assure the House that the way in which the Surveyor-General regulated the land sales was on the fairest possible principle, certainly on no such erroneous principle as that alluded to by the hon member for East Torrens. Lands were selected with the utmost care as to their quality and situation. He might mention, —being now enabled to give a correct return —that during 1857 and 1858 the quantity of land resumed from leased runs sold within Hundreds was 60,323 acres, realising 73,688/, and in the same period the land sold without Hundreds was 46,666 acres, realising 54,314/ net. The amount allowed for improvements being 14,000/.

Upon the motion of Mr MILDRED, the House resumed, the Chairman reported progress, and obtained leave to sit again on the following day.

STOCKPORT

On the motion of Mr McELLISTER the petition presented by him from the residents of Stockport, in reference to the continuance of a post-office in that locality, was ordered to be printed.

HINDMARSH

On the motion of Mr COLE the petition recently presented by him from the inhabitants of Hindmarsh, relative to the establishment of a Local Court-House in that locality, was ordered to be printed. The hon member remarked that for want of such accommodation depredations were committed with impunity, and parties submitted to many losses in consequence of having no means of enforcing their claims upon the spot.

SIRATHALBYN

On the motion of Mr ROGERS, the petition recently presented by him from the inhabitants of Sirathalbyn, Kondoparinga, Bremer, Macclesfield, and Alexandria, in reference to the construction of a tramway, was ordered to be printed. The hon member remarked that the petition was signed by 970 persons, and that upwards of 100 others had expressed a desire to attach their signatures.

The House adjourned at five minutes past 5 o'clock till 1 o'clock on the following day.

FRIDAY, MAY 27

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

Mr GLYDE brought under the notice of the House a question of Privilege. He observed in one of the morning papers the abstract of a Bill which had not yet been laid upon the table of the House and he wished to know by whose authority the information to the paper in question had been furnished.

The ATTORNEY-GENERAL said he had placed the Bill in question on the table on the previous day, and that it was then read a first time and ordered to be printed.

The SPEAKER confirmed the statement of the Attorney-General, and added that even were it not so there was nothing to prevent the party who drew a Bill from showing it before it was laid upon the table of that House.

MR S P MANSFIELD

Mr BARROW presented the petition from Mr Mansfield, which had been presented on the previous day, but which had been withdrawn in consequence of not being signed. The petition was received.

MR JAMES HARRISON

Mr BARROW presented a petition from Mr James Harrison, of Geelong, asking for leave to introduce a Bill to secure a patent for an invention for making ice and producing artificial cold.

The petition was received.

THE UNEMPLOYED

Mr OWEN presented a petition from 281 working men praying the House to urge on public works, for the purpose of affording employment to the working classes.

RETURNS

The COMMISSIONER OF PUBLIC WORKS laid on the table returns showing the receipts and expenditure of the Harbor Trust, the receipts and expenditure in connection with railways for 1858, and the first quarter of 1859; returns showing the goods supplied to various Government departments by Messrs Blyth Brothers.

THE DESTITUTE BOARD

The ATTORNEY-GENERAL laid on the table correspondence moved for by the hon member for the Burra, between the Government and the Destitute Board.

THE REAL PROPERTY ACT

Mr OWEN moved—

“That a return be laid on the table of this House showing—
“I The number of transactions registered in each week since the passing of the ‘Amended Real Property Act’ both in the old and new Registration Offices, viz, the General Registry Office of Deeds and the Lands Titles Registration Office respectively.”

“II Distinguishing sales (and whether by Government or private persons), mortgages, leases, and trusts of settlements, also, the aggregate of consideration passed under £50 £100, £200, and upwards respectively.”

“III The weekly aggregate amount of fees received in each office for transactions under £50, £100, and £200, respectively.”

“IV The number of working hands in each office, and the amount of salaries paid to them.”

“V As also the aggregate amounts paid from each office into the Treasury, and to the Lands Titles Commissioners respectively.”

Mr STRANGWAYS brought forward his contingent notice of motion for various other returns connected with the department.

Both motions were carried.

THE INNER BAR

Mr PEAKE put the question of which he had given notice—

“That he will ask the Hon the Commissioner of Public Works (Mr Blyth) if any steps are about to be taken for breaking up the inner bar, which at present obstructs the entrance to Port Adelaide?”

The COMMISSIONER OF PUBLIC WORKS had telegraphed for a reply, but not having received the full particulars, would be prepared to answer the question on the following Tuesday.

SALARIES OF PUBLIC OFFICERS.

Mr REYNOLDS moved—

“That in the opinion of this House, the salaries of all officers and persons employed in the service of the various Boards under the control of the Hon the Commissioner of Public Works and the Hon the Treasurer, should appear on the Estimates and be voted annually by this House.”

Mr FOWNSEND seconded the motion.

The TREASURER pointed out that there were no Boards under the control of the Treasurer. Probably the hon member thought the Trinity Board was, but that Board was rendered independent of the Government by Act of Parliament. The only control the Treasurer had was to correspond—that is, he was made the medium of communication between that Board and the Government.

The COMMISSIONER OF PUBLIC WORKS pointed out that it would be inconvenient to place the salaries in connection with one Board on the Estimates, inasmuch as there would appear an expenditure without any corresponding income. He alluded to the Harbor Trust.

Mr STRANGWAYS suggested an alteration in the motion, which should then have his support, it would then read "the salaries of all officers

Mr REYNOLDS had no objection to the alteration, and remarked that it was well known the officers under the Harbor Department formerly appeared upon the Estimates. They were struck off last year, but he considered they ought to be put on again.

The motion as amended was carried.

THE EMIGRATION AGENT

Mr OWEN moved—

"That there be laid on the table of this House a copy of all instructions transmitted from the Commissioner of Crown Lands and Immigration to the Emigration Agent in England, from July, 1858, to date."

The COMMISSIONER OF CROWN LANDS stated that the Council papers of last session, and those which had been laid on the table during the present session, would, he believed, afford all the required information, but if they did not he would take care that what was wanting was supplied.

Mr OWEN withdrew the motion.

THE BOTANIC GARDENS

Mr OWEN put the question of which he had given notice—"That he will ask the Honorable the Commissioner of Public Works (Mr Blyth), why a portion of the Botanic Garden is marked out for enclosure, and by whose authority, and for what purpose, such ground is to be enclosed?"

The COMMISSIONER OF PUBLIC WORKS said the land had been enclosed for the purpose of extending the Lunatic Asylum, for which money was voted last year. At present there was not sufficient accommodation for the female patients, and the Asylum could not be extended in any other direction than that proposed, but the Botanic Gardens could. The ground was being enclosed by the authority of the Executive, but no more would be resumed than was absolutely necessary.

THE NATIONAL BANK

Mr MILNE moved—

"That the Standing Orders in reference to Private Bills be suspended, to enable him to take the necessary steps to introduce a Bill intitled an Act to regulate and provide for the management of the South Australian Branch of the National Bank of Australasia, and for other purposes."

The hon member stated that the gentleman who drew the Bill unfortunately consulted the Standing Orders of the Legislative Council, instead of the House of Assembly, and consequently the necessary notices had not been given.

The motion was assented to.

THE EXPLORING EXPEDITION

Mr STRANGWAYS moved—

"That this House is dissatisfied with the conduct of the Government in regard to the late Exploring Expedition." The Attorney-General, in a debate which took place on 15th September last, had stated that the Government as a whole were responsible for the acts of any member of the Government, and for that reason he had directed censure to the Government instead of to the Commissioner of Crown Lands. If the Government, on becoming acquainted with the conduct of the Commissioner of Crown Lands, had said that they disapproved of it, and called upon him to resign, then there would have been no censure upon the Government as a whole, but as the Government permitted him to remain in the Ministry, he could only construe it into an approval of the conduct of their colleague. The House were aware that Mr Babbage was appointed commander of the expedition, but was subsequently recalled, and then presented a petition to that House, praying for an enquiry into the circumstances connected with his recall. A Committee was appointed, and a large amount of evidence taken. The report of the Committee was ready to be brought up on the last day of last session, but in consequence of the extreme punctuality of His Excellency the Governor in proroguing Parliament, no opportunity was afforded of presenting the report. He was not present on the occasion, but there were many who did not hesitate to blame the Government for the course which was adopted by His Excellency on that occasion. The first charge which he preferred against the Commissioner of Crown Lands was, that he exercised no control whatever over the expenditure of the money voted for the expedition. The next was that the Commissioner of Crown Lands had treated Mr Babbage in a most improper manner, for, at the latter part of July Dear Dutton wrote to Dear Babbage, telling him not to be annoyed at any complaints relative to the small progress he was making, as the Government fully appreciated his efforts, but six weeks afterwards, when the Commissioner of Crown Lands could not have been in possession of any further information in reference to Mr Babbage's proceedings, he wrote to Mr Babbage on 9th September strongly censuring that gentleman's proceedings. There was another point that he must allude to, and that was, that when the

despatch which had been forwarded to Mr Babbage was called for, the Commissioner of Crown Lands did not lay that despatch upon the table, but substituted another. The sum originally voted for the expedition was 2,000*l*, but there was an intimation that any reasonable expenditure in excess would be sanctioned. The total expenditure had been 5,552*l* 14*s* 3*d*, of which 4,425*l* 15*s* 2*d* had been expended under Mr Babbage's control, 802*l* 0*s* 8*d* under Mr Gregory's, and 250*l* 18*s* 5*d* under Major Warburton's, including a gratuity of 100*l* to that gentleman. It appeared from the evidence of the Commissioners of Crown Lands that a *carte blanche* was given to Mr Babbage in reference to expenditure, and that not the slightest control was exercised by the Commissioner of Crown Lands. Those who had read the evidence could arrive at no other conclusion than that a large portion of the things purchased by Mr Babbage were rubbish and were thought to be so before he started. The Commissioner of Crown Lands could readily have obtained the evidence of competent bushmen who would have informed him that the principal portion of the outfit of Mr Babbage was utterly useless, but there could be no doubt that the Commissioner of Crown Lands had grossly neglected his duty, and that the money had been grossly squandered. The hon member alluded to various portions of the evidence which had been taken before the Committee, and concluded by reiterating the charges against the Commissioner of Crown Lands, that he had exercised no control over the expenditure of the funds, that he had treated Mr Babbage in a most improper manner, and that when ordered to produce a certain despatch forwarded to Mr Babbage the Commissioner of Crown Lands had not done so, but had substituted another.

Mr PEAKLE seconded the motion.

Dr WARK could not exonerate the Government from blame in causing the Parliament to be prorogued so hastily last session, that the report of the Committee could not be presented to the House. He believed that the instructions to Mr Babbage might be interpreted as that gentleman had interpreted them, but he was not there to defend Mr Babbage, or to say that he was the best person who could have been selected to take the command of the expedition.

The COMMISSIONER OF CROWN LANDS presumed that the Opposition had agreed upon the terms of the indictment against the Government, and that the charges which had been brought forward by the hon mover were those to which the Government were expected to reply. In reference to the remarks of the hon mover relative to the reasons which had induced him to table this motion against the Government, instead of against the Commissioner of Crown Lands, in whose department the expedition was organized, he would say at once, that he had no wish to implicate his hon colleagues, and was perfectly ready in his individual person to take the whole responsibility, and should have no objection whatever to the motion, instead of being directed against the Government, being directed against the Commissioner of Crown Lands, leaving the House to decide upon his conduct in the matter. He regretted that any allusion should have been made to the occurrence of the last day of last session, because allusion could not be made without referring to another person, whom it was not customary to mention in that House, His Excellency the Governor. With regard to expenditure, he would remark it was fully understood when the 2,000*l* were voted that it would not be sufficient but it was impossible to say what the actual expenditure would be, as circumstances and emergencies would necessarily arise in the progress of the expedition which would necessitate a further expenditure. The appointment of Mr Babbage, at the time, he believed met with general approval, not only in that House, but out of doors, and it was necessary that the greatest confidence should be placed by the Government in the leader of such an expedition, upon whom the responsibility of carrying out the details devolved. It would have been in the highest degree injudicious for the Government to interfere, and say that this thing was unnecessary, or that that would be better. The natural consequence of controlling the leader would have been, that if the expedition had been a failure, the leader would have said that this was to be attributed to the Government not having permitted him to organise his party as he deemed necessary, and consequently that he had not done what he would if he had had a *carte blanche*. No doubt the expenditure had been heavy, but the House should remember that they were now judging of that expenditure by the experience they had subsequently obtained by other explorations and it was unfair to blame Mr Babbage for those details with which he hampered himself, or to blame the Government for allowing him to do so. No doubt such an expedition would be very differently fitted out now that they knew so much better than they did how it should be organised, but knowing the sterile and dry nature of the country, Mr Babbage was justified in taking many appliances which perhaps, he would have been better without. The hon member for Encounter Bay had accused him of improper conduct towards Mr Babbage, and in support of that charge, referred to a private letter sent to Mr Babbage in July, in which he (the Commissioner of Crown Lands) stated, that the Government appreciated the conduct of Mr Babbage. He would take that opportunity of protesting, in the strongest terms, against private letters being used as a precedent in future time. (Hear, hear.) Members

of the Committee were perfectly well aware of the circumstances under which private letters, written by Mr. Babbage, were produced. Mr. Babbage tendered a written statement, in which he introduced certain extracts from a private letter and when he (the Commissioner of Crown Lands) found that Mr. Babbage had shown this letter, not to one or two, but probably one or two dozen persons, and that Mr. Babbage's statement was very much founded upon the extract to which he had alluded, he thought it only right that the Committee should have the opportunity of perusing the whole correspondence, and it was at his request that the private letter was laid before the Committee. With regard to this letter of July, it certainly could not see in it anything inconsistent with the letter written six weeks afterwards in September. The letter of July showed throughout his extreme anxiety to give Mr. Babbage every facility and encouragement. So long as Mr. Babbage was exerting himself in exploring country not known, he received every support, both from him and the Government, notwithstanding the great opposition out of doors. Between July and September the Government became aware that Mr. Babbage had deviated from the plain reading of his instructions, and had disorganized the expedition, by delaying at Port Augusta, at a critical period, when not a day nor an hour was to be lost. Thus he contended the letter of September was not at all inconsistent with the friendly letter of July. The third charge was that when requested to lay a certain despatch before Parliament, he had not done so, but had substituted another. This, however, would be easily explained, on reference to the minutes of evidence of the Committee. He (the Commissioner of Crown Lands) had misunderstood a portion of one of Mr. Babbage's despatches, and upon discovering his mistake, a letter was written to Mr. Babbage requesting him to consider certain words erased from a despatch which had been previously addressed to him. Many of Mr. Babbage's despatches were exceedingly difficult to read, being full of corrections, amendments, and interlineations, and being frequently soiled, it was difficult to read portions. A particular passage was supposed to convey a certain meaning, which was not borne out by subsequent perusal, and the earliest opportunity was consequently taken to correct the remarks which had been made, under an erroneous impression. No doubt from the point Mr. Babbage struck Lake Gardner, his course would have been to follow the north shore as far as he could. He had attended the Committee, and had carefully read the evidence, but could not see any reasonable ground why Mr. Babbage, instead of making his way back to his own camp, had deviated from his course, going to the south to a known country, travelling down a shore which had been already surveyed. The evidence showed that Mr. Babbage could have returned to the camp by the same route by which he started, and had he done so, the result would have been that he would have fallen in with Mr. Gregory, and the whole expedition would have gone on well, but having missed the opportunity of making Mr. Gregory's acquaintance, the whole expedition was disorganized, and circumstances led to the recall of Mr. Babbage. The expedition had certainly cost a good deal of money, but so far as the colony was concerned, he did not believe it had been wasted. Mr. Stuart's discoveries having been incidental to the expedition, as if Mr. Stuart had not had the certainty of falling back upon a well organized expedition, it was quite possible he would not have gone out upon the expedition which he did. The country had also obtained very considerable information by the expedition. He had never had the slightest ill-feeling towards Mr. Babbage, nor had he said an unkind word to him. No doubt Mr. Babbage's disappointment was very great, and to that extent he sympathized with him, but after having maturely considered the circumstances he was satisfied that he had done nothing but what was right whatever might be the consequences to himself. He believed the recall of Mr. Babbage was generally approved of by the country.

Mr. GLYDE said the result of the expedition was most unsatisfactory, and he did not think any member of the Government could vote against the motion. He believed that the Government controlled the movements of His Excellency in proroguing Parliament, though they, no doubt, would deny they had. If he wanted any reason for voting for the motion that would be sufficient.

The COMMISSIONER OF PUBLIC WORKS gave an unqualified contradiction to the statement of the last speaker that the extreme punctuality of the Governor in proroguing Parliament was the result of the action of the Government. The report of the Committee was not injurious to the Government, and indeed, as a strong argument that it did not contain any sting, the hon. member for Encounter Bay had not moved for it. The fact was that every mistake demanded a Government victim. The Government took all the means they could to forward the expedition, and he believed they acted rightly in recalling Mr. Babbage. He was opposed to private letters and conversations being dragged before the public, and had already placed his views on record upon that point. The private letter referred to in this case had been termed a semi-official document, but no document marked private could be termed semi-official. The result of the expedition was after all he believed not so unsatisfactory, the country having derived considerable in-

formation not only in reference to new country, but the equipment necessary for exploration.

Mr. DUNN said at the time Mr. Babbage was recalled, the feeling of the House was distinctly in favor of it. Mr. Babbage, in his opinion should have been guided solely by official documents forwarded to him, he was sorry to see a private letter made a handle for a purpose never intended. The only thing he had been guilty of in that House, that he was ashamed of, was voting money for the expedition, knowing that Mr. Babbage was to be the leader, because from a former expedition in which Mr. Babbage had been engaged he never thought him calculated to go into the bush to explore a country.

Mr. NEALES intended to move an amendment,—"That this House is dissatisfied with the Commissioner of Crown Lands in regard to the late exploring expedition, as disclosed by the evidence before the Committee last session, and other evidence before the House, and any further persistence in supporting or defending such conduct by the Government will shake the confidence of this House in the present Ministry." He did not think it fair to attack the Ministry as a body, after the Commissioner of Crown Lands had expressed his willingness to take all the blame himself. He did not at all agree that it was the unanimous feeling of the House that Mr. Babbage should be recalled. The result of an unfortunate expedition had fallen upon the head of that gentleman, who, had he been successful, would have been crowned with laurels at White's Rooms. Had Mr. Babbage been a few weeks in advance of the Police Commissioner, his energy would have made valuable additions to the discoveries of Mr. Stuart. He was not disposed, however, to blame the Government as a whole, when one member of the Government came forward and said that he was the offender.

Mr. MILDRED seconded the amendment. He believed that the evidence before the Committee clearly bore out that great blame attached to the Commissioner of Crown Lands for the imperfect instructions which he gave Mr. Babbage. He regretted that private letters should be dragged before the public, but as a member of the Committee, he was enabled to state that without the production of the particular letter which had been referred to, it would have been impossible to complete the investigation. He certainly had been under the impression that there had been a little manoeuvring, a talking against time, to prevent the report of the Committee from being brought up last session. The Commissioner of Crown Lands having taken the responsibility upon himself, the censure should fall upon him, unless the Government generally were determined to support him, and stand or fall by the result.

The TREASURER said since the amendment had been put, and seeing the tone which the debate was likely to take, he rose for the purpose of pointing out the impropriety of the course which had been suggested, that the Government should abandon the Commissioner of Crown Lands. So far from the Government being desirous to shield themselves from the effects of the vote of the House, they felt that they would deserve the censure the more if they permitted the efforts to fall upon the Commissioner of Crown Lands personally. The Government would have abandoned their duty if they had left the Commissioner of Crown Lands exclusively to manage the details of the expedition, but such an interest did the Government feel in the question, that on all matters connected with it they consulted together. He believed that the Government would have shown a great want of judgment if they had not taken the course which they had. What were the circumstances? A large sum of money was voted by that House for an exploring expedition to the north, and the Government immediately looked about to select the most suitable person to conduct that expedition. They had had experience the previous year of the necessity of selecting a suitable leader, one gentleman engaged in that capacity having from want of energy, disappointed the expectations of the Government and the public. Mr. Babbage was selected, being looked upon as a man who had no fear of peril, and who from his scientific attainments, was calculated to conduct such an expedition with success. He believed that if the Government had selected any other individual than Mr. Babbage they would have been blamed. The appointment was in accordance with the opinion of that House and the feeling of the public, and would it have been good policy under such circumstances for the Government to interfere with the leader of the expedition in the minor details, and say, "You shan't have this horse, or you shall take that cart." Much of the obloquy which had been cast upon Mr. Babbage had arisen from the outfit which he took with him. Many toils differed with him, and as to the kind of outfit, and some pronounced that which he did take as ridiculous, but if every bushman in South Australia had been asked to head the expedition, and to make out a requisition, each would have probably suggested a different style of equipment, so much depended upon the peculiar habits and customs of the party at the head. As to undertaking explorations by means of packhorses, all the evidence which they had, up to Mr. Gregory's exploration, was in favor of drays. Captain Sturt was looked upon as one of the greatest explorers of the colony, and he explored with drays, indeed Sturt went over a country which Mr. Gregory told him (the Treasurer) he would never have ventured to explore. Mr. Babbage was ignorant of the nature of the country he was

about to proceed to, and consequently he took appliances for any description of country. He admitted however, that when Mr. Babbage found the nature of the country he should have altered the nature of his equipment, but that the Government had access to information which Mr. Babbage had not as to the very rapid nature of explorations with pack-horses. They had the views of Mr. Gregory upon the subject, he having reported that the nature of the country through which Mr. Babbage would have to pass was similar to that which he had passed through himself, and the Government then sent horses to Mr. Babbage and advised him to abandon his heavy equipage. Instead, however, of availing himself of this additional assistance, difficulties arose, and here began the mistakes on the part of Mr. Babbage, not of the Government. The Commissioner of Crown Lands was perfectly justified in writing the private letter which had been alluded to, wishing to encourage Mr. Babbage to proceed in spite of the prejudices and rumours out of doors. The Government believed there were greater difficulties in exploring to the north than the public seemed to think, and therefore the Commissioner of Crown Lands wrote a cheering letter to Mr. Babbage, and that was made a charge against the Commissioner of Crown Lands. Six weeks afterwards, when Mr. Babbage's reports were received, it was then seen that he had committed an error of judgment, for instead of pushing on to ascertain what was before him, he kept pushing to the east, the south, and the west. It would be seen that Mr. Babbage, after getting instructions from the Commissioner of Crown Lands, said in writing from Mount Remarkable:—"I shall take the responsibility of proceeding in a different direction." Instead of pushing into the interior, Mr. Babbage remained on the shore of the Lake, leaving his party, with heavy appliances, in a difficult and impassable country, instead of pushing on with a light party. The Government however, did not recall him at that point, thinking that remonstrance might have the effect of inducing him to go on, and the despatch of 10th September was then sent to him desiring him to proceed. Mr. Babbage, however, set this aside. It was then seen he was erratic and did not appreciate the object of the expedition. Had he not been recalled he would have perilled the lives of the whole party. He was consequently recalled in as short a despatch as possible. In reference to the expenditure, it would clearly have been wrong and highly injudicious if the Government or the Commissioner of Crown Lands had entered into an argument with the leader of the expedition as to expenditure. It was not a question of saving a hundred pounds here, or a hundred pounds there, but whether anything was left out which would imperil the success of the expedition. In reference to the production of private correspondence, it would be found that Mr. Babbage was the first to bring forward the private letter of the Commissioner of Crown Lands as a means of extricating himself, and the Commissioner of Crown Lands then requested a portion only having been quoted by Mr. Babbage that the whole should be laid before the Committee. He would treat that private communication as a public despatch, and what did it say? why it merely encouraged Mr. Babbage to persevere, telling him not to mind prejudice and obloquy, but that the Government would support him, so long as they believed he was doing the best for the public. No doubt Mr. Babbage thought that he was acting rightly all along, but he had clearly shown that he was not fit for such an expedition. No better proof could be adduced than that Major Warburton actually explored the country at a cost of only 250l. Had Mr. Babbage proceeded as Major Warburton did, he would have found the country which was discovered by Major Warburton. The object of appointing Major Warburton was that he was known to be a man prompt in action, a good bushman, and being a gentleman of high standing and position would know how to behave to Mr. Babbage when he met him, for it was necessary to provide against the refusal of Mr. Babbage to come out. The charge of altering a despatch was altogether preposterous, the simple fact being that the Commissioner of Crown Lands forwarded a despatch to Mr. Babbage, founded upon a mistaken reading of one of Mr. Babbage's reports, and when the Commissioner of Crown Lands discovered his mistake he immediately forwarded another communication to Mr. Babbage requesting that a portion of his former despatch might be erased, it having been written under an erroneous impression. The charges brought against the Commissioner of Crown Lands were patently absurd. If hon. members wished to move from office the Commissioner of Crown Lands, or the Government with whom he acted, let them take up the whole question and say that the Government had not acted judiciously and properly in the matter. He disclaimed the charge which had been made against the Government, that they had induced His Excellency suddenly to prorogue Parliament, for the purpose of preventing the report of the Committee from being brought up last session, though the hon. member, Mr. Glyde, still said that he believed the course pursued by His Excellency was the result of the action of the Government. He had not the slightest knowledge, nor did he believe had any of his colleagues, of His Excellency's coming any further than that he was to attend at 1 o'clock.

Captain HART said he would have attached little blame to the Commissioner of Crown Lands had he pursued such a

course towards Mr. Babbage as his colleagues had taken towards him. Mr. Babbage should have been supported when the popular feeling was against him, and the result would then have been very different. Hon. members looking at the matter without any private feelings, must see that, at the time of his recall, Mr. Babbage was in a good country, where he might pursue his exploration during the summer, and yet additional expense was actually incurred to bring him back from this favorable position from which he might have effected something valuable to the country. Then look at the position of Major Warburton, who stated that Mr. Babbage was madd in trying to penetrate to the North, and who shortly afterwards came up with that gentleman just where he was in a position to prosecute his journey. Yet Major Warburton did not proceed with the exploration, but ordered Mr. Babbage to return at once to Port Augusta, looking neither to the right nor to the left and so put an end to the expedition. Mr. Babbage, whether he mistook his instructions or not, certainly thought he was carrying them out in surveying Lake Gairdner and the country in that direction. The correspondence showed this to be the case up to the 30th June, the height of the winter, and up to that time the Commissioner of Crown Lands did not blame him. He (Capt. Hart) believed that the intention was that, until the winter set in, the expedition should be engaged in surveying, and that they should then prosecute their discoveries. On the 30th June the Commissioner of Crown Lands knew that Mr. Babbage was not pressing forward, yet no intimation was given that he was doing wrong. However desirous he (Capt. Hart) might be of exonerating the Commissioner of Public Works these facts were too strong to allow of his doing so. The Commissioner's alterations of his views were so sudden, and so unfairly carried out, that they merited censure. It was, however, a great pity that the censure should fall upon the whole Government. The members of the Government in a spirit of fairness to their colleague said that they would stand by him, but the blame should be attached to the Commissioner of Crown Lands for his errors in judgment. Had it not been for these errors, the country would have had to welcome Mr. Babbage back after he had added to the discoveries of Mr. Stuart.

Mr. BARROW as Chairman of the Committee of Enquiry, felt it incumbent on him to say a few words. He could not, however, remain to give his vote, as he required to have an interview with "that salaried officer of the Government, who goes about the country stating his own views" (Laughter.) Had the Commissioner of Crown Lands supported Mr. Babbage as that hon. gentleman's colleagues now supported him this discussion would not have arisen. The principal fault he saw in the conduct of the Commissioner of Crown Lands was, a want of judgment. In question 1,061 hon. members would find some information which he would read [The hon. member here read the question and reply.] On the 30th July the Commissioner of Crown Lands wrote a letter to Mr. Babbage, and if hon. members read the whole page from which he (Mr. Barrow) had just quoted, they would find that the object of the examination was to ascertain from the Commissioner of Crown Lands what Mr. Babbage did in the month of August, to draw down the censure conveyed to him on the 9th September. It would have been very difficult to find out anything respecting the movements or want of motion of Mr. Babbage during August, and what therefore was there to have wrought the strange change in the mind of the Commissioner of Crown Lands? He (Mr. Barrow) believed it was owing to the Commissioner's not having the moral courage to stand up against the outcry out of doors that the letter of the 19th September was written (Hear, hear.) The Commissioner might have observed a slowness in Mr. Babbage, but the censure was owing to the outcry out of doors, for on the 30th of July the Commissioner of Crown Lands wrote to Mr. Babbage, enjoining him not to heed the public comments on his alleged slowness. The Commissioner was therefore wanting in the chivalry towards Mr. Babbage which the hon. gentleman's colleagues displayed towards him. He (Mr. Barrow) did not join with some hon. members in blaming the Commissioner of Crown Lands for allowing Mr. Babbage to take water tanks and other matters with him. The hon. the Treasurer had satisfactorily answered that charge. But the hon. the Commissioner of Crown Lands should not have been so ready to throw Mr. Babbage overboard, in consequence of an outcry out of doors. The public had also something to answer for, as they manifested a considerable degree of impatience. He (Mr. Barrow) had felt impatient, and, as one of the community, he was prepared to take his fractional share of such blame. But this impatience had acted too powerfully and quickly upon the Government, who should have stood by their subordinate, as the colleagues of the Commissioner of Crown Lands now stood by that hon. member. With regard to the bringing up the report of the Select Committee, he, in common with the hon. member, Mr. Glyde thought it remarkable that His Excellency the Governor should have been so very punctual (Laughter.) He (Mr. Barrow) held the report in his hand, and the hon. the Speaker was standing upon the floor of the House. The hon. the Speaker took the chair, and he (Mr. Barrow) immediately stood up to hand in the report, when, at the instant, a messenger reported the arrival of His Excellency (Laughter.) This was the most extraordinary conjuncture of

three movements ever witnessed in any Legislature (Renewed laughter.) Although it was only a coincidence it was most extraordinary (Laughter.) He was bound to accept, and he did accept without any reservation, the assurances of the Government on this point. The statements were made by several gentlemen of truth and honor, and he, therefore, believed them. With respect, however, to the statement as to fair play having been given to the Committee for the bringing up of their report, the hon. Commissioner of Public Works knew that he nearly rendered it impossible to bring up the report at all by taking advantage of a technical objection. According to the Standing Orders a report must be brought up at one meeting and adopted at another. The Commissioner of Public Works raised this objection, and it was only met by adjourning the Committee for ten minutes and then reassembling. So that the Committee out-manoeuvred the manoeuvre of the Commissioner of Public Works (Laughter.) He (Mr. Barrow) only made this statement because, as Chairman of the Committee, he wished to show that the Committee had no desire to shelve the report. He would be very sorry that the result of this discussion should be the breaking up of the Ministry. (Laughter.) It was monstrous that hon. members could not express their opinions openly without breaking up a Ministry (Hear, hear.) It was said there must be a victim for every Ministerial mistake, but in this case it was the Ministry who laid themselves as a burnt-offering upon the altar—he would not say of patriotism, but of pride. He knew that many hon. members thought this question involved a heavier censure than he (Mr. Barrow) intended. He believed the Commissioner of Crown Lands had framed the best regulations he could—(laughter)—but he did not support his subordinate. It was a pretty considerable mess altogether, but the thing that stood out most clearly before the people was that they had spent a large amount of money and got very little in return.

The ATTORNEY-GENERAL said the Government were charged with being prepared to offer themselves up as a sacrifice to pride. He always understood the position of a Ministry under responsible government to be, that so long as the Legislature appeared to feel confidence in them—so long as the Parliament fairly discussed and generally supported their measures, and did not express a distinct disapproval of their acts, the Ministry should remain in office. But when the Legislature gave a general opposition to the Ministry, so that the Ministry were unable on important questions to obtain an assenting vote, then the Ministry were called upon to resign, and more especially when dissatisfaction with the Ministry was clearly expressed. The hon. member for East Torrens said that hon. members were dissatisfied, and nothing was more common than that, but this motion went further, for it openly expressed disapproval. Although hon. members might be dissatisfied with an act of the Government, still, if on the whole they were satisfied to allow the Ministry to retain the seats which they occupied, and did not support any formal motion of censure Ministers might remain in their offices. But if hon. members affirmed this motion, he took it to mean that they considered it more important to express their dissatisfaction than that the Government should continue in office, and in such a case the Government, with due respect for itself, could not retain their places. Individual opposition he was always prepared for, and so long as the general policy of the Government was supported, and that the House abstained from direct censure, he should retain office, but not otherwise. The amendment of the hon. member for the City (Mr. Neales) sought to establish a distinction between the Hon. the Commissioner of Crown Lands and the rest of the Administration; but, as a member of the Government when the instructions were given to Mr. Babbage, and also when that gentleman was recalled, he (the Attorney-General) repudiated any such distinction. He knew that every member of the Government saw these instructions before they were placed in Mr. Babbage's hands and that they all acquiesced in those instructions. Further than this, every member of the Government saw the letter of recall, and assented to it. The only charges worthy of attention referred either to the instructions or to the letter of recall, and he (the Attorney-General) could not separate himself from the Commissioner of Crown Lands, inasmuch as he had assented to the instructions and approved of the recall. The instructions were seen by Mr. Babbage before he went away, and were even submitted to him for acquiescence before being finally issued to him. Having himself (the Attorney-General) been occasionally in a position to act under instructions, he would say that when instructions were submitted to a person, that he might suggest any alterations in them which he thought proper, such a person must be taken to approve of the instructions. No ambiguity had ever been suggested to have existed in the instructions, and it was his (the Attorney-General's) opinion that none was supposed by Mr. Babbage to exist. The hon. member for East Torrens asked what had occurred between the 30th July and 9th September, which could alter the opinion of the Commissioner of Crown Lands, and why the Commissioner of Crown Lands should have written in terms of encouragement in July, and in terms of such strong censure on the 9th of September. But, in the interval, the Government received information that Mr. Babbage, who should have been pressing forward, and anticipating the discoveries afterwards made by Mr. Stuart, was back at Port Augu ta

The Government would then have been wanting in their duty to the country had they not recalled Mr. Babbage. He was prepared to take his share of the responsibility and if there was anything which he had done since he took office which he should at any time look back to with regret, it would not be the part he took in this matter. A person who could misconstrue his instructions, as Mr. Babbage had done, was not fit to be intrusted with any further instructions. With respect to what Mr. Babbage afterwards did, he believed that the real cause of that gentleman's movement was the motion tabled by the hon. member for the Burra and Clare, and that, but for the shadow of that coming event, Mr. Babbage would not have taken a course so inconsistent with his previous conduct. In conclusion, he claimed no merit for chivalry in identifying himself with a policy of which he had approved, and did still approve.

Mr. REYNOLDS admired the course taken by the Attorney-General, in assuming a share of the censure, and not allowing a colleague, with whom he had so long acted harmoniously, to be put out of the Ministry, but he had thought the hon. member, in his speech was censuring the Ministry. It appeared that up to the 30th July the Government had encouraged Mr. Babbage in doing nothing, and it was not until the hon. member for the Burra tabled his motion, that the Commissioner of Crown Lands saw the shadow of coming events, opened his eyes, and saw Mr. Babbage was not obeying his instructions, and came out with his celebrated despatch of the 9th September. But what right had the Commissioner to censure Mr. Babbage on the 9th September, when, on the 30th July he wrote a private letter to that gentleman, to tell him not to hurry himself, that he had the confidence of the Government, and then, when he first saw the hostile motion, wrote the despatch of the 9th September, of which he laid upon the table a mutilated copy. In the debate upon the motion of the hon. member for the Burra, too the hon. the Commissioner occupied a most pitiful position. The reporter—[the hon. member here pointed to the Hansard]—did not state that the hon. member cried for mercy—"Oh, don't censure me!" (Great laughter.) The reporter did not say that the tears trickled down the hon. member's face (Renewed laughter.) But the hon. member hoped the House would not censure him when he did not deserve it, but to wait and see whether his explanation was satisfactory. If that was not crying for mercy he (Mr. Reynolds) did not know what was (Applause, in which some person in the gallery being observed by the hon. the Speaker to join, the offender was forthwith expelled.) If he (Mr. Reynolds) were upon the other side of the House and pretended to defend a colleague, he would have shown the House something better than the lame, miserable, and contemptible attempt of the Attorney-General, (Hear, hear, and laughter.) He was surprised, considering the vast ability which that hon. member was supposed to possess—a gentleman who had only to threaten the House that he would leave his place—to whom no one was equal in practical consistency—no one so high in standing or ability. Even he (Mr. Reynolds), small and contemptible as he was—(great laughter)—would be ashamed of such an exhibition (Laughter.) The Treasury benches it appeared had the greatest contempt for the opposition side of the House. But there was a time when the hon. the Attorney-General asked him (Mr. Reynolds) to sit on the Treasury benches, and he sat by the hon. member's side until he could do so no longer with due respect to his own character, or his duty to his constituents. The hon. member, after a brief running commentary upon the question before the House, concluded by observing that the sooner the Commissioner of Crown Lands was removed from his office the better, and if the hon. member's colleagues went with him, the country would not suffer much, as the Attorney-General—as no one else could do it—would form another administration, and would get rid of some colleagues which could well be dispensed with.

Mr. MACDERMOTT would have felt some difficulty in addressing the House, but that the motion affected all the members of the Administration. As he was connected with one of those hon. gentlemen, he complained that the public business was sacrificed to personalities and trivial notions, intended to embarrass the Government. If hon. gentlemen opposite desired to remove the Ministry, why not take a straightforward course—say they had no confidence in the Administration—and come to a formal vote? For himself, there was no possible combination of the members promoting the motion which would have his confidence, or which would, in his opinion, deserve that of the country. He had thought at first that the best way of disposing of the motion would be by moving the previous question—(ironical cries of "hear, hear.")—but, under the circumstances, it was better to come to a distinct vote.

Mr. PEAKE would have desired to see the Select Committee re-appointed, as the labors of that Committee were not brought to a conclusion. The matter would then be in a condensed shape, and now it was too late to take such a course. The hon. member gave, in a few words, an outline of the history of the expedition. He believed Mr. Babbage had misunderstood his instructions, though it was difficult to see how he could, as that gentleman was in the House when the exploitation was arranged. He (Mr. Peake) tabled a motion on the 7th September relative to Mr. Babbage's proceedings, which he was induced by the Commissioner of

Crown Lands to postpone to the 10th, and on the 9th the letter of censure was despatched. He thought the Commissioner had yielded to the pressure out of doors. His vote would express disapproval of the management of the department, whatever might be the consequence.

Mr TOWNSEND said he wished he could quite agree with the hon the Attorney-General, who said that the Government should have a policy and if censured on it, they should resign. He was delighted to hear that the Government had a policy. The Northern Exploration was their policy, and it was one of the most impolitic things ever done. The hon member proceeded to remark upon the impression which prevailed in some quarters to the effect that the Attorney-General was indispensable to the formation of any administration, and ascribed the fact of his being a party to the resignation by Mr Reynolds of his seat in the Cabinet, to the fact of that hon member being too industrious for the indolent disposition of the hon the Attorney-General (Laughter). The hon the Attorney-General would prefer a dull man like the Commissioner of Crown Lands but the country had now begun to prefer a man with less intelligence who would do more work.

Mr HAWKER complained that Mr Babbage seemed a mere peg to hang personalities on. He had expected that a better case would have been made out. Great stress was laid upon the letters, but between the 20th July and the 9th September a despatch arrived from Mr Babbage, dated from Port Augusta, which completely altered the opinions and feelings of the public. He (Mr Hawker) never believed in any other result being attained than that which was realised, but on Mr Gregory's return he had been consulted by the Commissioner of Crown Lands as to the propriety of sending Mr Babbage some packhorses for a flying expedition, and he approved of the idea. The hon member next defended the conduct of the Commissioner of Crown Lands in allowing Mr Babbage to select his own equipment, on the ground that Mr Babbage was appointed not alone by the Government but that his appointment was approved of by people round Adelaide and in the city, and by many members of that House. Mr Stuart made an exploration accompanied by one man and six horses, and for part of the time by an aboriginal native, over an extent of 1,400 miles, and during the same period Mr Babbage only advanced his camp 40 miles. He should vote against both the amendment and the original motion.

Mr SOLOMON disapproved of the conduct of Government, and however much he might regret that the Government would consider the motion, if carried, as a vote of censure which would cause the Ministry to retire, he could not conscientiously give his vote in any other way. He regretted that personal animosity towards the Commissioner of Crown Lands should have been made a cause of quarrel. If he could find any course by which the Ministry could escape the unpleasant alternative of resignation he would avail of it, for this was a time when their retirement would cause great inconvenience the Estimates being before the House. He regretted as much as any member of the House, or the community of South Australia, the manner in which Mr Babbage's recall was effected. The course pursued by the gentleman superseding Mr Babbage was such as should be avoided by him or any other person professing to be an officer and a gentleman, though the individual in question was everything that a gentleman ought to be.

The ATTORNEY-GENERAL rose to order. He believed the language which the hon member applied to Major Warburton was "conduct unbecoming an officer and a gentleman." He was sure if the hon member used such language he would retract it.

Mr SOLOMON did not know whether the expression had fallen from him, but what he intended to say was that the language Major Warburton used was not such as should be used by an officer superseding another.

The amendment was then put, and negatived without a division.

Mr MILNE rose to speak, but—

The SPEAKER ruled that the hon member was out of order, as the question had been already put.

The House then divided on the original motion, with the following result—

AYES, 15—Messrs Bagot, Duffield, Glyde, Hart, Harvey, Mildred, Milne, Neales, Peake, Reynolds, Solomon, Strangways (teller), Townsend, Owen, and Waik.

NOES, 13—The Attorney-General, the Treasurer (teller), the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Collinson, Dunn, Hallett, Hawker, Hay, Macdermott, McElhister, Rogers Scammell.

On the motion of the ATTORNEY-GENERAL, the House immediately adjourned (at five minutes to 5 o'clock) to 1 o'clock on Tuesday, 31st inst.

LEGISLATIVE COUNCIL

TUESDAY, MAY 31

The PRESIDENT took the chair at 2 o'clock.

THE CENTRAL ROAD BOARD

The Hon the CHIEF SECRETARY laid on the table of the House documents relative to the Central Road Board, ordered upon the motion of the Hon Dr Everard.

Ordered to be printed

THE WESTERN BOUNDARY

Upon the motion of the Hon the CHIEF SECRETARY the time for the Committee to bring up their report upon this subject, was extended till the following Tuesday, power being also given to the Committee to confer with the Committee of the House of Assembly appointed on the subject.

THE ABORIGINES

Mr DAVENPORT said that as the following motion in his name involved some responsibility on the part of the Government, it would, perhaps, under the circumstances, be more courteous to postpone it till the following Tuesday—

"That there be laid on the table of this House a return of the appropriations of land and money made for the benefit of the aborigines of this province, from the earliest records in possession of the Government to the present time, showing the nature of the money appropriations (what in salaries and what in supplies) and the several channels of their distribution, the return to have appended to it any statistical information the Government may possess on the numbers of the aboriginal population, also, a statement of the number and locality of the stations whence supplies are distributed, and the nature of the instructions issued in respect of that duty, also, a statement of the Orders in Council, contracts, Executive Council Orders, or other which from time to time have regulated the appropriations in question. Further, a return of the annual receipts of rents of aboriginal reserves."

LAND GRANTS

The Hon Dr DAVIES put the question in his name, remarking that from what he understood had taken place in the other House, he should not make the remarks he had intended.

"To ask the Chief Secretary in what department of the Government arises the delay in the issuing of land grants—if it is in the Land Office, or in the old Registry Office, seeing that a land grant for two sections, Nos 503 and 511, Hundred of Clare, was paid for at the Treasury on the 8th of January, 1859, and it could not be obtained by the 20th of May following, though repeatedly applied for. Also, what was the nature of the error discovered in the form of land grants to prevent their being issued, at what date was the error discovered, and were any land grants issued previously to that date, with the discovered error in them."

The Hon the CHIEF SECRETARY read the following reply—"The delay in issuing land grants occurred in consequence of the Survey Department for a period extending between the 23rd December, 1858, and 1st March, 1859, preparing land grants or forms furnished by the Registrar-General, but which had to be cancelled in consequence of such forms not having received the sanction of the Governor in Executive Council, and requiring subsequent alteration. Upwards of 100 grants, prepared in duplicate had to be cancelled. There is no record in the Survey Office of any application for the issue of land grants for Sections 503 and 511, Hundred of Clare, consequently the grant for these sections was forwarded in the usual course. Had any representation been made the Surveyor General would have had the grant prepared out of the regular course, in order to expedite its issue. The error was, that the form of land grant had not been prepared in conformity with the provisions of the Act. This error appears to have been discovered about 11th March, 1859. No grants were issued in error."

RESIGNATION OF THE MINISTRY

The Hon the CHIEF SECRETARY, in moving that the House at its rising adjourn till the following Tuesday, would take the opportunity of explaining to hon members, that in consequence of a vote in the Assembly adverse to the Government on Friday last, upon the motion of the hon member for Encounter Bay, expressing dissatisfaction at the conduct of the Government in reference to the late exploring expedition, the present Ministry had felt that they could no longer carry on the business of the country satisfactorily to Parliament or to themselves, and they had therefore placed their resignation of office in the hands of His Excellency the Governor, who had been pleased to accept the same. The Ministry would consequently merely conduct the formal business until their successors were appointed. He would take that opportunity, in resigning office as a responsible minister of the Crown, to thank hon members for the cordial support and co-operation which they had afforded him in carrying on the public business, as well for their consideration and gentlemanly forbearance towards himself personally, which had in a very great measure relieved him from the trouble which he should otherwise have experienced in conducting the public business. He most sincerely and cordially thanked hon members for the courtesy which they had ever shown him.

The Hon A FORSLER, in seconding the motion for an adjournment of the Council at its rising, till the following Tuesday, expressed his regret that any circumstances should have transpired to render it necessary for the hon gentleman who had for some time filled the office of Chief Secretary to retire. He could only say, individually, of course, that the Government business in that House had been conducted by that hon gentleman with great prudence, great courtesy, great dignity, and great success (Hear, hear). He had felt it very pleasurable to act with the hon gentleman in that House, and so far as any change in the administration was

concerned, he could only say that he did not desire any in that House (Hear, hear) He understood from the hon gentleman that the Ministry had been induced to resign office in consequence of an adverse vote in the Assembly, and he also understood from the same source that the adverse vote had reference to the exploring expedition conducted by Mr Babbage, and which was under the management of the Commissioner of Crown Lands He was sorry that such a small question should lead to the resignation of the Ministry at a period when the country required their guardianship and efforts (Hear, hear) He understood however, that it was not in consequence altogether of the vote of the Assembly upon that motion that the Ministry had resigned, but in consequence of what they supposed to be an adverse course of procedure on the part of many hon members of the Assembly to the general policy of the Government throughout the present session He presumed it would only be such a consideration which could justify the Ministry in resigning upon the vote referred to He could only say, that should it be found necessary to enlist the present Ministry, or any large portion of them to reassume the reins of Government, he should have much pleasure in giving support, such as he conscientiously could, to the Hon the Chief Secretary in that House

The motion was carried, and the business on the notice paper was made an order of the day for the following Tuesday, till which day the Council adjourned, at half-past 2 o'clock

HOUSE OF ASSEMBLY.

THURSDAY, MAY 31

The SPEAKER took the chair at 1 o'clock

THE NATIONAL BANK

Mr MILNE presented a petition from Mr Frederick Wight, Manager of the South Australian Branch of the National Bank, praying for leave to bring in a Bill to regulate and provide for the management of the South Australian Branch of the National Bank of Australasia

The petition was received and read

THE TORRENS WATER

The COMMISSIONER OF PUBLIC WORKS laid upon the table of the House analysis by Professor Smith of Sydney, of the Torrens Water

Ordered to be printed

RESIGNATION OF THE MINISTRY

The ATTORNEY-GENERAL rose to move that the House at its rising adjourn till that day week and that all the business on the notice paper be made Orders of the Day for seven days later than their present dates He was sure that every hon member must have anticipated the statement which he was about to make, which was that in consequence of the vote adverse to the Government arrived at by that House on Friday last, he and the other members of the Administration had felt that they could no longer with credit to themselves or with advantage to the country continue to occupy the position of responsible Ministers of the Crown, and they had in consequence tendered their resignation to His Excellency the Governor, which His Excellency had been pleased to accept The Ministry merely held office till their successors had been appointed He believed it was usual on such occasions to refer to what had been done by the Ministry quitting their position, during their tenure of office, but in a small community such as South Australia, and where members of the Assembly were constantly in the habit of attending in their places, it was really not necessary to enter into the details of any legislation introduced by the Ministry, or which had received the sanction of that House during the last two sessions He would refrain from making any such statements, and would only add the expression of his personal thanks to the House generally, for the support which, during two sessions, they had afforded to a Government which he had formed, and of which he might say he had been the head (Hear, hear) He would add also the expression of his personal consideration for the courtesy and indulgence, which, with few exceptions, he had received from the House, the individual exceptions to which he had alluded only making him feel still more strongly the general kindness to which such instances were exceptions He moved the adjournment of the House for a week, in order to make those necessary arrangements which preceded the formation of a new Ministry, and to afford those who formed the new Ministry an opportunity of being prepared with a plan of operations when the House met again

The COMMISSIONER OF CROWN LANDS, as that member of the Administration in whose department the storm arose which led to the adverse vote, begged to say a very few words in addition to the very dignified address which had fallen from the Attorney-General Those few words were to assure the House collectively and the hon the Speaker in the chair, that individually he felt towards them nothing but friendship and goodwill (Hear, hear) He had been a member of Council now for upwards of eight years, all whom he saw around him were old acquaintances and many personal friends He would express a hope that they

might be friends and good acquaintances for the future (Hear, hear) In responsible government, where parties were brought together, conflicts over questions would arise and there were many sources of irritation which would present themselves from time to time, but in a small community, he thought, after these conflicts had taken place—after the battle had been fought—that all irritation should be forgotten, and that nothing should remain but good fellowship (Hear, hear) He had only one word to say and that was in reference to his hon colleague, the hon and learned gentleman who had formed the present Administration and who had been the head of it He felt it a great honor to have served under that hon and learned gentleman so long and would remark that from the first day of joining the Administration to the present time, that hon and learned gentleman had conducted himself towards his colleagues as a thorough gentleman It was a great satisfaction to be able to state this not only for himself, but would no doubt be a satisfaction to those hon members who might be associated with the hon and learned member in future Administrations

The COMMISSIONER OF PUBLIC WORKS supported the adjournment of the House till the following Tuesday, and in doing so would simply express his thanks to the House generally for the kindness and courtesy with which they had treated him He had never intentionally wounded the feelings of any hon member, and if he had unintentionally done so, he could only say it was entirely unintentional on his part

The TREASURER, who rose amidst some laughter, said that he also felt it incumbent on him also to address a few words to the House in acknowledgment of the courtesy which had been invariably shown to him He had studiously avoided offending the feelings of others (Hear, hear) He had sometimes borne from hon members attacks without repelling them, rather than incur the risk of engendering feelings of hostility In reference to the department over which he had presided, his successor, whoever he might be, would be enabled to satisfy himself that all the financial relations of the colony were sound The cash balance on the previous day was upwards of 75,000*l.*, besides a sufficient sum in England to meet the requirements of the colony, which would fall due on account of bonds, to 1st July next, and to cover all our liabilities With respect to the bonds, he might remark, that all which they were authorised to sell to make up the required loans had been forwarded to England, and nearly all had been disposed of, except 23,000*l.* to complete the issues authorised to be made for various public works

Mr PEAKE would not like expressions of loyal and good feeling to come from the other side of the House only (Hear) He had been a member of that House for three sessions, and he had felt it an honor and pleasure to meet the gentlemen on the opposite side of the House He had never expressed dissent from the opinions of those hon gentlemen without having been met with the greatest courtesy and experiencing that treatment due from one gentleman to another He liked the expressions of good feeling which had fallen from those hon gentlemen in making their bow to the decision of the House—one of the natural results of freedom of thought and action growing out of the Constitution He was glad the hon gentlemen opposite accepted it in that light, having disarmed all hostility by the courteous and proper manner in which they had met their debt it

Mr BAGOT said that his name being in the adverse list which had caused the Ministry to tender their resignation, he would remark that never upon any occasion had he given a vote which he was more sorry to be obliged to give, but there were certain occasions upon which hon members must feel, notwithstanding the support which they gave generally to the Government, that they could not conscientiously support them He had felt that if the vote could by any means have been got rid of by such a proposition as that which was made by the hon member for Onkaparinga, but which had not been carried out, by the adverse ruling of the chair, he should have been happy to meet it in that way He had given conscientious support to the general measures of the Government during the period that the Attorney-General and the Commissioner of Crown Lands had occupied seats upon the Treasury benches, but he could not do so upon the occasion on which the Ministry sustained an adverse vote which resulted in their resignation He was glad to hear the expressions of good feeling and good will on the part of the retiring Ministry, and trusted those feelings would be fully carried out on other occasions, by whoever formed the Ministry

Mr BARROW could join with other hon members who had spoken in the high appreciation the House must feel in respect of the calm and dignified sentiments which had fallen from the Treasury benches The manner in which the Ministry had conveyed to the House an intimation of their resignation, must command the approval of every member of the House His object, however, in rising, was for the purpose of saying that he thought he remembered instances in the House of Commons, in which the retiring Ministry informed the House of the advice they had given to the Sovereign in reference to their successors—(hear, hear)—and if it would not be inconvenient to the Attorney-General to state what advice he had given to His Excellency relative

to the next Administration, the statement would, he was sure, be very much appreciated by the House.

Mr MCELLISTER had supported the Government on the vote relative to the Exploring Expedition, and had witnessed their defeat with very great regret. If the hon member for Encounter Bay had moved a vote of censure upon the Government for appointing Mr Babbage as commander of that expedition, he should certainly have joined in the vote. Babbage had been the most costly man to the colony that had ever been imported into it. (Laughter) What did he do? Why, he undertook to construct the Port Railway. (Question, question.) Well, then, when he was in that House did not he vote 1000*l* for himself?

The SPEAKER informed the hon member that he was not speaking to the question. The question had nothing to do with Mr Babbage.

Mr MCELLISTER was pleased with the vote he had given, and was only sorry that the public should be put to any inconvenience by so insignificant a man. (Laughter.)

Mr SOLOMON supported the motion for an adjournment till the following Tuesday, and, in doing so, bore testimony to the courtesy and appropriate conduct of the Ministry during the time he had had the honor of a seat in that House. He had often had occasion to oppose them, but had always found them most courteous, notwithstanding. He had felt deeply aggrieved at being compelled to record an adverse vote to the Ministry upon the occasion which led to their retirement. He would most gladly have supported them, but could not do so conscientiously, and repeated that he deeply regretted having been compelled to give a vote antagonistic to the Ministry. He was glad to hear the expressions of good feeling and good will from the Ministry, which he was sure were fully reciprocated by those who had felt called upon to oppose those hon gentlemen.

Mr NEALES did not rise for the purpose of excusing his vote, or apologising for it. (Hear.) He generally explained his vote before he gave it, and consequently it was not necessary to pretend to regret it afterwards. (Laughter.)

The ATTORNEY-GENERAL would take the opportunity of replying to the hon member for East Lonsens, Mr Barrow. The course taken by the Ministry in advising His Excellency in reference to the new Administration was that His Excellency should send for that member of the House who appeared to have been the recognised leader of the Opposition, as his name generally appeared to motions opposed to the policy of the Government, or censuring the conduct of the Ministry, he alluded to the hon member for Encounter Bay, Mr Strangways. He had advised His Excellency to send for that hon member, and entrust the formation of an Administration to him.

The motion was then put and carried, and the House adjourned at half-past 1 o'clock till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, JUNE 7

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 Major O'Halloian, the Hon Dr Davies, the Hon John Morphet, the Hon A Forster, the Hon Captain Scott, the Hon E Stirling, the Hon A Scott, the Hon Captain Hall, and the Hon Dr Everard.

THE BOIANIC GARDENS

The Hon the CHIEF SECRETARY, in answer to Dr DAVIES stated that the documents which he had enquired for at a previous sitting of the Council were ready, and should be laid on the table.

THE NEW MINISTRY

The Hon the CHIEF SECRETARY informed the Council of the course which His Excellency had adopted with regard to the formation of a new Ministry, and its results—viz, the recall of the Hon the Attorney-General, who had substituted Mr Neales as Commissioner of Crown Lands and Immigration in place of Mr Dutton. With that exception, the Cabinet had undergone no change. He would take the opportunity of expressing the hope that the same cordial feeling which had been shown to him in the old Ministry would be extended to him now.

LANDING OF THE MAILS.

The Hon Captain BAGOT brought forward the motion standing in his name—

"That a Select Committee be appointed to inquire into the circumstances connected with the conveyance of the English mails to Nepean Bay on the 18th May and subsequent days, with power to call for papers, persons, and reports." The hon member said that although it might appear a small matter on which to request a Select Committee, the question was really one of no small importance. Former Governments had voted a large sum of money for the construction of a jetty at Glenelg with the understanding that it should be made use of. The roads at Holdfast Bay were good, and the locality was suitable for the establishment of a Postal Station. On the completion of the work no sign was given by the existing Government of an intention to take steps with regard to the despatch and reception of mails, but a memorial, numerously signed, had been sent in on the subject.

He (the speaker) understood that a counter-memorial had been got up at Port Adelaide to oppose the landing of the mails at Glenelg. The Government had yielded to the desire of the larger portion of the population, and consented to the landing and shipping of the mails at Glenelg by the steamer from Nepean Bay. The public were very much disappointed at her neglecting to call for the late supplementary mail, as great inconvenience arose, and even the Government despatches were not sent. On a former occasion he (Captain Bagot) had enquired of the Hon the Chief Secretary the reason for this conduct, but his reply conveyed no information. There was, therefore, no other step than to apply for a Select Committee.

The Hon the CHIEF SECRETARY had no wish to oppose any enquiry that was thought desirable. The Government, on the neglect of the Corio to call at the Jetty, had immediately taken action and had for varded the supplementary mail by the Young Australian, which reached her destination before the Columbian had arrived at Kangaroo Island. This was not, however, a subject requiring a Select Committee, it was a question of a contract between the Government and the owners of the Corio, and the law advisers of the Government had informed him that the owners were liable to a penalty for breach of contract.

The Hon Capt SCOTT considered that Capt Bagot was in error on one point. It had certainly been proposed at the Port to get up a counter-memorial, but no one was, however, presented.

The Hon Capt HALL was of opinion that all needful information could be obtained without a Committee, but the remarks which had fallen from hon members had shown the necessity of a Committee on other grounds. Various allusions had been frequently thrown out with reference to the owners of property at the Port. He would say, however, that those persons had by their own efforts pushed forward the Port without any aid from Government. It was also incorrect to say that the Parliament had voted the money for the construction of the jetty, for it was placed on the Estimates by Sir Henry Young, who had never expected it to cost one-sixth of the amount actually expended. He (Capt Hall) thought the Committee would throw light upon various matters connected with this subject. As for the Corio not calling off Glenelg he (Capt Hall) was quite ignorant of the reason why she did not call.

The Hon A FORSTER thought that, after the explanation of the Chief Secretary, Capt Bagot would see the advisability of not pressing his motion for a Committee. No doubt rival interests did exist between the inhabitants of the Port and Glenelg. This was evident from letters, speeches, memorials, from the public journals, and in many other ways. He did not say that the Port people were wrong, or that the Glenelg people were wrong, but it was a fact that rivalries existed, and he trusted such rivalries would not be imported into the proceedings of Parliament. The fact was that the Corio had not called, according to contract, but he thought, after the answer of the Chief Secretary, that the hon member would act wisely in withdrawing his motion.

The Hon Capt BAGOT expressed himself perfectly satisfied with the explanation of the Chief Secretary, and Capt Hall had enlightened him on the subject of the funds which had constructed the Jetty at Glenelg. He was willing to withdraw the motion, if the House desired.

Motion withdrawn.

MESSAGES

Three messages were read from the House of Assembly.

THE CENSUS

The PRESIDENT put the question whether the Bill for the collection of the census should be read a second time that day week.

Carried.

The Hon S DAVENPORT moved—

"That there be laid on the table of this House a return of the appropriations of land and money made for the benefit of the aborigines of this province, from the earliest records in possession of the Government to the present time, showing the nature of the money appropriations (what in salaries, and what in supplies), and the several channels of their distribution; the return to have appended to it any statistical information the Government may possess on the numbers of the aboriginal population, also, a statement of the number and locality of the stations whence supplies are distributed and the nature of the instructions issued in respect of that duty, also, a statement of the Orders in Council, contracts, Executive Council Orders, or other which from time to time have regulated the appropriations in question. Further, a return of the annual receipts of rents of aboriginal reserves."

The hon gentleman said that the treatment of the aborigines by the Government of South Australia had always been marked by consideration for their unfortunate state, and he was sure that the House would not refuse the information which he sought as to what had been done, and what was now doing towards the amelioration of the condition of the aboriginal population of the colony. The people of this colony had always been distinguished by their considerate treatment of the aborigines. The President would bear him out in the statement that many years ago, when he was Resident Commissioner, South Australia was conspicuous above other colonies in this respect. It had always been recog-

nized that in common justice and humanity the natives had a right and property in the soil. The history of the colony showed that officers had been appointed whose duties were specially to attend to the interests of the aboriginal natives. When the Constitution was given to the colony in after years, it was proposed to do away with the office of Protector. This fact of itself constituted an argument why the Legislature should now make enquiries into the condition and treatment of the natives. Not the Council only, but the settlers in the county, were anxious to see this done. To show that the natives had been willing to subject themselves to instruction and training, he might instance what had been done at the schools at Port Lincoln, Encounter Bay, and Walkerville. At the latter place 60 aborigines in former days attended church. Honor and humanity demanded that some attention should be bestowed on the children of the soil, who would probably as a race soon become extinct altogether. The hon. member then referred to various official documents bearing on the condition of the aborigines and alluded especially to the recent visit paid by Mr. Hitchen to the Poomdie establishment remarking that although Mr. Hitchen was a zealous public officer, he was very inadequately acquainted with the habits and characteristics of the natives, whom he had therefore, though not intentionally, misrepresented in his report.

The Hon. the CHIEF SECRETARY seconded the motion, which was carried.

CONSOLIDATION OF STATUTE LAW BILL.

In Committee

The Hon. the CHIEF SECRETARY stated that the Bill had been submitted to His Honor the Chief Justice, and there were some additional clauses introduced at His Honor's suggestion.

The several clauses down to the 40th clause were passed with a few verbal amendments.

Upon the 39th clause being read—

The Hon. Mr. FORSTER objected to the construction of the clause, as the phraseology was redundant and ambiguous. He thought the functions of that House, in making laws, were not to increase the verbiage of their Acts, and he could not see the use of specially naming the various classes of public officers. The clause should apply to all officers.

The Hon. the CHIEF SECRETARY said that the clause had been suggested by His Honor the Chief Justice, and had been considered by the highest legal authority.

The Hon. Mr. FORSTER said he would oppose the clause unless a reason could be shown for introducing such an amount of useless verbiage. He held that that House should not pass any measure which they, themselves, did not understand. It was not the function of that House to make things ambiguous, but, on the contrary, to make them simple, clear, distinct, and according to common sense. With regard to the clause being suggested by a high legal authority, it was not necessarily to be received by that House because it came from authority. Although he had the highest possible respect for the Judge who had been consulted, putting all other considerations aside he (Mr. Forster) would oppose the clause upon the principle that the House should not pass that which they could not comprehend.

The Hon. Captain BAGOT concurred with the last speaker. It was the duty of the House to reduce unnecessary verbiage. He moved the striking out of certain words, and the substitution of others more comprehensive.

The Hon. Mr. FORSTER seconded the clause as amended. He did so, to see how far the House was inclined to promote simplicity and clearness in framing the laws of the province.

The Hon. the CHIEF SECRETARY said that the verbiage complained of was necessary verbiage.

The Hon. Mr. FORSTER contended that as the greater includes the lesser, a general term would meet all contingencies.

The Hon. Captain BAGOT had the greatest respect for what fell from the Chief Justice, but he could not see the necessity of particularising every officer in the concluding words of the clause included all officers in the Government service.

The clause was then further amended by adding "all places of emolument," and was passed.

Clauses 40 to 46 were passed as printed.

The Hon. the CHIEF SECRETARY, on the 47th clause, proposed that the term male should include female, and the masculine gender the feminine gender.

The Hon. Mr. MORPHEIT asked if the clause so altered would not include the whipping of females?

The Hon. Captain SCOTT explained that that was provided for by the 45th clause, which confined that punishment under the Act to males.

A clause for the Act to take effect from the passing thereof was added, and the preamble was then verbally amended and passed.

The CHAIRMAN reported progress, and the third reading was made an Order of the Day for Wednesday.

CONSOLIDATION OF STATUTE LAW FOR OFFENCES AGAINST THE PERSON

In Committee

Two clauses were passed as printed.

On the third clause being read,

The Hon. Dr. DAVIES objected to the burial of prisoners inside the gaol. He did it for two reasons, one was in consideration of the relations of the prisoner, who were prevented following to the grave, and also on sanitary grounds. He proposed to substitute the words "the nearest cemetery."

The Hon. Capt. BAGOT opposed the amendment. He thought if there was perfect freedom allowed in the burial of convicts, the occasion might be made use of for improper purposes by offenders against the laws sympathising with each other.

The amendment was put and lost.

Most of the other clauses were then passed as printed.

The CHAIRMAN reported progress, the third reading being made an Order of the Day for the following day.

OFFENCES AGAINST PROPERTY BY LARCENY, &c., STATUTE LAW CONSOLIDATION BILL

In Committee

On the first clause being read, the CHIEF SECRETARY moved an addition to the effect, that males under the age of 18 years only should be punishable, with or without whipping. Carried.

Several clauses were passed as printed, and a few verbal alterations were adopted in others.

On the reading of the 24th clause, the CHAIRMAN reported progress, and asked leave to sit again.

The House resumed.

ADDRESS TO HER MAJESTY

The Hon. Mr. MORPHEIT brought up the report of the Committee appointed to prepare an address to Her Majesty, respecting the western boundary of the province.

Report read, ordered to be printed, and its consideration made an Order of the Day for the following day.

The House adjourned till Wednesday, 2 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, JUNE 7

The SPEAKER took the Chair at 1 o'clock.

CORNSACKS AND GRASS-SEEDS

The TREASURER stated, in reply to Mr. MILNE, that the Government would be prepared during the session to carry out what appeared to be the desire of the House by removing the duty upon cornsacks and lucerne and grass seeds.

MESSRS BLYTH BROTHERS.

Mr. REYNOLDS drew the attention of the Commissioner of Public Works to the fact that the return of goods supplied by Messrs Blyth Brothers to various Boards was not in accordance with the return which he (Mr. Reynolds) had moved for. There were other works for which he believed goods had been supplied by the firm alluded to.

The COMMISSIONER OF PUBLIC WORKS was not aware of any other works, except those which were undertaken by District Councils.

Mr. REYNOLDS remarked that there were many works under the Colonial Architect.

The COMMISSIONER OF PUBLIC WORKS said that all such works were done by tender.

THE MINISTERIAL STATEMENT

The ATTORNEY-GENERAL rose for the purpose of making a formal motion that the House at its rising adjourn till the following day at 1 o'clock. He did so for the purpose of stating as briefly as possible what course had been taken since the House had last met. Hon. members would remember that at the last meeting he had informed the House that in consequence of a vote arrived at on the previous Friday, Ministers had tendered their resignation to His Excellency the Governor, who had been pleased to receive the same, and that though the Ministry were not in consequence relieved from office, they merely held it till their successors had been appointed. He had also stated on that occasion, in answer to the hon. member for East Torrens, Mr. Burrow, that he had recommended His Excellency to entrust the formation of a new Ministry to the hon. member for Encounter Bay (Mr. Strangways) who was the mover of the resolution upon which the Ministry were defeated. On Wednesday afternoon he (the Attorney-General) received a message from His Excellency, who informed him that Mr. Strangways had declined to undertake the formation of a Ministry, and His Excellency then asked him (the Attorney-General) to do so. He accepted this solicitation, and after some consideration decided upon presenting to His Excellency as the proposed Administration the names of those gentlemen who had formed the previous Ministry, except that of the late Commissioner of Crown Lands, for whom he substituted the hon. member for the City, Mr. Neales. That list was approved by His Excellency as the new Ministry, and as the resignation of the former Ministry had not been formally accepted, it only became necessary that the resignation of Mr. Dutton, as Commissioner of Crown Lands, should be gazetted and the appointment of the hon. member for the City, Mr. Neales, to that office. He might state further that he was not prepared to announce any change in the

general policy of the Ministry, nor should he have undertaken the task of forming a Ministry if he had not had reason to believe, whatever differences there might be between the Ministry and members of that House upon particular points, that the Ministry would meet with general and substantial support enough to carry through the business of the session satisfactorily to themselves and advantageously to the country. It was in the belief that the Ministry would receive such support that he again met hon. members, and was prepared with his colleagues to carry on the business of the country so far as they would be enabled to do it.

Mr REYNOLDS thought the House was placed in a most peculiar position. A week since an announcement was made to the House that in consequence of a vote of that House the Ministry had felt it their duty to tender their resignation to His Excellency, that His Excellency had accepted that resignation, and that the then Ministry simply held office till their successors had been appointed. Now, if he understood aright, the view taken by the Government in making that announcement and in tendering their resignation was, that they understood their policy was not in accordance with the wishes of that House and the country, as expressed by the members of that House. But the present Government, it appeared, had not studied to meet the views of the House and the country by a different line of policy from that which they enunciated at the commencement of the session. He thought the policy of the Government not being in accordance with the wishes of that House and of the country, as clearly shown by the action of the House in almost every case where the Government had a policy, there was but one of two courses for the Government to pursue—either to absolutely resign their position as a Government, or to take the more dignified course of appealing to the country. He thought it would be admitted that one of those courses should have been taken in preference to that which had been adopted, because the Ministry must now feel that they merely occupied their seats by the sufferance of that House—a position which could not be satisfactory to themselves, that House, or to the country. It would have been a wiser course, instead of forming a new Administration, to have brought in an Appropriation Bill for the purpose of meeting the current salaries for three months, and to have appealed to the country, in order that the country might have an opportunity of putting a different class of men in that House—(hear, hear)—as it appeared there was not a sufficient number of members of the requisite ability to form a Ministry, except under the leadership of the Attorney-General. The country should have an opportunity of expressing its opinion upon the present Government, and the character of the hon. members who constituted the House of Assembly. He was quite prepared to go to the country—quite prepared to stand that test. He was sure the Ministry would agree with his proposition, that the country should endorse their policy, or send those gentlemen about their business. It would have been far more dignified if the Ministry had taken this course in preference to coming back to that House with the same members constituting the Ministry except one. The House had over and over again pronounced a want of confidence in the former Ministry, but what was now to be done? Were by-gones to be by-gones, and the maladministration of the late Government to be passed over and forgotten? Were the House to look upon the present Ministry as new to legislative duties and functions? If so, those hon. gentlemen might learn a very important practical lesson from the conduct of their predecessors. He hoped, if those hon. gentlemen were to be considered new to executive functions, they would take a lesson from what had befallen their immediate predecessors in office. He could not understand why the late Commissioner of Crown Lands should have been thrown overboard. He could not see why that hon. gentleman was not considered fit to sit on the Government benches with the other members of the Administration. He did not see why that hon. gentleman was not as much entitled to form one of the new Administration as the Commissioner of Public Works. Would any one venture to say that the proceedings of the Commissioner of Public Works—or he supposed he must call him the late Commissioner of Public Works—had at all times been in accordance with the wishes of the House and the country, yet that hon. gentleman had taken his place—had been put in his old seat as a member of the new Administration, the only unfortunate member of the old Administration who had been sacrificed having been the late Commissioner of Crown Lands, Mr Dutton. If it were right to relieve that gentleman from his position, it would have been equally just to relieve the Commissioner of Public Works of his position as a member of the Administration, because, if the one had erred in judgment, the other had certainly very much erred in policy. Both of those gentlemen should have retired, and then he believed the Hanson and Youngusband Administration would have been very much strengthened. He supposed, from there having been no change in that office, the House must understand there was no hon. member of that House accustomed to support the late Administration who was fit for the office of Commissioner of Public Works. That was the inference to be drawn from the action of the Government, that there was no member of that House who had been accustomed to support the Government who was possessed of sufficient

judgment or ability to fill the office of Commissioner of Public Works, and, consequently, that Mr Blyth if he were retained. If that were the case, it was an additional reason that His Excellency should have been recommended to dissolve the Parliament, and that there should have been an appeal to the country, in order that gentlemen might have been obtained of sufficient ability to fill the position at present occupied by the Commissioner of Public Works. He supposed the House must take it for granted—in indeed the Attorney-General had stated that there was no alteration in the policy of the Government, that the policy of the present Government was the policy of the last, and under such circumstances he wished to know how the present Commissioner of Crown Lands could have accepted office, for he remembered that in the discussion which took place upon the reply to His Excellency's speech upon opening Parliament, that hon. gentleman stated that he looked upon the policy of the Government as a poor weakly child, too weakly to be lashed. (Laughter.) It appeared the hon. gentleman, sooner than lash it, had consented to dandle the weakly child upon his knee upon condition that he was appointed head nurse. (Loud laughter.) For this reason the hon. gentleman had been placed in the position of Commissioner of Crown Lands. No doubt the hon. gentleman would be profuse in his distribution of sweetmeats in order to keep others sweet with him. Another circumstance which struck him as somewhat singular in connection with the appointment of this hon. gentleman to the office of Commissioner of Crown Lands, was that on the preceding Friday week that hon. gentleman brought forward a resolution to the effect that any further persistence on the part of the Government in supporting or defending the conduct of his predecessor in office (Mr Dutton) would shake the confidence of that House in the Ministry. What then would now be said of that hon. gentleman after accepting the place of their esteemed friend, Mr Dutton? It appeared that the hon. gentleman was no sooner asked to take a seat on the Treasury benches than he had the utmost confidence in the Administration. After pitching the late Commissioner of Crown Lands overboard, the hon. member for the City jumped into that hon. gentleman's place himself. He (Mr Reynolds) should certainly have hesitated before taking such a step had he been in the position of the hon. member for the City, or present Commissioner of Crown Lands. The course which the hon. gentleman had pursued might be dignified in his own estimation, but it induced him to believe that it a good deal of what he heard from the hon. gentleman on previous occasions was "bosh." Notwithstanding all that had passed, however, he was prepared to give the Government as much support as he conscientiously could. He was prepared to do so notwithstanding their strange conduct and shuffling of the cards to suit their own purposes. The present Government, he was satisfied, did not occupy a very flattering position either in the estimation of that House or the country, and he felt satisfied, also, that it would have been very much better if the House had been dissolved in order that the opinion of the country might have been expressed upon the matter. What would have been thought of the Derby Administration if they had come back with a change of only one member of that Administration—with the same line of policy, and the same Bills? Why, the whole of England would have risen up in arms. The Ministry, in point of fact, by the course which they had pursued, said, "We are the only men capable of sitting here, we are the only men who have done right, we know better than you what is calculated to advance the interests of the country." Instead of adopting such a course it would have been more becoming if the Ministry had brought in an Appropriation Bill for three months for the current salaries, and in the meantime have appealed to the country. It appeared that the Attorney-General was the only gentleman in that House capable of forming a Ministry, and if any calamity were to happen him, or if the hon. gentleman were raised to the position of Chief Justice, what would they do? Where would they find another Attorney-General to conduct the business of the country? Who were, then, to be the men to take the reins and lead on the representatives of the country in opening up new sources of prosperity? What they wanted was a man to lead them on, but he heard a murmur to the effect that the Attorney-General did not do so and that they were obliged to drive him—that they were obliged to push him on. With such intelligence as the Attorney-General undoubtedly possessed, what he contended was, that he should go ahead of them, and lead them on. The hon. gentleman might not be raised so soon as some expected to the office of Chief Justice by the retirement of the present occupant of that office, and he trusted the day was far distant that they would lose the services of the Attorney-General, but still he contended it was their duty to look out and for some one who could supply his place. He thought it a great reflection upon the legal gentlemen in that House that there was no one capable of occupying the office of Attorney-General, and it was a great reflection upon the other members of that House that there were none capable of forming a Ministry but those who now occupied seats on the Treasury benches. He hoped the country would be appealed to, and that the country would have an opportunity of expressing an opinion upon the line of policy of the present Government. It might be said that if there were a dissolution at the present time there would be fewer

electors than there would be if the rolls were to come into operation at the regular period, but he thought this difficulty might be met, as more interest would be felt in the elections during the next three months than at the commencement of next year. Although recent events had shewn that there were not so many who exercised the franchise as might have been expected, he believed that greater interest would be felt in the general elections at the present time than if they were postponed for six months. He hoped therefore, that the Government would recommend His Excellency to dissolve the Parliament, and that a Bill would be introduced for the payment of the current salaries for three months.

Mr GLYDE had listened attentively to the explanation of the Attorney-General, and must say that he thought the House had a right to expect something further. He was in the House that day week when the Attorney-General distinctly told the House that in consequence of an adverse vote the Ministry had tendered their resignation, which His Excellency had been pleased to accept, and in the other House he on the same day heard a similar statement from the Chief Secretary, but to-day the Attorney-General merely stated that His Excellency had been pleased to receive the resignation of the Ministry. He did not know whether there was any mental reservation in this second statement. He and others had been much surprised at no intimation of the resignation appearing in the *Government Gazette*, there should have been a record of the fact, for there could be no doubt that the Youngusband Ministry had resigned yet no record of that resignation appeared in the *Government Gazette*. The explanation which the Attorney-General had given in reference to the resignation of the Ministry was certainly not satisfactory, and he could only express a hope that the hon gentleman would be more explicit.

Mr TOWNSEND concurred with the remarks of the previous speaker. He was in the House when the Attorney-General stated that after the vote of the previous Friday, the Government felt they could no longer hold office with satisfaction to themselves or to the country, and that they had consequently resigned, and their resignation had been accepted. When the *Government Gazette* came out, he to his astonishment, found no record of the resignation of the old Ministry, and the hon member (Mr Neales) was the only one of the new Ministry who had been gazetted. He consequently looked upon him as the only legally constituted member of the Government. With reference to that hon gentleman, the House would remember that, in the amendment which he brought forward, he distinctly stated that he (Mr Neales) should have no confidence in the Ministry, nor would the country, if they persisted in defending the conduct of the Commissioner of Crown Lands. Yet, strange to say, that hon gentleman had since joined that identical Ministry. He believed that, instead of that alliance strengthening the Ministry, it would go far to damage it. He did not understand a gentleman occupying the position of Commissioner of Crown Lands who was capable of pocketing his principles with his first month's salary. He understood principles to be the result of full and deliberate conviction. He could have no confidence in a Minister who stated on Friday that he could have no confidence in a Ministry who defended a particular colleague, and on Tuesday consented to occupy the position of that colleague, and co-operate with a Ministry whom he had formerly denounced. It would be remembered that when the reply to His Excellency's address was under consideration, the present Commissioner of Crown Lands termed that address, which enumerated the policy of the Government, a weak and puny thing, and said that it would be a pity to crush it, and yet he was now pledged to support that policy, and under such circumstances he could not blame the House for saying they had no confidence in such a Minister, or, indeed, in the entire Ministry.

Mr STRANGWAYS was certainly very much surprised after what had occurred to see the hon member for the city (Mr Neales) occupying the position of Commissioner of Crown Lands. It would be remembered that the motion which he (Mr Strangways) tabled, expressed general dissatisfaction with the Ministry, but the hon member (Mr Neales), not satisfied with this, tabled an amendment, to the effect that any persistence in defending the conduct of the Commissioner of Crown Lands would shake the confidence of the House in the Government. The Government did persist, sticking to the Commissioner of Crown Lands to the list, and consequently, according to the terms of the amendment of the hon member (Mr Neales), it was quite clear that he could have no confidence in any member of that Ministry. The hon member considered not only that the House but the country would have no confidence in the Ministry after such a course. Was the accession to office of Mr Neales to restore the confidence which he declared to be wanting on the part of the House? He would, however, allow the hon Commissioner of Crown Lands to follow his own peculiar feelings and desires. It had been generally understood that the late Government would let the Commissioner of Crown Lands drop and appoint his successor, but they refused to do that, and tendered their resignation. The result was that four members of the old Government were members of the new Ministry, and the Government had practically thrown overboard the late Commissioner of Crown Lands, and appointed his successor. He presumed it was the in-

tention of the Government to proceed with the Bills which had been introduced during the session as though no nominal resignation had taken place. The Government had had means of ascertaining the views of the House upon every measure which they had intimated an intention to introduce, and in the majority of those cases the opinion of the House was adverse to those measures. If it were intended to proceed with these measures, as though no resignation had taken place, the result would be that there would be another Ministerial crisis within a fortnight. The Government who had tendered their resignation had depended upon almost every question submitted to the House upon the votes of three or four members, who at any time were as likely to vote against as for them. In what better position were the Government now than they were a fortnight ago? He believed that another fortnight would shew that the Government could not command a majority, and therefore that they had far better adopt the course which had been suggested by the hon member for the Sturt, and at the earliest possible opportunity adjourn the House. He saw no reason that a short Act should not be passed, declaring the lists approved at the Revision Courts should be the lists for the next general election. If the Government considered they were in a better position than they were a fortnight ago—if they thought they could rely on majorities sufficient to pass the measures alluded to in His Excellency's speech, then it would be unnecessary there should be a dissolution, but he stated distinctly his belief that if those measures were brought forward, the result would be a Ministerial crisis within a fortnight. If the Government thought so, he hoped they would at once introduce an Appropriation Bill, according to the salaries now in force, and appeal to the country. If they did so, there would be no practical inconvenience to the present or any future Government. It would be necessary also that there should be another short Act, bringing into force the electoral lists now being approved by the Courts of Revision. If those lists were made available for the next general election, that election could take place in six weeks from the present time. He hoped the Government would not remain office upon the strength of a few stray votes in that House. If the Government acted in a more determined manner, he believed that they would secure many more votes than at present. He believed that the Government had lost many votes from an impression that they were desirous of ascertaining the views of hon members before expressing their own. The Government might adopt another course, and perhaps a more simple one, if they thought resignation absolved them from their political sins, namely to tender their resignation every Saturday night, and be reinstated every Monday morning. (Laughter.)

Mr PEAKE hoped to see the Government come down with a decided policy, and that they would not think of dissolving that House before the proper time. He believed that if the Government acted with proper energy, they would have sufficient support to carry through their measures. He would remind the new Commissioner of Crown Lands of the Latin proverb, "Happy is the man whom other men's misfortunes make cautious." A good deal had been said about a want of policy on the part of the Government, and the hon member for the Sturt had given them a speech which had afforded a good deal of amusement, quite in the after dinner style, and it was, no doubt, very good for digestion. It had aroused the Government a little no doubt, but beyond that he could not see its point, unless it were intended to urge on the Government to greater exertion. The hon member had talked a good deal about policy, but he would remind the House that the late Ministry had been put out not upon a point of policy, but in consequence of the action of a department of which the House did not approve. It would consequently have been a great mistake to have dissolved the House upon so flimsy a pretext. If the Ministry had been defeated upon a question of policy, as they might have been, and probably would have been, some few days before, if some hon members had been in their places, it would have been a different thing, and he should then have approved of their dissolving the House and appealing to the country, if they deemed it prudent. Seeing, however, the abortive discussions which had emanated from that side of the House to get an annunciation of policy from the Government, he saw no use in straggling for minor details. He should assist to pass the Estimates, where he thought they were right, and he would assist to bring the session to a speedy termination, after which there could be an appeal to the country upon those points upon which the House had differed with the Ministry.

The COMMISSIONER OF CROWN LANDS rose for the purpose of laying some returns on the table of the House.

The SPEAKER said the hon gentleman could not do so, until the debate had concluded.

The COMMISSIONER OF CROWN LANDS would then remark that no seat in any House, nor any seat in any part of that House, should induce him to travel through the accusations of the hon member for the Sturt, because if the public time was to be wasted in that way, half at least might be saved by not replying to such attacks. (Laughter.) He was quite sure it would be found on an appeal to the country that they wanted working-men, not orators, and he believed that he would be found to do the work of his department, that was all he had undertaken to do. When the people found that the Administration did not get the work done

which attached to his department, then he would say let the people do with him as he wished to do with the previous occupant of his office, and attack the man, not the Administration. He thought that having been a party to oust that hon. gentleman, that when he was challenged to do better by accepting office, he could not refuse to do so, which would account for his appearing in his present position. The proposition for a dissolution had been accepted by so few hon. members that it was not worth while to enter upon a discussion respecting it. In reference to the establishments, if a lump sum were voted it would certainly make the work very easy, and departments might be carried on but he should like to know if public works could be carried on if there were a dissolution. It appeared to him to be an extraordinary way to make public works advance. He believed that in any attempt to force on a dissolution, the hon. member for the Sturt would be as successful as he had been in most matters which he had brought forward during the session. (Laughter.)

Mr. HAY complained of the time which was wasted in useless discussion. He should support the present Ministry so long as he consistently could, and would suggest to those who were opposed to them that they should bring forward a direct vote of censure. He had never said nor heard it said that there were no other members of that House fit to hold office than those who occupied the Treasury benches, but when he found one party in the House whose sole object appeared to be to obstruct the business, he certainly thought it high time that a majority of the House should take action and proceed with the business. If the Government were defeated upon an important question, such as distillation or immigration, or any questions upon which the Government took a decided stand, that would be a fitting occasion for others to be called upon to supply the places of the Government, or for there to be a dissolution. There were some questions upon which he should feel bound to oppose the gentlemen on the Treasury benches if they took a decided stand in reference to them. With respect to the remarks which had been made relative to the introduction of an Act to enable the electoral lists just passed to be the lists for the present year, he apprehended that course could not be taken, as the Constitution Act was so framed that parties must be six months on the roll before they could vote. Before there could be any alteration in the existing system there must clearly be an alteration in the Constitution Act. He hoped, however, that the Government would introduce a Bill by which the roll about to come into existence would continue in force for three years. Let the Government proceed with business as quickly as they could, and when they found they could no longer do so let them either throw up their places or dissolve the House.

Mr. DUFFIELD was much disappointed at the debate. From the prominent position occupied by the hon. member for Encounter Bay (Mr. Strangways) upon the motion which caused the Ministry to resign he thought that hon. member would have informed the House that he had advised His Excellency to take the course which he now recommended, namely, to dissolve the House. He certainly thought the hon. member would have given the House some history of what took place between himself and His Excellency upon the occasion of being sent for to form a Ministry. He thought the hon. member ought to have recommended His Excellency to pursue the course which he now recommended to the Ministry. It was absolute waste of time to carry on such paltry discussions. He was not quite sure that the hon. member for Encounter Bay had not picked up the hint in reference to dissolution from the hon. member for the Sturt, and perhaps the hon. member did not consult with the hon. member for the Sturt prior to seeing His Excellency, or he might have appeared in a better position that day.

The ATTORNEY-GENERAL said, with reference to the hon. member for the Sturt, that whatever effect that hon. member's speech might have produced upon the House, he was quite sure the hon. member himself must feel greatly relieved by it. (Laughter.) The hon. member had expressed his feelings so fully that he felt satisfied he must feel in a more comfortable position. (Renewed laughter.) He thought with that much he might satisfy himself in reference to all the personal matter which the hon. member had introduced. There was one very important question affecting the great principles of constitutional government, and that was, when questions were raised, not of importance as affecting the policy of the Ministry, but merely the composition of that Ministry, whether the Ministry should appeal to the country. He believed that any Ministry who would take that course would be guilty of a great violation of duty. Those to whom place was of great importance, and who were disposed to struggle to obtain and maintain it, might pursue such a course, but he was not anxious to. When the question was merely whether the present occupants of seats or others should occupy them, it was inexpedient and unwise, in his judgment, to appeal to the country. When, however, questions arose upon which he thought it really important that the opinion of the country should be expressed, and that parties in that House did not adequately represent that opinion, he should advise His Excellency to dissolve the House. He, however, had no reason to suppose that hon. gentlemen whom he saw around him did not adequately represent the opinions of those who sent them there.

There was nothing, in anything which could be regarded as a public expression of feeling, which led him to believe that those around him did not substantially represent the views and feelings of those who returned them. If, however, the hon. member for the Sturt thought that he did not, and wished to be sent back to his constituents, he would remind the hon. member that he had only got to resign, and if his acts and votes really met the approval of his constituents—if they believed that he had fairly represented them—they had only to return him again, and no doubt the hon. member would be more powerful when he came back, endorsed with that good opinion than he had been hitherto. (Laughter.) As any one had the opportunity of subjecting himself to the test in this way, he really saw no necessity to put the country to the expense and excitement of a fresh election at the present time. We were in a different position here from England. If it were known that within a few months the present Ministry might be sent back to their constituents, there would be a different element imported into the question, but where members were only elected for three years, nothing short of a great conflict of principle in which the Ministry believed the opinion expressed by the House was opposed to the interests of the country, or to those who elected them, would justify a dissolution. Individually, he would take that opportunity of expressing his high appreciation of the zeal and ability with which the late Commissioner of Crown Lands discharged the duties of his office. If that gentleman had made it in any respect a point that he should be continued in office, he (the Attorney-General) should have felt that rather than sacrifice him, he should have declined to form an Administration. But the late Commissioner of Crown Lands, in the most handsome manner, declined to form the Administration in such a position that his claims could possibly interfere with the formation of a new Ministry. That being the case, he (the Attorney-General) then requested his hon. colleague (Mr. Neales) to accept the position which he now occupied. Those not familiar with the artifices and weapons of party war might think there were some grounds for the observations which had been made in reference to the late Commissioner of Crown Lands, for there were persons who employed weapons without considering whether they were of such a character as scrupulous men would stoop to pick up. The motion was then put and carried.

MESSAGE FROM HIS EXCELLENCY

The SPEAKER announced the receipt of message No. 3, from His Excellency the Governor, intimating that sums had been placed on the Estimates for Lands Titles Registration, and the Survey of Crown Lands.

IMMIGRATION

The COMMISSIONER OF CROWN LANDS had upon the table returns which had been moved for, relative to immigration, which were ordered to be printed.

PROSECUTION BY AN ATTORNEY GENERAL STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL having moved the second reading of this Bill, begged to reply to a remark of the hon. member for East Torrens (Mr. Glyde) in reference to a previous debate, what he understood was, that the receipt of the resignation of the Ministry, and the acceptance of it by His Excellency were equivalent. The Governor acted conditionally in the matter, accepting the resignation upon the appointment of the successors to the parties resigning. The acceptance was completed when successors were appointed. If no successors were appointed, then the acceptance was not complete, and there was no necessity for the re-appointment of those who had tendered their resignation. The resignation in fact was not complete till there had been a formal notice in the Government Gazette. To recur to the Bill of which he had moved the second reading its object was to comprise in one Act the various scattered provisions relative to the trial of offenders. It was founded upon a Bill introduced last session in the Imperial Parliament by the Lord Chancellor, and in all probability that Bill was, or would shortly be, the law of England. It was important there should be a codification of a very important branch of law. If it were intended there should be any change in the law, he should enter into details, but it was not necessary, the object merely being to consolidate the laws already in existence.

The TREASURER seconded the motion.

The ATTORNEY-GENERAL stated, in reply to Mr. Strangways, who stated that he did not precisely understand the second clause, that the Supreme Court had jurisdiction over any person charged with felony, unless the question arose as to his being the subject of a foreign state.

The Bill was read a second time and passed through Committee its further consideration being made an Order of the Day for the following Thursday.

MALICIOUS OFFENCES AGAINST PROPERTY STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that he was not aware it contemplated any alteration in the law. Like the previous Bill, it comprised statutes from the reign of Henry VI to her present Majesty's. It was not necessary to enter into detail.

The TREASURER seconded the motion.

Mr MILDRED objected to offenders under 18 years of age being liable to corporal punishment, and moved that the provision be expunged. The lash was a relic of a barbarous age, and should not be allowed to disgrace our statute-book. Reference to flogging occurred in the Act some thirty times, nor was it intended to be merely a moderate punishment, for a juvenile offender, but was additional to incarceration and solitary confinement.

Mr LINDSAY would sooner substitute death than flogging. He would rather lose his head than be publicly flogged.

The ATTORNEY-GENERAL thought the hon member differed from most of the world as to the relative importance of different parts of the body. (Laughter.) Every man, however, was the best judge as to which was of the greatest service to him. (Renewed laughter.)

The provision in reference to whipping was after some discussion, confined to offenders under 14 years of age.

The Bill was read a second time, and passed through Committee, its further consideration being made an Order of the Day for the following Thursday.

ACCESSORIES TO INDICTABLE OFFENCES STATUTE LAW CONSOLIDATION BILL

Upon the motion of the ATTORNEY-GENERAL, this Bill was also read a second time and passed through Committee, its further consideration being made an Order of the Day for the following Thursday.

STRATHALBYN AND GOOLWA TRAMWAY BILL

The COMMISSIONER OF PUBLIC WORKS moved that the Strathalbyn and Goolwa Tramway Bill be referred to a Select Committee to report on the preamble thereof. A very long debate took place upon his motion for leave to introduce this Bill, and various opinions were expressed as to the route which should be adopted. In railway bills, however, there was generally a difference of opinion as to the route, and the course invariably adopted in reference to all railway bills was one which was satisfactory to the House and the country, that is, there was a full investigation before a Committee of the allegations and statements which had been made, from which the best route was generally ascertained. It was very easy for persons in that House to state their views in reference to the route and engineering difficulties and those statements were not so easily met as before a Committee. It had, therefore, been a plan wisely adopted by that House, that the second reading should be preceded by a full and impartial enquiry into the merits of the various routes, &c. This course had been adopted in reference to the extension of the Gawler railway to Kapunda, and although the enquiry extended over many days it tended to clear up and elucidate the great question of communication by railways. Last session the House wished enquiry in reference to the proposed line from section 112 to Kapunda, and a great deal of important information was acquired by that enquiry. In no way different was the proposal to connect Strathalbyn with the seaboard. The Government had satisfied themselves of the propriety of the route which this Bill proposed to adopt, and they were also satisfied that the enquiry before a Committee would show that they had taken the proper course. When he previously addressed the House upon this subject, several hon members expressed a desire to have the evidence of Mr Hargreaves and others taken before the Committee, and he saw no objection to that course, satisfied that the report of the Committee would fully justify the Government in the course which they had taken. All he asked was, that there should be the fullest enquiry into the matter. He believed that the southern parts of the colony had a right to expect that this addition should be made to their means of communication. It was a prosperous portion of the colony, and there was every probability of a large amount of traffic passing down the line. He believed, from letters which he had received from totally disinterested parties, that the right line had been chosen, and he would ask the House to give effect to the resolution which they had adopted last session.

The ATTORNEY-GENERAL seconded the motion.

Mr REYNOLDS was sorry that he was not prepared to go with the Government upon this occasion. (Heal, ho!) He was quite prepared to admit that the southern portion of the colony was entitled to better communication than at present, but he was not prepared to admit that the Government had struck upon the best course, the best line to open up that communication. He had been over the line from Strathalbyn to Goolwa, and except one or two patches it was a desert, and there were some fearfully heavy crossing-places. He considered that line was not the best. He had been over the other, and had no hesitation in saying that the line to Milang was decidedly the best. The Government had given the House no information, no plans, no estimates, and asked the House to approve of a Bill to authorise them to expend a large sum of money without there being any estimates before the House, any level lines or anything else, in fact the House or a Committee of the House were asked to do what the Government ought to have done in order to have afforded the House information. He admitted that Mr Hargreaves was a very clever man, but his report was so meagre that it really afforded no data. The Commissioner of Public Works upon the first reading of the Bill, said that he should be prepared with certain plans, but he (Mr Rey-

nolds) had not seen them, nor did he believe had any one else. There were no plans—none even on the library table, and no estimates, yet the House were asked to assent to a Committee to prove the preamble. In other matters of this kind the Government had not only given an estimate of the cost, but of the traffic returns, here, however there was nothing of the kind. He wished to know the difference in the cost between tramways and locomotive railways, for it appeared to him that if they had locomotive railways it would not be necessary to have engines of the power which they had on the Port line, a lighter soil, such as were used in an adjoining colony, would answer. He was satisfied that it would be a perfect waste of time to appoint a Committee as no one who had seen the line from Strathalbyn to Goolwa would support it in preference to the line from Strathalbyn to Milang. As an amendment, he should move that the matter be referred to a Select Committee that day six months. Independently of the line suggested not being the best line, he would remind the House that the Government had authorised the survey of a line of railway by the valley of the Sturt, and that no report upon that line had yet been made.

Mr GLYDE should oppose the motion of the Commissioner of Public Works, though not from any factious opposition to the Government or because he wished to ignore the claims of the South to railway or tramway accommodation, but it did appear to him like an unprecedented proceeding for the Government to come to that House and ask for a Select Committee upon any Bill. A few days ago the House had been asked to assent to the first reading of the Bill, and the Government then stated they were satisfied the line proposed was the best. The proper course then, he apprehended, would have been for the Government to ask the Bill to be read a second time, and if the House then stated that they doubted the statistics brought forward by the Government, he could then understand why the Government should consent to a Select Committee, but for the Government at this stage to ask for a Select Committee appeared to him to be a proof of either their indolence or incompetency. The Government received about £5,000 a year for doing that which they now asked half a dozen members of that House to do for them. He objected to the duty of the Government being thrown upon a Select Committee.

Mr MILNE had a thorough knowledge of the country through which it was proposed the tramway should pass, and although he intended to oppose such a line, he should certainly not oppose giving information upon the subject to hon members. When the question was mooted last session, he strongly opposed a line from Strathalbyn to Goolwa, believing that neither the point of departure nor the terminus was correct. Immediately after leaving Strathalbyn to go to Goolwa, you got into a scrub, and never left it till you got to Goolwa. He believed the proper course to be by the Valley of the Bremer. He could not see any advantage in making the terminus at Goolwa, but admitted that the information before the House was not sufficient to enable hon members to judge. He thought this movement premature, and that many points should be settled before such a work as this was contemplated. For instance he thought they should see whether the channel of the Murray between Mundoo Island and Hindmarsh could be improved. He could see no objection to the appointment of a Committee, which might open the eyes of the Government, but believing the scheme to be premature, he must oppose the second reading.

The TREASURER supported the motion for the appointment of a Committee. It had been objected that there were no plans and estimates to enable members to judge of the merits of the proposed railway, but he would point out that it was stated in the preamble that the plans and estimates were at the Surveyor-General's office, and one of the objects of the Committee would be to ascertain that fact. It was always usual, when the Government introduced a Bill of this character to refer it to a Committee to examine the different lines and go into the question of traffic, and the advisability of the railway. When hon members said there was no precedent for such a course as this, it was quite clear they had not looked at the records, every railway Bill which had been introduced having been supported by the recommendation of a Select Committee. The Kapunda Bill, for instance, was preceded by the report of a Committee before being read a second time. That was a precedent, and the Government in introducing the present Bill were merely carrying out the expressed wish of the House during last session, the House having passed a resolution that Strathalbyn should be connected with the seaboard by a tramway. Rival lines had been suggested, it having been suggested that the line should go through Milang, but in considering the best line of railway he would point out that they should not consider whether the line would pass through the best line of agricultural country for a short distance but the readiest and cheapest mode of enabling the farmers in the vicinity of Strathalbyn to get to a market. If the produce were taken from Strathalbyn to Milang it had to be shipped, and it must be in a small craft, not in a sea-going craft, thus there would be two shipments, but by the Bill before the House the Goolwa and Port Elliot tramway would be extended to Strathalbyn, and it Port Elliot were not considered a place in which to ship in a sea-going vessel a very short extension of the line to Victor Harbor would answer all requirements for many years to come. There were many sound reasons

for adopting the Goolwa Line in preference to Milang. He had really heard no argument against the course proposed by the Commissioner of Public Works, plans and estimates being ready in the Surveyor General's Office for the Committee.

Mr PEAKE should oppose the motion, for the simple reason that he thought the project premature. Another reason was that he had an objection to making a railway or tramway parallel with a line of water communication. He did not think they had enough money to spend to justify them in pursuing such a course as that. Then he objected to this dubious tramway—he didn't believe in tramways. A great deal of time had been consumed and trouble taken in determining the relative merits of railways and tramways, and it was decided that tramways, after being weighed in the balance, were found wanting. But he objected particularly to the project, because the problem had not yet been solved whether there might not be a route by the Valley of the Sturt. He would point out that the distance between Strathalbyn and Milang was only 13 miles, and in reference to internal communication, he thought regard should be had to something which a farmer could achieve in a day. Wherever a farmer had been placed within a day's communication of a market, he thought that all which could be reasonably expected had been done for him, considering the limited means available for the purpose. In America, where the commerce was immense, he was aware that railways sometimes run parallel with rivers, but that day had not yet arrived here. They should wait to see what communication there would be between the capital and the South-Eastern District. No injury could result from delay.

Mr ROGERS was really surprised at the refusal to take evidence upon the subject, though he was not surprised at the opposition of the hon. member for the Sturt, who appeared disposed to oppose every thing, opposition was his element. (Laughter.) The last speaker had spoken about parties being only one day's journey from a market already, but if a Committee were appointed, no doubt evidence would be given to show how it was that they did not avail themselves of that route. Surely as there was a difference of opinion about the route, the more information they had upon the subject the better. It appeared to him that some hon. members had prejudged the case, and were determined not to have any information. It was quite possible if the tramway were constructed, that a light engine might eventually be put upon it, but in the meantime, let them have horse-power. It was a level country to Milang, and a level country to Goolwa. (Oh oh.) Hon. members said "oh, oh," but he perfectly well knew what the country was. The present cost of conveying produce to market from Strathalbyn was from 12d to 15d per bushel, and as for a line by Biondi, that would be in quite a different direction to that which was required. He considered that the House in refusing a Committee would be acting inconsistently, as last session they passed a resolution to the effect, that it was desirable there should be communication between Strathalbyn and the seaboard.

Mr ANDREWS said it was always with much regret he felt bound to oppose the Government in reference to the expenditure of funds, but there were duties which devolved upon representatives, from the performance of which he as a representative should not shrink. It might be perfectly competent for the Government to prove the preamble, but it was in his recollection that there was a sort of pledge or tacit understanding that before any decision was arrived at, reports upon different lines should be laid before the House. Supposing the Government proved the preamble of the bill the House would still be left in the same discussion in which they were involved that day. Hon. members who had seen the map must know that the line to Goolwa was through nothing but scrub, whilst the line deviating slightly to Milang was infinitely superior. He had travelled the country and had derived pleasure on passing along that to Milang, for on every side there were indications of successful settlers, but it was absolute misery to ride along the line from Strathalbyn to Goolwa.

Mr HAY, after the remarks of the previous speaker, was disposed to support the Government in the appointment of a Select Committee. He had been over the country between Goolwa and Strathalbyn, and Strathalbyn and Milang, and he would say he thought it premature yet to talk about making a railway in that direction. Whilst surveys by the Valley of the Sturt were pending, and there was yet a prospect of connecting the country behind Mount Lofty ranges with Gulf St. Vincent, every effort should be made to accomplish that instead of going to the Lake. At Milang or Goolwa wheat was 12d to 16d less per bushel than it was in Adelaide, so that it appeared to him if there were a railway to Goolwa it would be of very little advantage to Strathalbyn, wheat at Goolwa being, he would inform the House, worth 1s per bushel less than it was at Adelaide or Port Adelaide. He believed the better course would be to delay the consideration of the question for a year or two, in the hope of yet connecting the back country of which he had spoken with Adelaide. He should, under any circumstances, oppose the construction of a tramway instead of railway believing that except where it was required—for instance to ship ore at a very short distance from the spot at which it was raised, there was nothing between macadamized roads and railways. He believed that the matter had only to go to a Select Com-

mittee to shew that it was premature. At all events he hoped that a tramway 22 miles in length would never be introduced in South Australia, particularly when the country was of such a nature as it was between Strathalbyn and the Goolwa, that there was no prospect of there being a paying traffic. Before such works were undertaken it should certainly be shewn there was a prospect of the traffic paying the working expenses.

Mr STRANGWAYS was surprised at the course pursued by some hon. members. Some said they knew nothing at all about the matter and he believed that was about right. (Laughter.) He should support the motion for the appointment of a Committee, if the Attorney General or the Commissioner of Public Works could explain satisfactorily to him how it was that the 4th clause had been allowed to stand, giving the Commissioners power to appoint and remove officers that being a principle which had been directly rejected by the House. The hon. member for the Burra (Mr. Peake) said that he should oppose the proposition, because it was unwise to construct a tramway parallel with water communication, but the hon. member had forgotten his Euclid too, although at one point there would be a distance of 13 miles between the two lines, they ultimately met, so that they could not be termed parallel lines. If the Government, before bringing this subject forward, were to get all the information which had been referred to about clearing Holmes's Channel, and so on, the probability was that they would not be able to bring it forward for a good many years, and probably a quarter of the money asked for by this Bill would be expended in what would be entirely useless. He admitted there was a considerable quantity of scrub through which the proposed line would pass, but there was also a considerable quantity of good country, and as the people of the south were not proud, if the House would not give them a locomotive railway they would take a tramway.

Mr HAWKLER should support the amendment of the hon. member for the Sturt for many reasons. Before the Government had asked the House to appoint a Committee they should, at any rate, have given them further information upon the subject, but the Government had not shown either the necessity of the proposed railroad, or that there was a probability of it paying working expenses. In the next place, it appeared that the Committee were not to consider which would be the best line to connect Strathalbyn with the seaboard, but merely to consider the preamble to this Bill. If the instructions to the Committee were of a more general character—if, for instance, they were appointed to consider whether the proposed line would be advisable or not—he should not have opposed the appointment of a Committee, but if the motion before the House were carried, the Committee would be pledged merely to consider whether the preamble was proved. It might appear a trifling matter to expend 60,000*l.*, but he contended it was the duty of that House to see that the money was expended in a manner which would be most advantageous for the interests of the colony. He had throughout been of a contrary opinion, and he believed that the time of the Committee, if appointed, would be most unprofitably occupied, a large majority of that House having made up their minds to throw the Bill out upon the second reading. Clearly if hon. members had already made up their minds to throw the Bill out, it would be a gross waste of time now to refer it to a Select Committee. To hear some hon. members speak, it would really be imagined that no lines of road had been formed from this district to the seaboard. They quite forgot the enormous amounts which had been already spent. The first roads which had been commenced in the colony were to Mount Barker, Strathalbyn, and Willunga, and the persons who inhabited those districts, had the advantages of roads which those resident in the north did not enjoy for years afterwards. Roads being made in the North opened up an enormous country, being the commencement of a large trunk line of railway, but what country would be opened up by the construction of the railway proposed by this Bill? His own opinion was that not a shilling should be laid out in any railway till the Burra mine was in communication with the Port, as enormous numbers of the labouring population would be thrown out of employ if fuel could not be conveyed to the smelting works. Hundreds and thousands of bullocks died upon the road from the inclemency of the weather and want of food, and it was clear that the system of traffic to the Burra must be changed. One of the main resources of the country was the Burra, for if that were shut up what would be the mineral resources of the colony in comparison? He should support the amendment, believing that the proposed expenditure of 60,000*l.*, though beneficial, perhaps, to a few individuals, would be a loss to the country at large, and feeling it would be a waste of time to appoint a Committee upon a Bill in reference to which a majority of the House had already made up their minds.

Mr DUNN was anxious that the country should be examined, and the probable traffic ascertained before voting on this question. It was impossible in the absence of information to determine which line would be the best.

Mr McLELLISTER moved that the debate be adjourned till the following day. (No, no.)

The ATTORNEY-GENERAL should support the motion for referring the Bill to a Select Committee, and should have

been quite satisfied with saying that much had if not been for the course the debate had taken. In reference to a remark of the hon member for Encounter Bay relative to a particular clause remaining in the Bill he thought the hon member would see that in answer was unnecessary as the Bill having been laid upon the table of the House could only be altered by the authority of the House itself. The fact was that the Bill was prepared before the resolution to which the hon member had alluded had been arrived at. He understood there were two objections, the first being raised by the hon member for East Torrens, Mr Glyde who complained that the Government had shirked a duty for which they were paid and the hon member being an adroit financier, had stated the precise sum received by the Government. The hon member also, in the exercise of that prudence for which he was so distinguished, declined to do anything for which he was not paid. The hon member must settle that point with his constituents, if he declined to do his duty as a member of Parliament, unless he received a special honorarium for it. The course which the Ministry had taken in this instance was precisely that which they had taken in every case in which a Bill had been introduced for the construction of a railway. In reference to the Gawler Railway, the Government proposed to have the Bill read a second time before it had been referred to a Select Committee, and this course was assented to, but with the distinct understanding that the second reading would not affirm the principle of the Bill, unless the report were favourable. The Government took that as the feeling of the House, that they ought not to be called upon to affirm a Bill till they were in possession of specific evidence to shew whether the proposed line would be profitable or not. The next case in which the Government moved for a Select Committee was relative to the extension to Kapunda. On the next occasion the Government did not propose the appointment of a Select Committee, but the reason was that the matter had already been under the consideration of the House, and had been decided upon. Every hon member had a right to say however much he approved of railway extension, that he required to be informed whether the proposed line was best, and this information could only be obtained by enquiry before a Select Committee. If it had not been proposed to appoint a Select Committee, it was quite clear that no one would have been more forward in denouncing such a course, than the hon members for East Torrens and the Sturt. There were some persons whom it was utterly impossible for the Government to satisfy, and the Government must be prepared to encounter their opposition at every step. He hoped to be able to satisfy a majority of the House that the Government had taken the proper course as regarded their position towards that House. There were another class of objectors, who said that the South was not entitled to the proposed tramway, that the money already spent in roads between Adelaide, Strathalbyn, and Willunga, had met the fair demands of the South. He must confess that his conviction differed with theirs. He had always been prepared to support railway extension to the North, but at the same time he had always said that he should be prepared to support a railway to connect the southern portion of the country with the seaboard. He considered that the Government had given a pledge to that effect, a pledge which he was prepared to redeem. He thought that the House were mistaken in reference to the powers of the Committee to whom it was proposed to refer this Bill, for if it could be shewn that the object of the Government and that of the settlers of the South would be better accomplished by a tramway to Milang, it would be perfectly competent for the Committee to report to that effect. There was nothing whatever to limit the enquiries of the Committee in reference to that portion of the title of the Bill to connect Strathalbyn with the seaboard. Having said that much he was satisfied to leave the question in the hands of the House. He had always hitherto been a strong advocate of railway extension, prepared to pledge the revenues of the colony for the purpose of bringing the great centres of production into connection with the seaboard. His policy remained unchanged, but circumstances had occurred which had induced him in some respects to modify his views. If the views recently expressed in that House in reference to sweeping away the duty on spirits without expecting that the deficiency would have to be made up by direct taxation ("Question, question") He would endeavor to keep within the limits of the question. He believed it would be unwise, and would probably prove injurious to our reputation, to borrow money, when the only hope of repaying it could be by direct taxation. If they contemplated raising the funds to meet the principal and interest on loans by direct taxation, he should vote against incurring any fresh responsibilities, however advantageous to the community the works which might be undertaken with them might be. He should support the appointment of a Select Committee, because that Committee would enquire into all matters connected with the subject, and it would be only just to the South that means should be afforded of carrying produce to the seaboard which this Bill provided.

The SPEAKER then put the question—"That the w^{or}s proposed to be omitted stand part of the question"—this being in effect the original motion, which was carried by a majority of 7, the votes, ayes 16, noes 9, being as follow—

Ayes, 16.—The Attorney-General, the Commissioner of Crown Lands, Messrs Cole Harvey, Hay, Lindsay, MacDermott, Milne, Owen, Rogers, Shinnon, Solomon, Strangways, the Treasurer, Dr Wark, the Commissioner of Public Works (teller).

Noes, 9.—Messrs Andrews, Duffield, Glyde, Hawker, McFillister, Mildred, Peake, Townsend Reynolds (teller).
The Committee appointed were—Messrs Cole, Dunn, Foy, Milne, Rogers, Strangways, and the mover.

The remaining business was postponed, and the House adjourned at five minutes to 6 o'clock till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

WEDNESDAY, JUNE 8

The PRESIDENT took the chair at 2 o'clock.
Present.—The Hon the Chief Secretary, the Hon Captain Hall, the Hon Captain Scott, the Hon A Forster the Hon John Morphett, the Hon Dr Everaid, and the Hon Captain Bago.

BOTANIC GARDEN

The Hon the CHIEF SECRETARY laid on the table a communication from the Committee of the Botanic Garden enquired for by Dr Davis.

Ordered to be read and printed.

CONSOLIDATION OF STATUTE LAW FOR OFFENCES OF A PUBLIC NATURE

Ordered to be read a third time on Tuesday next.

OFFENCES AGAINST THE PERSON

This Bill was read a third time and passed.

CONSOLIDATION OF STATUTE LAW, LARCENY, AND OTHER OFFENCES

Upon the CHIEF SECRETARY moving the third reading of this Bill.

The Hon Mr FORSTER asked whether the Bills having reference to the alteration in the Statute Law now before the Council were identical with those the House of Assembly were now passing.

The Hon the CHIEF SECRETARY replied that they were not identical, but were similar in their provisions.

Upon the motion of the Hon Captain SCOTT, the Bill was committed.

The Hon Captain SCOTT said that his reason for having the Bill recommitted was to consider the 12th clause, which he thought was wanting in some terms to give effect to the intention of the framers of it. After the word "Ireland," as the clause stood, it did not refer to persons in the neighboring colonies, nor in fact to any of Her Majesty's dominions. As he understood the intention of the clause it was meant to apply to any of Her Majesty's possessions abroad. It merely said Great Britain, Ireland, or any foreign state. He thought the intention of the Act was to include India, and all other possessions of the Crown, and he would suggest that words which would have that operation should be inserted in the clause. He proposed to insert after the word Ireland, the words "or Her Majesty's possessions at home or abroad."

The Hon Mr FORSTER said, with respect to the clause in the Bill then before the Council, he had the same objection to it as he advanced on the previous day with reference to another Bill, that it contained a large amount of unnecessary verbiage. He thought it was not at all necessary to particularize so minutely. For if a minute particularization were used, many things might be omitted which it would be important to retain, and which would be lost merely because they did not come under some particular description. He thought the clause would be made more complete by striking out all unnecessary verbiage, and that the words "any of Her Majesty's possessions at home or abroad" would be comprehensive enough. In making that suggestion, he had no wish to embarrass the Chief Secretary in getting the Bill passed.

The Hon the CHIEF SECRETARY said he would not object to the amendment.

The Hon Mr MORPHELT said that there was not any United Kingdom of Great Britain or Ireland. The general term United Kingdom would include both. If not it would imply that Ireland belonged to some other power.

The Hon Mr FORSTER could not see the necessity of saying "great Britain or Ireland." He would suggest that the words be "Great Britain and Ireland."

The Hon the CHIEF SECRETARY read the clause from the English Act, which had been adopted, and which contained the "or" between the words Great Britain and Ireland.

The Hon Mr MORPHELT imagined that the simple words "Great Britain" would refer to the United Kingdom.

The PRESIDENT said there was no doubt there was some special reason for retaining the phraseology of the clause.

The Hon Mr FORSTER believed there was, although he could not understand it. It seemed it had been adopted from the English Act, but he would not adopt it for that reason. It was quite a misnomer to call it the United Kingdom and exclude Ireland.

The clause was eventually amended as follows—After the word "fund" 2nd line 4th page "of South Australia or any of Her Majesty's possessions at home or abroad."

The remainder of the clauses to No 54 were passed with verbal amendments, and the further consideration of the Bill made an Order of the Day for Tuesday next.

THE WESTERN BOUNDARY

The Hon Mr MORPHEIT rose to move the consideration in Committee of an address prepared for presentation to Her Majesty respecting the western boundary of the province. He remarked that the address had been drawn up in a temperate and respectful manner, and prayed for the annexation of the territory lying outside the western boundary of South Australia. The subject matter of the prayer of the address was within the power of Her Majesty's Government, and the annexation was desirable for this additional reason, that no land should remain unoccupied which could be turned to profitable account, and this territory could only be occupied under the auspices of the South Australian Government. England was dependent on Australia for a valuable staple article of produce and this strip of country should be given to the only colony which could make profitable use of it, inasmuch as it would add to the wealth of the colony, and would gradually become prepared for agricultural and other purposes. The Hon the Chief Secretary had informed the House on a previous occasion that South Australia possessed 3,000,000 sheep, and with this large amount of stock, it was the more requisite that we should have more country. The importance of the tract of land applied for was admitted by the Secretary of State for the Colonies in England. In 1786 the colony of New South Wales was limited on one side by the 154th, and on the other by the 136th degree of east longitude, so that the western boundary line of that period cut South Australia in half. There was subsequently an imperial Act passed to give effect to a local Act defining the boundary of New South Wales as the 154th and the 129th degrees of east longitude, which latter line forms the present eastern boundary of Western Australia. There was an especial provision made that Her Majesty might detach that portion of territory west of South Australia, so that by a local Ordinance embodied in an imperial statute, power was reserved to Her Majesty to detach the territory in question. There was not a harbor on the coast, and the only communication with the interior from the sea-board would have to be by our harbor of Fowler's Bay. When Her Majesty's advisers were more fully informed of the relation which that strip of territory had to our colony they would see the propriety of acceding to the prayer of the memorial.

The House then went into Committee on the address.

The first two paragraphs were passed as read.

On consideration of the third paragraph commencing—'We respectfully submit to Your Majesty, that it is important to the United Kingdom that all possible facilities should be afforded for the depasturing of sheep in Australia, as many of the finer British fabrics mainly depend upon the wool grown in this island'—

The Hon Captain HALL observed that the address had been characterised by sound reasoning, respectful and terse language, excepting that portion which called attention to the dependance of England on the Australian colonies. He was of opinion that the value of Australian wools was well known in England, and such a suggestion was out of place in an address to Her Majesty, and also an interruption to the line of argument.

The Hon Mr MORPHEIT was of opinion that great ignorance existed in England about the Australian colonies, and he should wish to retain the words.

The Hon Captain HALL would withdraw his objection.

The 4th paragraph was passed without discussion.

The 5th clause referred to the importance of the early settlement of that tract of country under the authority of British law, and the importance of affording protection to the first settlers.

The Hon Captain BAGOT thought that the case might be put in a stronger form. The pastoral wants of the colony were rapidly extending, and the territory in question would shortly be occupied by South Australian settlers. It would be desirable to state this, and to show that the colonists of South Australia had not only in view the increase of territory, but the speedy and profitable occupation of waste lands.

The Hon Captain HALL thought it desirable to postpone the consideration of this paragraph, as he had reason to believe that some flocks had crossed the boundary already.

The Hon Captain BAGOT would not press his amendment.

The Hon Mr MORPHEIT saw no objection to an amendment, which would make the address more forcible. Nor had he any objection to the consideration of the paragraph being reserved.

Consideration of the clause was postponed.

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

HOUSE OF ASSEMBLY

WEDNESDAY, JUNE 8

The SPEAKER took the chair at 1 o'clock.

THE UNEMPLOYED

Mr OWEN presented a petition, signed by 285 working men, praying the House to urge upon the Executive Government the necessity of proceeding with the Kapunda line of Railway, the Waterworks, &c, in order that the petitioners might obtain a remunerative rate of wages. The petition was received and read.

NOTICES OF MOTION

Notices of motion were given, relative to the survey of the mouth of the Murray, the S. rathalbyn and Goolwa tramway, the Waste Lands Act, Minaro, Post-Office at Stockport, and surveys at Kapunda, and Mr BARROW gave notice that, contingent upon a question of which the hon member for Encounter Bay (Mr Strangways) had given notice, being put, he should ask the Attorney-General whether he considered it part of his duty to act as referee in reference to newspaper reporting, and whether the hon member for Encounter Bay was aware of the absurdity of the notice standing in his name (Laughter).

THE PUBLIC SERVICE

The following notice of motion in the name of Mr Strangways lapsed in consequence of the absence of that hon member—

"That he will ask the Hon the Attorney-General (Mr. Hanson) whether there is any regulation of the public service now in force which would permit any salaried public officer to travel about the country at his discretion, for the purpose of lecturing on his own peculiar views on any particular subject, to make any insulting statement in such lecture, and then to enter into a long newspaper correspondence in defence of such statement."

REAL PROPERTY LAW AMENDMENT ACT

The following notice of motion, in the name of Mr Strangways, lapsed, in consequence of the absence of that hon member—

"That an address be presented to His Excellency the Governor-in-Chief, for copies of any despatches from His Excellency to the Secretary of State for the Colonies, on transmitting the Real Property Law Amendment Act and the Land Grants Act for Her Majesty's assent, and of any replies thereto, and also for copies of any opinions or reports given or made by the Attorney General to His Excellency on such Acts."

MAIN LINES OF ROAD

Mr ROGERS, in bringing forward the motion in his name "That there be laid on the table of this House a return showing the total amount expended on each separate main line of road and respective branches throughout the colony"—obtained leave to amend it, by the addition of, the words, 'since the formation of the Central Board of Main Roads.' He was induced to move for the returns in consequence of a return shewing the expenditure upon one line only having been moved for.

Mr DUNN seconded the motion.

Mr SHANNON suggested an alteration to the motion requiring an account of the sums received from the sale of Crown lands in the different parts of the colony. If these returns were not too voluminous, or their preparation would not involve too much expense, they would afford an immense amount of information. He wished the returns to be furnished, because he held, as a principle, that the money should be expended in that locality from which it was received.

Mr McELLISTER supported the proposition.

The COMMISSIONER OF PUBLIC WORKS said that so far as the original motion was concerned he had made enquiries at the Central Road Board, and found that there would be very little difficulty in preparing the return. He was sorry the hon member for Victoria was not in his place, as he had wished to state that the return moved for in reference to a special main line would be included in the general return, unless it were wished that it should be kept separate.

The motion as amended by Mr Shannon was carried.

KOORINGA

Mr HAY moved—

"That there be laid on the table of the House a return of the number of informations that have been laid at the Local Courts of Koorunga or Redruth under clause 3 of Act No 18, 1858, known as the Amended Waste Lands Act, since the passing of the same, the nature of the trespass complained of, if the trespass was committed on waste lands held on lease from the Crown, or on lands not leased, the name of the lessee on whose ruin the trespass was committed, the name of the person who laid the information, the number of convictions under the clause, and the amount of penalty and costs of Court in each case."

Part of the information which he now asked for was comprised in Council Paper 53 but he understood that a large number of informations had been laid to the great inconvenience of parties residing near Koorunga. When the Waste Lands Act was before the House it was distinctly argued that an unfair privilege was given to the holders of runs, as

parties who had purchased land had only their remedy through the Impounding Act, but if they were merely the lessees they had their remedy through the Waste Lands Act. It was then said that the provision was merely to prevent parties taking possession of lands belonging to the Crown without paying the usual rent. In the Council Paper before the House the Waste Lands Ranger was instructed to visit Gilbert's run and lay informations against parties trespassing, but, he would ask, why not appoint Rangers to protect parties who had purchased land? If ever there was an instance of class legislation this was one. Any one who would read that Council paper would find it was high time that Hundreds were declared beyond the Burra.

Mr SHANNON seconded the motion. During the discussion upon the Waste Lands Act, last session, he took objection to the clause conferring the powers alluded to by the previous speaker, but no one took the same view. His views were unchanged, and he believed that the clause operated most injuriously. It was a complete absurdity to grant the lessee of a run more powers and privileges than the actual owner of land. If cattle trespassed upon land which had been sold, all that the owner could do was to impound them, but if they trespassed upon rented land the lessee could then go to the Local Court and recover 5*l* for the first offence, 20*l* for the second, and 50*l* for the third.

The ATTORNEY-GENERAL had not the slightest objection to lay the return upon the table. He confessed he could have wished that hon members had spared their denunciations against class legislation, as on an inspection of the return he thought it would be shown that there had been no class legislation. When the return was laid upon the table he should be happy to go fully into the matter, but it would be more convenient to postpone the discussion till then.

The motion was carried.

MR FRANCIS PORTER MANSFIELD

Mr BARROW moved—

"That he have leave to introduce 'A Bill intituled an Act for securing to Francis Porter Mansfield, his executors, administrators, and assigns, the exclusive right to make, use, and vend, during fourteen years, in the province of South Australia, an instrument for pulling down trees and for extracting stumps of trees from the ground'."

It was quite unnecessary to entertain the House with any description of this wonderful invention, or to enlarge upon the practical use to which it could be applied, inasmuch as the preamble of the Bill would have to be reported on by a Select Committee. It would be waste of time at that moment to enter into any account of the invention or its claims upon the public. He was informed that it had been in operation in Victoria, and that it had given great satisfaction where it had been employed. He had a copy of the Bill, which he believed must be printed before it could be read a first time, and at present would merely ask for leave to introduce it.

Mr MILNE seconded the motion, and leave was granted.

THE NATIONAL BANK

Mr MILNE moved—

"That he have leave to bring in 'A Bill intituled an Act to regulate and provide for the Management of the South Australian Branch of the National Bank of Australasia, and for other purposes'."

It was not necessary to occupy the attention of the House with many remarks. The National Bank was commenced in Victoria, and a branch had been extended to this place. There was a large local proprietary. No doubt great benefit had hitherto been received from the banking institutions here, and it would be ungrateful to undervalue them, but one great drawback was that the enormous profits which they derived went to enrich a foreign proprietary. To any one acquainted with such matters it must be notorious that enormous profits were derived from banking operations, and this being a local institution the profits would be kept in the colony. It was unnecessary to detain the House with any further remarks, as the Bill would have to go through the ordeal of a Select Committee.

Mr HAY seconded the motion, and leave having been granted, the Bill was read a first time and referred to a Select Committee, consisting of Messrs McElliester, Finnis, Bagot, Barrow, Solomon, and the mover, to report upon the following Wednesday.

MINTARO

Upon the motion of Mr McELLISTER, the memorial recently presented by him from the inhabitants of Mintaro and the surrounding district was ordered to be printed.

ASSESSMENT ON STOCK ACT

The following notice in the name of Mr PEAK lapsed in consequence of the absence of that hon member—

"That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Neales) what number of returned seamen have been executed under the provisions of the Assessment on Stock Act, No 20 of 1858?"

THE MURRAY

The COMMISSIONER OF CROWN LANDS rose, amidst much laughter, to move—

"That it is the opinion of this House that it would be greatly to the advancement of the interests of this Province

to secure the increasing traffic of the Murray, which river is likely to become the great highway of the commerce of the interior, now jointly in the hands of Victoria and New South Wales. That to obtain this desirable object a junction of the river and the City and Port of Adelaide by a railway, taking the shortest practicable route between these two points, is the best means of effecting the same."

The House was aware that since he had tabled the motion, he had crossed to the opposite side of the House (Laughter). On enquiry he found that though he hoped to establish the proposition contained in his motion, there were no immediate means to carry it out (Oh, oh). If, however, the notion could once be established, he believed that the necessary means would be forthcoming at no late period. He made it a condition when he joined the Ministry that this should be an open question, and he consequently brought the motion forward as though he had not become a member of that Ministry. From its geographical position, there could be no doubt that this was the port of arrival, not only for South Australia, but for the Murray district. There was no place between this and Melbourne worthy of being called a port, there was no place at which merchants would settle down. If vessels arriving from England or India met with foul wind at one end of Kangaroo Island they could enter at the other, in fact there was no port so easy of access, whilst at Melbourne directly the contrary was the case. There could be no doubt of the superiority of Adelaide to Melbourne, but in consequence of the diggings, the rush of population had been in the latter direction. Melbourne commanded the largest imports, and instead of importing direct for our population of 120,000, he found that in 1855 we imported 105,000*l*, and exported 35,000*l*, leaving a balance of 70,000*l* bought in Melbourne. In 1858 the balance bought in Melbourne was 187,000*l*, so that it was quite clear matters were getting worse, and we were gradually dropping into a second class position, as a dependency of Melbourne. He believed the remedy for this was in tapping the Murray and getting the export trade to a much larger extent than at present. He believed the effect would be that, notwithstanding all her gold-fields, we should go hand in hand with Melbourne. He believed that by commanding the Murray in the way that he wished, the whole question in connection with distillation and the tariff would be in our own hands, as it was now in the hands of Melbourne. No doubt we should then be the dictators as to the tariff. It was true there was some talk about protection in Melbourne, but that was a very young affair, not likely to affect us. Parties might ask where was the traffic, as it appeared that the present traffic was confined to six steamers and 15 barges, but almost every paper from Sydney contained statements relative to the settlement of the Darling, and no one would be able to supply the Darling but ourselves. Families had taken up their residence in that locality regarding it as one no longer out of the range of civilization. The question was whether an effort should be made to secure the trade of the Murray at an early day, or whether they should leave it till they would have to fight for it with their neighbours. Last session a paper had been laid upon the table showing the expense of going through the hills and three other directions were proposed, one being by the Burra. That, however, must, he thought, be abandoned, the distance being greater. With regard to the cuttings which would be required, however, he would remark that a few days ago he saw an account of a few diggers having cut a tunnel for temporary purposes, larger than any which it appeared would be necessary by the map which had been laid before the House. In California it was a common thing for a company of diggers to cut tunnels for the purpose of turning water off, and he believed that Cornishmen would cut such holes through hills as would astonish the nerves of a good many (Laughter). Every year showed that no amount of money would render the Murray navigable to the extent required. He did not believe that any engineer who had a reputation at stake, would tackle it, though he told that there were two millions to expend upon it, and that strengthened his case for a line through the hills. The hon gentleman concluded by remarking that the importance of the work was not the less because the money was not forthcoming. He should move the motion as it originally stood, but if defeated, it was his intention to modify the scheme.

Mr DUNN seconded the motion, doing so from the statement of the mover, that there was no port worthy of being called one between Melbourne and Adelaide. If there were any port accommodation near the mouth of the Murray, he should be against any such attempt. It should be borne in mind that Melbourne would have 150 miles to carry her railway, whilst we should only have to carry it 50 miles. The line should certainly be by the nearest practical route. If the hills could be passed through at a moderate expense, he should advocate that course. He regarded the work not merely as of a local nature but as one affecting the interests of the whole colony. If the work were accomplished, the imports and exports would be increased a hundredfold, so that it was clearly to be regarded as a national affair. He trusted that steps would be taken to ascertain the probable cost of the undertaking, and in the interim cordially supported the motion.

Mr SOLOMON felt glad indeed to hear the hon member for the City—he begged pardon, the Commissioner of Crown Lands—declare that he was as ready to bring forward a

motion of this kind now that he was a member of the Administration as when he was on the opposite side of the House. He did not think however, that the hon gentleman, in placing this question before the House, had dwelt upon all the merits which he thought previously it possessed. He should like the hon gentleman to have shown what would be the probable cost of the work before asking the House to give expression to their views and feelings in reference to it. He believed the probable cost would be millions. The hon gentleman had attempted to convince the House that they should not be afraid of tunnelling, which he regarded as a mere bugbear and had instanced California and elsewhere, where it was thought nothing of, but he believed that tunnelling in this instance would be found something more than a bugbear, and that the cost of the work would be so enormous that it never would be repaid. He believed it would be a good thing to have a railway to the Murray but, at the same time, he believed that to attempt it would be partial ruin to the colony. It was known that the Victorian Government had commenced their works already, and that they had an enormous cash capital. Knowing that we had the shortest distance to go to reach the Murray, it was probable that they would push on their works, and even if we should get there a year or two before them, they would eventually arrive there, and then where should we be? The question was, would Victoria ultimately attempt to compete with us in the growth of coin, as, if so, all the railways to the Murray would not assist us. The hon gentleman had said that this was the only place between this and Melbourne which was worthy of being called a port, but it did not follow that this should be made the depot for foreign produce, particularly as it was known that other colonies were far more liberal than we were. The enormous port charges here amounted almost to a prohibition to foreign vessels. Formerly, when it was a free port, vessels from Singapore, Mauritius, and other parts of the world called here but the enormous port charges now imposed prevented them. Whilst he admitted that it was most desirable that there should be a railway to the Murray, he certainly could not admit that we were in a position to make one. He could not admit that there would be such advantages when it had been completed as some expected. He must vote against the motion, believing that it came too late, they should have commenced the work five years ago. If it had been done some benefit would have been derived from the course, and Victoria would not have been urging on her works with her enormous capital.

Mr BARROW thought the House were discussing the business of next session, as he judged from what had fallen from the Commissioner of Crown Lands that he had no expectation of carrying his motion to any practical result. The hon member for the City (Mr Solomon) complimented the Commissioner of Crown Lands upon enunciating the same sentiments as when that hon gentleman occupied a seat on the other side of the House, but he hoped it was not the exception but the rule that hon members would enunciate from the Treasury benches the same principles which they had enunciated when occupying different positions (Hear, hear.) He would not admit that the compliment was quite merited, for if the Commissioner of Crown Lands took the same view as he formerly did as to the desirableness of the work, he would say not only that it was a good thing but that now was the time to undertake it. But now the hon gentleman procrastinated, and delayed the realization of all those advantages which he had predicted from the work. There was not the slightest prospect of any practical result from the motion. The House would simply affirm by that it would be a good thing to construct a railway to the Murray, if they were able to make one, and that being all that could result, he thought the best thing would be to bring the debate to a conclusion, and get on with the Estimates. The motion was premature, as no action could be taken upon it during the present session, and he was therefore disposed to believe that the Commissioner of Crown Lands would secretly be glad at being requested to withdraw the motion, and in deference to the House the hon gentleman would of course do so.

Mr SHANNON was anxious to make a few remarks. It had not been satisfactorily shown what would be the cost of constructing a railway to connect Adelaide with the Murray. His opinion was, from inquiries which he had made, that the proposed railway would not remunerate us for the outlay. The question had not been settled whether the Murray was navigable, and until that had been settled it was premature to introduce a question of this kind. He believed that the Murray was the natural highway, and that if it could be made navigable the House would be fully justified in appropriating money for that object. Reference had been made to other colonies connecting their metropolises with the Murray, and that had been brought forward as an argument why we should do the same, but it appeared to him it was in reality an argument against the prosecution of the work, for if Melbourne was connected by a railway with the Murray and Adelaide was also connected by railway with the Murray, it was quite clear that the traffic must be divided, so that, instead of that being a reason that the work should be urged on, it was a strong argument against it. It was well known that Government had formed a township Blanchetown on the Murray, and land there fetched almost fabulous prices. The land was bought upon the understanding that the Go-

vernment would encourage the township, but up to the present no encouragement had been afforded it. If there were a convenience for storage, goods could be taken from Port Adelaide to Blanchetown for 4l per ton. He did not think the House would be justified in going to such vast expense as would be involved in the prosecution of this work. He had ever been a staunch advocate of railways upon level countries, but at present he considered their attention should be turned to the North where the railway would pass through good agricultural land, a portion of which had been sold and the other would be shortly, every acre being available. Under all the circumstances he felt bound to oppose the motion.

Mr LINDSAY was glad to perceive the course which the Commissioner of Crown Lands had taken in this matter, and hoped that the other members of the Government would act with equal energy. Hitherto the course which the Government had pursued had been to endeavor to catch the feeling of the House before taking action in any matter themselves. The question of a railway between Adelaide and the Murray was merely a question of time, there could be no doubt it was a work which must ultimately be undertaken. He believed that at present this colony secured the traffic of the Murray, and the only question really to be considered was whether that traffic could be taken from us. He contended that it could not. The amount of traffic, as given by the Chief Secretary in 1857, was 14,516 tons per annum, and the estimated value 1,200,000l, so that it appeared the tonnage might pass through the smallest of the Southern ports, namely Rosetta Cove. He thought it exceedingly probable that he result of establishing a railroad would not be such as many anticipated, for about 1827 Baltimore determined to make that city the principal city of the United States by constructing a railway, and the result had miserably disappointed the projectors. The Commissioner of Crown Lands has spoken of an expenditure of two millions, but less than one-fourth of that sum would cut a new mouth to the Murray—in fact, the cost would be considerably less than to construct a railway between Adelaide and the Murray. He considered that the House should have further information before it, and therefore moved as an amendment, "That an address be presented to His Excellency requesting that the engineer officers of the Government report upon the shortest line to the Murray, the cost, probable traffic, the working expenses, and charges for passengers and goods necessary to pay expenses."

Mr PLAKE pointed out that those hon members who complained that no information was before the House, had not searched very diligently, or they would have found there were most elaborate reports. The hon member referred to the reports, by which it appeared that the traffic would in all probability yield a very remunerative interest upon the outlay. If the project of constructing a railway were heartily entertained, he believed there would be no difficulty in getting the necessary advance on the waste lands on the line of railway (Laughter.) Hon members laughed, but hundreds of miles of railway in America would never have been constructed if Government had not paid for them by a portion of the waste lands through which they passed, and he believed the same system would have to be adopted here.

Mr SIRANGWAYS moved the House divide, and the Speaker put the motion, which was negatived.

TELEGRAPHIC COMMUNICATION WITH SYDNEY

Upon the motion of Mr HAWKES, the House resolved itself into Committee, when the hon member moved "That an address be presented to His Excellency the Governor in Chief, praying that he will cause a sufficient sum to be placed on the Estimates of 1859, to establish a direct line of telegraphic communication with Sydney by way of the Murray." The hon member remarked that this question had been unexpectedly delayed, and it was desirable the House should decide upon it, as until they had done so, the New South Wales Government could not take action. He had on a previous occasion, when he brought this subject under the notice of the House, pointed out the advantages of the proposed line. The line would, in fact, merely be an extension of the Burra line to near the Darling. The distance was about 140 miles. The cost was now estimated by Mr Iodd at about 7,000l, although he had previously stated 9,000l. For the sum he had mentioned he believed it could be completed to the South Australian border. His attention had been first called to the subject when he was in Sydney a short time since, when he was informed of the difficulties in reference to communications between Adelaide and Sydney, in consequence of the strong feeling which existed in Victoria. The hon member repeated the statement made by him on a former occasion in reference to the advantages which might be expected from the line.

Mr SIRANGWAYS wished it to be distinctly understood that the New South Wales Government would construct the line to the Darling, and that the line was to meet the Victorian line at Echuca. Upon that understanding he would cordially support the motion. He believed it was highly desirable that there should be two lines to Sydney and Melbourne and Mr Iodd was of the same opinion. He trusted that arrangements would be made by the Government by which telegraphic messages in connection with the mails would be sent at a lower rate than at present, for the rate was really almost prohibitory. He believed that some arrangement mutually satisfactory might be entered into if

the Government would authorize the Superintendent of Telegraphs to enter into correspondence with the Superintendents of Telegraphs in Melbourne and Sydney, and make arrangements for a reduction. No doubt the result would be a greatly increased business, and the objections in reference to the steamers calling at Kangaroo Island would be entirely obviated.

The COMMISSIONER OF PUBLIC WORKS said that at present the general elections were going on in New South Wales. The present Government of that colony were favorable to this undertaking, but they wished to exact from the Government of this colony a similar pledge to that which the hon member for Encounter Bay wished to exact from the New South Wales Government. The Government were quite prepared to take the necessary steps. With regard to a reduction in the rate of charges, he had always been in favor of a reduction, but the rates having been agreed upon by the three colonies, could not be changed without the consent of all. Victoria had always advocated a high rate, but he believed New South Wales would side with this colony in a reduction. With regard to increase of business, he might remark that upon the departure of the Columbian, messages from Victoria alone occupied the telegraph for five hours. He believed that a reduction in the rates would cause an increase in the receipts. The line to Echuca was in operation, and a large portion of the line from Sydney was finished. Mr Todd had carefully gone through the Estimates, and believed, with the facilities for obtaining poles along the line, that the work could be constructed for £45 per mile.

Mr SHANNON voted against the motion on the ground that it was bad policy to erect two lines to compete with each other.

Mr DUFFON said the only consideration on his mind was whether the Treasury could afford the money. If the necessary amount could be placed on the Estimates, he should most heartily support the motion.

Mr LINDSAY said it was clearly desirable that the rate of charge by the telegraph should be reduced, but it must not be reduced below such a rate as would be equivalent to the expenses of the line. He would point out that the Superintendents of Telegraphs in this colony and Victoria strongly urged the necessity of using chemicals for the purpose of preserving the timber used for telegraph posts.

Mr BARROW said it was important it should be understood whether electric telegraphs were only to be constructed where they would pay. The hon member who had last addressed the House had said that they must pay their expenses, but that argument was not applied to the Post-Office in England and elsewhere, and he looked upon telegraphic communication as a mere extension of postal communication. It was very desirable unquestionably that the Post-Office should be made to pay, but he would not shut it up because it did not pay. Neither did he think they should shut up telegraphs merely because they would not pay, as they formed channels of communication between different classes, and conferred advantages frequently in an indirect more than in a direct way. The telegraph had been spoken of for the purpose of improving our political relations with New South Wales, and rendering us to some extent independent of Victoria in transmitting messages, and that reminded him that he recently despatched a message to New South Wales, but a message which had been despatched afterwards reached Sydney first, shewing clearly that there was some management or mismanagement at Melbourne. If an independent line were established they would be free from such difficulties, and he should support the motion quite independently of the consideration whether the proposed line would pay.

The motion was then put and carried, the House resumed, and the Chairman brought up the report, which was adopted.

Mr REYNOLDS asked the Treasurer if he could find the funds necessary for the work, as he observed by the Estimates that there was only a balance of about 3,000l.

The TREASURER said this motion would not involve the expenditure of money. The address only asked His Excellency to place a sum upon the Estimates, and it would be for the House to consider whether there were sufficient funds at the disposal of the Government to justify them in assenting to the vote.

INDICTABLE OFFENCES

A message was received from the Legislative Council, intimating that they had assented to a Bill to Consolidate the Laws Relating to indictable offences.

The Bill was read a first time, the second reading being made an order of the day for the following Tuesday.

THE ESTIMATES

The TREASURER having moved the House into Committee upon the Estimates,

Mr GLYDE brought forward his contingent notice of motion—

"That this House is of opinion that it is inexpedient to discuss and vote each salary and item of expenditure separately, and will, therefore, consider the various aggregate amounts to be granted for the service of each department during the ensuing year."

It was very natural that the Government in this and other parts of the world should wish to keep up the establishments,

and to find themselves at the head of a numerous and well-paid staff of officers. It was equally natural that those who had to pay the taxes and those who represented the people should seek to keep down the expenses upon establishments. He thought every member of that House would agree that some reduction was possible, but they differed in opinion as to how that reduction was to be made. Some were in favor of taking off a lump sum, and some in favor of taking off a percentage, some were in favor of taking the items as they appeared upon the Estimates and fighting their way with the Government. He thought there was something objectionable in all these courses. He was not in favor of giving the Government a lump sum, and saying, "Do what you like with it." Then, as to a percentage being taken off, there were some who were not receiving too much, and others who might be altogether dispensed with. He protested against squabbling with the Government about every item, that course was not only beneath the dignity of the House, but he believed was prejudicial to the public service. He believed that if the course suggested by him were adopted they would be enabled to get through the Estimates much more pleasantly and economically than if they discussed item by item. He did not think the course at all impracticable. The Treasurer might place Estimates before the House, suggesting certain sums for certain departments, and the House then could express their views fully, but instead of moving that certain items be struck out which they might consider unnecessary, he would move that the gross amount be reduced by so much. The tactics of the Government were to divide and conquer, and as an instance, he might mention that last year, after months of fighting over the Estimates, he did not think they succeeded in reducing the amount by 500l. Turning to the Registrar-General's department, he found a sum of 6,000l put down for that department, but he thought every member not upon the Treasury benches would admit that was too much, but still he ventured to say that if they proceeded with the Estimates as they did last year, not a sixpence would be struck off. Some would support the Government in upholding the old Registration Office, whilst the supporters of Correns's Bill would of course be in favor of the new establishment. He had brought forward a similar motion last session, and had done so now believing it was his duty to himself and constituents. What he wished was that a certain amount should be voted for each department and that the Government should be left to distribute it as they thought proper. He believed that such a system would be far more satisfactory than that which had been hitherto pursued. It might be said that if it were adopted it would place too much power and patronage in the hands of the Government, but he looked upon the Government in the light of directors to a large company, and the members of that House as shareholders. It would be absurd for shareholders to say to directors you must get rid of Smith, Jones, or Robinson, but what they would say was 'you must cut down your expenses,' and that was precisely what he wanted to do in this instance giving the Government a certain sum for each department, and leaving them to employ it in conducting the department as they thought proper. He hoped his motion would be carried, and if so, there might be some chance of saving the 11,000l alluded to in His Excellency's speech.

The ATTORNEY-GENERAL expressed his gratification at the tone in which the hon member had brought forward this motion. Although he differed with the policy indicated, he could quite understand the feeling which induced hon members to wish to reduce the sum for establishments. He must take exception to the remark of the hon mover in reference to the Government feeling any interest in the salaries or in the number of persons in any particular establishment. The Government had no desire but to provide for the efficient discharge of those duties which they believed to be essential to the well-being of the community. The hon member had admitted that the whole of the establishments were necessary, and the only question therefore was as to the number of persons employed and the remuneration they received. He differed with the hon mover as to the result anticipated from carrying this motion, for it appeared that every discussion which had hitherto taken place upon the Estimates might be revived if this motion were carried. If the hon member had suggested that the Government should strike out all but a lump sum, he could have understood the proposition, although he did not think the House would accede to it, but to say that all the elements for discussion would remain, and that it would be impossible that the Committee could arrive at a result without considering these individual items, yet that there should be no discussion, was what he could not understand. The hon member had referred to the Registration department, and in reference to the old system he might remark that it returned a larger amount of fees to the Treasury than the department cost, but there were others who said that, though the new registration did not produce fees equal to the cost of the department, still it was gradually creeping into public favor, and as the proportion between the receipts and expenditure was becoming more favorable, they would support it and vote accordingly. In one sense, it was a compliment to the Government to give them the power which the motion of the hon mover proposed, but it was a compliment which the representatives of the people and the guardians of the public purse ought not to

pay to the Government, as it was their duty to say how the public funds should be appropriated. Though desirous of promoting economy, he could not assent to any course which involved a detention of duty on the part of members of that House. It would not be placing the Government in a position which as a Government they should be placed in, for the Government should have the decision of that House as a guide for their conduct. It was not the duty of the Government to act without the opinion of that House, where that opinion could be obtained, nor was it the duty of that House to refrain from giving their opinion to the Government.

The motion was negatived
Government in-Chief, 806/ 28

Mr GLYDE observed an increase of 40*l* in this item, and moved that the amount be reduced to 76*l* 2*s*.

The ATTORNEY-GENERAL said the Governor had to send newspapers to England, it being the duty of Governors to place the Home Government in possession of information such as newspapers supplied. It was to cover this expense that the 40*l* had been added.

The amendment was lost, and the original item carried
Executive Council, 330*l*

Agreed to

Legislature, 4,610*l*

Mr MILDRED said they had heard it was the duty of that House to cut down the cost of departments and where reasonable and proper retrenchments could be made unquestionably they should be. The House would remember that some years since the salaries of officers of the Government were increased in consequence of an emergency which arose. The Government officers at that period memorialized the representatives of the people, and their prayer was readily complied with. Now that the colony was in a depressed state, when in fact, every interest was depressed, he thought it only fair that Government officers should share in that depression. To carry out that principle he thought the best thing would be to begin with the head of the department under consideration, the President of the Legislative Council, and see if they could not cut down his salary. He was prepared to allow the smaller salaries to remain untouched, but he should move that there be a deduction of 10 per cent from all salaries over 200*l*. The addition made to salaries when the colony was in a prosperous condition was 25 per cent, therefore he did not think the proposed reduction could be considered unreasonable. He moved that the salary of the President be reduced by 65*l*.

Mr SIRANGWAYS should oppose the proposition, the only argument which he had heard in support of it being, that some years back, when there was a sudden rise in the price of everything, when the cost of living was exorbitant, the Legislature was called upon to vote an increase of 25 per cent to the salaries of Government officers, and did so. The view which he took was, that a certain salary was attached to a certain office, and so long as the occupant of that office satisfactorily discharged the duties, so long should he receive the salary. If salaries were to be apportioned according to the cost of living, the better way would be at once to make out a ration list.

Mr TOWNSEND understood the hon. member for Noarlunga to state that it was imperatively necessary there should be reduction, and he, therefore, proposed a reduction in the first item of 10 per cent, intending to follow that up by a similar reduction upon all salaries over 200*l*. He should support that proposition, as, by the Treasurer's statement it appeared there would only be an excess of 3,000*l* of revenue over expenditure, even if the estimated revenue were realized, and as some additional sums had been placed upon the Estimates, the two sides would hardly balance.

Mr REYNOLDS had already explained his views in reference to departments, and should be quite prepared, if any reductions could be pointed out, to join in endeavoring to effect them. He could not, however, adopt the suggestion of the hon. member for Noarlunga, for he did not think the salaries too high, but there were too many hands. He was prepared to keep the salaries as they were, but reduce the number of officers. Whilst that was his opinion, knowing the feeling of the House, and that a majority of members had pledged themselves to give a general support to the Government—and a general support implied a particular support—(no, no)—he felt it useless to oppose these Estimates if a general support did not mean a particular support, what did it mean? Why, they had an instance only on the previous day. It would be perfectly useless to attempt to reduce departments after a majority of that House were pledged to support the Government, those hon. members who were so pledged must support the Estimates, as they were brought forward. What a scene had they on the previous day—actually one hon. member speaking against a measure and supporting it, it was perfectly useless to attempt to curtail the Estimates after a majority of members had promised the Government their general assistance. He thought there were some items, however, which might be cut down, for instance he found £350 for shorthand reporting for the Council, which he thought might be reduced to £200, and £710 for a similar purpose for the Assembly, which he thought might be reduced to £500.

Mr FLAKE had tried for two sessions to cut in at the Estimates, but the House would not go with him, and he had come to the conclusion that the only way to tackle the Esti-

mates was to tackle the Government, that is, if the House had no confidence in them they should tell them so, and send them about their business. He agreed with the position laid down by the Attorney-General, as to the responsibility of members of that House. He wished that the Estimates should be considered and re-estimated with the remarks of the House to the Treasurer, to amend in conformity with the general views of the House. Even that proposal might be attended with injustice, as those not acquainted with the working of various departments, as members of the Government were, might reduce those who were already underpaid.

Mr DUFFIELD being one of those who had promised his general support to the present Administration, would state that when he gave that promise he stated at the same time that he held himself perfectly at liberty to vote on any individual question as his own judgment dictated. If the hon. member for Noarlunga had brought forward any sufficient argument for making the reductions which he contemplated, he should have been happy to vote with him, but he had not heard any, and as for the hon. member for the Sturt in attempting to have a cut in at the gentlemen who had promised their general support to the Government, he had lost sight of the fact that the items to which he objected were not for the present, but the ensuing session.

Mr SHANNON was not present at the meeting called by the Attorney-General, but if he had been he would certainly have promised his support to the present Ministry. Still, though he had the greatest confidence in the Ministry, he felt it his duty to endeavor to curtail expenses. He believed that a reduction might be made in the number of officers. The hours which they attended were too few, for instance, he was informed that many attended only from 10 till 2, but he thought they might attend for six or seven hours without any fear of mental or physical prostration.

Mr McLELLISIER was present at the meeting which had been referred to, and certainly did not understand that any member was pledged to the Attorney-General, all were pledged to give the Government proper support when they thought they deserved it, but nothing further. He should always support the Government when he thought them right, and oppose them when he thought them wrong. He was quite independent of the Government and the world, thank God. (Laughter.)

Mr BARROW said that, as he was one of those supposed to give general support to the Government, he should give a particular support to the hon. member for the Sturt, which the hon. member thought impossible. If any one had a right to complain of these so-called general supporters, it was the Government themselves. To suppose that any members would commit themselves to voting with the Government, in violation of their own convictions, was too absurd for any one to entertain. He thought the hon. member for the Sturt had playfully introduced the subject, to put members on the cross benches on their mettle, and make them vote against the Government, by twitting them that they could not do so. He felt assured the hon. member must feel quite sure there were many hon. members whose vote could not be bought by any considerations which the Government could possibly offer. He thought with the hon. member for the Sturt, that the items which had been alluded to were not necessary, but at the same time he would remark that in order to reduce the item for shorthand-writing, it would be necessary to reduce the number of Committees, so that it rested with the Assembly after all to say whether the smaller amount would be sufficient or not. They might now reduce the item, and by a subsequent act render a much larger amount necessary. He did not think that a larger amount than last year could be necessary, and generally supporting the Government, he should particularly support the hon. member for the Sturt on this occasion. (Laughter.)

The ATTORNEY-GENERAL said the amounts placed on the Estimates for shorthand writers were the amounts which were represented by the President of the Legislative Council, and the Speaker of the Assembly, as from their experience likely to be necessary for that particular service. The Government were not disposed to distrust these gentlemen, or the means which they had of forming an opinion. The Government could not limit the power of that House or of the other branch of the Legislature in appointing Committees, but it was hoped that power would not be exercised to a greater extent than was consistent with the public good. The amount on the Estimates was after all immaterial, as the amount actually expended would be decided, not by the present vote, but by the conduct of the House in the appointment of Committees next session, and it was desirable that a sum should be placed on the Estimates in excess of that which would actually be required, rather than it should fall short of what would be actually required. The House would see that if an amount rather in excess of what would be required were not placed on the Estimates, the House would be led to a false conclusion as to the balance. In reference to the support which the Government had understood they would receive, he had understood that they would receive that general support which would enable the Government to carry on the business of the country without the attention of the House being taken up, and the Government impeded by a series of petty attacks, involving no principle and attaining no useful results. No Ministry

could ask independent members to depart from their opinions upon any particular subject but still the support of members might be given to the Government without their violating their duty to their constituents, or any principle which they had ever professed.

Mr OWEN, as one of those supposed to have promised his general support to the Government, would state that he had merely promised them that so long as he believed they were right, he would vote with them, and when wrong he would vote against them. He fully agreed with what had fallen from the hon member for Noarlunga, if reductions were to be made, they should be in the heads of departments and he should vote for a reduction to the extent of 10 per cent on all salaries exceeding 200*l*. He could have wished the reduction had been more. He should also vote in favor of the reduction proposed by the hon member for the Sturt.

The TREASURER thought that many hon members who had addressed themselves to the question of reduction felt themselves in the same difficulty as the Government, that is, that whilst they were desirous of keeping the establishments within the means of the colony, and in an efficient state they were unable to point out where reductions could be effected. He had gone carefully through the Estimates, and was unable to state where there could be any reduction. With respect to the proposition of the hon member for Noarlunga to knock off 10 per cent from the greater part of the salaries he would point out to the House that the proposed reductions would amount to about 11,000*l*, and he would ask the House if they thought it would be just, if the public revenue would not meet the public expenditure, to select Government officers, and tax them to the extent of 11,000*l*—for such would be the effect of the proposed reduction. Government officers already had to pay their share of the taxation of the country, and they were now selected as a particular class for additional taxation. He maintained this would be an act of injustice for upon looking at the salaries, he did not think one individual could be pointed to in the service who was overpaid. Where then could reductions be effected? Did they wish to make the Post Office, the Telegraph Department, the Railway Establishment, the Destitute Board, or the Convict and Gaol Establishment less efficient? For he contended that, if either the salaries or numbers were reduced, such would be the case. Men would not work with the same zeal for the public service, if they were liable either to a reduction in pay or to have their offices taken away. When hon members said that they felt a difficulty in determining where to cut down they merely shared the difficulties of the Government. The particular item of 350*l* referred to by the hon member for the Sturt related to the payment of a messenger. The actual provision for an assistant shorthand-writer was only for six months at 30*l* per month.

Mr MILDRED said it would be admitted, he presumed, that South Australia was laboring under a severe depression and when Government officers were permitted to share in its prosperity, it was only fair that they should share also in its depression. There was not any man who had been engaged in business who had not suffered to a considerably greater extent from a reduction in income than the 10 per cent which he now proposed. The mode he proposed appeared to him to be the only clear tangible way of effecting that which the country must have.

Mr TOWNSEND understood the Treasurer to say that if this reduction were effected it would, in fact, be a tax to the extent of 11,000*l* upon Government officers but he would ask that hon gentleman what he would do if the anticipated revenue were not raised, and consequently that there was not sufficient to meet the cost of establishments? Would there not, then, be an additional tax upon the people for the purpose of paying the salaries of Government officers? What was now proposed was nothing more than had latterly been done in every large mercantile establishment in the colony.

Mr MILNE disapproved of a general reduction of 10 per cent. If hon members could not point to particular items as objectionable, he thought they should hold their tongues, or ask for another Estimates Committee, and get more information upon the subject. He could instance many officers who were, he considered, underpaid, and he would, therefore, recommend hon members to go through the Estimates and deal with the items as they occurred. He had made notes of reductions which he intended to propose when the proper time came. A general deduction of a per centage would not, in his opinion, be endorsed by any Legislature. He was in favor of paying men well, and working them well.

Mr STRANGWAYS pointed out there was no analogy between Government officers and those employed in mercantile establishments. He was aware that in many mercantile establishments reductions had taken place, but that was because there was nothing to do, which was not the case in Government service. In reference to the vote for shorthand-writers, he would point out that from the simple fact of money being voted, it did not follow it should be expended.

The SPEAKER said that in 1857 the amount voted for shorthand-writers was 1,000*l*, and the amount expended 52*l* 5*s* 5*d*. Last session, the amount voted was 950*l*, and the amount expended 612*l* 19*s* 3*d*. For the present session, 250*l* were voted and the expenditure would be about 200*l*. It would have been 20*l* less but for the Select Committee ap-

pointed that day. He wished to show that the amount voted was not necessarily expended.

The amendment was lost and the original item carried.
Office of Chief Secretary, 700*l* Agreed to
Audit Office, 1,530*l* Agreed to
Police, 30,437*l* 8*s*

Mr STRANGWAYS asked the Attorney-General to postpone this item until the Police Act before the House had been approved of.

Mr MILNE hoped the Estimate would be postponed as he observed that the Government proposed to reduce the effective force, by which he meant constables and sergeants by one-half, but to keep up the same staff of superior officers. He found that the Government undertook to pay half the cost, but he could not see that the Government should subsidize the police to the extent of one-half. One argument, he was aware, was that it was necessary for the interest of the whole country that bad characters imported into it should be carefully watched, but he thought there was nothing in that argument, because if bad characters were carefully watched in town, they would very soon walk off into the country where the same surveillance did not exist. The Government only contributed one-fourth to the Metropolitan Police in England, and he did not think that the police here should be subsidized to a greater extent.

The ATTORNEY-GENERAL had no objection to postpone the item but did not consider it important that it should be postponed till the House had arrived at a decision upon the Police Bill. He could quite understand the feelings of hon members who represented the country districts, but when they came to look fairly at the whole question, he did not think they would consider that any other course should be adopted than that proposed. The foot police must be maintained in Adelaide and Port Adelaide, and he did not think there could be a reduction upon the amount proposed without involving greater inconvenience than any which could result from the expenditure of the money. He did not think the House would dissent from the principle on which the Government had proceeded, they might say they had made a mistake in the application of it, that too many or too few had been retained in the City, but he did not think the House would dissent from the principle, that only that portion should be provided for from the public funds, which was required for public protection, as distinguished from protection for particular localities. Whether the city of Adelaide chose or not to avail itself of the power proposed to be given to it, did not affect the question. Having provided for general protection, the Government proposed to leave particular localities to provide for their own protection, or suffer the inconvenience resulting from the absence of protection.

Mr STRANGWAYS asked the Attorney-General to unconditionally postpone the item, because members who might be desirous of giving effect to the views of the Government, might not consider that the means proposed were best calculated to attain that end. He agreed with the Government, but differed as to the means of attaining the end in view. He should submit his views upon the subject when the Police Bill came before the House.

The item was postponed, and the Chairman reported progress, obtaining leave to sit again on the following day.

DISILLUSSION ACT AMENDMENT BILL

The ATTORNEY-GENERAL withdrew this Bill, intimating his intention to introduce another.

The remaining business was postponed, and the House adjourned at 25 minutes to 5 o'clock until 1 o'clock on the following day.

THURSDAY, JUNE 9

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

REDRUTH

Mr McELLISTER presented a petition from 150 inhabitants of Redruth and vicinity, praying for the erection of a bridge over a creek at Redruth.

The petition was received and read.

TANUNDA, NURILOOTPA, &c

Mr BAKEWELL presented a petition from a number of the residents of Tanunda, Lyndoch Valley, Nuriootpa, &c, praying that a road from Lyndoch Valley to Nuriootpa by way of Tanunda may be declared a main road, and that a sufficient sum be placed on the Estimates for the construction and maintenance of same.

The petition was received and read.

SIR MORTON PETO

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr Mildred, that neither he nor any member of the Government had received a communication from Sir Morton Peto, but a letter addressed to Capt Milne had been forwarded to the Government, which had been returned.

MR B H BABBAGE

Mr BARROW having given notice of his intention to move that the report of the Committee upon the petition of Mr B H Babbage be laid upon the table of the House.

The SPEAKER said that, the Babbage Committee not having reported, the report could not be laid on the table of the House.

Mr BARROW would ask, that being the case, whether it was regular to lay upon the table the evidence taken before the Committee?

The SPEAKER—Perfectly regular
Mr BARROW then gave notice that he would move the Select Committee upon Mr Babbage's Petition be re-appointed

The SPEAKER—Move for a Select Committee
Mr BARROW—A Select Committee can't be re-appointed

DUPLICATE LAND GRANTS

Mr LINDSAY wished to know whether it was true that the Government refused to interfere in a case in which parties were threatened with ejection from lands though holding the land grants

The ATTORNEY-GENERAL presumed the hon member referred to proceedings relative to land at Hindmarsh. The position of the Government was this there were two parties claiming under grants from the Crown, and the Government had determined to let one party bring his action, and then to entertain the question of compensation to the party ejected

STRATHALBYN TRAMWAY

On the motion of Mr STRANGWAYS a message was sent to the Legislative Council requesting that the Surveyor-General might be permitted to give evidence before the Committee upon the Strathalbyn Railway

CENTRAL ROAD BOARD

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return shewing the expenditure by the Central Road Board

BOUNDARIES OF RUNS BILL

On the motion of the COMMISSIONER OF CROWN LANDS, the consideration in Committee of this Bill was made an Order of the Day for the following Tuesday

WELLINGTON FERRY BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, said that two sessions ago a pledge was given to reduce the rate of tolls on Wellington ferry. Last session the question of the maintenance of main roads was discussed, but as the House were in favour of maintaining the main lines out of the general revenue, it was thought that all ferries should be placed upon the same footing as ferries, and consequently in this instance the Government merely wanted such a toll to be levied as would enable them to collect a few statistics, such as the number of people, bullocks, &c., which passed over it. It was also desirable to place the ferry specifically under the charge of the Central Road Board, for though that Board at present had charge of the ferry, their authority was merely a letter

The Bill was read a second time, and considered in Committee, its further consideration being made an Order of the Day for the following Tuesday

THE WATERWORKS

The COMMISSIONER OF PUBLIC WORKS moved—
“That he have leave to introduce a Bill intitled an Act to authorize the Commissioner of Waterworks to acquire certain lands, upon condition of supplying the owners thereof with water”

He had discovered as Commissioner of Waterworks, and in endeavouring to carry out the important undertakings connected with that office, that a mile and a-quarter of pipe would be saved by carrying the pipes through certain land, that a better gradient would be obtained, and an awkward curve be avoided which would have resulted from taking the line down the main roads as originally designed. Not only would there be the advantage that the distance would be a mile and a quarter shorter, but there would be a better gradient and easier working soil, and there would be a saving in the cost of about 1,700l. He believed that only three or four persons were interested in the land through which the new line would pass, and the one principally interested was a member of that House, whose conduct had been extremely liberal, as he had stated that he would throw no obstacles in the way, if a small pipe, a three quarter inch pipe, for the supply of water, such as would be given to every house in the city, were given to him. It would clearly be advantageous to avail themselves of this very liberal offer, but unfortunately he (the Commissioner) was not allowed by the Act to make such an arrangement, and he therefore came to that House to ask that power might be given to him. In moving the second reading of the Bill, he should be prepared further to substantiate these facts

The ATTORNEY-GENERAL seconded the motion

Mr MILNE did not rise to oppose the Bill but could not help remarking that the face of the thing bore a very extraordinary aspect. The object of the waterworks was simply to supply the citizens with water, and he questioned the policy of confounding a matter of this kind by giving a supply of water instead of money. Such a difficulty could always be met much better by paying a certain sum of money down, letting those who wanted water pay for it in the ordinary way

The ATTORNEY-GENERAL suggested that leave should be given to introduce the Bill, as there would be ample opportunity of urging any objections to it at the second reading. If as he believed, it could be shewn, independently

of all public advantages, that advantages would be derived from this particular mode of compensation, he apprehended no objection would be offered to it. The point which had been raised had not escaped the attention of the Government, but they saw there would be a direct saving by adopting the mode of compensation which was suggested by the owners of the land

Leave having been granted, the Bill was read a first time, and ordered to be printed, and read a second time that day week

PROSECUTION BY ATTORNEY-GENERAL STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL the report of the Committee upon this Bill was adopted, and the consideration of the report made an Order of the Day for the following day

MALICIOUS OFFENCES AGAINST PROPERTY STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL the further consideration of this Bill was made an Order of the Day for that day week

ACCESSORIES TO INDICTABLE OFFENCES STATUTE LAW AMENDMENT BILL

Upon the motion of the ATTORNEY-GENERAL the consideration in Committee of this Bill was made an Order of the Day for the following day

THE ESTIMATES

Upon the motion of the ATTORNEY-GENERAL the House resolved itself into Committee upon the Estimates Sheriff's Department, 720l. Agreed to

Gaols, 3,324l.

The TREASURER stated that an additional Guard had been provided for, the number of prisoners being greater. Now 100 prisoners were provided for, but formerly there were only 80

Mr BARROW remarked that if 100 were to be guarded it appeared there were only 80 to be fed, for he found provisions, rations and medical comforts were provided for only 80. Were 20 to go without food?

The TREASURER said that was a mistake in the copy, the number should have been 100

Mr STRANGWAYS asked why the Government had abolished Gaolers at Port Lincoln and Robe

The TREASURER said that at Port Lincoln the police performed the duties, and therefore the appointment had been struck off, but still there were miscellaneous expenses, there being a Gaol there. With regard to Robe Town, when the House voted a sum for a Gaol, and it was erected, would be the time to appoint a Gaoler and put his salary on the Estimates

The item was agreed to

Convict Department, 4,492l.

Mr BARROW called attention to an increase in the item for rations from 625l to 1,025l, thus certainly required explanation

The TREASURER said there was a clerical error last year by which the amount was stated to be 625l, but that was only half the sum. The rations were for 100 men

Mr MILDRED pointed out a decrease as compared with the previous year, of 700l, under the head of clothing, fuel, &c.

The TREASURER said that the 732l expended last year, was for furniture and bedding and that was an expense which would not be incurred annually

Mr BARROW called attention to the fact that the rations of prisoners at the Stockade apparently cost 50 per cent more than those at the Gaol. For instance, 1,000l were put down for provisions and medical comforts for 100 prisoners at the Gaol, whilst 1,525l were put down for provisions and rations for 100 prisoners at the Stockade. It was clear, therefore, that the rations of the prisoners at the Stockade cost half as much again as the others

The TREASURER said that the rations for the prisoners at the Stockade of course had to be conveyed to the Stockade, and the contractors would not supply them at the same rate as at the Gaol. The scale of rations was higher at the Stockade than at the Gaol, the labor being very severe, it was necessary to supply the men with very heavy rations

The item was agreed to

Post-Office, 17,757l.

Mr HAY wished, before this item was put, to draw the attention of the House to the salary of the Superintendent of the Money-Order Office, 230l. He should move that item be struck out. He had not ascertained what the revenue had been from that department, but he had every reason to believe it had been very small, nothing at all to be compared to the cost of the department. He believed there would be no necessity for the office if the Post-Office would issue stamps, say of not less than one shilling and upon a certain day in the week repay the amount, less a small discount. It had been suggested to him by several parties that this course should be pursued. If there were no 1l notes in circulation, there might be an argument in favor of continuing the office, but now if a party wanted to send 1l, he had nothing to do but enclose a note

Mr STRANGWAYS supported the motion to strike out the item, but had no objection to substitute 40l, as he be-

leved by paying that extra amount to a second or third class clerk the work would be efficiently done, particularly as it appeared there was little or nothing to do. Another reason for voting against the item was that he should always oppose any attempt on the part of Government to create berths for retiring Commissioners or others. He believed that this office had been created merely to provide a berth for Mr. Ulysses Bago, a retiring Commissioner of Waterworks. Whether the Government considered that his previous avocations peculiarly fitted him for the Post-Office he could not say.

Mr DUNN should certainly support the proposition to strike out the item, he had never seen any necessity for the office.

Mr MILNE would like to ask the Government what amount of revenue had been derived from the department from the commencement. He believed it was very small. One great reason that the item should be expunged was that he believed the work could very well be done by one of the clerks in the Post-Office Department. Another point was, he understood, that a great deal of dissatisfaction had been expressed, and he thought very justly, by clerks in the Post-Office Department, that officers in that department had not been afforded an opportunity of getting up a step when that office was created. This and another appointment had given great dissatisfaction to many deserving officers in the Post Office, whose services would probably be lost if their claims were overlooked. He would say no more upon the subject as he did not like to interfere with Government patronage, except where the interests of the public were concerned.

The ATTORNEY GENERAL said it would be remembered that the system had been introduced in accordance with a resolution of that House. The decision of the Government in the matter, and the decision of the House in the matter, were postponed till an opportunity had been afforded of ascertaining from the Postmaster General what additional expense would be involved in carrying it out. Upon the representation of the Postmaster General that the system could be carried out by the addition of one first-class clerk, the Government adopted the system which had been sanctioned by that House. He thought that measures of this kind, intended for the public convenience, should not be tested by their immediate results. He was not prepared to state the amount of revenue, and he might remark that the system had never been introduced under an impression that the revenue would be equal to the cost, but it was believed that the additional convenience to the public would be equivalent to the amount of salary required, and he thought matters of this kind should be judged in that way. In reference to the appointment he was always willing to consider the claims of persons in the public service, but he believed there was no more injurious system than for the Government never to look beyond the persons in its employ for the purpose of filling up offices. The effect must be felt to be injurious in any service of rendering it impossible for the Government to avail themselves of the services of those best qualified to keep the service in a state of efficiency. With regard to this particular appointment, he believed that the gentlemen performed his duties very efficiently, that there had been no complaint against him directly or indirectly, and in the distribution of the Government patronage there was this condition, that those best fitted should receive the appointments which were vacant. He must protest against any such principle as would prevent the Government appointing any but persons already in their employ.

Mr ANDREWS, having heard from the hon. member for Mount Barker that the country districts received no benefits from the establishment of this office, should vote for striking out the item.

The COMMISSIONER OF PUBLIC WORKS said that he had received considerable benefit from the establishment of the office, having received numerous small sums which would otherwise never have been paid or have remained unpaid for a very considerable time. The proposition of the hon. member for Gumeacha, that the Post-Office should issue postage stamps he considered fraught with danger, as stamps were frequently very slightly defaced, and he could conceive a system by which the erasure might be taken out and wholesale frauds committed. He believed that proprietors of newspapers, clerks of courts, and others had been greatly benefited by the establishment of the Money Order Office, which he believed would prove of great benefit to the community. He regretted the author of the system, or the cause of its introduction here, the hon. member for the Burra (Mr Peake) was not in his place to support the system.

Mr BARROW was quite sure that the system of issuing money orders had not put a stop to remitting stamps, as he had received remittances in stamps to the extent of scores of pounds since the money order system had been introduced, and he had also received money orders, though he could not say to what extent. But he remembered that the establishment of this office was determined upon by a resolution of the House, and he should not like to be a party to abolish the Money Order Office, unless it could be shown by returns laid upon the table of the House that it had disappointed the expectations of its original promoters. If it were shewn that the public did not generally avail themselves of it, then

it would be desirable to abolish it, but till that had been shewn, they would be stultifying themselves by determining one session to have a Money Order Office, and arriving at a contrary conclusion the next. That, however, was only one view of the question, for the question before the House was, not whether they should continue to issue money orders, but whether it was necessary to have an officer at a salary of 280*l*. per annum to issue them. If it were practicable to continue the system by giving an additional 40*l*. per annum to a Post-Office clerk, he should support that proposition. He should feel bound to do so unless the Government would state that it would be perfectly impracticable, perfectly hopeless, that money orders could be issued under such an arrangement. He did not wish to be identified with the remarks relative to the gentleman who filled the office. He believed the Government would not have appointed him if they had not full confidence in him. The question was whether the duties which that gentleman performed could be done by a clerk in the Post-Office, receiving an addition to his salary of 40*l*., by which means the item under discussion, of 280*l*., could be struck off. Unless the Government could give him the assurance he asked for, he should be compelled to vote for striking out the 280*l*.

Mr MILNE was not aware that he had referred in the slightest degree to the holder of the office—nothing was further from his wish or intention. He merely took the liberty of hinting to the Government that great dissatisfaction had been created in the Post Office in consequence of some one connected with that department not having been appointed to the office. He quite agreed with the Attorney-General that the Government should not be limited in their selection to officers already in the service, but he had yet to learn that the duties connected with the Money-Order Office were such as to require a gentleman of high talent to discharge them. He thought that, instead of a first-class officer, a lower grade would have done for the appointment.

Mr BARROW explained that the remarks which he had made had no reference to Mr Milne. When he said that he would be no party to the reflections on the present holder of the office, he referred to the hon. member for Encounter Bay, who had said that he was not aware a Waterworks Commissioner had any peculiar qualifications for an office of this kind.

The ATTORNEY-GENERAL believed that it would be perfectly impossible the duties of the office could be discharged by any one holding another appointment. Before the Government decided upon establishing the office, they took the advice of the Postmaster-General, and his first requirements were considerably above what the Government agreed to. The Postmaster stated distinctly that a first-class clerk was the smallest addition with which he could make the attempt. The person who held the office had to find security and small sums were constantly passing through his hands, therefore he should be a person whose antecedents were such that the Government and the public could repose full confidence in him. It was a very poor consolation to those who were defied to say that the money would ultimately be recovered by suing the surties, and therefore the Government had selected a person whose antecedents justified the belief that he would not abuse the confidence reposed in him. Looking at those circumstances the salary could not be considered too high. If the House struck off the 280*l*. it would be idle to put on a small sum as an additional remuneration to a Post-Office clerk, with the view of carrying out the duties of the establishment, which must be abolished if the vote asked for were not assented to.

Mr HAWKER could not support the vote, believing that the benefits were not commensurate with the cost. He had been told on good authority that the total revenue from the department since its establishment had been 1*l*!. He could not see the force of the argument of the Attorney-General, that a person of superior ability was required, because he had to find surties, and therefore that the occupant of the office could not be placed on a lower salary. There was quite as much responsibility in other departments of the Post Office, for instance, he might refer to the department of registered letters. One registered letter frequently contained a larger amount than that which passed through the Money Order Department in a whole year. Letter-carriers handled registered letters, and he, therefore, could not see why they should be called upon to pay 280*l*. to the manager of a department which produced so small an amount to the revenue. He should have thought a clerk of the fifth class at 120*l*. a year would have been sufficient.

Mr STRANGWAYS pointed out that in England, where the money order system was adopted, the country postmasters attended to the duty and if they could do so, why could not the Post-Office clerks here. He had no objection to substitute 80*l*. for the 280*l*., which would give an addition to two classes of clerks in the Post-Office, to perform the duties.

The item of 280*l*. was struck out by a majority of 6, the votes on a division being—Ayes 9, Noes 15, as follows—

AYES 9—Attorney-General, Commissioner of Crown Lands, Commissioners of Public Works, Messrs Bakewell, Dutton, Macdermott, Owen Peake, Treasurer (teller)

NOES 15—Messrs Andrews, Barrow, Cole, Dunn, Glyde, Harvey, Hawker, Hay McElliester, Mildred, Milne, Rogers, Shannon, Solomon, Strangways (teller)

Mr HAWKER said there was another item which he wished struck out, 411/ 15s. for Mail Guards, uniforms, &c He believed these guards to be perfectly useless, and on the lines on which there was the greatest amount of traffic, and by which the largest amount of money was sent—the Burra line—there were no mail guards It was a bad compliment to the South and South Eastern districts to say that there were such a set of highwaymen there, it was necessary to have guards, and he thought the House would agree with him, that the item could be struck out

Mr DUFFON said the object of having guards was not so much to protect the mails as to distribute them at the various country post-offices He had travelled the Mount Barker and Willunga roads, and was aware that a great number of mails were made up for delivery upon those roads—a duty which could not be performed by the drivers

Mr MILNE thought the only instance in which a guard would be of any use would be on the railway.

Mr HAWKER said if the three provided for on the Estimates included one for the railway, he was quite willing to allow one to remain, as he thought one necessary for that purpose He could not understand the remarks of the hon member for the city (Mr Dutton) that though the drivers on the south line could not deliver the bags, those on the north line were perfectly competent If any member of the Government would state that there was one railway guard, he should have no objection to allow that item to remain, but he objected to guards for mails carried by wheeled vehicles

Mr DUNN had travelled a good deal on the Mount Barker road, and observed that the guard always delivered the mails There were frequently 16 or 17 passengers in the omnibus, and the driver had six horses to attend to, consequently it would hardly be showing proper respect for the lives and limbs of the passengers to compel the driver to leave his horses for the purpose of delivering the mails He should support the item as it stood, and if it were necessary there should be another guard for the work, he should have no objection to make the necessary provision

Mr MILNE said the remarks of the previous speaker merely tended to shew that the arrangements of the mail contractors were very bad. The driver should never leave his box

Mr BARROW asked if it was supposed that all drivers were teetotallers, and never got off their boxes When the omnibus was so heavily laden there was sure to be some one on the box-seat to take the reins Either the number, three, was far too small or three too many

Mr SOLOMON should support the proposition to strike out the item, because he believed that the number was either too small or too many He fully agreed with the hon member for Victoria, that if one were necessary at all, it was upon the Burra-road, the remittances on that road being far greater than in any other district He did not suppose that all drivers were teetotallers, nor did he think there was much necessity to put the reins in the hands of some person when the driver got off the box, the fact being that the horses were generally in that state that they had no disposition to run away

The ATTORNEY-GENERAL had no objection to strike off the item if the House thought it necessary If it were found necessary to make provision for a Railway Guard, he would do so at a future period

The item was struck out

Mr STRANGWAYS wished to know whether the Government intended to abolish the mail station at the Semaphore, and establish a mail station at Glenelg, in accordance with the recommendation of the Chamber of Commerce, which had been received with great favor by the mercantile community of Adelaide and the neighbourhood (No, no) There could be no doubt that if the Government abolished the mail station at the Semaphore the mails would be delivered much sooner in Adelaide (No, no)

Mr SOLOMON would, when the question was brought forward in that House, give a similar vote to that which he had given at the Chamber of Commerce It was only a short time ago a vessel was obliged to run back to the Port for shelter after attempting to reach Glenelg, yet that was the place where the hon member for Encounter Bay would make it appear the mails could be landed in all weathers He should not be surprised at all if the hon member and those who supported him upon this question were to ask not only that the mails should be landed at Glenelg, but that a custom-house should be established there, and that a breakwater should be constructed at any cost He did not know to what absurd length the hon member and those who voted with him would go As one of those parties who worked pretty hard in England to get the mails as far as Kangaroo Island, he thought they ought to be satisfied and think themselves well off He should have no objections to the mails coming up to Glenelg if there were no objection on the part of the Company and of the colonies who paid a good deal more than we did, but there were objections, and he trusted they would be satisfied without attempting to get that which he was sure they would not

Mr REYNOLDS said it seemed to be thought that Glenelg was asking very extraordinary things, but the hon member who had just sat down required more for the Port than had ever been required for Glenelg He thought it a very reasonable request that the mail station should be

abolished at the Port, for it was quite clear that the mails would be received several hours sooner by being landed at Glenelg He hoped the Government would see the necessity of establishing a mail station at Glenelg, and of giving every facility for landing the mails there instead of at the Semaphore

The ATTORNEY-GENERAL said it was the intention of the Government to make arrangements for the receipt and despatch of the mails at Glenelg

Mr MILNE wished for an explanation of a sum of 450/ , which the TREASURER said was partly for mail-bags, &c , but he would lay a detailed statement on the table of the House The hon gentleman stated, in reply to Mr HAWKER, that he was unable to state what was the expense of the mail station at the Semaphore, but would lay that information, also, on the table of the House

The gross item was passed as amended
Education, 19,857/ 5s

Mr ROGERS referred to an item of 2,000/ , which the TREASURER stated had been asked for by the Education Board, for the purpose of building Government schools in Adelaide and other towns

The ATTORNEY-GENERAL said the Central Board of Education attached a great deal of importance to this vote, which would enable them to build a school in Adelaide as a model, and also in some other places If the House adopted an amendment to the effect that an equal amount should be contributed, it would be equivalent to striking out the vote altogether Such a vote had, indeed, been sanctioned on previous Estimates and had proved a perfectly useless one

Mr MILNE thought it time that the Government took action to place the education of the colony upon a different footing He regretted that no allusion had been made to the subject in His Excellency's speech He believed that the system of electing schools without requiring contributions in aid from the Government was a fallacious one, as it made education too cheap, and when a thing was given for nothing it was generally very little valued Perhaps the Government would explain how the 200/ voted last year for competitive examination had been expended

Mr DUNN asked where it was intended to expend the 2,000/

Mr MACDERMOTT said the principle of this vote had been affirmed for two or three sessions The Board of Education had repeatedly had the subject under their consideration, finding that there were no means of training teachers so as to have a uniform system of instruction in the colony, unless they could establish a school upon a large scale, as was now proposed 1,000/ were voted during the recent short recess, and in consequence a site had been purchased He would also point out that this would probably result in economy, because the licence fees of six or more schools might be absorbed in this one school The Board would be able to employ a higher class teacher in such a school, and the quality of instruction would be superior The Board of Education viewed the vote as one of great importance, considering that it would conduce to the promotion of education generally, and enable them to train teachers in this model school

The COMMISSIONER OF PUBLIC WORKS remarked there was a difference between the country and the city, which had not been properly explained The District Councils could expend further sums in schools, but Corporations could not

Mr ROGERS suggested that the item (2,000/) should be struck out altogether Last year there were 37 licensed schools in the city of Adelaide, a number, in his opinion, far too large Had the number been reduced to eight there would have been a better class of teachers, and the children would have been more efficiently taught At present there was really not scope for a man of ability to establish a school in consequence of the immense number of licensed schools

The TREASURER said the objection to the vote appeared to be that it was thought it conferred advantages upon the city which were not conferred upon the country, but he would point out that the Education Act in force contemplated the erection of a Normal School in the city of Adelaide, as a centre in which teachers could be educated and subsequently selected and distributed through the country To carry out that plan the Education Board had furnished him with the plan of a building, proposed to be erected at the corner of Grote and Brown streets There had been an amount of 2,000/ on the Estimates which had never been made available, and the Government consequently felt justified in meeting the views of the Board If the House thought there should be a normal school they would then vote for the sum which appeared upon the Estimates, but if they thought the amount should only be in aid of erection of schools they had better strike it out

Mr MILNE moved the substitution of the words " for the erection of a Normal School in the city of Adelaide "

Mr STRANGWAYS suggested that the amount should have been placed under the head of Public Works

Mr COLE wished to ask whether, as this was to be a Normal School would it be merely for the training of schoolmasters and schoolmistresses, or would it be open for the admission of any children?

The TREASURER said it would not be restricted, but still it would be a school for the purpose of educating persons from whom teachers might be selected

Mr BARROW asked for some information in reference to competitive examinations.

Mr REYNOLDS said there really appeared to be no definite plan in reference to this 2,000*l*. The Education Board did not appear to have hit upon any particular scheme, but asked for a lump sum for a building. He had heard nothing of a character to induce him to vote the 2,000*l*, and should certainly not vote that sum until he knew something more about it.

Mr MACDERMOTT explained that the object of the school would be to train youth, and that the Board would be enabled to avail themselves of the institution for teachers proposed to be licensed to be inducted into a uniform system of instruction. To form an institution merely for training teachers would be futile, as not one in 50, perhaps, after being instructed, would follow the profession. Generally speaking, parties who arrived from England as schoolmasters asked for licences, but it would be desirable that even these, though qualified, should pass a month or two in some approved school, where they would learn the system proposed to be followed.

Mr ANDREWS believed that the proposed building would be capable of accommodating 150 boys and 100 females, and the teachers would be of a higher class than could be obtained for small schools. If the amount were to be voted merely in aid of the erection of schools, it would have to be distributed in sums of £200, and thus the number of small schools would be increased, so that in preference to voting it in that manner, it would be better to strike it out.

Mr PEAKE hoped that before the Parliament closed some general scheme of education would be submitted to it. He had looked in vain for such a scheme, but trusted it was one of those matters which the people would not forget when they again returned members to Parliament. He disliked extremely these desultory efforts at education, costing as they did some 20,000*l*, the results of which were neither satisfactory to the county nor the community. He regretted that the whole question of education had not been grappled with by the Government. He was not satisfied of the expediency of the vote, and should support that proposition that it be struck out altogether.

Mr HAY saw very little inducement to support the vote from what had fallen from the members of the Board of Education. Some said it was intended for one purpose, and some for another, and he saw looming in the distance a sum for teachers and professors to carry on a system of education. Looking at the large amount to which the education vote had swelled, it was time the Government should consider whether there were not some means by which greater benefits could be received from the vote. At present he believed that any one who got 20 or 30 children occasionally to attend sent to the Board of Education and got a grant. He believed that in a great number of cases this grant was his principal means of living. He believed that a larger amount of benefit would be derived if a Bill were introduced providing that there should be no grant either for town or country unless an amount equal to that given were raised. A scale of fees should be fixed and proper teachers appointed. He was in favor of some system by which District Councils and Corporations would advance equal amounts to the Government. At present he believed the fees charged ranged from 1*s* to 1*s* 6*d* per week, even in schools which received the Government aid, but he should like the charge reduced to one sixth of this, and above all no memorial should be attended to unless an amount equal to that asked for had been raised. At present the public did not receive an equivalent for what was expended. He should be compelled to vote against the 2,000*l*, and thought they had also better strike out the 200*l* for competitive examinations. He observed that the expenses for Inspectors alone amounted to 1,157*l*. He believed that if education were brought more under the control of District Councils, that it would add to the interest in the election of those bodies, and obviate the necessity of expending so much money for the inspection of schools. The whole of the existing Act wanted reforming.

Mr MILDRED felt it his duty to vote against the 2,000*l*. He had long raised his voice against the system of education, believing it to be most inefficient, expensive, and unsuitable. He would point out that the actual cost of Inspectors as appeared by the Estimates before the House, was 1,370*l*, at least that was the cost of the whole useless machinery employed. He believed that the time had arrived when the various schools should be placed under the control of the District Councils, the general inspection being entrusted to one person. He regretted that the Ministry had not directed their attention to the question of education, more particularly to the establishment of industrial schools. At the foot of the hills land had been purchased at a frightfully high price, and there it was that industrial schools should be built, the children of the Destitute School should also be sent there. He trusted that the question of education would be agitated till there was an amended Bill.

Mr STRANGWAYS said the question had become exquisitely confused, normal, model, industrial, and destitute schools were all confounded. With regard to normal schools, he found by Act 20, 15 Victoria, the schoolhouse was to be erected at the cost of the public, and furnished at a cost not exceeding 2,000*l*, the pupils were not to be under 14 years of age, and the salary of the teacher was to be 300*l* per annum,

exclusive of school fees. It was clear that a normal school would entail vast expense, and the result was extremely doubtful. All agreed that the present system required modification, and consequently it was highly desirable that the House should not authorize the expenditure of any money, but in that which they were perfectly satisfied would prove beneficial. At present he did not see that a normal school would be of any advantage.

Mr BARROW would have no objection to see the 2,000*l* struck out, because it was not for the establishment of a school, but for the erection of a schoolhouse, and it could be entered under the head of public works, if deemed desirable. He hoped the House would not adopt any retrograde policy in reference to education, and he thought they would if they were to hand over education entirely to District Councils. He believed that no one would be more ready to admit this than members of the District Councils themselves. Did they not constantly see District Councils requiring the Board of Education to select teachers? and it was no reflection upon members of the District Council to say that they were not by virtue of their position best qualified to select eligible schoolmasters and schoolmistresses (Hear, hear). In reference to the remarks of the hon member for Gumeracha, who stated that he would have the fees reduced to the lowest possible point, and limit the assistance to an amount equal to that subscribed, according to that minimum scale of fees, if the course proposed by the hon member were adopted, it would extinguish education in the scattered districts. How could a schoolmaster possibly live if he only derived from the Government an amount equal to the minimum fees which he received? [Mr Hay here rose to explain, but was informed he was out of order.] He should be happy to hear what the hon member meant, but he (Mr Barrow) had merely affirmed what the hon member had said. Whilst he admitted that the District Councils might render most useful assistance, it would be fatal policy to hand over to the District Councils the control of education. However excellent might be the qualities of members of District Councils, however much those qualities might entitle them to our respect, he must contend they were not such as best fitted them for this peculiar work (Hear, hear). As to the number of schools to be inspected, and to which reference had been made, if there were not so very many, there were not so very few, and if the schools were not very numerous, it should be remembered that they were scattered over a wide distance and that the inspectors had to ride hundreds and thousands of miles in the course of the year for the purpose of inspecting them, so that it would be impossible one Inspector could do the work, as he would be unable to get over the ground, to say nothing of discharging his duties as Inspector. Perhaps some hon members were under some little misapprehension as to the cost of educational establishments. He would not quote Victoria as indicating the course which we should pursue, but he found that in 1857, in connection with the Education Board of that colony, there were two secretaries at 1,000*l* a year, four professors at 1,000*l* a year, one inspector at 900*l*, another at 800*l*, six at 600*l*, two at 550*l*, one at 450*l*, one at 400*l*, and one at 300*l*, with numerous others constituting the staff of the educational establishment, thus far outstripping us, making allowance for the difference in population and the revenue of the two colonies. He did not think that our staff was so expensive—certainly not as compared with that of the neighboring colony—though he was quite prepared to strike out any item which was unnecessary. He did not, however, feel disposed to strike out the 200*l* for competitive examination, believing that nothing would prove more useful in stimulating youth to useful studies. They voted money for stimulating the breed of horse stock and other purposes of a similar character, and could it be said that they would be doing wrong in stimulating the youth of the colony to fit themselves for useful positions in after life? As regards, however the 2,000*l* for a schoolhouse in town—knowing that what was intended was not what was stated, though he could not exactly understand what was intended—he was inclined to support the proposition that the item be struck out, not for the purpose of preventing a normal or model school from being established, but he thought it should be established in some other way than was proposed by this estimate.

Mr HAY wished, in explanation, to state that he had urged District Councils ought to raise funds towards education, which amount should be doubled by that House, the fees being reduced to as low a scale as possible, but he had never intended that the fees should have anything to do with the teacher's pay. Although Victoria might be lavish in her expenditure upon education, that was no reason that we should be without receiving an equivalent. Victoria, however, was as much dissatisfied with her education system as we were with ours. The large amount expended in that colony showed there was room for complaint, and there was also great room for reform in here. He hoped before another year that a new Education Bill would be introduced.

The ATTORNEY-GENERAL said the expenditure having been recommended by the Board of Education as being, if not absolutely essential, in their judgment likely to prove exceedingly useful, the Government placed the sum upon the Estimates, and having laid before the House the grounds

taken by the Board of Education in recommending the vote, the duties of the Government had ceased, and it was for the House to say whether they were satisfied with the recommendation of the Board of Education or not. Reference had been to the existing system of education, and an appeal had been made to the Government to introduce some measure to improve it. He believed, however, that there would be hardly two members of that House who would agree as to the nature of the alteration, there being no one subject on which there existed such diversity of opinion, both as regarded principles and details. No Bill introduced by the Government or by any independent member of that House would have any prospect of becoming law in the form in which was introduced, it would assume something altogether diverse before it emerged from the Committee. Although he did not think our system the best which could be desired, he did not concur in the remarks which had been made relative to its defects and shortcomings. His acquaintance with its operations was very limited, but as regarded the part of the country with which he was connected, he could speak in high terms of the effect which it had produced. In the neighborhood in which he resided the population was so scattered that there was no prospect of inducing a qualified person to establish a school, but now schools had been established within two miles. He had been present at one of the examinations, and the testimony borne to the result was such as must have made everyone feel that the money was well appropriated, and if such results were attained in other parts, there was great cause for congratulation as to the effects of the system. He had no reason to believe that the general results differed from those which had come under his individual observation. Even if the education were of an inferior description, the fact of the Government having been enabled in almost every part to secure for the rural population the services of a party to impart primary education was something which well warranted the whole amount proposed to be devoted to education. He was prepared to discuss any system for improving the present, but he deprecated entirely any interference with the existing system till they were prepared with an improved one. With regard to District Councils he fully coincided with the hon. member for East Torrens, Mr Barrow, he did not think it wise to give them greater power with regard to schools than they at present had, they had power to visit schools, and this power he understood was frequently exercised. He did not think it wise that public money should be voted until the quality of teachers had been ascertained. With regard to competitive examinations, the regulations had not yet been framed, but the principle which would be recognised would be that all who had received their education in the colony would be eligible there would be no distinction whatever as to creed, nor with regard to facilities for competing for the prizes.

Mr DUNN intimated that he should vote against the 2,000*l*. As regarded towns he thought it desirable that the schools should be fewer in number and on a larger scale, but as regarded scattered districts, he agreed with the Attorney-General, that it would be utterly impossible for education to be carried on without Government assistance and some such system as the present.

The item of 2,000*l* was struck out
Registrar-General's department, 1,450*l* Agreed to
Medical, 2,197*l* 15*s*.

Mr MILNE wished the salary of the Colonial Surgeon to be raised to 800*l*. and that he should be called upon to devote himself exclusively to his duties as Colonial Surgeon, that is, that he should have no private practice. He found an item of 200*l* for medical attendance to the Dry Creek Labor Prison, but if the course which he suggested were adopted he believed this amount might be saved, and he also believed that a considerable portion of the 850*l* from the Vaccine Institution might also be saved.

Mr BARROW observed that the total expenditure for Medical, including the Hospital and Lunatic Asylum, was 12,000*l*. He thought it very desirable that the Colonial Surgeon who was the head of these establishments, should furnish a periodical report. The heads of Government departments of far less importance were in the habit of furnishing reports, and he could not see why there should not be such in connection with medical establishments. If such a report were furnished, many questions which hon. members now felt bound to put would be avoided. No doubt the various medical establishments of the country were well conducted under the able gentleman at the head of them, but the House had no information in reference to them.

The ATTORNEY-GENERAL pointed out that the Colonial Surgeon required to be accessible to patients in the city, and that it would be inconsistent with his duty to attend the Dry Creek Prison, a distance of eight miles from town. Reports such as alluded to by the hon. member for East Torrens were furnished to the Government, and he would lay them on the table of the House.

The TREASURER explained that in consequence of the Gaol at Redruth it had been found necessary to put 100*l* on the Estimates for a medical man at the Burra, and the same remark would apply to a similar provision at Port Augusta.

The vote was agreed to

Hospitals, 5,903*l* 17*s*

Mr REYNOLDS remarked the staff appeared large, and intimated that he had heard the Assistant-Dispenser was a lad between 14 and 15 years of age, yet receiving 120*l* a year.

The ATTORNEY-GENERAL said the youth had been appointed at the suggestion of the Colonial Surgeon, in whom the Government had full confidence.

The vote was agreed to
Lunatic Asylum, 3,988*l* 4*s* Agreed to
Destitute Poor, 6,739*l* 4*s* Agreed to
The TREASURER stated, in reply to Mr Milne, that no able-bodied men received assistance from the Institution
Aimoury, 578*l* 13*s*

A lengthy discussion took place upon this item, the Government contending that the staff was necessary for the purpose of keeping in order the Mine rifles, 2,000 in number, and several members blaming the Government for not having distributed the rifles. The Government expressed themselves willing to do so if they could get security for the safe return of the pieces, and intimated that their efforts to establish a volunteer company had not been so successful as they could have desired. The discussion was a precise repetition of that which took place last session when the vote was asked for.

It was proposed to strike out the Assistant-Armourers, and this was ultimately carried by a majority of four, the votes on a division, Ayes 14, Noes 10, being as follows—

AYES, 14—Messrs Barrow, Cole, Duffield, Dunn, Glyde, Milbred, Milne, Owen, Peake, Reynolds, Rogers, Scammell, Shannon, Hay (teller)

NOES, 10—Andrews, Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Dutton, Harvey, Hawker, Macdermott, McEllister, Treasurer (teller)

Printing Office, 4,065*l* Agreed to
Public Offices, 1,140*l* 12*s* Agreed to
Public Cemetery, 575*l* Agreed to
Ecclesiastical, 450*l* Agreed to
Military, 2,402*l* 7*s*

This vote was agreed to after an objection raised by Mr REYNOLDS to the effect that the military really did nothing for what they received.

The ATTORNEY-GENERAL said if the vote were not assented to it would be an intimation to the Home Government that the colony did not require their assistance, but was perfectly able to protect herself.

Law Officers, 330*l*
This vote was agreed to after discussion.

The ATTORNEY-GENERAL explained, in reference to a sum of 250*l*, that there were periods when the business of his office could not be done by the ordinary clerks, and that the amount was for extra assistance.

Supreme Court Department, 2,130*l* Agreed to
Magistrates and Local Courts, 8,864*l* 5*s*
Mr REYNOLDS was glad to observe an increase of 90*l* in the salary of a very worthy officer, Mr Biddome
Court of Insolvency, 2,14*l*

Mr ANDREWS was desirous of moving an increase of 100*l* in the salary of the Chief Commissioner, on the ground that he would then only be receiving the same as the Registrar-General, 1,000*l* per annum.

Mr BARROW said he should certainly oppose any such increase, but would be prepared to reduce the other salary to 900*l*. The salaries bore a relation to each other and if one were increased it was difficult to say where the increase would stop. If necessary he would divide the House against the proposed increase. (Hear, hear)

The vote as originally proposed was agreed to
Registrar-General of Deeds, 5,217*l* 10*s*

The ATTORNEY-GENERAL intimated that it would be necessary to appoint another solicitor in connection with this department at a salary of 800*l* per annum. A gentleman to whom the Registrar-General had offered the appointment had refused 600*l*.

Coroner, 859*l* 15*s*
Mr PEAKE thought the forage for a horse allowed to this officer unnecessary, and moved that it be struck out.

The vote was agreed to
Office of Treasurer, 540*l*

It was proposed by the Government to increase the salary of the Secretary to the Treasurer, from 280*l* to 400*l*, and some discussion ensued upon it. The House declined assenting to the increase, and 280*l* only were voted.

Treasury, 1,060*l* Agreed to

The CHAIRMAN then reported progress, and obtained leave to sit again on the following day.

POLICE RATE BILL

On the motion of the Attorney-General the second reading of this Bill was made an Order of the Day for the following day.

THE REGISTRAR-GENERAL

Mr SFRANGWAYS put the question of which he had given notice—

"That he will ask the Hon. the Attorney-General (Mr Hanson) whether the lecture delivered by the Registrar-General on the reform of the Law of Real Property, at Kapunda, on the 16th day of May last, is correctly reported in the *Register* and *Observer* newspapers, and, if not, to re-

quest he will ascertain from the Registrar-General in what respect such reports are erroneous?"

The ATTORNEY GENERAL could only give a general reply to a question at large, and requested that a particular portion should be referred to, and he would then ascertain its accuracy

PUBLIC OFFICERS

Mr STRANGWAYS brought forward the motion in his name—

"That he will ask the Hon the Attorney-General (Mr Hanson) whether there is any regulation of the Public Service now in force which would permit any salaried public officer to travel about the country at his discretion, for the purpose of lecturing on his own peculiar views on any particular subject, to make any insulting statement in such lecture, and then to enter into a long newspaper correspondence in defence of such statement?"

His reason for asking was that when Mr Torrens was Chief Secretary he issued circulars forbidding public officers from attending public meetings or entering into public controversies

The ATTORNEY-GENERAL was not aware of any regulation of the nature to which the question had reference

THE REAL PROPERTY ACT

Mr STRANGWAYS moved—

"That an address be presented to His Excellency the Governor-in-Chief, for copies of any despatches from His Excellency to the Secretary of State for the Colonies, on transmitting the Real Property Law Amendment Act and the Land Grants Act for Her Majesty's assent, and of any replies thereto and also for copies of any opinions or reports given or made by the Attorney-General to His Excellency on such Acts"

The ATTORNEY-GENERAL said that copies should be furnished

UNENUMERATED IMPORTS

Mr BARROW moved—

"That there be laid on the table of this House a return shewing the various articles comprised in the Import Returns for the years 1857 and 1858 respectively, under the head of 'Unenumerated,' together with the value of each article, and the amount of duty paid thereon

The hon member added the words, 'so far as can be gathered from the Customs records.' It appeared that in 1858 upwards of 50,000 worth of goods were imported under the head of 'unenumerated,' and the hon member observed it might assist the House in considering the question of the tariff, if they were informed of the most important amongst these unenumerated articles

The TREASURER said the returns should be furnished

THE LATE STOREKEEPER

Mr HAY moved that the petition of Wm Reynln be printed. The petitioner was formerly storekeeper, and prayed an enquiry into the nature of his duties and the conduct of the department generally

Mr RYLANDS said if the hon member would refer to the report of the Estimates Committee he would find a good deal had been said about this department, and he should be happy to give a little further private information himself

The motion was carried

IMMIGRATION

The debate upon Mr Townsend's motion relative to immigration was adjourned till the following day

DISILLATION

Mr MILDRED was about to move—

"That he have leave to bring in 'A Bill intituled an Act to repeal Act No 19 of the 5th of Victoria, intituled 'An Act to regulate Internal Distillation in the Province of South Australia'"

When the ATTORNEY-GENERAL intimated that he should feel it his duty to go into the matter at considerable length, and

Mr MILDRED consequently postponed his motion till the following Tuesday, intimating that if the Attorney-General would embody the suggestions which he intended to make in the amended Bill it would prevent the necessity of his (Mr Mildred's) bringing forward the Bill

The House adjourned at ten minutes past 5 o'clock till 1 o'clock on the following day

FRIDAY, JUNE 10

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

SIR SAMUEL MORTON PETO

Mr BARROW presented a petition from R L Milne, praying the House to take into consideration certain correspondence between Mr Milne and Sir S M Peto & Co. The petition set forth that Sir S M Peto was prepared to construct railways in the colony, and to take in payment debentures to the extent of two millions, bearing 6 per cent

The petition was read, but was subsequently withdrawn, in consequence of an informality

PRIVILEGE

Mr BARROW called attention to the absurd manner in which a motion of which he had given notice for the 15th instant was worded. It was not so which he laid it upon the table, but as it now appeared, it was neither in accordance with Lindley Murray nor common sense. There was such a mixture of the definite and indefinite that it was perfectly absurd. On the previous day he moved for the reappointment of the Committee of last session upon Mr Babbage's petition, when he was informed by the Speaker that he could not move for the appointment of that Committee, but must move for another Committee generally. He should be glad if the motion were amended in accordance with the Speaker's ruling

The SPEAKER here stated that the hon member was in error in imputing the blame to the Clerks, as he then held in his hand the manuscript of the notice of motion in the handwriting of the hon member in the precise words which he complained of

Mr BARROW begged to ask what Standing Order or regulation prevented him from asking for the reappointment of the Committee of last session, because, that Committee having agreed to a report, it appeared to him perfectly absurd to appoint another

The SPEAKER said the hon member was out of order in arguing the question

Mr BARROW rose to a question of privilege. He wished to ask if he was not in order in moving for the reappointment of that Committee. If an entirely fresh Committee were appointed they could not fulfil the duty which he sought, which was that, as Chairman of that Committee, he might bring up the report which he had been prevented from doing on a former occasion. The Committee did not want further evidence, all the evidence had been taken, and the report was prepared ready to be laid on the table of the House, but there was no one to lay it upon the table. He thought the Committee might be reappointed to perform that duty

The SPEAKER said that if the hon member wished the same Committee to be reappointed he must move that Standing Order No 314 be suspended, in order to enable him to name the members, but at the same time he (the Speaker) was quite correct in what he had stated on the previous day, the House being in ignorance of any report having been made

Mr BARROW wished to ask generally whether it was incompetent to move for the reappointment of a Committee

The SPEAKER said it was perfectly competent to move that a Select Committee be appointed

Mr BARROW remarked that was not the question. Was it competent to move for the reappointment of a Committee?

The SPEAKER said that in the House of Commons, where a Committee did not complete their labors, it was usual to move that a Committee be appointed upon the same subject, and that the papers be referred to that Committee

Mr BARROW understood then that there was no rule against moving for the reappointment of a Committee, but that it was not usual

The SPEAKER stated that such a course was not contemplated by the Standing Orders, and was contrary to the practice of Parliament

The ATTORNEY-GENERAL said it was usual to appoint Select Committees by ballot, but it appeared to him the difficulty might be got over by moving that the Standing Orders be suspended, and that the Committee be appointed in some other way

THE HARBOR TRUST

On the motion of Mr REYNOLDS the motion in his name relative to the Chief Secretary being a member of the Harbor Trust, was discharged the Chief Secretary having resigned his connection with the Trust

AUBURN

Mr PEAKE moved—

"That an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to place a sufficient sum upon the Estimates for establishing a Telegraph Station at Auburn, on the main telegraph line from Adelaide to the Burra"

The hon member dwelt upon the importance of the work, which could be executed at a trifling expense

The motion was supported by Mr HAWKER and Mr SHANNON, and carried

SEA-MOUTH OF THE MURRAY

Mr MILNE moved—

"That a petition of certain inhabitants of the districts of Bremer and Alexandrina relative to the improvement of the Sea Mouth of the Murray, by opening a continuous deep channel between Mundoo and Hindmarsh Islands, as recommended by Mr Godwin in Council Paper No 18, be referred to the Statthalbyn and Goolwa Tramway Committee, and that it be an instruction of this House to said Committee to take evidence and report as to the practicability, cost, and advantages of such an undertaking"

The hon member referred to the report of the Surveyor-General upon the subject, and after some remarks from the TREASURER in reference to the probability of the proposed

work drawing off the water from the Lake, the motion was carried

WASTE LANDS ACT

Mr PEAKE asked the Hon the Commissioner of Crown Lands and Immigration (Mr Neales) if it is the intention of the Government to alter or amend in any manner the Waste Lands Act, No 13 of 1st session, and, if so, in what particular will they alter or amend the same? Also, if there is any law or regulation in force in this province by which the horses and cattle of teamsters travelling upon the roads through the waste lands of the Crown are protected from liability, to being impounded or their owners fined under Acts Nos 8 and 18 of 1858, when such horses or cattle are camped for the night by their owners and turned out to graze?

The COMMISSIONER OF CROWN LANDS stated that no alterations were contemplated during the present session in the Waste Lands Act of last session. With regard to the other point, the hon member had better consult his solicitor.

RENEWAL OF LEASES

Mr PEAKE moved—

"That a copy of the renewed leases of the waste lands of the Crown issued under Act No 29 of 1858 be laid on the table of this House."

The COMMISSIONER OF CROWN LANDS said that as soon as any lease had been granted a copy should be laid upon the table. There had been 76 applications to resign leases. The hon gentleman stated, in reply to Mr MILNE that as soon as the form had been agreed upon, a copy should be laid upon the table.

STRATHALBYN AND GOOLWA TRAMWAY

Mr WARK moved—

"That it be an instruction to the Committee appointed to report on the preamble of the Strathalbyn and Goolwa Line of Tramway Bill to take evidence and report on an alternative line from Strathalbyn to Milang or other port at Lake Alexandrina."

After some discussion the motion was amended, upon the suggestion of the ATTORNEY-GENERAL, by the substitution of the words "or any alternative line which may be proposed in substitution of that contained in the Bill," and the motion as amended was carried.

KAPUNDA

Mr McELLISTER brought forward the notice in his name—

"That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Neales)—

"I. Whether the surveys for the extension of the railway north of Kapunda (as ordered by this House last session) have been commenced, and if so at what time, and when it is probable they will be completed and laid on the table?"

"II. In the event of the surveys proving that the Valley of the Gilbert is better adapted for the northern extension of the railway than the Valley of the Light, will not the Government be obliged to re-purchase much of the land lately surveyed and sold in the neighborhood of Riverton and Saddleworth?"

"III. By whose orders, and for what reason, was this land sold prior to the surveys and report on the respective lines being laid on the table of the House?"

The COMMISSIONER OF CROWN LANDS must refer the hon member to the Commissioner of Public Works for an answer to the first question. With regard to the second, if the Valley of the Gilbert were adopted for a line of railway 153 acres would be required. Land in the Valley of the Gilbert had been constantly and urgently applied for by parties anxious to purchase, and there being no orders in the Surveyor-General's office to the contrary, the land was sold in the ordinary course.

PROSECUTION BY ATTORNEY GENERAL STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL the report of the Committee upon this Bill was adopted, and the third reading made an Order of the Day for the following Tuesday.

ACCESSORIES TO INDICTABLE OFFENCES STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL the report of the Committee upon this Bill was agreed to, and the third reading made an Order of the Day for the following day.

IMMIGRATION—ADJOURNED DEBATE

Upon the motion of Mr TOWNSEND—

"That in the opinion of this House the Government should immediately instruct the Emigration Agent in London to discontinue sending any free emigrants from Britain for twelve months."

Mr MILNE, in resuming the debate said that he did not intend to address the House at any great length, as the question would again be brought under consideration when the Estimates were under discussion. He was glad to find that some members who opposed a similar motion brought forward by him last session now saw the propriety of at least for a short time ceasing to import immigrants. He was astonished when he looked at the correspondence upon

the table of the House which had passed between the Commissioner of Crown Lands and her Majesty's Immigration Commissioner in London, at the opposition which had been offered to his motion for a temporary cessation of immigration. That correspondence would be found in Council paper 52, and it would be remembered that he brought forward his motion on 29th September, he found that on the 11th October the Commissioner of Crown Lands wrote to the Immigration Commissioners stating that the labor question had given rise to considerable discussion in the newspapers and the House of Assembly, and that he was of opinion in the Estimates for 1859 the vote for Immigration would be reduced; he therefore suggested that for a time free immigration should cease, and that the number should be made up of nominations from the colony. On the 6th January, the Commissioner of Crown Lands further wrote that in 1859 two clear months should intervene without additions to the population, after which the Commissioner of Crown Lands received a letter from the Emigration Agent, stating that from the absence of funds three months had elapsed without any emigrants being shipped, and after receiving that letter the Commissioner of Crown Lands wrote on 26th January that, notwithstanding the cessation for three months he was not disposed to vary his instructions, so that, although the Government opposed his motion for the cessation of immigration for six months, they adopted it for the space of five months. Looking at the state of the labor market he would ask if things had improved since that period. Had not the Government been compelled to meet the difficulty arising from unemployed labor by anticipating the vote of that House to the extent of 10,000? At the time he tabled that motion he ascertained that the balance of immigration between Victoria and this colony was in favor of this colony, not only by sea, but at that time there were numbers coming overland. If the amount which had been expended upon immigration had been devoted to the vigorous prosecution of public works nothing would have been heard of distress, and he believed the stream would still have continued to flow from Victoria, as it was notorious there was an excess of labor in that colony which, indeed, was sufficiently demonstrated by Victoria having ceased to import labor. Great injuries would, he believed result from the statement going forth that there was a plethora of labor here, and that the Government was compelled to adopt extreme measures in consequence. He hoped the Government would not oppose the proposition that immigration should cease for 12 months. The present Commissioner of Crown Lands had raised the expectations of the House in reference to the extreme energy with which his department would be carried on, and he trusted those expectations would not be disappointed. He did not believe the Government would be enabled to show from any statistics that any description of labor was required in the colony. There was abundance of every kind. It would be impossible to keep wages down at a lower rate than at present, in consequence of our proximity to Victoria.

Mr STRANGWAYS opposed the motion upon the same grounds that he opposed it last year. He contended that a question of this kind should be dealt with by the Commissioner of Crown Lands as the head of the immigration department. He did not hold with the same number of immigrants being imported under any circumstances, but let them be imported at particular seasons leaving the Commissioner of Crown Lands to arrange that point. He would remind the House that the resolution, if carried, could not have effect for six months, so that the House were called upon, not merely to stop immigration for 12 months, but for twelve months from six months hence. He apprehended those who supported the motion did not wish it to have the effect of compelling the Immigration Agent in London to break faith with those to whom passages had been already promised. He believed it was customary to promise passages three or four months in advance. By passing this resolution they would be legislating far too much ahead. Let those who are in favour of partial cessation or of total cessation, and those opposed to both those courses, state their views, and then let the Commissioner of Crown Lands act upon the views so expressed. If the Commissioner of Crown Lands made a mistake, let them treat him as they had treated another Commissioner and appoint his successor. The late Commissioner of Crown Lands had intimated to the Emigration Agent in England, that it was desirable the rate of immigration should not be so large as it had been previously, and he believed the Emigration Agent, so soon as he could, would act upon that intimation, and if the present Commissioner of Crown Lands held views similar to his predecessor, he would cause such instructions to be sent to the Emigration Agent in London as would best meet the views of that House and the interests of the colony. The hon member for the Burra (Mr McEllister) had said that it would be a shame to import men whilst so many were to be seen idle at the corner of Hindley-street, but he believed there was no one to whom a larger amount of blame was attached than to that hon member, who had been instrumental in bringing more men here than probably any member of that House or any member of the community. The hon member for Onkaparinga spoke of taxing the people for the purpose of promoting immigration, but that was quite a novel doctrine. He was under the impression that immigrants

were brought here with a portion of the proceeds of the sale of waste lands, and how that could be termed a tax upon the people he was at a loss to conceive. The hon. member for the City, Mr. Solomon had also made a remark, which he could not understand, that his member had stated that if the census were taken the population would fall far short of what it ought to be, and that might be the hon. member's opinion, but he thought it would be rather difficult to prove. The hon. member might have statistics which no one else could obtain, but when such a statement as that was made he should be glad if some proof were afforded of its correctness. The hon. member for Light objected to the cessation of female immigration, and contended that had the money which had been expended in immigration been expended in public works, that not only would it have been more advantageous, but that there would have been a greater amount of population. He confessed that was a statement which took him by surprise, for it amounted to this, that the more people who were brought here, the less were found here. Knowing what he did of the colony, and glancing what he had from others, he felt no hesitation in saying that had the money which had been expended in immigration, been kept in the colony for public works, it would have been in the Treasury at the present time, no works would have been undertaken for the simple reason that there would have been no labor. It was of no use to say there was money, for works could not be carried on without labor. It had occurred to him there had been plenty of money in the Treasury, and still that labour could not be procured for the purpose of prosecuting public works. Where would have been the Burra Mine, but for the importation of labor? Where would have been our mineral wealth, but for that system of importing labor without which the colony would have certainly failed. He believed that a cessation of immigration would prove most injurious to the colony. He did not mean to lay it down as a rule that so many hundred or thousand males and females should come here annually, as circumstances might arise which would render it desirable that the number should be lessened, or that immigration should be discontinued for a time, but he believed that this motion was merely getting in the thin end of the wedge, and that the object which the supporters of it had in view was, that immigration should entirely cease. (No, no.) That was his impression, and from a conviction that a question of this kind should be left to the Commissioner of Crown Lands to arrange, and reminding the House that by adopting this resolution they would be legislating for a period of 18 months, he should oppose the motion.

Mr. SHANNON supported the motion, one reason being that this colony was so near to Victoria, which colony did not devote any of its funds to the introduction of immigrants. Looking at that circumstance alone, quite irrespectively of other considerations, he felt bound to support the motion. Wages being higher in Melbourne than here the probability was that immigrants imported at the expense of this colony would quickly find their way there. He believed that Victoria devotes some 30,000 per annum to the importation of female immigrants, but in immigration, at the expense of Government, having entirely ceased, that alone was sufficient to justify the House in supporting this motion. He was not in favor of the proposition of his hon. colleague (Mr. Bagot) to support female immigrants, believing that by doing so the number of abandoned females would be augmented, and that there was really no scarcity of female servants in the colony.

Mr. MILDRED must oppose the motion. Whilst doing so he was quite prepared to admit that some circumstances existed at the present time which rendered a close enquiry into the immigration system deserving notice. But to attempt to stop immigration he believed would be most destructive to the best interests of the colony. One great evil had often been spoken of in that House, and that was the want of care in the selection of suitable emigrants. There could be no doubt that a very large number of persons utterly unsuited to the colony had been sent here, but a certain class readily found employment—he meant, of course, that class who were really adapted to our requirements. He believed that in agricultural districts a very large number of laborers might be absorbed, and that those who were adapted for mining operations would also readily meet with employment. There was another circumstance to which he must allude, and which there could be no doubt had tended to swell the ranks of the unemployed. He alluded to the proportions, from the isles forming Great Britain, in which parties had been sent here. The understanding was that they were to be sent in four proportions, but of the 11,695 persons sent in three years, from England there should have been 66 per cent, from Ireland 26 per cent, and from Scotland 6 per cent, instead of which from England there had only been 40 per cent, from Ireland 46 per cent, and from Scotland 12 per cent. From England we should have received 7,735 from Ireland 3,110 and from Scotland 790, but the importations had not been in anything like the proportions. The districts which had existed in reality arose from the improper class of persons who were selected by the Emigration Agent at home, who, perhaps had to struggle with difficulties in obtaining emigrants, or did not pay that strict attention to his instructions which he was bound to. He should oppose the motion because he believed it would be a suicidal step to abandon that which had proved of such advantage

to South Australia. From the earliest days of the colony he had been a calm observer of the system, and although it was true that the colony had suffered from circumstances over which none could exercise any control, he contended that South Australia had flourished more from the system adopted by her founders than any other colony. Let them then bear with fortitude their momentary difficulties. Let them remember the comforts which they enjoyed here compared with that disturbed colony Victoria, where comparatively little social happiness and security could be enjoyed. It was impossible to prevent men from carrying their labor to the best market, and though no doubt, many who had been imported at the expense of this colony had proceeded to Victoria, it should be remembered that we had also received large numbers from that colony. He should be glad if the expenses in connection with the immigration establishments could be reduced, and that such a system could be adopted as would ensure a really eligible class of immigrants only being sent. A strong expression of feeling as to the necessity of economy—a strong expression of feeling that, whilst the people did not wish to stop immigration, they wished a suitable class only to be sent—would, he believed, be quite sufficient to effect all that was requisite, and the difficulty which now presented itself would, he had no doubt, have passed away before the resolution which they were discussing could be carried into effect.

Mr. DUNN should have given a silent vote if he had not happened to be in the black books both upon this question and the Distillation question. He was an old colonist, and in order to arrive at a correct conclusion upon this question it might be necessary to look back a little. He remembered that in the time of Governor Gawler we were deluged with labor, there was more than employment could possibly be found for, and the Governor in consequence carried on large public works, many of which were perfectly useless, simply to keep the people from starving. Next came Governor Grey, who saw things in a different light, for the first thing he did was to cut down the Government expenditure to the lowest possible sum, and the consequence was that a large number of persons were thrown out of employment. Those who were really destitute were supplied with rations for their labor till they could do something better. Numbers were scattered all over the country and in the face of the scarcity of labor the Governor actually made arrangements for more immigrants. This was thought to be adding insult to injury. It was thought at that time absolutely monstrous to send men up to Gawler and Lyndoch Valley to be stung to death by the snakes. (Laughter.) No doubt the parties who went to these distant parts had a hard struggle, but what was the result? Why they worked themselves into some kind of employment and were actually enabled to employ the new immigrants as they arrived. With respect to the introduction of females, he remembered the time when 600 females were imported here and were maintained at the Government expense, he believed 599 were from Ireland, and there was one English or Scotch girl, but she was sick. (Laughter.) Could it be said that at that time we were overstocked? No, there were many cases in which parties did the house work themselves, not because they were unable or unwilling to keep a female servant, but the simple fact was they could not get one. The question was, however, whether those who were sent were such as were really required. No doubt the Irish settlers would like to get parties from their own country, and the English and Scotch would like to do the same. What he contended was that it was not the quantity which was objectionable but the quality. The hon. member for the Burra (Mr. McEllister) had spoken about men standing about at the corner of Hindley-street, unable to obtain employment, and he believed that the hon. member himself had done a good deal towards importing that class, but whether the hon. member now thought he had imported enough, he could not say. It was strange, but it so happened notwithstanding the apparent want of employment that when a man was wanted it was with difficulty that one of the right sort could be obtained. In country districts men could not be found when they were wanted, and parties were obliged to come to Adelaide to obtain them. No doubt there was a particular description of labor which was superabundant, and he could readily understand that if the hon. member wanted a clerk or storeman he would be deluged with applications. He repeated that he believed there was a scarcity of labor in the districts generally, and that the labor which was available was not adapted to the requirements of the colony. For instance, he had taken the trouble to ascertain the employments at home of some men in the district which he represented, and he found amongst them hearing-fishers, patent leather dressers, hatters, stocking weavers, and wax doll makers. (Laughter.) Now, were such men adapted for the colony? No. And this confirmed what he said before, that it was not the quantity, but the quality of the labor sent here, to which he objected. A short time since some men were engaged upon a job under the Central Road Board, one man worked as hard as he was able but was unable to earn more than 3s a day, whilst two by his side a father and son readily earned 7s a day each. No doubt the 3s a day man, who had not been accustomed to such work, would cry—no, the colony, but the other two, who knew what work was, and were able to do it, were perfectly well satisfied, and had applied to him to endeavour to get some of their friends out to the colony. He hardly knew what to make of some of the arguments in

reference to this motion, for whilst the hon member for Onkaparinga said it was of no use to import laborers, as they would all go away to Victoria, another said that when we wanted labor we could readily get it from Victoria. He would ask if land had ever been sold for 1/ an acre before the Wakefield system had been introduced? He contended that immigrants were not paid for by taxing the people, but the amount was derived from the Land Fund. Individuals purchased land upon the distinct understanding that they were to have a portion of it back in the shape of labor. The labor was paid for, in fact, when the land was paid for. He had been told that morning by a farmer who had expended a good deal of money in the purchase of land, that if labor were taken away, he should purchase no more land in South Australia, but go where land was cheaper. Another had actually sold out and gone off to New Zealand, where he bought land for far less money than he could in this colony, saying, that if he was to be deprived of labor, he might just as well take his family where he could purchase land at half the price he could here, and take his chance of getting labor as he would have to here. Those who had not invested their capital in land would not probably care much about the resolution arrived at, but he and others who had purchased land felt that it would be a gross injustice, after paying 1/ an acre for land upon the distinct understanding that half the amount was to be devoted to the importation of labor, that others should turn round and say, that's our money, and we won't import immigrants with it. He had from the commencement opposed the mixing up of the land fund with the general revenue, seeing that when so mixed up it would be considered and treated as part of the general revenue.

Mr HARVEY should support the amendment, as he had heard nothing to alter his opinion upon the question. He did not think there was a superabundance of females, and the wages were at least four times what they were in England, Ireland, or Scotland. The hon member for East Torrens (Mr Barrow) had said that he thought the country members ought to inform the House of the state of the labor market in the districts with which they were connected, and he was sorry to say that in his district there were not only a great number of unskilled but skilled laborers out of employment. In Yatala a considerable number who had formerly been employers of labor had been obliged to give up their farms and become laborers themselves. A large number of the females who had been alluded to were not at all suited to the colony, and were not worth the money which it cost to bring them out, but a suitable class, he believed, would readily find employment. He was opposed to stopping immigration altogether, but he believed that it might be advantageously stopped for twelve months. The land fund was growing small by degrees and beautifully less, and he thought before all was gone it would be well to expend some portion in reproductive works.

The ATTORNEY GENERAL opposed the motion. He felt this was one of the questions upon which he could not give a silent vote. Whatever might be the result, he felt that he should be wanting in his duty to those who sent him to that House, and as a member of the Government, if he did not express his opinion. He had taken one or two opportunities before of expressing the views which he had entertained relative to immigration. He believed that the whole previous prosperity of South Australia to the present time had sprung from and been dependent on, the maintenance of the system of immigration out of the proceeds of the land sold in the colony. He had not heard a single person venture, with regard to the past to say that such had not been the case, and he could hardly imagine a person bold enough to say that the prosperity of South Australia was not mainly attributable to the system upon which the colony had been founded, that the supply of labor should be proportioned to the land sold and the amount realised. If that were the case, he would ask if there was anything in the present circumstances of the colony—any such change in our relations or actual position—as should induce them to say that, for the future they would check immigration? He looked upon it as idle to say that this was merely to be a temporary measure. The arguments which had been brought forward in support of it had no meaning, if it were not to be permanent, and he would ask was there anything which should induce them to say that that which had hitherto been a source of prosperity to the colony should henceforth be a source of injury and loss? No one argument had been brought forward to show that such would really be the case. The hon member for East Torrens (Mr Barrow), in addressing himself to the subject, had said, referring to the argument used as to the Government interference that it was idle to say the Government did not interfere with the labor market, so long as they did so practically by bringing labor into the colony. He admitted the Government did interfere to that extent, but the hon member did not go far enough back—the first instance in which the Government interfered not being in bringing labor into the colony, but in selling the land which could only be brought into use by the introduction of labor. Every section which was sold tended to widen the field of employment, without widening the supply of labour, and it was to neutralise the effect which would be produced merely by the sale of land, that the Wakefield system was introduced, that the Government should not act on the one side against the purchaser of the land, by putting the money in their

pocket but operate fairly, whilst increasing the field of employment, increasing the supply of labour to develop the resources by the cultivation of the land so sold. He would point out to the supporters of the motion before the House, that in order to make the system just, they should require the Government to stop operations, not with regard to labour only, but with regard to land also. If hon members were prepared to say that the Government should sell no more land in the colony, but that South Australia should be confined within the limits of its present settlement, that there should not, as heretofore, be an establishment of farms and homesteads where there had been no business, he could understand it, but if they carried the resolution which they now proposed, and the Legislature acted up to the spirit of that resolution, it could end in no other result than in limiting the progress of South Australia within something like the limits which the colony had attained at the present time. Let any hon member familiar with different parts of the country reflect upon the farms and homesteads one after another, and enquire the circumstances under which the proprietors reached their present position, and he would engage to say that in eight cases out of ten, or a greater proportion, the yeomanry, who were the props of South Australia—those who gave a character to the colony—on which its character for prudence and stability was mainly based—had in the first instance arrived in the colony at the expense of the labor fund, and by prudence, temperance, and industry, had become the occupiers of land purchased from the Crown or which they had rented with the right of purchase. If they stopped immigration they would stop the purchase of land, and diminish the inducements to persons of capital to employ it in that mode. The hon member for Mount Barker (Mr Dunn) had truly said that every person had bought land on the faith of the existing system and had contributed for the purpose of bringing labor into the colony. They had purchased the land in the full belief that the system would be continued, and thus that there would always be a requisite supply of labor for the cultivation of the land. His feeling was that a resolution of this kind could not be adopted without involving a breach of faith to those who had purchased land under the existing system, which there was no notion at the time of altering. Under this aspect the Government could not refrain from introducing immigrants without violating the obligation which they had incurred towards all those who had purchased land, and on that ground he must oppose the resolution. There was one aspect of the case to which it was necessary to advert, because this resolution had been alluded to as a means of keeping up the rate of wages, or finding employment for those already in the colony. So far as keeping up the rate of wages was concerned, that was no duty of the Government or the Legislature. The duty of the Government was to remove every impediment preventing the laborer from finding employment, and also to remove restrictions from capitalists finding laborers. Beyond that the Government had no duty in the matter. No more fatal, no more injurious course could be pursued by any Government than attempting by legislation to regulate or maintain the rate of wages. He should deprecate anything which would prevent a laborer from obtaining a fair day's wages for a fair day's work, but at the same time he should deprecate any attempt to exact from the employer more than a fair rate. It was not the duty of the Government to interfere in the matter further than to relieve destitution amongst those who were unable to obtain employment. To regulate wages was no part of the duty of Government, and he would now look at the question as it affected the laboring classes. The whole experience of this and other colonies showed that the rate of wages did not rise as immigration was checked, but that the contrary effect was produced. The highest rates of wages ruled when there was the freest importation of labor, and when immigration was checked, the rate of wages fell. He did not say that in every month or every year there was this absolute concomitancy between the two elements, but he would defy anyone to go through the history of this or other colonies, and show that the general tendency was the reverse of what he had stated. Periods when immigration was checked or languid were periods when the laboring classes suffered to the greatest degree. The constant widening of the field of employment required that a constant supply of labor should be kept up. There was one other aspect to which he felt it necessary to advert, and that was with regard to the means of finding employment for laborers by the Government. During the last three or four years the money which had been devoted to the employment of labor by the Government was derived, in a very large proportion, from money borrowed. No person, looking to the continued progress of the colony, but must contemplate the indefinite extension of money to be derived from this source. At the present moment there was under consideration the extension of a railway to the south, to the east to the Murray, and to the north to the Burra, but with regard to every one of these he believed the Government and the Legislature would be insane if this resolution were carried if they thought of borrowing any more money. He said at once that if the resolution were carried, and its spirit adopted he would never sanction borrowing in addition to the present debt, and consequently all means of employment to the laboring classes furnished by the expenditure of

that money would cease altogether. He thought that was a point which hon. members would do well to bear in mind, not only that there would be a gradual diminution in the sale of land, but that there could be no capital for the employment of laborers from the funds of English capitalists. He thought when hon. members took that view, looking at the question in its narrowest point of view as regarded the laboring classes, it would be a very doubtful boon indeed. There was another matter which he approached with some unwillingness, because he had no desire to impute blame to the English Government whilst they had the management of the Land Fund, but in justice to the present Government, and to those who had been employed by the Ministers of the Crown since the introduction of the responsible Government, he was compelled to say, so far as it was possible to form an opinion, that if a wise system had been introduced, if the English Government had allowed us to give instructions as to the expenditure of funds, different results would have accrued. He believed all the suffering which had taken place, or which still existed, had arisen from the injudicious and improper manner in which the funds of the colony had been expended by those who had the control of them at that time. Reference had been made to a number of female immigrants, chiefly from Ireland, who arrived here a few years ago, and any one who read the correspondence upon that subject, would find there had been a great abuse of power on the part of the Emigration Commissioners, and a dereliction of the duties which they had to carry out. He did not know what influences, political or otherwise, had been brought to bear, to induce them to adopt the course they did, but they had clearly been actuated by any thing but a desire to carry out the instructions which they received from the colony, or by a true conception of the duties which their position bound them to discharge. Under the existing system, the cost of those imported likely to remain in the colony, was 20 or 25 per cent less than under the former system. Not only did a larger proportion remain in the colony than formerly, but all the arrangements were on a much more economical scale, and the result was in favor of the cheapness of the present system. Adding the salaries to the cost of the immigrants, the cost was actually less, and we retained in the colony a much larger proportion of those who arrived here. To suppose, however, that this could be done without proper supervision was more than any one could expect. No question which had been mooted in that House was more important in principle or practical consequences than the present. If it were carried, he looked upon the prosperity of South Australia as indefinitely arrested. Nothing could be more fatal to the colony than to check immigration, but if the resolution were negatived, there was nothing to prevent them from going on in the same prosperous course which they had hitherto. He did not suppose that they could expect to avoid fluctuations in the colony, the laboring class, like every other, must expect to meet with periods of depression, and to submit to privations, till they could find a community beyond our earth unaffected by human laws, those fluctuations must occur, but he believed the suffering in South Australia had been less than in any other community on the face of the earth since it had been founded, and if the system to which they owed their prosperity were allowed to continue the same amount of prosperity and general comfort would continue to be enjoyed.

Mr HAY agreed with many of the remarks of the Attorney-General, but thought it would be wise to suspend immigration till the present surplus labor was absorbed. The Attorney-General had said that when there was the largest amount of immigration the wages were highest, but the hon. gentleman had forgotten to consider the price of provisions which had so fearfully increased. He could not indeed understand how it was that butchers'-meat should be only 4d per lb in Sydney, and 7d or 8d in Adelaide. He was prepared to state that in the agricultural and pastoral districts labor was at a lower rate than it had been for five or six years, and there were many circumstances which would compel him to refuse to vote a fairthing for immigration during the present year. They were bound to look not only to their own welfare and comfort, but to the comfort and welfare of those whom they had induced to come here. He would recommend that the motion should be withdrawn, and that the matter should be decided upon the Estimates being brought under consideration. He did not believe that assisted immigration was the best for the colony, but that when immigrants were really required from England and Scotland, as they would be to equalise the proportions, that intimation of our wants should be given in the agricultural districts, and the proper class selected. Skilled labor was plentiful, and he saw no necessity for imputing that description any more than unskilled. To talk about abolishing immigration altogether was absurd with a population of only 120,000, but he was decidedly in favor of a cessation for 12 months, in order that the present surplus labor might be absorbed. He had not indeed heard a single member say that he was in favor of doing away with immigration altogether.

The COMMISSIONER OF CROWN LANDS said that the mover, and he thought two or three other honorable members had distinctly enunciated the principle, that there should be a cessation of immigration. If the honorable mover did not, all he could say was, that he did not under-

stand the English language. He felt strongly upon this subject, and did not like to give a fallacy to a set of starving men, and say, "there go home and feed your families on that." To talk about this resolution acting as a relief to such men was a fallacy, for it could not come into operation under six months. He would recommend the working men to combine, and then perhaps they might get their meat and necessaries of life cheaper than at present. He would remind the House that out of 1,200 immigrants who had been nominated there were 963 to arrive, and surely the House would not think of breaking faith with them. He repeated that he regarded the motion before the House as a fallacy, and gentlemen, instead of bringing such a motion forward, would shew their philanthropy much better by coming to the immediate relief of those out of employment. The Commissioner of Public Works devised a plan for their relief, but that appeared to give great dissatisfaction, so the better plan would be for some independent members to devise a better. He believed that the best plan would be for the House to entrust him and the rest of the Ministry with the regulation of immigration and by doing so they would only be showing proper confidence in the Ministry, but he could be no party to breaking 963 covenants.

Mr OWEN said he was sure no member of that House would wish to break any covenants which had been entered into. The question before the House was a most important one, and one on which the fate of working men depended. He agreed with the spirit of the motion, but wished "twelve months" erased, for should they remain it would be necessary still to keep up the Emigration Agency in England. He wished to remove the Emigration Agent in London, believing if that appointment and immigration were kept up it would drive every industrious man from the colony. (Laughter.) It was only necessary to look at the countenances of the poor starving creatures standing about the streets to judge of the distress which existed. Such poverty had not been known in Adelaide since the days of Colonel Gawler, and the Government had no more right to interfere with the labor market than to import stores for the tradesmen of the city. The money which of late years had been sent home to import labor ought to have been spent in the colony. He wished to do away with immigration altogether, although he could easily imagine that extensive mining companies which declared large dividends wished to continue it for the purpose of keeping down the rate of wages, and it might suit the stockholder, who aimed notwithstanding to keep up the price of meat. Of what good to the colony were the large dividends declared by those companies when they went to enrich absentees. When in Melbourne recently he was taunted with the fact that South Australia acted as immigration agent for Victoria. With regard to the amendment of the hon. member for Light, it was simply ridiculous.

The SPEAKER put the amendment, which was negatived.

Mr HAWKER could not allow a question of such great importance to the country to be passed over or rejected in that House without offering a few remarks upon it. He considered that, if he gave a silent vote, he would not be doing his duty to his constituents or to the country at large. The hon. member for East Torrens (Mr Barrow) very fairly said that he should like to hear the opinions of representatives of country districts upon this question, and so far as regarded his (Mr Hawker's) constituency, which was a very large one and occupied a large extent of country, the united feeling of that constituency was that immigration should be continued. (Hear, hear.) From the different statements which had been made, he questioned whether the subject had been viewed as affecting the whole colony, but merely whether there was too much labor in Adelaide or not. If hon. members had taken the pains to ascertain the state of the country districts, and taken a general view, they would have found that instead of there being an excess of labor there was absolutely in many districts a dearth of labor to carry on necessary operations. (No, no.) He did not make statements which he was not prepared to prove. He repeated that he was prepared to prove in some districts there was a scarcity of labor. He had taken a great deal of trouble to ascertain the state of the labor market in the district which he represented, and in other portions of the colony. One thing appeared to have been entirely overlooked, which was, that for nearly the whole labor of the South-eastern district, which some thousands were employed, they were indebted to the colony of Victoria, scarcely any had been provided from the immigration fund. There was a large surplus of labor in Melbourne, but it was of the same character as the surplus labor in Adelaide not fitted for the country. He had seen several settlers from his district, and they had all stated that there was a deficiency of labor for agricultural and pastoral purposes. Land had been sold in that district to a very large amount, and consequently the settlers in the district had a claim for a sufficient amount of labor to supply their wants. It was a very great expense to take laborers there from town, and he might mention that the only parties who had been taken up there, who had turned out well and given satisfaction, were newly arrived immigrants. Not long ago he had been stopped in Hindley-street by a man who represented himself as a farmer at Willunga and a tenant of Mr Glyde. This man stated that he had been in Adelaide for three days looking for a ploughman, and that he had offered 1/3 a week, rations, and a cottage for a man, but had been unable to get

one That was not a solitary instance, parties knowing that he took an interest in the colony, spoke to him repeatedly upon the subject. In the far north there was a great scarcity of labor for pastoral operations. The wages near Adelaide and at his own station, were the same as in the height of the gold diggings. He believed that the reason so many men were to be seen standing at the corner of Hindley-street, wanting employment, was they were not the class of laborers suited to the wants of employers. If all the laborers in the colony had been selected under the present system, he believed there would not have been a single able-bodied man looking for work in South Australia. He was well acquainted with the colony, and could see many reasons to account for the depression which existed. The Treasurer had stated that the deficiency in the last harvest amounted to 300,000*l.*, and it should be remembered there had been bad harvests for two years. Last year, in consequence of the dry season, the deficiency in the clip and the fall in the home markets amounted to 200,000*l.*, every shilling of which would have been spent directly or indirectly amongst the laboring classes. It would have been spent in land and improvements up the country. Those two facts alone were sufficient to account for the depression which existed, because when a large number of works were going on an inferior class of laborers were employed, but at the present time employers expected to get men thoroughly able to do their work. If he wanted any strong evidence, to show that the want of employment arose from the immigrants being unsuited, he could refer to the last two or three shiploads which had been selected under the new system, and it would be found by the report of the Immigration Agent that a fortnight from the arrival of the vessels the immigrants were, with two or three exceptions, employed. Taking the country generally, no reduction in the number of immigrants was necessary, the reason that so many were idle in Adelaide was that they had been brought out under the old nomination system, but that had now been abolished, and under the existing system a better class of immigrants could be depended upon. The hon member for the Burra, Mr McEllister, said the other day that it would be a most heartless thing to bring out more immigrants, but last year there was scarcely a gentleman who purchased land whom the hon member did not ask for his nomination order, in order, as he said, to bring out some of his starving countrymen. No doubt the hon member asked with the best intentions, and he (Mr Hawker) gave him several orders, but when the hon member had gained his point, and got out a large supply of labour from Ireland—not judiciously selected, he might remark, though in Ireland as fine a class might be found as any in the world, but the sweepings of workhouses and the refuse of estates—it was most unfair then for the hon member to turn round and say that there should be no means afforded to equalise the nationalities, and when it came to the vote, that he should vote against any expenditure, simply because the immigrants would not come from his own country. The hon member had had the advantage of the system, and he should be the last man in the world to say that he would not allow any one else to have the benefits of a system by which he had achieved his prosperity. He regretted the hon member was not in his place to hear these remarks, because he thought that the hon member had not acted as he should. He believed that at the present time there was a large amount of labor wanted, but in some instances parties must be content to take low wages. He had the authority of Mr Morecom's for stating that he could not procure good agricultural laborers for money. Laborers were required for breaking up new land, ploughing, fencing, trenching, for putting on vineyards, and for pastoral purposes. It was clearly injurious to the colony for there not to be sufficient labor to enable vine-growers to proceed with their operations. At a station in the far north, a man recently called and wanted a job, he had as usual his bed and two meals, for a hungry man was never allowed to pass through a station, and in the morning he was offered employment at lamb-mending, 1*s* a week and rations, which he refused, saying, that he had always had 1*l.*, and he believed that man was still going about the country getting his meals at every station. (Laughter.) He might mention some leading tradesmen in Hindley-street, who, when the colony was suffering from depression some years back, rather than be idle came and worked for him for 7*s* a-week, and when the colony recovered itself they resumed their trades and became prosperous men. If that plan were adopted by those who were going about town, it would be far better. There was an immense amount of work to be done at a low rate, but it was work of a character which was never undertaken unless wages were low. This work would give men their rations and something to put in their pockets, and at sheepshearing and harvest they could avail themselves of higher rates. Men who would adopt these views would prosper as others had prospered who had so acted under equally trying circumstances. He was aware that a number of mechanics were suffering, as he had been applied to by several who were desirous of working, even at a low rate, and he had several jobs now being performed in that manner. A good deal had been said about domestic servants, because some years ago 500 or 600 females arrived here, and the morals of the colony were very much deteriorated in consequence. The class alluded to were Irish orphans, but he

believed that many of them had turned out well. He had had three in his employment, but it should be remembered that a lot were sent out under the old system, who were totally unfit. What we required were domestic servants who knew their work, and without they did, he admitted it would be throwing money away to import them. Under the existing system the parties must show they were thoroughly suited before they could obtain a passage. The hon member for the city (Mr Owen) and the hon member for Gumeracha appeared to address their remarks to him in reference to the price of butchers' meat. The hon member for the city looked hard and talked loud at him, but he could assure those hon members that he had nothing to do with the high price. When he had a flock of fat wethers sent down, he sold them. He believed that one cause of the high price of butchers' meat was that farmers did not attend to grazing on their farms. How was it possible to get fat stock in town when they had to come 100 miles through fences, without a blade of grass. The settlers did not derive the benefit, as the sheep left their fat on the road. A short time since a flock left his station in splendid condition, but on arriving in town all their fat was gone, and he was actually obliged to send some back. If the farmers would turn their attention to grazing, the price of meat would be lowered and the capabilities of the soil would be largely increased. When there was a stoppage to immigration it would be a great blow to many interests. When there were but few ships coming in, the merchants, the shopkeepers, and, in fact, the general interests of the colony suffered, as immigration continued so he believed the general interests of the colony would be kept in view also. He should consider he should not have done his duty had he not pointed out the great detriment which must accrue, if this motion were carried. No doubt it had been brought forward with the best intentions, but if hon members were to view the question as it affected the length and breadth of the land, they would, perhaps, alter their opinion, for there was not an over supply of labor in the country districts. If immigration were stopped, he agreed with the Attorney-General that the land sales should be stopped also. If they altered the system which gave this colony such an eminence above other colonies, it would be a retrograde movement. No one could go through Victoria or New South Wales without being struck with the difference between those colonies and South Australia. In the former, there was not, as here, a continued line of farms and homesteads. There were no yeomanry, which he regarded as the safeguards of this colony. Mr Wilson, the Editor of the *Argus*, had, when here, expressed to him his surprise at the superiority of our land and immigration system over the systems in force in Victoria, with which he was connected. He believed it was a continuous flow of immigration which had caused the prosperity of the colony. He had no other course, therefore, to pursue than to oppose the motion of the hon member for Onkaparinga and begged to move the previous question.

Mr PEAKE seconded the previous question. He congratulated the citizens of Adelaide upon having elected a member (Mr Owen) who had discovered that it was of no advantage to derive £300,000 a year from the Burra Mine. He (Mr Peake) believed, with a celebrated writer on political economy, that land and capital were both useless unless labour could be commanded. As an example, he might refer to the melancholy case of Mr Peel, in Western Australia. The arguments which had been used appeared most singular and contradictory, amounting to this, "If you import labour, it will go to Melbourne, and if you stop immigration, you will be able to get labour from Melbourne." It was proposed to make labour dear here, for the purpose of getting it from Melbourne. He found that, during a period of eight years, we had imported annually on an average 5,598 immigrants from the United Kingdom, and the natural increase of our population being 2,500, there had been an annual increase of 8,098. And what had been the result? Men's wages during the last eight years had on an average been £42 1*s* a year with rations, servant women £16 and rations, married couples £49 1*s* and rations, single men £42 and rations, and daily laborers 6*s* 8*d* per day, more than three times the wages the best day laborers could secure at home. The Attorney-General had alluded to 1855, when 11,871 immigrants were imported, and he found that in that year wages were actually above the average he had stated. Let them see under this state of things what had been done in 21 years, for at that distance back this place was a wilderness. The population was 120,000, the land in cultivation 250,000 acres, 1,915,723 acres of land had been sold for which the Government had received 2,421,288*l.*, there were considerably in excess of two million sheep, half a million of cattle, and 40,000 or 50,000 horses. This had been done by the system of immigration and colonisation which had been in force, but which it was proposed by the resolution before the House to annihilate, notwithstanding the distinct understanding upon which every one purchased land that half the amount should be devoted to the importation of labor. The hon member for Victoria gave a fair reason to account for the present high price of butchers' meat, and he (Mr Peake) believed there was another cause concurring thereto, which had not been named, which was to be found in the large area of their squatting runs, and the want of competition among the

squatters. If the runs had been laid out as systematically for lease as the waste lands of the Crown for sale, they would have been more producers of butchers' meat, more competition, and a lower price as a consequence. He feared it was too late now to apply a cure to the mischief done, and he ventured to throw out this idea, in the hope that if possible, a better policy might be adopted in future.

Mr OWEN rose to explain that he never mentioned the Burra mine, but said that cheap labour might suit large mining companies, which declared large dividends, two-thirds of which went home and elsewhere to absentees, who care nothing for the colony nor the working man.

Mr TOWNSEND expressed his gratification at the good feeling which had been displayed during the debate. The hon member (Mr Dutton) had stated that the House had no power to deal with the motion, but as that House had to vote the money he apprehended there could be no difficulty on that point. The Attorney-General had attributed the prosperity of the colony to immigration, but he (Mr Townsend) must still believe that if the money which had been expended on immigration had been devoted to public works, such as the construction of roads and bridges, as in Canada and the United States, we should have had as large a population as at present. In 1850, the population was 80,000, and allowing three per cent for the increase for nine years the number would be 24,000, which, with the number paid for during that period, 55,436, would make a total of 159,436, but what was the fact? Why our estimated population was only 120,000, clearly showing that we had been importing immigrants for the advantage of other colonies. The cost of immigration during the last nine years amounted to the enormous sum of 800,000. With respect to the kind of immigrants, he would remark that there was scarcely a newspaper in England which did not publish the rates of wages in all the colonies, and wherever the highest rate ruled, there would the working man proceed. He was in company the other day with the hon member for Barossa, and fourteen master builders, every one of whom admitted that there was abundance of skilled and unskilled labor here. The hon member for Victoria had stated that a large proportion of the men in the South-eastern district were from Melbourne, and he readily admitted that when the rate of wages was higher here than in Melbourne men would find their way. Wages must be regulated by supply and demand, and all attempts to control them by any other mode would be futile. To show there was no scarcity of labor of any kind he might mention that very recently there were 60 applications for a porter's situation, and 33 for a secretary's. The Attorney-General had stated that this colony had been founded upon Gibbon Wakfield's system, that of every pound received for land lots should be laid out for labor, but when it was found that system had produced such ruinous results it was time it was abolished. He believed, notwithstanding all that had been said to the contrary, that hundreds of skilled and unskilled laborers might be obtained at an hour's notice, and he could imagine no other motive for opposing the motion than a desire to reduce wages to a minimum rate. The working men were bestirring themselves, and at the general elections he was quite sure no candidate would be returned who would not pledge himself to vote for the total abolition or temporary cessation of immigration.

The SPEAKER then put the motion, which was lost by a majority of 3, the votes on a division being, Ayes, 10; Noes, 13, as follows—

AYES, 10—Messrs Barlow, Cole, Haivey, Milne, Owen, Reynolds, Scammell, Shannon, Solomon, and Townsend, (teller)

NOES, 13—The Commissioner of Crown Lands, the Commissioners of Public Works, the Treasurer, Messrs Collinson, Duffield, Dunn, Dutton, Glyde, Hawker, McDermott, Mildred, Peake, and the Attorney-General (teller)

Present—Mr Hay, and Mr McEllister, in favor of Mr Townsend's motion, and Mr Hallett and Mr Strangways, against it.

The remaining business was postponed, and the House adjourned at 25 minutes past 5, till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, JUNE 14

The PRESIDENT took the chair at 2 o'clock

TELEGRAPH CHARGES

The Hon the CHIEF SECRETARY laid on the table a scale of the charges of the Electric Telegraph

LEGAL PHRASOLOGY

The Hon Mr FORSTER, before bringing forward the notice of motion standing in his name, wished to ask the Chief Secretary, with reference to some Bills which he was about to introduce into the House and with a view of economising the time of the House, and of hon members generally, whether he had consulted a work entitled "Symons's Mechanics of Law-making." If not, he recommended the work to the notice of the Hon the Chief Secretary as containing suggestions which would obviate the necessity of unmeaning verbiage.

The Hon the CHIEF SECRETARY said that he had not seen the book in question.

The Hon Mr FORSTER would commend it to the use of the law advisers of the Government.

THE TRUCK SYSTEM

The Hon Mr FORSTER had on a previous occasion presented a petition from the working-men on the subject of the truck system. They complained that they had a difficulty in getting their money from the contractors, and it was desirable to know whether the Government would be disposed to interfere with the contractors, so as to secure to working-men their wages.

The Hon the CHIEF SECRETARY said that no complaint had reached the Government on the subject. It would be more proper for the hon member to give notice of motion.

The Hon Mr FORSTER replied that he would give notice at an early day.

ISSUE OF LAND GRANTS

The Hon Mr FORSTER, pursuant to notice, asked the Hon the Chief Secretary—"What time now elapses between the date of purchase of Government lands and the issue of the land grants to the purchasers?" He (Mr Forster) was induced to make this enquiry in consequence of the delay which had hitherto attended the issue of land grants, a delay which did not appear to occur in the ordinary course of business, but to be arising from some other cause, for, after the selection of the land at the Survey Office, it was usually a month, and sometimes three months, before the grants were issued. There was no reason why purchases of land should not be cleared up within a week after they were made. It was with the view of promoting the general convenience of the public that he had put the question to the Hon the Chief Secretary.

The Hon the CHIEF SECRETARY replied that it would be impossible to issue land grants within the time mentioned. Diagrams had to be prepared very carefully, and any omission would lead to serious results. The average period within which grants had been issued from the time of purchase was 28 days. The attention of the Surveyor-General had been called to the subject.

THE SURVEYOR-GENERAL

A message was read from the House of Assembly, stating that Major Keeling had been appointed one of a Select Committee on the question of the Strathalbyn and Goolwa Railway.

On the motion of the Hon H AYERS, leave was given for the Hon the Surveyor-General to sit on the Committee.

CENSUS BILL

The House went into Committee on the second reading of this Bill.

The Hon the CHIEF SECRETARY remarked that it had hitherto been the custom to take the census from time to time in order to compare the progress of the colony in this with other respects. The last census was taken in 1855, and the previous one in 1850. Since the introduction of the present Bill before Parliament, a census had been proposed to be taken of the whole of the Australian colonies simultaneously on the same day.

The Hon Mr FORSTER supported the second reading of the Bill. He, however, suggested an addition to the schedule in the form of a return, showing the number of immigrants who had come out at the Government expense. Much discussion had arisen recently on the subject, and this return would show the real advantage the colony had sustained by the introduction of emigrants.

The Hon Captain BAGOT said that in England the census was usually taken in one day. The work was divided amongst 30,610 districts, to each of which a collector was appointed. The only way of obtaining true and correct census returns was by collecting the statistics on one day. If however, the House were satisfied with an approximation to the truth, the present Bill would answer their purpose.

The Hon Mr MORPHETT was of opinion that the expense of five census collectors for one day would not amount to more than one collector for five days, and he was disposed to think that the census might be taken in one day without greatly increased expense.

The Hon the CHIEF SECRETARY remarked that the observations of the hon member referred to the outlying districts, the census of which places would be a matter of no consequence. The chief expense was incurred in going out and returning from these districts, which were chiefly populated by shepherds and stockkeepers.

The Hon Captain BAGOT replied that the populous districts would be more likely to suffer from inaccuracy through this cause than the more remote ones. It was not possible for the collectors to take the census correctly in Adelaide.

The Hon H AYERS was of opinion that it would be impossible to take the census in one day, particularly in the county north of the Burra, although it might be done in thickly peopled districts.

The Hon Captain BAGOT considered that in the outlying stations the most suitable person to take the census was

each overseer of a run, and if those persons were appointed for that purpose there would be no difficulty in taking the census in one day.

The Hon the CHIEF SECRETARY said, in that case it would be necessary to make the collection compulsory.

The Hon Captain BAGOT thought that it would be desirable to collect statistics of various other matters, such as places of worship, scholastic establishments, inhabited and uninhabited houses. The collection of these figures would not cost much more, and would furnish a great fund of very interesting information.

The Hon Mr FORSTER proposed an additional column to the schedule, showing whether the persons whose names were in the return had come out either wholly or in part at the expense of Government. It might be urged that this enquiry was inquisitorial, but the whole collection of the census was inquisitorial.

The Hon Captain BAGOT thought that, although the information might be gratifying to the House, it would not be gratifying to the persons to whom it applied, as it was generally found that when people got up in the world they wished to forget their antecedents.

The Hon Mr MORPHEIT observed that the information required could be obtained from the Chief Secretary's Office. There was no doubt that, out of the thousands who had come to the colony at the expense of the Government, very likely one-half were now prosperous and employers of labour.

The Hon Mr FORSTER considered that the return which he required would throw light upon a very perplexing question, inasmuch as many Government immigrants had left the colony, and if all had remained who originally came, the population would have been much greater than it now was. Besides, the return furnished would form a part of the records of the Chief Secretary's Office. It certainly was a delicate question to put to a prosperous man, whether he had come out at the expense of Government or not, but it was also not very pleasant to ask a lady's age—(laughter)—yet this had to be done in taking the census. The return he asked for would show a record of those individuals who had succeeded in raising themselves to prosperity.

The Hon Captain SCOTT was of opinion that these returns could not be relied on. Where a number of persons had an interest in making incorrect statements, the temptation would be too great for many of them, so that the returns, if obtained, would be valueless.

The Hon H AYERS thought that an additional column, with the name of the ship, as suggested by Dr Everard, would be as objectionable as the other proposal, inasmuch as many persons from the adjoining colonies would wish to conceal the name of the ship in which they came here.

After some further discussion on the subject of the schedule, the Bill passed the second reading, and the third reading was made an Order of the Day for Wednesday (today).

CONSOLIDATION OF STATUTE LAW RELATING TO OFFENCES OF A PUBLIC NATURE

The Bill was read a third time, and passed.

STATUTE LAW RELATING TO OFFENCES AGAINST PROPERTY

The remainder of the clauses of this Bill were read a second time, and adopted with some verbal amendments.

The third reading was made an Order of the Day for Tuesday next.

THE WESTERN BOUNDARY

The Address to Her Majesty on the subject of the Western Boundary of the Province was taken into consideration by the House.

The Hon Mr MORPHEIT said that, agreeably with the wishes of hon members, he moved the insertion in the last paragraph, in the fourth line, after the word "settlers," of the words "who will be most probably some of your Majesty's subjects now residing in this province, whose sheep-runs are rapidly approaching the Western Boundary." This amendment was carried.

The Address was then read as follows—

"TO THE QUEEN'S MOST EXCELLENT MAJESTY
"We, your Majesty's most loyal and dutiful subjects Members of the Legislative Council of South Australia, in Parliament assembled, approach your Majesty with assurances of our loyalty and attachment to your Majesty's throne and person.

"We beg to address your Majesty, to point out that there is a tract of land lying between the western boundary of the Province of South Australia, and the eastern boundary of Western Australia, and being comprised within the 129th and 132nd degrees of east longitude, which we have reason to believe is adapted to pastoral purposes, and which is not at present stocked or occupied, although it might, with great ease, be stocked from South Australia, provided the settlers had the necessary protection of life and property, which the extension of Government authority would afford.

"We respectfully submit to your Majesty, that it is important to the United Kingdom that all possible facilities should be afforded for the depasturing of sheep in Australia, as many of the finer British fibres mainly depend upon the wool grown in this island, and we believe that the occupation by sheep farmers of the tract of country referred to, will be expedited and facilitated by its annexation to South Aus-

tralia, as there are no harbors on its coast line, and any wool or other staple it may produce must be exported through the neighboring harbors of South Australia, which are conveniently situated and safe. We respectfully call to your Majesty's attention that His Excellency Sir R. G. MacDonnell, Governor-in-Chief of South Australia, addressed a letter, dated 11th March, 1858, to your Majesty's Principal Secretary of State for the Colonies, urging the claim of South Australia to the tract of country in question, and that the Secretary of State, in his reply, dated 28th May, 1858, stated that "Her Majesty's Government is of opinion that the tract of country in question should form part of South Australia, being altogether unconnected geographically with New South Wales, and being likely to receive its population from South rather than Western Australia. It will, however, require an Act of Parliament to effect this purpose, and I do not think that it ought to be executed without previous consultation with the Government of New South Wales, of which, as you correctly observe, the tract in question seems to be legally a portion."

"We respectfully submit that your Majesty may alienate the tract of country in question in any way that your Majesty shall deem most advisable as such power is specially reserved to your Majesty by an Act of the Legislature of New South Wales, which is embodied in the Imperial Statute, 18 and 19 Vic c 54, and especially provides as follows—'Provided always, that nothing herein contained shall be deemed to prevent Her Majesty from altering the boundary of the colony of New South Wales on the north in such manner as to Her Majesty may seem fit, nor from detaching from the said colony that portion of the same which lies between the west boundary of South Australia, and the 129th degree of east longitude, reckoning from the said meridian of Greenwich.'

"We would venture to urge upon your Majesty the importance of securing the early settlement of the tract of country in question under the sanction and authority of British Law, and that South Australia is the colony best situated for extending and maintaining that authority, and for affording the necessary protection to the first settlers, who will be most probably some of your Majesty's subjects now residing in this province, whose sheep-runs are rapidly approaching the Western Boundary, we, therefore, most earnestly pray your Majesty to take such steps as to your Majesty shall seem best for the immediate annexation to the colony of South Australia of the tract of country referred to."

The motion of the Hon Mr MORPHEIT, that the address be signed by the Hon President of this Council, and handed to His Excellency, with a request that he would forward it to Her Majesty, was carried.

The House then adjourned till Wednesday, at 1 o'clock.

HOUSE OF ASSEMBLY

TUESDAY, JUNE 14

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

PENOLA

Mr HAWKES presented a petition from the inhabitants of Penola and surrounding districts, praying the House to take steps for the construction of an electric telegraph from Mount Gambier to Penola. The petition was received and read.

MANSFIELD'S PATENT BILL

On the motion of Mr BARROW a Bill to secure a patent to Mr T P Mansfield, for an invention for pulling down and extracting the roots of trees, was read a first time and referred to a Select Committee to report on the following Tuesday.

TELEGRAPHS

The COMMISSIONER OF PUBLIC WORKS laid upon the table a copy of the scale of charges adopted at the various telegraph stations.

MAIN ROADS

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return moved for showing the expenditure upon main roads by the Central Road Board.

KAPUNDA

Mr McELLISTER asked the Commissioner of Public Works—

"I. Whether the surveys for the extension of the railway north of Kapunda, as ordered by this House last session, have been commenced, and, if so, at what time, and when it is probable they will be completed and laid on the table?"

"II. In the event of the surveys proving that the Valley of the Gilbert is better adapted for the northern extension of the railway than the Valley of the Light, will not the Government be obliged to repurchase much of the land lately surveyed and sold in the neighbourhood of Riverton and Saddleworth?"

"III. By whose orders and for what reason was this land sold prior to the surveys and report on the respective lines being laid on the table of the House?"

The COMMISSIONER OF PUBLIC WORKS did not think that the resolution of the House had quite been complied with, but several surveys had been made which had

been handed in on the previous day by Mr Murray, and on the following day he should be enabled to place them on the table of the House with the report of the chief engineer of railways. When the whole of the surveys which had been ordered had been completed, he would take the earliest opportunity of laying them on the table of the House.

LEAVE OF ABSENCE TO GOVERNMENT OFFICERS

Mr REYNOLDS asked the Treasurer when the return which had been moved for about a month previously, showing what officers had obtained six weeks' leave of absence, would be laid upon the table of the House?

The TREASURER believed that the return was not ready, but would make enquiries respecting it.

THE BARRIER RANGES

Mr REYNOLDS asked the Commissioner of Crown Lands whether he had received any intelligence from the expedition which started some months back for the Barrier Ranges?

The COMMISSIONER OF CROWN LANDS had not received any information beyond some anonymous correspondence which, of course he could not act upon. He had communicated with the party for the purpose of ascertaining how they were progressing.

Mr PEAKE had heard that the return was quietly encamped at the Darling, and had no intention whatever of starting for the Barrier Ranges.

RAILWAY COMMISSIONERS BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, said that very general agreement with the principles of the measure had been expressed by the House. Exception had been taken to the third clause, it being considered desirable that the salaries should be annually considered by the House, and, since then, a resolution had been adopted upon the motion of the hon. member for the Sturt, and the Bill had been altered in accordance with that resolution and the previously expressed opinions of hon. members.

Mr STRANGWAYS said that when the third clause was under consideration he should endeavour to get the word "manager" struck out, as by passing the clause as it at present stood they would be sanctioning the appointment of an officer whom he considered perfectly unnecessary. He believed that when these Boards were under the Commissioner of Public Works, to appoint a manager would not be the way to work them. If a manager were appointed to every Board, the expenses would be greatly increased. If the Commissioner of Public Works could not personally attend to the details of the various Boards, the utmost that he could expect would be the appointment of a second secretary, which he believed would be found more convenient and more advantageous to the country.

Mr REYNOLDS supported the second reading of the Bill, and was glad to find that the Government had yielded so gracefully to the feeling of the House. It mattered very little whether the title were manager or secretary. In Victoria the party holding the appointment was termed secretary, but a great deal depended upon the character of the manager or secretary whether the railways would be properly conducted. They should look more to the character of the party than the name. When the Bill was in Committee he should move the introduction of a clause giving the Government power to lease the railways, for, notwithstanding what had fallen from the Attorney-General, he had some doubt whether the Government had power to do so. He believed that by the adoption of such a course a far better return would be obtained, and that the railway system would be better developed if the railways were leased to responsible parties. He should take an early opportunity of testing the feeling of the House upon the point, believing that it would be far more advantageous that the railways should be leased than that they should remain under the control of the Government Railways in Victoria would be leased after December next, and he should be glad to see such a system adopted here. It was true that the Attorney-General had stated that the Government had made enquiries with the view of carrying out some such system, but he (Mr Reynolds) could not find a single person from whom information upon the subject had been sought as to the ability of parties to lease the railways. The Government should publicly notify their desire to lease the railways before they could expect any response.

Mr PEAKE was glad to find that an alteration had been made in the third clause to meet the wishes of the House. The objection of the hon. member for Encounter Bay appeared to him to be merely a difference between twelfth-day and twelfth-dec. It appeared to him to be of no consequence whether the term manager or secretary was applied, as the functions would not be different. If the gentleman were to remain in the Commissioner of Public Works' Office, he would be of little use, it was requisite he should be amongst his work. He very much doubted whether companies could be found to take the railways in their present condition, though no doubt there would be, if railways were extended as far as contemplated.

The Bill was then read a second time and—

The COMMISSIONER OF PUBLIC WORKS moved the House into Committee upon it, the hon. gentleman intimating that it was not his intention to take it out of Committee that day, wishing to afford the hon. member for the Sturt an opportunity of having the clause, which he had intimated his intention to introduce, printed.

Mr SOLOMON asked the Commissioner of Public Works what he intended to do in reference to the appointment of a solicitor, as the feeling of the House, as expressed on a former occasion, was, that the Crown Solicitor should attend to the business connected with the various departments. Would the term "other officers" include a solicitor? He thought the expression not sufficiently definite.

The COMMISSIONER OF PUBLIC WORKS said that if it were considered desirable to appoint a solicitor at a salary, he would have to come to that House and ask them to assent to the salary. He did not at present contemplate the appointment of a solicitor.

Mr STRANGWAYS said they had already passed an Act authorising the appointment of officers, and he considered it would be the duty of the Commissioner of Public Works to come before that House and justify the appointments which he made. Hon. members appeared to think there would be no difference whether the occupant of the office under discussion were called manager or secretary but there would be this difference: if a secretary were appointed, the salary would probably be 400*l.* per annum, but if there were to be a manager of railways, the salary would be 800*l.* or 1,000*l.* Besides, if he were manager, he would attend to nothing but railways, but if he were secretary and there was not sufficient to occupy the whole of his time in connection with railways he might devote his attention to the main roads of the province. (A laugh.)

Mr PEAKE thought whilst the gentleman was attending to the main roads he would be forgetting railways. He thought it much better to stick to the original order, and that each department should do the work which was attached to it.

Mr REYNOLDS preferred retaining the name of manager. It was desirable that the party should be upon the spot where the operations with which he was associated were carried on.

The COMMISSIONER OF PUBLIC WORKS said that the party holding the office which he had the honor of holding would doubtless make appointments, and would be justified in coming to that House to ask them to vote the salaries. He did not think that any one would seek to multiply offices, but it was certainly important that some person should be appointed to examine thoroughly every department. He thought it absolutely necessary there should be a manager, but it would be quite out of the question for him to devote any of his attention to main roads. It was essential to the proper and economical management of railways that there should be such an officer. He presumed the course would be for the Commissioner of Public Works to state to the House the smallest possible staff with which he could conduct so important a department, at least that was the course which he proposed pursuing. It was important that the House should recognise a manager of railways, and it seemed to him that the proviso which had been introduced in the Bill gave the House quite sufficient control.

Mr STRANGWAYS moved that the word "manager" be struck out. There was at present a traffic manager and a passenger manager, and it was now proposed to appoint a manager to look after two other managers. Railways would in fact be placed in the same position as the Waterworks, for there was a Chief Engineer to the Waterworks, and a Manager to manage him. (A laugh.)

Mr DURFLELL understood that the Commissioner of Public Works had no intention of appointing a salaried solicitor, but he supposed that the manager would be enabled to employ a professional man when circumstances transpired to render such a course necessary. He thought the Crown Solicitor should attend to the whole business connected with the Government departments. The question might arise whether the salary of that officer was sufficient, but there could be no doubt that he should attend to the whole business.

Mr TOWNSEND moved the insertion of the words "except solicitor or solicitors," thus doing away with the power to appoint such officers.

Mr REYNOLDS thought it not worth while to insert these words, having ascertained that the Government had no intention of making such appointment.

Mr TOWNSEND had not understood the Commissioner of Public Works to say anything of the kind. He had understood the hon. gentleman to say that he should appoint what staff he thought necessary, and would justify those appointments on coming before the House to ask for salaries. Believing that the Crown Solicitor was not overburdened, he was desirous that the work connected with the department should be thrown upon the shoulders of that gentleman.

Mr SOLOMON had understood the Commissioner of Public Works as the previous speaker had, and for that reason he should support the amendment.

Mr STRANGWAYS said that if the amendment were carried it would have no effect at all.

The amendment of Mr Townsend was lost.

Some verbal amendments having been made, the Chairman reported progress, and obtained leave to sit again on the following Thursday

NO 16 OF 21 VICTORIA

The TREASURER said the Attorney-General was specially retained, and was unable to attend the House. He therefore postponed till the following Tuesday the motion in the name of the hon gentleman—

“That the House resolve into a Committee of the whole, to consider the expediency of repealing the Act No 16 of 21st Victoria, and to make other provisions in lieu thereof.”

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

Upon the motion of the TREASURER the second reading of this Bill was made an Order of the Day for the following Thursday

Mr STRANGWAYS asked if there was a probability of the Bill being proceeded with upon that day. A number of Government measures were before the House entirely under the guidance of the Attorney-General, and he thought there should be some better explanation for not proceeding with them than that the Attorney-General was not in his place

The TREASURER said the Attorney-General would certainly proceed with the first Bill upon the day mentioned, but he might be prevented from proceeding with the second upon the day named

PROSECUTION BY ATTORNEY-GENERAL STATUTE LAW CONSOLIDATION BILL

The TREASURER moved the third reading of this Bill. Mr REYNOLDS believed this Bill was under the charge of the Attorney-General, and when any private member had charge of a Bill, and another hon member took any steps in reference to it, he always stated that he had the authority of the member who originally introduced the Bill to do so. He did not know if the same rule applied to members of the Government as to private members

The TREASURER said he would not proceed with the Bill if there were any objection

The third reading was made an Order of the Day for the following Thursday

BOUNDARIES OF RUNS BILL

The House resolved itself into Committee upon this Bill. Mr REYNOLDS understood that the Surveyors were to be paid by the parties who employed them, but he perceived by the Estimates a sum of 300*l* for the verification of the boundaries of runs. He wished to know whether that had anything to do with this Bill

The COMMISSIONER OF CROWN LANDS said that if the Bill for licensing surveyors passed, as the surveyors would be paid by the lessees of the runs which they surveyed, only a very small portion of the 300*l* would be required

Mr DUTTON thought the hon gentleman was under a mistake. He had understood that the 300*l* were to be struck off altogether

Some verbal amendments having been made, the Chairman reported progress, and the consideration of the report was made an Order of the Day for the following day

WELLINGTON FERRY BILL

The House went into Committee upon this Bill. The COMMISSIONER OF PUBLIC WORKS moved that the schedule attached to the Bill be adopted

Mr HAY pointed out the peculiar position in which this Bill would place the House. If the schedule were adopted, parties would have the advantage of the ferry for less than the cost actually incurred in managing or working the ferry. There would be a constant drain upon the revenue. He objected to upholding the ferry at less rates than the cost actually incurred in making it. The people at the Port had just as much right to ask that they should be ferried to Lefevre's Peninsula at mere nominal rates, or the people at Goolwa that they should be ferried to Hindmarsh Island. If the people at Wellington were to have themselves, their carriages, and cattle, taken across for a less amount than was actually incurred why should not persons at Hindmarsh Island have similar advantages? He had always understood from what he had heard, that the ferries in England and Ireland were a source of revenue, that is that they were leased upon the understanding that only certain rates should be charged. The system proposed by this Bill appeared to him to be almost analogous to pensions. It might be said, why not construct a bridge at Wellington, but that would be impossible. If this Bill were passed, people would want to be ferried across Spencer's Gulf at half price. It was a dangerous principle to adopt, and he thought the actual cost of the ferry should be laid before the House before they were asked to adopt a schedule. He had no desire to retard business or trade, but he saw that it would be adopting this schedule be recognizing a principle which might involve a very heavy tax, as the land in the vicinity became sold. If the House subsequently raised the rates, the purchasers of the land would then say that they had been unfairly treated, as they had purchased upon the faith of the low rates, and if the rates

were below the actual cost, he could not see why the same boon should not be extended to other parts of the colony

The COMMISSIONER OF PUBLIC WORKS said the Wellington Ferry was somewhat different to others. It was one of the main arteries out of the province. The ferry had never been paying since it had been established. It had always been a charge upon the Road Board. It was the main line to the South-eastern district and to the other colonies. He believed it was only necessary to charge a small rate so as to ensure a record of the cattle, &c., which passed over, and to place the ferry indeed in the position of a main line of road

Dr WARK was surprised at the remarks of the hon member for Gumeracha. That hon member was a member of a Board which spent a good deal of money upon bridges, but there were no tolls upon those bridges, and although the hon member had said that a bridge could not be built at Wellington, he (Dr Wark) knew that it could. If a bridge were built there would the hon member impose a toll upon it? Wellington was the highway to the neighboring colonies, and, consequently, that ferry stood in a different position from others. If a bridge were erected there would hon members for a moment dream of making it an exceptional case, and imposing a toll upon it? The hon member for Gumeracha appeared annoyed at the thought of parties traveling across the water for little or nothing, but had not that House voted 1,000*l* for a vessel to ply to Port Lincoln. The railways were not paying, and the persons who took advantage of them were clearly deriving so much from the country at large. If the same principle were applied to the Wellington Ferry it would be seen that the charges which were proposed were quite sufficient. People, in the mean time, were satisfied with the ferry as a means of communication, but the day might come when the Central Road Board would put a bridge across, and surely then they would never dream of putting a toll upon it. He regarded the ferry as a portion of the highway, and instead of a bridge they had got water-carriage. It was quite possible there might be a bridge there some day, for the breakwater at Gienelg was perfectly useless, and it was possible the Central Road Board might make use of it some day for the purpose of constructing a bridge at Wellington

Mr ROGERS supported the schedule, and was quite surprised at the opposition which had been offered. Except the north, there was no other road upon which there was such traffic as to Wellington. A good deal of money had been expended in land on the South-Eastern-road, and indeed, considering the amount of money, he considered the ferry should be free altogether. He was surprised at the opposition which had been offered, considering that the settlers in the neighbourhood of Wellington had long been taxed to an extent which they ought not to have been

Mr DURN thought they ought to let the ferry be free, as the cost of working it was nothing like equal to the interest of money which had been expended upon bridges, yet no tolls were charged on them. He could not see why there should be tax in one instance and not in others

Mr DUFFIELD thought it necessary that a clause should be introduced to give power to the Commissioner of Public Works, who was directly responsible to that House, to restrict the plying of the ferry within certain hours. If it were not so a man might stand on the opposite side of the Murray, and compel the ferryman to take him across for a penny, and keep on going backwards and forwards all day. If a low rate were charged, he certainly thought that certain hours should be fixed for the ferry to work. The rates proposed were greatly reduced, compared with those which had hitherto been in force, although those rates had still caused the ferry to be a heavy loss to the Central Road Board. The Government charged tolls on railroads, though not on main roads. There were some hon members of that House who contended that the railways were main lines. He should not oppose the proposed reduction in the rate of charges, but thought hours should be fixed for the ferry to be in operation

Mr STRANGWAYS thought either that the ferry should be viewed in the light of a bridge, and that there should be no charge, or that the charge should be equal to the cost of upholding the ferry. It appeared that such a rate would press too severely, and he therefore thought it better to do away with any charge, giving parties the same facilities as though a bridge were erected there

Mr PEAKE thought there was scarcely any large bridge at which a toll was not charged. (No, no.) He believed that to be the case in almost every country. He had no objection that the ferry should be made self-supporting. The only reason that main lines were not made self-supporting was, that no means could be devised of collecting the tolls. On railways, it was true, tolls were collected, in the shape of fares, and as there were means of making this ferry self-supporting, he thought they should do so. If the charges were moderate the traffic would be greater, and, believing that the rates proposed were moderate, he should support them

Mr SOLOMON said the hon member, Mr Peake, was greatly in error in supposing that large bridges were generally tolled. In London the only bridges tolled were Waterloo and Southwark, which had been erected by private companies. He should like to see tolls swept away altogether, believing that they interfered with traffic. This was one of

those cases in which he believed the public money would be judiciously spent by abolishing the tolls. The charges proposed were so moderate that he had no objection to them, but, he repeated, he would far rather that they should be swept away altogether, and that the ferry should be considered a main line. He could not understand the hon. member for Gumeracha when he said that they should have an estimate of the cost, and frame the charges accordingly. It appeared to him that it would be as just to put a toll upon a main line of road.

Mr MILNE observed that smaller animals were to be charged a farthing per head, but as he had never seen a farthing since he had been in the colony, he thought it would be better to make the amount one penny where the number of animals did not exceed four. With regard to the arguments which had been brought forward, he must say that he regarded this as an exceptional case. Where a main line was constructed, people could go backwards and forwards themselves, but in this case it being necessary to cross a large river, it was essential that the Government should keep up a staff, and the means of enabling parties to do so. It was, he thought, necessary under such circumstances and proper that there should be some toll.

Mr PLAKE still contended that the practice in connection with modern works of special utility was that tolls should be imposed (No, no) in London, probably, there were exceptions.

Mr SOLOMON said there was no such practice in France.

Mr HAY had no wish to impose a tax upon the people of Wellington, but thought it right to draw the attention of the House to the fact that by the course proposed there would be a constant drain upon the revenue. He thought it would be a very good thing if a clause were introduced to enable the ferry to be leased, as it would then be better and more cheaply managed. He did not intend to move any increase in the rates, but hoped the House would enable the ferry to be leased.

Dr WARK said the present ferryman gave great satisfaction, but at the same time he admitted that the ferry might be worked cheaper.

Some verbal amendments having been made, the Chairman reported progress, and the consideration of the report was made an Order of the Day for the following day.

THE ESTIMATES

Upon the motion of the TREASURER, the House went into Committee upon the Estimates.

Mr REYNOLDS asked the Treasurer when he would be prepared to lay upon the table of the House a list of the salaries received by the parties connected with the various Boards for the consideration of the House?

Mr STRANGWAYS thought the hon. member for the Sturt was in error. The resolution of the House was that the salaries should be annually voted by Parliament, but not that they should appear upon the Estimates.

The COMMISSIONER OF PUBLIC WORKS was prepared to lay the statements before the House with one exception, there being a slight alteration in connection with the salaries attached to the Railway Department. He placed upon the table a list of salaries connected with the Central Road Board, Waterworks, and Harbour Trust.

The TREASURER was prepared to give the House some information which he had promised on a previous occasion in reference to the item under the head of incidental expenses in connection with the Post Office vote. He had a return of the expenditure of the vote for a similar object last year by which it appeared that the amount had been expended on advertising in the local papers, mail boxes, stamps, lamps, letter balances, &c., &c. He had also promised the hon. member for Victoria to ascertain the cost of the mail station at the Semaphore, and found that under the existing contract the cost was 485/.

Mr MILNE remarked that the hon. gentleman had promised a detailed statement in reference to the 250/ under the head of Vaccine Institution, showing the medical men who participated in the amount and the districts in which it was expended.

The TREASURER said the Colonial Surgeon was preparing the required statement.

Customs Department, 7 3/11 4s

Mr REYNOLDS said there was considerable discussion last session in reference to the allowance to the Collector of Customs of 700/ per annum and a house. He opposed that vote at the time, the predecessor of the Collector of Customs not having received such an amount, and he must again raise his voice against the increase. On referring to the "Herald" of last session he found that the Treasurer stated there would be great advantage in giving the Collector of Customs a house at the Port, as it was frequently important that reference should be made to him immediately, and it was consequently desirable that he should be upon the spot. He found, however, that so far from the Collector of Customs having been always upon the spot, he had for a month or six weeks been surveying the mouth of the Murray, or rusticating at Goolwa. It would be admitted, he thought, that the present Collector of Customs was not more efficient than his predecessor, and he therefore moved that the 700/ be struck out, and 600/ inserted, that being the amount received by his predecessor.

Mr MILNE supported this alteration. He thought last session that the addition of a house to the Collector of Customs was unnecessary, and stated so. In 1850 he found that the salary of the Collector of Customs was only 500/. As the predecessor of the present Collector of Customs, who was quite as efficient as the present one, only received 600/ per annum, he thought that salary quite sufficient for the present occupant of the office.

Mr STRANGWAYS supported the item as it appeared upon the Estimates. He had a most decided objection to considering every year whether Brown, Jones, and Robinson should be cut down or should have their salaries raised. The system which he should like to see adopted would be to say, there's the office, with a certain salary allotted to it, and so long as the occupant of the office does his duty, so long shall he receive the salary. He did not like the system of year by year trying to cut down the salaries. He did not consider the salary of the Collector of Customs high when compared with other salaries, for instance there was the salary of the Registrar-General, 1,000/ a-year. Considering the duties of the two officers, he could not consider the salary of the Collector of Customs too high, as a far larger amount of money passed through his hands than through the Registrar-General's.

The COMMISSIONER OF PUBLIC WORKS should support the item as it appeared upon the Estimates, although he fully agreed with the hon. member for the Sturt, that this gentleman's predecessor was fully as efficient as the present Collector of Customs held the office of Naval Officer, which his predecessor did not, and consequently he thought there should be a difference in their salaries. It was unquestionably desirable that the Collector of Customs should reside at the Port, in fact, great inconvenience had been felt in consequence of the Collector not residing there.

Mr OWEN should support the amendment of the hon. member for the Sturt, as he observed that there was a sum upon the Estimates for a new Custom-House, and the Collector would probably be enabled to obtain quarters in the new building. He thought it would be better to give a salary only without interfering with the house.

Mr ANDREWS certainly could not understand the argument of the last speaker, which, amounted to this, that because a new Custom-House was being built he would knock 100/ a-year off the Collector. It was a bad feature in the debates of that House the endeavour to cut down the salaries of those who had performed their duties with credit to themselves and advantage to the country.

Mr PEAKE believed that money was well spent in providing a house for the Collector of Customs. It would be short-sighted economy to take the Collector from the centre of his duties. With regard to the statement of the hon. member for the Sturt as to how far it was wise to combine the offices of Collector of Customs and Naval Officer, that was another question.

Mr GLYDE supported the amendment, one of the reasons which induced him to do so being that the gentleman whose salary they were discussing was the head of his department, and as such he presumed, informed the Government what staff would be required for that department. He observed that there was an extra landing-waiter provided for upon the Estimates, but he certainly could not consider such an appointment necessary.

The TREASURER should support the item upon the Estimates. No increase was proposed in the salary of the Collector of Customs and it would be remembered that the House voted the money last session, after considerable discussion since which no circumstances had arisen to justify them in making any reduction. It was unnecessary to travel into the question of the relative efficiency of the present and previous occupants. The House, indeed, should not consider the occupants of office, but vote a particular sum for a particular office. Computing the salary with that attached to other departments, it was certainly not too high relatively. The hon. member for the Sturt had alluded to the absence of the Collector of Customs upon one occasion, but he was sure the House would agree with him that was a question which should not be mixed up with the question of salary. It merely resolved itself into this, were Government officers to have a day of absence or not? But in this instance the Collector of Customs had been usefully employed for he had been engaged in the re-survey of the mouth of the Murray, and that survey would be exceedingly useful to the House in determining what sums should be placed upon the Estimates for improving the navigation of the Murray Mouth. The second part of the amendment referred to the salary of the Collector of Customs in the year 1850 having been only 50/ per annum, but if that hon. member compared the Customs receipts he would find there had since that period been an increase of fully 50 p cent. At that time the Customs revenue was only 100,000/, and it was now 150,000/. It could not be said that revenue was collected at too much cost, and the increase in the salary was not more than commensurate with the increase in the receipts of the Customs. The hon. member for East Torrens (Mr Glyde) wished to punish the Collector of Customs for proposing another landing-waiter, by cutting down his salary, but it appeared strange that because the Collector of Customs had stated what staff would be required to the best of his ability that he should be mulcted in his salary for so doing. With regard however to the increase of a landing-

water, he would remark that it was after all merely a transfer of that officer from one part of the coast to another, it having been determined not to erect a Custom-house at Rivoli Bay.

Mr MILNE said that when the resolution before the House was disposed of he should bring forward another, as he objected to increasing the permanent staff of the establishment. When once additions were made to the permanent staff all the parties had a claim which could not be ignored.

Mr REYNOLDS objected as much as the hon member for Yatala could to discuss the salaries annually, but in this instance the salary of the Collector of Customs had been raised 100*l* a-year without any sufficient reason. It was not a question of who was the occupant of the office, but his position was this, that if the present Collector of Customs were worth 700*l* a year, Lieutenant Dashwood, who had filled the office for so many years, had not had justice done to him. Why should the two offices of Collector of Customs and Naval Officer be mixed up? Last session the Treasurer defended the allowance of a house on the ground that the Collector of Customs constantly required to be consulted, and that it was essential he should be upon the spot, but if that officer held the appointment of Naval Officer, he must of course go where he was sent. Let them have a Collector of Customs, and a Collector of Customs only, without any Naval Officer tacked on. It was supposed last session that the whole of the cost in connection with the Harbor Trust had been saved, but this had not been the case, for 100*l* a-year had been tacked on to the salary of the Collector of Customs, and first one party and then another were provided for, till at last the Government got them ill-nicely placed. (A laugh.)

Mr DUFFIELD supported the amendment, considering 700*l* a-year a good salary for a Collector of Customs. He had opposed the increase last year, and should continue to oppose the salary till he had cut it down. He did not think the argument of the Commissioner of Public Works was sufficient to justify the House in voting the increase. The argument really amounted to this, that the previous Collector of Customs neglected his duty. (No, no.) The Collector of Customs should undoubtedly be at the Custom House, during business hours, and if he were, he did not think it mattered where he lived. There might have been some grounds for the increase if the Collector of Customs had extended the hours of business of the Custom-house for the convenience of the mercantile community but he had not done so, and the House were bound to keep down the expenses of establishments.

Mr GLYDE said there was nothing which he more disliked than to allow personal considerations to enter into the discussion. It was very objectionable to go through the various items in this manner. He was aware that the Government in framing their Estimates were guided by the representations of the heads of departments, and if the head of a department asked for too much he was open to blame. Thus it was that he blamed the Collector of Customs for asking for an additional landing water, at 160*l* per annum, when it was notorious that the Customs revenue was falling off.

Mr ANDREWS said that the falling off in the revenue might have arisen from the paucity of officers, as in the absence of a sufficient staff smuggling might go on to a great extent. It did not follow because the Customs revenue was falling off that there was no necessity to take greater care of it.

The TREASURER said that the hon member for East Torrens (Mr Glyde) appeared to think that there had been a permanent falling off in the Customs revenue, but such was not the case. It was true that during the first few weeks of the present year the revenue did fall off, and until within the last fortnight, which had been very low, but during the last fortnight the Customs revenue had been above the average, and the present estimate was framed in the expectation that the Customs revenue would be as much as it had ever been, within 1,000*l* or so. There was no reason whatever to suppose that the revenue would continue to fall off.

Mr MILNE said that any one who had been at the Port within the last nine months would see quite sufficient reason for the Customs revenue falling off. The place was almost deserted compared with former times. The argument in reference to keeping up a sufficient staff to prevent smuggling was a very good one, but it was also an argument against the Collector of Customs holding the appointment of Naval Officer, because if the Collector of Customs were engaged in surveying the coast, the result might be a serious loss to the revenue, as it was quite clear that when so engaged he could not be exercising proper control over his subordinates in the Customs department. He believed the present staff was fully sufficient.

Mr MILDRED supported the amount as it appeared on the Estimates. The matter received very mature and deliberate consideration on a former occasion, and it had then been shown that very great advantages would result from the Collector residing at the Port. He was quite sure that every member of the House must give the Collector of Customs credit for the work which he had undertaken during the few weeks that business was slack at the Custom-house. The surveys which had been laid upon the table of the House spoke strongly in favor of the Collector of Customs, and he believed there was scarcely

a second man in South Australia who could so well have carried out those plans. It was a great advantage and saving to the country, that the Collector of Customs was so well qualified for the performance of those duties, for if they had been compelled to make the appointment of naval officer a distinct one, the cost involved would have been at least 100*l* or 300*l* per annum. They must have put at least 500*l* on the Estimates to meet the claims of the person who performed the duties of naval officer. Another advantage was that whilst engaged in the discharge of duties as naval officer, the Collector of Customs saw which were the most advantageous positions of the coast on which to keep a look-out for the purpose of preventing smuggling. He repeated that the question had been fully discussed last session, and he saw no reason to disturb the resolution then arrived at.

Mr COLE said if even handed justice were to be done, and that the head of every department were to receive at least 700*l* a year, he could not see why the Commissioner of Police should only receive 600*l*. No officer was more likely to be called upon at all hours than that officer. He should support the amendment of the hon member for Sturt.

The CHAIRMAN put the amendment that 700*l* be struck out, and 600*l* inserted instead, which was negatived by a majority of two, the votes on a division being—Ayes, 11, Noes, 13, as follows:

Ayes, 11—Messrs Cole, Duffield, Dunn, Glyde Hay, McEllister, Milne, Owen, Shannon, Wark, Reynolds (teller)

Noes 13—The Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Andrews, Collinson, Dutton, Hawker, MacDermott, Mildred, Peake, Rogers, Scammell, Strangways, and the Treasurer (teller)

Mr REYNOLDS moved another amendment that the words "also naval officer, house and" be struck out. The effect of this amendment being to deprive the Collector of Customs of his appointment as naval officer and of his house.

The amendment was carried by the casting vote of the Chairman. The votes, Ayes 12, Noes 12 being as follows—Ayes, 12—Messrs Cole, Duffield, Dunn, Glyde, Hay, McEllister, Milne, Owen, Rogers, Shannon, Wark, Reynolds (teller)

Noes, 12—The Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Andrews, Collinson, Dutton, Hawker, MacDermott, Mildred, Peake, Scammell, Strangways, and the Treasurer (teller)

Mr MILNE moved that the item of 160*l* for an extra landing water be struck out.

The TREASURER said that the estimate had been framed with strict regard for economy. In reference to some observations which had fallen from the hon member for East Torrens (Mr Glyde) he would remark that it was not customary to place amendments on the Estimates merely because they were recommended by heads of departments, nor did he believe that any Minister would do so with regard to establishments under his control. He had gone carefully through the Estimates with the Collector of Customs, and had not in all cases approved of the suggestions of that officer. The proposition to expunge a fourth class landing water would be consistent with public economy. That officer had formerly been appointed to Rivoli Bay, but when it was found undesirable to establish a custom-house there, he was appointed to establish a custom-house there, however to appoint another officer at the Port, in order that he might be available to send to out-stations, such as Wakefield, Nepean Bay, and the Murray, where his services were occasionally required. When not so engaged he would be at the Port, and by this means the services of an efficient officer would be secured. Great injury to the public service would result if this vote was not allowed. The total amount asked for the Customs Department was only 737*l* for the collection of a revenue of 150,000*l*, so that this revenue was collected cheaper by the Government than it could be by private individuals.

Mr REYNOLDS said the House were asked to vote this sum of 160*l* as a permanent charge, and he objected to this, however much it might be shown that temporary assistance was required. Why not take a vote for temporary assistance?

Mr MILNE could not see the force of the argument that, because the Government determined not to establish a custom-house at Rivoli Bay, therefore another landing water was necessary at the Port. He thought all along that the Government acted rashly in appointing a collector at Rivoli Bay.

The TREASURER had not said that it was necessary to appoint another landing water, because the Government had determined not to erect a custom-house at Rivoli Bay, but what he said was, that as it was found necessary to have another officer at the Port, it was fortunate they had an officer to place in that appointment.

Mr DUFFIELD should vote against the addition of a landing-water at the Port. In reference to officers being required for short periods at Port Wakefield, and other places, the same provision was required last year, and the officers which then did the duty could do it this. It was not likely that for the next three months there would be much to do at the Custom-house, and it would therefore be folly to increase the establishment.

Mr GLYDE supported the proposition to strike out the item. The Treasurer had stated there were no apprehensions

of a permanent falling off in the revenue, but he differed with the hon. gentleman, who, he observed, had put down 77,000*l.* as the Customs' revenue for the current six months, but he was quite sure that he would not get the amount. He could not help thinking that this office had been made for the purpose of providing for the party who had been originally appointed to Rivoli Bay.

Mr HAY would rather see the item struck out, and that for temporary assistance increased, so as not to put a permanent officer on the staff. He differed with those who proposed that there would be a great falling off in the revenue. A great many prophecies were made last year, and if those who made them would look at the results, they would perhaps not be so rash for the future. It had been predicted that not only the Customs' revenue but the land sales would fall off, such, however, had not been the case. There were some who were very fond of predicting that we were all going to run, but he did not believe it.

The SPEAKER put the motion that the item stand as printed, which was negatived.

Mr STRANGWAYS moved that 400*l.* be inserted instead of 300*l.* for temporary assistance. It was competent to increase the item, and he believed a majority of the House were in favor of it.

Mr MILLNE was not disposed to support the amendment, particularly as the Government did not appear to say it was necessary. As the Government had not proposed it, the inference was that such an addition was not necessary.

Mr PEAKE did not think it the duty of the House to increase the item unless the Government asked it.

The TREASURER said the Government considered the 160*l.* necessary, but would be glad to take less rather than lose the whole amount. For that reason he should support the amendment of the hon. member for Encounter Bay.

Mr REYNOLDS said that as the Collector of Customs was no longer Naval Officer, he would be able to devote more time to Custom-House duties, and probably some of the staff could in consequence be dispensed with.

The amendment was carried.

Mr GLYDE observed an increase of 130*l.* under the head of boat hire.

The TREASURER said the service was done by contract for 300*l.* per annum, which was an economical arrangement.

The gross amount assented to for the department was 7,211*l.* 4*s.*

Agency in England, 1,300*l.* Agreed to.

Office of Commissioner of Crown Lands and Immigration, 1,118*l.* 18*s.*

Mr REYNOLDS asked how it was that the Commissioner of Crown Lands had a third-class clerk at £200, whilst the Commissioner of Public Works had only a fifth-class clerk at £120 and a Secretary. He should have thought the duties had been more arduous in the office of the Commissioner of Public Works than in that of the Commissioner of Crown Lands. At all events he should like to know from the Commissioner of Crown Lands how it was that he had a third-class clerk when the Commissioner of Public Works had only a fifth-class clerk.

The COMMISSIONER OF CROWN LANDS had only been ten days connected with the department, and could only say it was as he found it. (Laughter.) The clerks were kept hard at work during office hours, and the Commissioner of Crown Lands had to work much longer.

Mr PEAKE thought it better to allow the item to stand. He had no doubt that next time the hon. gentleman would be prepared to state whether any reductions could be made in the department.

The item was agreed to.

Survey of Crown Lands, 16,691*l.* 13*s.*

The TREASURER struck off an item of 300*l.* for the verification of the boundaries of runs.

Mr STRANGWAYS thought a vast decrease might be effected in this department. The estimated receipts from waste lands, he observed, were 160,000*l.*, whilst the expenses connected with the survey and sale were 16,400*l.*, or more than 10 per cent. From the extensive experience of the Commissioner of Crown Lands, in the survey and sale of lands, he thought the cost should not exceed 24 per cent., and in private transactions that amount was seldom exceeded.

The COMMISSIONER OF CROWN LANDS said that one item which appeared upon the Estimates was for preparing duplicates under Torrens' Bill, and he thought the House would not refuse a small sum for that purpose. The new survey of land might, perhaps, be done for 24 per cent., but hon. members would persist in moving for returns, and there were, in consequence, daily calls upon the office for statistics. A large amount was derived from the rental of Crown Lands, and it was hoped this amount would be amazingly increased during the next few weeks. The services of the most inferior individual in the department were, he believed, of more value to the country than gentlemen who kept nagging at establishments apparently with no other object than to render them inefficient.

Mr MILLNE, in reply to a remark by the hon. member for the Murray, expressed a hope that the House would never entertain the idea of having the lands surveyed by tender. It would be a haphazard system, certain, to produce very serious consequences.

Mr PEAKE pointed out an imperfection in one portion of the existing system, for instance, if he purchased land to-day,

and wished to sell it to-morrow, he had to pay half-a-crown for a diagram at the Land Office. This was a needless expense thrown upon the purchaser of land, and he thought the dimensions should be put on the land grant in the first instance. He hoped the present system would not be perpetuated.

Mr REYNOLDS said there had been no reduction in the staff connected with the department for a number of years, though the sales of Crown Lands were falling off. He wished to know if it were really necessary to keep up so large an establishment. He should be happy to give the hon. gentleman at the head of the department time to consider, but when they met again, if they had that pleasure, he hoped the hon. gentleman would be able to bring forward great reforms in the Crown Lands Department. He did not want, to use the hon. gentleman's eloquent language, to be nagging at the Government, but he wished to ask, as the revenue was falling off, whether the department could not be reduced.

The COMMISSIONER OF CROWN LANDS would take it upon himself to say that the evil complained of by the hon. member for the Murray could be remedied, that is, the dimensions should be placed on the land grant.

Mr SHANNON, in reference to the remark of the hon. member for the Murray, that the land sales were falling off, remarked, that the number of acres sold of late years had been equal to the sales in former years, and that being the case, there was no reason that the department should be reduced. The cost of survey was the same, whether the land fetched 1*l.* or 2*l.* per acre. He believed the Survey Department was very efficient, and had given the greatest satisfaction, but it was injurious to the best interests of the country that the land should be intersected by such numerous and useless roads. In many parts of the country it was impossible to procure anything like an estate, because the country had been cut up in such numerous small blocks. The system had recently been altered, the Assistant-Surveyor preceding the Surveyors, and showing the bearings which the roads should take before the country was surveyed. There was one subject upon which he should like to have the opinion of the House, and that was, whether it was desirable at the present time to continue the weekly sale of Crown Lands. He believed it was not necessary, and as a proof that half the land offered was not sold.

Mr TOWNSEND was prepared to give any increase to the department of the Commissioner of Crown Lands, which that hon. gentleman might require, as that hon. gentleman had led the House to believe that the department under his control would be conducted more efficiently than it ever had been before.

The TREASURER remarked that the cost of survey was increased according to the distance which the lands were from town.

Mr STRANGWAYS suggested that measures should be taken to secure in the diagram to the land grant not only the dimensions but the angles, where those angles were not right-angles. He wished the system of marking the measurement and the angles not to be confined to the land grants, but that they should be marked in the Land Office plan.

Mr HAY said there was a large increase in this estimate last session. He should like to know from the Commissioner of Crown Lands whether the quantity of land in the market was as great as it was 12 months ago. He wished to know if surveys were kept ahead. Six months ago the Commissioner of Crown Lands stated it was necessary to push on surveys, as at that time there were a large number of applications for land which could not be complied with. It would be well, he thought, if double the quantity of land were thrown into the market, as there were many instances in which applications for land were not complied with for 18 months or two years.

Mr DUTTON said that for the last two years a list had been published annually in January, showing the sections open for selection, and this course had been found to produce very beneficial results. Anyone consulting these lists would there find open for selection sections of all sizes in all parts of the colony, and, by paying the price opposite to it, he could obtain possession at once. One important duty the head of the department had to perform before the yearly Estimates are prepared was to ascertain the state of the various surveying parties. The staff was only intended to produce a certain amount of work, and if double the work were required, a very much larger sum would also be required. If it were proposed to offer during the ensuing year double the quantity of land offered during the past, it would be absolutely impossible it could be surveyed by the present staff, the Surveyor-General, however, felt confident he should be able to supply the same quantity as last year. He had wished, but, in consequence of the ruling of the Chairman, was precluded from touching upon the subject to ascertain the views of hon. members in reference to weekly land sales. The subject had before been brought under his attention, and it would be a great relief to the office connected with the Survey Department if there were fortnightly instead of weekly sales. If the House decided that point it would greatly facilitate the work in the Survey Department.

Mr TOWNSEND observed three Rangers provided for on the Estimates, and wished to know what their duties were, and whether they produced any returns.

The COMMISSIONER OF CROWN LANDS said that informations were laid by these parties, and the fines went to the general revenue, not to the Crown Lands Department.

Mr DUFFIELD said the principal duty of the Rangers was to protect the timber on the waste lands of the Crown.

The gross estimate for the survey of the Crown Lands, as agreed to was 16,591/ 13s.

Immigration Department, 2,260/

Mr GLYDE thought some saving might be effected in this item. He did not wish to say anything against the Agent in England, but thought his salary might be reduced by 200/, he therefore moved that the salary be reduced to 500/.

Mr REYNOLDS drew attention to Council Paper 72, and to some questions put by himself to the Commissioner of Crown Lands. It would be seen by that paper that the Government had been paying two agents—a course unprecedented and unjustifiable. Lieutenant Dashwood was appointed on 22nd July, at which time Mr Moorhouse was receiving salary also, and continued to receive salary till Lieut. Dashwood's arrival in England, Lieut. Dashwood also receiving salary from the date of his appointment, and the cost of his passage to England being also paid. There was no record of this on the Estimates, and what he complained of was that before it could be ascertained what the Government had really done, it was necessary to ask such a number of questions. The amount paid to Lieut. Dashwood, as he contended, improperly, was 166/ 8s 9d besides 120/ for passage money. He moved that the amount on the Estimates be reduced by 166/ 8s 9d, that is, that the salary be 433/ 11s 3d.

The TREASURER said that the Government saved the salary of Harbor Master by appointing Captain Douglas Collector of Customs, and although it appeared that two salaries had been paid the amount had in fact been saved in the Harbor-Master's department. Mr Moorhouse informed the Government that he could no longer hold the office of Immigration Agent, and then Lieut. Dashwood was sent home especially to fill his place, and it would have been very unfair to place him in a worse position than if he had remained in the colony. It was considered that he was peculiarly qualified by his experience for the office, and it was on that account he was sent home, his salary and passage-money being defrayed from the vote for contingencies.

Mr SHANNON suggested that the item should be postponed until the vote for immigration had been disposed of, as if immigration were stopped there would be no necessity for an agent.

Mr Reynolds's amendment was lost, that of Mr Glyde, reducing the salary to 500/, was carried by a majority of three, the votes, on a division, Ayes, 13, Noes 10, being as follows—

Ayes, 13—Messrs Barrow, Cole, Dunn, Glyde, Hay, McEllister, Mildred, Owen, Scammell, Shannon, Townsend, Young, Reynolds (teller).

Noes, 10—Commissioner of Crown Lands, Commissioner of Public Works, Messrs Collinson, Duffield, Dutton, Hawker, MacDermott, Milne, Strangways, Treasurer (teller).

A motion that the Chairman report progress, was carried on a division by a majority of seven, the votes, Ayes, 15, Noes, 8, being as follows—

Ayes, 15—The Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Collinson Duffield, Dunn, Dutton, Glyde, Hawker, MacDermott, McEllister, Mildred, Shannon, Strangways, Milne, and the Treasurer (teller).

Noes, 8—Messrs Barrow, Cole, Hay, Owen, Reynolds, Scammell, Young, and Townsend (teller).

The CHAIRMAN reported progress, and obtained leave to sit again on the following day.

INDICIBLE OFFENCES OF A PUBLIC NATURE CONSOLIDATION BILL

This Bill, which was transmitted from the Legislative Council, was read a first time, the second reading being made an Order of the Day for the following Thursday.

THE SURVEYOR-GENERAL

A message was received from the Legislative Council, intimating that leave had been given to the Surveyor-General to give evidence before a Committee of the Assembly.

The House adjourned at 10 minutes to 5 o'clock, till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

WEDNESDAY, JUNE 15

The PRESIDENT took the Chair at 2 o'clock.

CONSOLIDATION OF STATUTE LAW RELATING TO INDICIBLE OFFENCES

The Hon the CHIEF SECRETARY moved for leave to bring in a Bill for consolidating the Statute Law in force in South Australia relating to indictable offences (not being treason), against Her Majesty the Queen and Her Government. He said that three Bills on this subject had already passed the Council, four were before the House of Assembly, and the two about to be presented were the only ones remaining. Their object was to consolidate and bring into a

focus all Acts relating to the penal offences to which they had reference. In order to save the time of the House, the alterations introduced into the Bills already passed had been adopted and printed in those about to be introduced.

Leave was granted.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

Leave was also granted to introduce a Bill intitled an Act for consolidating the Statute Law in force in South Australia relating to Indicable Offences by Forgery.

This Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

FREE IMMIGRATION

The Hon Captain BAGOT moved—

“For a return of all nominations for a free passage to emigrants that have been granted to purchasers of land in this province, since that privilege has been in operation, showing the number and acreable contents of each allotment for which the privilege has been claimed, the names of the claimants, and also the names and country of the persons nominated.”

His (Captain Bagot's) attention had been called to the subject by a perusal of several Parliamentary papers on immigration. Some years ago a privilege had been granted to the purchasers of land, to nominate certain persons for free passages, upon the principle that those individuals who had succeeded in raising themselves in the colony to tolerably prosperous circumstances should have an opportunity of bringing out their relatives to assist them in cultivating the land. The principle had been invaded to a certain extent, inasmuch as the nominations for free immigrants had been made a traffic of, and the original intention had not in those cases been carried out. If the returns now asked for were furnished, information would be elicited in reference to the instances in which the free nomination principle had been violated. The true object of the nominations had been to enable industrious men to bring out their relations to the colony, and this object had been abused, to what extent the returns, if furnished, would show. It was originally intended to introduce immigrants from Great Britain in equal proportions, and yet the published returns showed that one portion of the British Empire had been favored more than it ought to have been, for, during the years 1856, 1857, and 1858, the total number of Government immigrants to this colony was 11,695, 4,743 of which were from England, 1,485 from Scotland, and 5,465 from Ireland. If each portion of the kingdom had sent its proper share, the proportion for England would have been 7,513, Scotland, 1,253, and Ireland, 2,929. These numbers were out of all proportion, and it would appear to be impossible to keep up a proportionate supply of English immigrants in comparison with the Irish. The Legislature of the colony now should relieve the Colonial Immigration agent in England from the difficulty under which he labored in this matter, and with this view, he (Capt Bagot) moved for the returns now asked for. The number of immigrants arriving from England during the last five years had been about 45,000, whereas the proper proportion should have been 23,000 or 24,000. The excess of Scotch immigrants had, during that time been only 120, the excess from Ireland, 4,823, and the deficit from England, 4,993. It was originally intended that the colony should be purely British, although there had been no declaration in writing to that effect. There was a unanimous opinion, both in and out of the House, against the encouragement of an invasion of foreigners, such as the Chinese, and if the conduct of the last five years with reference to immigration should be continued, South Australia would cease, in the course of time, to be a British colony.

The Hon Mr FORSTER seconded the motion.

The Hon Captain HALL thought that perhaps the hon member could modify his motion, as in its present form it was likely to put the Government to a great deal of trouble and expense in furnishing the returns, in so far that an immense number of acres had been sold to various parties who would all have to be distinguished by name. Without the hon member took further action in the matter he (Captain Hall) would oppose the motion. The nomination system had now ceased, and the return asked for would be a retrospective return. If the motion were carried, it would involve such an amount of trouble and expense that it would be impossible to be laid before the House during the present session.

The Hon the CHIEF SECRETARY said that the Government would do their best to lay the returns laid before the House. It would certainly cost both trouble and expense to prepare, and he would suggest that the totals in number of all claimants, together with their nationalities, should be given, instead of a return of all the nominations as specified in the motion.

The Hon Mr AYERS thought that the number of claimants under purchases of land would be sufficient without giving the acreage of lands purchased.

The Hon the CHIEF SECRETARY remarked that many of the claims were by virtue of purchased land, subsequently transferred to two or three purchasers, which circumstance would increase the difficulty by the return.

The Hon Mr AYERS imagined that the number of nationalities would be sufficient for the purpose.

The Hon. Captain BAGOT was aware at the time he gave notice of his motion that the return asked for would be a voluminous one, but he wanted full information on the subject, so that the Council should see how the principle of nominated passages had been carried out. The Hon. the Chief Secretary had said that in many cases the nominations had been transferred. This of itself was a great abuse, as traffic in these nominations had not been originally contemplated. He was inclined, however, to concur with the Hon. the Chief Secretary, that perhaps the numbers and nationalities of the immigrants was all that could be expected. The number of nominations allowed by the Act, and the number of persons actually sent out specified in the returns, would answer the purpose, and with the consent of the House he would adopt the suggestion of the Hon. the Chief Secretary. Ordered to be laid on the table.

The Hon. Captain BAGOT then moved the next resolution standing in his name. He would not invite discussion upon this, as it bore a close affinity with the one which had preceded it. He moved—

“For a copy of the instructions issued by the Hon. the Commissioner of Public Works, in the early part of this year, to the Central Road Board, respecting employment for certain then unemployed laborers, to be accompanied by a return of the number of persons that were employed in consequence, distinguishing those who were Government emigrants, classed as to the year of their arrival, the country from whence they came, and as to whether they were on the nominated list.”

Carried.

CENSUS BILL

This Bill was read a third time and passed, with an alteration of the year mentioned in the Bill to 1860.

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

HOUSE OF ASSEMBLY

WEDNESDAY, JUNE 15

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

MR R L MILNE

Mr BARROW presented a petition from Mr R L Milne, praying for the appointment of a Committee to consider correspondence between the petitioner and Sir R M Peto and Co., on the subject of railways in this colony.

MINTARO

Mr McELLISTER moved—

“That an Address be presented to His Excellency the Governor-in-Chief, requesting that the memorial of the inhabitants of Mintaro and neighbourhood be complied with, by proclaiming the District Council prayed for by them.”

Mr HAY seconded the motion.

Mr DUFFIELD said there had been various memorials and counter-memorials on the subject, and after a careful examination the Government thought it not desirable to grant the prayer of the inhabitants of Mintaro, which locality was within the District Council of Clare, and he questioned whether there were sufficient inhabitants in the Hundred of Stanley to come under the District Councils Act.

The ATTORNEY-GENERAL said the petitioners possessed already all that the Government could give them as regarded local self-government. The petition emanated from the owners or occupants of a small portion of purchased land, who wished that portion to be united with a large quantity of unpurchased land, and proclaimed a separate district. The object of the petitioners appeared to be, to have the whole power of administering the affairs of the new district, and to obtain possession of that which at present went to the general revenue. There was no principle of local self-government involved, and the Government refused to accede to the prayer of the petitioners.

The motion was negatived.

STOCKPORT

Mr McELLISTER moved—

“That this House will on Friday, 17th June, resolve itself into a Committee of the whole for the purpose of considering an Address to His Excellency the Governor-in-Chief, requesting that the Post Office be continued at Stockport, as prayed for by 100 landed proprietors.”

Mr HAWKER supported the motion, remarking that the reason the mail did not call at Stockport was, that it was found it had to go three miles out of its way to call there. Still he saw no reason that there should not be a branch Post-Office at Stockport.

The ATTORNEY-GENERAL said a branch service at Stockport would not be objected to by the Government, if the House liked to sanction it.

Mr McELLISTER altered his motion accordingly, and it was carried.

REDRUTH

Mr McELLISTER moved—

“That the petition of the inhabitants of Redruth, &c., presented on 9th June, be printed.”

Carried.

CLARENDON

Mr MILDRED moved—

“That this House will on Friday, 17th June, resolve into a Committee of the whole to consider the expediency of addressing His Excellency the Governor-in-Chief, praying His Excellency to place a sufficient sum upon the Estimates for erecting a Court House at Clarendon, in accordance with the prayer of a petition presented to this House on the 29th April.”

Many people had to go from eight to ten miles to obtain redress at a Local Court, and to remedy this evil it was thought that the Court could be held in a temporary building, and that the Stipendiary Magistrate could attend there to adjudicate once a month. A piece of land had been offered for the building.

Mr HARVEY seconded the motion.

The ATTORNEY-GENERAL would not refuse an opportunity for placing before the House the whole facts connected with the case.

The motion was carried.

Mr B H BABBAGE

Mr BARROW moved—

“That a Select Committee be appointed to take into consideration the petition of B H Babbage, presented to this House during its last session.”

The hon. member remarked that his object in moving for the appointment of a Committee was simply that the report which had been agreed to by the Committee of last session might be laid upon the table, in order that it might appear in the usual form with the evidence which was taken before the Committee, and which was already in possession of hon. members. As it was not intended to reopen the enquiry, he would ask the House to assent to the same Committee as that appointed last session.

Mr SIRANGWAYS could not see the slightest possible advantage in bringing up the report.

The ATTORNEY-GENERAL did not think that those friendly to Mr Babbage would wish any further investigation, and pointed out that it would not be competent for the Committee now to be appointed to take up the labors of the former Committee. The Committee, if appointed, would be bound to take evidence, and to arrive at a conclusion upon that evidence.

Mr MILNE thought it would accomplish the object in view if the hon. member for East Lorens (Mr Barrow), who was Chairman of the Committee last session, were called upon to lay the report of that Committee upon the table of the House.

Mr FLAKE believed there was an informality in the report.

Mr BARROW asked if it were competent for members of that House to discuss the report when the Speaker had ruled that there was no report. He could not understand such a dead set being made against bringing up the report. He was quite sure that whatever were the motives or objects of hon. members, they would not be successful. What would be thought of a committee upon immigration or distillation who merely brought up the evidence, and said, “What more can you want?” Would not the House say that they wanted the report? Every obstacle had been thrown in his way as Chairman, he had been obstructed when the report was in progress.

The ATTORNEY-GENERAL interrupted the hon. member by remarking that there was no Chairman.

Mr BARROW would not attempt to compete with the Attorney-General in subtleties and technicalities (Laughter.) The simple facts were that a Committee was appointed last session, that evidence had been taken, and that a report had been agreed to, but that report was not yet upon the table. If the House said they did not want any report, but preferred to allow that decapitated document to appear upon the records of the House, let it be so, but having been Chairman of the Babbage Committee, he felt bound to say that he had made a report, and if it were not published with the other papers, it would be because technicalities were permitted to override the ordinary course of proceedings (Hear.) The hon. member for Encounter Bay had been formerly unsuccessful in his efforts to prevent a report being agreed to, and would be again unsuccessful in endeavoring to prevent the report being published.

The SPEAKER having intimated that there must be a fresh report.

Mr BARROW said that the new report might quote the old report, which could be introduced by a single sentence (Hear.)

Question put, and division ensued—Ayes 16, Noes 8.

AYES, 16—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Bakewell, Cole, Glyde, Harvey, Hay, McEllister, Mildred, Milne, Owen, Peake, Rogers, Townsend, and Barrow (teller).

NOES, 8—Messrs Andrews, Dunn, Hawker, Hallett, Macdermott, Shannon, the Treasurer, and Strangways (teller).

The Speaker having, during the debate upon the motion, intimated that a protest could not be entered upon a report, Mr Milne and Mr Barrow alluded to cases in which protests had been appended to reports. The Speaker said, that had his attention been called to the circumstance, he should not have allowed it.

VACCINE BOARD

The ATTORNEY GENERAL laid on the table returns from the Central Vaccine Board
Ordered to be printed

PORT ADELAIDE BRIDGE

Mr REYNOLDS brought forward the notice in his name—
“That he will ask the Hon the Commissioner of Public Works (Mr Blyth) the following question—Why the sum of 500*l* promised, in addition to the 1,000*l* previously subscribed, towards the erection of the Port Adelaide Bridge does not appear under the heading of ‘Reimbursements in Aid’?”

The hon member intimated that 100*l* had been promised by Messrs Younghusband & Co., and 100*l* by the South Australian Company, and he wished to know whether those amounts had been paid.

The COMMISSIONER OF PUBLIC WORKS had no knowledge of any such promise having been made. The reason that the amount did not appear as a reimbursement in aid was, because such sum had not been received.

LEVEL CROSSINGS

Mr REYNOLDS asked the Commissioner of Public Works—

“I How many ditches have been substituted for gates at level crossings on the railways since the passing of the Act authorising such?”

“II When such works were commenced?”

“III And whether it is the intention of the Government to close the Grand Junction Station?”

The COMMISSIONER OF PUBLIC WORKS said that four ditches had been substituted for level crossings, and two others would shortly be completed. The works were commenced on the 2nd of April. The Government intended to close the Grand Junction Station, when a ditch was substituted for the level crossing in that locality, rendering the gatekeeper unnecessary. The ditches were being constructed one or two at a time. The destitute labourers who had been employed on the work were discharged in March.

PENOLA

Mr HAWKER moved—

“That the petition of the inhabitants of Penola and the surrounding districts be printed.”

Carried

SINKING WELLS

Mr DUTTON moved—

“That this House will on Friday, 17th June, 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 place on the Estimates the sum of 1,000*l* to be expended in sinking wells, in such places as may be fixed upon by the Surveyor-General, for the purpose of facilitating the opening up of the newly-discovered pastoral districts.”

He had not tabled the motion with any intention of treading on the official toes of his successor in office, having previously intimated to his hon friend the Treasurer, when the Estimates were being framed, that if any savings were effected he should bring this matter forward. The course which he proposed would be a great advantage to the pastoral districts, and he apprehended there would be no objection to the motion.

Mr MACDERMOTT seconded the motion.

Mr HAY asked if the construction of these wells was contemplated in Hack's country, or to the north or north-east?

Mr REYNOLDS would be happy to support the motion.

Mr DUTTON said there were several directions which he might mention, for instance, Fowler's Bay northward, to Port Augusta northwards, and from Port Augusta crossing into Hack's country. No sum which had been formerly voted for this work remained unappropriated.
The motion was carried.

LEASES OF PASTURE LANDS

Mr McELLISTER moved—

“That, in the opinion of this House, no leases should be issued in exchange for leases surrendered in terms of Act No 20 of 1858, until this House has had an opportunity of inspecting and considering the terms and covenants proposed to be inserted in such substituted leases.”

The hon member remarked, that if the Government said they would accede to the request, it would be unnecessary for him to say more upon the subject.

Mr STRANGWAYS seconded the motion, thinking it highly desirable that the House should know the nature of the tenure before the land was permanently transferred.

Mr BARROW asked if there was any reason to suppose the Government would not have the leases drawn in accordance with the provisions of the Act. The mover should have shewn some reasons for devolving upon the House the routine functions of the Executive.

Mr MILNE supported the motion, as there could be no possible harm in it.

The TREASURER would have been glad if the mover and seconder had stated the reasons which induced them to bring forward this motion, as it appeared to him the House would be putting itself in the position of the law officers of the

Crown. The law officers of the Crown would be responsible that the leases carried out the intention of the Legislature.

Mr HAWKER said it appeared the hon member, Mr McEllister, must be ashamed of his reasons for bringing forward this motion, or he would have stated them at once. The law officers of the Crown were responsible for drawing up the leases in accordance with the Act which had been passed.

Mr REYNOLDS supported the motion, having great doubt whether the leases were in any instance in accordance with the law.

Mr GLYDE said that though it was true that the law officers were responsible, still, if they made a mistake, the House might be too late to rectify it.

Mr MILDRED asked if the draft of any lease had been prepared, as it was reported that there was a defect in the form, which was not in accordance with the Act.

The ATTORNEY-GENERAL said a lease was in course of preparation, and the Act itself provided everything that the lease should contain. No lease indeed would be binding which was not in accordance with the provisions of the Act. If the House had no confidence in the Government carrying out the provisions of the Act, they could certainly say so. The lease would be subject to precisely the same provisions as the old one, with the addition of the provision contained in the Act. A formal lease had been prepared, but a question arose between the squatters and the Crown Solicitor, as to the effect of the 5th clause, and he had expressed an opinion upon it. The form and provisions of the lease being defined by law, he thought the law officers of the Crown might be trusted to carry out those provisions.

Mr HALLETT had seen the form of the new lease, and had no hesitation in saying that it contained matter foreign to the old lease.

Mr McELLISTER was not surprised at the remarks of the hon member for Victoria, who wanted to establish a monopoly to keep up the price of mutton. (Laughter.)

The SPEAKER put the motion, which was carried by a majority of one, the votes—ayes, 13, noes, 12, being as follows.

AYES, 13—Messrs Cole, Duffield, Glyde, Hallett, Hart, Hay, Mildred, Milne, Peake, Rogers, Strangways, Townsend, McEllister (teller).

NOES, 12—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Barrow, Andrews, Dunn, Dutton, Harvey, Hawker, Macdermott, Shannon, the Treasurer (teller).

THE CENSUS BILL

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that they had passed the Census Bill, and desiring the concurrence of the Assembly thereon.

The Bill was ordered to be printed and taken into consideration the following day.

ADJOURNMENT

Mr STRANGWAYS moved—

“That, during the remainder of the present Session, at half past four of the clock, on each day on which this House sits, Mr Speaker do put from the chair this question, namely, ‘That the House do now adjourn.’”

The hon member stated his object was to enable hon members who resided some distance from town to get home before dark.

Mr HALLETT seconded the motion, which was negatived.

MR EMERSON

Mr STRANGWAYS brought forward the notice in his name—
“That he will ask the Hon the Attorney-General (Mr Hanson) whether Mr Emerson, the Solicitor, has been provided with office conveniences at the Lands Titles Office at the public expense by his (the Attorney-General's) authority, or with his consent?”

The ATTORNEY-GENERAL was ignorant whether any office convenience was granted to Mr Emerson, but was quite sure if it was, that it was not at the public expense.

THE NATIONAL BANK

Mr MILNE brought up the report of the Committee upon the National Bank Bill.

The report and evidence were ordered to be printed and taken into consideration on the following Friday.

BOUNDARIES OF RUNS BILL

Upon the ATTORNEY-GENERAL moving the adoption of the report of the Committee of the whole House upon this Bill,

Mr HALLETT remarked that he had submitted some amendments to the Attorney-General, and that hon gentleman stated that he considered the principle involved in the amendments was one which the House would not sanction.

The consideration of the report was ultimately postponed until the following Tuesday.

WELLINGTON FERRY BILL

The report upon this Bill was agreed to, and the third reading made an Order of the Day for the following day.

ESTIMATES

The House resolved itself into Committee upon the Estimates.

Immigration Establishment, 2,160*l*.

Mr GLYDE moved that the item of 250*l* for stationery, &c., be reduced to 200*l*.

Mr HAY suggested the expediency of postponing the whole item, as, supposing that the House agreed to vote the amount asked by the Government for Immigration, 20,000*l*., he still thought it would be unwise that two establishments should be kept up in England for the expenditure of so small an amount. He believed that a properly qualified Agent-General would be sufficient to do all the work.

Mr TOWNSEND hoped the Government would postpone this item, as he found that if the 20,000*l* were voted, the amount now asked to expend that sum would amount to 10*g* per cent.

The ATTORNEY-GENERAL opposed a postponement of the item at least upon the grounds which had been urged. It would be impossible to have the duties performed by the Agent-General and Immigration Agent performed by one person. The qualities required in an Agent-General were altogether different from those which were required for the Immigration Department. The Agent-General had to deal with large pecuniary transactions, to sell the bonds of the colony, watch the state of the money market, and purchase various things required by the Government for use in the colony. Few who possessed these qualities would be likely to undertake the office of Immigration Agent, which appointment required that the person filling it should be habitually absent from London, inspecting intending emigrants; in fact, there was an absolute incompatibility between the two offices. The importance to the colony of a right selection of immigrants was not to be measured by the amount of the vote; it was indeed of more importance when a small than when a large sum was voted. He looked upon the maintenance of the establishment of Immigration Agent as not dependent on the vote for immigration. So long as any substantial amount was expended in immigration, so long would it be necessary to have an Immigration Agent.

Mr GLYDE'S amendment was lost upon a division by a majority of 5, the votes being—ayes, 9, noes, 14, as follow—

AYES, 9—Messrs Barrow, Cole, Dunn, Mildred, Owen, Reynolds, Rogers, Townsend, Glyde (teller.)

NOES, 14—Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Andrews, Duffield, Dutton, Hallett, Harvey, Hawker, Hay, Macdermott, Shannon, Stangways, Treasurer (teller.)

Mr HAY moved that the further consideration of the item for immigration agency be postponed.

The proposition was negatived.

Mr REYNOLDS wanted to alter the amount of travelling expenses for the staff, which were put down at 500*l*. Out of that vote last year a sum of 120*l* had been, as he considered, improperly paid for the passage-money to England of Lieut. Dashwood, the present Immigration Agent, but as they were not likely to appoint an Immigration Agent every year, he moved that 380*l* be substituted for 500*l*.

Mr HAWKER supported the 500*l*. He was astonished at the course taken by the hon. member for the Sturt in reference to the department. Instead of dealing with the various items for a department the hon. member dealt with them as if they were for Lieut. Dashwood individually. He believed that the efficiency of the department would be endangered by the proposed reduction. It was essential that there should be a sufficient sum for the travelling expenses of the staff in England. If Lieut. Dashwood had received sums which he was not entitled to, the proper course would be to surcharge his salary, but not the immigration department. If the reduction proposed were to be made, and the amount found insufficient, the hon. member for the Sturt would be the first to come forward when an increase was asked for, and say, "Why, you're asking for more than was voted last year."

Mr REYNOLDS was not surprised at the course taken by the hon. member for Victoria, believing that hon. member prepared to go the whole length in reference to immigration. The hon. member said that Lieut. Dashwood should be surcharged, and he (Mr Reynolds) thought so too, consequently he was surprised that the hon. member had not supported him on the previous day, when he proposed to do so.

The TREASURER supported the item as it appeared upon the Estimates, and remarked that the 120*l* paid for the passage of Lieut. Dashwood was not taken from the amount voted for travelling expenses, but from an amount of 4,500*l*. voted during the previous year for the British Immigration Department.

Mr REYNOLDS referred to a Council Paper shewing that the Commissioner of Public Works had informed him that the 120*l* had been charged to contingencies.

Mr HAWKER said the hon. member for the Sturt had acted in his usual disingenuous way in putting words into the mouths of hon. members which they had never uttered. He (Mr Hawker) had not said that Lieut. Dashwood's salary should be surcharged with the 120*l*., but what he had stated was that if it were found Lieut. Dashwood had received sums which he ought not to, he should be surcharged

Mr GLYDE supported the smaller item, thinking it absurd to keep up the staff in connection with the immigration department when the amount for immigration was reduced. Before the amount for immigration was reduced from 20,000*l* to 10,000*l*, the Treasurer stated that this item of 500*l* for travelling expenses was sufficient.

Mr MCCELLISHER supported the smaller amount, travelling being very reasonable in England.

Mr BARROW supported the smaller sum, thinking it unreasonable, when they had divided the amount for immigration that they should still spend the same sum in establishment. Having reduced the amount in the Estimates for immigration from 40,000*l* to 20,000*l*., it was possible they might make a still further descent to 10,000*l*., yet would they still retain the same establishment? He was not at all surprised at the course taken by the hon. member for Victoria, because the Government intended to uphold the full vote for emigration, and the hon. member for Victoria would support them, but members on his (Mr Barrow's) side of the House, who sought still further reductions, only acted consistently in endeavouring to reduce the amount for management in a corresponding ratio to the amount to be expended. If they were to spend as much for expending 10,000*l* as 40,000*l*., he did not know where the absurdity was to end. It did not follow that they should reduce the salary of the Immigration Agent, but it was quite clear that there could not be so much travelling about when only a small amount was to be expended as when there was a larger. He wished the Government had allowed this item to stand over till the other item already referred to had been considered, but as the Government would not adopt that course, nothing remained but to anticipate that vote, and effect a corresponding reduction in the cost of the establishment.

Mr STRANGWAYS was surprised to see the hon. member for East Torrens (Mr Glyde) squabbling through these Estimates, a course which the hon. member had so repeatedly denounced. It had been argued that this item should be reduced because the amount to be expended had also been reduced, but this appeared to him like arguing that a morning paper which only had a circulation of 500 should only cost one-tenth for composition, &c., as one which had a circulation of 5,000. He believed that the Immigration Agent could not be better employed than in travelling about England diffusing information amongst the labouring classes in reference to the Australian colonies, for even amongst the better class there was gross want of information in reference to these colonies.

Mr TOWNSEND intimated he should support the smaller sum.

The TREASURER should support the larger sum. He could understand those who expected the immigration vote to be struck out opposing the item before the House, but not others. The 500*l* included fees to medical men for the inspection of emigrants, and would be spent only when required. If the immigration vote were struck out he admitted that this item would not be required, but if the immigration vote were assented to and this item were so reduced that the Immigration Agent could not travel about, the best interests of the colony would be neglected.

Mr DUNN would support the larger sum, after the statement of the Treasurer, that if the amount were not actually required it would not be expended. It was of the highest importance that intending emigrants should be carefully examined, and only those forwarded who were really suited for the colony. It was highly essential also that the Immigration Agent or his subordinates should travel about diffusing information in reference to the colony.

Mr PEAKE wished the amount to be increased. When the Queen enlisted soldiers she caused them to be carefully examined. (Laughter.) Owing to the want of care in the selection of immigrants for this colony, when the current rate of wages was 5*s* a day, it was quite possible that some men might cost in reality 20*s* a day, as a really good man would be capable of doing four times the work that they could. He hoped the House would not cut down the item, as if they did this probability was that parties would be sent out utterly unskilled for colonial life.

Mr HAY wished the item had been postponed, but as it appeared a majority of the House were in favor of a continuance of immigration he certainly thought they should take steps to secure a proper supervision of immigrants. It was well known that some years back the aged and infirm were sent here, if nominated by a landowner, and the colony was now suffering in consequence. He had nominated many immigrants, but it had been in the belief that they would be subject to the same examination as assisted immigrants. Such, however, had not been the case, and he trusted the Immigration Agent would take steps to prevent such things occurring again.

Mr DUTTON supported the larger vote, believing that in the selection of immigrants money voted for this particular purpose was beneficially employed. The journals of the immigration agent shewed the numbers inspected, and, in some cases, only ten per cent of the number who offered themselves had been approved of, shewing that the strictest supervision was exercised.

The amendment for the reduction of the item to 380*l* was negatived.

The TREASURER stated, in reply to Mr Reynolds, that the Immigration Agent at Port Adelaide was allowed to practise privately.

Mr REYNOLDS thought in that case, that 450*l* a year, with a house, was too much, and moved that the amount be reduced to 300*l*.

Captain HART should oppose the amendment, knowing the amount of work which the Immigration Agent had to do. Although Dr Duncan was allowed to practise privately, the time at his disposal was so very small that he believed it did not amount to 100*l* a year. Three or four years ago, when the emigrants came out in such numbers, the entire time of Dr Duncan was occupied in his public duties, and when the work fell off his salary was reduced by a large sum, and he was allowed to practise privately. He did not believe there was any officer who did his duty with such alacrity and so well as Dr Duncan, who was employed by the Destitute Board, and attended to a vast number of persons, being frequently roused out of bed two or three times during the night. The destitute poor around the Peninsula derived very considerable advantages from his services. As Assistant Colonial Surgeon (for which Dr Duncan received nothing) he did an immense deal of good.

The ATTORNEY-GENERAL remarked that Dr Duncan did not receive anything as Health Officer.

The amendment was negatived.

Mr GLYDE moved that the item for boat hire and cartage be reduced from 100*l* to 50*l*.

The COMMISSIONER OF CROWN LANDS hoped the amount would not be reduced, for it certainly would not be sufficient.

Captain HART said it did not appear to be understood that the amount would not be expended unless it were actually required.

The amendment was negatived.

The total amount voted for the department was 2,160*l*.

Aborigines, 2,300*l*.

Mr MILNE moved that the 500*l* for the Native Training School at Poonindee be struck out. The report in connection with the institution shewed that it was in a deplorable state, and that it would be useless to vote the money unless the Government interfered authoritatively in the management of the institution. It appeared the aborigines at the institution were allowed from 2s to 4s a day for their labor, that they had only 14 acres in cultivation, and that they could not grow enough for their own consumption.

Mr ROGERS supported the proposition to strike out the item.

Mr DUTTON did not like to strike out the item but must say he was not very favorably impressed with the management and conduct of the institution. He would prefer seeing the 500*l* added to the vote of 1,500*l* for the aborigines, which would enable the Commissioner of Crown Lands to render such assistance to the Poonindee Institution as might be approved of by the Government. He believed that the report which had been laid before the House relative to this institution would do this good, that it would thoroughly arouse the trustees, and that the institution would be placed in such a position that it could be carried on with advantage to the natives. One great evil appeared to be that the natives had not the faculty of counting the sheep entrusted to them, and it was matter of notoriety that sheep belonging to the institution were running all over the country.

Mr DUNN supported the motion for striking out the item. The best sheep run in Port Lincoln was attached to the institution, but it was turned to no account, and together he believed the sooner the establishment was broken up the better.

Mr MILDRED supported the proposition to strike out the item. He had frequently visited the station, and the natives there were as idle and as vicious as they could be. During the last twelve months the institution had been worse managed than before. He believed that 1,000 sheep had been lost since last January. He believed also that the distribution of supplies at Goolwa tended very much to vitiate the natives.

The ATTORNEY-GENERAL, so far from having any disposition to cut down the item of 2,300*l* for the aboriginal population, felt somewhat ashamed at so little having been done to ameliorate the condition of the aborigines. Although efforts which had hitherto been made had failed, he felt that a duty was imposed upon the Legislature to make some provision for those whose country we possessed. He felt strongly that we had not done as much as we ought for the natives, and it was the imperative duty of the Legislature to place at the disposal of the Government something like a sufficient sum to be employed for the benefit of the aborigines. He felt it his duty to resist any attempt to diminish the amount.

Mr MILNE had not moved that the 500*l* be struck out because he considered 2,300*l* too much to spend, as he cordially agreed with the remarks of the Attorney-General but the funds which were voted should be well directed, and the Government should have proper control over the sums voted by that House. He had not the least objection to modify his

motion as had been suggested by the hon member, Mr Dutton.

Mr PEAKE said it appeared from the report that the Institution had only had the effect of killing the natives, and the sooner it was done away with the better.

Mr MILDRED moved that the words, "and Native Training Institution at Port Lincoln," be struck out.

The ATTORNEY-GENERAL said he wished the matter to be so arranged that if the Government saw such a change in the management of the Institution, as to induce them to think it could be managed beneficially, they could grant assistance to it.

Mr HAY believed that the best course which the Government could pursue would be to take the 2,000*l* and spend it in ameliorating the condition of the aborigines, quite irrespectively of the Poonindee Mission.

Mr BARROW said that Mr Hitchin had recommended in the report which had been alluded to that another trial should be given to the institution. That gentleman could not be considered too favorable to the institution, having severely criticised its management, so much so, that at the very commencement of the report he expressed a hope that it would not be supposed he had written under prejudice. Having indicated a scheme of reform in the management of the institution, and that there should be one more trial, he thought the plan suggested by the Attorney-General was best calculated to meet the requirements of the case. It would then rest with the Government to withhold assistance unless those reforms which were necessary were carried out.

Mr Mildred's amendment was lost, and the vote as originally proposed, 2,300*l*, agreed to.

Chief Inspector, 1,488*l* 15s. Agreed to.
Goldfields Management, 250*l*. Agreed to.
Colonial Architect's Department, 2,507*l* 8s.

Mr TOWNSEND pointed out an increase of 540*l* 7s 6d in this department, and moved that the salary of a clerk and draughtsman be struck out.

The COMMISSIONER OF PUBLIC WORKS said the staff was only sufficient for the efficient conduct of the department, but intimated that he might be enabled to reduce the amount for occasional assistance from 300*l* to 200*l*.

After some discussion the item was agreed to, less a reduction of 100*l* for occasional assistance.

Railways and Tramways, 1,988*l* 10s. Agreed to.

Observatory and Telegraphs, 8,510*l* 8s.

The COMMISSIONER OF PUBLIC WORKS said it was proposed to establish a telegraph-station at Mount Lofty, one party having guaranteed 50*l* for the first year in messages. The hon gentleman stated, in reply to Mr MILDRED, that the receipts from the Kapunda line were at the rate of 29*l* 19s 4d per annum, and the cost 220*l*.

Mr MILNE considered the establishment of a telegraph-station at Mount Lofty perfectly ridiculous.

Mr BARROW thought if they consented to the establishment of a Station at Mount Lofty they might calculate upon 50 applications as well founded. He did not make the remark because he objected to having a telegraph station at Mount Lofty, but if they were to erect stations in places where there were merely scattered populations it would be desirable to find some means of conducting them cheaply. If Postmasters could be instructed to act as telegraph-masters and conduct the business at 40*l* or 50*l* a year, it would be most desirable, but it was a serious matter to be called upon to vote 200*l* a-year for a telegraph station at such a place as Mount Lofty, and having established a precedent where were they to draw the line? He wished the Commissioner of Public Works to give the House an assurance that an arrangement would be made with the Postmasters, or some means devised by which telegraphic communication could be extended more cheaply.

The COMMISSIONER OF PUBLIC WORKS intimated that some such arrangement as that referred to by the hon member for East Torrens was in contemplation.

Mr BARROW wished to know whether the House were to consider the salaries for station-masters as temporary, as these would be great difficulty in superseding them, but if the House were to understand they were merely to be appointed temporarily, there would be less objection. If such a scheme as he had suggested were under consideration, could it not be matured by the time the telegraph stations had been built?

The items for Station-Master and Messenger at Mount Lofty were struck out.

The COMMISSIONER OF PUBLIC WORKS, in reply to Mr Strangways, said there was no intention to remove the flagstaff from West-terrace. The question of extending the telegraph to Cape Jervis would depend upon the action of the House as to the extension of the telegraph to Kangaroo Island. If that proposition were negatived, the House would then consider the question of extending the telegraph to Cape Jervis, which would be of very little use except to notify the arrival of mail steamers.

After some unimportant discussion the item as amended was agreed to, 8,320*l* 8s, the House resumed, and the Chairman obtained leave to sit again on the following day.

The House adjourned at 5 o'clock till 1 o'clock on the following day.

THURSDAY, JUNE 16

The SPEAKER took the chair at 10 minutes past 1 o'clock
HINDMARSH

On the motion of Mr. STRANGWAYS, a petition recently presented from the inhabitants of Hindmarsh, in reference to the Strathalbyn Railway, was ordered to be printed

WATER SUPPLY ACT AMENDMENT BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS, the second reading of the Water Supply Act Amendment Bill was made an order of the day for the following Tuesday

MALICIOUS OFFENCES AGAINST PROPERTY STATUTE LAW CONSOLIDATION BILL

Upon the motion of the ATTORNEY-GENERAL the consideration in Committee of this Bill was postponed, the hon gentleman intimating that he intended to propose some new clauses, copies of which he had hoped would have been before the House

RAILWAY COMMISSIONERS BILL

Upon the motion of the ATTORNEY-GENERAL, the House resolved itself into Committee upon this Bill

The ATTORNEY-GENERAL said he understood the hon member for the Sturt was desirous of introducing a clause in reference to leasing the railways. The Government would be exceedingly glad to be able to act upon such a clause, and let the whole railways of the colony

Mr REYNOLDS said that, if hon members would refer to the Act of 1851, they would find that power was given to the Government to lease the tolls on the Adelaide and Port Railway, but not the railway. In the Gawler Lowry Railway Bill power was given to lease, and the clause which he was desirous of proposing was very nearly a copy of a clause contained in that Bill. There was one point to which he was desirous of drawing the attention of the House, and that was that whoever leased the railway would be compelled to carry the public stores free of charge. That appeared to him to be a very serious item, and he thought the provision might be struck out.

The COMMISSIONER OF PUBLIC WORKS suggested that the best course for the House to pursue would be to agree to the clause, and, as it was not his intention to take the Bill out of Committee, the clause would, of course, be printed, and hon members would be enabled to give it due consideration

Mr REYNOLDS pointed out that the preamble would require a slight alteration

Mr STRANGWAYS said the clause was a most important one, and suggested to the hon member for the Sturt and the Government whether it would not be better to have the clause printed, and allow it to be before hon members before they were called upon to assent to it

The ATTORNEY GENERAL had no objection, if it were thought better, but as the clause was nearly identical with a clause in the Gawler Lowry Bill, perhaps it would not be deemed necessary to postpone it. He should be ready at any time to entertain a proposition for striking out or amending the clause, which, as he had before observed, was not a new one

The clause was inserted, and upon the motion of the ATTORNEY GENERAL the preamble was amended by the insertion of the words "together with the power of leasing hereinafter contained"

The House resumed, the Chairman reported progress, and obtained leave to sit again on the following Tuesday

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that this was one of a series of Bills, three of which had already been under the consideration of the House. It was not necessary to do more than to remind the House that the Bill was introduced for the purpose of comprising a number of statutes relative to the administration of criminal justice, which were dispersed through a series of statutes, commencing at a very early period, and extending to the present time. The greater portion of these provisions were contained in English statutes and some in those of this colony. The idea was to have a code for this colony instead of seeking for it in a series of detached Acts. It was not necessary to call the attention of the House to the provisions in detail of the Bill, as it in fact left the law precisely as it stood at present

Mr STRANGWAYS, presuming that the Attorney-General would be as ready to consider suggestions in connection with this measure, as other consolidated Bills, cordially seconded the motion

The Bill was then read a second time, and the House went into Committee upon it

On the motion of Mr STRANGWAYS the provision in several clauses by which offenders under 18 years of age might be sentenced to whipping, was struck out, and a clause introduced to the effect that offenders under 14 years of age might be sentenced to flogging. Some verbal amendments were made, and for unnatural offences, punishable by death, an alternative was given to the Judge to pass a sentence of imprisonment for life

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again on the following Thursday

PROSECUTION BY ATTORNEY-GENERAL STATUTE LAW CONSOLIDATION BILL

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

OFFENCES OF A PUBLIC NATURE STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL this Bill was read a second time, and the House went into Committee upon it

The provisions in reference to whipping were altered as in the previous Bills, and the various clauses having been agreed to, the Bill was reported, and the consideration of the report was made an Order of the Day for the following Tuesday

ACCESSORIES TO INDICTABLE OFFENCES STATUTE LAW CONSOLIDATION BILL

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

POLICE RATE BILL

The ATTORNEY-GENERAL having moved the postponement of this Bill till the following Tuesday,

Mr REYNOLDS remarked it would be much better to proceed with the business as it appeared upon the notice paper. The Government appeared in a terrible hurry to proceed with the Estimates, but there was other business which was equally important. The Police Bill was one of the measures which was brought forward by the Government as portion of their policy, and he could not see why it should be postponed

The ATTORNEY-GENERAL said the hon member might dismiss from his mind any impression that the Government wished to hurry on with the Estimates. The item in connection with police had been postponed till this Bill had been passed

The consideration of the Bill was postponed till the following Tuesday

THE CENSUS BILL

The ATTORNEY-GENERAL moved that the amendments made by the Legislative Council in this Bill be agreed to. They were all of a formal character except one. The Bill introduced by the Government was for the purpose of having the census taken during the present year, but it had been suggested that it would be a great convenience and advantage if the census of the various Australian colonies could be taken at the same time, so that comparisons might be made of the statistics of the colonies, knowing that they had all been taken at the same time. The alterations which had been made in the Bill contemplated the census in the various colonies being taken contemporaneously

The amendments were agreed to, and a message to that effect ordered to be sent to the Legislative Council

WELLINGTON FERRY BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS, this Bill was read a third time and passed

Mr DUFFIELD wished to correct a mistake in reference to this ferry. The general impression was that it had been a continual loss to the Central Road Board, but he found that during the last 24 years it had produced a profit of 500 l, and previous to that time the cost had been 2455 l 15s 1d, consequently the establishment of the ferry had cost about 2,000 l

MALICIOUS OFFENCES AGAINST PROPERTY STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL, the consideration in Committee of this Bill, was made an Order of the Day for the following Thursday

THE ESTIMATES

On the motion of the TREASURER, the House went into Committee upon the Estimates

Public Works and Buildings, 133,920 l

The COMMISSIONER OF PUBLIC WORKS said that he had laid upon the library table plans of a number of the contemplated buildings, and would place on the table the plans of others as soon as prepared. Perhaps the House would wish to postpone the item until they had inspected the plans

The item was postponed

Pensions and Retiring Allowances, 3,000 l Agreed to

Miscellaneous Services, 22,457 l 8s

Mr REYNOLDS said that last session a paper was laid upon the table, showing the various items constituting the 4,340 l for the Trinity Board, but he had not seen such a paper for the present session. He found that there was an Assistant Harbor-Master under the Trinity Board, and thought the House should have some explanation in reference to the matter

The TREASURER said the paper referred to had already been laid on the table. The hon gentleman stated, in reply to Mr Reynolds, that there were certain fees payable to the Trinity Board in connection with the Pilot service, Harbor department, and the Light service, but the light dues were not suffi-

cient for the maintenance of the lights on the coast by a sum of about 2,000*l*, which amount therefore, appeared on the Estimates

Mr BAKEWELL drew attention to the vote for the publication of notices in the *Government Gazette* in the German newspaper, and suggested that the amount should now be transferred to the paper published at Tanunda, as the advantage would be that they would then be published in German instead as at present in English

The ATTORNEY GENERAL thought it would be unfair to take the amount from the paper which had enjoyed it for some years, merely because a new paper had been started.

Mr DUFFIELD had always understood that the notices had been published in German, in order that those who did not understand the English language might be apprised of the notices which appeared in the *Gazette*. If they were not published in German he apprehended they would be of little use to those for whose benefit the expense was incurred

Mr DUFFON said that the subject of the impounding notices being published in the German newspaper in English had been brought under his notice, and he had an interview with the editor of the German newspaper, upon the subject. He must say that generally the advertisements in English would be much more intelligible to Germans than the translation. He was perfectly conversant with the German language, and there were many English expressions connected with the intricate operation of impounding which it would be absolutely impossible to translate

Mr McELLISTER thought he might as well demand that a paper should be published in Irish for his special convenience. (Laughter)

Mr COLE suggested the propriety of photographing the missing animals. (Laughter)

The TREASURER, in reply to Mr STRANGWAYS, intimated that he would lay upon the table a return showing the electoral charges in each district during the past year

After some further discussion, it was determined to take the items under the head of Miscellaneous *servitum*

Printing the debates of Parliament, 1,300*l*

Mr GLYDE thought this item ought not to be passed without observation. He believed the money was very nearly thrown away. He troubled the reporters as little as any one, and therefore he had not much reason to complain, but he was aware that other members did complain of inaccuracies in the last volume, and in one instance, he found that corrections which he had carefully made had not been attended to. If the House paid 1,300*l* for reporting the debates, the reports should be accurate. No doubt the competition in the newspaper world would keep the paper which was not subsidised up to the mark, and he was inclined to think that the reports in that paper, though unquestionably much shorter, were almost as accurate as those in the *Advertiser*. He would not be doing his duty to his constituents if he did not object to those items which he believed to be wrong. He made that remark in consequence of the observation of the hon member for Encounter Bay on the previous day, who expressed surprise at his (Mr Glyde's) going through each item *servitum*, notwithstanding the disgust which he had previously expressed at such a course

Mr BARROW would make one or two remarks, not in reference to the general question of reporting the debates of the Legislature, but in reference to what had fallen from the previous speaker, to the effect that he had made corrections in his speech which had not been attended to. He thought if the hon member were to move for the specification in connection with the contract for printing the debates it would show, perhaps, that the hon member had himself neglected to comply with the specifications, or he would not have had reason to complain of corrections not having been attended to. It would be impossible to keep type standing for an indefinite period, and if the corrected reports of hon members' speeches were not returned in sufficient time, those hon members who omitted to comply with the specification in this respect had no reason to complain that their corrections were not attended to. It had not, however, been the practice to carry out strictly the terms of the contract for even if the corrected speeches were not received for two or three days after they ought to have been still the corrections had always been attended to, unless it had, previously to the receipt of them, been found absolutely necessary to distribute the type. It was impossible to attend to corrections if they were sent in too late (Hear, hear). He had no anxiety personally with regard to this item, as he could truly say if hon members thought that a great profit was made out of the contract, they were laboring under a great mistake. The contract for the publication of the reports had been given to the parties who put in the lowest tender, for although the contract was not publicly advertised, the parties who were in a position to tender were known, and competition had been invited. If the Government were to take the evidence of their own prints, Mr Cox, he (Mr Barrow) had no doubt they would be told that the work was done at as low a price as it could be. In reference to the correctness of the reports, he would remark that in no paper in the world was it pretended to give exact and literal reports of speeches on the morning after they had been delivered. Gurney's reporters in London could not do it, for all the proof sheets had to be sent to hon members for correction. Even with the Bills before the House, which were printed

at leisure, and drawn up with great care, how often did it happen that important corrections were required? If hon members had opportunity of correcting their speeches that was all that they could reasonably ask for, and he was sure that on no occasion whatever had corrections been rejected, unless they were sent in too late. Perhaps if the specification were laid upon the table it would show what were the duties of the compilers of Hansard, and what hon members were required by that specification to do to ensure correct reporting. He could assure the House that no hon member's corrections were intentionally suppressed, and if in any case they had not been made it must have been because they had not been forwarded in sufficient time (Hear, hear)

The vote was agreed to without further discussion

Electoral charges, 3,500*l*

The TREASURER stated that he had consulted the Sheriff, who believed that this amount would be ample

The item was agreed to

Gymnasium, 200*l*

Mr STRANGWAYS moved that this item be struck out. The TREASURER would endeavor to give some explanation of this item. It was thought the erection of a gymnasium would contribute to the health and recreation of the young men of the colony, and it would be admitted it was important that they should be improved physically as well as mentally. This system was followed in New South Wales, and great advantages had been derived from it. The sum was small and intended in the first instance, merely as an experiment. It was intended that a piece of ground near where the Horticultural Show was held should be enclosed, and that the necessary apparatus should be erected. It was intended that a gymnastic-master should be appointed to attend certain hours during the morning and evening, and that parties attending during those periods should pay a small amount in aid of his salary, but that during other periods of the day the place should be left open altogether for any parties to use

Mr REYNOLDS should vote against the proposition. He thought, at first, it was intended for members of that House, and that the hon member for East Torrens, Mr Glyde, had resuscitated the idea of a Parliamentary Cricket Club

Mr McELLISTER should oppose the vote, because it appeared from the Treasurer's statement that no provision had been made for the girls. (Laughter)

The item was struck out

Fees to members of the Harbor-Trust, 600*l*

Mr MILNE could not understand why the members of the Harbor-Trust should receive such large fees, though they had not such onerous duties to perform as the members of the Central Road Board, whose fees were nothing like the same. He moved the amount be reduced to 100*l*

Mr STRANGWAYS moved that the item be struck out, as 100*l*, if the members met once a fortnight, would not amount to more than 3*s* 4*d* a sitting

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr Glyde, that there were seven members of the Harbor-Trust, and that the amount on the Estimates would be sufficient for 18 months. It was thought last session that it was desirable fees should be accorded to gentlemen who devoted their time to carry out an Act of the Legislature. He agreed that the duties of the Central Road Board were very onerous, and that they were not paid in proportion to the labors exacted from them, but that was an error, as by the original Road Act it was supposed that they would meet only once a month, for which they were to receive 1*l* 1*s*, but latterly the meetings had been increased, and no matter how many there were during the month, the members were only entitled to one guinea.

Mr REYNOLDS said that when the Harbor Trust was formed it was not intended to give fees, as it was known that the parties appointed were interested in the improvement of the harbor, and it was thought that would be a sufficient inducement without fees. He was not however anxious that the members of that Trust should give their services for nothing, and would give them as large a fee as the members of the Central Road Board

The ATTORNEY-GENERAL should certainly vote against the 100*l*, considering it would be an insult to gentlemen to offer them so small a fee as 3*s* 4*d*

The COMMISSIONER OF PUBLIC WORKS pointed out that the Harbor Trust met twice a week, whilst the Central Road Board met once a fortnight

Mr MILNE said there were many special meetings. The Attorney General said it would be an insult to offer the members of the Harbor Trust so small a fee, but it so, would it not equally be an insult to offer it to the members of the Central Road Board. He could endorse the statement of the hon member for Sturt, that the members of the Harbor Trust were employed in spending money for the improvement of their own property

The ATTORNEY-GENERAL would consider it an insult, if any gentleman having other business to attend to, were expected to attend once a week and receive a fee of a guinea per month. They had a right to expect either that gentlemen should give their time gratuitously or that they should receive such remuneration as they would receive if they were called upon to attend to other matters. It was never contemplated that the members of the Central Road Board would receive so small a sum, but it was thought that there would be one meeting a month, for which members would re-

ceive a guinea each. He believed that the hon member (Mr Milne) would say that instead of receiving so small a fee he would rather not receive anything.

Mr GLYDE referred to the Governors of the South Australian Institute, and the Directors of the Savings' Bank, as acting gratuitously.

Mr MILNE said there were also the gentlemen connected with the Botanic Gardens, who did not receive anything. He would prefer that the fee to members of the Central Road Board should be done away with.

Captain HART was rather astonished at the remarks of the last speaker. It was absurd to compare members of the Road Board with the members of the Harbor Trust, as the latter had not only a great deal of responsibility, but a great deal of hard work, and should be placed in a different position from the Directors of Savings' Banks and other institutions. Members of the Harbor Trust required a good deal of nautical knowledge, and it so happened that there were a good many nautical men members of Parliament, consequently it would be difficult to make up the Board without members of Parliament. He did not think that members of the other House were at all bound by the resolution of that House—that no member should be in receipt of any emolument from the Government. The duties of members of the Harbor Trust were very responsible, they being entrusted with a large expenditure of money, and there being no naval officer connected with the department. If the fees were struck out, the consequence would be that there would be no Board meetings, and the work would be very badly done. If there were no fees connected with the Central Road Board, he believed that there would be very few attendances, for there was actually one very important business which that House neglected for a small fee—(laughter)—it was therefore a fair argument that unless there were fees, parties would not attend. If the fees to members of the Harbor Trust were struck out, and the members of the Central Road Board were placed upon a similar footing, he felt satisfied that the business would be neglected, still, he thought 600*l* too much.

Mr HAY remarked that the meetings of the Central Road Board were invariably well attended, although members saved their fees if they merely attended once during the month.

Mr RYLANDS ridiculed the idea of members of the Harbor Trust not attending to improvements in the harbor, in which they were deeply interested, unless they received fees. He was aware that the hon member for the Port had not been in his place lately, and perhaps he could have been a little more punctual in his attendance if members of that House received fees. There was no fear of members of the Harbor Trust resigning, and as a proof he might refer to the tenacity with which the Chief Secretary held on, shewing that there must be some other inducement than the mere fee. The members were too gentlemanly to throw up merely on account of the fees being done away with (Laughter). The Harbor Trust had been entrusted with the expenditure of 100,000*l*, but the Central Road Board had expended that amount in one year. Unless it were alleged that the duties of the Harbor Trust were much more onerous than those of the Road Board, why should there be any difference in the fees received by members?

Mr MACDERMOTT proposed, as an amendment, that the amount be reduced to 300*l*. The hon member was also desirous of moving that 300*l* be allotted to the Central Road Board, but was informed that the second proposition would be out of order.

Mr STRANGWAYS mentioned that he had been informed of one gentleman—a member of the Trinity Board—who received 1*l* a week for fees as a member of various Boards. He believed that members of the Education Board did not receive any fees, and could see no reason why gentlemen interested in the welfare of the colony generally, and of one portion in particular, should not devote a small portion of their time to the expenditure of money in the locality in which they were particularly interested. In England, an immense amount of work was done by the county magistrates, who received no remuneration.

The ATTORNEY-GENERAL remarked that in England it had been found economical to relieve the county magistrates of the greater portion of their gratuitous duties, and to have those duties performed by paid parties.

[Here half-a-dozen members addressed the House at the same moment, the Speaker's cries of "order" were disregarded for a moment, Reporters were bewildered, and Mr Barrow asked the hon member for Encounter Bay if he thought it possible to report the proceedings.]

The proposition that nothing be inserted in the place of 600*l* was declared to be lost, and

Mr STRANGWAYS called for a division, which was about to take place, when the hon member withdrew the call, and a discussion arose as to his power to do so.

The ATTORNEY-GENERAL said that though he should vote for the sum upon the Estimates, still he was desirous that it should be done in such a way as would admit of hon members arguing on and voting on every amendment which could be suggested. He hoped if the House did not agree to the amount upon the Estimates that they would agree to something less, and that the question would not be disposed of in such a way as would prevent any amendment.

The SPEAKER then put the question, that the item be struck out, which was carried by a majority of seven, the votes on a division (ayes 17, noes 10) being as follows—

AYES, 17—Messrs Barrow, Bakewell, Cole, Dunn, Hawker, Mildred, Milne, Owen, Peake, Rogers, Reynolds, Sharnon, Solomon, Strangways, Townsend, Wark, Glyde (teller).

NOES 10—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Dutton, Hallett, Hart, Hay, Macdermott, McEllister, the Treasurer (teller).

Captain HART was desirous of supporting the motion for 300*l*, but was informed that motion could not now be put.

The other items were passed without discussion, and the total amount, 21,695*l* 8*s*, agreed to.

Interest on exchanges, 8,300*l*.

The TREASURER stated, in reply to Mr Glyde, that this amount had been placed upon the Estimates to enable the Treasurer to transfer 8,300*l* from the public revenue to the Loan Fund, that being half the premium up to the close of the year which had been received as premiums on bonds sold and carried to the general revenue. It was the accumulation of some years, in fact, since the loan system had commenced. It was now proposed to transfer half the amount to the Loan Fund.

The item was agreed to.

Immigration, 20,000*l*.

Mr SOLOMON moved that this item be struck out. It had been argued on other occasions, that it was to immigration the colony was indebted for the advantages which it had reaped for many years, that it was to immigration the colony was mainly indebted for its prosperity, and to that fact he could bear evidence, but if it were intended, as he believed it was, by the supporters of that peculiar view, to hold that because at one time it was a great advantage it must ever continue to be, that was a line of argument which he could not adopt. He wished it to be understood that he was not opposed to immigration to the colony, but whilst he believed that great good would result from the importation of immigrants from time to time, great injuries might also result from a perseverance in the system. The time had arrived, as was shewn by all the circumstances of the colony, when it would be a serious injury to a large proportion of the population to continue immigration. Still he was in favor of the system being carried out at a proper time. Another argument which had been used was that even though this amount were knocked off, it could not be acted upon for some months, but it would be seen on reference to Council Paper No 52, that by a letter from the Commissioner of Crown Lands to the Immigration Agent in England, there was at that time a balance in hand of 22,500*l*, and immediately before that instructions had been sent to the effect that only one ship-load of immigrants in two months should be sent, so that there were sufficient funds in the hands of the Immigration Agent to meet all demands till November next. He would glance at what immigration had done during the last few years, and by taking stock of the population see what had been accomplished during the last nine years. The cost of immigration during nine years he found had been 801,835*l*. He would assume that the population in 1849 was 80,000, and taking the natural increase at 2 per cent during those nine years, there would be an additional number of 14,400. The number of assisted immigrants who had arrived in the colony had been 48,344, and nominated 7,092, making a total, without calculating the increase from these immigrants during nine years, of 149,336, or in round numbers, 150,000. But what was the fact? Why, the population of the colony was only estimated at 115,000, so that we had actually lost 35,000 of the people, for whose importation the country had paid 525,000*l*. He observed hon members laugh, but he had armed himself with facts and figures to shew the accuracy of his statements. He could confidently refer to Council papers to support those statements. Another argument had been brought forward, and no doubt would be again, to the effect that it would be a breach of faith with the purchasers of land not to devote a portion of the proceeds of that land to immigration. That argument might have been all very well some years back, but not since we had our new constitution, one feature of which was that we might do what we liked with the land fund, so that any party making a purchase of land did so at his own risk, knowing that it was in the power of the Legislature to strike off every penny for immigration. To contend that the Legislature had not that power was a fallacy. Immense sums were being expended in Victoria, in public works, and a large number of immigrants paid for by this colony, in consequence found their way to Melbourne. He would ask the representatives of the agricultural interest if it were wise to spend money to import immigrants to make South Australia a mere stepping stone for them to go to Victoria and compete with our farmers. Large sums of money had been expended, and we had a right, as traders, to ask what had become of them. It was true that we had raised large quantities of corn and copper, but even these might be obtained at too dear a rate, and it should be remembered that we had sold large quantities of our best land for the purpose of bringing out immigrants, and that we had lost a large number of the people so brought out. Various opinions had been expressed, but looking to the

present state of the labor market, he could not conceive that anyone could say we were not well supplied. He recollected that during the last session the hon. member for Victoria painted a glowing picture of the large number of persons travelling through the country whom the settlers were obliged to support. In fact, he believed the hon. member stated that he had 70 or 80 billeted upon him at one of his stations. He presumed the hon. member would be able to give the House an account of how this superabundance of labor had been absorbed, or if the hon. member was not able to—if things had not been improved—he had a right to expect the hon. member to support his motion. The hon. member would surely never think of bringing out more immigrants when those already here were so severe a tax upon himself and other squatters. It had been stated by the Attorney General that if immigration were discontinued, he would not be a party to borrowing a single farthing on the revenue of the colony, but he (Mr. Solomon) on lending money, was in the habit of looking at the security, and he certainly saw better security in public works erected with the large sums of money which was now proposed to expend on immigration, than in expending that money in bringing men here to make it a mere stepping-stone to Victoria. He felt that he had merely done his duty in bringing this motion forward, and trusted the House would not consent to the expenditure of 20,000*l.* for a purpose for which there was not the slightest necessity. He had been informed that very day that, independently of the superabundant labor in the city, there were numbers of agricultural laborers, even ploughmen, who were travelling through the country unable to obtain employment, and under such circumstances, the House would certainly not be justified in throwing away the public money in importing more labor. He wished it to be understood that he was not opposed to immigration when the proper time had arrived but as there was clearly no necessity for it at present, he moved that the item be struck out.

Mr. STRANGWAYS supported the item, and was surprised that the hon. member who had just sat down had dwelt at such length upon the subject after it had so recently been so fully discussed. If the House refused a vote for immigration, they would stultify themselves having refused to pass a resolution to the effect that it was desirable to stop immigration. He had hoped the question would not again have been fully gone into after an expression of the views of a majority of the House had been obtained to the effect that it was not desirable to stop immigration. He complimented the hon. member for the city (Mr. Solomon) upon his consistency, the hon. member having used arguments one session which he repudiated the next. On referring to Hansard he found that last session the hon. member said he believed that if the money expended in immigration had been expended on public works the population would have been larger, and that it would be monstrous to attempt to show that sending the money out of the colony for immigrants had been productive of any advantage, yet the hon. member now attributed the propriety of the colony to immigration. The hon. member had referred to facts and figures, but facts and figures were not to be relied upon at all times, any more than commercial veracity, and the hon. member last session had pledged his commercial veracity that the assumed customs revenue would not be realised, yet it had been. He hoped the House would assent to the vote, as the total number of persons it would bring to the colony would not exceed 1,200. He should, however, in supporting the vote, hold the Government, and particularly the Commissioner of Crown Lands, responsible for it being wisely expended, that is, if the state of the colony would not justify the importation of immigrants, that the money should not be expended.

Mr. McELLISTER supported the proposition for striking out the item, considering it would be heartless to bring more men here, as he was aware that at Gawler, Kapunda, Burra, Clare, and Adelaide, there were large numbers of men looking for employment, and unable to obtain it. He found that he had been accused of bringing out a number of these men who were now in distress, but if every one had interested himself as he had for the benefit of his fellow-man there would not have been so much distress. He admitted having been instrumental in getting large numbers out, and had made no distinctions of country class, or creed. Now, those parties were here, it would be unfair and illiberal to bring others a-top of them. (Laughter) It was absurd to suppose that at the present rate of wages men could live, considering the high price of provisions.

Mr. GLYDE supported the item on the Estimates. After the lengthy debate last week, and the able *resumé* of the Attorney-General, it was unnecessary to enter fully into the question but there was one point which had not been touched upon, which was the indirect advantages derived from the expenditure in England. Lieutenant Dashwood was travelling about the country diffusing information in reference to South Australia, and, no doubt, was instrumental in inducing a large number of persons to come here who paid their own passages and brought money into the colony. If it were known in England that we were about to stop immigration it would ruin the colony.

Mr. BAKEWELL would vote for the item as it stood, and if it were 40,000*l.* instead of 20,000*l.* he should do so (Hisses in the gallery, which the Speaker threatened to have

cleared.) The great remedy for the depression which existed here he believed would be to bring a million people into the colony. If such a number could be brought here he believed that the whole of the people here would get employment. He should like to see 200,000 or 300,000 settled upon the rich lands at Guichen Bay, and the north could absorb many thousands. Were the lands to be forever unoccupied? If they were to be cultivated the sooner it was done the better. There was no fear of capital not coming, for capital followed labour as truly as the needle followed the pole. Of course he meant the right kind of people, used to agricultural operations, a class who received but poor wages at home, who were used to agricultural implements, and to whom this colony, even in its present depression, would be a perfect paradise. The question had been so fully argued, that it was unnecessary to enter into it, but he would point out that, if the population of the colony were to stop at 100,000 of course all public works must stop. He did not see what public works would be required, the fact being that the outfit which they already had was too large. They had been expecting a population of a million, and the public works had been framed upon that expectation. If they were now to stop short, it was quite clear they had made a miserable mistake. The population of the colony was at present only that of a fourth rate town in England. It was not larger than that of Nottingham and its suburbs, which was managed by a Mayor and Corporation. There was only one way to introduce people of the proper kind, and that was to pay their passage. The Wakefield system, under which the colony was founded, was one of the greatest discoveries ever made; the colony would never have been occupied but for the process of giving land for labour. Supposing that the parties we imported went to Melbourne, he would point out that they were still our customers, and he believed that we had actually gained by every individual who had even left this to go to the gold diggings in Victoria. He did not believe that the agricultural population in Victoria were better off than they were here. He did not believe there could be a greater stab at the prosperity of the colony than to stop immigration, and the laborers themselves would be the first to suffer.

Captain HART should support the item on the Estimates, though he did not go the length of saying that the money which had been voted for immigration had been judiciously spent. At the same time, he thought they had now the means and opportunity of seeing that the money which was now voted would be judiciously spent. No doubt there had been a great mistake in the expenditure of money for immigration purposes. There was no person who was here in 1852 but must be aware that it was unwise to spend the large sums which were expended in bringing out immigrants at that time, and one great proof was, that those who were brought did not complain that more were sent for. It was known indeed that the parties would not remain here, but proceed to Victoria. He opposed the large outlay at that time, and opposed the proposition of Sir Henry Young to borrow 500,000*l.*, and expend half that amount in immigration. On a late occasion also, when he held the office of Treasurer, he reduced the item from 60,000*l.* to 40,000*l.*, because he believed that at the time 60,000*l.* was too large a sum. Having opposed an exorbitant outlay in former years, he could the more consistently vote for the sum now proposed. He believed that the system upon which immigration would be conducted would be far better than heretofore. With an agent in London, and a Commissioner of Crown Lands who knew the wants of the colony, he believed that such instructions would be sent home for the selection of immigrants as would ensure them getting the description of labor which was wanted here. The importation of such labor would employ the surplus labor at present here, for the employment of six underground miners would give employment to 20 or 25 of the class at present out of work. The Wakefield system was not, in his opinion, a complete system, something more than labor being required to give value to land. Capital was required, and the great mistake had been that there had been no one to see that the amount of capital was equal to the employment of the labor. It would be remembered that Mr. Flaxman bought 40,000 acres of land, and the money was remitted home for immigrants, in consequence of which 2,000 men arrived in one week, but Mr. Angus, for whom the land was purchased, was not here with capital to employ them, and the result was that Government was put to considerable expense for several months, and the men were distributed over the other colony. The Commissioner of Crown Lands must see that the money received for land was not immediately remitted for immigrants but that a sufficient time was allowed to elapse to enable capital to flow in, he must see what railways and other works, what agricultural operations, were likely to be carried on, and provide the necessary labor for such works. That was the proper business of the Commissioner of Crown Lands, which he regarded as the most important office under responsible government. Capital was a delicate kind of thing and if labor was not here capital would not come. If the system of immigration were done away with and there was no prospect of labor coming here, not only would capital cease to come but it would go out of the colony. Within the last few days sales of leases had taken place to parties in other colonies who contemplated coming here with their flocks and herds, but would they buy the leases and stock the runs if they thought immigration was

to cease? Look again at the discoveries in the North of copper, the Bura was only a speck compared with the discoveries during the last few years. He spoke strongly, because he believed it was the last time he should address the Assembly, at all events for some years for he was going home by the next mail to endeavour to bring these mines into profitable working, but he could not as a conscientious man prevail upon people in England to embark their capital in an undertaking, if there were to be no immigrants. The employment of 50 miners would give employment to 300 or 400 other men, all the surplus labour would be absorbed, and further labour would be required, which could not be obtained if immigration were to cease. He trusted the House would see the immense importance of voting this money, otherwise the whole confidence in the colony would go. If the Commissioner of Crown Lands did his duty, and ascertained the probable wants of the colony, the labour now unemployed would be absorbed by the introduction of the other labour. No man could be more thoroughly convinced than he was that it would be a suicidal act to strike out the item. He hoped to see a larger amount some day. If it were struck out, it would be most prejudicial to the best interests of the colony. He stated so after an experience in the colony of 21 years.

Dr. WARK supported the item, remarking that the hon member for the Port had left him nothing to say. Government had for once done well in putting this item upon the Estimates. It was true there had been a depression, but it was passing away, and he believed the money would be well spent if more discretion were exercised in the selection of immigrants.

Mr. MACDERMOTT said the subject had been so thoroughly exhausted that he should move the House divide, but subsequently, at the request of the Attorney-General, who stated that the Government had no desire to stop the debate, withdrew the motion.

Mr. REYNOLDS was sorry to hear that the hon member for the Port was about to leave, having always worked most harmoniously with that gentleman. He hoped the hon member would not be disappointed in bringing capital into the colony, and when he saw capital come, he should be quite prepared to support a vote for the importation of labor. He should like to see five millions people here with capital in proportion, but there must be a proper balance between labor and capital. It had been said it would be a suicidal thing to stop immigration but had it not been stopped by reducing the amount from 40,000 last year to 20,000, and why was that? Because there was more labor than capital. Why not give the amount now proposed to be expended to the Central Road Board, to be expended in roads and tramways? He could procure any description of labor almost to any amount, and was employing first-rate men who had been 10 years in the colony at reduced wages, merely to give them employment. He did not believe the Government were in possession of any data to induce them to believe that the money would be required for immigration, and having reduced the amount from 80,000 to 60,000, and then to 40,000 and now to 20,000, he thought they might as well strike it off altogether.

Mr. PEAKE said because they had acted wisely and prudently by reducing the amount, that was no reason they should cease to vote any money at all. The Government foresaw the difficulty in which the laboring population would be placed, and acted prudently by reducing the amount. He believed it would be a good thing if a million immigrants were to come here, as the probability was they would bring from five millions of capital. The supporters of the resolution to stop immigration for twelve months in reality wanted to stop it altogether, as one of the supporters of that resolution had admitted.

Mr. REYNOLDS and Mr. SOLOMON disclaimed any such intention.

A motion that the House resume was lost by a majority of four, the yeas, on a division, being—ayes, 11, noes, 15, as follows—

AYES, 11—Messrs Barrow, Cole, Hay, McEllister, Owen, Reynolds, Rogers, Shannon, Solomon, Townsend, Milne (teller).

NOES, 15—The Commissioner of Crown Lands, the Commissioner of Public Works the Treasurer Messrs Bakewell, Duffield, Dunn, Dutton, Hallett, Hart, Hawker, Macdermott, Mildred, Peake, Dr. Wark, the Attorney General (teller).

Mr. DUFFIELD moved that the House divide, and the motion was carried by a majority of two, the yeas (ayes, 14, noes, 12) being as follows—

AYES, 14—Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Dutton, Glyde, Hallett, Hart, Hawker, Macdermott, Mildred, Peake, Treasurer, Dr. Wark, Duffield (teller).

NOES, 12—Messrs Bakewell, Barrow, Cole, Collinson, Hay, McEllister, Milne, Reynolds, Rogers, Shannon, Solomon, Townsend (teller).

The SPEAKER then put the question "That the words proposed to be omitted stand part of the question," or in other words that the vote of 20,000 be agreed to, which was carried by a majority of eight, the yeas on a division, ayes 17, noes 9 (being as follows)—

AYES, 17—Commissioner of Crown Lands, Commissioner of Public Works, Messrs Bakewell, Duffield, Dunn, Dutton,

Glyde, Hallett, Hart, Hawker, Macdermott, Mildred, Peake, Rogers, Treasurer, Dr. Wark, Attorney-General (teller).

NOES 9—Messrs Barrow, Cole, Hay, McEllister, Milne, Owen, Shannon, Solomon, Townsend (teller).

The SPEAKER stated in reply to Mr. Barrow, that he had intimated in the early part of the day that it would be desirable hon members should give notice of their intention to move the recomittal of particular items.

Mr. HAY was desirous, in order to equalise the proportions, that the immigrants should be from England and Scotland, a large majority of the immigrants imported of late years having been from Ireland. The hon member mentioned that recently, amongst 29 female applicants for a situation, only one was from England, one from Scotland, and the remainder from Ireland.

The SPEAKER ruled upon a point of order raised by the Attorney-General, that the amendment suggested by the hon member for Gumeracha could not be put.

The question was then formally put, that the vote for immigration—£20,000—be agreed to, which was carried by a majority of 8, the division being precisely the same as on the former occasion, with the exception that Mr. Strangways and Mr. Collinson, in favor of the vote, paired off with Mr. Reynolds and Mr. Scammell against it. The yeas—Ayes 16, Noes 8—were as follow—

AYES, 16—The Attorney-General the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs. Bakewell, Duffield, Dunn, Dutton, Glyde, Hallett, Hart, Hawker, Macdermott, Mildred, Peake, Rogers, and the Treasurer (teller).

NOES, 8—Messrs Barrow, Cole, McEllister, Milne, Owen, Shannon, Solomon and Townsend (teller).

The CHAIRMAN then reported progress, and obtained leave to sit again on the following day.

THE WESTERN BOUNDARY

The ATTORNEY-GENERAL laid upon the table of the House report of the Committee appointed to prepare an address to Her Majesty on the subject of the western boundary of the colony, intimating that he would move it be taken into consideration on the following day.

The House adjourned at 6 o'clock till 1 o'clock on the following day.

FRIDAY, JUNE 17

The SPEAKER took the Chair at 1 o'clock precisely.

NAVAL OFFICER

Mr. COLLINSON presented a petition from the Chamber of Commerce, praying the House to reconsider their vote annulling the office of Naval Officer.

RIVERTON

Mr. BAGOT presented a petition from the inhabitants of Riverton, praying for the establishment of a telegraphic station in that locality.

ONKAPARINGA

Mr. MILNE presented a petition from the District Council of Onkaparinga, praying that the line No. 3 might not be expunged from the schedule of main roads.

MOUNT BARKER

Mr. DUNN presented a petition from the inhabitants of Mount Barker, praying that the mail guard might be continued upon that road.

PRIVILEGE—THE ARTICLE IN THE "ADVERTISER"

Mr. STRANGWAYS moved that the House at its rising adjourn till 1 o'clock on Tuesday, intimating that he made that formal motion for the purpose of enabling him to bring under the notice of the House an article which appeared in a newspaper published in the colony. He alluded to the *Advertiser*, in which there that morning appeared an article commenting in severe terms upon the conduct of certain hon members upon the question of immigration discussed in the House on the previous day. He could not of his own knowledge say whether the statements in that article were correct or otherwise, not having been present, but amongst other things it was stated that five or six speakers rose at the same time—(hear, hear)—that the Speaker's calls to order were disregarded—(hear, hear)—and that his gesticulation was disregarded also (Hear, hear). He could not say whether this was true but his object in calling the attention of the House to the article was, that hitherto they had been enabled to congratulate themselves upon there not having been such disgraceful proceedings in that House as had disgraced the legislatures of other colonies. But what opinion would other colonies form when they read in the leading article in question that scenes had occurred in the South Australian Legislature, nearly if not quite equal to scenes which had been enacted in other colonies. If the statement in the leading article in question were true, the scene which had occurred in that House on the previous day must have been nearly if not quite as bad as any which had occurred in the Tasmanian Legislature. He did not believe that any such scene as that described in the leading article to which he

had alluded had occurred, and this impression was confirmed upon referring to the report of the proceedings prepared for the "Hansard," which did not contain any allusion to any such occurrence, although it was represented that some little confusion arose in reference to another matter. The leading article stated that the disgraceful scene which it described occurred on the vote for immigration, whilst the report stated that the confusion arose upon the question of £600 for the Harbor Trust, so that either the report or the article was wrong. He had drawn the attention of the House to the circumstance because, although not present on the occasion himself, he apprehended that many hon. members then in the House were present on the preceding day at the so-called disgraceful proceedings, and he trusted they would be able to refute the statement or afford some satisfactory explanation.

Mr HAWKER rose to second the motion.

Mr BARROW rose to a point of order. Was there any motion before the House?

The SPEAKER said the hon. member for Encounter Bay moved that the House at its rising adjourn till 1 o'clock on the following Tuesday.

Mr HAWKER thought his ears could not have deceived him. In rising to second the motion, he must say that when he that morning read the article in the *Advertiser* to which allusion had been made, he thought the whole account grossly exaggerated. To publish such a statement to the other colonies was in his opinion highly improper, and the statement itself was not in his opinion in accordance with the truth. He admitted there was a good deal of misunderstanding as to the division on a particular question, but the confusion which ensued was merely the result of a desire to get information. He repeated that he believed the statement in the *Advertiser* was calculated to convey a wrong impression, and that the whole matter had been greatly exaggerated, and that opinion he believed every member of the House would agree with him in.

Mr REYNOLDS would like to know what there was really so dreadful in the article in question (Hear, hear). He had read the article carefully, and certainly could not see anything in it calculated to reduce us to a level with Van Diemen's Land. He knew that a good deal of interest was felt in the question brought under the notice of the House on the previous day, and to which this article referred, a good deal of feeling was, he must admit, exhibited, but he certainly was not witness to any disgraceful proceedings. He certainly saw five or six members on their legs at once—(hear, hear)—and the hon. the Speaker had often to cry out order (Hear, hear). He (Mr Reynolds) was provoked by one hon. member, but he was not aware that he committed himself to an extent which could for a moment justify a comparison of the proceedings of that Legislature with those of Van Diemen's Land. Nor did he know that any hon. member had done so. It was, therefore, unfair of the hon. member for Encounter Bay to draw any such comparison, or wish the House or the country to draw any such comparison, or endeavor to create an impression that there was anything in this leading article instituting a comparison between the proceedings of that House and the Legislature of Van Diemen's Land (Hear, hear). He repeated it was most unfair, particularly as the hon. member was not present on the occasion, having parted off with him (Mr Reynolds). If the hon. member had drawn attention to any particular statement in the leading article, it could have been met, but he (Mr Reynolds) denied that there was anything in the article in question to justify the hon. member in making use of the expressions which he had. The hon. member had pointed out what appeared to be a difference between the leading article and the report prepared for the "Hansard," but he apprehended such differences must repeatedly arise, for reports were not *verbatim*, and he apprehended many hon. members would hardly like that they should be literally reported (Laughter). At all events, unparliamentary could not be reported (Hear, hear). Comments could be introduced in the leading article which could not be introduced in the report. He did not see the necessity of taking up the time of the House with the question.

Mr BARROW rose to support the adjournment of the House at its rising till the following Tuesday, and also to state that he felt exceedingly flattered and happy in having fallen under the censure of the hon. member for Encounter Bay. If the hon. member had commended him he (Mr Barrow) should immediately have doubted the propriety of his conduct, but words of censure from the hon. member were acceptable at all times (Laughter). He was never in the slightest degree discomposed by any of the hon. member's strictures upon his conduct. Perhaps the hon. member might remember that he (Mr Barrow) did not throw his humble influence into the right scale when the hon. member recently endeavoured to occupy the places of the hon. gentlemen opposite (Laughter). No doubt the hon. member withered under his unsuccessful attempt to displace a Ministry so much more capable than himself, or any whose co-operation he could procure (Renewed laughter). There must, therefore, be an expression of spleen, but he would remind the hon. member that however prone he might be to censure others he was himself more frequently censured than any member of that Assembly (Hear, hear). The hon. member spoke of comparisons instituted between that Legislature and the Legislature of Van Diemen's Land, but who, except the hon. member, had ever instituted such a com-

parison? There was certainly no such remark in the article which the hon. member had brought under the attention of the House, and he challenged the hon. member to point out any such allusion (Hear, hear). He had yet to learn it was the duty of the Editor of a newspaper to re-echo the sentiments found in a report. The sentiments of a report were one thing, the sentiments of an Editor were another. He really felt it almost unnecessary to say that he had no wish nor intention to lower the dignity of that House, and if he had done so, no one would be more willing than himself to take immediate steps to remove any such unfounded impression as that alluded to by the hon. member for Encounter Bay (Hear, hear). That hon. member, however, delighted in onslaughts, and he (Mr Barrow) was quite prepared for the attack the hon. member having just previously told him that he should have a slap at him (A laugh). That was however, the hon. member's usual method.—Public Works this week, and Crown Lands the next (Renewed laughter). He welcomed the hon. member's opposition, declined his support, and begged to assure him that his censure was much more acceptable than his commendation could possibly be (Hear, hear).

Mr MILNE had read the article to which the hon. member for Encounter Bay had alluded, and was surprised that hon. member should characterise it as disgraceful (Hear, hear). He considered that the comments on the proceedings of the House on the former night did not go to that length nor indeed to say an objectionable length at all. The strongest term used in the article, was "extraordinary proceedings," and in another part it stated that the proceedings were obstructed by a tyrannical and overbearing majority. He endorsed those comments heartily, for he must contend that the proceedings were obstructed by a tyrannical and overbearing majority (Hear, hear). As to the article amounting to anything like a breach of privilege, it was simply ridiculous to contend so for a moment.

Mr PEAKE thought the article gave a colouring in the description of the gesticulation and dumb show of the Speaker which was not justified, and he also thought it too far to speak of the vote arrived at as the act of a tyrannical majority. He was one of that tyrannical majority, and no one had ever been seized as he was by the minority. He was interrupted time after time in the most unseemly and extraordinary manner, though he never interrupted others, and there was certainly an amount of animus and bitterness of feeling exhibited which did the House no credit. The hon. member for the Sturt charged him with ungentlemanly conduct, but he trusted he had never in that House been guilty of conduct unbecoming a gentleman, if he had he was extremely sorry for it. It was unfair to assail him with the bitterness and acrimony with which he was attacked. He believed the article gave a color to the proceedings, and that the real truth was, all parties were so exceedingly eager on the previous day that they could not listen to the ruling of the Chair. There was a good deal of one-sided excitement, which prevented hon. members from listening, but he repeated that he thought a coloring had been given to the proceedings, and that the article was calculated to lead our neighbors to draw false conclusions.

Mr BAGOT had sat for several sessions in that House, and had never before listened to so pitiful an attempt to take up the time of the House by a pretended breach of privilege. What control could that House have over an Editor of a newspaper who chose to write leading articles, even stigmatising the conduct of members of that House? Why should that House interfere? If there were nothing in the articles complained of to amount to a breach of privilege, it was quite clear that the House could not interfere, but if a breach of privilege had actually been committed, let the Editor be brought to the bar of the House, and the answer for himself (Hear). At the time the hon. member for the Burra addressed the House, he (Mr Bagot) thought the hon. member must have had in view an article in another paper—(hear, hear)—which perhaps the hon. member was smarting under (Laughter). He supposed that on the following day they would have the hon. member coming forward and stating that the other paper in the most glaring manner had commented upon the proceedings of that House (Laughter). He trusted the House would not permit its time to be taken up by a paltry and miserable attempt on the part of the hon. member for Encounter Bay to gain notoriety, for which he appeared to possess such an unstatable craving.

Mr GLYDE said that the hon. member for Onkaparinga had remarked that the harshest term used in the article was "extraordinary proceeding," but he would point out to the hon. member that the article went on to state that all order and decorum were lost sight of (Hear, hear). He certainly thought that the hon. member for East Torrens must regret having used such expressions, and also regret his remark that the proceedings were interrupted by a tyrannical majority. He would remind the House that the first interruption was by the minority in moving that the Chairman report progress.

The TREASURER wished to be understood as speaking merely as a member of the House. He had not noticed the article as one which required the intervention of the House, but after what had fallen from some hon. members his attention had been again called to it, and it did appear to him

there were certain improprieties in the language used. He should not have noticed these, however, but for the remark of the hon. member for Onkaparinga, who had asked what control the House had over any Editor who wished to stigmatize members of that House.

Mr MILNE denied that he had used any such expression.

The TREASURER said that if the hon. member denied that he had used such an expression, he must of course believe him, but he could only say he heard it.

Mr MILNE.—Not from me.

The TREASURER thought it would be a very dangerous doctrine to lay down that the press might stigmatise members of that House with impunity. Such conduct would call for the intervention of the Speaker, for the House had passed an Act last session giving him full power to interfere (the hon. gentleman quoted from the Act referred to). He merely wished to disavow any participation in any such doctrine as that the press might stigmatise any members of that House. It was stated in the leading article under discussion that there was a want of decorum in the proceedings, and it certainly appeared to him that was not a very respectful term to apply. It then proceeded to state that the proceedings were interrupted by a tyrannical majority, for if that were the case it was the duty of the Speaker to order the person interrupting the proceedings under arrest. (Oh, oh.) The hon. gentleman again quoted from the Act to which he had previously alluded, showing that it would be quite competent for the Speaker to have ordered the party interrupting the proceedings under arrest.

The COMMISSIONER OF PUBLIC WORKS would say very few words. He had had considerable experience in privilege questions, and always regretted them. New papers sometimes indulged in expressions conceived in bad taste, and hon. members sometimes made speeches conceived in bad taste. (Laughter.) No doubt the hon. member for East Torrens (Mr Barrow) regretted having stated that the ordinary courtesy of reply was not allowed to Mr Solomon, because the hon. member was now no doubt aware that no such right of reply existed.

Mr SOLOMON rose to speak, but,

On the motion of Mr YOUNG, the House divided on the motion for adjournment.

STANDING ORDERS

Mr MILNE wished, before the ordinary business of the day was called on, to make reference to an occurrence which took place on the previous day. It would be in the recollection of the House that a division was called for by the hon. member for Encounter Bay (Mr Strangways), and that when the House was prepared to divide, the hon. member withdrew his call for a division, and though others pressed for a division, the Hon. the Speaker ruled that, as the hon. member for Encounter Bay had withdrawn his call for a division, no other hon. member could insist upon it. He thought it must be evident to the House that if that were the proper ruling, it was high time that a different rule was established. His motive in rising was to ask the Speaker if he still thought his ruling correct, if so, it was his intention to take further action upon it.

The SPEAKER conceived that his ruling on the previous day had been quite correct. When the hon. member for Encounter Bay asked to withdraw his call for a division no voice was raised in opposition, and hon. members would remember that they had moved from their places at the time, and occupied the places which they would had the division taken place. If any objection had been raised at the time, he should have allowed a division to have taken place, and the course which he intended in future to pursue, when an hon. member asked for permission to withdraw his call for a division would be to put the question to the House, that he have permission.

KAPUNDA

Mr BAGOT asked the Commissioner of Public Works when the plans and estimates for the extension of the Kapunda Railway to the Burra would be laid on the table of the House.

The COMMISSIONER OF PUBLIC WORKS said at the earliest moment that they could be. Since he had come to the House that day, he had written urging them forward.

GOVERNMENT OFFICERS

Mr REYNOLDS asked the Treasurer when he would be prepared to lay upon the table the return which had been moved for, showing what Government officers had obtained six weeks' leave of absence.

The COMMISSIONER OF PUBLIC WORKS would be enabled to place it on the table on the following Tuesday or shortly afterwards.

TRINITY BOARD

The TREASURER laid upon the table an estimate of the salaries of the officers of the Trinity Board.

MESSEURS BLYTH BROTHERS

Mr REYNOLDS moved—

That in the opinion of this House it is not conducive to the best interests of the public service, and might lead to serious abuses in the Government Departments, should any member of the responsible Government be a party to any

contract, or be personally beneficially interested, directly or indirectly, in any work undertaken by the Government of which he may be a member."

The reasons which had induced him to table this motion were well known to the House. Having asked for certain returns he felt it his duty to take further action. He would put the matter on a broad ground, in order that he might not be charged with having been induced to bring the matter forward in consequence of any personal feelings towards any member of the present Administration. He thought the House would do well to affirm the principle contained in the motion, though in such a way as not to disturb the happiness of gentlemen on the other side. He found that nothing was so strictly guarded as the principle that no member of the House of Commons should have any interest in any contract under the Government. If any person elected as a member of Parliament entered into a contract, he was liable to a penalty of 500*l.* for every day he sat as a member after having entered into such contract, and furthermore, a contractor admitting a member of the House of Commons to any beneficial interest in a contract was liable to a penalty of 500*l.* to be paid to the party who sues. Members of the House of Commons being precluded from being beneficially interested in any contract with the Government, it was quite clear that a motion of such a nature as that which he now brought forward was supported by the precedent of the mother country, and should have been included in our Constitution Act, but by an oversight had been omitted. He would draw the attention of hon. members to the Constitution Act of 1853, by which they could see that contractors were precluded from occupying seats in the Legislature. That Act was, however, disallowed, but still the Government appeared to be of opinion that such a provision was required, as was shown by the regulations in reference to various Boards laid on the table by the Commissioner of Public Works. He might refer for instance to the instructions to the Central Road Board, by which it would be seen that supplies to the extent of more than 100*l.* were to be advertised for, the tender subsequently approved by the Commissioner of Public Works. He would refer hon. members to Council Paper 26, containing a return of goods supplied to various departments by Messrs Blyth Brothers. Except appeared to be one thing, but practice was another. For in the last-mentioned return, under the head of Central Road Board, he found that supplies had been furnished to that department by Messrs Blyth Brothers to the extent of 45*l.* 16*s.* 3*d.* These goods were not advertised for, but were purchased privately by order of the Board, and the accounts approved and certified by the Secretary. It should be borne in mind that the Commissioner of Public Works had previously forwarded to the Central Road Board instructions precluding the Board from laying out 45*l.* without submitting the tender to the hon. gentleman himself. He next came to the railway regulations issued last year, which were to the effect that all works above 100*l.* were to be submitted to public competition, and the tenders subsequently to be submitted to the Government for approval, but he found the amount of goods supplied by Messrs Blyth Brothers by private purchase to this department amounted to 34*l.* 17*s.* 1*d.*, in violation of the regulations. If the goods had been tendered for, the tender would have had to be submitted to the Commissioner of Public Works, and thus the hon. gentleman would have been called upon to approve of his own tender. It appeared that these regulations had been made without any intention of carrying them out. When he spoke of Messrs Blyth Brothers, he believed he was justified in saying that the Commissioner of Public Works was a member of that firm, and therefore it would have been quite correct that the firm should have refused to supply the goods in question. He did not accuse the hon. gentleman of anything wrong, he did not accuse him of not having done what he believed best for the public service, the hon. gentleman had far too much conscientiousness for that, but still the system was open to so much abuse, that he hoped the House would express an opinion upon it. The hon. member concluded by stating that the accounts were never paid till they had the approval of the Commissioner of Public Works, who would be placed in a false position if called upon to approve his own account.

The ATTORNEY-GENERAL asked Mr Reynolds to postpone his motion till some other day, a large number of members of the House being desirous collectively of meeting Captain Hart, who was about to take his departure from the colony.

The motion was postponed till the following Wednesday, Mr DUFFIELD, who seconded it, intimating that he should probably be enabled to give the hon. member some information respecting it.

THE ESTIMATES

were postponed till the following Tuesday.

THE WESTERN BOUNDARY

The ATTORNEY GENERAL moved the adoption of the Address to Her Majesty, relative to the western boundary of the colony, and that it be transmitted to His Excellency the Governor with a request to forward it to Her Majesty. The hon. gentleman remarked it was simply for the purpose of recalling attention to a matter of considerable importance, which appeared to have escaped the attention of Her

Majesty's advisers, a matter not much to be wondered at considering the weighty affairs which had latterly engrossed their attention

The motion was carried, and the House adjourned at 2 o'clock till 1 o'clock on the following Tuesday

LEGISLATIVE COUNCIL

TUESDAY, JUNE 21

The PRESIDENT took the Chair at 2 o'clock

CUSTOM-HOUSE FORMS

The Hon Captain HALL presented a petition, signed by several merchants at Port Adelaide, complaining of certain grievances in the mode of collecting the revenue, and from which the petitioners stated that they had suffered. The petition complained of the routine pursued and forms employed, as subjecting them and others to inconvenience, and prayed for a simplification of the forms at present in use.

The petition was received, read, and ordered to be printed

WORKING MEN'S PETITION

The Hon Mr FORSTER moved—

"The consideration of the petition of the working men, presented by him on the 21st of May, with a view of remedying the evils therein complained of." On the 24th May last he had presented a petition, signed by 126 working men, who complained of the intolerable grievances under which they labored, from the circumstance that certain contractors under Government did not pay the workmen their wages punctually, so that many were in consequence defrauded of their earnings, besides being obliged to submit to the truck system, which compelled the laborer to purchase from the contractor the stores which he required at the highest rate of wages. He (Mr Forster) did not wish to involve the Government in unnecessary difficulty and would therefore suggest an amended motion to the effect that the attention of the Executive should be called to the present conduct of some Government contractors towards their workmen. The Government had evinced a disposition to meet the wishes of the working men, and it might be possible to introduce a clause into future contracts stipulating that the men's wages should be paid weekly. The truck system did not prevail in private contracts, and because the Government, with a view of saving the public funds, had in many instances accepted the lowest tender, still the practice of this economy was no reason why they might not be induced to take steps to render the wages of the working men available when required, and he would accordingly move that the attention of the Government should be drawn to the conduct of contractors who failed in their duty in this manner.

The Hon Mr AYERS seconded the motion

The Hon Dr DAVIES approved of the motion and commented on the behaviour of a class of men without means who took contracts under Government at very low prices. He instanced Killingworth and Lee, both men of straw, who had left their workmen in the lurch. The laboring population should be protected from this treatment.

The Hon the CHIEF SECRETARY said that a Bill would shortly be introduced for the purpose of preventing the evils complained of. An instance had occurred in the case of the Kapunda extension line, in which a contractor, named Walker, had undermeasured the work and kept the men out of their wages. The claims were tried at the Local Court, Kapunda, and a verdict was given for half the amount of the wages.

CONSOLIDATION OF STATUTE LAW RELATING TO GRAND JURIES

This Bill was read a first time and the second reading made an Order of the Day for Tuesday next

INDICTABLE OFFENCES

The Act for the Consolidation of Statute Law was read a first time, and the second reading made an Order of the Day for Tuesday next

WELLINGTON FERRY

The Act amending an existing ordinance relative to the establishment of a ferry at Wellington was read a first time, and the second reading made an Order of the Day for Tuesday next

INSOLVENCY RETURNS

The Hon Mr FORSTER moved—

"That there be laid on the table a return of insolvencies within the province between the 30th September, 1854, and the 1st October, 1856"

The return at present furnished was incomplete, and he proposed this resolution with a view of completing and perfecting the returns

The motion was carried

The Hon Captain BAGOT moved—

"That there be laid on the table a return of the number of telegrams that have been received at or despatched from the telegraph stations at Kapunda and Willunga, from the time of their establishment to the date of the required returns being made"

He introduced this motion with an object of obtaining a fair average of the returns of telegraph lines between two

similar points, such as Kapunda and Willunga, which bore a relation to each other, similar to that between Port Adelaide and Gawler Town

The Hon Major O'HALLORAN seconded the motion, which was carried

CONSOLIDATION OF STATUTE LAW RELATING TO LARCENY

This Bill was read a third time and passed

OFFENCES AGAINST THE QUEEN

The Council went into Committee on the second reading of this Bill

Clauses 1 to 13 were passed with verbal amendments

The Hon Dr DAVIES observed of clause 13, with reference to the counterfeiting of copper coin that there were at present a great number of copper tokens in circulation which came under the description of counterfeit coin. The Act specified that the possession of three or more such coins constituted a felony, and he (Dr Davies) had then in his pocket a sufficient number to procure his conviction, and a sentence to one year's imprisonment (laughter). He therefore asked that this clause should be postponed for the consideration of the law-officers of the Government. Independently of the passing of counterfeit coin the persons who made use of them for the purpose of advertisements, made a considerable profit by their issue. He (Dr Davies) had weighed a number of them, and ascertained that they varied in weight as follows—A penny of George III weighed 6 drachms 50 grains, one of Victoria, 4 drachms 50 grains, a token bearing the names of Martin & Sach, 4 drachms, one issued by Professor Holloway, 4 drachms 20 grains, those of Harrod Brothers, 3 drachms 50 grains, and Messrs Crocker & Hamilton's coinage, 4 drachms 50 grains. It was evident that a large profit resulted from the striking of coins, which the Act apparently considered counterfeit, and he would move that the clause before the House should be postponed, in order that the Chief Secretary might obtain information from the law advisers of the Government whether any informations had been laid in England under the original Act, from which this statute had been taken.

The Hon Captain SCOTT was of opinion that the hon member might safely carry the copper tokens in his pocket without fear of being convicted of felony, inasmuch as the tokens did not resemble the Queen's coin, nor had they the semblance of the authority of the Crown. Any one who chose might take Mr Crocker's tokens, but he was not obliged to do so. In his opinion there was no counterfeiting of coin in such a case.

The Hon the CHIEF SECRETARY considered there was no reason for postponing the clause, as no portion of it could be construed to refer to the tokens of which mention had been made.

The Hon H AYERS was of opinion that no one could trace a resemblance between the portrait of Professor Holloway on the tokens and that of Her Majesty (laughter)—and consequently the coins could not be counterfeit.

The Hon Captain BAGOT thought that the fears of the Hon Dr Davies were groundless. The very fact of Mr Holloway showing his copper face in the colony proved that he had been tolerated in England, and consequently had not broken the law there.

Clauses 13 and 14 were then passed as read, and the remaining clauses passed with verbal alterations

The third reading of the Bill was made an Order of the Day for Tuesday next

CONSOLIDATION OF STATUTE LAW RELATING TO FORGERY

This Bill was read a second time

Consideration of clauses 3, 4, and 5, and the preamble were postponed

The remainder of the Bill was agreed to with a few verbal amendments

The CHAIRMAN then reported progress, and asked leave to sit again

The House then adjourned to the following Tuesday, at 2 o'clock

HOUSE OF ASSEMBLY

TUESDAY, JUNE 21

The SPEAKER took the Chair at 1 o'clock

THE CUSTOMS

Mr SOLOMON presented a petition from 22 merchants and Port agents, praying the House to take steps to abolish the unnecessary forms in connection with the Custom House

The petition was received and read

GREENHILL-ROAD

Mr BARROW presented a petition from 250 persons residing adjacent to the Greenhill-road, praying that the Greenhill-road might be proclaimed a main line of road, and that a sum of 6000*l* might be voted for its completion

The SPEAKER ruled that there was no prayer to the petition, and consequently that it could not be received

Mr BARROW wished to ask whether, when the Speaker ruled there was no prayer to a petition, whilst the mem-

ber presenting it thought differently; it was competent for the paragraph which he supposed to contain a prayer to be read, in order that the House might determine whether the petition contained a prayer or not.

The SPEAKER said that the petition certainly did not contain a prayer in accordance with the rules of the House.

Mr MILDRED thought there were often cases in which petitions were rejected, in consequence of trifling informalities, when, in all fairness, the House should judge whether such petitions should be rejected in consequence.

Mr GLYDE asked if it were absolutely necessary that the prayer should be at the end of the petition.

The SPEAKER said that it was.

The ATTORNEY-GENERAL said that, unless the principle laid down by the Speaker were recognised it appeared to him it would be in the power of any one to raise an informal discussion at any time by presenting an informal petition. He thought the House would see it would scarcely be possible to conduct business in any deliberative assembly, unless the President had the power of determining whether the forms of the House had been observed.

ELECTORAL ACT

The ATTORNEY-GENERAL stated, in reply to Mr GLYDE that it was not the intention of the Government to introduce a new Electoral Act during the present session.

RETURNS

The ATTORNEY-GENERAL laid upon the table of the House returns, shewing the Government officers who had obtained leave of absence during the past and preceding years, the salaries attached to the Botanical Garden department for 1859 and 1860, and a return, shewing the number of cases disposed of at the Police Court, Redruth, under the Waste Lands Act.

MAIL GUARDS

Mr STRANGWAYS presented petitions signed by 177 ratepayers in the districts of Morphet Vale, Noarlunga, and Willunga, praying the House not to dispense with the mail guards upon the South road.

DISTILLATION

On the motion of the ATTORNEY-GENERAL, the House resolved itself into a Committee of the whole to consider the expediency of repealing No 6 of 15 Victoria, and No 16 of 21 Victoria, and to make other provisions in lieu thereof. The hon gentleman remarked it would be in the recollection of hon members, that he obtained leave to introduce a Bill for the purpose of amending the laws relating to distillation, but it was pointed out to him that the course which he then took was not in accordance with the forms of the House, and he therefore withdrew that Bill and took the present course. The state of the law had been such that up to the session before last when Dr Wark's Act was introduced, there was only one Act in the province regulating internal distillation, which was the first of the Acts referred to. The Act 15 Victoria was framed for the purpose of giving to the public all such facilities as were considered compatible with the collection of the revenue, and a great number of persons of whom enquiries had been made, who had been distillers on a large scale, and were familiar with the process, had stated that supposing they intended to enter into the business of distillers, and the legislature considered it desirable that a revenue should be derived from that source there were no provisions in the Act to which they would object. But it was found that, although those who intended to distil on a large scale would not be deterred by the provisions of the Act, they would still be deterred because it would not pay to enter into competition with foreign spirits. The provisions of the Act were such as rendered it impossible for those who did not intend to enter largely into distillation, but desired to do so only so far as to enable them to turn to account a portion of their produce, which would otherwise be wasted, to do so with any advantage. The Act provided that distillation should be carried on only in Adelaide, or in particular towns proclaimed by the Governor, and that persons who obtained licences to distil should find two sufficient sureties to the extent of £2,500. Certain things were also required in reference to premises, which were incompatible with the profitable carrying on of the business by those who were not exclusively and extensively engaged in it. The object of the Act was to remove the restrictions which the former Act imposed, but at the same time certain provisions were introduced to give security that the Customs duty should be paid. It was found, however, from experience that either distillation was so small that it was of no importance to the community, or that it was carried on in such a way that it yielded no revenue, for up to the present time he believed that not a single sixpence had been received on account of spirits distilled in the colony. This was a state of things which the Government felt they could not properly allow to remain, and, whilst they wished to maintain to the vinegrower power to distil from his produce on the payment of duty, without the disabilities imposed by the original Act, they at the same time felt bound to ask from the Legislature such security as would guard the revenue and ensure the public against a species of smuggling which there was some reason to suppose had been to some extent carried on. This led to a consideration of the subject, and it was thought upon mature deliberation that

the provision contained in the Act which he had laid upon the table might with some slight modifications suffice, as relating to distillation in general. One provision which would be done away with, would be restricting distillation to particular places. Any person might ask for a licence for any district, but it would be optional for the Government to refuse the application if the place were so situated that it would be impossible to exercise proper supervision. For instance, a still might be erected in some secluded spot in a gully on the hills, where it would be impossible for the excise officer to exercise proper supervision, and in such case a licence would of course be refused. It was necessary that power should be reserved to the Government to refuse licences, but at the same time it was not necessary that the site should be in any thickly populated district, or within certain limits of a town. It was also proposed to do away with the heavy sureties which had hitherto been required, and that the sureties should be in proportion to the size of the still, and the quantity of spirit which would probably be distilled, in no case would the sureties be equal to the amount required by the former Act. It was also proposed to modify to a considerable degree the provisions in reference to the nature of the premises in which distillation could be carried on. There must be one room of stone or brick, approved by the Inspector of Distilleries, and the place in which the spirits which were distilled would be deposited would be under the lock of the Customs, but to meet the objection which had been raised in reference to the spirits being kept in a storeroom under the lock of the Customs liberty was given to parties engaged in wine-making to keep a certain quantity elsewhere for the purpose of bottling wine. This would meet the objection which had been raised, that spirits were so frequently required to be so speedily applied to wine, that the probability was the wine would be spoiled if no spirit could be used until the Inspector of Distilleries or some other officer had been communicated with. Those were the main features of the measure which he proposed, and he could only say that whilst the Government, on the one hand, felt it to be its duty to the community at large to secure a revenue from imported spirits and spirits distilled in the colony, it was at the same time most desirous of freeing the trade from every restriction which was not necessary for that purpose. The Bill which he sought to introduce in fact had two objects—to remove needless restrictions, but at the same time to have such safeguards vested in the Government as would secure the revenue from loss. He would not enter into the policy of the Bill, as that could be discussed at the second reading, but if hon members wished to enter into a discussion he had no objection to do so, though his opinion was that it had better be reserved for the second reading. He begged to move "That this Committee is of opinion that it is expedient to repeal Act No 6, 15 Victoria, and No 16, 21 Victoria, and that the Attorney-General be requested to prepare a Bill for that purpose."

Mr HAY agreed that it was necessary to legislate upon this subject, but contended that if such a measure were carried as that which had been laid upon the table of the House, it would lead to smuggling, and every evil attendant upon the manufacture of spirits. It was acknowledged, in countries where spirits were manufactured, that where there were strict excise laws there was the greatest amount of drunkenness, and every evil connected with distillation appeared in its most aggravated form.

Mr MILDRED said that the Bill which had been alluded to by the previous speaker had been withdrawn by the Attorney-General, for the purpose of introducing an amended Bill. He was pleased to find that the Government had adopted such a course, and should be prepared to give the measure every support when it was brought in, but he regarded any reasoning upon it at the present time as extraneous.

The ATTORNEY-GENERAL would reserve any arguments on the principle of the measure till the second reading, but would state that the intention of the Government in introducing the Bill was to provide for the security of the revenue, whilst it was anxious to remove every restriction not necessary for that purpose. Above all, the object was to provide for the protection of the revenue. If any alteration were made in the Bill, which in the opinion of the Government would affect the security of the revenue, it would in his opinion be the duty of the Government not to accede to such a Bill.

Mr MILNE was glad to hear that the Bill which had been laid on the table of the House had been withdrawn, as the effect of that measure would have been the appointment of a whole host of excise officers.

The motion was carried, the House resumed, the CHAIRMAN brought up the report, which was agreed to and the ATTORNEY-GENERAL intimated that he should be prepared to lay the Bill on the table of the House on the following Thursday.

BOUNDARIES OF RUNS BILL

Upon the motion of Mr GLYDE, the Bill was recommitted, and an alteration made in the third clause, by the insertion of the words, after decision, "after verification by the Surveyor-General," and the addition to the clause of the words, "provided such surveyor or surveyors shall define the boundaries of runs according to priority of applications,

and have regard to the natural features of the country as delineated on the plans attached to such leases, and in accordance with which originally claimed." The hon member explained that assumed distances, when surveyed, frequently turned out not so great as had been supposed, and in such cases he thought it was fair that the first occupant should have an advantage. Thus, supposing the distance from hill to hill were estimated at 30 miles.—A applied for and obtained 10 miles from one hill, and B for 10 miles from the other, whilst C got 10 miles in the centre, but if the distance from hill to hill, when surveyed, should prove to be only 25 miles instead of 30, he considered that C, being the last claimant should be the sufferer.

The ATTORNEY-GENERAL adopted the suggestion, and the clause as amended was agreed to.

Mr HALLETT was desirous of introducing a clause fixing the remuneration of surveyors under this Act at two guineas per day, remarking that it was highly desirable the fees should be fixed, as no doubt these licensed surveyors would become a distinct body, and might regulate the fees as they thought proper, unless there was some such provision as he suggested. The hon member explained that he meant the two guineas per day as remuneration to the surveyor, which was the charge at present. He did not include the cost of carts, and persons employed in the survey.

The ATTORNEY-GENERAL did not object to the clause, stating that he would not take the Bill out of Committee, and would take the opinion of the Surveyor-General in reference to the scale of charges proposed.

The CHAIRMAN reported progress, and obtained leave to sit again on the following Thursday.

WATER SUPPLY ACT AMENDMENT BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, repeated the explanation which he gave when he obtained leave to introduce it. The hon gentleman stated that there was an awkward turn between the reservoir and Glyde, by avoiding which a mile and a quarter of pipe would be saved, and a cost of 1700*l*. in the construction of the work. Better gradients would also be obtained, but it would be necessary to pass through some private property, the owners of which, six in number, were quite willing to grant permission, upon condition that they each received free of charge a three quarter inch jet of water, such as he remarked any householder in the city of Adelaide could demand, and this offer being considered an eligible one, the object of the present Bill was to enable him to close with it.

The ATTORNEY-GENERAL seconded the motion for the second reading of the Bill.

Mr MILNE had hoped that the Commissioner of Public Works had abandoned this Bill. The Consolidated Lands Act pointed out how the hon gentleman could obtain any private properties required for the purpose of supplying the city with water, and consequently he could not see the necessity for the present Bill. He would far rather that the 1,700*l*. which the Commissioner of Public Works had stated would be saved by this route, should be given to the owners of the land for compensation, than that they should obtain a perpetual claim to a supply of water. No doubt this water supply was regarded by the parties as a valuable privilege, as the probability was, they intended to use it for irrigating their gardens. After some years it might be desirable that the supply should be cut off, and in what position would the Government then find themselves? Why, they would be called upon for compensation for the value of the privilege, not at the present but at that time, which might be something enormous. If he were the owner of the land he should feel disposed to give a very handsome premium for such a privilege. He felt bound to oppose the Bill, and moved it be read again that day six months.

Mr REYNOLDS seconded the amendment.

The ATTORNEY-GENERAL said it would have been wrong on the part of the Government, when a proposal was made to them by which a considerable saving would be effected, not to submit it to the House. No doubt the pipes were liable to abuse by being used for irrigation, but the same might be said of every pipe in the City of Adelaide. It appeared to the Government that a considerable saving might be effected, and therefore it was that the matter had been submitted to the Legislature, but the Government had no feeling in the matter, except, seeing before them what they deemed a mode of economising the public funds they submitted it to the Legislature.

Mr REYNOLDS supported the amendment, because he believed it would be better for the House and the country that they should know the actual cost of carrying the pipes through private property than that they should have anything hanging over their heads in perpetuity. Supposing that the water should fail, and that the Government were not able to keep up the supply, the parties no doubt would immediately come down to that House and demand compensation. It would be far better to buy the land right out.

Mr HAY supported the amendment, believing that the Government proposed to pay too dearly for the privilege of passing through the land. Laying down the pipes did the land no injury, and knowing the advantages derivable from a constant supply of water he could only say that he should

be very happy to allow pipes to pass through his property and pay the same price for a supply of water as other parties.

Mr MILDRED stated that he was owner of a portion of the land through which it was proposed the pipes should pass, and when he was asked upon the point he said at once that he would give a lease of such portions of the land as were required for 999 years if the Company would give him a three-quarter inch jet in return, though he really did not want the water, having 100 times as much from his roofs as he could consume. He could get 150*l*. an acre for the land, and the offer which he had made was considered a liberal one.

Dr WARK had recently been informed by one of the parties through whose lands it was proposed to take the pipes, that she had not been consulted at all on the matter, and that she should certainly expect a premium, as the Waterworks Company were cutting up her cultivated land, and injuring her in a variety of ways.

Mr McELLISTER supported the amendment and suggested, as the hon member for Noarlunga did not want the water, that he should make a present of the land for the benefit of the colony. He would rather, at all events, give the 1700*l*. than the water.

Mr SRANGWAYS thought it might be desirable in some instances to give the Commissioner of Public Works powers conferred by the present Bill, but in this instance it was proposed to give far too much for the privilege to be obtained. There were objections to private arrangements, which applied particularly in the case of the Waterworks, which were for the supply of the City of Adelaide, and in a certain time those works would be handed over to the Corporation, and the inhabitants would be called upon to pay the full amount of the cost of the works. There might not be such objections if it were contemplated to extend the supply of water not only to Adelaide but the suburbs.

The COMMISSIONER OF PUBLIC WORKS having replied, the motion for the second reading was lost by a majority of 3 the votes on a division being, Ayes 11, Noes 14, as follows—

AYES, 11.—The Attorney-General, the Commissioner of Crown Lands, the Treasurer, Messrs Collinson, Duffield, Dutton Glyde, Hawker, Macdermott, Wark, the Commissioner of Public Works (teller).

NOES, 14.—Messrs Bagot, Barrow, Cole, Hallett, Hay, Harvey, McEllister, Owen, Reynolds, Rogers, Solomon, Strangways, Townsend, Milne (teller).

OFFENCES AGAINST PRIVATE PROPERTY BY LARCENY CONSOLIDATION BILL

The SPEAKER announced the receipt of a Message from the Legislative Council, intimating that they had passed the above Bill, and soliciting the concurrence of the Assembly.

The Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday.

RAILWAY COMMISSIONERS' BILL

This Bill was verbally amended in Committee, and the adoption of the report made an Order of the Day for the following day.

POLICE RATE BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that it had been introduced in consequence of a pledge given by the Government last session that they would not again propose to the House so large an estimate for police within the City and Port. The Government now proposed a diminution, and at the same time introduced a measure giving the various municipalities power to tax themselves to obtain that protection which had hitherto been afforded them by the police. It had for a considerable time been a ground of complaint in the neighboring districts that the city of Adelaide and other populous districts absorbed so large a portion of the general revenues—that so large a portion was employed in maintaining a police force in the city of Adelaide—and although there were certain reasons why a police force should be in Adelaide, still the Government felt there were very substantial grounds for the complaints to which he had referred. It had been suggested by some hon members that the whole of the foot police should be struck off, but the whole community were interested in maintaining a certain number of police—such as those required for the Gaol and the Supreme Court, and the city being the general rendezvous for persons from all parts of the colony, it would, he thought, be admitted it would be for the general interest that the select police should be maintained here. Analogous reasons applied to the maintenance of the police force at the Port, which was the resort of foreign shipping and the portal through which the criminals of other colonies reached this province. It was, therefore, important that a police force should be maintained there, but beyond what he had indicated he did not think it expedient that any police force should be maintained in Adelaide as contradistinguished from the country at large should be provided for by the City of Adelaide, for there would be reasonable ground of complaint if the whole community were asked to maintain police for one portion of the community only. The estimate it would be observed did not provide the same amount of police force as previously, but only such amount as was requisite for the purposes he had alluded to, the Gaol and the

Supreme Court, independently of the detective police. Whilst the Government did not provide for the force out of the general revenue, they proposed to give the Corporations and District Councils power to impose a special tax for the purpose. The Bill as prepared provided that the appointments should be made by those upon whom the rate was imposed, but upon reflection, and after consulting several hon. members, he was of opinion that the appointments should be in the hands of the Government. The present Act provided that the regulation of the police should be vested in the Government, as in England with the rural and metropolitan police. It had been suggested that many inconveniences would be likely to arise if the police were appointed directly by parties who, however fit to exercise that patronage, might be connected with avocations under the special supervision of the police. There would be something anomalous in such a state of things. Whilst he asked the House to assent to the Bill being read a second time, he proposed a Committee to alter the powers in reference to the appointments, leaving the various municipalities and districts to say whether a rate should be levied, and then a number of police, commensurate with that rate, would be nominated by the Governor, subject to the same regulations discipline, and authority, as existed in connection with the police force of the city. The object of the Bill was to enable all parties to obtain proper protection and to provide for the most efficient administration of the funds so raised, by the appointment of persons subject to the same regulations as existed in the police force at the present time. He believed every one would bear testimony to the efficiency and excellent conduct of our police.

The TREASURER seconded the motion.

Mr SOLOMON asked whether the Government had been in communication with the Corporations of the City and Port upon this Bill, and if so, whether they had any objection to tell the House the result.

The ATTORNEY-GENERAL said he was not aware that the Government had received any communication on the subject, but they had been requested by the Town Clerk not to proceed with the second reading of the Bill, as it was the intention of the Corporation to take it into consideration at a date which he believed had passed by about a fortnight. He was not aware that the Corporation had taken it into consideration, or what had been the result of their deliberations.

Mr STRANGWAYS disapproved of the Bill, believing that if carried, it would lead to great confusion, as there would be two police forces in the city, the one maintained by the Government, and the other by the Corporation. The result would be, what was generally the result of rivalry—quarrelling. The whole of the police force should be under one superior officer, and the advantage of this had been strongly illustrated in England on the coming into operation of the County Police Act. There, in a majority of cases, Corporations, who had previously maintained their own police, made arrangements with the Chief Superintendent of Police for the county, and he sent so many of the police to the locality and ensured that number being always at hand, it was found that the advantages derived from this course more than counterbalanced the loss of patronage. The only police which were kept for the general benefit he considered were the Mounted, Detective, and Water Police, at Port Adelaide. The public deriving a certain benefit from the police he had named, who were kept at Adelaide and Port Adelaide, he had no objection that the cost should be paid out of the general revenue, but those for local protection should be maintained at local expense. Last session the hon. member, Mr Glyde, stated that the residents of Kensington and Norwood applied for police protection, and were informed that they could have it if they chose to pay for it. Now, if that principle were applied in that instance, why should it not be to Adelaide and the Port? Ultimately he believed that police protection would have to be paid for by a direct tax, as was the case in England. What he objected to, was protection being afforded to the City and Port Adelaide, upon terms upon which it was not afforded to other parts of the colony. He had prepared some resolutions which he begged to submit to the House, and which would to the effect that the whole of the police should be under the Commissioner of Police, and that that House should decide what police force should be maintained, and then what proportion of the maintenance of that force should be paid from the general revenue, that a portion of the expense of the local police should be met by a local rate, to be levied on the locality requiring that protection. He had heard it said out of doors that if the city were made to pay for its police the amount derived from licences within the city should be handed over to the Corporation of Adelaide, but he could not see why that should be the case. It was not the case in England, where the amount derived from licences went to the Exchequer, and formed portion of the general revenue. The resolutions which he asked the House to agree to merely differed from the Bill before the House to this extent, that the entire management of the police force should be under the Commissioner of Police, and that the House should decide what police protection should be afforded to particular districts. He could not see why the control of the police should be transferred to local authorities. He also proposed that a portion of the cost of the force should be paid out of

the general revenue, and the remainder by a special rate on the locality requiring that particular protection. He begged therefore to move, as an amendment upon the motion that the Bill be read a second time, that that portion only of the police force which was for the benefit of the community at large should be paid out of the general revenue, that the portion specially for the protection of the City and the Port should be met by a special rate levied on those districts, that the same rule should be adopted in reference to any other locality requiring special protection, and that an address be presented to His Excellency for a Bill to that effect to be introduced.

Mr DUFFIELD seconded the amendment, pointing out that the estimate for police had only been reduced by 4,475*l.*, and that the amount now upon the Estimates amounted to an enormous sum per head.

Mr GLYDE supported the amendment, and remarked that last session, when Kensington applied for police protection, the Government offered to pay half the cost if the residents would pay the other, and he thought that proposition a fair one if it were carried out throughout the colony. He was prepared to move a considerable reduction in the estimate for the City and Port, for it was no argument that because Adelaide was the capital, therefore a large police force should be maintained there out of the general revenue.

Mr SOLOMON contended that if the Corporation were called upon to pay for the police, they were entitled to the amount derived from publicans' licences, as was the case in Sydney, and, he believed, in other colonies.

The TREASURER pointed out that this would be a good bargain for the Corporation, for the amount which they would be called upon to bear for the police rate, assuming the present force to be maintained, would be 5,860*l.*, whilst the amount derived from publicans' licences was 8,000*l.*

Mr OWEN opposed the second reading of the Bill, considering it would be unfair to burden the citizens with a police rate whilst they contributed their fair share to the general revenue. If the citizens were to be taxed he agreed with the hon. member for the City (Mr Solomon) that they were entitled to the amount derived from publicans' licences.

Mr HAWKER suggested that as the resolutions brought forward by the hon. member for Encounter Bay were most important, they should be printed, and their consideration postponed, with the view of seeing if they could not be introduced in the original Bill.

Mr MILNE saw no objection to assenting to the second reading of the Bill, but at the same time would like an opportunity of quietly studying the resolutions.

The ATTORNEY-GENERAL said the essential difference between the resolutions of the hon. member for Encounter Bay and the Bill introduced by the Government, was that the Government proposed to leave the amount of police protection required in any part of the colony, including the Port and City, over and above a certain amount, which the House would have to define, to the judgment of the district, at the price of paying for it, whilst by the hon. member for Encounter Bay's scheme the House would have to fix the amount of protection and compel the districts to pay whether they considered they required that protection or not. He was not sure that he should object to such a proposal as that which had emanated from the hon. member for Encounter Bay, supposing the House on mature consideration should think proper to affirm it. Those resolutions unquestionably involved very important considerations, when the debate came on again he should ask the hon. member to withdraw the amendments, pledging himself to offer no technical objections, and discuss the hon. member's amendments as part of the measure, that is, that they should not be put as an alternative.

Mr MILNE remarked, that in England the Government subsidised the rate for police to the extent only of one-fourth, and he should be prepared to grant a moderate subsidy, but should certainly oppose any attempt to give the proceeds of publicans' licences to the city or any District Council.

Dr WARK supported the second reading of the Bill, remarking that the amendments appeared to him of a very doubtful character. The Government had on previous occasions formally opposed granting the proceeds of licences to Corporations or District Councils, and had shewn good and substantial grounds for doing so.

On the motion of Mr DUTTON, the debate was adjourned till the following Thursday.

MANSFIELD'S PATENT BILL.

On the motion of Mr BARROW, the Committee upon this Bill obtained an extension of time till the following Friday to bring up their report.

THE GLENELG JETTY

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr STRANGWAYS, that a considerable quantity of the intended breakwater at Glenelg was stacked at Glenelg, and that a report had been received from the engineer of the Jetty, as to the uses to which it could be applied, but the report was not yet in a complete form. A portion might be used in the extension of the Jetty but no estimate had been obtained of the probable cost, and it had been ascertained that a portion might be converted into a lighthouse, but the

probable cost had not been ascertained. The reports should be laid upon the table of the House.

THE ESTIMATES

Upon the motion of the **TREASURER** the House resolved itself into Committee upon the Estimates.

Registrar-General's Department, 5,817/ 10s

Considerable discussion took place in reference to the appointment of a second solicitor to this department at a salary of 800/ per annum.

The **ATTORNEY-GENERAL** intimated that the gentleman appointed to the office would probably be Mr Worthington, who had had great experience, and formerly had a large practice in Liverpool. The hon gentleman also intimated that in the event of the office of Registrar-General becoming vacant, he should not feel disposed to recommend that more than 800/ be attached to the office, although the present occupant received 1,000/.

The item was agreed to.

The House were about to proceed to the consideration of the estimate for public works and buildings, when

Mr **REYNOLDS** asked what had become of the plans and specifications of a number of public works and buildings, which he had understood were on the library table, but on looking for them that day he did not find them there.

The **COMMISSIONER OF PUBLIC WORKS** said there were 52 drawings there, but some of them were not completed.

Mr **REYNOLDS** said hon members had not had time to inspect them, and at his suggestion, the House resumed, the Chairman reported progress, and obtained leave to sit again on the following day.

The House adjourned at half-past 4 o'clock, till 1 o'clock on the following day.

WEDNESDAY, JUNE 22

The **SPEAKER** took the chair at 1 o'clock.

BILLS OF LADING

Mr **BAKEWELL** in asking leave to introduce a Bill to amend the law relating to bills of lading, said that mercantile members of the House would be aware that though a bill of lading proved the property in the goods, it did not prove the contract between the shipper of goods and the captain who gave the bill of lading. It constantly occurred that though the bill of lading was in the hands of the consignee, still if the goods were damaged he was not in a position to bring an action against the captain. All the rights were with the original shipper, and great injustice was in consequence sometimes done to the holders of bills of lading. The Bill which he now asked leave to introduce proposed to remedy these defects.

Mr **BAGOT** seconded the motion, which was carried.

TRAINS FROM GAWLER

Mr **DUFFIELD** brought forward the notice in his name—

"That, in the opinion of this House, the convenience of travellers by the Northern Railway, and the postal communications with Barossa and surrounding districts, would be greatly facilitated by altering the time of departure of the second train from Gawler, and that these advantages would be secured by making that time 1 o'clock."

The House would remember that some time since he brought this matter forward, but there appeared to be no inclination to alter the time of departure of the mid-day northern train, and he had in consequence tabled the present motion. The alteration which he suggested would be productive of great convenience to the public, whilst it would not at all inconvenience the parties who had the management of the railway. Under existing arrangements, letters written in Gawler Town, and despatched one morning were not delivered in Adelaide till the following day, and consequently three days elapsed before a reply could be obtained. The hon member dwelt at considerable length upon the advantages which would be derived from such an alteration as he suggested. Under existing arrangements, parties arrived in town by the mid-day train just as the Banks and Government offices were closed, and were consequently compelled to remain till the following day. He believed that the revenue from the railway would be greatly increased if his suggestion were adopted.

Mr **BAGOT** seconded the motion. He believed that the matter, though appearing a small one, was one which was felt very much by country settlers, many of whom had spoken to him upon the subject. He had hoped that the Executive would have taken action upon it, but believed that they required an expression of opinion from that House before doing so.

The **COMMISSIONER OF PUBLIC WORKS** felt bound to oppose the motion. The question had been brought before the Executive by a memorial from the residents of Angaston and Tanunda, and the Government referred the matter to the Railway Commissioners and the Chief Engineer, and the opinion of the railway authorities was reported to the hon mover. The hon gentleman read the report of

the Chief Engineer in reference to this question, and remarked, that as soon as the line had been extended to Kapunda, the whole question of the time at which trains should start would be considered. He believed that passengers would object to any alteration in the present hours, and that the revenue would suffer if there were any alteration. The delay in the delivery of letters was felt but by very few parties, as those at all extensively engaged in mercantile transactions had private boxes at the Post-Office, and consequently were not subjected to any delay in the receipt of their letters.

Mr **SHANNON** supported the motion. He could not agree with the Commissioner of Public Works believing that the convenience of passengers would be consulted if the time were altered from 2 to 1. For instance, if that alteration were effected the northern members might leave home by the midday train and still arrive in Adelaide in sufficient time to attend to their Parliamentary duties. Under the present arrangement it was impossible for parties to transact any business in Adelaide upon the same day that they started from Gawler, as the Government offices would probably have just closed when they arrived. He should support the resolution knowing that the proposed alteration would prove a great convenience to the public, and it certainly had not been shown that any great deal of trouble would be entailed upon the railway department by acceding to it. He would also point out to the Commissioner of Public Works, that upon the northern line there were no third-class carriages, and consequently that the lowest sum for which the poorest man could come from Gawler to Adelaide was 5s. He believed it would be found very profitable to establish third-class carriages.

Mr **GLYDE** moved the previous question, not thinking this a matter which should be brought under the notice of the House. It was in point of fact asking the House to interfere with the decision of a Board who knew a great deal more about the matter than the House possibly could. Either the hon member for Barossa had or had not applied to the proper quarter. If he had not, he ought to, prior to bringing the question before that House, and if he had, he (Mr Glyde) was not at all disposed to pass a censure upon the Board.

Mr **STRANGWAYS** seconded the previous question believing that if the House entertained the motion, each hon member interested would ask the House that the train should start at the hour most convenient to himself. The result would be that the trains would be worked at considerable loss to the public revenue.

The **ATTORNEY-GENERAL** supported the previous question, upon the ground that the Legislature had delegated a certain body to manage the railway, and the duty of that body was to manage it for the convenience of the public and the revenue of the railway. That arrangement, by which the largest revenue was secured, was the arrangement which secured the convenience of the largest number of persons. Those persons entrusted with the management of the railway, and who possessed information which could not be possessed by the House, or the mover, had given it as their opinion that the public convenience would not be consulted, and that the public revenue would be diminished by the proposed change. In the absence of direct and positive evidence to the contrary, he thought the House should place confidence in that report.

Mr **HAY** said that a number of settlers had mentioned this subject to him, and he believed that if an alteration could be made from 2 to 1 o'clock, it would greatly conduce to the convenience of settlers in the North. The Banks closed at 3 o'clock, and parties who arrived here by the midday train could conduct no business on the same day. The Treasury was shut also, and consequently parties having business to transact here were unable to return until the late train on the following day. Although a great number of parties engaged in business had private boxes at the Post-Office, still there were a great number who had not, and he was aware that great inconvenience was felt in consequence of the late delivery of letters. He could not see that any additional expense would be entailed by acceding to the motion, and that it would be a great convenience to the public there could be no doubt.

Mr **DUFFIELD** said if the hon member, Mr Glyde, had been in his place a little earlier, he would have known that a memorial had been presented to the proper authorities, and that they had decided the alteration asked for could not be made, and the parties interested had consequently brought the matter before that House. With regard to the passengers, he believed that if 99 out of every 100 were consulted, they would be found in favor of the motion he had tabled. If the House consulted the convenience of those who had constant and daily traffic on the railway, they would adopt the motion, and he believed that the passenger traffic would be materially increased by the course which he had recommended.

The motion was lost.

BILLS OF LADING

Mr **BAKEWELL** laid on the table the Bills of Lading Bill, which was read a first time. The second reading being made an Order of the Day for the following Wednesday.

LAND SALES

Mr DUTTON moved—

"That in the opinion of this House, it is desirable that the periodical land sales by Government should be held fortnightly instead of weekly."

He had ascertained from enquiries amongst those who generally attended land sales, that the alteration which he proposed would be a great convenience to the public, and it would be a great convenience to the Survey department, in fact it would be a saving of a whole day, and enable them to get on with their land grants. He was also of opinion that the revenue would not at all suffer from this arrangement.

Mr SHANNON supported the motion, and stated that he should do so if monthly sales had been proposed. He believed that the proposed arrangement would tend not only to the convenience of the survey department, but of the community. Four or five years ago it was desirable that the land should be sold as quickly as possible, but then the demand exceeded the supply, now, however, the supply exceeded the demand. The proposed arrangement would be a great convenience to parties from the country who attended for the purpose of purchasing large quantities of land, and who, under existing arrangements, were compelled to attend a number of sales before they could obtain the requisite supply. He believed it would be more advantageous if greater quantities of land were offered, and sales were less frequent, and he would also throw out the suggestion that land at a considerable distance from town should be sold upon the spot.

The COMMISSIONER OF CROWN LANDS saw no objection to the proposed alteration. Weekly sales had been held for the convenience of the buyers of land, and the public, if the representatives of those buyers thought that it would be more convenient the sales should be bi-monthly, the Government would be quite prepared to accede. With regard to sales of land in the interior taking place upon the spot, he thought it most probable that the price realized by that process would not be so great as under the existing arrangements, neighbours would not be likely to bid against themselves.

Mr HAY thought that if the Government had a quantity of land to bring into the market, the sooner they did so the better. If the sales were monthly he thought it would be a great inconvenience, as it was well known that many parties bought land who had not the money to pay for it, but went and raised it, consequently if sales were only monthly an inconvenient pressure upon the money market at stated periods might be created. He would suggest that the resolution should be withdrawn, leaving it to the Government, when they had a certain amount of land in a particular locality, to bring it into market. He was aware that large quantities of land in the Mount Gambier District had been brought into the market for the convenience of buyers, and he believed that the same course had been adopted in reference to land in other districts.

Mr STRANGWAYS congratulated the hon member for the city (Mr Dutton) upon the sudden discovery which he had made upon changing his seat. The hon gentleman had not made this discovery when Commissioner of Crown Lands. Being one of those who thought it was wise to leave well alone, till assured that a change could be advantageously made, he should oppose the motion. Weekly land sales had taken place for many years, and he could not see why the system should be changed. The intention was to afford a constant supply of land, that the land should be kept fairly open to competition, but not, as was the custom of land-sellers, to adopt that course which would ensure as high a price as possible. If this system were adopted, he supposed the next thing would be that there would be champagne luncheons at Government land sales, in order to induce people to bid as spiritedly as possible.

Mr MILDRED opposed the motion, believing that the existing system had worked well, and that it would be a pity to disorganize the machinery.

Mr McELLISTER hoped the hon member for the city, Mr Dutton, would withdraw the motion. The system in force had worked well, and it would be time to alter it when the Government found that it was not working satisfactorily.

Mr GLYDE hoped the Commissioner of Crown Lands would not carry out his bi-monthly sales, which he (Mr Glyde) understood to mean once in two months, he presumed the hon gentleman meant twice a month.

Mr DUTTON, from what transpired during another debate a few days back, thought it as well that the matter should be discussed, but had no wish to press the motion, which the hon member consequently withdrew.

REDRUTH

Mr McELLISTER moved—

"That this House will on Friday, 24th June, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of building a bridge, in compliance with the memorial of the inhabitants of Redruth and its vicinity."

The hon member remarked that the Government had derived a great deal of money from the sale of land at Red-

ruth—he believed about 50,000*l.*, and consequently he considered the request of the inhabitants only reasonable.

The ATTORNEY-GENERAL seconded the motion, being quite willing that the claims of any district should be considered under circumstances such as had been stated by the hon mover. This was a request that a portion of the public money should be spent for the public convenience, and was consequently deserving the consideration of the House, but though seconding the motion he did not in any way pledge himself as to the course the Government would take in the matter. What he wished was that the hon mover should have full opportunity of giving the House the fullest information upon the subject, leaving the House to decide.

The motion was carried.

NATIONAL BANK

Mr MILNE, in moving that the National Bank Bill be read a second time, said that he did not anticipate any opposition. The number of shares in Adelaide was 16,867, upon which 29,132*l.* had been paid up, in Melbourne there were 50,000 shares.

The ATTORNEY-GENERAL would not oppose the second reading of the Bill, but was not prepared to assent to the form of the measure. He thought it quite right that any body of this kind should be entitled to ask all those facilities for legally carrying on their business which they were entitled to ask elsewhere, but it appeared to him that the present Bill either contained too much or too little. He referred to the third clause, which alluded to the deed of settlement being the by-laws of the Company. Now, what was the deed of settlement? The House should have the deed of settlement before it, in order that it might know what it was sanctioning. He would not oppose the second reading but he would ask the hon member not to take it out of Committee, and the solicitors to the undertaking would probably place themselves in communication with him on the subject. There were many other matters in other clauses which appeared either beyond what that House should be called on to do, or not going far enough to define the powers and authorities of the Company. He did not wish to go into questions of detail. He desired to give full facilities to this institution to carry on business, and that protection should be granted consistently with the public interest, but he did not think that the House should approve of the Bill in its present form.

Mr BAKERWELL would be glad to see a Bill of the kind pass but at the same time it was necessary that the interests of the public should be protected, and he would direct attention to another point, which was the manner in which shares were transferred. He thought the Board of Directors should approve of the party to whom shares were transferred, as if not it would be impossible to know who were the shareholders. He drew attention to a communication bearing upon this subject, in the *Aquis* of 30th May. It was very unlikely that any person who was a shareholder would cause his name to be registered.

Mr ANDREWS wished also to call attention to the fact, that there was no provision for making notes under £5 recoverable.

Mr STRANGWAYS said the proper way was to insert in this Act all the provisions of the deed of settlement. The Act was substantially the charter of the Company, and if the Act were drawn in that matter, there would really be no necessity for a deed of settlement. He drew attention to the 7th clause relative to advances on shares, and pointed out that there was a precisely similar clause in the Royal British Bank Charter, but it was evaded in this manner, for instance, a shareholder desirous of obtaining a loan, tendered his acceptance, which was discounted, and his shares were deposited as a collateral security, and this was held not to be an advance up in the security of the shares within the strict letter of the Act.

Mr MILNE remarked that a Select Committee had reported upon the preamble of the Bill. He had not thought it necessary that the deed of settlement should be printed, but it now should be. In reference to the transfer of shares, it would be seen by the 14th clause that no transfer could be made without the sanction of the directors. There could be no legal transfer without that sanction. Nor was the liability of shareholders removed at the moment of transfer, though approved by the directors, as there must be an advertisement in the *Government Gazette*. There was every reasonable safeguard to the public by these provisions. If the bank had a dishonoured bill of a shareholder, he apprehended that the shares could be appropriated to cover the amount. He should act upon the suggestion of the Attorney-General, and not take the Bill out of Committee.

The Bill was then read a second time, and considered *pro forma* in Committee, the Chairman obtaining leave to sit again on the following Friday.

The ATTORNEY-GENERAL remarked, in reference to the observations of Mr Strangways, that the charter always contained a reference to the deed of settlement, which was submitted to the law officers of the Crown. If, after consulting with the solicitors of the bank, he felt that he was able to recommend the House to adopt the Bill in its present form, the House would consider whether that would be sufficient or not to induce them to assent to the Bill. His own feeling at present was, that it would be wise to omit any reference to the deed of settlement, and confine the present

Bill to giving power to sue and be sued. He would peruse the deed of settlement in order that he might be able to report upon it to the House.

ONKAPARINGA

Mr MILNE moved—

“That the petition of the District Council of Onkaparinga be printed.”

The hon. member remarked that in anticipation of a new Road Bill being introduced, it would be well that the views of the country should be shewn to the House.

Mr HAY seconded the motion, which was carried.

BOTANICAL GARDEN BUILDING

Mr MILNE moved—

“That this House will on Friday, the 24th June, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the present year for the purpose of erecting a suitable building adjoining the Botanical Gardens, for the purpose set forth in a memorial presented to this House by the officers of the Botanical Garden, the South Australian Agricultural and Horticultural Society, the Horticultural and Floricultural Society, and the Adelaide Harmonic Society.” (See Paper No 45.)

The hon. member remarked it was not necessary to enlarge upon the motion. One of the greatest holidays in the colony was the annual exhibition of the Agricultural Society, and that Society found their funds severely encroached upon every year by the erection of a temporary building. They wished to obtain a permanent building and the House would remember there were two rival societies, the object of both being to encourage horticulture, who, if this motion was agreed to, would also be enabled to hold their annual meetings in the building proposed to be erected. The building might also be made use of in a beneficial manner by the Botanical Gardens Committee. He hoped there would be no objection to go into Committee, when he would enlarge upon the subject.

Mr ANDREWS seconded the motion, which was carried.

GAWLER TOWN EXTENSION RAILWAY

Mr SHANNON, in the absence of Mr Bagot, moved—

“That the House on the following Friday resolve itself into a Committee of the whole to consider the expediency of presenting an address to His Excellency the Governor-in-Chief, requesting him to cause a Bill to be introduced in this House, during this session, for the extension of the Gawler Town Extension Railway, from Section 1411 across the River Light to the vicinity of the town of Kapunda.”

Mr HAY, in seconding the motion, thought it had better be postponed till a later period, as no estimates and surveys had yet been laid upon the table, though ordered by the House.

The COMMISSIONER OF PUBLIC WORKS had visited the railway on the previous day, and was informed by the principal draughtsman that the plans would be ready on the following day, though not at a very early hour.

Mr SHANNON was anxious there should be no delay, as he presumed the House would not sit long after the Estimates had been disposed of. The hon. member altered the date to the following Wednesday, and thus amended, the motion was carried.

REAL PROPERTY LAW

The SPEAKER announced the receipt of a message from His Excellency the Governor in reply to Address No. 3 from the House of Assembly, relative to despatches concerning the Real Property Law. His Excellency forwarded the despatches, which were ordered to be printed.

HINDMARSH

Mr COLE moved—

“That on the 24th June, the House resolve itself into a Committee of the whole to consider the propriety of presenting an address to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of erecting a local Courthouse at Hindmarsh, in accordance with the prayer of a petition presented to this House on 20th May last.”

The hon. member remarked that the request was based upon the petition of a very extensive district.

Mr SCAMMELL seconded the motion, which was carried.

GOVERNMENT BONDS

Mr DUFFIELD moved—

“That a copy of the correspondence between the Agent General and the Manager of the South Australian Banking Company, on the subject of the payment in London on the Government Bonds, be laid upon the table of this House, and also, if any, the correspondence between the Agent-General and the Treasurer as to the manner of carrying out the contemplated change in the mode of their payments, and also as to the additional staff that will be required.”

Mr MACDERMOTT seconded the motion.

The ATTORNEY-GENERAL said there would not be the least objection to produce the correspondence, which, indeed,

he was glad had been asked for as it would afford the Government an opportunity of showing that they had been endeavoring to save the public 1 per cent on money in England for which the public got nothing in return.

THE PUBLIC SERVICE

Adjourned debate.

Mr DUFFIELD opened the adjourned debate upon the motion of Mr REYNOLDS—

“That, in the opinion of this House, it is not conducive to the best interests of the public service, and might lead to serious abuses in the Government departments, should any member of the responsible Government be a party to any contract, or be personally beneficially interested, directly or indirectly, in any work undertaken by the Government of which he may be a member.”

The hon. member remarked that in seconding the motion the other day of the hon. member for the Sturt he had no intention of supporting it, but simply that the thing might come more clearly before the House. As a member of the Central Road Board he was pretty well acquainted with the subject, and thought it possible he might be able to give the hon. mover some information he was not aware of. A great number of the unemployed were sent to the Central Road Board at very short notice, and before those men could be set to work, it was necessary that tools should be provided for them. The Board had no contract for such tools, but had been in the habit of getting similar supplies wherever they considered most desirable. The accounts were laid before him as a member of the Finance Committee, and he then asked why these goods had been procured from Messrs Blyth Brothers, and was told because there were no definite instructions upon the subject, and that the tools could be procured as cheaply from them as from any other place. He believed that the Commissioner of Public Works was innocent of any knowledge of the transaction as the hon. member for the Sturt. He did not believe that the Commissioner of Public Works knew anything about the supplies having been furnished, until the question was brought forward in that House. The hon. member for the Sturt erred when he stated that the Commissioner of Public Works had to pass these accounts, for although it was true that the hon. gentleman had issued instructions to the Central Road Board, the hon. member for the Sturt had forgotten to state that these accounts were passed before those instructions were issued. If any blame were due it was to the Central Road Board, and not to the Commissioner of Public Works.

Or WARK was glad to hear the explanation which had just been afforded, particularly the latter portion, that these accounts had been passed before the instructions were issued. Whilst he exonerated the Commissioner of Public Works, he still thought the principle in the resolution a good one, and one which should be carried out, he should therefore support it, though thoroughly exonerating the Commissioner of Public Works.

Mr MILNE endorsed all that had been said by the hon. member Mr Duffield, in reference to supplies to the Central Road Board. He believed the Commissioner of Public Works was totally ignorant of these supplies having been issued to the Central Road Board, till he saw the notice in the name of the hon. member for the Sturt upon the paper, or at all events until some time after the supplies had been furnished. The matter was challenged by the Finance Committee at once, and steps were taken to prevent a recurrence of such a transaction. To shew the anxiety of Messrs Blyth Brothers to avoid the slightest imputation, he might mention that when the Board called for tenders for supplies, Messrs Blyth Brothers refrained from tendering, shewing that they were not desirous of participating in the contract. The purchase of the stores was a matter of emergency at the time. No one, he thought, could object to the motion, as unquestionably if such a system as was therein mentioned were tolerated it might lead to serious abuses.

The ATTORNEY-GENERAL said that as he distinctly understood the hon. member who introduced this motion to say that he did not intend to impute to the Commissioner of Public Works anything like jobbery and, indeed, as the Commissioner of Public Works had, if such a charge had been preferred, been completely exonerated by the hon. member for Barossa, it was not necessary to defend him, for he had not been attacked directly, and had been abundantly defended from any indirect attack. He did not see any objection to the motion, and looking at it as distinctly separated from affecting any member of the Government, he should offer no opposition to it.

Mr REYNOLDS was quite prepared to exonerate the Commissioner of Public Works from any charge of an improper use of his position. He had distinctly stated when he brought it forward that he had no intention of being hostile to the Government, but merely to place on record what he thought out to be in order to prevent a repetition of what had taken place during the career of the Commissioner of Public Works. The hon. member, Mr Duffield, had exonerated the Commissioner of Public Works in reference to the Central Road Board, by stating that the Board had no time to look about for supplies, and under such circumstances there was some excuse for going to Messrs Blyth Brothers, who had been in the habit of supplying various Boards, in fact, he well remembered that about a month before he (Mr

Reynolds) resigned the position of Commissioner of Public Works, the hon gentleman wrote to him requesting the various Boards to obtain their supplies from that firm who had the contract with the Government. There was one matter to which he had referred, from which he was sorry no attempt had been made to exonerate the Commissioner of Public Works, and that was the goods to the amount of 300*l* which had been supplied to the Railway. No one had ventured to say anything in defence of that, and it was well known that though no regulations might have been forwarded to the Central Road Board they had been forwarded to the Railway Commissioners, and were to the effect that they must advertise for supplies over 100*l*. He presumed the amount for supplies to the railway department must have been referred to the Commissioner of Public Works for his approval. If those instructions were not carried out it was time the Government looked into the matter. It appeared that Messrs Blyth Brothers forwarded those supplies, and there he should let the matter drop.

The motion was carried.

THE COLONIAL STOREKEEPER

Mr HAY moved—

"That the petition of William Reynln be taken into consideration, with the view of granting the prayer thereof." The hon member remarked that Mr Reynln complained that he had not been properly remunerated. The House abolished the office of storekeeper in January, but Mr Reynln remained till May 10, he received full pay to February 10, and half pay till March 21, but from that time to May 10 he did not receive anything. The petition prayed the House to institute an enquiry into the circumstances of the case, and also into the Storekeeper's and Armorer's departments. He moved that a Select Committee be appointed for the purpose.

The Chairman seconded the motion.

The ATTORNEY-GENERAL had always been of opinion that the House had not been as prudent as they might have been in doing away with the appointment of Storekeeper. The result of the enquiry would probably be an improvement in the public service, and consequently he had no objection to the appointment of a Committee, but the petition contained some statements in reference to the conduct of the Government, upon which it was necessary some observations should be made. When the House refused to vote a salary for the Storekeeper, that officer was required to make up his books, and hand them over at the end of the year, but it appeared that the books and affairs of the department were in such a state that it was necessary to continue Mr Reynln some time to make them up, and when they were completed, and all matters connected with the department wound up, it became necessary to consider what remuneration should be given to Mr Reynln. The Government felt that they could not in justice to the public give him his whole salary, considering that the necessity for his employment had arisen from the work of the department being in arrears, but as he had rendered the Government some assistance, the Government considered themselves justified in paying him half salary, and also adopted the rule which had been in force many years, that when the services of an officer were no longer required, he received one month's pay for every year that he had been in the service, as a bonus. Mr Reynln in consequence received five mont*h*'s salary. His feeling was that if the Government were called upon to justify anything, it should be, not that they had given too little, but too much. Mr Reynln had, he thought, misconceived his claims, and misrepresented the conduct of the Government.

Mr REYNOLDS hoped the motion would be withdrawn. That House had had enough of Committees upon the Storekeeper's Department. If the hon member wanted evidence in reference to that department he had only to refer to the evidence before a Select Committee on the Estimates in 1855 and 1856. The question of compensation had, he thought, been very satisfactorily settled by the Attorney-General.

The motion was negatived.

CLARENDON

Mr MILDRED moved—

"That an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of erecting a Courthouse at Clarendon in accordance with the prayer of a petition presented to this House on the 29th April." The hon member remarked that the object was to obtain about 300*l* for the purpose of erecting a building upon a site which had been given for the purpose, and that this building would answer not only for a Courthouse, but for meetings of District Councils. At present parties had to go a distance of eight or ten miles to obtain justice, and as there was a Stipendiary Magistrate, who was not overburdened with work it was thought he might occasionally attend the Courthouse.

Mr REYNOLDS questioned whether the Government would feel justified in erecting a Courthouse at every thriving village. He believed that 300*l* would be but a small portion of the outlay involved, for if they went on building Courthouses, of course there must be an increase in the number of Stipendiary Magistrates.

Mr SHANNON opposed the motion, thinking it would be a bad precedent to erect Courthouses within five or ten miles of each other.

Mr YOUNG opposed the motion, thinking it premature. If a building were erected now, it would probably prevent the residents of Clarendon from obtaining a really good and suitable building in some years when they really required one.

The ATTORNEY-GENERAL said that if this motion were agreed to, it would be the first instance in which a Court-House had been erected at any place not a central portion of a district until the Government had proved by actual experience the amount of business which they were justified in expecting. The system hitherto pursued had been that enquiries had been made as to the probable amount of business, and the Government then established a Local Court in some convenient place prior to erecting a building. He advised the hon mover to refer the matter to the Government, and if they found the amount of business such as to justify them in proclaiming a Court of full jurisdiction at Clarendon, they would take that step, but it would not be wise on the part of the House to sanction an expenditure of 400*l* or 500*l* until they had proved the necessity for it. If the amount were less than 400*l* (the usual amount) it would be because there was not sufficient business to justify such a building being erected. He would suggest the motion should be withdrawn.

Mr TOWNSEND urged the hon member for Noarlunga to withdraw the motion, as some years hence, when a Court-House was really required at Clarendon, the hon member would probably still be a member of that House, and be able to urge the claims of Clarendon with the same energy and ability as he had on this occasion.

Mr MILDRED withdrew the motion.

SINKING WELLS

Mr DUTTON moved that the House resolve itself into Committee of the whole, to consider the propriety of presenting an address to His Excellency the Governor-in-Chief, praying His Excellency to cause the sum of 1 000*l* to be placed on the Estimates for the purpose of sinking wells in such places as may be fixed upon by the Surveyor-General, for the purpose of facilitating the opening up of the newly-discovered pastoral districts." He wished to add to the motion, "Such sum to be added to the item of contingencies, under the Survey Department." The subject was brought under the notice of the Government when the Estimates were being considered, but as he could not tell what amount would be at the disposal of the Government for the purpose, he wanted to see what saving could be effected in Committee, and if any were effected, to bring this subject forward. Several savings having been effected, he trusted the House would agree to the motion, as the money could be most beneficially employed in opening up and increasing the facilities for internal communication with distant parts. He did not wish to fix the locality, because he thought the Surveyor-General, whose officers were constantly about the country, and sending reports to the head of the department, was the most suitable person to fix the spot where the money could be most beneficially employed. There were many tracts of country in the north, so far distant from water, that stock in summer travelled at great risk, and, indeed, it was almost impossible that stock could be brought to town. If wells were sunk at certain distances, they would be of great convenience to stockholders, and enable parties to proceed into the far interior, where new tracts of country had been discovered. When wells were once sunk it would be easy to lay out small plots around them which might be let to certain parties, with the covenant to keep the wells for the use of the public, and a revenue would from this source accrue to the Government. There were several directions in which large sums could be employed but he was particularly desirous that regard should be had to the newly discovered country of Mr Stuart from Mount Serle. Mr Parry, who had been employed for 18 months in that country, had returned to town to fit out, and would be able to indicate the exact spots where wells should be sunk. Another locality was from Fowler's Bay northward, but he did not at present contemplate any expenditure in that direction. If the amount were placed under the Survey Department operations might very shortly be commenced, and some of the surplus labor might be employed very advantageously during the present season in the prosecution of the work. It might be taken in hand during the present winter, so that when the dry weather set in the wells would be available.

Mr SHANNON cordially supported the motion, which he believed eminently calculated to open up the resources of the country. He highly approved of placing the money at the disposal of the Surveyor-General, no man was better qualified to superintend the expenditure than the Assistant-Surveyor-General.

The TREASURER supported the motion, but suggested that the amount should be added to the vote for public works as if it were added to the Surveyor-General's Department, it would appear to be swelling the cost of that department. The Government would be too glad to avail themselves of the services of that officer in reference to the expenditure of the money.

Mr DUFFIELD supported the motion, regretting the amount was not higher. It was upon a motion of his that

a well had been sunk between Truro and Blanche Town, and there were vast tracts of country the only obstacle to the occupation of which was want of water. The sum mentioned appeared very trifling, being no more than was frequently expended by a settler in a year in endeavoring to get water on his own run.

Mr REYNOLDS supported the motion, and should have done so had it been much higher. The hon member asked what was the depth of water at Port Augusta, and how the boring was proceeding.

The COMMISSIONER OF PUBLIC WORKS would ascertain, if the hon member would give notice of the question.

Mr SOLOMON supported the motion, and would be very glad to see the amount increased.

Mr DUTTON withdrew the words which he had previously added, and the motion was carried.

THE ESTIMATES

On the motion of the TREASURER, the House resolved itself into Committee upon the Estimates.

Repairs to public buildings, 2,500*l*. Agreed to

Observatory, 1,500*l*. Agreed to

The COMMISSIONER OF PUBLIC WORKS stated that tenders for the work would be called for in a few days. The hon gentleman added, in reply to Mr SIRANGWAYS that a number of instruments were in the possession of the Government, and that the site of the observatory would be upon the Park Lands, on West-terrace, Mr Todd having represented that as an eligible site.

Additions to the Lunatic Asylum, 1,250*l*. Agreed to

Court-house and Police Station, 1,000*l*. Agreed to

The COMMISSIONER OF PUBLIC WORKS stated that although Court-houses had been erected for a much less sum it had always been customary to take a vote of 1,000*l* for Court-houses, and if the amount were not required it would not be expended. The Court-house and Police Station at Strathalbyn was considered an excellent model.

Mr LOWNSLND considered the Court-house at Woodside a very excellent one and that only cost 700*l*.

The COMMISSIONER OF PUBLIC WORKS said that was a Court house only, there was a further sum on the Estimates of 450*l* for a Police-Station.

The vote was agreed to.

Alterations in General Post Office, 4,000*l*.

On the motion of the COMMISSIONER OF PUBLIC WORKS, this item was struck out, the hon gentleman remarking that last session 1,000*l* had been voted for putting an extra storey on the building, but it was found that sufficient accommodation would not be afforded, and it was now thought that the best plan would be to build another post-office, but the present building would do for another year.

South Australian Institute, 3,000*l*.

The COMMISSIONER OF PUBLIC WORKS stated in reply to Mr MILNE, that the plans of the building had been submitted to the Governors of the Institute, who had approved of them. The building could be extended north, west, and east. A large number of gentlemen had looked at the plans, and agreed that the building had been properly designed, bearing in mind the possibility of extension and the probability of a large room being required.

The vote was agreed to.

Mounting Crimean guns, 150*l*. Agreed to

Custom-House Court-House, &c., Port Adelaide, 7,000*l*.

Mr REYNOLDS would rather see so large an amount expended in railways, and move that half be struck off.

Mr OWEN supported the vote, contending that the Port had been most stably treated, and that the buildings there were a disgrace to the Government. Besides, the work would give employment to a number of destitute persons at the Port.

The COMMISSIONER OF PUBLIC WORKS said, if the vote were agreed to he should be able to advertise the work by the end of July.

Mr MILNE protested against undertaking public works merely to give employment to labor. The question was, were the buildings required or not. He had not heard any complaints relative to the inefficiency of the Custom-House, and thought the money might be more usefully employed.

Mr DUNN thought the money had better be handed over to the Central Road Board. The Port could not grumble, for enormous sums had been expended upon the North parade.

Mr HAWKER supported the vote, believing that the buildings were required. The hon member remarked that 150*l* had been expended in the preparation of the plans and that this amount would be thrown away if the vote were not agreed to. But for this he should have felt disposed to support the amendment.

Mr SOLOMON supported the vote, as anyone having business at the Port must see that the accommodations at the Custom-house and the Court-house were utterly inadequate.

Mr SIRANGWAYS hoped hon members would not support the vote, merely because the plans had been prepared. The Custom-House had lasted so long, he could not see why it could not last a year or two longer. He wished to know whether the Custom House could not be struck out and that portion only intended for a Court-House and Police Court completed this year, the other portion could be completed next year.

The ATTORNEY-GENERAL supported the vote, urging the necessity of erecting buildings proportioned to the business of the colony. The plans were of such a nature, he was informed, that the buildings must be commenced as one.

Mr TOWNSEND had left the Custom-House that afternoon, and it would be difficult to imagine a more disgraceful pile of buildings.

Mr HAY pointed out that if the Custom-House were struck out, it would be necessary to postpone the vote, as plans and estimates must be prepared.

The vote was agreed to.

Additions to Government Offices, 3,200*l*. Agreed to

Addition to Parliament House, 280*l*. Agreed to

Keeper's cottage, Public Cemetery, 80*l*. Agreed to

Police Station, Woodside, 450*l*. Agreed to

Casualty Hospital Port Adelaide, 1,000*l*.

The ATTORNEY-GENERAL stated, in reply to Mr REYNOLDS that the Government did not intend to appoint any new medical officer for this Hospital, but that he should not be deterred from voting for a useful public building merely on account of the increased expense. It was intended to be a Government Hospital, erected by and under the management of Government.

The vote was agreed to.

Police Station and Court-House, Auburn, 800*l*. Agreed to

Gaol at Robe Town, 1,500*l*.

The ATTORNEY-GENERAL, in reply to Mr MILNE, pointed out that it would be impossible to hold a Circuit Court at Robe Town unless there were a place for the safe custody of prisoners. This item had been placed on the Estimates to enable the Government to carry out the Act of last session, which would enable the Governor to issue a commission for the trial of prisoners at Robe Town or elsewhere. Very recently, great inconvenience had arisen from the absence of a Circuit Court in that district.

Mr SIRANGWAYS pointed out that the design for the gaol was bad, the doors of the cells opening into the yard.

The COMMISSIONER OF PUBLIC WORKS stated that the 1,500*l*, would only be half the cost of the work, as it was only proposed to erect half at present. He thanked the hon member for Encounter Bay for his suggestion, in reference to the plan of the gaol.

The vote was agreed to.

Additions to the Court House Robe Town 350*l*. Agreed to

Addition to Police Station in Robe Town 280*l*. Agreed to

Telegraph Stations 3,280*l*.

In the original estimate, 150*l* had been put down for a telegraph station at Mount Lofty, but the COMMISSIONER OF PUBLIC WORKS stated this sum had been struck out in consequence of the vote of the House a few days previously.

Mr TOWNSEND had understood that one gentleman in the vicinity of Mount Lofty had guaranteed 50*l* per annum for five years if a station were established there.

The COMMISSIONER OF PUBLIC WORKS said the first offer was 50*l* the first year, but he believed the offer would be extended to 50*l* for five years.

Mr MILNE was sure there would not be sixpence realised besides. The party who made the offer owned all the property around.

Mr McELLISHER hoped the House would not entertain the offer, though he believed the gentleman who made the offer to be a very respectable man, though connected with the law. (Laughter.)

Mr DUNN thought the messages which he should send would probably amount to 5*l* or 6*l* per annum.

Mr MILNE suggested that it was not necessary there should be separate buildings for telegraph stations, the revenue derived from which, was, in many instances, very small.

The COMMISSIONER OF PUBLIC WORKS said that in many instances, offers of lending rooms had been made, but the parties soon got tired of this.

The vote was agreed to.

Telegraph to Sydney, by way of the Murray, 3,500*l*.

Agreed to.

The House adjourned at five minutes to 5 o'clock, till 1 o'clock on the following day.

THURSDAY, JUNE 23

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

GREENHILL ROAD

Mr GLYDE presented a petition from the Mayor and Corporation of Kensington and Norwood, praying that the Greenhill-road might be proclaimed a main road, and that the sum of 6,000*l* might be appropriated from the general revenue towards its maintenance.

The petition was not received, in consequence of not being under the common seal of the Corporation.

THE WORKING MEN

Mr OWEN moved that the petition presented by him from the working men of Adelaide, on the 8th instant, be printed. The petitioners prayed that the House would take steps to push on the Kapunda Railway, and he was glad to learn from the Commissioner of Public Works that was being done. If the Government would take steps to have the water-pipes lying in East-terrace laid down throughout the city, he believed it would be the means of relieving a

good deal of the distress which existed, for there could be no doubt that distress existed to a very great extent.

The COMMISSIONER OF PUBLIC WORKS having stated that he had no objection to give a pledge that the works referred to in the petition should be pressed forward as rapidly as possible, Mr Owen withdrew his motion.

HANSARD

The ATTORNEY-GENERAL stated, in reply to Mr TOWNSEND, that he had no objection to lay on the table of the House all the papers connected with the contract for the publication of the Parliamentary Debates.

DEPASTURING CATTLE

The COMMISSIONER OF CROWN LANDS stated, in reply to Mr HAY, that he would lay upon the table of the House copies of the regulations in force relative to depasturing cattle on Crown lands within the Hundreds.

THE SOUTH AUSTRALIAN RAILWAY

The COMMISSIONER OF PUBLIC WORKS laid upon the table a return shewing the salaries of parties connected with the South Australian Railway.

SEARCH FOR GOLD

Mr SIRANGWAYS asked the Commissioner of Crown Lands if there was not at the present time a Government Surveyor in the country lately discovered by Mr Stuart and Major Warburton, and if so whether there would be any objection to send instructions to such surveyor to examine the country through which he passed—the hills and gulches—for gold. He had heard it stated that the Davenport Range, discovered by Major Warburton, was of auriferous formation.

The COMMISSIONER OF CROWN LANDS did not see any objection, but wished the hon. member would put the question in the form of a letter to the Crown Lands Department, or give notice of the question.

THE INSOLVENT LAW

Mr HAY remarked that some returns had been called for in connection with the insolvent law, and it would, he thought, be advisable that these should be before the House before taking action in reference to the Insolvent Act, which he saw appeared upon the paper for that day.

The ATTORNEY-GENERAL had no doubt that he should be able to lay these returns upon the table before the second reading. They were almost ready, but he wished there should be a statement shewing the proportion of expenses to the amount realised.

THE INSOLVENT LAW

The ATTORNEY-GENERAL, in asking leave to introduce a Bill to amend the existing Insolvent Law, said that the existing Act was based mainly on the Bankrupt Law in England. Those points in which it differed were founded upon recommendations which had emanated in part from the Chamber of Commerce, representing the mercantile and trading community, and in part from the Commissioner of Insolvency, who had had opportunities of observing the operations of the law, and ascertaining where it was susceptible of amendment. The general operation of the existing Act had, he believed, been satisfactory, but there were certain points in which it had been found necessary to amend it. He was not sure, however, that he should have been disposed to introduce a Bill at present, but rather have allowed a longer time for the full working of the measure to disclose itself, but that an objection had been raised by Her Majesty's legal advisers in England, in reference to one portion of the Act. It was therefore necessary to repeal one clause, and inasmuch as there was a necessity upon that ground to legislate, he thought it a fitting opportunity to introduce some other amendments. Whilst he asked to repeal that clause to which Her Majesty's advisers objected, which enabled the Court to compel an insolvent to convey to the assignee here any real property of which he was possessed in other parts of the world, he was still of opinion that provision was a wise one, and perfectly just as between the creditors of the insolvent here and his creditors everywhere else. He thought Her Majesty's law advisers had taken a strained view of their duty in recommending that the Act should be disallowed if that clause remained in it. We were, however, in this position, that whatever law was passed by the Legislature, it was for Her Majesty's advisers to say whether or not that Act should be disallowed. Another provision which he proposed to insert was an alteration of the 11th clause, but with regard to some other clauses which he proposed to introduce, they were substantially the same as in the existing law, and he was not prepared to recommend to the House to render those clauses less stringent than they were at the present time (Hear, hear.) A great deal had been said about the hardship of the present law, but he had had experience of its working, and certainly could not consider that it operated too harshly. It was necessary to have stringent provisions to meet cases which occasionally occurred, such, for instance, as a party representing that he had received a valuable Government appointment, and obtaining credit from various traders by making that false representation, amounting in reality to obtaining goods under false pretences, or when a party owing money

purchased goods apparently for cash, and immediately transferred them to a party to whom he was indebted, leaving the party from whom he had purchased to come upon an estate which would perhaps pay little or nothing, in the case, for instance, of a person living at an extravagant rate, and incurring debts well knowing that he had no means of paying them, or sacrificing goods entrusted to him on the faith that he would honestly account for the proceeds. He could not conceive that a law which provided a lengthened imprisonment for any of these offences came under the imputation of being a harsh or severe law. Undoubtedly there were some cases which would arise entitled to sympathy, but he would point out that from whatever cause the inability to pay arose the consequences to the creditor were the same. Undoubtedly the Judge would make a difference in the punishment awarded, and he questioned whether any member of that House would go the length of saying that it was desirable imprisonment should be done away with altogether. He could not agree that the law was harsh and oppressive, believing that there was no provision not required for the protection of creditors. The operation of the law had been to allow persons to become free from their liabilities in a moderate period. There were other provisions which related to technical matters, such as the effect of vesting orders and to remove doubts as to whether real property vested in the assignees. There were also provisions with regard to the arrangement clauses, giving greater control to the Commissioner, and making it necessary that the consent of a certain number of creditors should be obtained before protection was granted. It had been felt that, hitherto, creditors had been prevented from obtaining as much as they otherwise would, in consequence of debtors obtaining protection, and subsequently being unable to carry out the arrangement. There was another provision which related to the Commissioner, who, though called a Commissioner, was, in reality, a Judge, and it was considered important that he should have the same security of position as the Judges of the Supreme Court. It was also proposed to add to the offences for which insolvents were liable to imprisonment, an offence which had occurred on several occasions, he alluded to cases where millers or others had property stored with them, and disposed of it without the consent of the owners. Such a course, under the Act which he proposed to introduce would render the parties liable to imprisonment (Hear, hear.) He should be happy to receive suggestions with regard to other clauses, or modifications which it might be considered should be made, such suggestions should receive careful and diligent attention.

Mr SOLOMON, in seconding the motion, expressed his satisfaction at the Attorney-General having taken action in this matter. He called the attention of the hon. gentleman to the 65th clause, which gave the Insolvent Court power to summon the wife of an insolvent, and compelled her to give evidence against her husband as to the concealment of property. It appeared to him rather an un-English clause.

Mr MILLNE was also glad to find that the Attorney-General had taken action in this matter, and agreed with the hon. gentleman that the provisions of the existing law were not too stringent. He was aware that severe strictures had been made upon it, but he did not agree with them. So long as the law at present stood, giving a creditor power to imprison a debtor, he looked upon the insolvent law as a great protection to debtors. Any man having a judgment against him was liable to be sent to prison, and when there he asked the Court to free him from his debts. If he voluntarily went to the Insolvent Court and asked to be freed from his debts, he contended that the Court ought to have power to say "We will not give you freedom from imprisonment for a certain time unless your transactions have been such as will bear the strictest scrutiny." What had astonished and annoyed him in many cases was to see wise and proper decisions by the Commissioner set aside by the superior Court. No doubt it was strictly in accordance with the law that these decisions should be set aside, but he had felt annoyed in many instances, feeling that the Commissioner's decisions had been wise and proper. He thought the law might be modified with advantage in reference to keeping books. He agreed that where a man's transactions were of an extensive character, and his position was such as to justify him in keeping a clerk, that accurate and proper books of account might be expected from him, but there were a large number of persons in an humble sphere who were too ignorant to keep books, on whom the law pressed harshly if they were compelled to resort to the Insolvent Court, but he agreed that these parties should be able to state what had become of their property. The law at present, however, insisted that there should be a system of book-keeping which never could be carried out, and in this respect he thought there might be some slight modification.

The COMMISSIONER OF PUBLIC WORKS believed that no Bill which had been introduced would be so generally approved by the House as the Bill under discussion. He had unfortunately had a good deal to do with the Insolvent Court, and had observed the working of the insolvent law, having been engaged in mercantile operations in the colony for the last twenty years. He could bear testimony to the great superiority of the present to the previous law, and did not believe the clauses of the existing Act to be at all too stringent. What was wanted was to give ready relief to

the really honest upright trader who could explain the whole of his transactions, and at the same time to punish with some degree of severity those who conspired to defraud their creditors. He had always advocated the private arrangement clauses, but still he thought that a little greater publicity should be given to them. He had seen several cases in which much larger dividends had been received under the private arrangement clauses than if the parties had gone on the other side of the Court. It was always agreeable to receive large dividends (Laughter) Having a common object in view, he was sure the House would accept the offer of the Attorney-General, to receive suggestions, and that the measure would be discussed in a proper spirit.

Mr TOWNSEND considered the Attorney-General entitled to thanks for introducing this measure, and believed that the principles enunciated by the hon gentleman were such as would be endorsed by every commercial man in the colony. He hoped that a reasonable time would be permitted to elapse between the first and second reading, in order that the Chamber of Commerce might be afforded an opportunity of expressing an opinion upon the Bill. Under the present law private arrangements frequently had all the evils of two insolvencies, as if the private arrangement could not be carried out, the party then had to resort to the other side of the Court. He thought that where parties who undertook bookkeeping had omitted to keep proper books of account they should be punished, but it did appear to him to be hard that parties should be punished for not doing that which they were unable to do, and who were too poor to keep a clerk. He regarded parties who contracted debts without the means or intention of paying them, not as insolvent debtors, but as insolvent scoundrels, and it could not be said that the present law was too stringent.

Mr SIKANGWAYS certainly thought there should be some alteration in reference to accounts, because he believed that the Commissioner did not consider that books had been properly kept unless they had been kept by double entry (No no.) He did not think it would do to exonerate a man from the consequences of not keeping accounts merely because he professed to be ignorant of accounts, for if that rule were to be acted upon very few insolvents who presented themselves would know anything of accounts. There was another point to which he would allude, it frequently happened that an insolvent was subjected to a severe cross-examination, and upon that cross-examination a charge was founded against him, but it was certainly opposed to the English law that a man should be allowed to criminate himself. He fully agreed that parties obtaining goods, knowing that they had no means of paying for them, should be severely punished. He could not see that a man was a less rascal because he had given his bill for goods, if he never meant to pay it, than if he had deliberately stolen the goods. He hoped that in the new Bill power would be given to the Court to severely punish such conduct or to direct the public prosecutor to proceed against the party in the Supreme Court, for an offence not hitherto punishable by the criminal law.

Mr PEAKE believed the present insolvent law was a valuable measure, but that it was capable of improvement. He could scarcely concur in the doctrine laid down by the Attorney-General, if he understood the hon gentleman rightly, that there was no difference between the man who wilfully and one who ignorantly defrauded his creditor, that the effect to the creditor was the same. He fully agreed that there should be some alteration in the provisions relating to bookkeeping, knowing that parties had been sent to prison in an arbitrary and cruel manner for not keeping books, though it was palpable they were perfectly incompetent to do so.

Mr SHANNON fully agreed with the remark that the existing insolvent law was not a severe one. He believed that nothing but recklessness, carelessness, and over-speculation, sent 99 persons out of 100 to the Insolvent Court, and it was therefore desirable that such persons should be taught a severe lesson. If, however, it could be shown that parties had been compelled by severe and unavoidable misfortune to seek the protection of the insolvent law, he should be exceedingly glad to introduce a provision by which such parties could be dealt with in the most lenient manner. He thought the House would agree that the whole of the offences mentioned in the 110th clause should be visited with severe punishment. He was glad to hear that the Attorney-General intended introducing a clause by which millers who had disposed of wheat stored with them without the authority of the owner would be liable to punishment, many parties having suffered severely from this cause. The millers, as a body, were much more intelligent and educated than the farmers as a body, and should therefore be liable to punishment for such misconduct. He was aware that many farmers were still under the impression that although the miller, with whom they had stored their grain, failed, they would be entitled to recover the whole of the quantity they had stored, but this was not the case, such parties being only entitled to rank amongst the general creditors. He would regard with great severity any person living beyond his means, for instance, if a person having an income of 100*l*. a year, lived at the rate of 200*l*., he should be severely punished, and he should be glad if a clause to that effect were introduced.

Mr DUNN said it was true it was the custom of farmers to store their wheat with millers but he did not regard that wheat as any more the property of the miller than he should consider a horse which had been placed by the owner in the miller's paddock and he considered that the miller should be subject to the same punishment if he sold the wheat as if he sold the horse. It appeared, however that for the first offence he could clear himself in the Insolvent Court, though if he committed the latter, he would be sent to gaol. Morally speaking, one offence was as bad as the other. With regard to keeping books, when a man confined his speculations within the limits of his own means he might, perhaps, please himself about keeping books, but when he handled other people's property he should certainly be prepared to show what had become of it. He should be able to show that he had not extravagantly made away with the property, but that it had gone by incidents over which he could exercise no control.

Mr BAGOT hoped the Attorney-General, in framing this Bill, would consider the position in which the Commissioner of the Insolvent Court at present stood. The Commissioner was in fact under the Attorney-General, and it appeared to him that this was rather a derogatory position, as under the present system the Attorney-General had as much right to practice in the Insolvent Court as in any other Court. The Attorney-General would then have the power of practising before the Commissioner who was completely under his department, and as the Attorney-General had the power of appointing the Commissioner, he presumed that he had the power of dismissal also. He wished to see the Commissioner placed in such a permanent position as any Judge should be. The Court of Insolvency was one of very great importance, and as regards business there was certainly as much there as in the Supreme Court, therefore on various grounds he considered that the Commissioner should be placed in a permanent position. In reference to the remarks which had been made relative to millers, the previous speaker appeared to forget that farmers deposited their wheat with millers, not upon the understanding that they should receive their identical wheat back, but a similar quantity.

Mr ROGERS was very glad that the Attorney-General had introduced this Bill, and was quite sure that the clause which had been inserted for the protection of the farmers would be very much appreciated, the millers throughout the colony having very much abused the confidence which had been placed in them of late years, there scarcely being an instance in which a miller had failed without the farmers being sufferers to a very great extent. The law had clearly not been stringent enough in that respect, and he was glad to hear it would be a punishable offence for a miller to sell a farmer's grain unless he had full authority so to do.

Mr COLE fully concurred in the opinion that the existing law was not too stringent. In reference to bookkeeping, he did not think that should be made the sole test before the Insolvent Court for it was notorious that firms had escaped scathless merely because their books had been kept in an unexceptionable manner, although the entries in those books showed that their speculations had been of a most reckless character. The poor man, whose transactions had been unexceptionable, but who had omitted to keep books of account, was sent to gaol. This did not appear to him to be even-handed justice and he hoped a clause would be introduced imposing a severe punishment upon parties for recklessly speculating with other people's property, he considered that they should be punished equally with those who were guilty of wilful robbery.

Mr DUFFELD should heartily congratulate the Attorney-General if he could introduce a clause which would exonerate millers from the charges which were made against them out of doors. It rested entirely with parties to say whether they would give credit to others or not and there were many other parties besides millers with whom grain was stored. It was a practice which he had always set his face against, though, as a miller, he had been preaching one doctrine and practising another (Laughter) He had found it necessary to do so, or all the wheat would have passed his door, and he should have had none to grind, but he had been in the habit of making a slight charge for storage. It was desirable something should be done for the protection of the millers, for he believed that the principal cause of the ruin of the millers who had failed during the last two years, was the unlimited credit given to them by the farmers. He believed it would be found a difficult thing to pass a Bill to prevent one man giving another credit if he thought fit. The practice was a bad one, and had done more injury to the miller than to the farmer.

The ATTORNEY-GENERAL felt much gratified at the manner in which the principle of the measure had been received. He would refer to one or two points in which it appeared he had not been quite understood. The hon member for the Burra, Mr Peake, had imagined that he (the Attorney-General) had stated that the consequences to insolvents were the same, whether injury to creditors had resulted from ignorance or fraud, but that the Judge who was entrusted with carrying out the law would make a distinction. What he had really said, however, was, that the result to the creditor was the same whether the debtor's inability to pay was the result of ignorance or fraud. He quite

agreed that it was unwise to punish parties who had done wrong from inability, but if a person knew his inability to take care of the property of others, when he was called upon for an account and could not state whether it had gone honestly or not, he could scarcely be looked upon as an innocent person. In answer to the hon. member for Light, he had previously stated that the object of one of the provisions in the Bill was to give the Commissioner of the Insolvent Court as absolute independence as that possessed by the Judges. The hon. member intimated that it was not his intention to move the second reading of the Bill until the following Tuesday week.

Leave having been granted, the Bill was read a first time, the second reading being made an Order of the Day for the following Tuesday week.

MALICIOUS OFFENCES AGAINST PROPERTY STATUTE LAW CONSOLIDATION BILL

This Bill passed through Committee the adoption of the report being made an Order of the Day for the following Tuesday.

TRINITY BOARD.

The ATTORNEY-GENERAL laid on the table a copy of the bye laws passed by the Master and Wardens of the Trinity Board.

MARINE BOARD

The ATTORNEY-GENERAL laid on the table a return showing the salaries and remunerations of the officers of the Local Marine Board, and a statement of the receipts and expenditure of the Board.

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

This Bill passed through Committee, and the consideration of the report was made an Order of the Day for the following Tuesday.

BOUNDARIES OF RUNS BILL.

This Bill passed through Committee, the consideration of the report being made an Order of the Day for the following Tuesday.

RAILWAY COMMISSIONERS' BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS the report of the Committee of the whole House upon this Bill was agreed to, the third reading being made an Order of the Day for the following day.

OFFENCES OF A PUBLIC NATURE STATUTE LAW CONSOLIDATION BILL

This Bill was read a third time and passed and a message was directed to be sent to the Legislative Council, desiring their concurrence therein.

POLICE RATE BILL—ADJOURNED DEBATE

On motion of ATTORNEY-GENERAL—"That the Police Rate Bill be now read a second time—to which Mr STRANGWAYS moved an amendment—to strike out all the words after 'that,' with a view to insert the following—'This House is of opinion that that portion only of the police force which is required for the benefit of the community at large should be maintained out of the general revenue.'"

"That the expense of that portion of the Metropolitan Police and Port Adelaide Foot Police which are maintained for the special benefit of Adelaide and Port Adelaide, should be met by a special rate to be levied on those places for that purpose, and that the same principle should be adopted with regard to any city, town, or district within this colony, requiring special police protection."

"That an address be presented to His Excellency the Governor-in-Chief requesting that he will cause a Bill to be introduced to this House to give effect to the above resolutions."

Question—"That the words proposed to be struck out stand part of the question."

Mr DUTTON should support the second reading of the Bill, particularly as he was a party to its preparation when it was under the consideration of the Cabinet. He believed that when the House had carefully considered the various principles contained in the Bill, they would come to the conclusion that it was fair and just to the country districts and to the city, which had hitherto monopolised the largest portion under the head of police protection. Being a member for the city, he should have been better pleased had the subject been more generally considered by the citizens at large, considering that they were so much interested in the measure, but it appeared, as far as the citizens were concerned, their representatives were left without any guide as to their wishes upon the subject. He had, however, received from the Mayor copy of a resolution arrived at by the Legislative Committee of the City Council, which had been adopted by the Council. It was to the effect that the Committee could not recommend the Council to undertake the charge of the police and that it would be highly inexpedient to levy an additional rate on the citizens, but if the charge of the police were thrown upon the Corporation it was thought the Corporation should have the fees resulting from the licensing of public-houses, and other fines and fees within the

city. The House, therefore, had the views of the Corporation upon this point, but he was afraid those views would not find much favor with the House. He considered the principle of the Bill was fair and just, though he was a citizen living within the city, who would have to pay the rate proposed to be levied. He did not think it would be unfair that a portion of the large expenditure for police should continue to be spent in Adelaide and at the Port. The Attorney-General had laid down, in very fair and just terms, the principle upon which he thought the measure should be framed. There were certain points upon which the citizens were justified in asking for a larger outlay for police than other portions of the colony, for instance, for the force in connection with the administration of justice, and the gaols, and considering that the city was the great centre to which the incoming population, as well as the population from various parts of the colony concentrated, it was just that a large portion of the police force should continue to be paid out of the general revenue, but he did not think it unjust that a moderate rate should be levied on the citizens for additional protection which the municipality might think necessary for the guardianship of the city, that is, for the protection of private property, as contradistinguished from that afforded by the Government for the general interest of the province. The Corporation, however, did not think this a convenient time to impose an additional rate, and feeling that to be the case too, he found himself on the horns of a dilemma. He agreed with the Corporation in this respect, and yet, on the other hand, he agreed with the principle laid down by the Government in this Bill. Probably, it would be found that the provision already made for the protection of the city was sufficient, and that there would be no necessity to impose a further rate for police protection, consequently there would be no objection to passing this Bill. With regard to country districts he must say that he had strong objections to making the rate compulsory. The country districts themselves were the best judges when protection was necessary, and he objected to passing any law rendering it compulsory that they should levy a rate for the purpose of maintaining a police force, whether they considered that police force necessary or not. When the time came it would, in his opinion, be undesirable to have a separate head to every separate police force. It was absolutely essential that the whole of the police should be under one head, without that, it would be impossible that thorough supervision could be obtained. When the House considered how admirably the police force had hitherto been managed, and how great efficiency it had attained, the confidence which they must entertain in the head of that force, he was sure they would agree with him, that the best interests of the various districts would be best considered by maintaining the principle that all the branches should be under one head. He was sorry he could not agree with the resolution adopted by the Corporation in reference to licence fees, that is that they should be handed over to the Corporation in consideration of the additional police force which they would be called upon to form. Those licence fees had for many years been looked upon as portions of the general revenue, and the House could not afford to give to the city so large a sum as was derived from that particular source. Though he could not agree with the Treasurer that the licence fee was charged because a monopoly was given to the Licensed Victuallers, he could not see there was much monopoly, as it appeared that any man of good character who asked for a licence got one and the expansive nature of the revenue derived from that source was acceptable to the Government. Looking, however, at the licence fees as a revenue, and considering how careful the House should be in tampering with any source of revenue—how guarded in interfering with so large a source of revenue—he could not support the resolution of the Corporation. The resolutions of the hon. member for Encounter Bay embodied very much the principles of the Bill itself, but he should have a strong objection to carry out that principle in a compulsory manner.

Mr HAY supported the second reading of the Bill, though he had much rather pass an Estimate for the whole police force, considering that this was not a suitable time for imposing an additional rate upon the citizens. If there were a possibility of so framing the estimate for police that the Bill could remain in abeyance for a year longer, he should like to see that course adopted. It was well known that the general revenue of the colony could not meet all the requirements for police protection for the various villages and farms in the colony. If each District Council had to pay half the cost of police protection, they would consider well before they applied for it, but if the foot-police were to be defrayed from the revenue of the colony, there would be constant applications for police-stations. Looking at the matter in all its bearings, he believed it wiser that the Government should retain the licence fees, making provision for a certain number of foot police, instead of handing over the licence fees to the various Corporations within the limits of which they were collected. He found that the cost of the police proposed to be retained in the city was 3,294 independently of superintendents, and as he believed there were only 116 licences in the city, the sum derived from these would be under 3,000, so that the Corporation would be no gainer if the fees were handed to them, and they were

called upon to keep up a similar body of police to that maintained from the general revenue.

Mr REYNOLDS supported the Government on this occasion, with the understanding that certain amendments would be introduced in the Bill in Committee. It would be very unwise to take any other course. For two sessions, he and the House had expressed an opinion that the time had arrived that the City and Port should provide police protection, in fact, he should, by supporting the second reading of the Bill, be supporting the spirit of the amendments of the hon member for Encounter Bay. It was an open question as to the number of police which should be maintained for the benefit of the community at large. In the City and Port a large number of new arrivals constantly presented themselves, and there were a large number who required a good deal of looking after, consequently it was necessary there should be a larger police force at those places than at other districts in the colony. He did not like to make the rate compulsory. At present a number of private watchmen were engaged in the city, and if the force proposed by the Government were not sufficient, no doubt the number of private watchmen would increase. The Bill itself contained all the principles enunciated by the hon member for Encounter Bay, except the compulsory principle, which he had a strong objection to. At present District Councils had a Constables Act, under which they could appoint parties to exercise functions for which the police were intended, but they did not take advantage of that power, shewing that in the country there was really no crime. (Laughter.)

Mr McELLISTER said it would be utterly impossible that the two bodies of police could act harmoniously under one head. It would be something like the old Charleys and the Metropolitan Police, the two bodies would oppose each other, till one or the other was extinct.

Mr PEAKE supported the Bill, and would like something more, for he should like to see the compulsory principle introduced. He considered the Bill a graceful concession, after the repeated expression of almost every member that the municipalities of the province should support their own police. He could not understand hon members shunning the compulsory principle after advocating it for three sessions. The Government now put them in a way to do what they had expressed a wish to do for three sessions, but now some hon members were careful not to do that which would compel them to bear their part of the burden. The hon member for the city (Mr Dutton) had adroitly fenced that part of the question, by stating that he thought it would not be right to compel the citizens to contribute, and no doubt that would go down very well with the city, but he (Mr Peake) contended that the Bill fell short in not having a compulsory clause. He would not believe that the Corporation had any right to the amount derived from publicans' licences, but he thought they might fairly ask for the local fines within the boundaries of the city. He should support the second reading of the Bill, but hoped before it was taken out of Committee that a compulsory clause would be introduced.

Mr HAWKER supported the second reading of the Bill, at the same time thinking there was a good deal in the resolution of the hon member for Encounter Bay. Under the proposed Bill it was optional to levy a rate, and if no police were required, there would be no rate, but if they were not required, it was quite clear that the Government had for a number of years been keeping up a useless body. If they were required, the hon member for the Burra thought the rate should be compulsory, and that the citizens should be bound to keep up a force for the protection of the city independently of the force kept up for the protection of the general public. That could be embodied in the Bill. He quite agreed that as originally proposed it would be impossible for the two bodies to work together harmoniously, but the Attorney-General had stated that he intended to propose an alteration by which the appointment of the whole police would rest with the Governor. Circumstances might arise in the colony which would show it was of immense advantage to have the whole of the police under one head.

Mr TOWNSEND supported the second reading, and remarked, that formerly, when a portion of the police force was disbanded, a month's gratuity was given for every year that the parties had been in the service, and if it were found necessary to disband any of the present police force, he hoped a similar course would be pursued. (Heard, hear.)

Mr S-ANNON supported the second reading, and expressed a conviction that a compulsory rate would be most objectionable, and meet with strong opposition from the country. It would be far better to leave the residents of the districts themselves to say whether they wanted protection or not. Another objection which he had to a compulsory rate was that there were many places, such as Kapunda and the Burra, where there were no District Councils, and he wished to know in those districts how a compulsory rate could be carried out.

The ATTORNEY-GENERAL said the essential difference between the resolutions of the hon member for Encounter Bay and the Bill was that the former proposed to impose a police rate and appoint police constables, whilst the Bill left it optional with the municipality or district to determine whether a rate should be levied and constables appointed. He agreed that it was desirable to leave

every local tax optional with the locality, but at the same time he could not agree to that to the fullest extent. He was willing to support the principle so far as this but he would leave it optional as proposed by the Bill, but if this option were never exercised, if the city of Adelaide refused to provide police protection, and the country districts refused, and threw the burden of deterring and punishing criminals on the general revenue, it might then be wise, as in England, to make the police rate compulsory. He could quite understand that such might arise, but he did not think they had a right to assume that it would, particularly when parties contended the advantages which they would derive from the appointment of an efficient police force with the amount which they would be called upon to contribute. It was not beyond the power of the Legislature to compel a tax for that purpose, but it would not be well to assert that power till it was absolutely necessary to do so. In saying that, he did not pledge himself always to support the principle contained in this Bill, for he could quite contemplate such circumstances as would render it the duty of the Government to propose and the Legislature to pass the resolutions embodied in the amendments of the hon member for Encounter Bay. The Bill which he asked the House to support gave power to municipalities and districts to tax themselves for police protection, and the rate having been levied it authorised the Commissioner of Police to appoint constables within the municipality or district within which the rate had been levied. The persons appointed as constables would be so appointed under the Police Act of 1854, and there was a provision by which a sum equal to the police rate would be contributed from the general revenue.

Mr STRANGWAYS having obtained leave to withdraw his amendment, the Bill was read a second time, and the House went into Committee.

Mr STRANGWAYS said that he wished to see the London Police Act, designed by the late Sir Robert Peel, adapted to this colony. That Act had worked admirably in England and he believed would be found to work admirably here. He would point out that after a rate had been voluntarily levied, it must then certainly become compulsory, otherwise the appointment of constables could only be for one year. To elucidate his plan he would take Adelaide and the Port, let the House first decide what force there should be, and then what proportion should be paid out of the general revenue, after which a rate for the balance should be authorized in the same manner that the receiver of the metropolitan police compelled the overseers of the various parishes in London to levy rates for police purposes. He should table a motion upon the subject for the purpose of taking the opinion of the House before the Bill was again considered in Committee.

Mr SOLOMON contended that to compel the Corporation to levy a rate would be tantamount to depriving them of local self-government. The resolution of the hon member for Encounter Bay would clearly have that effect, and he should oppose any attempt to make the rate compulsory.

The ATTORNEY-GENERAL repeated that circumstances might arise which would render it necessary to support a compulsory rate. For instance, suppose the Corporation obstinately refused to levy rates, and allowed the streets to become impassable, or nuisances to accumulate, or disregarded the sanitary condition of the city, he should not hesitate in proposing a compulsory rate for such purposes, and by so doing, so far from destroying the principle of self-government, he would be affirming it.

Mr GLYDE thought the Government should have it in their power to say that a rate should be levied, and intimated that when the police estimate was under consideration he should endeavor to reduce the 24 constables, whom it was proposed to retain for the city out of the general revenue, to one-half that number.

Mr MILNE could not shut his eyes to the fact that if the rate were voluntary it was probable there would be but a very small addition to the force proposed for the city out of the general revenue. He thought the force proposed on the Estimates should be cut down. One great reason for supporting the Bill was that if the various districts were left to provide their own police they would be careful not unnecessarily to multiply the number of public-houses, the effect of which was to render additional police protection necessary.

The CHAIRMAN then reported progress, and obtained leave to sit again on the following Thursday.

THE ESTIMATES

On the motion of the TREASURER, the House went into Committee on the Estimates.

Siding at Woodville, 1,300*l*.

Mr REYNOLDS asked if this amount was not included in the sum voted for railway purposes. He believed that this amount and the succeeding item on the Estimates, and that for a level crossing at Bowden was, and by placing these amounts on the Estimates, the House and the colony were misled by the receipts from railways. He should move that this 1,300*l* be paid out of the receipts of the railways.

The COMMISSIONER OF PUBLIC WORKS said the 1,300*l* had been paid by the Railway Commissioners, under the authority of the late Commissioner of Public Works. The hon member said he would lay all the papers before the House, and the item was postponed.

Bridge at Orkparinga, contingent upon 600*l* being paid into the Treasury, 500*l*.

Mr MILNE said this bridge would be utterly useless, unless the Government were prepared to cross the swamp by a proper road, and even then the results to the inhabitants would be very questionable indeed.

The TREASURER said that 500*l* had been voted last session, on the understanding that another 500*l* would be required to complete the work.

The COMMISSIONER OF PUBLIC WORKS stated that security has been taken for the 600*l*, and the vote was agreed to.

Bridge across the Torrens at Morphett-street, 1,250*l*. Mr GLYDE thought this money could be far better expended in some of the country districts.

The COMMISSIONER OF PUBLIC WORKS said the bridge was necessary, and if hon. members knew the pecuniary saving which would be effected by it, they would not oppose it.

Mr REYNOLDS wished the amount to be paid out of the receipts of the railway. He did not object to the bridge.

The COMMISSIONER OF PUBLIC WORKS said the saving effected by dispensing with gatekeepers would go a long way towards paying for the construction of level crossings.

Mr DUFFIELD hoped that this and other items would be carried to the Railway construction account, so that the House might see what the railways had actually cost.

Mr HAY, in reference to the remark of the Commissioner of Public Works, thought it would be very injudicious to construct ditches at this locality.

The TREASURER said these amounts could not be charged against the Construction Fund, because that fund had been absorbed. The amount now asked for was not chargeable against any loan, and might be fairly charged to the general revenue.

After some discussion, the item was agreed to. Level crossing at Bowden, 300*l*.

Agreed to.

Approaches to Willunga Jetty, 600*l*.

The COMMISSIONER OF PUBLIC WORKS stated that the management of the jetty had been handed over to the Aldinga District Council, but the use of the jetty was impeded by the sandy nature of the soil leading to it. It was proposed to make the approaches passable, the District Council undertaking to keep them and the jetty in repair.

The vote was agreed to.

Approaches to Glenelg Jetty, 600*l*.

Agreed to.

Road across Lefevre's Peninsula, 2,000*l*.

Mr HAWKER opposed the vote. There was really no end to the demands from this quarter. The year before last there was a bridge, last year there was a jetty, and now when the passenger traffic had departed altogether and gone to Glenelg, this road was asked for. The money had far better be expended where there was some traffic. Parties could walk across the Peninsula to the new bridge.

Mr DUTTON pointed out that a considerable sum had been derived from the sale of land in the vicinity, and that this abandoned road had been a subject of reproach ever since the colony had been in existence.

Mr TOWNSEND thought the Port people had better come at once and ask for the whole of the Estimates, and then he believed they would quarrel about what part the money should be expended upon.

After an uninteresting discussion, the vote was carried by a majority of 8, the votes—ayes, 19, noes, 11, being as follows—

AYES, 18—The Attorney-General, the Commissioner of Crown Lands, Messrs Bakewell, Barrow, Colman, Duffield, Dutton, Harvey, Hay, McDermott, McEllister, Mildred, Owen, Peake, Scammell, Solomon, the Treasurer, the Commissioner of Public Works (teller).

NOES, 10—Messrs Cole, Dunn, Glyde, Hawker, Milne, Reynolds, Rogers, Sharon, Strangways, Townsend (teller). Mr GLYDE moved that the addition of the words, "conditionally on 1,000*l* being paid into the Treasury."

The amendment was negatived. Telegraph to Glenelg, including Station, 600*l*. Agreed to. Filling in front of canal and filling in same at Queen's Wharf, Port Adelaide, 400*l*.

The COMMISSIONER OF PUBLIC WORKS stated that the Queen's Wharf was leased, but that the lessees had consented to the filling in if the front were piled.

The vote was agreed to, and the CHAIRMAN then reported progress and obtained leave to sit again on the following day.

MR R L MILNE

Mr BARROW moved that the petition recently presented by him from Robert Lyon Milne be printed. The hon. member remarked that his only object was to enable hon. members to read letters which he had in his possession, and which had certainly been written by Sir M. Peto in reference to the construction of railways in the colony.

The ATTORNEY-GENERAL said this person calling himself Captain Milne had represented himself as the agent of the colony, but he believed the people of the colony would be indignant if the House were in the slightest degree to recognise the pretensions of that individual.

The motion was negatived.

PORT ADELAIDE

Mr SOLOMON moved—

"That the petition of the merchants and agents of Port Adelaide be printed."

The ATTORNEY-GENERAL hoped the hon. member would postpone the motion in his name to the following day, in order that hon. member might be afforded an opportunity of perusing this petition.

Mr SOLOMON said he would do so, and the motion was carried.

STATISTICS

Mr BARROW moved—

"That there be laid on the table of this House a return showing the number of great cattle, calves, sheep, lambs, and pigs slaughtered, respectively, in the various municipalities and proclaimed districts of the colony, and in all other localities of the province, during the year 1858, so far as can be ascertained, and also the number of slaughtering licences granted and in operation during the said year, and the amount of fees received on account of the above, by the various Corporations, District Councils, and other local authorities."

The ATTORNEY-GENERAL said the Government would take the necessary steps to furnish the information, but it was doubtful whether the District Councils could furnish the necessary returns.

The House adjourned at five minutes past 5 o'clock till 1 o'clock on the following day.

FRIDAY, JUNE 24

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

GREEN HILL

Mr BARROW presented a petition from 350 inhabitants, residing adjacent to the Greenhill-road, praying the House to proclaim the Greenhill-road a main line, and to vote 6,000*l* for its construction.

The petition was received and read.

Mr GLYDE presented a petition from the Mayor and Corporation of Norwood and Kensington, with a similar prayer.

PATENT BILL

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr BAKWELL, that the Government intended to introduce a Patent Bill during the present session. Probably on the following Thursday he would give notice of its introduction.

MINERAL LEASES

Mr DUTTON asked the Commissioner of Crown Lands if he had any objection to lay on the table of the House copies of a mineral lease granted to Mr Chambers a few days since.

The COMMISSIONER OF CROWN LANDS—No, certainly not.

MR DAVID SUTHERLAND

Mr REYNOLDS moved—

"That Paper No 156 of last session be taken into consideration, with the view of moving that a Select Committee be appointed to take evidence and report upon the matters contained in Mr David Sutherland's petition."

The hon. member remarked that this matter was before the House last session, and no doubt the majority of hon. members were acquainted with the particulars of the petition. Mr David Sutherland, in the year 1839 or 1840, was the holder of four land orders, which he exercised in the selection of four sections in the neighbourhood of Brighton. In the original plan no roadway intersected these sections, but when Mr Sutherland got the land grant, he found a road marked diagonally through the sections. Had he known this he would not have selected the sections, at least so he stated in his petition. Mr Sutherland protested against the land grant at the time, but could obtain no redress, he fenced in the sections, but subsequently some party broke down the fence, and the matter then found its way into the Supreme Court, where Mr Sutherland lost the case on a legal point, because, according to the land grant, there was a roadway though there was none in the original plan when he selected the land. No road was marked on the sections themselves by the Government, and the Government, by arbitrarily making this line of road through the sections, had deprived Mr Sutherland of 12 acres of land—that is, instead of getting 80 acres of land for each section he had only got 77. The petitioner asked the House to do him justice, by taking evidence, as to his claim, and he was sure the House would not refuse the request, as it would occupy very little time. The facts were very simple, the petitioner selected four sections of 80 acres each, and the Government only conveyed four sections of 77 acres each. Mr Sutherland selected the sections without the road, but a roadway being subsequently made not only deprived him of 12 acres of land, but compelled him to put up two lines of fencing.

Mr OWEN seconded the motion.

Mr SIRANGWAYS asked the hon. member for the Sturt to consent to a postponement of the motion until the hon. the Attorney-General was present. From what he knew of land orders and land grants, and the exquisite jumble of maps in the Survey Office, this was only one of a great

many cases which would probably be brought before the House, and he thought there should be one specific line of action in reference to them. He might refer more particularly to Hindmarsh Valley, where there were many persons who possessed far stronger claims to compensation than Mr David Sutherland. He thought it was quite clear that Mr David Sutherland had no legal claim. The fact was there were three or four original maps of the district of Hindmarsh and Encounter Bay, and probably Mr David Sutherland found himself in his present position from a similar cause, the selection being made from one map, and the grants made out from another. There were points of law in the matter in reference to laws relating to roads, and any party who had paid any attention to those laws would see that there was considerable difference between the laws relating to roads here and in England. He should be glad, therefore, before the Committee was appointed, if the Attorney-General were present.

Mr DUTTON also thought it desirable that the Attorney-General should be present. A Bill was already under the consideration of the Attorney-General in reference to this subject, but it was so beset with difficulties that the hon gentleman had been unable to make up his mind upon the point up to the time of his (Mr Dutton's) leaving the Cabinet. No doubt, however, the Attorney-General would be able to give a general opinion as to the best course to pursue. He was quite sure that no considerable time could elapse without legislation upon the subject. The surveys in Encounter Bay were in a great state of confusion, and it was absolutely necessary that steps should be taken to satisfy the conflicting claims which had arisen. As, however, the session was drawing to a close, it could not be introduced during the present session, as a considerable time would have to be given to enable parties to give evidence. Another difficulty was, that parties might be out of the province whose interests were affected, but he still thought the Attorney-General would be able to give a general opinion upon the subject.

The TREASURER little expected, when this motion was introduced, that there would be a discussion upon the surveys at Encounter Bay. He could not see what they had to do with that question, still less did he see why this motion should be deferred for the presence of the Attorney-General. If the hon member for Encounter Bay wanted to have the opinion of the Attorney-General it might be assumed that the Attorney-General would not give his opinion in the course of debate, but, with his usual caution, that he would ask the hon member for Encounter Bay to give a notice of motion asking his opinion. He could not see what good could be attained by delay. The motion appeared to him to be a simple one. It was alleged that Mr Sutherland selected land under a land order, and that on the plan from which he selected there was no road. Afterwards a road was made, the road being inserted in the land grant, to the great damage and detriment of Mr Sutherland. If Mr Sutherland could substantiate that, he had a claim, though in what form or shape he was not prepared to state. This question should not be moved up with considerations arising from the incorrectness of surveys, as, if the facts alleged were correct, the difficulty had not arisen from an incorrect survey, but from the Government altering the map after the selection had been made. If it were so, there could be no doubt there was a claim, which could best be investigated by a Committee.

Mr BAGOT supported the motion. He agreed with the Treasurer, that if this were a case of individual injustice, it should be investigated, and if there were other cases of individual injustice, they should also be investigated. If there were other parties similarly situated to Mr Sutherland, who had allowed their claims to rest, that was no reason that his should not be entertained. The evidence before a Select Committee might assist the Government in bringing in a general Bill in reference to questions of this nature.

Mr REYNOLDS considered the arguments of the hon member for Encounter Bay had been so well answered by the hon the Treasurer and the hon member for Light, that it was unnecessary to say one word in reply.

The SPEAKER intimated that if the motion were carried the Committee would be at the expense of the petitioner.

Mr REYNOLDS presumed the petitioner was aware of that when he applied for the Committee.

The motion was carried, the Committee appointed being Messrs Neales, Bakewell, Hay, Milne, Owen, Shannon, and the mover.

Mr SOLOMON asked whether, if the report were favorable, Mr Sutherland would still have to pay the expense.

The SPEAKER said if the Committee considered the petitioner entitled to anything they would no doubt include the cost to which he had been subjected for the Committee in their award.

RIVERTON

Mr BAGOT moved—

That this House will on Wednesday, 29th June, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of making provision for the opening of a telegraph station at Riverton, in accordance with the prayer of a petition presented to this House on 17th June. The hon member remarked that he wished the matter dis-

cussed fully, and this could be best done in Committee, when he should be prepared with statistics in support of the motion. He might mention that parties were prepared to work the telegraph taking the fees for 12 months as payment.

Mr SHANNON seconded the motion. The COMMISSIONER OF PUBLIC WORKS should not oppose the motion, the Government desiring to have the fullest information on this and other subjects. He thought, however, that this question was intimately connected with the establishment of a station at Auburn, through which the main electric wire passed, and in reference to which a notice of motion had that day been given by Mr Peake. The Superintendent of Telegraphs had stated that it was desirable to postpone the erection of a station at Auburn for 12 months, and that then there could be a branch to Riverton on the one side and Watervale on the other, which could be worked on an economical scale and be in communication with a station on the main line.

Mr MACDERMOTT thought it very objectionable that petitions of this nature should be entertained by the House. Already great difficulty had been felt in consequence of granting the prayer of petitions in reference to main lines of road, and no doubt in many instances compensation would be claimed. The question had better be left to the Executive, and no doubt where it could be shown that a station would pay its expenses the Superintendent of Telegraphs would recommend that the prayer of the petition be complied with. If the petition were entertained it was impossible to say what number of similar memorials would be presented to the House and great inconvenience would result.

Mr HAWKER could not agree with the previous speaker, that to come before the House by petition was not the course which should be adopted. He (Mr Hawker) took a directly opposite view, thinking it the proper and only course. It was for them—for the House—to consider and ascertain by reference to the Superintendent of Telegraphs whether it was advisable to ask His Excellency to place a sum on the Estimates for the purpose of complying with the prayer of the petition. If the establishment of stations or electric telegraphs were never brought before the House, there would be very few at all. He had a notice on the paper in reference to the establishment of a line of telegraph, and he presumed the hon member (Mr MacDermott) referred equally to that as to any other. He believed the only course which could be adopted, was to come before that House by petition. He should support the motion for going into Committee, because the hon member for Light had promised the House some information, and he considered that any information in reference to new telegraphs was valuable, particularly when it embraced what the hon member had alluded to, a cheap mode of constructing them.

Mr PLAKE thought it an extraordinary thing that any hon member should come to that House and say that the House should not entertain petitions, it was one of the inherent privileges of the people to petition, and he hoped the House would never turn a deaf ear to it. It was for that House to deliberate and say whether they would assent to the prayer of the petitions presented to it or not. He wished to express his entire and strong dissent from the strange doctrine laid down by the hon member, Mr MacDermott.

Mr TOWNSEND thought it was as fair and right to attend to petitions, and entertain the question of the establishment of telegraphs, as that the House should entertain a proposition for boring for water at Port Augusta or any other place. If the question of the establishment of telegraphs were to be left to the Executive, why not that of boring for water? Believing that the course proposed by the hon member for Light was a perfectly correct one, and would not interfere at all with the functions of the Executive, he should cordially support the motion.

The motion was carried.

MAIL GUARDS

Mr STRANGWAYS moved—

That the petition from the inhabitants of the districts of Willunga, Noarlunga, and Morphett Vale, be printed.

The hon member remarked that there were three petitions, but as they were all to the same effect he would merely move that one be printed.

Mr DUNN seconded the motion.

Mr BAGOT wished to know whether it was actually necessary that the petition should be printed. It struck him that it would be quite sufficient for the Clerk of the House to read it. If the petition were of a nature which required serious consideration, or the subject were complicated, it would be as well that it should be printed, but this appeared to him to be a very simple matter, and he thought it quite sufficient that it should be read by the Clerk of the House.

Mr STRANGWAYS said the petition set forth facts in reference to the number of bags of letters to be delivered on the line of road and other matters, which was his motive for moving the petition be printed.

The motion was lost.

MR J SHEPHERDSON

Mr DUNN moved—

That this House will on Wednesday, 29th June, resolve itself into a Committee of the whole, for the

purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause to be placed on the Estimates a sum, say £5, to be added to the salary already voted to Mr J B Shepherdson, Clerk to the Bench of Magistrates of Mount Barker.

The hon member, with the permission of the House, altered the 5/ to 50/, the former having been a clerical error. He remarked that Mr Shepherdson was very much underpaid and other clerks of Local Courts were very much overpaid. For instance—the clerks at Woodside and Strathalbyn, where Local Courts had recently been established, were nearly as well off as Mr Shepherdson, although there was as much to do at Mount Barker as at the other two places put together, and he was informed that the clerks at those places were never called upon to correspond with the Attorney-General as Mr Shepherdson was.

Mr OWEN seconded the motion.

The TREASURER felt bound to oppose the motion. He thought it better to state so at once. The claims of Mr Shepherdson had been referred to the Government in a letter by himself, and those claims had been carefully considered before the Estimates was prepared, but looking at all the circumstances of the case, the Government saw no reason for asking the House to increase the salary. The hon member for Mount Barker had alluded to clerks at other Local Courts, but all he could say was that the clerks at Local Courts were supposed to give up the whole of their time to the business if necessary. Other clerks who received less than Mr Shepherdson had to do so, and he could not, on the part of the Government, recommend an increase in this instance.

Mr MILLNE was afraid this well-intentioned motion of the hon member for Mount Barker would not meet the views of the House, but although such might be the case, and he had no wish to interfere with the Executive, he hoped the Government would take into consideration the claims of this very old and valuable servant of the Government. Mr Shepherdson had performed his duties with great credit to himself and benefit to the community, and it was notorious that in consequence of the reduction which had been made in his salary by the disallowance of the Civil Service Bill, he labored under great hardship. If the Government felt it would be a bad precedent to raise his salary, perhaps they would see if they could not do something for him by finding him some other office such, for instance, as stipendiary magistrate, a post which he was sure this gentleman would fill with great credit.

Mr BARROW hoped the hon member for Mount Barker would allow the Government to deal with this matter. Whatever Mr Shepherdson's claims might be, and he had no wish to say one word in disparagement of them, if his salary were altered by a special vote of the House, it appeared to him that letter-carriers, post-officekeepers, and others would think they had a similar claim to come and seek that their salaries might be increased, and there would be no end to such applications. He hoped that such a precedent would not be established, but that the hon member would leave the matter with the Government, assured that they would take a liberal view of the case.

Mr HAY said if there was any case which could have been brought forward with a good grace this was one. Last session Mr Shepherdson was subjected to a reduction of 40/ per annum, and there were very few clerks of Local Courts who were subject to so serious a reduction. Whilst agreeing that it would not be wise to assent to the motion, he still trusted that the Government would take the claims of Mr Shepherdson into consideration, and promote him to the office of stipendiary magistrate, or any other appointment superior to his present one for which they might consider him suited. He believed Mr Shepherdson to be well calculated to fill a higher office than that which he held. It was a serious thing for a man only receiving 190/ per annum to be reduced to the extent of 40/. Still, if the House were to entertain this motion there would be no end to similar applications, but he again suggested the removal of Mr Shepherdson from the office of Clerk to the Local Court to a higher appointment.

The COMMISSIONER OF PUBLIC WORKS asked the hon member for Mount Barker to withdraw the motion. It had been brought prominently before the House and the attention of the Government would be directed to it.

Mr LOWNSDENE fully concurred in the efficiency of Mr Shepherdson, there could be no better proof than the great number of cases which were referred to him by parties engaged in litigation in the Local Court to arbitrate. If, however, Mr Shepherdson's case were to be taken up merely because his salary had been reduced by the amount of the good-service pay he did not see where such applications would end. He hoped the hon member for Mount Barker would withdraw the motion. Mr Shepherdson had suffered nothing from it, as it had drawn forth an expression from the House that Mr Shepherdson was a most valuable servant, but that it would be unwise to make any exception in his case.

Mr DUNN withdrew the motion.

MAIL GUARDS

Mr DUNN moved—

“That the memorial of the inhabitants of Mount Barker, respecting mail guards, be printed.”
The object of asking the petition to be printed was merely to

show the duties which the mail guards had to perform. The mail contractor had taken the contract for three years, upon the understanding that the mail guard was to take charge of the bags, and it was in consideration of this that the time for the transit of the mail was reduced by half an hour. It was absolutely necessary that there should be a guard for the purpose of delivering the bags, for if the driver had to stop his horses every time that a delivery took place, it was quite clear that they would have to return to the old time—that is, that the half hour could not be saved.

Mr STRANGWAYS seconded the motion. With the exception of the petition of A H Davis and another he had never known an instance of the House refusing to allow a petition to be printed, the object of it being to afford hon members information on a subject to be brought forward on some future day. He should in this case not only second the motion but afford hon members an opportunity of recording their votes.

Mr TOWNSEND opposed the motion, believing it quite sufficient that it should be read by the Clerk of the House.

The motion was lost by a majority of 13, the votes—ayes, 6, noes, 19—being as follows.

AYES, 6—Messrs Bakewell, Barrow, Collinson, Dunn, Harvey, Strangways (teller).

NOES, 19—The Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer, Messrs Cole, Duffield, Glyde, Hawker, Hay, MacDermott, McElliester, Mildred Milne, Owen, Peake, Scammell, Shannon, Solomon, Dr Wark, Townsend (teller).

MESSAGE FROM HIS EXCELLENCY

The SPEAKER announced the receipt of a message from His Excellency intimating that 1,000/ had been placed on the Estimates for sinking wells in newly-discovered pastoral districts.

WELLINGTON FERRY

Mr DUNN put the question of which he had given notice—

“That he will ask the Honorable the Commissioner of Public Works (Mr Blyth) if the Mount Barker and Strathalbyn Telegraph is to be extended to Wellington Ferry?”
The hon member remarked that his attention had been called to the subject by the officer in charge of the Police Station, who stated that he believed it would be very beneficial even for Government purposes that the telegraph should be extended, as within a week there had been three cases of horse-stealing.

The SPEAKER reminded the hon member that in putting a question he must not argue it.

The COMMISSIONER OF PUBLIC WORKS stated it was not intended at present to extend the Mount Barker and Strathalbyn Telegraph to Wellington Ferry, as the work would be expensive, and there was no money available for the purpose.

MR DAVID SUTHERLAND

Mr STRANGWAYS moved that a message be sent to the Legislative Council, requesting that the Hon the Surveyor-General be allowed to give evidence before a Select Committee upon the petition of Mr David Sutherland.

Carried.

MANSFIELD'S PATENT BILL

Mr BARROW brought up the report upon Mansfield's Patent Bill with the minutes of evidence, and upon the motion of the hon member, the report and minutes of evidence were ordered to be printed.

REDRUTH

On the motion of Mr MCELLISTER, the House resolved itself into Committee for the purpose of considering the propriety of presenting an address to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of building a bridge in compliance with the memorial of the inhabitants of Redruth and its vicinity.

Mr MCELLISTER remarked that he thought he should not have much difficulty in convincing the House that this was a very reasonable request. The Government had received 100,000/ for lands within a radius of 20 miles, and not one shilling had been expended by the Government within that radius. Redruth was to the east of the great Burra, and the creek which divided them was inconvenient at the best seasons, but was frequently impassable. After the vote arrived at on the previous day, when 2,000/ were voted for a road across the Peninsula he was sure the House would not ignore the claims of Redruth for a grant of money to cross this dangerous and terrible creek. He would not name the sum, as he apprehended that would be interfering with the functions of the Colonial Architect, and he was quite sure that the Government would in this instance deal with their accustomed liberality.

The COMMISSIONER OF PUBLIC WORKS said the remarks of the hon member for the Burra were very flattering to the Government, but he still desired that the hon member should mention a specific sum. He had placed himself in communication with the Surveyor-General as Chairman of the Central Road Board, who had informed him that when the main line from the Burra was continued northward, the bridge, or proposed bridge, would be upon the main line, and he believed about 750/ would be required for

the purpose of erecting it. He would suggest that the hon. member should alter his motion to the effect that His Excellency should cause 7500 to be placed on the Estimates for the erection of a bridge to be constructed under the superintendence of the Central Road Board. He did so because the Surveyor for the North was very frequently in that locality and could superintend the work but it would greatly interfere with the duties of the Colonial Architect to do so. The Government would offer no opposition to the motion for, as he had already stated, the bridge when erected would be on the northern road from the Burra.

Mr SHANNON supported the motion. He thought at first that he should have been bound to vote against it, but after the explanation of the Commissioner of Public Works that the bridge would form portion of the main line, he would support it. He believed that portion of the country was entitled to the expenditure of a handsome sum in improvements, on account of the amount which had been derived from the sale of Crown lands.

Mr BARROW supported the motion, and trusted the hon. member would avail himself of the suggestion of the Commissioner of Public Works. If so he had no doubt that the motion would meet with very general support. Of this he could assure the House that the work was urgently required. He was acquainted with the locality, and could bear testimony that a bridge was very much required. He hoped the hon. member for the Burra would adopt the suggestion of the Commissioner of Public Works.

Mr McELLISTER had no objection to adopt the suggestion, if he had an assurance that £750 would be sufficient.

The COMMISSIONER OF PUBLIC WORKS had been informed that amount would suffice.

The motion having been amended as suggested, was agreed to.

NATIONAL BANK BILL

On the motion of Mr MILNE the House resolved itself into Committee upon this Bill. The hon. member remarked that the solicitors who prepared the Bill had been in communication with the Attorney-General since the Bill was last before the House, and the Attorney-General had only suggested one alteration, which he (Mr Milne) was prepared to adopt. The Attorney-General had no further objection.

The Bill passed through Committee with verbal amendments, and the consideration of the report was made an Order of the Day for the following Tuesday.

HINDMARSH

Mr COLE moved—

“That an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of erecting a Local Court House at Hindmarsh, in accordance with the prayer of a petition presented to this House on 20th May last.”

The hon. member, at the suggestion of the SPEAKER, named the sum of 4000 for the proposed work. He remarked that the petition so fully set forth the claims of the locality, and the advantages to be derived from the erection of a Court-house, that he could not do better than enumerate some of the facts set forth. In the first place there were 2000 adult population there, and he believed the actual population was about 4000. The annual value of the property in the district exceeded 20,000. It was a large district, comprising 10 or 12 townships, and great difficulties had been felt in reference to impounding cattle. By the District Councils Act it was provided that parties could have their cases tried at the nearest Court-house and the difficulty was that a number of cases occurred which were midway between the Port and Adelaide. As an illustration, a case was brought under his notice in which a party was charged with the wilful rescue of cattle, the case was brought before the Court at Port Adelaide, and after considerable expense had been gone to, the Magistrate decided that he had no right to hear it, but that it should have been heard before the District Council. It so happened, however, that there was no clause in the District Councils Act to provide for hearing such cases. If there were a Court at Hindmarsh, not only much expense, but much loss of time would be avoided. The request was, he considered, a very reasonable one, and would, he had no doubt, receive the sympathy of the House. The land for the Court house had been already purchased, and was a very eligible site. He was sure the House would not refuse so small a sum as 4000, when it would be so great a boon to so large a number of persons.

Mr SCAMMELL, in seconding the motion, said that some years since a Court was held there, at which, Mr J. B. Hughes presided, but in consequence of there not being a proper place of meeting it fell through, but he might mention that it fees more than paid all the expenses. In connection with the Police Act at present before the House he believed that the establishment of the proposed Court would be of great service to the district.

Mr SHANNON did not rise to oppose the motion, but would point out that the same inconveniences as those which had been pointed out by the hon. member (Mr Cole) might have arisen even had there been a Court house at Hindmarsh, in reference to impounding. In the District Councils Act it is stated that cattle should be impounded

in the nearest pound and he apprehended that the case to which the hon. member had referred fell through because the Port was not the nearest Court to where the trespass had been committed. Precisely the same thing might occur even if there were Court-houses within half a mile of each other. He did not think that the rate which had been laid down by the Attorney-General on the previous day should be departed from. The hon. gentleman had stated that, in the first instance, it was desirable that the Court should be held in some building until it had been ascertained that there would be a sufficient amount of business to justify the erection of a Court-house, or whether it was really necessary that a Court should be permanently established. He admitted that the population at Hindmarsh was very considerable, but he thought the House should take into consideration the proximity of Adelaide and the Port.

Mr TOWNSEND must, reluctantly, oppose the motion, though he should really have liked to have been able to support the motion of the hon. member for West Torrens. He looked on this motion as involving something more than the erection of a Court-house. The appointment of a magistrate and a clerk would naturally follow, and considering that there were trains three or four times a day between Hindmarsh and Adelaide, and the Port, he felt he must oppose the motion.

Mr REYNOLDS said that if the hon. member for West Torrens had made out a strong case he might have felt disposed to go with him, but he had not heard the hon. member advance anything which, in his opinion, should induce the House to accede to the motion. If this motion were acceded to, the next thing would be they would be having the inhabitants of Nowood and Kensington applying for a Court-house, as he believed in that quarter there was a Special Magistrate who dispensed justice at two or three places. Perhaps the hon. member for West Torrens, who he believed, had been appointed a Special Magistrate, would have no objection to give up a little of his time if this Court-house were erected, but in the mean time he thought some room at an inn might be used without caring for a Court-house. He must reluctantly oppose the motion, as he felt that if a Court-house were erected the next thing would be the appointment of a magistrate and clerk.

Mr COLE, in explanation, stated that Mr Newland, the magistrate at the Port, dismissed the case to which he had alluded, because he thought it should have been heard before the District Council but there was no clause in the District Councils Act for the hearing of such cases.

The motion was negatived.

RAILWAY COMMISSIONERS BILL

The COMMISSIONER OF PUBLIC WORKS moved the third reading of the Bill.

Mr REYNOLDS said that several officers were to be appointed by the Commissioner and the salaries could only be voted annually. He wished to know whether it was intended to take votes for the various salaries this session.

The COMMISSIONER OF PUBLIC WORKS thought it would be impossible to do so, because the fate of the Bill would not be determined by that House alone. If a vote for the salaries were to be taken, it was possible that the Bill might be altered in the other branch of the Legislature. It would be necessary that there should be considerable consultation with the Manager as to the staff, and the Manager had not yet been appointed.

Mr REYNOLDS thought the House were placed in a very peculiar position, they were asked to assent to the third reading of a Bill which was to commence operation in a month after the passing thereof. The Commissioner had power to appoint certain officers, but their salaries were to be voted by that House. He wanted to know why the Bill should not take effect till one month from the passing. Why should it not immediately take effect, and then the House could pass the salaries? It appeared that the Government preferred the House should be out of session before they made the appointments, but the House would remember a resolution had been passed to the effect that all salaries should be voted by the Legislature. If there were any doubts about the Bill passing the other branch of the Legislature it appeared to him that it would be a very simple thing to take the salaries contingent upon the Bill passing the other branch, and if it did not pass, of course those salaries would not be paid. The fact was, that the Government did not wish to carry out the resolution of the House, and he should move the recommitment of the Bill, with the view of amending the clause which provided that the Bill should not come into operation until one month from the passing.

Mr SHANNON should support the recommitment of the Bill, though for different reasons from those which had prompted the hon. member for the Sturt. There was one clause in the Bill which gave power to the Government to lease the railways, and though he highly approved of that provision, he still thought that there should be a restriction. He did not wish to reflect on the present Executive, and indeed he believed that the Government would rather that the time should be specified. Another reason that he should support the recommitment of the Bill was that he thought it desirable, in the event of the railways being leased, that there should be a clause preventing the lessee from increasing the

charges during the currency of his lease, otherwise great inconvenience might result.

The COMMISSIONER OF PUBLIC WORKS admitted that it was perfectly in order to move the recommitment of a Bill on the third reading, but thought it would be very much better that those motions should take place on the motion for the adoption of the report, that was the proper time. The hon member for the Sturt wanted the Bill to be recommitment upon one ground, and the hon member for the Light wanted it to be recommitment upon a clause which had been introduced upon the motion of the hon member for the Sturt. The Bill had been fully discussed, every opportunity had been given to hon members to express their opinions, and he was satisfied that if the Bill were reconsidered very little alteration would be effected in it. The lessees of the railway were limited in their charges by the Railway Bill Government had laid on the table. The Government had laid on the table a statement of the salaries of officers, and he apprehended the course would be that resolutions would be passed to the effect that they should not exceed a certain sum. The course which the Government might take in appointing salaried officers under this Bill they would be perfectly prepared to justify, the officers would be appointed at moderate salaries considering their responsibilities.

The Bill was then read a third time and passed.

Mr REYNOLDS remarked that the Commissioner of Public Works had said it would be competent to table a motion to the effect that the salaries should not exceed a certain amount, but he would ask, would that be carrying out the resolution of that House?—that a vote for the salaries of the officers of the various Boards should be taken. He was sorry to see the Government wished to shirk this resolution in reference to the railway, but he intended to watch them pretty closely.

The TREASURER said that the hon member had watched the Government pretty closely during the whole of the session, but there was really no occasion to make such strictures on the conduct of the Government, for they had no wish or intention of shirking the resolution of the House. The Government had done everything that they could to carry out the wish of the House. The whole of the salaries connected with the different Boards would be laid before the House, and when they were it would be for the House to say what they would do with them. Only on the previous day the salaries in connection with the railway had been laid upon the table of the House.

THE ESTIMATES

Upon the motion of the TREASURER, the House went into Committee upon the Estimates. The hon gentleman remarked that on the previous day the item "Siding at Woodville £1 300" had been postponed, but the Commissioner of Public Works was now prepared with an explanation in reference to that item, and he would therefore now move it.

The COMMISSIONER OF PUBLIC WORKS said he had clearly ascertained that the item had been struck out of the original estimate of 80,000*l* for railway expenditure, and was not provided for in the loan of 73,000*l*. On reference to the Council Paper 139 of 1857, it would be seen that the original estimate was as follows—37,500*l* for the Gawler Town and Dry Creek railway, 16,200*l* for the Port, and 27,000*l* for waggons and engines, making a total of 80,700*l*. Several items were however disallowed, amongst them 1,300*l* for siding at Woodville, the gross deductions amounting to 7,700*l*, which deducted from the original estimate, 80,700*l*, left precisely the amount of the loan, 73,000*l*. Although this 1,300*l* was struck off at the time, the work was subsequently ordered to be proceeded with by the Commissioner of Public Works, who borrowed the amount temporarily from the 2,000*l* which had been voted for the goods shed, and as the amount for the goods-shed was now required, there was no other course than to ask the House to refund the amount for the siding at Woodside. He believed the House would find that statement complete and satisfactory.

Mr REYNOLDS said, that on taking office as Commissioner of Public Works he found two Bills, the one for the completion of the Gawler line, and the other for rolling stock. The amount was pretty much as stated in the paper referred to by the hon the Commissioner of Public Works. He (Mr Reynolds) went to the Railway Commissioners, and in consultation with the Chief Engineer, Mr Hanson, it was determined that certain works should be proceeded with, amounting, in the aggregate, to 73,000*l*, and, in that amount, the siding at Woodville, 1,300*l*, was included (No, no, from the Commissioner of Public Works) The hon gentleman said "No, no," but how could he tell what were his (Mr Reynolds's) impressions? To show that his impressions were correct, he found in a Council Paper of last session, an item of 800*l* for a siding and crossing-place at Woodville, and this 800*l* formed portion of the 73,000*l*. There was a good deal of mystery about the application of that 73,000*l*, and he considered it only fair that the House should have some information in reference to it, for by the Council Paper of last session it appeared that 11,000*l* of the amount were unappropriated. Nothing had been said by the Commissioner of Public Works to shake his (Mr Reynolds's) testimony. He thought the Railway Commissioners extremely lavish, and it was time to put a stop to such proceedings. Waggons which were said to be wanted urgently in 1857 had not been finished to the present day, clearly showing the

delatorship of the gentlemen connected with that department.

The COMMISSIONER OF PUBLIC WORKS begged the House to follow him through the various items, when they would see the original amount having been 80,700*l*, that it could not be reduced exactly to 73,000*l*, unless the item of 1,300*l* were one of those deducted. He found moreover what he thought would be regarded as most convincing proof that this was the case, for after the Bill to raise 73,000*l* had been read a second time, application was made to the Commissioner of Public Works to have the siding at Woodville allowed, and a special authority was given for that work. The siding at Woodville was authorised in November, 1857, and the money for the work was borrowed from the amount which had been voted for the goods shed, and as that building was now being erected it was necessary to replace the money.

Mr REYNOLDS said the Bill was passed in November, 1857 and he recollected stating that the sum required for the works would be a few hundreds more than 73,000*l*, but knowing that the engineers in their estimates were in the habit of leaving a pretty wide margin, he thought it quite possible that works estimated at 74,000*l* might perhaps be executed for 73,000*l*. His recollection was very clear upon the matter.

The COMMISSIONER OF PUBLIC WORKS said that the Railway Commissioners referred the matter to the Commissioner of Public Works, to ascertain whether this 1,300*l* was included in the 73,000*l*, and he had a letter from the Commissioners containing a minute recommending that the siding at Woodville be proceeded with, and the Commissioner of Public Works very properly authorised it. The House could see, as he had previously stated, that unless this 1,300*l* were included in the amounts deducted, the net amount of 73,000*l* could not be arrived at.

Mr REYNOLDS pointed out that, as appeared by a Council Paper of last session, 800*l* had already been appropriated to the work, therefore there could be only a balance of 500*l*.

The COMMISSIONER OF PUBLIC WORKS again begged the House to follow him in his calculations. It would be remembered that the amount originally contemplated was 80,700*l*, and as a Bill had been introduced to borrow only 73,000*l*, it was clear that 7,700*l* must have been disallowed, and that sum was made up by amounts which appeared in Council Paper No 2, amounting to 7,700*l*, amongst which 1,300*l* for a siding at Woodville were included. On the very day that the Bill was read a second time the Commissioners forwarded a minute to the effect that the want of a crossing-place at Woodville would prevent them from availing themselves of the increased traffic consequent upon public meetings at the Port, and then it was that the work was authorised. He repeated that the 800*l* had been spent out of the 2,000*l* for the goods shed.

Mr BARROW said it was sometimes a great misfortune for gentlemen who did not understand the subject to engage in the discussion, but here was a discussion between hon gentlemen who thoroughly understood the subject, and the two united had placed the House in a state of utter bewilderment and confusion. He should therefore vote with the responsible minister, and leave the late Commissioner of Public Works to invalidate, at a future period, if he could, the statement of the hon gentleman. The present and the old Commissioner of Public Works were in direct antagonism in reference to figures, illustrating the disadvantages of gentlemen understanding a subject too well having the whole debate to themselves.

Mr SOLOMON pointed out that the 800*l* having been appropriated from some other work it was clear that a vote for the full 1,300*l* must now be taken.

The vote was agreed to.

Sinking wells in newly-discovered pastoral country, 1,000*l*. Agreed to.

Central Board of Main Roads, 50,000*l*.

Mr SHANNON was glad to see this amount on the Estimates, and would have been glad had it been larger, but he could not understand the proposed appropriation by the Central Road Board of 10,000*l* for the Northern district, 10,000*l* for the North-Eastern, 10,000*l* for the South-Eastern, and 10,000*l* for the South, leaving 10,000*l* for contingencies. As there were several members of the Central Road Board present, he should be glad to know upon what principle they had acted in proposing that the money should be expended in equal amounts in the different districts. He had been thinking over the matter for some time, and was at a loss to imagine how they had arrived at such a conclusion. He was satisfied they had not been guided by the requirements of the districts, for in the South and South-eastern Districts, there were good roads in all directions, whilst those in the North were in a miserable state.

The COMMISSIONER OF CROWN LANDS rose to order. The hon member had intimated that he did not intend to oppose the motion, and if he objected to the proposed distribution, let him place a notice on the paper to that effect.

The SPEAKER suggested that the more regular course would be to give notice.

Mr IOWNSEND pointed out that when a vote for a department was discussed, then it was that the conduct of that

department was brought under discussion, and he contended that it was under this vote perfectly competent to discuss the appropriation by the Central Road Board.

Mr SHANNON said that if not allowed to proceed he should certainly give notice upon the subject. He had moved for returns showing the sales of land in different districts, and though a considerable time had elapsed, those returns had not been laid upon the table, but if they had been, he was satisfied he would have been able to make out a strong case for the north. He believed that two-thirds of the amount derived from the sale of Crown lands, was derived from the sale of Crown lands in the north. The other districts did not contribute half so much to the Treasury as the north. Under these circumstances, the north was entitled to have two-thirds the expenditure upon roads devoted to it.

Several members rose to order, and the SPEAKER again pointed out the course pursued by the hon member, Mr Shannon, was an inconvenient one, and could answer no good purpose.

Mr SHANNON concluded by saying that he merely wished to have an explanation as to the principle which had guided the Central Road Board in the appropriation of the money, and he would then determine whether or not he would give notice.

Mr MILNE did not see any objection to the hon member entering upon a discussion of the question, if by doing so a discussion would be saved at a future time. In reference to what had been stated by the hon member he would take an opportunity of justifying the proposed expenditure by reference to a few facts, which were stubborn things. On reference to Council Paper No 80 it would be seen what had been the expenditure of the Road Board from 1850 to 1859, and by that paper it would be seen that the expenditure upon the Northern District had been 154,000*l*, upon the North-Eastern 114,000*l*, upon the Southern 111,000*l*, and the South-Eastern 125,000*l*. From this return it was evident, so far as the Central Road Board was concerned, that the north had had the lion's share, but he would not ignore the fact that this amount had been supplemented by an enormous expenditure for the construction of railways—for instance, carrying the railway to Kapunda amounted nearly to half a million of money. Taking for granted that two-thirds the amount derived from land sales were from the north—a statement perhaps open to dispute—it would still be found that the north had received a good deal more than two-thirds the expenditure.

Mr HAWKER said there was one matter not under the jurisdiction of the Central Road Board, he alluded to the sums spent on the South Eastern roads before 1850. He had asked for returns of that expenditure, but had not yet received them. He thought it would be found that a large amount had been expended between 1838 and 1850, whilst a very small sum indeed had been expended upon the Northern District. The South-Eastern District had first-rate roads for 10 years before the North.

Mr SHANNON contended it was not fair to compare the expenditure from 1850. Taking into consideration the amount derived from the sale of Crown lands, the expenditure had not been in proportion. Reference had been made to railways, but it was quite clear that they could not be carried on simultaneously, and no doubt the railway to the north had been the first constructed, because it was the easiest to construct, and it was thought it would pay the best. If the northern district only received what it was entitled to, it would be able to construct seven or eight miles of railway annually, and would soon reach the Burra without borrowing money at all.

Mr TOWNSEND moved that the item be postponed till the returns alluded to by the previous speaker had been furnished. Another reason was, that there was a petition from Onkaparinga which he was desirous should be taken into consideration in connection with this vote.

Mr MILDRED wanted to know if the Government intended to introduce an amended Road Bill during the present session. He would point out that the item of 20,000*l* for the Strathalbyn tramway would probably not be carried, and there would then be an opportunity of giving a little more to the north and south.

The COMMISSIONER OF PUBLIC WORKS hoped the item would not be postponed, if the House disapproved of the proposed distribution that could be reached by motion. If it had been intended there should be a Main Road Bill it would have been alluded to in the Governor's speech. He intended, however, to bring in a Bill more accurately to define the main roads of the province.

Dr WARK thought the item should be postponed till the Bill had been brought in. The new Road Bill which had been spoken of should have been laid before the House long ago. He had been daily looking for this Bill, and considered it exceedingly unfair to hold it back. It was, he considered, acting in anything but a straightforward or business-like manner to act so.

The TREASURER said this was the first time there had been any hesitation to pass a vote for the public roads of the province, and he hoped the House would not hesitate upon it. The hon member for Light (Mr Shannon) had gone at some length into his reasons for offering any opposition, which appeared to be founded on a disapproval of the schedule of the expenditure of the Central Road

Board. He did not consider himself as well able to judge how that money should be distributed as the Central Road Board, but if any satisfactory reasons could be adduced for altering that schedule, he should be happy to consider and act upon them. When the hon member said that the north had not had its fair share, he should like to know by what rule the hon member determined what was a fair share. Was it by population, or the quantity of land sold? because by either, he apprehended, would be a fallacy. The money must be apportioned in such a way as to meet the immediate and pressing requirements of particular localities. The hon member had given an illustration of that when he said that railways were carried to the north because the money could be spent there most beneficially. In reference to the Bill, he could only say that it had nothing to do with the expenditure or appropriation, and whether this vote passed or not, would not at all affect the passing of the Bill. If a further sum were added to the amount now proposed, the Central Road Board would be consulted as to its appropriation, and would lay a fresh scheme of appropriation before the House. It was his intention to postpone the proposed vote of 20,000*l* for the Strathalbyn tramway till the Bill passed, but in that case there was a connection between the Bill and the vote.

Mr MILDRED said that the Bill to which he had alluded affected the main roads, and if the number were to be reduced from eight or ten to four, and this 20,000*l* were also to be appropriated for main roads, that was an additional argument for thoroughly sifting the appropriation.

The TREASURER had never said that the Bill was intended to alter the main roads.

Mr DUFFIELD hoped the House would see the necessity of voting the 50,000*l* at once, and if, before the session closed, it could be shown that another 50,000*l* could be spared, he hoped the House would vote that too, and he could only assure them that the Central Road Board would do their utmost to lay it out to the best advantage. One strong reason for voting the money was that the half-year would close next week, and then the Central Road Board would be without funds, and the public works which it had been so strongly advocated should be vigorously pushed forward would be brought to a standstill. If the money were not voted, all that the Board could do would be to finish the contracts on hand. Anticipating that the House would vote the money the Board had made arrangements for extensive works, which would be immediately prosecuted if the funds were forthcoming. It had been said that the Central Road Board that he was the representative of the Northern District, and when the Board were charged with not having done justice to that district he did not think it would be found there was much cause to complain. He regarded himself, however, not as the representative of the north, but as a representative of the colony of South Australia. The interest on the money borrowed for constructing a railway to the north was about 30,000*l* a year, and he thought that 40,000*l* a year would be found something like a fair share for the north.

The vote was agreed to.

Ad to Corporations and District Councils for public works, 25,000*l*.

Mr HAY hoped this money would be readily voted, as he was sure that no expenditure did more good. He would cheerfully have increased the vote for main roads, bearing in mind that when the House broke up it would not probably meet again till May.

The SPEAKER stated in reply to Mr REYNOLDS, that it was competent to challenge any of the items constituting this 25,000*l*.

Mr REYNOLDS thought the day was not far distant when the Government would find they could not afford to refund 25,000*l*, and the District Councils would, consequently, have to levy a tax. Two years ago the amount voted by the House was hardly sufficient, and last year it was found necessary to adopt a different form of scattering the money, to make it eke out.

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr MILNE, that it was not intended to deduct from the 50,000*l* to the Central Road Board, the 10,000*l* placed at their disposal by the Government for the relief of the unemployed, but that a short supplementary estimate, embodying this sum, would be laid before the House. He could not agree with the remarks of the hon member for the Sturt, in reference to the grant to District Councils, but if the hon gentleman had said that the day was not far distant when 25,000*l* would not bear that proportion to the rates which it did at present, he should have agreed with him. He hoped the House would always be able to give 25,000*l* to such useful institutions.

Mr DUNN stated that the District Councils had afforded a vast deal of employment to the destitute laboring class, and he believed it would have been better to have voted less for the city and more for the country districts.

Mr DUFFIELD believed that the money would be spent beneficially, and should support the vote, but pointed out there were 10 District Councils who had not sent in their accounts of receipts and expenditure for the present year, he suggested they should be refused assistance till they had

The COMMISSIONER OF PUBLIC WORKS said he wrote three times for the accounts, and took no further action, but stopped the first account that came in.

The vote was agreed to.

The TREASURER said they had passed through all the items on the Estimates till two Bills had in some degree advanced. The police department remained to be discussed, and there was the item of 20,000*l* for the Southern Railway. There was no further business on the Estimates, unless the House proceeded with the excesses on votes of which he had given notice some days since, or he was prepared to postpone their consideration till the following Tuesday.

Mr REYNOLDS urged the Treasurer to go on with the salaries of the different Boards.

The TREASURER suggested that the most convenient course would be to consider the salaries, and if the whole amount were objected to, then to move an address. If a separate vote for each salary were required it must be by message from His Excellency.

Mr REYNOLDS said that the resolution of the House was that the salaries should be voted by that House.

MESSAGE FROM HIS EXCELLENCY

The SPEAKER announced the receipt of Message No 9, intimating that His Excellency had placed 750*l* on the Estimates for the erection of a bridge at Redruth, in accordance with the address, No 6, of the Assembly.

This vote was agreed to, and the House resumed. The Chairman reported progress, and obtained leave to sit again on the following Tuesday.

SALARIES TO OFFICERS OF BOARDS

Mr REYNOLDS hoped the Government would carry out the resolution of the House of 27th May, in reference to the salaries of officers of Boards. That resolution was "That in the opinion of this House the salaries of the officers of Boards under the Commissioner of Public Works and the Treasurer should be voted annually by this House." The Government offered no opposition to that motion, and it was therefore only reasonable to suppose they should carry it out.

Mr HAY thought if that motion meant anything, it was that the salaries of those officers were to be considered the same as any others.

The COMMISSIONER OF PUBLIC WORKS said the Government had no desire to evade the resolution of the hon member for the Sturt, and he was quite sure that hon member could have no desire to embarrass the action of the Government, but if the salaries of these Boards were placed on the Estimates they would have to be paid by the Treasury. He was most anxious the various salaries should be considered by the House.

The SPEAKER intimated, in reply to Mr REYNOLDS, that the House could vote no money which had not been intimated by the Governor.

The TREASURER said that if the resolution had any other effect the House would have passed a resolution which had overridden the law. The House had formed Boards and given them certain revenues, and declared that out of those revenues certain salaries should be paid. If the salaries were to be paid as those of other officers the Government had got no money to do so. Take the Trinity Board for instance, the revenue of that Board was made up of light, harbor, and other dues, which were not payable to the Treasury. If the resolution were carried out literally, as proposed by the hon member for the Sturt, all the Boards would be abolished, and whilst the Government would have to pay the salaries, they could not compel the Boards to give up the receipts. If the House disapproved of any of the salaries, the course would be to pass a resolution disapproving of an item or items under a certain Board, and then the Board would be required to amend their schedule of salaries in that respect.

Mr MILNE remarked that the instructions which had emanated from the Commissioner of Public Works to the Central Road Board, were that the salaries of that Board should come under the consideration of the House once a year.

The COMMISSIONER OF CROWN LANDS said the money had been voted under the Estimates, and there could only be a revision of the salaries. If any attempt was made more than revision, it would not only be doing away with the Boards, but the law creating those Boards, in fact it would be the most radical measure ever known, for it would be overriding several Acts of Parliament.

SOUTH AUSTRALIAN BONDS

The TREASURER laid on the table, correspondence with the Agent-General, relative to South Australian bonds.

The House adjourned at a quarter to 5 o'clock, till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, JUNE 23

The PRESIDENT took the chair at 2 o'clock.

TELEGRAPHIC RETURNS

The Hon the CHIEF SECRETARY laid on the table the returns received from the stations, of telegraphic messages

at Kapunda and Willunga, which had been asked for by the Hon Captain BAGOT.

Read, and ordered to be printed.

MESSAGES

Messages were received from the House of Assembly, on the subject of the Bill against Indictable Offences, and the petition of David Sutherland.

THE RAILWAY COMMISSION

The Hon the CHIEF SECRETARY proposed a Bill with the view of investing the functions of the present Railway Commissioners in the Commissioner of Public Works, which was read a first time, and the second reading made an Order of the Day for Tuesday following.

CONSOLIDATION OF STATUTES

The Bill for Consolidating the Law relating to Indictable Offences was read a third time and passed.

A Bill for Consolidating the Law in force relating to Offences against Her Majesty was read a third time and passed.

The Bill for Consolidating the Law relating to Criminal Procedure by the Attorney-General was read a second time. The House resolved itself into a Committee for consideration of the clauses.

The Hon the CHIEF SECRETARY explained that this was one of the Bills which proposed to consolidate, but not to alter the existing statutes.

The Hon H AYERS suggested, with reference to clause 47, that no males should be whipped who were over the age of 14 years.

The clause was carried with this and another simply verbal amendment.

The Hon A. FORSTER objected to the 63rd clause, which proposed to pay compensation in money to the families of persons killed in attempting to arrest others. He considered that the clause violated a great constitutional principle, inasmuch as it might possibly be extended to give power to the Supreme Court to grant pensions and compensations without the control of the Legislature. He thought that, instead of the clause conveying powers to the Court to pay compensation, the Court should simply recommend to the Legislature that a compensation should be made.

The Hon Captain HALL expressed his concurrence in this view, and was of opinion that the clause should be recommitted.

The Hon the CHIEF SECRETARY explained that the Government were not enacting a new law, and that the Act then under consideration had been in force since the foundation of the colony, and no inconvenience had been found to arise from it. If it were the wish of the Council that the clause should be recommitted, a message should be sent to the House of Assembly with an intimation to that effect.

The Hon Mr FORSIER said that the Court would be placed in an anomalous and inconvenient position where no money had been voted by the Government for the purpose, if an order were made by the Court for a payment of compensation. Besides, it was an interference with the functions of constitutional government to confer upon the Court a power of granting life pensions.

The Hon the CHIEF SECRETARY replied that no life pensions of this character had been granted.

The Hon Mr FORSTER considered that the Court possessed the power by virtue of this clause, and as legislation was intended to provide for contingencies, this was a possible contingency which should be provided for. The fact that no necessity had previously arisen for the exercise of the power was no proof that the power was not in existence. He would give notice that he intended to oppose the clause when it should be recommitted.

The CHAIRMAN then reported progress, and leave was granted to sit again on the following Tuesday.

On the motion of the Hon the CHIEF SECRETARY, a Bill relating to accessories to indictable offences was read a second time. Several of the clauses underwent verbal amendments, and the third reading was made an Order of the Day for the following Tuesday.

WELLINGTON FERRY

The Hon the CHIEF SECRETARY said that the object of this Bill was to place the ferry under the control of the Central Road Board, and establish a tariff of charges on a very moderate scale, besides which, the proposed system of tolls would be a means of arriving at a result of the amount of traffic upon that line of road.

In answer to questions from the Hon Capt BAGOT and Dr EVERARD,

The Hon the CHIEF SECRETARY stated that the traffic over the ferry during the past year had not paid expenses.

The CHAIRMAN then reported progress, and leave was granted to sit again on the following Tuesday.

OFFENCES BY FORGERY

A Bill for Consolidating the Law relating to Offences by Forgery was considered in Committee.

The Hon H AYERS moved with reference to the 3rd and 4th clauses, wherein it described the nature of Companies, whose transfers might be forged, as "established by charter

or Act of Parliament," that these words should be struck out, inasmuch as there were many Companies in existence in the colony which were not chartered, and whose certificates might be forged.

The amendment was agreed to, and the third reading of the Bill made an order of the day for the following Tuesday.

The Council then adjourned to Tuesday, the 6th July, at 2 o'clock.

HOUSE OF ASSEMBLY

TUESDAY, JUNE 28

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

MYPONGA

Mr STRANGWAYS presented a petition from a number of settlers in the District of Myponga, praying that a sum might be appropriated for the erection of a bridge across the river out of the sum voted for the jetty.

The petition was received and read.

PRIVILEGE

Mr BARROW wanted to ask the Speaker a question upon a matter of privilege. The Speaker had stated on a recent occasion that if he had been informed a protest or addendum had been affixed to a certain report it would not have been received as it would have been informal. It appeared, however, that reports had been so frequently brought up with protests and addenda that it would be useful to have some more distinct ruling from the Speaker, and that the Speaker should favor the House with the data for his decision. If no protest were allowed it would alter the course of proceeding for years past in reference to Select Committees.

The SPEAKER was aware that the Standing Orders did not state specifically that no protest should be allowed, but the House were aware that when cases were not specially provided for, the House was guided by the practice of the House of Commons. Practically, however, the system of protests could be carried out, as in Committee the Chairman read the report paragraph by paragraph, and it was competent for any member of the Committee to move an amendment, that amendment would be entered on the minutes, and those minutes formed the protest. That was the practice of the House of Commons.

EXPEDITION TO THE BARRIER RANGES

Mr TOWNSEND wished to ask the Commissioner of Crown Lands whether he had received any information from Mr Crawford, the leader of the expedition to the Barrier Ranges. He asked the question, as a person named Smith had called upon him, and stated that Mr Crawford's men were desirous of proceeding to the Barrier Ranges, but that he obstructed them. He believed that the Commissioner of Crown Lands had received some information upon the subject; but if he had not, he wished to know what course it was intended to pursue in reference to the expedition.

The COMMISSIONER OF CROWN LANDS had not received any information since he had held office, but Mr Crawford's wife had applied to him for her pay-order, and he had heard that Crawford had written a private letter to his wife which he hoped to see in a few days. In consequence of Mr Crawford's silence, and an anonymous letter which he had received, something to the effect mentioned by the hon member (Mr Townsend), he had written to Mr Crawford, desiring him to forward immediately an account of the results of his expedition, and if it should appear that nothing had been done, there would be no alternative but to recall Crawford, the same as in the case of a previous expedition.

STRATHALBYN AND GOOLWA TRAMWAY

The COMMISSIONER OF PUBLIC WORKS obtained an additional fortnight for bringing up the report of the Select Committee upon the Strathalbyn and Goolwa Tramway Bill. The hon gentleman expressed a hope that the report would be brought up within that period.

The SPEAKER pointed out that the sum on the Estimates for shorthand writers and witnesses for the current half-year of 1859 would be considerably exceeded. Hon members should bear this in mind in order that no more witnesses might be called than were necessary.

OFFENCES AGAINST PROPERTY BY LARCENY STATUTE LAW CONSOLIDATION BILL

The TREASURER said that in consequence of the absence of the Attorney-General he was unable to proceed with this and the three next Orders of the Day which he therefore moved be postponed till the following Thursday. The Attorney-General was detained at the Supreme Court, a case having been unexpectedly brought on in which he was engaged.

Postponed accordingly.

THE ESTIMATES

The TREASURER said there was no business in connection with the Estimates with which he could proceed, the Police Bill not being sufficiently advanced. He therefore proposed that the Estimates should stand as an Order of the Day for Thursday, but he would remark that when the other business which appeared upon the notice paper was disposed of, he proposed to move

the suspension of the Standing Orders, for the purpose of carrying out the resolution of the House in reference to Customs.

Postponed till Thursday

GREENHILL ROAD

Mr BARROW moved -

"That the petition of the settlers on and about the Greenhill-road be printed."

It was only necessary to say one or two words in support of the motion. He intended on a subsequent occasion to take action in reference to the matter. Although the House had latterly refused to print one or two petitions, he trusted such would not be the case in this instance, for the petition being signed by 250 landholders, was a document entitled to the consideration of the House and he hoped to be able to show that the petitioners had some claim that their prayer should be complied with.

Mr GLYDE, in seconding the motion, stated that he did not intend to ask the House to print the petition which he had presented upon the subject, and which was a mere formal matter.

Mr STRANGWAYS wished to know whether the same course could not be adopted in reference to this petition as was proposed to be in reference to those which the House had refused to print, that was the view taken by those hon members who opposed the printing of the memorials, that reading the petitions by the Clerk of the House when the subjects to which they referred were brought forward would be sufficient. The course taken by the hon member for East Torrens (Mr Barrow) in this instance was perfectly consistent with that which the hon member adopted in reference to the petitions which the House had refused to print, the hon member having supported the motion for printing them. He thought, however, that the House should adopt some specific course in reference to petitions, and not refuse to print them simply because they disagreed with their prayer. A petition signed by 170 persons was entitled to as much consideration as one signed by 250, yet the House had refused in the one instance to print the petition, though they would probably assent in the other. He hoped the House would agree to some uniform course of action and carry it out.

Mr TOWNSEND thought there were cases in which petitions signed only by one person were entitled to respectful consideration. For instance, he would suppose a petition signed by the Chairman of a public meeting at which there might have been 1,500 persons present, although he was aware that according to the rules of the House such petition could only be received as the petition of the party signing it. What he had understood the rule of the House to be was that petitions were printed upon which hon members intended to take subsequent action, unless the mere reading of the petition from the chair would give hon members all the information which printing such petitions would afford. In reference to the petition relative to mail guards, which was the petition alluded to by the hon member for Encounter Bay, it was argued that the mere reading of it would give hon members as sufficient information as though it were printed, but the petition under discussion he believed contained many important facts in reference to the gradients and other matters.

Mr BAGOT most protest against the doctrine of the hon member for East Torrens (Mr Barrow), that if the House refused to print a petition, it would be a mark of disrespect to the petitioners. He had moved that the petition in reference to the mail guards be not printed, because he considered that if it were read at the table of the House when the subject to which it referred was brought under the consideration of the House, it would afford all the information which was required. He should not have objected to printing the petition with any view of preventing hon members from having an opportunity of examining facts set forth in the petition of such importance as to require consideration. If hon members would insist upon coming to that House and getting all petitions printed, he could only say it would be a great waste of the public money, and the House were bound to look as much to that as shewing proper respect to petitioners. In most cases it was quite sufficient for the petitions to be read by the Clerk, or if hon members were not satisfied with that, they could inspect the petitions themselves. He must protest, however, against the doctrine of the hon member (Mr Barrow), that it was disrespectful to the petitioners not to print petitions.

Mr BARROW did not intend for a moment to impute anything like intentional disrespect to hon members, though he maintained that as the practice had hitherto been to print petitions, petitioners would be likely to consider themselves disrespectfully treated, unless the refusal to print their petitions were in consequence of some distinct resolution of that House. The hon member for Encounter Bay had reminded him of the petition from the residents of Mount Barker, in reference to the mail guards, which the House had refused to print, but he did not know why the hon member should remind him of that, as he (Mr Barrow) had voted for the printing of the petition. He fully agreed with the hon member for Lich that it was desirable to keep down the expense of printing, but let the House come to some specific resolution upon the subject, and then petitioners would know that their petitions might or might not be printed, but as the practice had hitherto been to print the

petitions, he thought the House, in the absence of some specific resolution upon the subject, should not depart from that rule.

The motion was carried.

THE NATIONAL BANK

Mr MILNE moved that the report of the Committee of the whole House upon the National Bank Bill be agreed to.

Mr SIRANGWAYS said that, on a previous occasion, allusions had been made by the Attorney-General to the deed of settlement, and he would therefore ask the hon member not to move the third reading till the Attorney-General, as chief law officer of the Crown, had stated to the House that there was nothing in the deed of settlement which would have the effect which the hon gentleman on a former occasion thought it might.

Mr SOLOMON did not know whether the hon member for Encounter Bay was in his place at the time, but he understood the hon member who had charge of the Bill to say, that the solicitor to the Bill had conferred with the Attorney-General, and that the latter gentleman had only suggested one amendment, which had been made.

Mr MACDERMOTT thought it was desirable this matter should be postponed until the Attorney-General was present, as he had some doubt whether the deed of settlement should not be attached to the Bill as an appendix.

Mr REYNOLDS did not rise to oppose the adoption of the report, but certainly considered it important that the House should be in possession of the opinion of the Attorney-General upon the subject. He regretted to find legislation stopped merely because the Attorney-General was not in his place, and he hoped when the hon gentleman could not attend on Government days, that the House would not be called together to do no business. He was quite prepared to study the convenience of the Attorney-General, but don't let the House be called together when there was really no business to do.

Mr BAGOT said there were some things in which the House could act without the intervention of the Attorney-General, and this appeared to him to be one of them. He could see no necessity for the hon gentleman being present, for the Bill had passed through Committee, and if there had been any difference between the deed of settlement and the Act, no doubt the Attorney-General, with his usual foresight, would have informed some other member of the Government of the fact, and have asked for a postponement. The House would not be doing justice to themselves were they not to proceed with this measure, as there was really no necessity for a postponement.

Mr TOWNSEND was gratified to find there was some business which could be done without the presence of the Attorney-General. He agreed with the hon member for Encounter Bay, that it would be better the report should not be adopted until the Attorney-General was present, at the same time he was quite sure that his hon colleague would not press that the matter be proceeded with unless he had received an assurance from the Attorney-General that there was nothing objectionable in the Bill.

The TREASURER should vote for the adoption of the report, knowing that the Attorney-General had had the Bill under his careful consideration, and he believed had also been in communication with the hon member who had charge of the Bill. If there had been any objection to any clause the Attorney-General would have stated so to the House. He should not have risen but for the purpose of replying to the remarks of the hon member for the Sturt in reference to the absence of the Attorney-General. The House were well aware that the Attorney-General was one of those officers whose attendance could not always be commanded in that House. On this particular occasion, a case came on most unexpectedly, and detained the hon gentleman, it was a case not set down for that day, or the Attorney-General would not have made Orders of the Day for that day of the business in his name.

Mr MILNE reminded the House that upon asking them to go into Committee upon the Bill he stated that there had been a conference between the Attorney-General and the solicitor to the Bill, and that the Attorney-General had only suggested one alteration, which had been made. If hon members would turn to the third clause they would find that the third clause merely enacted that the deed of settlement should be the bye-laws of the Company, consequently it merely affected the Company amongst themselves, and could not in any shape or way affect the public. It merely recognised the deed of settlement as the bye-laws.

The motion was carried, and the third reading made an Order of the Day for the following Friday.

ALTERATION OF THE TARIFF

The TREASURER moved the suspension of the Standing Order 146, for the purpose of dispensing with notice of motion. He desired to move the House into Committee of the whole, for the purpose of enabling the House to pass a resolution to enable the Government to bring in a Bill affecting the revenue of Customs. He took this course in consequence of a resolution of the House, on 6th October last to the effect that cornsacks and manure should be admitted duty free. A Select Committee upon Taxation had engrafted this resolution upon their proceed-

ings. It was proposed to substitute other duties for those which were repealed, and he was desirous of moving the House into Committee without notice, in order that no opportunity should be given to parties hearing the debates in that House to speculate in the articles upon which extra duty was placed. He proposed, therefore, to go into Committee, and as soon as the House had affirmed that a duty or extra duty should be placed on any particular article, he would take steps to prevent that article being taken out of bond, except on payment of the higher duty. It was with this object that he moved the suspension of Standing Order 146.

The SPEAKER intimated that if there were any dissentient voice he should divide the House, and in reply to Mr GLYDE, said that the Standing Orders could only be suspended by the consent of a majority of the House, that is there must be at least 19 members present.

Mr SIRANGWAYS would like to hear some very much better reason for suspending the Standing Orders. It appeared to him that because the Attorney-General was unable to attend, and the greater portion of the business on the paper was in consequence postponed, that this matter was brought forward to give the House something to do. He could not understand from anything which had fallen from the Treasurer why there should be any suspension of the Standing Orders. At all events he could see no reason that notice could not have been given. (No, no.) He was aware that some would say it was right they should keep secret their intentions in reference to increasing the duty upon particular articles but he must repeat he must vote against the motion, unless some better reason were shown for acceding to it.

Mr TOWNSEND could readily understand why there should be no notice of motion in connection with any change of the tariff. This was one of those particular cases which should, in his opinion, be left to the Executive, and he cheerfully supported the suspension of the Standing Orders.

The TREASURER said that whilst the Government proposed to reduce or take off the duty upon certain articles, they proposed to place an extra duty upon others, and it was evident that if it were known upon what articles an extra duty would probably be imposed, parties would go to the bonded stores and take out those articles at the low duty, and consequently gain a great advantage, for which the public would suffer.

The Standing Orders having been suspended,

The TREASURER moved the House into Committee of the whole, for the purpose of considering certain alterations in the tariff of Customs. The hon gentleman said that before he introduced the subject of special duty which was proposed to be placed on certain articles, to make up the loss which would be created by the removal of duty from other articles, he had prepared a telegram which he was going to send to the Customs department in order that none of those articles upon which an additional duty was placed might be taken out of bond at the present duty. The hon gentleman had a messenger in waiting, and retired for a moment for the purpose of dispatching the telegram to which he had alluded.

Mr MILNE asked whether, after the Collector of Customs had received the telegram, he would be enabled to refuse to deliver goods upon which the House might impose an additional duty, if the present duty were tendered.

Mr SOLOMON asked whether it was intended that immediate effect should be given to the resolution of the House, that the duty should be taken off cornsacks, and, if so, whether the Government would allow a drawback upon those in the hands of holders, who had paid duty. He thought it would be only justice that they should do so. (Laughter.)

Mr REYNOLDS said the hon member for Onkaparinga had raised a legal point which he regretted the Attorney-General was not present to answer. As to efforts to keep secret upon what article it was intended to place an additional duty he was about to use a favorite expression of the Commissioner of Crown Lands and to say it was ill bosh. He thought it much better to allow the matter to stand over till the Attorney-General was present, and in the meantime, perhaps the Treasurer would send another telegram to state that course had been adopted.

The TREASURER said there was no necessity to consult the Attorney-General upon the point, because orders had been sent down to the Customs Department to prevent certain goods from being taken out of bond, except at an extra duty. The Government would take the consequences, and he hoped the House would indemnify them.

Mr SIRANGWAYS, before the Treasurer proceeded with the details, would ask if the course which the hon gentleman had taken was not different from that pursued by the Chancellor of the Exchequer in the House of Commons under similar circumstances. He believed the custom was for the House to determine upon what articles a duty should be levied, leaving it to the Ministry to say when it should take effect. He never recollected reading in the press of proceedings analogous to the present—the House in a committee of the whole—a telegraphic despatch—messenger outside—despatch to the Collector of Customs to prevent goods being delivered.

The SPEAKER said that though a telegraphic despatch might not be forwarded, the Chancellor of the Exchequer

constantly did what was analogous inasmuch as orders were given to the Customs not to deliver goods upon which an extra duty was contemplated, unless the parties to whom they were delivered entered into a bond to pay the additional duty if the Parliament of the country passed the Bill.

Mr MACDERMOTT said there was a case in point, when the sugar duties were largely reduced in England, a similar course was taken to that indicated by the Speaker.

Mr RLYNOLDS considered that a very important point had been raised by Mr Solomon. A large quantity of cornsacks were, he believed, stored in the city, and he really could not see why there was any necessity for so much hurry.

The TREASURER asked the House to affirm that it was expedient a Bill should be brought before the House to amend the tariff of Customs, so as to admit cornsacks, manures, and certain field seeds free of duty, and to increase the duty on beer and hops, and that the Treasurer be instructed to prepare and bring in a Bill to alter the Customs Act in these respects.

Mr GLYDE asked what amount would be lost by taking the duty off cornsacks, manure, and field seeds, and what amount would be gained by the additional duty proposed on one beer and hops.

The TREASURER said the House were aware that last year a resolution was passed to the effect that the duty should be taken off cornsacks and manures, and the Government had also pledged themselves to include in the free list certain seeds. He held in his hand returns shewing the amount which had been derived from the duty on cornsacks at three different periods. During the year ending 30th June last the amount was 3,797*l.* for the year ending 31st December last it was 3,360*l.* and for the year ending 31st March last it was 2,887*l.* 19*s.* He assumed, therefore, that the loss would be 3,000*l.* on the estimate ending 30th June, 1860.

Upon the seeds which it was proposed to add to the free list, the loss would be trifling, not more than 3*l.*, so that there was a total loss of 3,037*l.* which the Committee would have to make good. The estimated duty on beer, at 4*d.* per gallon, was 7,500*l.* for the ensuing year, and there would be a gain by increasing the duty to 6*d.* per gallon of 3,750*l.*, so that the total receipts supposing the trade for the ensuing year to be equal to what it was last year would be 11,250*l.* But as, when there was an increased duty there was generally a diminished consumption, he allowed 10 per cent for diminished consumption, making the whole amount 10,125*l.* to be received from this source during the next year. The revenue would consequently gain by the additional duty 2,825*l.* It was also proposed to increase the duty on hops from 2*d.* to 3*d.* per lb. The estimated duty for the next year was 1,400*l.*, and the amount gained by increasing the duty to 3*d.* would be 700*l.*, making the total amount to 2,100*l.*, and deducting 10 per cent for diminished consumption, the amount would be 1,890*l.*, making an increase of 490*l.* Thus the total increase would be 3,115*l.* against a loss of 3,037*l.* Upon looking over the tariff it appeared to the Government that there were no other articles upon which the duty could be so conveniently increased as beer and hops, but it would perhaps be better for him to avoid getting into an argument upon particular points until he had heard what hon. members had to say. The Government could not afford to lose 3,037*l.*, it must be replaced, and on looking over the tariff, he repeated the Government could not discover any articles upon which this amount could be better placed.

Mr HAWKES should oppose the resolution, and move an amendment. If the revenue were in such a state that Government were enabled to take off the duty on cornsacks and manure he should cordially go with taking off that duty, but when it was found necessary to replace the duty taken off by another, he looked to see whether that which it was proposed to impose was as equitable as that which it was proposed to take off. He believed that the duty proposed by the Treasurer would be most unpopular, he believed it was one which particularly affected the working classes. When it was proposed to place an extra duty on beer and hops, he repeated that a drink particularly used by the working classes was affected. The reason that it was proposed to take the duty off cornsacks was, that it was felt it was not equitable that the bags of the farmer should be taxed and that those used by the woolgrowers and for ores should not be taxed. The amendment which he was desirous of proposing was, that the tax on cornbags should remain as at present, but that the bags used by woolgrowers and for ores should also be taxed. When the House found the revenue was in that state that they could not afford to take the duty off cornsacks, they should think whether it would not be more equitable that the tax should be retained, and that a similar tax should be imposed upon articles of a similar character. That was the substance of his amendment. He fully agreed that the duty should be taken off all manure, as that was for the good of the country.

Mr MILNE hoped, whatever might become of the original motion, that the amendment of the hon. member for Victoria would not be adopted by the House. He was not surprised at such an amendment coming from such a source. If the duty on cornsacks were returned on the ground that a similar duty was imposed upon bags used by the woolgrowers and for ores it would be like the squatters saying to the farmers, "We'll pay six pence if you'll pay two shillings." Such a tax, it must be admitted, pressed with undue severity

upon the farmers. When the amendment of the hon. member for Victoria was disposed of he had an amendment to propose, to the effect that wheat and flour be included in the free list. He did so because in Victoria there were certain parties agitating the question of a protective duty and if that policy were adopted, and South Australia were to remonstrate, Victoria would probably abort by saying there was a protective duty here.

Mr BAGOT was rather astonished to hear the proposition of the new advocate of the working classes for increasing the taxes of the country. It struck him at the time that the hon. member was laboring under a delusion as to the resolution of the House on a former occasion. The reason that it was proposed that cornsacks should be admitted duty free was, that a large number of them were re-exported, for instance, to carry 30,000 tons of flour would require 300,000 bags. The farmer, in fact, whilst compelled to pay a duty was not allowed a drawback. With regard to an increased duty on beer he should oppose the proposition, although so far as he was personally concerned, it was a matter of indifference to him what the duty was, not being a consumer, but when the farmers asked a trifling boon to the extent only of 3,000*l.*, it did appear to him strange that in order to grant it, additional taxation should be necessary. Why not strike 3,000*l.* off establishments? It was a trifling boon which the farmers asked, though, at the same time, it was a matter which pressed severely upon them. He hoped the House would not sanction increased taxation. He thought they would rather diminish establishments. He should support the proposition that cornsacks, manure, and field seeds be admitted duty free, but oppose any increased taxation.

Mr SOLAMON should also oppose the proposition to impose an additional duty upon beer and hops, though in favor of abolishing the duty on cornsacks. He should like to ask the hon. member for Victoria, supposing the amendment of that hon. member to be carried, what difference it would make in the price of mutton—(laughter) because if the House might judge from the apparent effect, since the assessment on stock, however trifling the addition made to the tax upon the squatters, it fell with fearful effect upon the rich and poor in the price of mutton. That cornsacks should be admitted duty free was a boon to which he believed the farmers were fully entitled, but the proposition of the Treasurer was that a burden should be taken off one class and placed upon another, who, he believed, could less afford it than those from whom it was taken. He should gladly support an entire alteration in the tariff, so as to assimilate it with that of the neighbouring colony of Victoria, and taking the returns of 1858 as a guide, he found from documents before him that if the tariff of South Australia had been assimilated to that of Victoria, the loss would only have been 4,400*l.*, that is, under the existing tariff the Customs returns were 153,572*l.*, whilst by the tariff of Victoria they would have been 149,158*l.* and by the latter, hops, fruits, cornbags, and every other article upon which an ad valorem duty was now charged, would be admitted duty free. It would be a boon to the whole colony if the whole system of taxation were grappled with, and the tariffs of the two colonies assimilated. He had hoped that the present Government would have felt themselves strong enough not to have shirked the responsibility of grappling with this question. At present this colony labored under great inconvenience and disadvantage as compared with Victoria, for here, if a package containing goods to the value of 500*l.* were landed, and only 5*s.* worth taken out, no drawback could be obtained upon the remainder of the package if re-exported.

Mr GLYDE supported the amendment of the hon. member for Victoria. He thought the Treasurer was quite correct in moving the House into Committee so suddenly, indeed, it must strike every mercantile mind that such was the proper course. He could not see why the Treasurer should deliberately sacrifice 3,000*l.* on cornsacks, when the gentlemen interested only asked to be placed on the same footing as other interests. The pastoral and the mining interests it appeared were willing to bear their fair share, at least the hon. member for Victoria was the spokesman of the squatting interest, and that hon. member stated the squatters were willing to pay, and the House he was sure would be willing to take their fair proportion. He presumed the additional amount raised would be about 1000*l.* per annum. He thought the proposition of the Government was a great mistake, and at best, according to the account of the Treasurer, it would only raise an additional revenue of 100*l.* per annum. Besides this, he believed if the Government had gone through the tariff, they could not have found worse articles to put an additional duty upon than those proposed, he believed the proposition would be most unpopular. The protection on beer was already sufficient to make the colonial beer extremely bad, and an increased duty would lessen the stimulus to colonial brewers to compete, independently of which, if an extra duty were placed upon hops, the probability was that colonial beer would henceforth be made out of sugar bags boiled down. (Laughter.) He did not think the hon. member for Victoria should be blamed for standing up as the advocate of the working classes, for it was proverbially very wrong to rob a poor man of his beer. (Laughter.)

Mr BARROW said that if there was any fear half-an-hour previously that there would be no business before the

House, the fear was now in an entirely opposite direction, for they had become involved in a discussion upon an entire revision of the tariff, and an entirely new system of taxation had been tabled. He thought the Treasurer was to blame for this, because if the hon gentleman had limited his motion to affirming the resolution of the House and the Committee, he believed the House would have pretty generally supported it. (Hear, hear.) The resolution of the House simply desired that cornsacks and manures should be admitted duty free. He could not see that the financial position of the country was so fearfully critical that these taxes could not be removed without imposing others. (Hear, hear.) The hon member for Victoria, who had brought forward his amendment with much disinterestedness, had proposed to carry out the resolution of the House in a strange way. (Laughter.) The resolution of the House was that cornsacks should be admitted duty free, and the hon member proposed to carry out that resolution by continuing the duty on cornsacks and imposing a duty upon those used by woolgrowers and for ores. This was like the woolgrowers and miners saying to the farmers—"We can't take the duty off cornsacks, but we hope you'll bear your difficulties, as we intend to devise some for ourselves." This might do for those who thought that misery ceased to be misery when shared by large numbers. (Laughter.) His hon colleague had said that if the amendment of Mr Hawker were carried out, they would gain 1,000*l*, but he found, on reference to the returns, that the value of cornsacks imported during 1858 was 66,023*l*, yielding a duty of 3,301*l*, but the value of woolpacks was only 10,978*l*, and of orebags 2,750*l*. The imposition of a 5 per cent ad valorem duty upon the latter items would yield a duty of 548*l* 18s and 137*l* 10s respectively, being a total of 686*l* 8s to be paid by the squatting and mining interests against the sum of 3,301*l* paid by the grain growers of the colony. The country, in fact, demanded that restrictions should be removed to the extent of 3,301*l*, and the hon member for Victoria said, "No, we won't, but we'll tax ourselves to the extent of 686*l*." (Laughter.) That was how the case stood. Not that the hon member for Victoria was to be blamed, because the put suit which he followed did not require so large an investment as the former was obliged to make, but he merely wished to shew that the hon member for Victoria, in the amendment which he proposed, was not giving a *quid pro quo*, but merely one-sixth of the tax which was borne by the producers of grain and of which they so justly complained. (Hear, hear.) He did not think it desirable, in carrying out the resolution of the House, that cornsacks and manure should be admitted duty free, to go into the question of assimilating the tariff of the colony with that of Victoria. He must oppose the proposition of the hon member for Victoria, which reminded him of a remark by Colonel Thompson a celebrated free-trader, about giving with a spoon and taking away with a bucket. (Laughter.) The Treasurer, he thought, had better strike out that portion of his motion with reference to imposing new taxes. Let the farmers have the same privileges which were enjoyed by the squatters and miners, and if it were found necessary to supplement the revenue no doubt the exigency could be provided for.

Mr TOWNSEND said that the hon member for Victoria had only stated half the case. The argument used for doing away with the duty on cornsacks was that it was a tax upon packages, it being well known that the greater part of the cornsacks were sent to the neighbouring colony. He cheerfully supported that portion of the motion relative to admitting cornsacks duty free, but must oppose the latter portion. He found the Treasurer estimated the income at 468,900*l*, and the expenditure at 465,557*l*, leaving a balance of 3,343*l*. The sum of 2,562 had been saved on establishments, making a total of 5,905*l*, and believing that the vote for immigration had not been finally settled, he could not see any necessity for additional taxation. But if such necessity existed, he could assure the Treasurer that he had made a mistake in the articles which he had selected. The hon gentleman had made a slight mistake in stating that the amount derived last year from duty on hops, was only 1,400*l*, it was 1,960*l*, but as the duty on hops in New South Wales and Victoria was only two pence, he thought they should by all means endeavour to assimilate duties. The ad valorem duties amounted to 4,559*l* and he believed these duties were a gross injustice to the trading community of South Australia, and when the subject of taxation was under consideration every witness examined before the Committee stated that these duties had the effect of driving the trade to the neighboring colony. There was one article upon which the duty was less here than in Victoria or New South Wales, and that was tobacco. Here the duty on that article was 1s per lb whilst in Victoria and New South Wales it was 2s. He was glad the hon member for Victoria saw the necessity of the poor man having his beer, and hoped the hon member would go a step farther and lower the price of mutton. (Laughter.) He thought the Treasurer should merely have moved a resolution affirming the resolution which the House had already passed, and the hon gentleman would find that at the end of the year the means and expenditure would nearly balance. He thought the time had arrived when there should be some expression of opinion in reference to ad valorem duties, which had already had the effect of driving cargoes of tea from the Port. Now it was a rarity for a cargo to come here though there were four cargoes in 1858. At Melbourne not only were the

charges less, but there were no ad valorem duties. He knew also of a case in which a cargo of raisins from the Cape would have come here but for the ad valorem duties.

The COMMISSIONER OF PUBLIC WORKS could quite understand hon members uniting to carry out the resolution of last session, and setting themselves to work, though in different ways, to make up the loss to the revenue, but he could not understand those hon members who asked the Treasurer, with a very narrow balance, to take off 3,000*l*, and substitute nothing in return. The hon member for the city (Mr Solomon) expressed a desire that the tariff of the colony should be assimilated to that of Victoria, but any one looking at the tariffs of South Australia, New South Wales, and Victoria, would see that our tariff was far more equitable in theory, and pressed far less upon the working classes. In Victoria there were no duties upon silk dresses, expensive furniture, carriages, &c., but the principal duties were upon articles consumed by the working classes. By the proposed increase on beer, that article would be placed on the same footing as in Victoria. It had been said that imported beer was essential to the working man, but he did not think it was—draught beer was their particular vanity, and long might they have an opportunity of indulging in it to a reasonable extent. (Laughter.) On looking through the tariff, if it were admitted that additional duties must be imposed upon some articles, he did not see any which would press less upon the population, particularly the poorer classes. The House had been told of a cargo of raisins which had not come here on account of the ad valorem duties, but he considered it would have been a great shame if they had come here, for they ought to be made in the colony. He was perfectly satisfied that the tariff in point of equity was susceptible of strong arguments in support of it, though in practice it was possible there might be some points in which it might be amended, but he agreed with the hon member for East Torrens (Mr Bauow) that he did not think that was a matter which should occupy the attention of the House at present. The Committee should direct their attention to a particular question and not enter into the whole tariff, but he could not help remarking that the proposition of the Government was a step towards assimilating the tariffs, as it would place beer in the same position as in Victoria. Some mention had been made about imposing an additional duty upon tobacco and he should be perfectly prepared to discuss that question, but would remind the House there was no article more exclusively consumed by the working classes than tobacco. The hon member for Onkaparinga (Mr Townsend) had shown that if the duty on cornsacks were taken off the hon Treasurer would have a very even balance, but it was neither desirable nor prudent to run the balance so closely, the hon member had actually almost brought it down to shillings, forgetting that various contingencies constantly arose, and consequently that the Treasurer should never be placed in such a position as merely to have an expected balance of 10*l* or 20*l*. If the Committee could point out any articles upon which the extra duties could be more equitably placed, he should be happy to entertain the proposition, but he confessed he could not see upon what articles an additional duty would be less felt than upon those proposed by the hon Treasurer.

Mr DUMM was glad if hops were omitted from the increased scale, as if an additional duty were placed on them it would probably make the poor man's beer a shade higher in price.

Mr REYNOLDS had not thought the hon the Commissioner of Public Works, when he lectured hon members about entering into the tariff, would have fallen into the same blunder himself, but the hon gentleman had gone pretty fully into the tariff not only of this colony but of New South Wales and Victoria, and he treated upon silk dresses and a whole host of other matters, instead of confining himself to the motion before the House. He would state at once it was his intention to support the first portion of the resolution, but oppose the latter, and he should also oppose the amendment of the hon member for Victoria. That amendment apparently placed the sheepfarmers upon the same footing as the grain-growers, but as had been already shewn, there would be a wide difference between their relative contributions. He was afraid that the motion proposed by the Treasurer would not assimilate the tariff, for in New South Wales and Victoria he found there was no duty on hops. In Victoria there was a duty of 6d upon bottled beer, but in neither New South Wales nor Victoria was there any duty upon orebags, woolpacks, or orebags. The Commissioner of Public Works had referred to the narrow balance that the Treasurer would hold, but how was it that the Government had assented to votes tabled for various sums, and now cried out about the narrow balance. He would remind them of a sum of 20,000*l* for immigration, which he thought might be reduced, so that after all there would not be so narrow a balance, and as the hon member for Victoria had become a great advocate for the laboring classes, perhaps the hon member would modify his vote, and consent to reduce the 20,000*l* to 10,000*l*. If the hon member would do so he would be serving the laboring classes better than by imposing a duty on woolpacks. Then, again, there was 20,000*l* on the Estimates for the Strathalbyn railway but it was doubtful if that would be carried, so that he thought the Government could take off

the duty of 3,000*l* on cornsacks without levying any fresh duties.

Mr HAY was glad to hear such a cheering account of the revenue from some hon members who had recently spoken in a very different strain. Those hon members now said that 3,000*l* could be taken from the revenue, and that there would be no necessity to substitute fresh duties. It was only recently they had heard from the hon member for the city (Mr Solomon) that the revenue was falling off, but the hon member had now doubtless seen good reasons for changing his opinion. He should support the motion of the Treasurer for the introduction of a Bill, though he did not say that he should support the mode indicated of raising an additional revenue, but as this was the last session of the present Parliament, it would not be fair to leave a less revenue to a future Parliament. The duty on cornsacks never ought to have been imposed, it was a mistake to place it on the tariff. Had a duty been placed on all bags, however, the probability was that no attention would ever have been drawn to it. There could be no doubt it was bad policy to impose a duty upon that which was introduced for the purpose of carrying away the produce of the colony. There was, he thought, something in the argument that to impose a duty upon all bags would not bear equally upon the woolgrowers and the farmers. If no other article could be found upon which to impose an additional duty, he should adopt the article of tobacco. It was high time that the House took into consideration the question of assimilating the tariffs of the three colonies, the ad valorem duties as at present imposed here being a profit to parties who had to send goods up the Murray. At the same time he admitted that our tariff was more liberal to the working man than that of Victoria, but in reference to the remark of the hon member, Mr Townsend, relative to cargoes of tea going to Victoria, which would otherwise come here, he would remark that the duty upon that article was higher in Victoria than here. The great evil was that if a package arrived here subject to ad valorem duty, no drawback could be obtained upon reshipment if the package were broken but such was not the case in Victoria, the package might be broken in as many parcels as the parties pleased, and sent anywhere they liked. He should support the motion for the introduction of a Bill, and then the whole question could be discussed. In reference to tobacco, he would remark that the duty was 2*s* per lb, and that he had never heard a good reason for reducing it to 1*s*. He could not admit that they could afford to sacrifice 3,000*l*, and should certainly support the proposition to keep the revenue to its present standard.

Mr PEAKE should support the motion of the Treasurer to keep the revenue to its present standard. He was sorry he could not accept the generous offer of the hon member for Victoria to tax the squatters to the extent of 700*l* per annum, and allow that class who had been so long complaining to still suffer to the extent of 3,000*l* per annum. The proposition was quite untenable, and he hoped the House would not endorse it. He disliked placing a tax upon tools of trade, and to tax cornsacks appeared to him to be doing so. He believed that the beer upon which it was proposed to levy a tax was not consumed by the working man, but chiefly by those who were well able to pay the additional duty, but the additional duty upon hops perhaps might increase the cost to the working man of a sixteenth of a penny per gallon, he would, therefore, suggest that the proposition for an increased duty on hops should be withdrawn, but he did not think the revenue could stand any diminution.

The COMMISSIONER OF CROWN LANDS said it was all a very well for gentlemen on the opposite side of the House to talk about balances being even, but it was not considerate to cut down the chances so closely. He believed those who were in favor of cutting down the revenue were the most pressing for expenditure upon their particular districts. What did they care? They hadn't to find the money, but if those gentlemen would look on both sides, they would make all the better legislators. He could not help alluding to the gross inconsistencies of some hon members, particularly of the hon member for the city, Mr Solomon, who said that he would not vote for an additional twopenny per gallon on beer, because it would be taxing the poor man, and yet in the same breath said that he would vote for an assimilation of our tariff with that of Victoria, which would produce precisely the same effect, because the duty in Victoria at present was 6*d* per gallon, and 4*d* per gallon here. There were other hon members who called themselves the champions of the working men who were in favor of cutting down the revenue, but those hon members must be labouring under a delusion, for how could they be the champions of the working men if they endeavoured to prevent 60,000*l* being expended amongst the working men? He alluded to the remarks which had been made in reference to the 20,000*l* for the Strathalbyn Railway, for it was well-known that was only one third of the amount which would be required, and that the remaining two-thirds would be borrowed, so he repeated that if the Strathalbyn and Goolwa Railway Bill were thrown out, those instrumental in doing so would prevent 60,000*l* from being expended amongst the working classes. The fact was it was all a mistake, those hon members fancied they were the friends of the working classes, but he believed the working men themselves had sufficient discrimination to see that they were not. No one felt more than he did the difference between being an

independent member and being trammelled with office. He felt the responsibility rested with those who had to find the funds to meet liabilities. (Laughter.) If hon members opposite were to take the position occupied by himself and colleagues, very few, he believed would come out as well as the present Ministry. (Oh.) That was his opinion. They might "oh" if they liked, one day they might probably make an effort to try their hands, but he didn't think they would succeed. It was very easy to lash out where parties were not responsible for what they said, but it was all nonsense. One called himself the champion of the working classes, and yet wanted to prevent 60,000*l* being expended amongst the working men, another objected to an extra twopenny per gallon on beer, and yet wanted to assimilate the tariff with that of Victoria, which would be precisely the same thing. If those hon members were responsible ministers they would find it necessary to mind what they said. He found it necessary to be a good deal more careful than he was when on the other side of the House. (Loud laughter.) If necessary, no doubt the Treasurer would abandon the extra duty upon hops, but he was quite sure that the retail price of beer would not be at all affected.

Mr STRANGWAYS said the Commissioner of Crown Lands, in his usual paternal manner, had found it necessary to give a large amount of advice to members on that side of the House, and amongst other things, had informed the House that he found it necessary to be careful what he said, he was sure that no one who had heard the hon gentleman could think differently. The expression of the hon gentleman, when he spoke of not treating the Government respectfully, showed that he was not at all particular. The Commissioner of Crown Lands had complained of hon members rambling, but who could have rambled more than the hon gentleman? Why, he had gone from beer to immigration, and from hops to the Strathalbyn Railway. (Laughter.) The question before the House was, would they take the duty off cornsacks, manures, and field seeds, and put it upon beer and hops. He had no objection to take the duty off articles he had named, and he believed the object of the Treasurer, that was to make up the loss to the revenue which would thus be occasioned, might be accomplished by a better mode than that proposed by the hon gentleman. He believed that the best mode of making up the revenue would be to assimilate the duty on tobacco to the Victorian tariff, which would cause an increase to the revenue of 12,000*l*. It might be said that a considerable quantity of tobacco was used in sheepwash, but a very small duty was charged upon the quantity so consumed, and he found that the double rate would actually be productive of only 1*l* additional taxation to the squatters. It had been said that tobacco was extensively consumed by the working classes, but it was exceedingly cheap, and was consumed in small quantities. He considered tobacco more a luxury than beer in a warm climate where the water was brackish. When the amendment of the hon member for Victoria was disposed of, he should move that beer and hops be struck out of the original motion, and that the duty upon tobacco be increased.

Mr MILNE could not allow the observations of the Commissioner of Crown Lands to pass without notice. The hon gentleman with his usual courtesy had charged a large proportion of the members of that House with gross inconsistency, particularly the hon member for the city (Mr Solomon), but that hon member objected to alter the tariff unless to deal with it as a whole, in order to assimilate it to that of Victoria. He (Mr Milne) might take the opportunity of saying that the hon gentleman never stated that he wished to "assimilate" the duties to those of Victoria, as had been stated by the Commissioner of Crown Lands, but to *assimilate* them. (Laughter.) A good deal was said about the working classes now a-days, no debate could be originated in that House without the working classes being thrown in the teeth of hon members. "Stop the Strathalbyn railway," said the Commissioner of Crown Lands, "and you throw 60,000*l* out of the hands of the working classes." When the Strathalbyn Railway Bill came on for discussion, he hoped the House would not be induced to pass it merely because it would cause 60,000*l* to be expended amongst the working classes, but to give increased facilities to persons on the line of railway. (Hear, hear.) He objected to hear the working-classes so frequently introduced, and above all he objected to hear it enunciated from the Treasury benches that if particular works were not sanctioned there would be 60,000*l* less to expend amongst the working classes. Speaking of other hon members, the Commissioner of Crown Lands asked if they were the friends of the working classes, but he would ask the hon gentleman was he a friend to them himself when he recommended them to combine to keep down the price of mutton. (The SPEAKER reminded the hon member it was out of order to allude to a previous debate.) He would forbear alluding further to that debate than to say that the hon gentleman's remarks reminded him of asking for bread and getting a stone. He was opposed to an alteration in the duty upon beer and hops, and should support the proposed addition to the duty on tobacco.

Mr SOLOMON would not have risen again, had it not been for the eloquent, and he believed first official address, of the Commissioner of Crown Lands. That hon gentleman had charged him with inconsistency, but he defied him to

point to a single act of his which bore out the charge. Was the hon. gentleman as free from that charge? Was not his shifting from one side to the other sufficient proof of inconsistency? He would not attempt to retort in the chaste language adopted by the hon. gentleman, who had blown the official trumpet louder than he had ever heard it blown before, and fearful that the House should fail to discover his peculiar merits, or the services which he had done the country, the hon. gentleman had blown his own trumpet.

Mr REYNOLDS said he supposed the Commissioner of Crown Lands alluded to him as one of the favored friends of the working classes. The hon. gentleman might be head-nurse to the Administration, but he must not come the nursery governess over that House, nor attempt to tell that House what they were to do, oh no, the House would tell the hon. gentleman what to do. But the hon. gentleman said he felt uneasy in his present position, and if so, he knew how to get out of it. The hon. gentleman knew what he was about when he accepted office—when he took charge of the little bantling, too delicate to be whipped, and became head nurse to the Administration (Laughter). No doubt the hon. gentleman felt the inconsistency of his position, and that being the case he would, perhaps, take the suggestion that when addressing the House he should assume a manner becoming a responsible Minister of the Crown. He was perfectly independent, not being connected either with Goolwa, Port Elliot, Glenelg, the Port, or the seaboard, and could give an independent vote when questions affecting the interests of those places came before the House, but could the hon. gentleman say the same?

The TREASURER thought the amendment might be disposed of by a simple negative. He was not wedded to the proposition which he had made in reference to beer and hops and the amendment of the hon. member for Victoria being negatived, he should have no objection to move that the necessary amount be obtained by a trifling increase in the duty on tobacco.

Mr MILNE asked if the hon. gentleman would adopt his suggestion in reference to wheat and flour.

The TREASURER would do so, thinking it highly desirable they should be placed on the free list.

Mr HAWKER begged to withdraw his amendment. When the question of the duty on cornsacks was mooted it was stated both in and out of the House that it was not equal because there was no duty upon woolpacks or orebags, and having ascertained that the pastoral and mining interests were perfectly willing to pay the tax, he thought it his duty to bring it before the House. He was entirely of opinion that they could not afford to lose the revenue.

The TREASURER then moved that flour, wheat, and meal be admitted duty free, and that there be an additional tax of 4d per lb on manufactured tobacco. The hon. gentleman subsequently, upon the suggestion of Mr MILNE, struck out the word "meal." He stated that last year the duty on manufactured tobacco was 9,360l. The duty on cigars was 2s 6d per lb the amount realized last year being 1,928l, and he thought it would be unwise to increase the duty, as it would lead to smuggling.

The motion was agreed to, the House resumed, and the report was adopted.

Mr HAWKER asked if the Treasurer had taken measures to prevent tobacco being taken out of bond at the reduced duty.

The TREASURER—Oh, yes. I sent a telegram to that effect. (Laughter.)

INDICTABLE OFFENCES STATUTE LAW CONSOLIDATION BILL

The SPEAKER announced that the Legislative Council had passed this Bill. The Bill was read a first time, the second reading being made an Order of the Day for the following Thursday.

MR D SUTHERLAND

The SPEAKER announced that the Legislative Council had given the Surveyor General leave to give evidence before a Committee of the Assembly upon the petition of Mr D Sutherland.

CAPE JERVIS

The COMMISSIONER OF PUBLIC WORKS laid upon the table a report of the Naval Officer, relative to extension of telegraph to Cape Jervis, which, upon the motion of Mr BARKOW, was ordered to be printed.

SOUTH-EASTERN ROAD

The COMMISSIONER OF PUBLIC WORKS laid on the table returns which had been moved for relative to this road.

The House adjourned at a quarter to 4 o'clock till 1 o'clock on the following day.

WEDNESDAY, JUNE 29

The SPEAKER took the chair at 10 minutes past 1 o'clock.

MAIL GUARDS

The COMMISSIONER OF PUBLIC WORKS presented a petition from the Chamber of Commerce, praying the House to reconsider their resolution to dispense with the mail guards. The hon. gentleman remarked that he always

felt it his duty to present a petition when respectfully worded, but he did not consider himself pledged to support the prayer. The petition was received and read.

PENOLA AND MOUNT GAMBIER

Mr HAWKER moved—

"That on Friday, July 1st, this House will resolve itself into a Committee of the whole House for the purpose of considering the motion that an Address be presented to his Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of establishing a line of telegraphic communication between Penola and Mount Gambier."

He adopted this course in consequence of a petition which had been laid before the House from this district, pointing out that the district labored under great disadvantages from the great distance which it was from communication with the city. The district had apparently been totally ignored by the Central Road Board, the only thing which had been done for it being the erection of two bridges across Reed's Creek. The length of telegraph required was less than 40 miles to connect Penola with Mount Gambier. Hon. members would see that the existing telegraph was merely a coast line. Penola was the centre of the south-eastern district, and the construction of the line which he proposed would be of great advantage to the Victorian district. That was a point to be taken in connection with the probable returns. Considerable returns might be calculated upon not only from our own colony, but from that portion of Victoria which abutted on the eastern boundary. The Superintendent of Telegraphs informed him that he thought the line could be constructed and a station erected at Penola for about 1,600l, and he might mention that the Superintendent of Telegraphs found as he proceeded with works of this character that he could execute them at a much cheaper rate than he imagined. He estimated the cost of the line at 3s per mile, there being abundance of timber upon the line. It would be only four, considering how large a sum the South-eastern district had contributed to the Land Fund, that this small boon should be accorded to it.

The COMMISSIONER OF PUBLIC WORKS would second the motion for going into Committee upon the subject, and at a later period of the day would place on the table of the House some reports from the Superintendent of Telegraphs which would afford some useful information upon the subject.

The SPEAKER pointed out that it would be necessary to name a sum in the motion.

Mr HAWKER moved a sum not exceeding 2,000l, and the motion was amended as read.

MACCLESFIELD AND ECHUNGA

Mr ROGERS brought to ward the notice in his name—

"That he will ask the Hon. the Commissioner of Public Works (Mr Blyth) whether or not it is intended to accommodate the townships and districts of Macclesfield and Echunga with telegraphic communication, as the telegraphic wire is to pass through those towns and districts?"

The COMMISSIONER OF PUBLIC WORKS said the telegraph wire between Adelaide and Strathalbyn did not originally pass through Echunga, but a short distance from it. He approved of an alteration at a small expense by which it would pass through Echunga, but it was not intended to accommodate those towns mentioned in the notice in the manner indicated. The Government would be prepared, however, at no distant period, if it were thought the stations would be self supporting, to afford the accommodation sought for.

THE PORT LINE

Mr McELLISIER brought forward the notice in his name—

"That he will ask the Hon. the Commissioner of Public Works (Mr Blyth) why the working foreman on the Port Line has 3s per week more than the working foremen on the Gawler line?"

The hon. member stated that he had no wish to interfere with the foreman receiving the higher pay, but rather to raise the wages of those receiving the lower rate of pay.

The SPEAKER informed the hon. member that his remarks were not in order.

The COMMISSIONER OF PUBLIC WORKS had consulted the railway authorities, and they had informed him that the foreman on the Port Line had greater responsibilities than the one upon the Gawler Line, and that no complaint from the latter in reference to the lowness of his wages had yet reached them.

BILLS OF LADING BILL

Mr BAKEWELL, in moving the second reading of this Bill, said that it was not necessary to detain the House with any lengthened remarks, after the explanation he had already given in reference to it. The Bill sought to place bills of lading upon the same footing that they were in England and most British colonies—most of the British colonies having adopted the Act, which was merely a transcript of one introduced in England. It enacted that the consignee or holder of a bill of lading should have all the rights, not only of property but of contract, which were vested in the original shipper. Hitherto a difficulty had been felt, in consequence of such not being the case, but as he did not anticipate the

slightest opposition to the Bill, it was unnecessary to say more.

The Bill was read a second time, and the House went into Committee upon it.

Mr MILNE asked whether, under the first clause, the captain of a vessel could not sue the consignee of goods who refused to take such goods.

Mr BAKEWELL was of opinion that he could not sue, but at the same time no wrong could be inflicted on the captain because he would have a lien upon the goods.

Mr SOLOMON said, if the consignee adopted the goods, by claiming them he would then be responsible for the freight, but he would not be responsible if he did not claim them. The captain could only hold the goods for the amount of the freight.

Mr MILNE could not see it in that light. The object of the Bill was to alter the present law, and transfer every liability connected with the shipper to the consignee. A party might have goods consigned to him which he repudiated, but he apprehended that under this clause, if the captain found the consignee would not take the goods he could sue him.

Mr BAKEWELL said whatever were the rights of parties as between the captain and shipper, those rights existed between the consignee and the captain. Whatever the contract was between the former existed with the latter.

The clause was passed. Also clause No 2.

Mr SOLOMON opposed the proviso in the third clause, by which the captain of a vessel who had signed a bill of lading, the goods mentioned in which proved not to be on board, could under certain circumstances relieve himself from liability. Such a provision would, he was satisfied, work most mischievously. He would suppose a person in England professing to ship goods to this colony, consigned to order, that person applied to the agent of the vessel in England, who might be the charterer, and obtained a bill of lading from the captain, which he hypothecates, and on arrival of the vessel here it was found that no such goods as those mentioned in the bill of lading were on board, was it to be said that the captain could exonerate himself from responsibility by showing that he was no party to the fraud. During his late visit to England he daily visited the docks, and was almost daily shipping goods, and knew the routine. Vessels were frequently chartered by persons who had no interest in them except in the outward freight. The captain went to the agent and signed bills of lading frequently without the production of even the mate's receipt. Those bills of lading found their way into the hands of banking companies, having been advanced upon to a considerable amount, and if, on the arrival of the vessel here, it was found, for instance, that instead of 100 cases there were only 50, this proviso would give the captain the power of proving that the fraud did not rest with him, but with the shipper, and he would consequently avoid all consequences. How a fraud by the shipper should affect the third party who held the bill of lading he could not understand. It would be very easy for the captain to show that he assumed the goods were on board, and that would be sufficient, under this clause, to relieve him from responsibility. If only two parties could be affected—the shipper and the captain—the proviso would be necessary, but where bills of lading were negotiated, he did not see that third parties should be affected, and the captain escape. How frequently it happened that vessels arrived here with bills of lading for goods said to be shipped on board, but when the vessel was discharged, it was found that several packages were missing, and would it be just to give the captain power to repudiate all liability by throwing it on the shipper, when the shipper and the agents might in the interim have become bankrupt? If the proviso were allowed to stand, it would merely be a shelter for fraudulent captains or agents.

Mr BAKEWELL said it appeared to him that by the clause before the House a bill of lading signed by the captain would be conclusive evidence against him of the shipment of the goods, and if default were made by the captain, an action could be brought by the consignee. The clause declared that the bill of lading should be conclusive evidence against the captain, except in one particular case, and that was where he should not have the goods and where his not having them arose from the fraud of the shipper. Two things were necessary to relieve the captain of his liability: he must first shew that he had not got the goods on board, and secondly, that his not having them, arose from the fraud of the shipper. It was rather difficult to suppose such a case, but he would suppose a party putting a box on board, and representing it to contain gold, when in fact it contained lead, and receiving a bill of lading for it as a box of gold, negotiated it. The captain would say upon the discovery being made that the contents were lead, that it was no fault of his, that it was not his duty to examine the contents, and that the fraud rested with the party who had shipped it. He did not think the captain in such a case as that should suffer. The person who bought or advanced upon the bill of lading should look to the character of the person from whom he received it. The universal rule of law was that a person could not transfer what he had not got, there was only one exception, and that was in reference to bills of exchange, the holders of which could recover from the acceptor though he had been induced to give the bill by fraud. It was desirable that the law relating to bills of lading should be the same in all British possessions, and he

trusted the hon member for the city (Mr Solomon), would not persevere in his opposition.

Mr SOLOMON had heard nothing from the hon member for Barossa to alter his opinion. So far, indeed, from anything having been advanced to alter his opinion, it had been strengthened. The hon member had alluded to the captain of a vessel not being responsible for the contents of a box shipped in gold, but it was notorious that no captain signed a bill of lading for bullion unless he had seen it counted or weighed and put into the box. To pass this proviso he felt satisfied would be to assist captains to defraud third parties, to whom bills of lading were paid away. As regarded merchandise, the custom was to attach to bills of lading a proviso, "not accountable for leakage and breakage, and contents unknown" so long, therefore, as a captain delivered the number of packages, he was not accountable for the actual quantity of contents. In the case of bullion, however, the case was different and if it were not, bankers, who advanced upon bills of lading might be ruined.

Mr BAKEWELL remarked that he thought he had been misunderstood. In such cases as had been alluded to by the previous speaker he should never seek to hold the captain harmless.

Mr MILNE should support the amendment proposed by the hon member for the city, that the proviso be struck out. The first part of the clause made the captain responsible for the number of packages taken on board, but the proviso sought to relieve the captain from the liability of his signature under certain circumstances. If any one were liable it certainly should be the captain, for allowing a negotiable instrument to get abroad without first seeing that the goods were on board. Was the party to whom the bill of lading was hypothecated to suffer for the captain's neglect? Certainly not. When goods were received on board, it was customary for the mate of the vessel to give receipts, and on the strength of those receipts the captain signed the bill of lading. Let the captain be responsible, for it must be clear that the fault would originate with him in signing the bill of lading. If the goods were not on board, the captain had his remedy against the pretended shipper, the bill of lading having been obtained from him by fraudulent representations. Let the captain bring his action against the party actually guilty of the fraud. He hoped the Bill would not be taken out of Committee, as he felt that the construction which he had placed upon the first clause was correct, and that the consignee of goods would be rendered responsible for the freight, whether he chose to receive such goods or not.

Mr BAGOT also hoped that the hon member for Barossa would not take the Bill out of Committee, as the wording of the first clause was certainly such as to bear the construction placed upon it by the hon member for Onkaparinga. With regard to the provision in the third clause, such powerful arguments had been brought forward against it, that he should support the proposition that it be struck out.

Mr PEAKE thought there was a good deal of force in the observations of those who opposed the proviso. It was an important question, as large sums of money were frequently advanced upon the faith of bills of lading, and if the captain failed to deliver the goods it certainly appeared to him that the remedy should be against him, who should be allowed no subterfuge, as the captain had a remedy against the party who defrauded him.

The COMMISSIONER OF PUBLIC WORKS remarked that legislation of late had taken precisely the course which the last and some previous speakers wished it to take. Last session the House passed a useful Act assimilating the law in reference to bills of exchange to the law in England, preventing a party from making a defence to a bill to which he had attached his name, and he should be sorry to see a captain get out of the responsibility which he incurred by signing a bill of lading. A bill of lading frequently passed through a great many hands before the goods were finally delivered. He should be sorry to see any provision calculated to increase the carelessness with which captains frequently attached their names to bills of lading. It was the captain's duty merely to sign bills of lading for which the mate's receipts were produced. If the provision were passed, he feared the consequences would be, that they would frequently have captains endeavoring to relieve themselves from the consequences of their culpable neglect.

Mr BAKEWELL pointed out that the words of the proviso were "without any default on his part." The captain must shew there had been no default on his part before he could avail himself of the proviso. No doubt such cases would very seldom arise, for he could scarcely imagine a case in which there was no default on the part of the captain, but if such a case should arise, he thought the captain should be relieved of his liability. He should be extremely sorry if so important an alteration were made in the principle of the Bill as the striking out of the proviso, and would ask the House to postpone the clause for the presence of the Attorney General.

Mr BAGOT called the attention of the hon member to the fact that if the proviso were struck out it would be necessary that captains should examine every package, to ascertain what the contents were, before signing bills of lading. The wording of the clause was "every bill of lading representing goods to have been shipped shall be conclusive evidence notwithstanding such goods were not shipped." It would be necessary to insert 'packages' for "goods."

Without that alteration he did not think the proviso could be dispensed with.

Mr MILNE said the question was whether that portion of the bill of lading had any effect which stated "contents unknown." He apprehended that proviso exonerated the captain, so far as the actual contents were concerned, if the correct number of packages were delivered.

Mr HAY said the clause provided that the captain should be responsible for the goods mentioned in any bill of lading signed by him unless notice were given to the party receiving the bill of lading when handed to him that the goods were not on board. He thought that the captain should be held responsible if no notice of nonshipment were given, otherwise parties who advanced on bills of lading would very often be defrauded. He also thought that where only a portion of the goods had been shipped, the captain should not be able to relieve himself from liability unless the goods so shipped were endorsed on the bill of lading itself.

Mr BAKEWELL said that where the actual holder of a bill of lading had notice at the time he received it that the goods were not on board, it would be monstrous to say that he should be able to recover against the captain. The answer of the captain would be—"You knew at the time the goods were not on board," and that would be sufficient.

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again on the following Wednesday.

SUPPLEMENTARY ESTIMATES

The SPEAKER announced the receipt of a message from His Excellency enclosing Supplementary Estimates for the first half-year of 1859, which were ordered to be printed, and taken into consideration on Tuesday next.

GAWLER TOWN EXTENSION RAILWAY

In reference to the following notice—

"That an Address be presented to His Excellency the Governor-in-Chief, requesting him to cause a Bill to be introduced in this House, during this session, for the extension of the Gawler Town Extension Railway, from Section 1,411, across the River Light to the vicinity of the Town of Kapunda."

Mr BAGOT remarked that as this was a very important question plans and specifications connected with the extension of the line should be laid on the table some days before it was considered, and as the Commissioner of Public Works was about to place the plans upon the table, he would move the consideration of the question be postponed till the following Friday.

Carried

CUSTOMS REGULATIONS

Mr SOLOMON moved—

"That a Select Committee be appointed to inquire into and report to this House upon the complaint made by the merchants and agents of Port Adelaide as to the forms and routines of the Custom House."

It would be in the recollection of the House, that he presented a petition upon the subject from 22 merchants and Port agents embracing the respectability of the trade and commerce of South Australia. It was not the wish of the petitioners to complain for one moment of the conduct of the officers connected with Her Majesty's Customs, so far from that, they believed that the officers were disposed to do everything in their power to facilitate matters; but there was a fault, not exactly perhaps with the system, but in the different interpretation which different officers placed upon the existing regulations. The Collector of Customs at one time interpreted the regulations one way, and at another time they were interpreted in another way. He could instance one matter in reference to drawbacks. It had been understood for years past that no drawback would be allowed on goods of a less value than 50% by one ship, included in one entry, but on one occasion drawback was allowed on goods of the value of 50% comprised in several different shipments. This was one matter which the petitioners complained of. They found that upon going to the Custom-House themselves they could generally manage to arrange matters, though perhaps with some little trouble, but when they sent their clerks impediments to the transaction of business were thrown in their way, and they were detained a most unreasonable time. He believed that the system at present adopted at the Custom-House was capable of a good deal of modification, without any loss to the revenue and without increasing the present stiff of officers, whilst at the same time greatly increased facilities might be given to those whose avocations daily and hourly called them to the Custom-House. He held it was the duty of the Government to give every facility to the trade of the colony, particularly when the facilities which were asked for could be afforded without any additional staff of officers. The duties of the Collector of Customs were of considerable importance, and demanded his undivided attention, but that officer was frequently not at his post, and it then rested with one of his officers to determine upon the proper course to be taken in reference to matters brought before him, and it very often happened that what the Collector of Customs had ruled to be the correct course of proceeding in particular cases was held to be directly the contrary by the officer left in charge. The principal landing waiter, whose duties should be principally out of doors, was generally em-

ployed in-doors, being engaged in looking over invoices, and determining what cases should be opened. This appeared to him to be more within the province of the collector than his deputy. The landing surveyor would be better employed, it was believed if more frequently on the wharf and less frequently in the Custom-House. He would say again, that he believed all the officers were anxious to afford all the facilities which they could give consistently with their duty, but it unfortunately happened they differed in the construction which they placed upon the Customs regulations. There was irregularity where there should be the strictest regularity, and under such circumstances it was impossible that business could be as well transacted by a clerk as by a principal. The object of asking for a Select Committee was to take evidence as to the working of the present system and to recommend to the House certain alterations, which would afford the trading community greater facilities than existed at present. On Saturday the Custom House opened at 10 o'clock, and closed at 11 for all purposes connected with bonded goods, although it remained open for one hour longer. On holidays, if the Admella or any other vessel wanted to get away a fee of 1/1s was exacted for a special officer to clear her, and if there were goods on board subject to drawback, the shippers of them also had to pay a special officer a fee of 1/1s to clear them. This pressed very hardly on persons shipping, and also on the intercolonial steamers. So far from any impediment being thrown in the way of intercolonial steamers he was sure the House would agree with him that every facility should be afforded them. There were other matters also which materially interfered with the trade of Port Adelaide. He would allude to one circumstance, though it really appeared almost too absurd. It was necessary on one occasion to procure a small sample of coffee for the purpose of selling a large quantity, and one of the petitioners absolutely had to pay duty and pass entry for a single ounce of coffee. The same thing was done for 2 lbs of sugar when a sample was required. Then, again, the captain of a vessel, though his chronometer were running down, would have to seek out the Collector of Customs before he could land it, and the same course must be pursued if he wanted to send on shore his compass, sextant or quadrant. Instead of such things being permitted to exist, every facility should be afforded to induce shipping to come here, but the effect of the existing regulations was to drive shipping away, though he believed without any wish on the part of the officers connected with the Customs' department that such should be the case. He believed the appointment of a Committee would do great good to the trade of the Port, by shewing that it was not desirable the existing regulations should be continued, and that they were not essential for carrying out the duties connected with the Customs department. He would, therefore, ask the House to consent to the appointment of a Select Committee for the purpose of considering the best means of remedying those disadvantages under which the petitioners had so long labored.

Mr RYLANDS seconded the motion.

The TREASURER stated it was not his intention to oppose the appointment of a Committee. Its members connected with mercantile pursuits thought they could pass regulations which would work better than those at present in force, and that those regulations would not press upon the revenue of the colony. He should be happy to adopt the amended regulations. The hon. member for the city (Mr Solomon) had not alluded to anything specific, that could be taken up and replied to but had merely argued that there were obstructions in the Customs department for carrying on business. The hon. member had mentioned that the landing surveyor had better be out of doors instead of in the Custom-House, but the landing surveyor was an officer, the greater portion of whose duties were in the Custom-House. On reference to the regulations or instructions it would be seen that the duties of that officer were to keep a cash-book, to ascertain that the amounts received by the Collector were paid in, and to see that the landing surveyors and others were at their duties, in fact the landing surveyor was a sort of auditor-general at the Port, and it was impossible he could be out of doors without neglecting many duties which he was bound to perform. It was very essential that such a check upon the Collector should exist, for frauds and mistakes were very easily committed, and it would be considered by very unwise so to alter the regulations as to diminish the responsibility of the landing surveyor. All these so-called obstructions had been found necessary in consequence of frauds which had been committed by parties, or embezzlements by Custom-House officers. It was necessary that the staff should be so organised that they would check each other. As to clearing vessels on holidays, and a charge of 1/1s being exacted for it, he thought it better that this charge should exist than that the Custom-House should be kept open on Sundays and holidays, as by that course the expenses of the establishment would be increased very much. No doubt the Customs laws and regulations were very inconvenient, but it was impossible to collect a duty which did not cause some kind of obstruction, particularly where almost every article had to be examined before it could be cleared for consumption. He hoped the Committee would well consider before they recommended any alteration in the existing regulations, and that the

House would carefully weigh the recommendations of the Committee, should any alterations be suggested. The very parties who complained were the very parties against whom it was necessary that the checks which were imposed should be carried into effect. It was a question between the importer of goods and his agent and the public. It was not merely desirable that the utmost facility should be given to the trading community, but that facility must be consistent with the due collection of the revenue, and he trusted the Committee would bear that in mind.

The motion was carried, and the Committee appointed were the Treasurer, the Commissioner of Public Works, Messrs. Dunn, Owen, Reynolds, Townsend, and the mover.

RAILWAY PLANS

The COMMISSIONER OF PUBLIC WORKS stated that plans and sections relating to the extension of the railway from Section 1411, to approach more nearly to Kapunda, and over the Flagstaff range to Forresters, were on the library table. He laid upon the table plans from 1411 to Hamilton, with report of the Chief Engineer of the South Australian Railway, which was ordered to be printed, and the map lithographed.

Mr HAWKER asked when the survey from Section 112, up the valley of the Gilbert, would be completed.

The COMMISSIONER OF PUBLIC WORKS could not state without notice, as he would have to consult Mr Murray, who was proceeding with the survey in accordance with the order of the House. The greatest despatch would, he was sure, be used.

UNENUMERATED ARTICLES

The TREASURER laid on the table a return moved for by the hon. member for East Torrens (Mr Barrow), shewing the articles included in the Customs returns, under the head of "unenumerated articles."

Ordered to be printed.

MOUNT GAMBIER AND PENOLA

The COMMISSIONER OF PUBLIC WORKS laid upon the table a letter he had received from the Superintendent of Telegraphs, on the subject of telegraphic communication between Mount Gambier and Penola, also, a return, shewing the number of messages to and from Mount Gambier, between January and June, 1859.

Ordered to be printed.

APPOINTMENT OF COMMITTEES

Mr MILNE wished to ask the Speaker a question on a point of order. When the House agreed to appoint a Special Committee, he wished to know whether the Speaker took it upon himself to ring the bell in order that those hon. members who were in the library or upon the premises might attend, so that a selection might be made from as large a number of members as possible.

The SPEAKER said that if the House adopted a sessional order to that effect, he would have it done, but it was not in accordance with the Standing Orders of the House, nor was it the practice of the House of Commons.

THE EXTRA DUTY ON TOBACCO

Mr TOWNSEND wished to ask the Attorney-General a question, in consequence of a rumour out of doors, to the effect that the mercantile community had been advised that if they tendered that duty of 1s per lb on tobacco, the Government would be compelled to deliver it, or be subject to an action. The Attorney-General not having been present on the previous day when the extra duty was imposed, the House had not an opportunity of gleaming from the hon. gentleman whether tobacco could really be claimed on the lower scale of duty.

The ATTORNEY-GENERAL assumed that the House would not sanction any action on the part of Government officers for which they were not prepared to give an indemnity, he alluded to the usual form, a bill of indemnity, which would put an end to all actions which might be commenced.

RIVERTON

Mr BAGOT moved—

"That an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of making provision for the opening of a Telegraph Station at Riverton, in accordance with the prayer of a petition presented to this House on the 17th day of June."

The SPEAKER pointed out that an amount must be mentioned, and Mr BAGOT named, "not exceeding 400l." The petition was read at the request of the hon. member, who stated that the House had, in the erection of a station at Woodside and other places, recognised the principle that where a station would pay or nearly pay its expenses, it should be established. So far as Riverton was concerned, a very large quantity of land had been sold, and at least one-fourth of the land within a considerable distance of Riverton was at present in cultivation. It was a large district, thickly inhabited, and increasing in population every day. He hoped, therefore, that it would be deemed of sufficient importance to possess the advantages of telegraphic communication. With regard to the number of messages which might be expected if a station were established there he found that last month the number of letters dispatched through the

Post Office to that locality was 1,098, and 1,082 newspapers. Where such a large number of letters and newspapers were dispatched it was clear there must be a very large population, and the parties would no doubt be glad to make use of telegraphic communication. The distance between Riverton and Kapunda was about 18 miles, and the present line of telegraph passing to the north was not very far from this township. He was also informed that persons in Riverton would take the responsibility of transmitting messages on merely receiving what was received for messages for 12 or 18 months. He believed that the work would not cost anything like the amount which he named.

The COMMISSIONER OF PUBLIC WORKS would ask the hon. gentleman to withdraw the motion. Whenever he observed a notice on the paper having reference to telegraphs he placed himself in communication with the Superintendent of Telegraphs, who was perfectly willing and indeed most anxious to extend telegraphic communication where it was probable that the receipts in connection with the telegraph system of the province would be thereby increased. The Superintendent of Telegraphs reported that this work was intimately connected with the telegraph station which was proposed at Auburn, and he recommended that twelve months be allowed to elapse before the Auburn Station was established, when he should be prepared to recommend branches, the one running on one side to Riverton and the other to Watervale. These would be branches away from the main line, and could be worked much more cheaply than on the main line. He thought the House would, upon reflection, consider that it was not desirable postmasters and storekeepers should be placed on the main line of telegraph. It was, in his opinion, inadvisable to place any parties on stations on the main line except those whose duties were exclusively connected with the telegraph, and who were qualified by their intelligence and regard for secrecy for the office. Parties on the main line of course would be able to ascertain what messages were passing along the line, and to avail themselves of them, consequently he thought that those only should be employed who devoted their whole time to the pursuit. He hoped the motion would be withdrawn, believing that the hon. member would as effectively serve his constituents by so doing as by persisting in it.

Mr SHANNON could not support the proposition to withdraw the motion—the locality where a station was asked being so thickly populated as many where such advantages had been granted. He believed that the proposed station would produce a larger revenue than the majority of those which had hitherto been established. Another reason that he should be sorry to have the motion withdrawn was, that he knew many of the petitioners, and was quite sure that they would not ask that the station should be established unless they felt satisfied it would pay. Clare was unquestionably a populous place, but the intervening country between Clare and Kapunda was almost as much so.

Mr BAGOT pointed out that last session an address was presented to His Excellency, praying that a sufficient sum might be placed on the Estimates for the construction of a telegraph from Riverton to Clare by Auburn and Watervale, but it appeared now that the line was to proceed by some other way, and thus he considered was another reason that the House should agree to the present motion. He thought that postmasters might well attend to some stations, as but a small portion of their time would be required. If the Commissioner of Public Works was enabled to state that the work would positively be undertaken in 12 months, he did not see why the hon. gentleman should oppose it being done now, particularly as the House had been led to believe last session that it would be done.

Mr HAY said if a telegraph station were to be given to that part of the country, he believed that Riverton was the best site which could be selected between Kapunda and Clare. There was no point where he believed a station would pay better. He would far rather, however, that no motions of this kind were brought forward, but that it should be left to the Government to establish stations where they thought they would pay best. Seeing that the largest traffic from the Burra was by the western road, he thought that Riverton should be the first station after Kapunda.

The CHAIRMAN called attention to the fact that only 32 signatures were attached to the petition, though the hon. member who presented it had certified on the face of the petition that there were 100.

Mr BAGOT was informed there were 100.

The SPEAKER—Hon. members should be more careful, and take nothing for granted.

Mr PLAKE intimated he should support the motion, and pointed out that the hon. member for Gumeracha had rather damaged a case which he (Mr Peake) should shortly have to bring before the House. The hon. member had spoken of Riverton as having the chief traffic between the Burra and Adelaide, but if it were so there was another place which had equal considerations. It was very desirable that where telegraph stations could be given they should be, and he believed that the Postmaster at Riverton would readily be able to transmit messages after he had received a little instruction. Riverton was the centre of a considerable agricultural district and it was very natural that the residents should ask a fair share of those advantages which those situated upon the main line possessed. He trusted that the boon would not be delayed for 12 months.

Mr REYNOLDS hoped the hon member for Light would withdraw the motion, seeing that the Government were quite prepared to entertain the subject, and give telegraphic communication to Riverton. Considering the suggestions of the Superintendent of Telegraphs of considerable importance, he should prefer leaving the matter in the hands of the Government, and if the matter were pressed to a division, he should go with them on this occasion. He should like to see a more economical system of managing stations, but understanding that the attention of the Government had been directed to the matter, he would again suggest that the motion be withdrawn.

The COMMISSIONER OF PUBLIC WORKS in reference to more economical management, remarked that the master of any station on the main line would be enabled to record all messages which passed along that line, and it was therefore considered that such stations should be under the charge of parties exclusively connected with the telegraph, but branch lines might, it was thought, be placed under different management.

Mr STRANGWAYS thought the same objections existed to placing postmasters or others upon branch lines as upon the main line. If the clerk at the Adelaide Station made a signal to the clerk at the Burra, the clerk at the Gawler branch, if he were inquisitive, could record that message. He considered that the telegraphs throughout the country should be managed by parties in whom the public had implicit confidence, and who they would not object to being acquainted with the messages. He thought that instead of making the postmasters become clerks, it would be better to make the clerks become postmasters, for the position most convenient for a telegraph station would be the most convenient for a post-office. He knew nothing of Riverton, but was guided by the suggestions of the Superintendent of Telegraphs. If the House were to decide in each case where telegraph stations should be established, that district which made out apparently the best case would receive a station whilst another better entitled, but whose claims were not so strongly urged would receive none.

Mr HAWKER hoped the motion would be withdrawn, for there could be no doubt that this was a question of not merely the establishment of a telegraph station at Riverton, but at Auburn. He did not object to telegraph stations being established where there was a probability of a return, but where there was only to be one station for a certain extent of country, they must look to which would be the most convenient point. He was intimately acquainted with the country, and believed that between Kapunda and Clare Auburn was the most eligible point. In all motions which he had brought forward in reference to telegraph stations, he had first consulted the Superintendent of Telegraphs, for he had always felt it would not be right to ask a vote if the Superintendent of Telegraphs stated that he could not recommend it. He believed there was every wish on the part of the Government to give as much telegraphic communication as possible, and shortly that the line of country between Kapunda and Clare would be provided for.

Mr SHANNON hoped the motion would not be withdrawn, and contended that there could not be a more eligible site than Riverton. The distance from Kapunda to Clare was 40 or 50 miles, and he considered there should be at least one or two stations between. There were only two or three stations in all the northern country, but in all other directions almost every village had its station. The representatives of the North did not oppose those stations being erected, and he did not see why hon members should so strongly oppose anything which was asked for by the North.

Mr BAGOT regretted that he could not take the advice of the Commissioner of Public Works and withdraw the motion. He did not think the hon member who had just sat down was right in saying that the motion was strongly opposed, on the contrary, he believed that the feeling of the House was with him, and he thought it necessary to divide the House upon the question.

The motion was lost.

BOTANIC GARDENS BUILDING

Mr MILNE postponed till the following Wednesday the motion in his name relative to the erection of a building adjoining the Botanical Gardens, remarking that he was anxious to communicate with the Government in order to afford them an opportunity of determining whether they would support the proposition or not.

LEASES OF CROWN LANDS

Mr GLYDE brought forward the notice in his name—

“That he will ask the Hon the Attorney-General (Mr Hanson) whether, under the Assessment on Stock Act, a lessee of the waste lands of the Crown, after surrendering his lease, is bound to accept and sign a fresh lease, subject to the provisions of the Act, or whether, by surrendering his lease, and refusing to accept another, he can release himself from the covenants to pay rent, taxes, and rates, entered into by him as a tenant of the Crown.”

The hon member remarked that he believed some doubts were entertained upon the point out of doors, and he had heard that some gentlemen holding leases under the Crown thought this a favorable opportunity of abandoning a bad bargain.

The ATTORNEY-GENERAL said that if a surrender were accepted simply, the person surrendering would be under no obligation to accept and sign a new lease, but he presumed that no Commissioner of Crown Lands—certainly not the present occupant of that office—would accept a surrender, except as part of a bargain embracing a new lease. If the Government liked to accept a surrender, and relieve parties from their liability they could do so, but no Commissioner of Crown Lands would accept a surrender, except as part of a bargain.

Mr GLYDE asked whether he understood the Attorney-General to rule that under the third clause the surrender would not be accepted unless the person surrendering accepted a new lease, because he understood the clause to read that the Governor would accept a surrender, and might—only might—issue a new lease.

The ATTORNEY-GENERAL said the construction which he put upon it was that no person could make a surrender unless the Governor chose to accept it.

KANGAROO ISLAND

Mr BAGOT moved—

“That this House will on Friday, 1st July, resolve itself into a Committee of the whole for the purpose of considering the motion that an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum to be placed on the Estimates for the purpose of connecting Kangaroo Island with one of the existing lines of Telegraph.”

The SPEAKER having stated that an amount must be inserted.

Mr BAGOT inserted “a sum not exceeding 8,000l.” He remarked that this was merely a formal motion, his object was that the matter should be discussed in Committee, and he trusted the House would agree to it.

Mr SHANNON seconded the motion.

Mr STRANGWAYS hoped the hon member for Light would postpone going into Committee for 10 or 14 days, in order that the Commissioner of Public Works might get some information from the Superintendent of Telegraphs bearing upon the subject, and that the bottom of that portion of the ocean over which the telegraph would pass, might be examined.

Mr SOLOMON hoped the House would go into Committee, as the subject should be well ventilated.

Mr BAGOT altered the date to the 15th July, and the motion as amended was carried.

AUBURN

Mr PLAKE moved—

“That this House will on Friday, 1st July, resolve itself into a Committee of the whole for the purpose of considering the motion that an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the purpose of establishing a Telegraph Station at Auburn, on the main line from Adelaide to the Burra.”

The ATTORNEY-GENERAL asked the hon member if he thought it worth while to bring the motion forward after the expression of opinion in reference to the motion brought forward by the hon member for the Light. The Government had already stated it was part of their scheme to carry a line of telegraph through Auburn, if the results of those lines sanctioned by the House would justify such a course. He was sure the hon member would not ask the House to accede to his motion if the result of the experiments to the north showed that it would be improper. After the expressed intention of the Government and the feeling of the House, he thought it hardly worth while to bring the motion forward.

Mr PLAKE said his own feelings would have been not to have tabled the motion, because he heard the Commissioner of Public Works read the recommendation of the Superintendent of Telegraphs, but in deference to the urgent solicitation of the residents in the neighborhood of Auburn he tabled the motion a second time, but as those out-of-doors would see the policy which the Government intended to take he should desist from further action.

The motion was withdrawn.

MINERAL LEASE TO MR CHAMBERS

The COMMISSIONER OF CROWN LANDS laid upon the table copy of a mineral lease recently granted to Mr Chambers, which was ordered to be printed.

The House adjourned at 25 minutes to 4 o'clock, till 1 o'clock the following day.

THURSDAY, JUNE 30

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

POINT OF ORDER

The TREASURER wished, before the business of the day was proceeded with, to bring under the notice of the House a point of order connected with the business of the House. It would be remembered that, on the 28th instant, the House passed a resolution ordering the Treasurer and Attorney-General to prepare and alter a Bill for the purpose of increasing the duty on tobacco, but up to that time he had received no copy of the resolution, and was consequently prevented from bringing in the Bill, and having it read a first time.

He had sent to the Chief Secretary's office respecting the matter, and application had been made from that department for a copy of the resolution, but the Junior Clerk of the Assembly replied that it was not in accordance with the rules of that House in matters of this kind to forward a copy of the resolution. The hon. gentleman remarked that in consequence of the delay in receiving a copy of the resolution, he had been prevented from proceeding with the Bill.

The SPEAKER said that the hon. gentleman was under a misapprehension in reference to what had taken place. In the first place, the resolution of the House was proposed and argued by the Treasurer, who must consequently be aware of its requirements; and, secondly, as to the communication from the Chief Secretary's Office, and shown to him by the Clerk, whom he directed to reply. A private note only had been sent to the Junior Clerk of the Assembly upon the subject, and it was not in accordance with the practice of the House of Commons to direct a copy of resolutions directing a member to bring in a Bill to forward a copy of such resolutions to the Ministry.

MANSFIELD'S PATENT BILL

Mr DUFFIELD presented a petition signed by 24 persons, praying the House not to assent to Mausheld's Patent Bill, an instrument of the kind for which Mr Mansfield claimed a patent having been in operation for a considerable time. The hon. member intimated that he intended to move for the appointment of a Committee to consider the petition, he was desirous of moving that the Committee upon Mr Mansfield's Bill be reappointed, but was informed that this could not be done.

PATENT BILL

Mr BARROW asked the hon. the Attorney-General if the Government intended during the present session, to bring forward a General Patent Bill, as such a measure was referred to in His Excellency's speech upon the opening of Parliament?

The ATTORNEY-GENERAL said it was the intention of the Government to introduce such a measure, and that he had that day given instructions to send the draft of the Bill to the printer.

THE TRINITY BOARD

Mr HAY having observed that the Trinity Board had recently had two life-boats specially built for the mail and harbor service, and as the mail service was now conducted at Glenelg, was desirous of knowing whether there would be any objection to have one of the boats placed at Glenelg.

The ATTORNEY-GENERAL said the hon. member had better give notice of the question.

THE ROAD BILL

Mr TOWNSEND asked if it were the intention of the Government to introduce a new Road Bill during the present session, and if so, when would they be prepared to lay it on the table of the House?

The ATTORNEY-GENERAL said it was the intention of the Government to introduce a Bill to define the main lines of road. It had been referred to the Central Road Board, and their report had been received, consequently he thought it very likely that the schedule had been prepared by that time, in fact, he believed that the Bill was in the printer's hands, and that he should be enabled to introduce it on the following Tuesday.

MINERAL LEASES

Mr REYNOLDS called the attention of the House to a statement which appeared in the public journals to the effect, that a mineral lease had been granted to Mr Chambers of 320 acres. He wished to know whether the 320 acres were in one block, or whether there were four separate leases of 80 acres each.

The COMMISSIONER OF CROWN LANDS said the lease had been granted in one document, but it included four blocks each of 80 acres.

Mr REYNOLDS wished distinctly to understand whether there was only one lease.

The COMMISSIONER OF CROWN LANDS said there was only one document, but it stated that it conferred a lease of four blocks, each of 80 acres.

Mr REYNOLDS wished to know whether the blocks adjoined each other, or were in different districts.

The COMMISSIONER OF CROWN LANDS said the lease would shew, and it was on the table of the House.

Mr REYNOLDS asked if that was a reply to his question.

The ATTORNEY-GENERAL said they were four adjoining sections. It was of course awkward to answer questions as to the contents of a document when it was on the table of the House, and would be printed in a day or two, but he was enabled to state that the lease included four adjoining sections.

POLICE RATE BILL

The ATTORNEY-GENERAL said he had an amended copy of the Bill, but as other hon. members had not, he would postpone the consideration of the Bill till the other business had been disposed of, by which time the amended copies would possibly have arrived.

OFFENCES AGAINST PROPERTY BY LARCENY, & STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said he was not aware there was any necessity for troubling the House with many remarks. This was one of a series of Bills, five of which had received the consideration of that House. The present Bill had been introduced in the Legislative Council, and had been transmitted to the House of Assembly for its assent. He was not aware there were any matters connected with the Bill to which it was necessary to direct the attention of the House, but when in Committee he proposed making an alteration in reference to the punishment of whipping, so that this Bill might accord with others which had been passed.

The Bill was then read a second time and the House went into Committee upon it, when the ATTORNEY-GENERAL moved — That where the punishment of whipping was introduced for offenders under 18 years of age, it should be struck out, and 14 inserted.

Mr STRANGWAYS asked the ATTORNEY-GENERAL why the same course should not be pursued in reference to this Act as with the others, that is, that the portion which related to whipping in each clause should be struck out, and introduce a clause rendering any offender under the age of 14 years liable to be publicly or privately whipped.

The ATTORNEY-GENERAL remarked there was a greater variety of offences and punishments under this Act than under any others which had been passed, but perhaps it would be as well to adopt the suggestion of the hon. member, and to leave the option of whipping any class of offenders under the age of 14 years. He would, therefore, propose to make the same alteration in this as in the other Acts.

Mr GLYDE drew the attention of the Attorney-General to the clause in reference to stealing cheques. He had understood that a party could not be indicted for stealing the value actually represented by a cheque but that the indictment could merely be for stealing a piece of paper. From the wording of this clause, however, it appeared to him that it would be as criminal in the eye of the law for a man to steal a cheque for 100^s as to steal 100 sovereigns.

The ATTORNEY-GENERAL said the difficulty which had been alluded to by the hon. member had induced the Legislature to introduce a Bill upon the subject, at least his impression was that, bill applied equally to cheques as to bills of exchange. He would, however, look into the matter, but he thought hon. members would agree with him, that if this were an alteration of the law, assuming it to stand as had been suggested by the hon. member for East Lothians, it was an improvement.

Mr STRANGWAYS suggested an alteration in one of the clauses, by which it would be made punishable to take rope or any other gear from barges, boats, or shipping. He also suggested that possession of the article should be *prima facie* evidence of the offence.

The ATTORNEY-GENERAL had no objection to the first part of the proposition, to place the property belonging to ships, &c. under the same protection as goods or merchandise but he should be reluctant to alter the law in the second particular. If there were a removal it was for the Jury to say whether it was with a felonious intent or not, and he did not think it would be wise to make the law harder against the alleged offender than at present. The Jury, of course, could not draw the conclusion that the removal had taken place with a felonious intent without some evidence to lead them to that conclusion, but the only effect of the amendment proposed by the hon. member for Encounter Bay could be, that the Jury would be compelled to draw that conclusion unless the accused were prepared with evidence to rebut it.

Mr STRANGWAYS would not press the second suggestion but wished to hear from the Attorney-General whether he would make the simple act of removal from the ship, boat, or barge an offence punishable summarily by Magistrates or Local Courts. He had heard a great number of complaints from the Port, which induced him to throw out these suggestions. For instance, it was difficult to say what boatmen considered borrowing, when they wanted a oar they went and took it from another boat, with it for a moment thinking of ever consulting the owner. It was true there might not be any felonious intent, but such practices should, he considered, be put a stop to.

The ATTORNEY-GENERAL would require time to consider anything which proposed to create a new offence — new in its character. It appeared to him that if the proposition of the hon. member were adopted it would be giving power to punish a small act of trespass in contradistinction to felony. He should like time to consider the matter as a substantive question rather than in connection with this Bill, and if the hon. member would bring it under his attention separately, he should be happy to give it his best consideration.

Mr GLYDE referred to the provisions in reference to stealing from wrecks, which appeared to him to give the police oppressive powers. It appeared to him that if a person found anything upon the beach, and did not immediately give information to the police, if the police should happen to hear of it, they could come down upon him and he might be imprisoned for two years.

The ATTORNEY GENERAL said if a person found anything it was his duty to leave the article alone, or give information to the police. If a person found anything and appropriated it that was clearly stealing.

Mr STRANGWAYS drew the attention of the Attorney-General to the clause relating to factors. It appeared to him that clause gave factors great power of pledging, as it appeared that a factor was not punishable so long as the advance which he obtained was not greater than was due to himself.

The ATTORNEY-GENERAL said that formerly a factor had the power of transferring a lien on goods by a simple transfer of a bill of lading, or dock warrant, or other representative of goods. Part of the business of a factor was to make advances to his principal and to keep in funds by pledging to the extent of his advances. There was no fraud if he confined himself to pledging within those limits, but great frauds had been practised by factors to whom little or nothing was due, pledging for large sums, and the present law had been introduced to punish that, the factor being liable to punishment if he pledged to a greater extent than the amount of his loan, but he was at liberty to transfer to others the amount of his loan, or less, that is, the factor was at liberty to borrow to that extent. For instance, if the factor had made a loan to the extent of 100*l* he might pledge to that extent, because the owner could be placed in no worse position, because he could not have got his warrants, or whatever security was held from the factor until he had paid that amount. The effect of the clause was in accordance with simple justice, the factor not being liable to a criminal proceeding for having a loan transferred of the same or a smaller amount than that which he had made himself, but if he created a larger loan upon his securities then he would become punishable under this clause, which was consistent with justice and the expression of the law as it existed at the present time.

Mr MILFORD drew the attention of the Attorney-General to the clause relating to piracy, and asked if it would be well to continue the use of the term "creek" as he imagined the Admiralty had control over Genesl and Port Adelaide.

The ATTORNEY-GENERAL said "creek" would undoubtedly apply to Port Adelaide, but whether or not to Genesl, he could not say, but it applied also to a great number of places where vessels might harbor and be exposed to the same risk as on the open sea. The idea was, that if vessels were assailed in such places, the parties assailing them should be considered as pirates.

Mr STRANGWAYS thought that the expression used in the clause should be "robbery with violence," as under the wording of the clause as it at present stood, any common thief going to the Lightship, and stealing a watch, would be guilty of piracy, the Admiral having or being supposed to have jurisdiction over that quarter. He would suggest the introduction of the words "by force of arms."

The ATTORNEY GENERAL said the term robbery involved what the hon member had suggested. Robbery implied violence as contradistinguished from stealing. The wording of the clause was not "whosoever should steal," but whosoever should commit robbery.

Mr STRANGWAYS said, if that were the case, it would be better there should be an interpretation clause, for in common phraseology, if a man had his watch taken out of his pocket, he would say he had been robbed of it.

Mr BARROW thought the introduction of the word "forcibly" would meet the difficulty.

Mr COLE pointed out that the clause ran, "where the Admiral has or pretends to have jurisdiction." He was not much acquainted with legal phraseology, but that appeared to him a strange term.

The ATTORNEY-GENERAL could not give all the reasons which the original framers had for introducing the term, but there were, no doubt, strong legal reasons that such phraseology should be used. He admitted the language was not usual in Acts of Parliament, but it had no doubt, been introduced in this instance to meet a proved inconvenience.

Mr STRANGWAYS called the attention of the Attorney-General to clause 54, and asked the hon gentleman whether it would meet such an offence as that of which Mr Collison was guilty. It would be remembered that Collison escaped because the money was not actually handed to him—that is, the money was not paid to him, but he got it placed to his credit and then drew it out. If the Attorney-General thought the clause to which he had alluded did not meet such a case, he would suggest it should be so altered that it would.

The ATTORNEY-GENERAL said that he would consider the matter before the Bill was again brought under the consideration of the House.

The House resumed, the Chairman reported progress, and the consideration of the report was made an Order of the Day for the following Tuesday.

MALICIOUS OFFENCES AGAINST PROPERTY STABLE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL the report of the Committee of the whole House upon this Bill was agreed to, and the third reading was made an Order of the Day for the following Tuesday.

BOUNDARIES OF RUNS BILL

Upon the motion of the ATTORNEY-GENERAL, the report of the Committee of the whole House upon this Bill was agreed to, and the third reading was made an Order of the Day for the following Tuesday.

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL, the report of the Committee of the whole House upon this Bill was agreed to, and the third reading was made an Order of the Day for the following Tuesday.

THE ESTIMATES

The TREASURER having moved the House into Committee, stated that he proposed to go on with the salaries of the different local Boards.

Mr STRANGWAYS suggested that each paper should be considered separately, and that a motion should then be put that the House approve of the salaries detailed in such and such a paper. That course would be better than going into Committee on the Estimates, because he thought the papers were not sufficiently connected with the Estimates to warrant the House in going into Committee upon the Estimates to consider those papers, the amounts having been previously voted by the House.

The TREASURER said the Attorney-General was in the act of preparing a resolution under which these salaries might be considered.

The SPEAKER said they did not appear upon the Estimates, and that it would be necessary to give notice.

The ATTORNEY-GENERAL suggested that the papers which had been laid upon the table should be referred to a Committee of the whole House upon the Estimates, and then a resolution could be proposed to the effect that in the opinion of the House the Government should authorise the salaries in accordance with the papers which had been laid upon the table. That course would give an opportunity of discussing every item as though it appeared on the Estimates.

The TREASURER said he would take the course pointed out by the Speaker, and on the following day would give notice to consider these several papers. In the meantime he would proceed with the excesses on the different votes. If hon members would refer to Finance Paper No 3, which had been laid upon the table, they would find a comparative statement of the Estimates and actual expenditure last year, as passed at the Auditor General's Office. The total amount by which the Government appeared to have exceeded the votes was 35,702*l* 18*s* 11*d*, but he would state—and it was the more necessary, because the amount appeared large—that this amount had not actually been expended over and above the votes of the House, but the amount was composed of items which had been carried to account, and it also embraced expenditure in England to a large amount. With respect to the 3,594*l* 3*s* 9*d* excess upon Establishments, in almost every instance there were unexpended balances applicable to these services, which, however, had not been brought forward in the new Estimates. For instance, there appeared to be an excess upon the amount voted for the Legislature of 84*l* 19*s* 9*d*, but if hon members would refer, they would find there was a balance at the termination of the previous year available for this purpose of 789*l*, but as the accounts were not paid till 1858, that amount was carried to account. Then there was the item of police 603*l* 6*s* 9*d*, which item arose from the circumstance of the salaries for December having been paid in January, that is, the salaries for December, 1857 were paid in January, 1858, but he should mention that the salaries amounted to considerably more than the amount here mentioned, 603*l* 6*s* 9*d*. The item Military Volunteers, 137*l* 16*s* 11*d*, was occasioned by the expenses in firing salutes to commemorate the anniversary—the 21st year of the colony. Repairs to guns and carriages amounted to 58*l*, and cleaning arms, 26*l*, which items were included in the larger one and were indispensable. The excesses connected with Local Courts were occasioned by 13 months' salary having been paid in 1857. The estimate embraced a period of 13 months, that is, the whole expenditure of the year was carried out within the year itself. It was easy to carry out this arrangement as regarded the Courts in Adelaide, but the Courts to which these excesses related were in the districts, and there was not sufficient time to adopt a similar course in reference to them. With regard to the item Agent-General, 631*l* 19*s* 2*d*, that was only an apparent excess the sum of £1,200 having been voted, which had been carried to account. Public Works, £794 9*s* 8*d*. These excesses were incurred for the purpose of completing works which had been sanctioned by the House. The items under the head of miscellaneous were occasioned by accounts which related to services for 1857, not arising till 1858. The sum of £3,231 3*s* 9*d*, was for repayments to New South Wales and Victoria, for amounts collected from the Murray Customs Laws. With regard to the amount for compensation to lessees of land, the sum of £2,709 5*s* had been voted, which amount had been exceeded by 2,080*l*, which amount the Government were bound to pay. The House would observe a sum of upwards of 19,000*l*, under the head of immigration, paid by the Immigration Agent in England, and being part of the balance in hand at the termination of the previous year. This was in addition to the sum of 40,000*l*.

voted by the House for the purposes of immigration, but he should remark that of the 19,000*l*, 15,500*l* had accumulated in profits and interest on exchequer bills in which the agents had been in the habit of investing the amounts remitted to them. He would not ask the House to sanction the whole vote, because there was one item, 150*l*, a quarter's pension to Captain Stait which was sanctioned by Act of Parliament and there was another item, 1832*l* 9*l* 6*d*, pnyments to Gold Commissioner in Victoria, which was voted in 1858, under the head of miscellaneous, and having already been authorised by the House, it was unnecessary to take another vote for it. The sum which actually remained to be covered was 33,720*l* 6*s* 5*d*.

Mr REYNOLDS would like to ask the Treasurer a question in reference to this 84*l* 19*s* 4*d* connected with the Legislature. Was not that voted upon the Supplementary Estimates for 1858?

The TREASURER said it had not been. If it had, it would not have appeared as an item at the end of the year.

Mr SOLOMON would like to ask the Treasurer a question in reference to the 19,278 3*s* 9*d* excesses for immigration. Was that included in Council Paper 54, showing the actual cost of immigration?

Mr GLYDE wished some explanation in reference to the 631*l* 19*s* 2*d* for the Agent-General. The Hon the Treasurer had stated that it was only an apparent excess, as there was a considerable balance from 1857, but he (Mr Glyde) could not find that balance in the comparative statement. If there was a balance at the end of 1857, he apprehended it should appear in the first column.

The TREASURER said that the unexpended balance would be for 1857, and consequently would not appear in the document to which the hon member had alluded.

Mr MILNE said the most unsatisfactory part of the whole document was the last item, 19,278 3*s* 9*d*, for immigration.

The SPEAKER suggested that it would be better the items should be discussed and disposed of in the order in which they appeared upon the paper.

Mr REYNOLDS said the first item was 84*l* 19*s* 4*d* excess on the vote for the Legislature, and having voted a Supplementary Estimate for 1858 he could not see why this 84*l* 19*s* 4*d* was not then voted. He thought the hon the Treasurer would find, upon reference, that the House had already voted 75*l* out of this amount.

The ATTORNEY-GENERAL had understood the Treasurer to say that whatever sum was voted, unless actually expended within the 12 months, was not carried to account—that is that although the House authorized the expenditure, if the amount were not paid till after the 31st December it appeared as an excess. The Auditor-General would pass no accounts unless the amounts were actually paid.

Mr REYNOLDS was perfectly well aware that such was the case, and having referred the hon the Treasurer to a paper, showing that 75*l* had been voted on account of the excess upon the vote for the Legislature, asked if the 75*l*, having been voted appeared as a saving.

The TREASURER said that 75*l* were voted for the Legislative Council and 350*l* for the House of Assembly, but those sums were found insufficient at the close of the year to meet the expenses by the sum which now appeared as an excess, 84*l* 19*s* 4*d*.

Mr GLYDE asked if he was to understand there was a balance of 1,200*l* for 1858 on account of the Agent-General.

The TREASURER said there were 1,200*l* on the Estimates, which sum was voted by the House to pay for services, for which 631*l* were now charged.

Mr TOWNSEND called attention to the item for the Bailiff of the Local Court at Yankahlia and Normanville. When he recently brought the subject under the notice of the Government, the Attorney-General said that there was no person in the neighbourhood willing or able to perform the duties, which were in consequence performed by a mounted policeman. He (Mr Townsend) understood that this policeman had to go as far as Rapid Bay to serve summonses, &c., to the neglect of his duties as police-constable. He believed that many persons might be found who would be glad to perform the duties of bailiff for the ordinary fees.

The ATTORNEY-GENERAL had stated when the hon member questioned him upon the point, that he believed it was a fact that a police-constable performed the duties of bailiff, but that instructions had been issued that no police-constable should be employed or allowed to perform such duties unless the magistrate was of opinion that no suitable person could be found at the salary to perform them. He would take an early opportunity of calling the attention of the Police Magistrate to the subject, and perhaps the hon member for Onkaparinga would favor him with the names of those parties, if he knew any, who would be willing to accept the appointment.

Mr HALLETT had had some experience in such matters, and had always found policemen most useful in discharging such duties particularly where criminal informations were laid. The duty was well executed, and he should be sorry to see any alteration.

Excess on votes for public works, buildings, and improvements, 194*l* 9*s* 8*d*. Agreed to.

Miscellaneous services, 11,355*l* 13*s* 5*d*.

Mr REYNOLDS drew attention to the item 256*l* 5*s* 5*d*, expenses of exploring expedition to northern interior, and

asked if the 100*l* gratuity to Major Warburton was included.

The TREASURER said that it was not, as the amount referred to was not paid until 1859.

Mr MILNE said the House had just passed the Estimates for 1859, and asked that the item of 100*l* should be pointed out.

The TREASURER said it would not appear in the Estimates just voted, which had been voted for the half year ending 30th June.

Mr GLYDE asked how the Treasurer could tell that Major Warburton would be entitled to 100*l*, how did he come to take a vote for it?

The TREASURER said that the Government took a round sum as the probable cost of the expedition, and it was fully understood that the sum might be exceeded. The amount was spent in 1858, and in 1859 there was a further sum. An excess still remained which appeared in the supplementary estimate before the House.

The item was agreed to.

Immigration, 19,278 3*s* 9*d*.

Mr MILNE said this item was certainly the most unsatisfactory of the whole lot. It was of no use for the House to determine that only a certain amount should be expended on immigration if the Commissioners could exceed the amount by 19,000*l*. It was in the highest degree unsatisfactory. The duty of the Government was to inform the Commissioners of what amount had been voted for immigration, and to direct that they should not exceed that amount. He should certainly vote against the item.

Mr DIFFIELD thought the hon member had not understood the explanation which had been given by the Treasurer, as he understood from the hon gentleman's explanation that this amount was a balance which the Emigration Commissioners had in hand, not that it had been expended in excess of the vote of that House.

Mr HAY thought he had paid particular attention to the statement of the Treasurer, and understood the hon gentleman to say that the Commissioners expended this amount without the Government knowing anything about it, it being a balance in the Commissioners' hands, of which the Government were not aware. He would point out that in the beginning of 1857, when the present constitution came into operation, all moneys, whether derived from the land fund or the general revenue were disposable by that House, consequently that House should have been asked to assent to this expenditure before it was made. But what was the fact? The money was first expended, and then the House were asked about it. The House should have been asked in the first instance instead of being asked two years after the expenditure had been made. To his mind the whole proceeding appeared most irregular.

Mr MILNE had understood from the statement of the Treasurer that this amount was not a balance remaining unexpended, but that 15,500*l* of the amount arose from the sale of bonds (No. 100). Unless the Government authorized the Commissioners to expend the money in immigration he did not see how they could appropriate it to such a purpose. If the money had been a balance of amounts which had actually been sent home for the purposes of immigration he should have thought nothing at all about it.

Mr REYNOLDS presumed, as the House were now called upon to vote this item, that they would find it recorded somewhere as an item of saving. Perhaps the hon the Treasurer would inform the House where it would be so found, or perhaps the Commissioner of Crown Lands, with whose department the item was more immediately connected, could throw some light upon the matter. It was necessary the House should know more about it than at present.

Mr SOLOMON trusted the item would be postponed, as he was sure the House would feel that they had not yet had a satisfactory explanation respecting it, and he was afraid that the hon gentlemen on the Treasury benches were not prepared with a satisfactory explanation. He could not consent to vote 19,000*l*, even though it had been expended, till he knew by whose authority it had been expended.

The TREASURER said the great difficulty in understanding it arose from the circumstance that the Government could not ascertain the balance in the hands of the Commissioners on 31st December in each year, as the Government only got their accounts six months after the close of the year, and therefore the Estimates for 1858, now before the House embraced six months of 1857, the last six months of 1858 being left out, and the last six months of 1858 appearing in the Estimates for 1859. It was impossible on this account to make the expenditure correspond with the votes of the House. The House voted 40,000*l* for immigration for 1858, in addition to any previous balance. There was no larger amount charged against the Government than this 40,000*l*, but the Commissioners had in hand a sum of money from previous votes, and this amount, which was in fact the 19,000*l*, they had expended. If telegraphic communication could be established with England so that the precise expenditure of the Commissioners at the end of the year could be ascertained, these discrepancies would not appear.

Mr BARROW said that although the statement of the Treasurer was very satisfactory as to the reasons that the accounts of the Commissioners could not be rendered contemporaneously with our own, the real point was whether the Commissioners were authorised to expend the profits

which they had made by an investment of the funds belonging to this colony in exchequer bills (Hear, hear)

Mr STRANGWAYS apprehended the question was this—if the House voted 20,000*l* for immigration, and that amount were sent home and there were no immediate call for it, the Commissioners in consequence invested it in Exchequer bills and made a profit—would they be justified in spending the whole amount including the profit, without the special authority of that House? He thought this a very fit and proper question for the House to entertain for the future. If the House authorised the Commissioners to expend 20,000*l*, and the Commissioners by investing the money made it 21,000*l*, there was no reason whatever that the larger amount should not be expended on immigration. He apprehended that was precisely what the Commissioners had done.

Mr TOWNSEND said the amount should appear on the credit side of the account somewhere.

Mr MILNE had totally misunderstood the thing. He had understood the Treasurer to say that the amount had been derived from the sale of bonds. (No, no)

The ATTORNEY-GENERAL said hon members would remember the late hon member Captain Hart saying that he had found 15,000*l*, and the Registrar-General in reply said that he had found a mare's nest. The fact was that for some time the Commissioners, who invested remittances from the colony in Exchequer bills, had been receiving the profits, and when the sum amounted to £15,000, they devoted it to immigration.

Mr GLYDE said that to his mind the explanation of the Government was perfectly satisfactory in reference to the 15,000*l*, but he thought the head of the department should really give the House some explanation in reference to the balance, the gross amount being upwards of 19,000*l*. The hon gentleman was not treating the House with proper respect in not offering some explanation.

Mr HAY said that had it been known the Commissioners had in hand 19,000*l* for the purposes of immigration it might have very materially influenced the House in voting an amount for immigration last year. The probability was that the amount would not have been near so large. Whether 1,000*l* or 15,000*l* were realised by the remittances from the colony being placed at interest, he must still contend that the Commissioners had no right to expend the amount till that House had assented to such a course.

The TREASURER said the last speaker had stated that the Commissioners had expended the amount, without authority, but to show that they had not done so it was necessary he should go back to 1857 when the Waste Lands Act was passed. The previous Imperial Waste Lands Act declared that all balances in the hands of the Commissioners should be appropriated to immigration. In 1857, that House recommended that 60,000*l* should be expended in immigration, and the Commissioners expended not only that amount but previous balances in hand. Part of the expenditure for 1857, that is for the last six months was brought over to 1858, when the House voted 40,000*l*, but the expenditure for the last six months of 1858 were brought over to 1859. It must be apparent to the House that nothing more than the votes of the House had actually been expended. The Commissioners had only received from the colony the 60,000*l* voted in 1857, and the 40,000*l* in 1858, the rest was merely a matter of account between the Commissioners and the Auditor-General. The Treasurer had merely remitted the sums which had been voted by the House, and it was obvious that the balance between 15,000*l* and the 19,000*l*, was the balance in the hands of the Commissioners from previous transactions.

Mr RLYNOLDS saw no objection to pass the item, understanding that it was not really in excess of the votes of the House, but an accumulation of amounts voted by the House, except the 15,500*l* profits on Exchequer Bills.

The ATTORNEY-GENERAL said the Legislature had been in the habit of fixing what proportion of the land revenue should be devoted to immigration since 1857 the Home Government recognizing the authority of the Legislature to fix the amount and not a farthing had been spent by the Commissioners in excess of that amount. The sum which the House were now asked to sanction did not involve a farthing, but was merely for the purpose of enabling the Auditor-General to pass his accounts, in accordance with the regulations of the service.

Mr BARROW said that if what the Attorney General stated were correct, the matter appeared in a very satisfactory light, but there was a difficulty in believing that statement in connection with what had fallen from the Treasurer (Hear, hear). That hon gentleman had informed the House that this sum of 15,500*l* was the accumulated profit upon Exchequer Bills. Although that profit was derived from money voted by that House, still the House did not vote the profits (Hear, hear). The House voted 60,000*l* one year and 40,000*l* the next, and it appeared that upon the investment of these or some other amounts the Commissioners had made a profit of £15,500. But it did not follow that because the Commissioners were at liberty to spend £100,000 that they were justified in spending £115,500.

The ATTORNEY-GENERAL said the House having voted certain amounts for immigration, those amounts were sent to persons who had no other functions than to invest it for immigration, and the question was, whether they were

not justified, without the special vote of that House, in expending the whole amount. He thought the House would say they were.

Mr SOLOMON called attention to Council Paper No 52, by which it would be seen that at the time the House assented to a vote of 10,000*l* for the purpose of immigration for the first six months of the present year, there was a balance of 12,500*l* in the hands of the Commissioners, so that if the principle were recognised that the Commissioners were at liberty to expend any balances in their hands, instead of 10,000*l* being spent for the first half of the present year, there might be 22,500*l*.

Mr GLYDE wished to have some explanation about the balance of 4,000*l*. He could well understand the explanation which had been given in reference to the 15,000*l* profit on Exchequer Bills, but there had not been a word of explanation yet in reference to the difference, the 4,000*l*. He asked an explanation from the Government, and particularly from the Commissioner of Crown Lands. How was it that 19,200*l* had been expended, when no one could account for more than 15,500*l*?

The COMMISSIONER OF CROWN LANDS said the actual expenditure had been 55,574*l* 9*s* 2*d*, the vote of the House being only 40,000*l*. Independently of the 55,574*l* 9*s* 2*d* there was a further expenditure of 3,763*l* 14*s* 7*d*, making a gross expenditure of 59,278*l* 3*s* 9*d*. The greater portion of the balance over and above the 40,000*l* arose from profits out of Imperial funds before that House had a right to the expenditure at all and he believed that immigrants' deposits would be found to make up the balance. The only way that he could explain it was by the remark of the Auditor-General, that it was not owing to colonial expenditure, but to delay in the transmission of accounts. It was of no use to ask him for any more information. He thought the whole thing must appear perfectly clear to hon members, as it did to him.

Mr MILNE thought the explanation so lucid that the House were as wise as they were before. He must confess, however, that after the explanation of the Treasurer his views were very much altered. It appeared that the amount of 15,500*l* had been accumulating some time, and was now accounted for. He thought the House were entitled to some better explanation than they had received relative to the 4,000*l*.

The ATTORNEY-GENERAL said the Auditor-General stated that two quarters of 1857 were carried into this account instead of two quarters of 1858, and that the difference in the amounts expended during the two quarters of the different years amounted to about 4,000*l*.

Mr MILNE would like to ask the Commissioner of Crown Lands what balance was available to the Immigration Agent when he was first appointed, that is, what balance was in the hands of the Commissioners?

The COMMISSIONER OF CROWN LANDS was unable to state.

The item was agreed to, and the various other items having also been assented to, the House resumed, the Chairman reported progress, and obtained leave to sit again on the following Thursday.

OFFENCES AGAINST THE QUEEN STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that notwithstanding this was such a loyal colony it was as well that the laws relating to offences against Her Majesty should be comprised in one accessible Act, instead of having to be searched for through various statutes.

The Bill was read a second time, and the House went into Committee upon it. On the motion of the ATTORNEY-GENERAL a similar alteration was made in this Bill to that which had been made in the other Consolidation Bills the punishment of whipping being limited to offenders under 14 years of age. The hon gentleman stated, in reply to Mr SOLOMON, that it was a punishable offence to make coins resembling pence or half-pence, but if a tradesman, for the accommodation of his customers, issued copper pieces with his name on, which any one could see were not intended to resemble pence or half-pence, then he was guilty of no offence.

Mr COLE asked if such coins were a legal tender. The ATTORNEY-GENERAL said they were not, nothing was a legal tender but the coin of the realm.

Mr BARROW wished to ask the ATTORNEY-GENERAL whether the Bills which were being passed through the other branch of the Legislature embodied any provisions not included in those which had been introduced in the Assembly, also, how many Acts there would ultimately be, constituting this consolidated code, and whether the whole of what were recognized as offences in the colony, would be included in the series.

The ATTORNEY-GENERAL said it was merely for convenience that some of the Acts had been first introduced in the Assembly, and some in the Legislative Council, they were different Bills, though connected with the same branch of jurisprudence. There would be in all eight Bills, and it was intended that they should comprise the criminal law of the colony, but it was possible that might not prove to be the case, for perfection did not belong to anything human, not even to Acts of Parliament, and, therefore,

it was not proposed to repeal the others, so that if it should happen that an offence had been left out of these consolidated Acts the party committing it would not escape. He believed, and he was happy to say he had the sanction of the Chief Justice to the conclusion that these bills included the whole of the criminal law of the colony, the nature of the offence, and the punishment awarded.

Mr STRANGWAYS asked the Attorney-General whether it was his intention to consolidate the Acts relating to offences punishable before Local Courts and Justices of the Peace?

The ATTORNEY-GENERAL intended a similar consolidation with regard to those offences. It would be a smaller matter, though he should not in that case as in this have the advantage of English legislation, though he trusted to have the assistance of the Chief Justice.

The various clauses having been agreed to, the House resumed the Chairman reported progress, and the consideration of the report was made an Order of the Day for the following Tuesday.

THE NATIONAL BANK

Mr MILNE wished before the other business was proceeded with, to ask a question of the Attorney-General in reference to the National Bank Bill, as it was possible the hon gentleman might not be in his place on the following day. The House naturally looked to the opinion of the hon gentleman on legal matters as a high authority. The hon gentleman was absent on the last occasion that the Bill was brought under consideration, and lest he should be again absent when it was again brought forward, he would ask the hon gentleman to state whether there was anything in the Bill which he objected to, as there might be an impression on the minds of some hon members that there was something in the Bill to which the hon gentleman would object. He wished the hon gentleman to state whether he would obstruct the passing of the Bill.

The ATTORNEY-GENERAL said that after the second reading of the Bill he was waited upon by Mr Fenn, the solicitor to the National Bank, and went through the Bill, carefully comparing it with that which had been passed in Victoria. Mr Fenn stated that it was of considerable importance the Bill should be passed as it had been laid upon the table, in order that the laws to which the institution might be subject would be the same in the two colonies, and he (the Attorney-General) felt that unless there were some positive objection, the House should agree to it in that form. He went through the provisions in the deed of settlement, and satisfied himself that there were not any reasons why the provisions in the Act referring to the deed of settlement being the by-laws of the company should not be agreed to. He suggested one or two amendments which were agreed to, and he was prepared to support the Bill. He believed there was nothing which should prevent the Bill receiving the sanction of the House, and that there was nothing in the deed of settlement which was inconsistent with the Bill.

POLICE RATE BILL

The ATTORNEY-GENERAL said this Bill would probably involve a long discussion, and as he wished to propose other amendments than those in the amended Bill, he would move the consideration of the Bill be postponed till the following Tuesday.

Carried

MR B H BABBAGE

Mr BARROW said the Committee were not prepared with any report at present, in fact, no quorum sufficient to pass a resolution had been formed, and he did not think it worth while to ask for an extension of time after what he had already experienced, believing that he would be in no better position. He hoped it would be within the rules of the House to move that the papers and documents laid before the Committee be produced and printed.

The SPEAKER remarked that a no quorum had met the hon member was in error in naming himself as chairman.

Mr BARROW said he had been appointed in the usual way though he admitted that might not be within the strict letter of the law, but it must be well known to every hon member that the letter of the law was not in many cases observed. The fact was that the members of Committee requested him in that House to act as Chairman.

The SPEAKER said that should have been entered on the minutes, and he was desirous of calling the attention of the House to this infraction of the Standing Orders, and of the necessity of carrying them out strictly, because very few Committees had been appointed since the new Standing Orders had come into force and this was the first instance brought to his notice of the Committee's thus acting in violation of the Standing Orders. He therefore thought it his duty to bring it before the House, in order that members should be more careful in future.

The ATTORNEY-GENERAL said his experience was that at the first meeting of the Committee a Chairman was appointed, and his appointment appeared upon the minutes.

Mr STRANGWAYS said that on one or two occasions when he had been elected on Select Committees a meeting took place in the body of the House, at which it was determined who should act as Chairman. If an entry were made

upon the minutes that there was no quorum, he apprehended that destroyed the functions of the Committee. An entry on the minutes, to the effect that there was no quorum, and that the Committee adjourned to the blank day of blank was an adjournment *sine die*.

Mr BARROW asked how if there were no quorum, it could be said the Committee adjourned.

The SPEAKER said the proper course, in order not to destroy the functions of the Committee, would be to adjourn.

The SPEAKER referred the hon member to the 32nd Standing Order, which directed the Chairman to adjourn the Committee under such circumstances to some future day, just as he (the Speaker), when there was no House, adjourned the House till the following day.

The House adjourned at half-past 3 o'clock, till 1 o'clock on the following day.

FRIDAY, JULY 1

The SPEAKER took the chair at 12 minutes past 1 o'clock

THE ELECTORAL ACT

Mr STRANGWAYS moved—

“That he have leave to introduce ‘A Bill intituled an Act to amend the Electoral Act, No 12 of the 21st Victoria.’”
The amendments which he intended to propose provided for the holding of a second Revision Court. As the law at present stood, there was but one Revision Court during the year, and that was held in the month of June, but he proposed that, in addition, there should be a Revision Court held in the month of December, so that parties might send in their claims to the returning officer, and the returning officer might give the necessary notices of such application, and at the Revision Court in December the revising officer might place the claimants upon the electoral roll. It was necessary, however, that any person objecting to claimants should give an opportunity of giving notice of such objection. If the House adopted this Bill the machinery for preparing each roll would remain as at present. He proposed that the electoral roll revised in June should be the roll to have effect from the 1st January to the 30th June, and the electoral roll revised in the month of December should be the electoral roll to have effect from the 1st July to the 31st December. He had heard many complaints from parties that they were precluded from exercising the right they possessed by law, in consequence of the existing Act, but the amendments which he proposed would, he believed, remedy the objections to the existing system. He had not yet prepared the Bill, as he thought it better not to do so till he had got leave to introduce it, if he obtained leave to introduce it, he should be prepared to lay it upon the table next week. The principal alterations which he proposed were, that an additional Revision Court should be held in the month of December, and that additional facilities should be afforded to all parties who were entitled by the Constitution Act to exercise the franchise. His attention had been drawn to the matter, both by the Revising Officer, Mr Hindmarsh and the Returning Officer, Mr Lark.

Mr MILDRED seconded the motion, thinking this one of those interesting subjects which it was desirable should be brought before the House.

Mr HAY considered a great deal of money was uselessly expended by there being a new registration every year, and he trusted that the amended Bill would go the length of declaring that the list or roll now undergoing revision should be the list in existence for the next three years. That list, it should be remembered, would be the list for the new Parliament, and he thought there was no necessity, before those elections took place, that papers should be sent to all the districts in order that the names of electors might again be placed on the roll. He would sooner, however, see a Committee appointed for the purpose of preparing a Bill to amend the electoral law, as he believed much good would result from it to the country, and that the expense attendant upon an annual registration might be done away with. He fully agreed, however, that there ought to be a Court of Revision every six months, as it was well known that parties putting in their claims would not be enabled to vote for at least six months, and there were cases in which 18 months must elapse before parties would be enabled to exercise their right of voting. If Revision Courts were held every six months, he believed that a triennial registration would be sufficient.

Mr RLYNOLDS supported the introduction of a Bill though he was not prepared to say that it should be in the precise form which had been sketched out by the hon mover. One or two statements which had been made in reference to this Bill were, he thought, open to serious objection, but they would have an opportunity of seeing what the Bill was when it was in print, and might perhaps render it less objectionable. The principle of annual registration was, he thought, a very cumbersome affair, and hardly necessary, it would be much better that there should merely be a registration every three or five years. The old electoral rolls were very formidable affairs, and he feared that if the hon member's principles were carried out, they would soon have the old rolls again, but if there were a registration only every three or five years, the roll would be purified, and there would be none but *bona fide* electors instead of duplicates and triplicates. The measure should have his cordial sup-

point in those portions which he believed would prove beneficial to the colony.

Mr BARROW said the defects in the present Act were so palpable that it would be unreasonable to object to the motion of the hon member for Encounter Bay who had expressed a desire to remedy them, but he hoped it would not be necessary to have a new Electoral Act every session (Hear, hear.) He desired to have a comprehensive measure to place the Electoral Act on a more satisfactory basis. He did not know that the views of the hon member for Gumeracha, if carried out, would not accomplish that but each individual member had his peculiar views as regarded the electoral system, and would seek to embody only his own views in the Bill. If, however, the Bill were brought in by a Committee, they would have different shades of opinion which they could scarcely look for if brought in by one individual (Hear, hear.) He thought that a new Electoral Act should emanate from the Government, as, next to the Constitution Act, an Electoral Act was of the highest importance. If the existing Act were as defective as it was said to be, it was the duty of the Government to prepare and bring in a new Electoral Act, but if the Government did not, he thought the House were indebted to any hon member who would undertake the task himself. He (Mr Barrow) entertained opinions in reference to an Electoral Act which were perhaps not generally shared in. He thought the Government should compile the electoral lists, and not leave it to parties to do voluntarily. They professed to adopt universal suffrage, and he believed that the more that principle were adopted the more conservative they would be. Universal suffrage properly carried out was a conservative system. He should like to see the rolls prepared by the Government and then submitted to a Court of Revision. He would prefer that a Committee should be appointed to prepare the Bill, but if that course were not adopted he should support the motion of the hon member for Encounter Bay.

The COMMISSIONER of PUBLIC WORKS would prefer that a Committee should be appointed, but if that course were not adopted he should support the motion of the hon member for Encounter Bay. They had had a great many electoral Acts and almost every hon member appeared to have his peculiar views as to what an Electoral Act should be. Two things should be kept in view, the Act must be in accordance with the Constitution Act, and an eye must be kept upon the expenditure under it. The expenses under the present system were not as much as they were under the old, but at the same time he should be glad to discuss the question of reducing the expenses still lower if it could be done. All had been done that was necessary to provide the rolls for the general election and he was of opinion that a good deal of experience might be derived from those elections. The new Parliament might be as dissatisfied with the new Bill as the House were with the Act which they passed a few sessions ago, and desire to bring in a new Bill. His own views were that it was desirable to derive experience from the general elections believing that the expenses had been reduced almost as low as they could be.

Mr DUFFON should support the motion of the hon member for Encounter Bay, for, as it was generally admitted improvements could be made in the Electoral Act, it would only be courteous to the hon member who had prepared a Bill for that purpose, that he should be permitted to introduce it, and if it did not embody the views entertained by the House generally, it could then be referred to a Select Committee.

Mr PEAKE did not rise to oppose the motion, but rather to support it, as he understood there would be no objection to refer the matter to a Select Committee. If a Committee were appointed, he believed there might be useful legislation upon the subject during the present session. He intended, therefore, before he sat down, to move that a Select Committee be appointed to prepare a Bill. It had always appeared to him that they had from the beginning expended a good deal of money unwisely in preparing the electoral rolls, as there was machinery ready to hand by which, with very little additional cost these rolls could be effectually prepared. The Commissioner of Public Works had expressed an opinion that the present system had reduced the expenses to a minimum, but all he could say was that he hoped not. He believed that if the Government were to adopt the District Councils' assessment roll and the Corporate Towns' assessment roll, making those the groundwork of the electoral roll of the province, and empower magistrates in petty sessions assembled to open a supplementary electoral roll, the expenses of preparing the roll would then be reduced very considerably below what was at present the amount. He hoped that plan would be canvassed amongst others if a Committee were appointed, being quite sure that it would save a large sum. He had just ascertained that another hon member intended to move the appointment of a special Committee, and he (Mr Peake) would therefore refrain from doing so.

The TREASURER said that if the question were put he should support it, though he would rather see it withdrawn. He thought that substantial reasons had been given by the Commissioner of Public Works why they should not proceed with an amended Electoral Act during the present session. It would tend to create confusion in the country if an attempt were made to have another electoral roll made out

to the utmost extent to which he thought they should go during the present session would be to ascertain by a Committee what amendments it would be safe to introduce in the electoral system, either as a guide for the future Parliament, than as the groundwork of action for the present Legislature. Almost every hon member who had spoken upon the subject had thrown out useful suggestions and perhaps the Committee would find their work easier for these suggestions. He should therefore, add one or two of his own. The great objection to the present system appeared to be the annual registration, which prevented electors from voting sometimes for a period of 18 months from the date of application. He thought that a man once on the roll should always be on the roll, unless he changed his district. The Constitution Act stated that there must be a six months' residence in a district to constitute the requisite qualification for a voter, and he thought the Electoral Act should provide that a voter once on the roll should remain there unless they changed their district. He thought it should also provide that there should be Revision Courts once in three months, so that parties might obtain the means of having their names placed on the roll. With respect to revising the roll, it became imperative in consequence of deaths and the disqualification of parties from various causes that there should be a revision say once in every three or five years, perhaps the better plan would be to revise it shortly before the election, not that persons should be obliged to re-register, but the revision should be merely as regarded those who were no longer qualified to exercise the franchise. He hoped that any action which was taken in the matter would merely be recommendatory to the future Parliament.

Mr HAWKINS rose for the purpose of proposing as an amendment that a Special Committee be appointed for the purpose of preparing a Bill to amend the Electoral Act (Hear, hear.) He thought this was a matter which should be attended to before the next election. There were some great defects in the Act, and if a Select Committee were appointed no doubt other points would commend themselves independently of those alluded to by the hon member for Encounter Bay. He believed that one important point was the revision of the electoral districts themselves (Hear, hear.) At present large portions were virtually disfranchised from the way in which they were connected with remote parts. Several other points might also be brought forward with advantage. He begged to propose that the following Committee be appointed to prepare a Bill—Messrs Hanson, Strangways, Barrow, Milne, Hawke, and Hays.

Mr BAGOT seconded the amendment, and expressed a hope that the Committee would go to work vigorously and do something to remove the present absurd state of the electoral law. Such an enormously expensive system did not appear to anyone else (Oh, oh.) If hon members who cried "oh, oh!" would see how the electoral law was worked in other places they would see that the present system was a very expensive one. The Committee he was sure would have no difficulty in recommending one much less expensive, the present system being not only expensive to the country but to the voters in getting their names on the rolls. It had always struck him that it would be much better, when once an elector was on the roll, that he should remain there so long as he remained in the district. Some document should be given to the elector which would hold good so long as he remained in the district. It could not see the advantage of compelling a person to register more than once so long as he remained in the district. If the name were allowed to remain, it would save all difficulty and trouble in connection with the electoral roll, because if, as in other places, a certificate was given to the voter, to the effect that he was registered for voting at a particular voting-place, so long as he resided in the district, why should not the production of that certificate be sufficient to entitle him to vote? Some difficulty might arise in reference to personation, but this might be got over by attaching a heavy penalty to the offence, and giving any person the power of proceeding against the offender to recover the penalty. If that were the case, there would be very few personations, and by the system which he had suggested, the whole machinery in connection with the electoral roll might be done away with. He also thought that persons should be permitted to register at every Court of Full Jurisdiction, as such a system would give many persons votes who were now prevented from registering. It would also obviate the necessity of hanging up the rolls in various places, and there could be no better authority to see that parties were entitled to vote, than Local Courts of Full Jurisdiction. All that would be required would be, that the applications or claims should be placed in some conspicuous place. The object should be to give every facility to parties to come forward and get registered, not to throw obstacles in their way. For there could be no doubt that in an attempt to obtain purity in the electoral roll, a great many obstacles had been thrown in the way of electors. The present system compelled a man to register, but not to vote. That was a point which he thought the Committee might well consider—the circumstance of a man being compelled under a penalty to register, but not to vote. Where was the use of a registration if, after a man had registered, he might do what he liked with his vote afterwards, record it or not as he pleased. He believed that during the present session great

good might be effected by the appointment of a Committee to consider the subject.

Mr TOWNSEND pointed out the evils which had been felt from parties having entered their claims at the last moment. He believed the Commissioner of Public Works, when Returning Officer for West Torrens, knew something of this system. Other hon members might know of particular sections belonging to a person being cut up so as to qualify 50 or 60 voters, who recorded their votes for the owner of the section, who was a candidate. There was a great evil in allowing parties to make their claims just previously to the election. In England every overseer of a parish had to put on the electoral rolls the persons qualified to vote. It was the duty of the overseers to ascertain who were qualified, and to put them on the roll, not leaving it to the parties themselves. Here he thought the clerks of the various Municipalities and District Councils should undertake that task. In reference to what had fallen from the hon member for Light, relative to a person once on the roll being always on the roll, he remembered once at an election for West Adelaide that out of 2,500 claimants 800 had left the colony, and the expense of purging these claims was far greater than collecting the roll year by year. At the same time he thought it was an evil to compel parties who were conscious they were on the electoral roll to re-claim. The reason that many last year did not send in their claims was that they knew they were on the roll, and thought they would remain on.

Mr BAGOT said he intended to say that he thought the electoral roll should be purified once every five or seven years.

Mr STRANGWAYS had no objection to the amendment. He was sure he would have had no difficulty in giving effect to his principal object, which was to afford parties entitled to vote facilities for placing their name upon the roll, but if a system were to be adopted almost entirely changing the present Electoral Act, that would be a considerable undertaking, requiring considerable knowledge, not only as to the theory, but the practice also of the Act, and he believed the best mode of obtaining valuable views upon the subject would be by the appointment of a Select Committee, and he was quite prepared to accede to the amendment of the hon member for Victoria.

Mr Hawker's amendment was carried.

WATER SUPPLY.

Mr REYNOLDS moved—

"That the following papers and returns be laid on the table of the House, connected with the Water Supply of the City of Adelaide—

I Copies of all Reports made by the present Engineer to the Water works (Mr England), relative to the weir at the Torrens Gorge, the storage reservoir, or any alterations proposed by him to the original plans contemplated when the Adelaide Water Supply Bill was introduced in 1855-6.

II The difference of level between the point of supply of the water in the Torrens Gorge and the bottom of the storage reservoir.

III The difference of level between the same point and the highest and lowest points to be supplied in North and South Adelaide, respectively.

IV The greatest depth of water in storage reservoir when full.

V The area of the storage reservoir, and its capacity in gallons, at depths of 5, 10, 15, 20, 25, and 30 feet, above the bottom of the reservoir.

VI What is the average quantity of water intended to be supplied to each inhabitant of Adelaide under the provision of the Bill?

VII The time required to fill the storage reservoir to the depths of 5, 10, 15, 20, 25, and 30 feet, above the bottom level—first, on the supposition that no water is being drawn off to supply the town, and second, on the assumption that the usual water supply is going on the population of the town being taken at 20,000 and 40,000 respectively.

VIII At what dates have the water supply flowing through the Torrens Gorge been taken, what was the daily supply on the days when the river was thus gauged, and how far is this quantity sufficient for the supply of the City of Adelaide, with a population of 20,000 and 40,000 inhabitants on the basis of supply per head contemplated under Act No 5?

IX Will it be necessary to construct further storage reservoirs above the Torrens Gorge, to obviate the danger of a short supply for a population of 20,000 or 40,000, and if so, to what extent and where it is proposed to construct such reservoirs, and the probable cost of the same?

X The size of the main, and the velocity of the water in it, at its first junction with the distributing pipes in North and South Adelaide, respectively.

XI The height to which a $\frac{3}{4}$ inch jet can be thrown in King William-street, opposite the Bank of Australasia, in case of fire, and the quantity in gallons per minute.

He thought the information which he desired would be found very desirable to many hon members. Reports had been furnished by the Engineer, which he wished to be laid upon the table. The previous engineer made serious blunders in the construction of the river weir, which involved considerable expense. It was desirable that the report of the present Engineer should be before the House, and also, information upon any other matters connected with the ques-

tion of water supply. He believed there were some plans in connection with these works before the Legislature but they had been removed, and were not now in the possession of the House, and members were in ignorance as to what were the original plans. The information which he asked for would be of considerable service, and although hon members could not obtain it without immense trouble he presumed the Government would have no difficulty in affording it.

Mr TOWNSEND seconded the motion.

The COMMISSIONER OF PUBLIC WORKS would offer no opposition, and would lay the information on the table of the House as soon as possible. With regard to the original plans alluded to by the hon member for the Sturt, he would remind the hon member that copies of all these plans were at the office of the Surveyor-General and were open to inspection.

The motion was carried.

CUSTOMS

Mr REYNOLDS moved—

"That a return be laid on the table of this House of all seizures prosecuted under the Customs Act of 1854, since the passing of the same, showing the name of the officer prosecuting in each case, the amount of fines levied in each case, and the proportions paid to the respective officers seizing or prosecuting, together with the amount of law expenses paid in each case and to whom, also, copies of any regulations now in force for instruction and guidance of officers with regard to seizures and forfeitures, by whom such regulations were framed, and by what authority."

He was given to understand that the officers who actually made the seizures under the Customs Act had but a small portion of the fine and that the lion's share went to the head of the department, who had no trouble in the matter but to receive the money. There were certain legal expenses, and all these, as he understood, were delayed by the junior officer, who received, as he had already stated, but a small share of the fine. It was very desirable to know whether such was the case.

The TREASURER had no objection to produce the returns, and should not have said anything had it not been for the extraordinary statement of the hon member for the Sturt in saying that the junior officer paid the legal expenses and got the smallest portion of the penalty. It was certainly an exaggeration, and he could only say that it bore on the face of it manifest absurdity. It was true the law charges were borne by the parties who had to reap the benefit, and were charged against the gross penalty, where there was any. The balance was divided in proportions between the various officers. Whether the proportion received by one set of officers was too much was for the House to judge.

Mr REYNOLDS would be very happy to acknowledge his error, should it prove to be one, but he could only say that he had been informed as he had stated. As the Government offered no objection to the returns, he should offer no further remarks.

The motion was carried.

LEASES TO MR CHAMBERS

Mr STRANGWAYS put the question of which he had given notice—

"That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Neales) by whose advice and under whose authority, the lease of 320 acres of mineral land (a copy of which lease has been laid on the table of this House) was granted."

The COMMISSIONER OF CROWN LANDS replied that it was upon his authority, and that had there been any delay in issuing the lease it would have operated most injuriously to the public interest, as it would probably have prevented English capitalists from investing their capital in the development of mineral resources in the North. He had merely acted on a precedent established by his immediate predecessor.

Mr DUTTON moved—

"That there be laid on the table of this House copies of all correspondence which has taken place between the Hon the Commissioner of Crown Lands and the Hon the Surveyor-General, or any other parties, on the subject of the mineral leases lately granted to Mr Chambers."

The hon member said the mineral discoveries which have been made in the northern portion of the colony during the last eighteen months or two years are sufficiently well-known to every one in this colony to obviate the necessity of any detailed description. Amongst these discoveries the stands preeminent in point of presumed value, the copper deposits, known familiarly as Chamber's Mine. The mineral lease of this valuable property has lately been issued to Mr Chambers and he (Mr Dutton) felt it his duty to bring the subject before the House, and therefore, asked the House to order certain papers to be laid on the table, which would embrace all the necessary information, and place the House in possession of the facts of the case. It appears from the copy of the lease which had been laid on the table of the House, that the term is for fourteen years, renewable for fourteen years longer at a fixed fine of 1*l* per acre. Mr Chambers has, therefore, obtained a lease for 28 years on paying 320*l* at the end of the first fourteen years. He (Mr Dutton) contended, in the first place, that it was prejudicial to

the best interest of the colony to grant such a lease—(hear, hear)—and he would also presently show that this lease was granted not in accordance with the law (Hear.) The value of Mr Chambers's mine is reported to be very great—common rumour assigns a value of many thousand pounds to it even in its present undeveloped state, and it is well known that parties have lately proceeded to England for the express purpose of selling the lease of the property there at a very high figure—the asking price to be paid to Mr Chambers being stated to be 50,000*l*. Now if a 14 years' lease of the property is thought to be worth so large a sum of money now, it stands to reason that after the property has been developed during the first term of 14 years, a renewal of the lease for a further term of 14 years, must of necessity, be also worth a very large sum of money, and as the value of the property is well-known to every one in the colony, it does not appear incredible that the Commissioner of Crown Lands should have authorised any covenant for renewal to be inserted in the lease at the ridiculously low sum of 1*l* per acre (Hear, hear.) The revenue of the country, therefore, will lose the value of whatever sum might have been obtained at the end of the first 14 years, on a fair consideration of the value of the mine, by persons to be appointed by the Government, according to the existing regulations. He might incidentally mention that he has been informed that for another mineral field property, not to be compared in the richness of the known lode of copper, to Chambers's mine, which the proprietors are trying to lease in England to a company, the fine for renewal is fixed at 5,000*l*, thus showing that private individuals consider a renewal of a mineral lease as being of considerable value. He (Mr Dutton) taking an excusable interest in the Crown Lands department, felt a natural curiosity, so soon as it became known that Chambers's lease had been granted, to know whether there was any, and what truth, in the rumours which were being brot about as to the terms on which the lease had been granted, and he must say, that he was astonished beyond measure when he saw by the copy of the lease which was laid on the table of the House, that those rumours were founded on fact. He (Mr Dutton) was now in a position to inform the House that Chambers's lease is made out on a wrong form and not on the form which was prepared before he (Mr Dutton) left office, in accordance with the regulation as required by law. The lease in question is made out on a form of lease prepared some time ago by the Crown Solicitor, but which he, not having been approved of, was ordered to be set aside and not used, and a new form was prepared in accordance with the regulation. Through some inadvertence in the Surveyor-General's office, when these leases are prepared, Bosance's and Barclay's leases were made out on the wrong form and the renewal fine filled in at 1*l* per acre, but he (Mr Dutton) believed it was done without Major Freeling's knowledge, and he could emphatically declare that he (Mr Dutton) was never consulted about it, and never authorised it. The papers he asked for, he believed, would show how it came to pass that in spite of the positive instructions he (Mr Dutton) left in the department, that this incorrect form of lease should not be used, Mr Chambers's lease was still made out on the condemned form, and with such an inadequate renewal fine. He (Mr Dutton) felt confident it would appear that the Hon Major Freeling did not prepare Chambers's lease in the shape in which it had been issued, except under special orders that he was to do so. Referring to this incorrect form of lease, as soon as he (Mr Dutton) ascertained that two leases had been granted—the one to Bosance and one to Barclay—he instituted enquiries in the Surveyor-General's office whether any more leases were ready to be issued, made out in the same form. He found that another lease was ready, namely, the lease for that mineral block known as the Appellina mine—a lode of copper said to equal in richness even the Buria mine. He (Mr Dutton) sent his secretary for the lease and its counterpart, and in his presence wrote across each in large letters, "cancelled," so that there should be no mistake about it. This fact will prove to the House that he (Mr Dutton) was quite alive on the subject, and had he remained in office this lease to Chambers, or any others like it, would never have been authorised by him. It is now necessary to consider the matter of the right of renewal in connexion with the Waste Lands Act of 1857 and the Regulations founded on that Act framed by him (Mr Dutton) and published according to law last January. The Waste Lands Act of 1857 says on this point "there shall be a right of renewal for a further period of 14 years by payment of a fine of not less than 1*l* per acre subject to such regulations for the granting of such leases and for the working and resumption of the same as may be made from time to time in that respect by the Governor with the advice and consent of the Executive Council and published in the *Government Gazette*." And the regulations published last January further defined the point by saying "that the lessee shall have a right of renewal, by making application 12 months before the expiration of the first term of fourteen years, for a further term of 14 years, subject to the same covenants, on payment of such a sum of money by way of fine (not being less than 5*l* per acre) as shall be determined upon by the Government, or by some persons appointed by the Government, to consider the question of such fine, and to fix the amount thereof." This covenant, as well as the other points provided by the regulations, are duly embodied in

the form of lease, which was ready printed before he (Mr Dutton) left office, every precaution was taken to secure the public interests; and he was, therefore, curious to know why this form of lease had not been used. The very fact of its being provided that the application for the renewal shall be made 12 months before the expiration of the first term shows that the Government had in view, that the renewal for a further term was a matter of great importance to the public, and ample time was therefore provided for maturely considering on what terms that renewal should be granted. Neither the leases to Bosance and Barclay, nor the lease to Chambers and Fincke, are in accordance with the provisions of the Waste Lands Act of 1857, and the regulations framed by authority of that Act. He (Mr Dutton) believed therefore that these leases are illegal—(hear, hear)—and that the parties interested should, without loss of time, apply to the Government to have them exchanged. Supposing now, that these three leases are held to be valid, then the question arises what is to be done with all the other mineral leases which still have to be issued, the lease for that valuable mine the Appellina amongst others. If these leases are confirmed you must grant all other applicants leases on the same terms, and the revenue of the country will lose untold numbers of thousands of pounds sterling (Hear, hear.) Altogether this subject was one of such great importance to this country that he hoped the House would consider him justified in laying the facts before them. He (Mr Dutton) would much rather some one else had brought the matter forward, seeing how much the present Commissioner of Crown Lands, his (Mr Dutton's) successor in this office, was compromised by it, but no other member of this House could be cognizant of the necessary details, as he was, and the production of the papers would complete the desired information, and enable the House to take such other steps in the matter as they may deem necessary under the circumstances.

MR STRANGWAYS seconded the motion.

THE COMMISSIONER OF CROWN LANDS said he could have no possible objection to produce the remainder of the correspondence relative to the case (Hear, hear.) He presumed it would be the same thing if he had. No doubt a blunder had been committed, but the effect would be very different to what the hon member thought. When the correspondence was before the House he thought he should be able to show that the policy of forfeiting the leases which had been spoken of would be one of the most damning that could ever be acted on.

MR STRANGWAYS would like to hear some explanation in reference to the answer to the previous question given by the Commissioner of Crown Lands. He had the hon gentleman's written statement, which concluded with the words "immediate predecessor without consulting." Who did it mean without consulting?

THE COMMISSIONER OF CROWN LANDS said the words "without consulting" were struck out, his answer terminated with the word predecessor.

MR STRANGWAYS called attention to one or two other matters in the lease, which would no doubt be fully considered, and the result he dared say would be somewhat similar to that of the great Babbage expedition. He believed when the House were in possession of the whole circumstances of the case, they would come to the conclusion that if, as they had been informed by the Commissioner of Crown Lands, he could do much better than his predecessor—(hear, hear) from the Commissioner of Crown Lands) the satisfaction was entirely on the part of the hon gentleman himself (Hear, hear, from the Commissioner of Crown Lands.) That hon gentleman accepted office early in June, the lease now under discussion was granted on the 17th and on the 18th it was taken to England for sale. If that lease had been in accordance with the Waste Lands Act it would have been worth very much less in the London market than in its present form. The hon gentleman, the Commissioner of Crown Lands, had told them that he had accepted office for the purpose of making an alteration in reference to the issue of mineral leases, and this was a specimen (Laughter.) He hoped the House would take steps to prevent the Commissioner of Crown Lands dabbling in mineral speculations.

THE COMMISSIONER OF CROWN LANDS rose to order. If the hon member intended to insinuate that he (the Commissioner of Crown Lands) had been dabbling in mineral speculations, he gave the insinuation an emphatic denial. He had not the slightest interest in the lease granted to Messrs Chambers and Fincke, and should take care to keep clear of any interest in such speculations so long as he remained in office, whether it was for a week or a fortnight.

MR STRANGWAYS said that he was satisfied with the emphatic denial of the hon gentleman, but at the same time that did not affect the question that he had materially assisted others to dabble in mineral speculations. It was provided by the Waste Lands Act that no mineral leases should be issued for any larger portion than 80 acres, but in this case a lease had been issued for 320 acres. One of the provisions of the Waste Lands Act was that at least four men should be employed under every lease, and if there had been four different leases in this case, four men must have been employed upon every 80 acres, but as it was, only four men could be employed upon the whole 320 acres. The intention of the Legislature clearly was that no mine under the authority of the Waste Lands Act should contain more than 80

acres and to prevent parties from taking a mine and refusing to work it, but it would be seen that by the course which had been adopted, the lessee had gained considerable advantages. An immense sum had been offered in the colony, and refused, for the privilege of working this mine, and the House could come to no other conclusion than that the effect of granting this lease would be to deprive the colony of a valuable reversion. A renewal was granted by this lease at the ridiculously low sum of 320*l*, it being assessed by the Commissioner of Crown Lands at that amount, in defiance of the regulations. No doubt, if assessed as provided by the regulations, thousands would have had to be paid for the renewal at the end of the 14 years. But the Commissioner of Crown Lands did not care about thousands so long as English capitalists were induced to send their capital here. The hon. gentleman, in order to secure that, thought he was fully justified in making a direct sacrifice. He believed that in the north there were mines equal to the Burra Burra, and if the Burra had been held under a lease from the Crown it would have had to be valued at the termination of 14 years. He would leave it to hon. members who were acquainted with the value of Burras to say what amount would have to be paid into the Treasury. The mine leased to Mr. Chambers might prove as valuable as the Burra, yet at the termination of 14 years a renewal was granted for the ridiculous sum of 320*l* and 10*s* an acre. He did not, however, hesitate to say that the lease was null and void, that it was not worth the paper on which it was written, but still, he regretted that the Commissioner of Crown Lands had acted so illegally and injudiciously in the matter. The hon. gentleman admitted that he had acted thus hastily to enable the lease to be sent home by the last overland mail, but he would ask, when an account of this transaction reached England, whether it was not calculated to operate most prejudicially to the colony, and deter capitalists from investing. The disadvantages resulting from the course which had been pursued would be great, but these would have been overcome had the lease been issued in accordance with the Waste Lands regulations.

Mr. PEAKE would not go fully into the matter as there would be another opportunity of doing so. He believed the lease which had been issued was perfectly illegal. He had heard with great pain and regret the admissions made not only by the late but the present Commissioner of Crown Lands that such a lease as that which had been granted should have been permitted to exist. When it was discovered that the forms were wrong why were not the whole of them put in the fire? He could not exonerate the late Commissioner of Crown Lands, it showed great inadvertence on the part of that hon. member, and showed great want of care in the management of his office, in allowing such forms to remain about, which might have been inadvertently used at any moment. He believed that the country would suffer by this commentary, and that there would be a delay in forming a company to work the mines. It was greatly to be deplored that such a commentary as had been heard that day should have been necessary.

Mr. REYNOLDS regretted that there should be any discussion on this motion, because all the discussion would have to take place again when the papers were laid before the House. The House had the admission of the Commissioner of Crown Lands that a blunder had taken place, and he must say that a most unpardonable blunder it was on the part of the hon. gentleman because he believed that the very clause of the regulations which this lease violated had been framed by the hon. gentleman himself, and provision made for the renewing of leases. Consequently he repeated that this blunder of the Commissioner of Crown Lands was unpardonable. Did it follow because the hon. gentleman's predecessor in office had done so and so, that the hon. gentleman should follow his example? Certainly not, particularly as the House had been informed by the hon. gentleman that no one was more fit than he for the office of Commissioner of Crown Lands. The House, indeed, had heard that more than once during the present session but notwithstanding that, he (Mr. Reynolds) thought it possible that some one might be found to discharge the duties of the office better than the hon. gentleman. If none could be found, it would be a bad look out for South Australia. He believed that a good deal of what had occurred might be attributed to the dilatory conduct of the Government in not having sooner framed regulations under the Act of 1857, the fact being that those regulations were not issued till 1859, a period of 12 or 15 months being permitted to elapse between the passing of the Act and the framing of the regulations. The House had been a sure that the leases to Bosance and Barclay had been issued without the knowledge of the Commissioner of Crown Lands, but he should like to ask what was done with the gentlemen who allowed them to be issued?—were they allowed to remain in office after committing that blunder? But the House could not lay the blame on clerks, they must blame the head of the department, and if censure were to be passed upon the occupant of the office it must be upon the whole Government. The question was then, should they pass a vote of censure after the farce which had recently taken place? At all events he trusted that the hon. member for Encounter Bay would never again be placed in such a position as it was that gentleman's peculiar

way of entering into negotiations which led to the result which had ensued. He should not be prepared to support a vote of censure beyond what he had stated till the whole circumstances were before the House. The hon. the Commissioner of Crown Lands had hinted at the possibility of being out of office in a week or a fortnight, but those hon. members who had promised the Government general support would doubtless support the Commissioner of Crown Lands. He felt no hesitation in saying that the leases granted to Bosance and Barclay were as illegal as that to Chambers and Fincke, but the House would be better able to judge when in possession of the whole of the information connected with the cases. He trusted, however, that under any circumstances the House would not again enact the farce which it enacted a short time ago.

Mr. DUTTON, in reply, said that as to the charge brought by the hon. member for Sturt against the Government, that great delay had taken place in issuing the regulations, he would say that such was not the case. The Waste Lands Act was passed in November, 1857, and so early as January, 1858, whilst the House was still in session, he (Mr. Dutton) addressed a communication to the head of the Government embodying his views as to what those regulations should be, and as leases were not required to be issued for 16 months after the first application, time was taken for a very careful consideration of the regulations. Then as to the censure which the hon. member for Sturt said should also rest upon him (Mr. Dutton) in allowing the issue of the leases to Bosance and Barclay, he (Mr. Dutton) was willing to take his share of the blame. He freely admitted that he ought to have discovered the error that had occurred, but he had the satisfaction of knowing that whilst taking that blame upon himself he was also the means of saving untold thousands to the country.

Mr. TOWNSEND asked the Commissioner of Crown Lands whether he granted the lease to Chambers and Fincke without consulting his colleagues?

The COMMISSIONER OF CROWN LANDS said there was no time for doing so. The applications were made on the day that the mail started, and the forms were sent to him, and he immediately sent them on for the Governor's signature.

The motion was carried.

MANSFIELD'S PATENT BILL

Mr. BARROW, in moving that Mansfield's Patent Bill be read a second time, said that a Select Committee was appointed a short time ago to consider the preamble of the Bill, and that Committee had reported favorably. In pursuance of the approval of the Bill by the Committee, he now moved its second reading. It must be obvious, that if a machine or instrument had been invented to obviate the costly process of digging up stumps and pulling up trees, preparing the ground for the operation of the agriculturist, it was a great boon to the colony, and would be most invaluable in facilitating farming operations. The Committee had had submitted to them specifications and drawings explanatory of the machine and the Committee were perfectly satisfied with what had been laid before them. But he might remark that this was not an untried machine, as it had been in operation in New South Wales, Victoria, and Tasmania. Last year a trial of the instrument took place in the presence of the Governor of Victoria, and the Melbourne *Advertiser* stated that His Excellency was thoroughly satisfied. On the 23rd February last the inventor received a gold medal from the Mornington branch, and on the 16th March a gold medal from the Gisborne branch, of the Port Phillip Farmers' Society. Many practical agriculturists in the neighboring colony had availed themselves of this invention, and it was to a considerable extent used there. He was aware that a petition had been presented against it on the ground that an implement of a similar character was already in use in the province, and he need hardly say that he would rather see a South Australian reap the advantages of such an invention. Still, as the Bill had been introduced, he was sure the House would give the applicant fair play. At least a month before this patent was applied for, advertisements were inserted in the public journals and the *Government Gazette* by Mr. Mansfield, stating that he was about to apply to secure a patent, but no caveat was lodged—no intimation there was such an instrument in use here—no intimation had appeared in the public press of such an instrument having been in use in the colony. It would be found by the Standing Order 307 that every petitioner should distinctly state his grounds of opposition before the Select Committee, but as that Committee had presented its report he presumed it would be utterly impossible to carry out the 307th Standing Order. The petition could not be referred to the Select Committee upon the Bill, because that Committee had fulfilled its mission, and was no longer in existence. But there was a proviso in the Bill which rendered quite unnecessary the course of action which had been taken by the hon. member (Mr. Duffield), inasmuch as it was distinctly provided that if it should appear that the invention was not new, or that a similar machine or instrument had been used within the province of South Australia, then the permission to Mr. Mansfield became inoperative.

Mr. DUFFIELD would call the attention of the House to the petition which the hon. member for East Torrens had alluded to, and which, he regretted, had not been forwarded

to him in sufficient time to lay before the Committee upon Mansfield's Patent Bill. Even if the House granted the Bill, he did not think it would much affect the matter, as the petitioner's stated that the instrument invented by Mr. Martin was at work in the vicinity of Gawler, and performed its work well. The Bill, he thought, could not interfere with that instrument, but still he thought the House would do well to consider the petition. He moved, as an amendment, that the second reading of the Bill be postponed until the petition had been enquired into.

Mr. GLYDE seconded the amendment, thinking it only fair, if Mr. Martin had any claims, that they should be considered, and that he should have the benefit of his invention. It would not be acting fairly for the House to allow a stranger to come from Victoria and deprive him of the benefits.

Mr. TOWNSEND should support the amendment, because Mr. Martin did not seek any exclusive claim, and a number of persons competent to judge, who had seen the machine in operation, stated that it worked well.

Mr. STRANGWAYS said that any hon. member who would read the third clause would see that the Bill was absolutely null and void, as it would be impossible for any patentee to maintain an action for an infringement of his patent. He was quite satisfied it would be absolutely impossible under that clause to maintain any action, consequently Mr. Mansfield would have no greater security than at present.

Mr. PEAKE did not believe the invention was a novelty, and should be reluctant to give a stranger a monopoly when a similar implement had been invented by a fellow-colonist.

The TREASURER thought the House should hesitate before they rejected the second reading of the Bill. The ground upon which he understood it was proposed to negative the second reading, was that a person in the colony had made a similar invention, but if so, this Bill would not give Mr. Mansfield any preferential right over that gentleman. The Bill would by the third clause clearly protect Mr. Martin.

Mr. MILDRED hoped the hon. member for East Torrens would postpone the second reading of the Bill until after an enquiry into the petition. If the Bill were granted the probability was that litigation would result between the parties.

Mr. HAY hoped the motion for the second reading would be withdrawn, and that the House would not be put to the expense of a second Committee on behalf of the claimant at Gawler town. The hon. member for East Torrens might, he thought, easily satisfy himself in reference to Mr. Martin's invention, and he was quite sure that he would then press the Bill no further. If the Bill were granted there might, notwithstanding the third clause, be considerable litigation. It was to be regretted that Mr. Martin did not present himself before the Committee upon the Bill for the purpose of giving evidence.

Mr. COLE was desirous of moving the adjournment of the debate for a week, but was informed that he could not do so.

Mr. HARVEY said there was another person besides Mr. Martin who had been very successful with respect to an invention of a similar character, and he consequently thought it would be a pity to give Mr. Mansfield a monopoly.

A motion to divide was lost, — the votes (ayes, 8, noes, 12) being as follow —

AYES 8 — Messrs Andrews, Collinson Dutton, Glyde, Hallett, Mildred, Strangways, Harvey (teller).

NOES, 12 — The Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer, Messrs Cole, Duffield, Hay, MacDermott, Owen, Reynolds, Rogers, Shannon, Barrow (teller).

Mr. GLYDE asked if the mover would be entitled to a reply after a motion to divide had been carried?

The SPEAKER said certainly not.

Mr. BARROW said that he had been recommended to withdraw the Bill, but if the hon. member for Gumeracha would for a moment consider the circumstances in which he was placed he was sure he would see that he could not do so without a direct breach of duty. The Bill had not been introduced at the expense of the country, but at the expense of a private individual, who, in accordance with the strict rules and regulations of the House, had caused the Bill to be introduced. He wished that Mr. Martin had been a little earlier in the field and then there would have been no necessity for the introduction of this Bill, but Mr. Mansfield being first in the field, he (Mr. Barrow) felt bound to proceed with the Bill. It was impossible he could withdraw the Bill, and if the House negatived it the responsibility would rest with them. The preamble had been provided, and neither Mr. Martin nor any one else had appeared to shew cause against it. This Bill would be null and void if Mr. Martin had made a similar invention, and the only consolation of Mr. Mansfield would be that he had had to pay away his money for nothing.

The motion for the second reading was negatived.

MR D SUTHERLAND

Mr. REYNOLDS brought up the report of the Committee upon the petition of Mr. David Sutherland, which recommended that £400 be paid to Mr. Sutherland and that the costs of the investigation be paid out of the public funds.

ADJOURNMENT OF THE HOUSE

Mr. MILNE was desirous of moving that the House at its rising adjourn till the following Tuesday week, to afford hon. members an opportunity of attending to their private business, but upon being reminded by Mr. Duffield of the important business before the House, in connection with the case granted to Chambers and Fincke, in reference to which it would be desirable to communicate with England by the next mail, withdrew the motion.

MR LINDSAY

On the motion of Mr. STRANGWAYS, fourteen days' leave of absence were granted to Mr. Lindsay, to attend to urgent private affairs.

NATIONAL BANK BILL

On the motion of Mr. MILNE, this Bill was read a third time and passed.

PRISONERS IN GAOL

Mr. STRANGWAYS, in reference to the following question in his name, stated that he had since learnt the gaoler was merely driving the party to the Supreme Court, on the authority of a habeas —

"That he will ask the Hon. the Attorney-General (Mr. Hanson) whether the Keeper of the Gaol has lately driven out for an airing any of the prisoners under his charge, and if so whether the said Keeper of the Gaol had any and what authority for so doing?"

RICHARD TURNER

Mr. TOWNSEND put the notice in his name —

"That he will ask the Hon. the Attorney-General (Mr. Hanson) whether Richard Turner, a convict at the Stockade, has been released, and if so, on what grounds?" The hon. member stated that Turner had been sentenced to eight years' imprisonment, and he was not aware of any credit system by which he could work out eight years in three.

The TREASURER would answer the question on the following Tuesday.

MANSFIELD'S PATENT

Mr. DUFFIELD moved —

"That a Select Committee be appointed to take into consideration the petition presented on 30th June, against granting a patent to E. P. Mansfield."

The hon. member guaranteed the expense of the Committee, and the motion was carried, the Committee appointed being Messrs. Solomon, Barrow, Hay, Owen, Milne, Rogers, and Duffield.

The House adjourned at 10 minutes to 4 o'clock, till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, JULY 5

The PRESIDENT took the chair at 2 o'clock.

MANSFIELD'S PATENT

The Hon. A. FORSTER presented a petition, signed by 23 farmers and residents of Gawler town, praying that the Legislative Council would not permit the Patent Bill, applied for by Mr. Mansfield, to pass.

Received, read, and ordered to be printed.

THE MEDICAL PROFESSION

The Hon. Dr. DAVIES wished to ask the Chief Secretary if the Government had taken any steps for the introduction of a Bill to regulate the medical profession in this colony.

The Hon. the CHIEF SECRETARY replied that the Government had not contemplated the introduction of any such measure and did not, at present, consider that any necessity for it existed.

THE NATIONAL BANK

A message was received from the House of Assembly, announcing that the Bill for regulating the provisions of the National Bank of Australasia had been passed.

On the motion of the Hon. A. FORSTER, the Bill was referred to a Select Committee, to consist of the Honorables G. Hall, S. Davenport, H. Ayles, J. Mophett, and A. Forster.

MINERAL LEASES

The Hon. the CHIEF SECRETARY explained that the mineral leases recently issued by Mr. Neales had been granted without obtaining the approval of the other members of the Ministry, and that in order to relieve his colleagues from the consequences of an act which they could not defend he (Mr. Neales) had tendered his resignation, which the Governor the Chief had been pleased to accept, and had appointed Mr. Milne in his place, as Commissioner of Crown Lands.

On the motion of the Hon. the CHIEF SECRETARY, that the notices of motion on the paper for the following day should be altered to that day week.

The Hon. Captain BAGOT objected. He had given notice of two important motions, asking for an explanation of some acts which would place the colony in a doubtful and dangerous position with the mother-country. Not an hour should be lost in rectifying the error which had been committed. A gentleman had left the colony ostensibly, with the view

of raising large sums of money upon the lease which had been granted, and which could not be made use of. Instant steps should be taken to disabuse the minds of the English people, and he was of opinion that the lease should be placed in the hands of the Secretary for the Colonies. He hoped the Hon. the Chief Secretary would not propose an adjournment beyond the following day.

The Hon. J. MORPHETT seconded the motion. Although the Hon. the Chief Secretary had stated that Mr. Neales had tendered his resignation, he (Mr. Morphett) would wish to have a more full expression of opinion. The act in question was one of serious importance to the colony, inasmuch as proceedings might be taken upon it in England. The lease was clearly invalid. It was desirable for the credit of the colony that immediate steps should be organized to prevent the lease being acted on. If the lease were to form the basis of any contracts, and persons were to come out from England for the purpose of carrying out these contracts, the colony would be compelled either to do that which was prejudicial to her interests or else to consent to lose character.

The Hon. A. FORSTER spoke in support of the proposition. He considered that the lease in question was illegal and informal, and immediate steps should be taken either to cancel the contract or to prevent it from being dealt with.

The Hon. Captain HALL would ask what steps were now in progress to stop action on the lease, which was not only invalid, but bore the character of a forged bill of exchange. If no action were taken before the departure of the next mail, most likely it would be too late after then. (Heal, heat.)

The Hon. the CHIEF SECRETARY said that the Executive were prepared to take all legitimate steps to rectify the evil, but as the mail for England did not depart before the 15th of the month, a week's delay in the discussion would not have involved serious consequences.

CORRESPONDENCE

The Hon. the CHIEF SECRETARY laid on the table correspondence between the Central Road Board and the Commissioner of Public Works. Also, a list of the names of the emigrants employed by the Board. Also, an abstract return of the labor employed at the Botanic Garden, together with the nationalities of the individuals employed. Ordered to be printed.

IMMIGRATION

The Hon. A. FORSTER would ask whether Mr. Milne had adopted the views of Government, or whether the Government had been won over to the views of Mr. Milne, on the immigration question, and in case of his holding antagonistic opinions with the other members of the Ministry, what position he would hold as Commissioner of Crown Lands.

The Hon. the CHIEF SECRETARY considered that Mr. Milne would identify himself with the Government, and that the vote of 20,000 for immigration purposes having been already passed, it was not likely that the members of the Ministry would come into collision during the present session.

POONINDIE INSULTION

The motion standing in the name of the Hon. S. Davenport lapsed in consequence of the absence of that gentleman.

CONSOLIDATION OF STATUTES

The following Bills were read a third time and passed—Accessories to Indictable Offences, and Offences by Forgery.

WELLINGTON FERRY

This Bill was read a third time and passed.

OFFENCES OF A PUBLIC NATURE

The amendments proposed by the House of Assembly were considered in Committee and adopted.

RAILWAY COMMISSION

This Bill was read a second time.

The Hon. the CHIEF SECRETARY stated that the object of the Bill was to secure greater efficiency in the management of the works hitherto carried on by the Railway Commissioners. A salaried manager constantly in charge of the works was much more likely to be efficient than a number of individuals, whose attendance was only occasional.

The third reading of the Bill was made an Order of the day for Tuesday next.

PROSECUTION BY ATTORNEY-GENERAL

The further consideration of proposed amendments was made an Order of the Day for to-day.

The House then adjourned till Wednesday (to-day), at 2 o'clock.

HOUSE OF ASSEMBLY

TUESDAY JULY 5

The SPEAKER took the chair at 2 minutes past 1 o'clock.

THE MAIN SOUTH ROAD

Mr. YOUNG presented a petition from a number of the inhabitants of Willunga, praying that the old road to the

South might not be struck out of the Schedule of Main Roads in the new Road Bill about to be introduced.

The petition was rejected on account of an informality.

THE CUSTOMS

Mr. SOLOMON wished to ask the Speaker whether an intending witness before the Committee upon Customs could be permitted to read a portion of the evidence which had been given before that Committee.

The SPEAKER said it was quite clear that, by the Standing Orders, he could not, but he could move that the Committee have leave to report the evidence from time to time, and when thus laid on the table it was open to the public, and, in answer to a question by Mr. STRANGWAYS, the hon. gentleman remarked that a leading question might be put to a witness intimating the nature of the evidence on a given subject and his opinion be thus ascertained.

Mr. RYNNOLDS remarked that one of the witnesses in reference to Railway Management had been supplied with a copy of the evidence which had been given.

The SPEAKER remarked that in that case the Committee had been appointed mainly to enquire into the conduct of the person alluded to, and it was thought only fair that he should be presented with a copy of the evidence, and thus place him in the same position to rebut it as he would be if charged before a Court of Justice.

MINERAL LEASES

The COMMISSIONER OF CROWN LANDS (Mr. NEALES) rose to address the House from the seat formally occupied by Captain Hart, when the Hon. the SPEAKER remarked that the hon. member was not in his place. Mr. NEALES said that was his place, and that he no longer occupied the position of Commissioner of Crown Lands, but had taken the place formerly occupied by that very worthy member, Captain Hart. He merely rose for the purpose of expressing a hope that the present Commissioner of Crown Lands would do what he (Mr. Neales) should have done had he remained in office, namely, to lay the maps containing the mineral leases which had been granted on the table of the House, also copy of a letter addressed by Mr. Dutton to the Chief Secretary, and the reply thereto.

EAST TORRENS

Mr. MILDRED asked if the Commissioner of Public Works had any objection to lay upon the table of the House copies of the correspondence which had taken place between the Government and the East Torrens District Council. He should also like to be informed how that correspondence had terminated.

The COMMISSIONER OF PUBLIC WORKS would be happy to afford all the information in his power. Shortly before the late Ministry resigned he received intimation that the District Council of East Torrens had overdrawn, but he (the Commissioner of Public Works) admitted that a sum was due, though less than appeared, and the East Torrens District Council also admitted this amount.

THE COMMISSIONER OF CROWN LANDS

Mr. STRANGWAYS asked the Attorney-General who was Commissioner of Crown Lands? He did so, as he found Mr. Neales in the body of the House, whilst the Commissioner of Public Works occupied the seat formerly occupied by the Commissioner of Crown Lands, and the hon. member for Outkaparinga (Mr. Milne) occupied the seat formerly occupied by the Commissioner of Public Works.

The ATTORNEY-GENERAL would, with the permission of the House, make a statement of the circumstances which had led to the change of which, no doubt, hon. members were generally acquainted. It would be in the recollection of the House that several notices of motion had been given, and that a discussion had taken place in reference to the mineral leases issued by the Government to Messrs. Chambers and Funcke. It appeared that mineral leases were, upon the day prior to the sailing of the last mail, or upon the same morning, forwarded to the late Commissioner of Crown Lands with a very urgent request that they should be signed immediately, in order that they might be given to Captain Hart, who was the agent for the lessees. Unfortunately the Commissioner of Crown Lands, in his desire to expedite public business, did not take time to ascertain the precise conditions of the leases, or to what extent the form coincided with the regulations. Had he done so he would have seen it was impossible that those leases could be issued before the departure of the mail. The Commissioner of Crown Lands forwarded the leases to His Excellency for his signature, and although the Governor was reluctant to depart from an established precedent by signing a lease which had reached him merely from an individual member of the Government, instead of the Government themselves, assured that the leases were in accordance with the prescribed form, signed the leases and they were delivered to Captain Hart, assuming that they were substantially in accordance with what was required by law. Afterwards it was discovered that there were several irregularities in the leases, and the discussion which took place in the House caused the Government carefully to consider the position in which they were placed in reference to the conduct of an individual member. The Government felt placed in a position that they were bound to dissent from the course which had been

taken by the Commissioner of Crown Lands, though exonerating him from everything but inconsiderate action. They felt that inconsiderate action might be detrimental to the colony, that it was one in reference to which they had not been consulted, and that they were not justified in defending it. The position of the Government was consequently embarrassing, but they were relieved from the dilemma by the resignation of the Commissioner of Crown Lands, and it was felt there was no course but to accept that resignation. The Government recommended His Excellency to appoint the hon member for Onkaparinga in the room of the hon member, Mr Neales, and that advice had been accepted by His Excellency. Mr Milne now holding the office of Commissioner of Crown Lands. He formally moved, in order to permit discussion, that the House at its rising adjourn till the following day, at 1 o'clock.

Mr NEALES fully agreed with the observations of the Attorney-General, except as regarded handing the lease to Captain Hart. He never saw Captain Hart in the transaction, but handed the lease to Messrs Chambers and Fincke. He took no exception to any observations which had been made by the Attorney-General, and would make no further remarks, as he believed that further action would be taken in the matter, shewing that there was still greater excuse for the inadvertency into which he had been betrayed.

The COMMISSIONER OF CROWN LANDS said that after the statement which had been made by the Attorney-General, it only remained for him to state that on the previous day he was asked to join the present Administration, and asked time to consider. He thought it desirable to place himself in communication with as many members of the House as possible, feeling that it would be imprudent on his own account, and unjust to the Ministry, if he accepted office without communicating with members of that House. He regretted that he was not able to communicate with as many as he had wished, but he had every reason to be satisfied with the result of the interview with those with whom he was enabled to communicate. He had met, indeed, with nothing but an expression of good feeling and good will. He took particular care to communicate with those who took a leading part with himself upon the question of immigration, and determined upon a course of action which met their approval, and to which the Government had acceded. So far as regarded conducting the duties of the office which he had accepted, he should bring to bear whatever abilities he possessed faithfully and perseveringly to perform those duties, and he could only say that he trusted the result would be satisfactory. In small matters no doubt defects would be observable, but it was with a considerable degree of confidence that he trusted to the good nature of the House trusting that he should not try that good nature too far. (Hear, hear.)

Mr STRANGWAYS said that he thought all must admit there was no other course open to the late Commissioner of Crown Lands than to resign. If the Government had defended the course which had been taken by the Commissioner of Crown Lands, the result would have been that the whole of the Government would have had to resign. The late Commissioner of Crown Lands had acted wisely after the expression of opinion on the part of that House on Friday last, for there could be no doubt as to the course which the House would have pursued when called upon to express an opinion of the conduct of that hon gentleman. If it were not for the opinions which the hon member for Onkaparinga (Mr Milne) had expressed on the subjects of Distillation and Immigration, the Government could not have found a more fitting occupant of the office of Commissioner of Crown Lands, but he did not see how that gentleman could with any consistency accept the office after the opinions which he had expressed, although the course which he had struck out had been approved of by his colleagues. The hon member might have accepted other offices with much less inconsistency, but it did appear to him there was gross inconsistency in the hon member accepting an office in which he would be called upon to administer the immigration funds. On 10th June, a resolution was put to the House to the effect that it was desirable to discontinue immigration for twelve months, and in the division list, amongst the ayes he found the name of Mr Milne. This would necessitate him (Mr Strangways) taking a different course of action from that which he hitherto had when the contingent notice of motion by Mr Solomon, for the reconsideration of the vote of 20,000*l.* for immigration was brought forward. He should support that resolution, and contingent upon it being carried, should move the item be struck off, although that would be in direct contradiction to his former votes. The reason that he should adopt this course was that he considered it would be perfectly useless to place any amount at the disposal of the Commissioner of Crown Lands for immigration, as that hon gentleman must either refuse to expend it, or expend it in violation of his own personal convictions. Free distillation had been practically disposed of this session, but the question of immigration would be brought forward on a future occasion, consequently he repeated he did not see how the hon gentleman could consistently accept office, though, but for the opinions which he had expressed upon the two points to which he had alluded, no member of that House would be better qualified for the office.

Mr HAWKER to a great extent agreed with the observations of the last speaker. With the exception of the two points to which allusion had been made he did not believe a more fitting occupant of the office could have been found. He was at a loss to conceive how the Commissioner of Crown Lands could sit upon the Treasury benches after the views which he had expressed upon the question of immigration. The hon gentleman stated that he had suggested to the Government a course of action which he should adopt upon this question and that they had acceded to it. If however, the Government were going to give way on the question of immigration, he (Mr Hawker) should feel bound to oppose them. He had always supported the Government upon that question, believing it to be one of vital importance, but having supported it in its integrity he expected the Government to carry it out in its integrity. He should offer no factious opposition to the Ministry, but if he found that virtually the question was to be shelved he should adopt the course which the hon member for Encounter Bay stated it was his intention to adopt, and vote that the item for immigration be struck out of the Estimates.

Mr PEAKE was glad to find that the hon member for Onkaparinga had so modified his policy in reference to immigration that the Government were enabled to accept it, for he could not believe that the Attorney-General had consented to abandon that policy which he had so ably defended in that House. Whatever were the modifications he thought they must be on the side of the hon member for Onkaparinga, and he should regret any desertion however slight, from the ground recently taken up by the Government. He should stand to that principle which he believed must still be the policy of the Government. So far from adopting the course indicated by the hon member for Encounter Bay, he should stick to the vote for immigration to the last.

Mr RLYNOLDS said it appeared to him the Government had got in a fix, but no doubt the Attorney-General with his usual ability would be able to unite the discordant elements. He should have congratulated the present Commissioner of Crown Lands upon his accession to office if it were not for the present head of the Government, for it was well known that the Attorney-General was not the head—oh, no, Mr Youngusband, the Chief-Secretary was the head, and was the Attorney-General's master. (Laughter.) He was afraid that the Commissioner of Crown Lands would find that he could do nothing without consulting the Chief-Secretary, and he (Mr Rlynolds) would say at once that he had no confidence in Mr Youngusband though he had full confidence in the Attorney-General, if that hon gentleman would devote a little more time to the duties of his office. It would have been satisfactory if the Attorney-General had informed the House what would be done with the mineral leases which had been issued, and he trusted the hon gentleman in his reply would communicate that information to the House. The Commissioner of Crown Lands consulted him (Mr Reynolds) yesterday and having a great respect for that gentleman he had promised him that he should have his support, but he should have been better pleased had there been a different Chief-Secretary. It was all very well to throw Jonah overboard because the ship was in a storm, but that was not sufficient, the House were entitled to some information as to what was to be done with the mineral leases, for it was impossible the matter could be allowed to stand as at present.

Mr SOLOMO agreed with the hon member for Encounter Bay, that there was no member of that House who was entitled to greater confidence than the Commissioner of Crown Lands. His (Mr Solomon's) name having been mentioned in connection with immigration, he would state at once it was his intention to stick to his colors. The question arose in his mind whether it would be better that the country should lose so valuable a public servant as the present Commissioner of Crown Lands, or dispense with his vote upon the question of immigration. A great mistake had been made throughout upon the question of immigration, a great many of those who were only opposed to it for twelve months being supposed to be opposed to it altogether. He and his supporters would be extremely sorry to carry a resolution that immigration should cease altogether, as he believed that would be a suicidal act.

Mr HAY was astonished at the course which the hon member for Encounter Bay had intimated he should take. He believed that if the 20,000*l.* were expended in the importation of a class of immigrants adapted to the wants of the colony, that the colony would feel the benefits, but those who had been imported during the last few years had no idea of pushing forward, and hence it was that the labor market was in the state which it was, in fact, they were not adapted to the colony. Whilst he agreed that it would be wise for the present to retain the money in the colony during the present year, still if it were to be expended it would be impossible that a better man could be at the head of the department than the hon member for Onkaparinga. He might mention that those who had arrived lately had readily found employment whilst those who came nine or twelve months ago, being unsuited, were not so successful.

Mr GLEUBE thought that the Commissioner of Crown Lands should explain more fully his views upon distillation and immigration. When he first heard of the appointment he thought that the friends of immigration and opponents of

free distillation had gained a vote, he thought that the hon member for Onkaparinga had on consultation with the Attorney-General, been persuaded by him to withdraw his opposition. (Laughter) He would ask the Attorney-General to state to the House his opinion in reference to the legality of the lease granted to Chambers and Flucke, and what steps it was intended to take in reference to that lease.

Mr DUFFIELD expressed surprise to find the Commissioner of Crown Lands where he was, for he could not help remembering that upon the two great questions which were agitating the public mind the hon gentleman was directly opposed to his colleagues. He supposed that the hon gentleman had seen the error of his ways. (Laughter) However much he might regret to see such a step taken by the hon gentleman, he must still more regret the course which the hon member for Encounter Bay had stated he should adopt, because he found one hon member act inconsistently on the subject of immigration, that he should oppose that which he believed would prove so advantageous to the community. The hon member for Victoria took up the same tale, and because one hon member had acted inconsistently, the hon member himself intended to do the same thing. He should support the vote for immigration, and hoped to find the hon member for Encounter Bay in a minority. The Ministry had gained one advantage by the accession of the hon member for Onkaparinga, as they had heard from the hon member for the Sturt that he intended to support the Government, consequently a good deal of the time of the House would be saved.

Mr HAWKER thought the previous speaker must have been a little obfuscated. (Laughter) What he (Mr Hawker) had stated was that if the Government were not prepared to carry out the vote in its integrity, and that the vote of 20,000 was, in fact, a sham, he should be disposed to vote that it be struck out.

Mr STRANGWAYS said that what he had stated was, that unless the views of the Commissioner of Crown Lands were changed upon immigration, he should vote against the 20,000, as it would be useless to place the money in the hands of a man who had distinctly stated that he did not wish it to be spent.

Mr DUNN said it was an ill wind which blew no one any good. He presumed that the hon member for Onkaparinga had seen the error of his ways, and that the Government had in consequence gained two votes, for the hon member for Onkaparinga and the hon member for Gumeracha were so closely wedded that they would surely vote together. He imagined that no one in the colony would really oppose such a plan of immigration as that which the House desired.

Mr IOWNSLAND regretted he had not been present to hear the statement of the Attorney-General and the Commissioner of Crown Lands. He wished to understand how the views of the Commissioner of Crown Lands upon the question of immigration had been reconciled, as he believed the hon gentleman conscientiously believed it would be useless to expend 20,000 for immigration. He believed that when they came to give effect to that vote, the hon gentleman would vote with those who desired to stop immigration for 12 months. He looked on the Cabinet as a Committee of that House, and how could the hon gentleman vote for the expenditure of 20,000 on immigration when he conscientiously believed it would be better that it should not be expended. For that reason he rejoiced at having the hon gentleman in the Cabinet, for he considered, not that the friends of immigration had gained a vote, but the other side. With regard to distillation, he considered that the votes were almost even, for the Commissioner of Public Works had stated that the morality of the country demanded it, and doubtless other members of the Government would declare in favour of the measure, till the only member who could hold his seat entertaining different opinions would rest upon his gigantic ability—the Attorney-General. He believed that the change which had been made in the Government was a satisfactory one, and reflected no discredit upon the House or the colony at large.

Mr DULLION said that except upon the points which had been referred to there could be no doubt the hon member for Onkaparinga from his ability and general fitness was calculated to discharge the duties of the office with satisfaction to the country. Being one who had through thick and thin supported immigration, he hoped some explanation would be given, some assurance that the Government had not conceded their former policy. He and other members of the Government incurred considerable obloquy out of doors in consequence of the course which they had deemed it right to take in reference to the question of immigration. In reference to the lease, he thought it desirable that a telegraphic message should be transmitted from Malta to London to the effect that the lease should be stayed.

The ATTORNEY-GENERAL would reply to a few points which had been advanced during the discussion. He was very glad that so many had been touched upon, as it afforded him an opportunity of explanation which he would not otherwise have had. In reference to immigration, the policy of the Government, and the course which they intended to pursue, was absolutely unchanged by the addition which had been made to the Ministry. The Government as a Government were as firmly determined to carry out the resolution of the House now, as previously, and he

should have felt it impossible for him to come before the House and announce any change in the policy of the Government. It was impossible, having regard to their individual opinions, that they could abandon the vote for immigration and he should have declined the task of forming an administration based upon such principles, but have allowed it to be formed by others. The position in which the present Commissioner of Crown Lands was placed was thus—The House having by a majority decided that a certain amount should be expended on immigration when the hon member for Onkaparinga was asked if he was prepared to carry out the decided opinion of the House, he stated that where he had a duty to perform he should be prepared to do so conscientiously and to the best of his ability, and was prepared to administer whatever funds were placed at his disposal in a manner best calculated to meet the wants of the colony and to promote the interests of the community at large, consequently there was nothing to prevent that gentleman from joining the Administration. Here the matter would have ended if the hon member had not felt himself committed to the contingent notice of motion by Mr Solomon, and the course which the hon member would take would be this—the hon member could not vote against the Government, but the Government would not require him to vote against his expressed determination upon the subject, which had been communicated to various members with whom he had been previously acting, and the hon gentleman would not be required to vote at all. (Hear, hear) The Government were prepared to defend and enforce the principle which they had announced in the House, and had no fear of the result which would be shown, thinking persons being in favor of a continuance of immigration. (No, no) He was content, at all events, to take the opinion of the thinking portion of the community or representatives upon the subject. He could quite understand that at the present moment there was an erroneous feeling on the subject, but he was not quite certain that those who made the most noise were those who always thought most soundly or who had the most weight in the community. There was another matter to which he would allude, and that was the course which the Government intended to take in reference to the mineral leases. The Government felt they were in a position of very considerable difficulty, on the one hand they believed that the validity of the leases was open to great doubt, and on the other that whether they were legal or not, they were not such, having regard to the interests of the country, that it was wise to grant. Consequently, the Government desired to put an end to these leases. But on the other hand, these leases were on their way to England, and probably in a very few days after their arrival they would be offered to English capitalists, as leases resting on the faith of the South Australian Government, and the Government felt it was very important that nothing should be done by the South Australian Government to give even any plausible ground of accusation of bad faith. The Government determined upon taking the most rapid means of communicating the difficulty in which they were placed in reference to these leases, and place themselves in communication with the persons interested. The Government proposed to transmit leases in accordance with the regulations to the Agent-General, with instructions to him to offer them to the parties if they would deliver up the leases which had been issued. The Government would thus free itself from the charge of complicity, and give the earliest information of the doubts which existed in reference to these leases, at the same time shew a desire to carry out in the fullest manner every legal and moral obligation imposed by the leases. That was the course which the Government proposed to take, and the irregularity he hoped would be satisfactorily cured without any imputation upon the good faith of the Government, and without any injury to the permanent interests of the community. Other leases which had been issued, containing similar irregularities, were, he believed, in the colony, and, consequently, there was not the same difficulty in reference to them. There was one other subject to which he would allude, and that was free distillation. The House had decided that during the present session nothing should be done, and in that opinion the present Commissioner of Crown Lands perfectly acquiesced, but the Government were of opinion and the House were of opinion that this was on one of the questions which must be considered by the next Parliament, and it would be desirable to have the advantages of the opinion of the Commissioner of Crown Lands. In reference to the remarks of the hon member for the Sturt, he would state, although it might seem boastful, that he (the Attorney-General) was the head of the present Administration, and when the hon member taunted him with being obliged to do whatever the Chief Secretary bid him, he did not think that any one would believe the hon member, for subserviency was about the last thing which he expected to be accused of. The policy of the present Administration was the policy of the humble individual who was addressing the House, and if necessary he might appeal in support of that assertion to every one of his hon colleagues.

Mr GLYDE asked if the Government would be prepared to lay before the House copy of the despatch and telegraphic message, proposed to be sent by the Attorney-General in reference to the mineral leases, in order that the House

might have an opportunity of considering the despatch before it was sent. (No. no)

The formal motion for an adjournment till 1 o'clock on the following day was then put and carried

MINERAL LEASES

The ATTORNEY-GENERAL laid on the table papers connected with mineral leases, which were ordered to be printed

CUSTOMS' SEIZURES

The TREASURER laid on the table a return showing the Customs' seizures under the Act of 1854. Ordered to be printed

REGISTRAR GENERAL

Mr OWEN asked when returns which he had moved for in connection with the Registrar-General's department would be laid on the table of the House?

The ATTORNEY-GENERAL said they were being prepared as rapidly as possible with the present staff, and he had not felt justified in affording additional assistance for their preparation

INSOLVENT LAW AMENDMENT BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that he explained its principal objects when he asked leave to introduce it, also, the character of its provisions, and he did not know there was much necessity to add much to that statement. The insolvent law on the whole had worked satisfactorily, but at the same time there were defects connected with its operation, which it was felt it was desirable to amend. The definition of those acts on the part of an insolvent which rendered him liable to imprisonment, or which justified the Commissioner in not interfering between creditor and insolvent till a certain time had elapsed, were somewhat loosely defined in the original Act, but in the amended Bill they were more definite, and it was proposed to limit the power of the Commissioner of Insolvency in reference to punishment. By the amended Bill it would be impossible to impose more than a certain amount of punishment, unless an insolvent had on one or two occasions compounded with his creditors, or had taken the benefit of the Act. Another ground on which it was felt desirable to amend the Act was in reference to appeals to the Supreme Court. He had no wish to speak disrespectfully in reference to those appeals, the Judges having no doubt decided according to their view of the law, and he would say, they being the highest legal authorities in the colony, according to the law as it at present is, but he was quite sure that they had not decided according to the law as it was intended to operate. The construction which they had put was not such as it was supposed the law would bear. At present the Judge who tried the appeal had no means of knowing all the facts of the case, and it was proposed to amend the law in that respect by providing that the Commissioner of Insolvency should form one of the Court of Appeal, but that there should be always two Judges with him, in the same way that a Judge who tried a cause formed one of the Court who decided whether a new trial should be granted or not. Provisions were also made to enable the Commissioner of Insolvency, in cases where it appeared to him the estate was too small to render it necessary that the whole machinery of the Court should be brought in motion, to adopt a more summary mode of dealing with the estate, and thus effect a considerable saving to creditors. It was proposed that this should apply to estates where the assets did not exceed 15*l.*, but it might be desirable to increase the limit to a larger amount. In such cases, unless the creditors wished a different course to be pursued, it would be competent for the Commissioner to have the estate wound up in a less expensive manner. There was also another matter, in reference to private arrangements. At the present time it was found that the facilities with which persons obtained protection operated injuriously, and indeed instances had occurred in which parties who had obtained protection had subsequently obtained credit as though nothing had occurred. As an amendment, it was proposed that where parties obtained protection intimation of the circumstance should be published in the papers published on the succeeding day. There was another provision giving the Commissioner of Insolvency the same immunity as that possessed by the Judges of the Supreme Court. The power and functions of the Commissioner of Insolvency appeared to require that he should have that security and that freedom from all possible imputation which was enjoyed by Judges of the Supreme Court, that is, that he should not be liable to be dispossessed of his office at the will of the Ministry of the day, but that so long as he honestly and fairly discharged the duties of his office, that office should be secured to him. This would be placing the Commissioner of Insolvency in the same position as the Commissioner of Bankruptcy. He was quite sure that those who were acquainted with the present Commissioner of Insolvency, would know that he would be as far above yielding to any improper solicitation as any man in the community, but still it was right that he should be placed above suspicion, and that he should be invested with security attaching to similar offices.

The COMMISSIONER OF PUBLIC WORKS seconded the motion

Mr GLYDE did not oppose the second reading of the Bill, feeling that amendments in the insolvent law were neces-

sary, but he should feel it his duty to move some alterations when the Bill was in Committee, and he hoped the Government would look favorably on the suggestion that the Bill should be referred to a Select Committee, as he believed that there were very many important points which could be better settled in a Select Committee than in a Committee of the whole House. If two legal and five commercial members were on the Committee, he believed that great good might result. It was desirable unquestionably, that the Commissioner should be independent of the Attorney-General of the day, but if the proposed alteration were intended as a mere stepping stone to increase the salary of the Commissioner, he would at once state that he objected to an increase of a single shilling. He regretted that Her Majesty's advisers had necessitated the repeal of clause 88. It appeared to him unfair, for if a man became insolvent in England he would be compelled to convey to his assignee any property which he might have in South Australia, but a man becoming insolvent in South Australia was not compelled to convey property which he had in England. It was evident to any mercantile mind that this might lead to enormous frauds, as a party might obtain extensive credit, and remitting it for investment in property in England, rob his colonial creditors with impunity. He could not agree with the proposition in the amended Bill to lessen the imprisonment which the Commissioner had the power of inflicting. It was unfair where a man ran in debt that he should not be made to suffer for his imprudence. If a man robbed him of 5*l.* by taking it out of his pocket, he would be liable to 12 or 15 years' imprisonment, but if, by telling lies, he robbed him of 50*l.*, the utmost punishment that he could be subjected to under the new Bill would be four months' imprisonment. He agreed that the Insolvent Act should not be penal, but he understood the theory to be this, that an insolvent giving up everything should be released from gaol, but if it were found he had acted a rascally part, why should he not be kept in gaol? The law of England was, that a debtor should be imprisoned at the suit of his creditor till the debt was paid, and that law was perfectly fair, but the insolvent law stepped in, and afforded the means of release. He would direct the attention of hon. members to clause 4, by which it would be seen that a man might practise every description of rascality, and that the utmost punishment which could be imposed upon him would be four months' imprisonment; and if he were guilty of these offences a second time, he could only be sentenced to six months' imprisonment. He had suffered considerably from defaulters, and had no hesitation in saying that four and six months were not long enough. It had been said that the Commissioner should have no power to punish, but power to send cases to the other side of the Court. But then again difficulties might arise, for the law did not recognise as offences what mercantile men knew to be offences of a very serious character, for instance, such as burning a ledger, or paying a relative to the detriment of other creditors, or dwindling away an estate by gambling, card-playing, or horse-racing. He could not help remarking that in the amended Bill the clauses in reference to gambling were carefully left out. He should like to see some punishment introduced for extravagant living, for instance, where a man had been living at the rate of 1,000*l.* a year though he had not been making a thousand shillings, he considered he should be severely punished. One of the objects of the Bill appeared to be to do away with certificates, that is, as soon as an insolvent had suffered imprisonment, where any was awarded, he would be discharged. There were other portions of the Bill of which he approved, and he considered it a great improvement making the Commissioner one of the Court of Appeal. He agreed also with the 18th clause, and was pleased to hear that it was contemplated to give greater publicity to private arrangements. The great evil of private arrangements was that the majority of the mercantile community were kept in ignorance of any such arrangements having been effected. He considered that as soon as a party had taken advantage of the arrangement clauses it should be made known, to prevent others from suffering. He hoped the Attorney-General would consent to refer the Bill to a Select Committee as the best means of producing a good and useful Bill.

Mr BAKEWELL said there were a good many clauses in the Bill of which he approved, particularly those by which the status of the Commissioner would be raised. It was most important, where a party had the power to inflict three years' imprisonment, that he should occupy the position of a Judge. It was a most degrading thing to be sentenced by a party not a Judge. Whilst he was glad to see the position of the Commissioner raised, he must contend that the present Bill utterly failed to meet the objections and difficulties in the present Insolvent Law. The time had arrived when a new system should be commenced, which was precisely the course which had been adopted in the old country, two Bills having been introduced to set aside the Act of 1849, which all agreed had proved a complete failure. It was very desirable he thought to wait till the new Act had passed in England, and it could then be adopted here. The error which had been committed he believed had been, that so far as bankruptcy affected the interest of the creditor, we had adopted the English Act, but as regarded insolvency, we had adopted our own. The result was, that he believed

we had the most harsh and vindictive insolvent law ever known in any country. The first thing which an insolvent had to do was actually to sign a document by which he was sent to gaol, unless he could find certain sureties, a most degrading and unnecessary procedure. In England the Commissioner of Bankruptcy had no power whatever to punish, but could merely leave a person to his creditors, but here the Commissioner had power of his own accord, without communicating with a single person, to imprison an insolvent for three years. This, he contended, was most unconstitutional, it was a violation of the principle of the British Constitution. He would not give such a power to the Lord Chancellor. No man had a right to be imprisoned except by the intervention of a Jury. He agreed that four months might not be a sufficient punishment for offences which might be committed under this Act, but let a Jury first investigate them. That was one of the objections which he had to the Act, that the Commissioner had power to imprison—a power without parallel under the British Constitution. Another objection which he had was to third-class certificates, which would never free a man from his debts, and the best thing any man considered only worthy of a third class certificate could do would be to leave the colony. He did not think it wise that a man should be driven to such a course, but rather that he should be encouraged to endeavour to achieve another position. He found by the provisions of the Bill introduced by Lord John Russell, that the Commissioner had no power to imprison, but that it was left to a jury. Wherever a *prima facie* case was established, then the case would go before a jury, that was one of the principal features of the Bill. He believed the arrangement clauses frequently subjected creditors to fraud and injustice, and on the whole he thought it much better to wait till the English Bill had passed, and the question could then be dealt with in a merciful spirit towards the insolvent. He hoped that the difference between error and crime would never be confused.

Mr STRANGWAYS was glad that an amended Insolvent Act had been brought forward, as there could be no doubt that one was urgently required, but it appeared to him that the amendments which were now proposed, only made matters far worse. He found that on 27th January, 1858, the hon member for Light moved that the Commissioner of Insolvency be removable only upon an address of both Houses of Parliament, but the Attorney-General voted against that motion, though it appeared the hon gentleman had since seen the error of his ways. If the Commissioner's office were to be as permanent as the Judges' he thought the salary should be on the same footing, for if it were not the Commissioner's tenure of office might be practically determined by the vote of that House, that is the Commissioner could be got rid of by cutting off the supplies. He could not see the necessity of placing the Commissioner on the footing of a Judge merely because he had the power to imprison, for if a man were to suffer imprisonment it would be quite immaterial whether the sentence was pronounced by the Lord Chancellor or by a magistrate. If a person claimed the advantages of the Act he should be subject to the liabilities also, and, if imprisonment were not to be inflicted except upon the verdict of a jury they would have to repeal all the Summary Jurisdiction Acts. There could be very little doubt that the power to legislate so as to affect property in England was beyond the power of that House. The mode adopted by the Attorney-General to prevent coming into collision with the Supreme Court was very ingenious, but after all it would be the same thing to the insolvent, for he would be in custody of the Official Assignee. In many cases the charges against an insolvent were founded upon answers which he had himself given, and he believed the better course would be, instead of power to punish being given to the Commissioner, that he should merely have power to commit for trial at the Supreme Court. He believed that great alterations were required in reference to the amount of fees payable to accountants. He found that from October 1856 to January 1858, there were only three cases in which amounts were paid to accountants from the unclaimed dividend fund, but since February very considerable sums had been paid. The accountants were, he believed, paid far too much, and this was one of the subjects which might fairly be taken into consideration by a Select Committee. He objected to the Commissioner of Insolvency being also a member of the Court of Appeal, to review the decision of the Commissioner. It would be seen, however, by the wording of the clause, that the Commissioner would be quite a nonentity, as the Court of Appeal would consist of two Judges and the Commissioner, and the assent of two Judges was absolutely essential. He believed that the whole insolvent law required revision, but he questioned if it would not be more defective than ever if this Bill were passed, and would suggest a Select Committee be appointed to consider what amendments were desirable.

Mr ANDREWS hoped that the Bill would not be referred to a Select Committee, believing that what amendments were required could be as easily effected by the House when in Committee as by a Select Committee. He should support the second reading. He could not see any evils resulting from the payment of accountants, whose labors were very considerable, and there was frequently no estate to pay them. He believed it would be of great advantage to the Judges at the Court of Appeal to have the Commissioner pre-

sent who knew the whole circumstances of the case, and whilst the presence of the Commissioner would be an advantage to the Judges, they would be a safeguard against the Commissioner being carried away by any prejudice which might affect his mind.

The ATTORNEY GENERAL said that if the general feeling should appear in favor of a Select Committee, he should have no objection, the only object of the Government being to introduce such amendments in the insolvent law as would make it conformable to the interests of the community. He would recommend, however, that a Select Committee should not be appointed if hon members thought they could attain the object which they had in view in any other way, as Select Committees frequently led to delay. With reference to the provisions relative to gambling, the law would be in precisely the same position as before, the clauses which contained the provisions relating thereto not being repealed. He substantially agreed with the hon member for East Forrens who substantially agreed with the objects of the present measure, the only question was, whether the method which had been devised was the best which could be devised to accomplish the objects common to both. With reference to the remarks of the hon member for Barossa, he would remark that our law comprised not only the bankruptcy but the insolvent laws of England, the law of England assuming that a man had no right to seek the protection of the bankrupt law unless engaged in pursuits of such a character as to be productive, without neglect on his part, of results which no individual could seek to forestall, or be enabled to guard against, that an error of judgment, in fact, had placed him in the position of being unable to meet his liabilities. No persons but those engaged in such pursuits were enabled to avail themselves of the provisions of the English bankruptcy law. Our insolvent law, however, provided for a large class, not properly traders, who, by the English bankruptcy law, would not be in a position to seek protection, they having a certain amount of receipts by which it was expected they should regulate their expenditure. Such persons by the English law would remain in prison for ever, unless provision were made for giving them relief, and it was this circumstance which had given rise in England to the bankruptcy and insolvent laws. But it was not thought wise here to introduce that distinction. It was necessary that the law here should contain the provisions applicable to insolvents as well as bankrupts in England, for he would ask whether a trader should not be subject to the same consideration as a person who was not a trader. He agreed to a great extent with the remarks of the hon member for East Forrens, in reference to the position in which a debtor should be placed, but the hon member for Barossa he would not imprison a man without the intervention of a Jury. He would, however, ask the hon member whether he would not imprison a man who was about to leave the colony to avoid payment of a debt, or when judgment had been obtained against a man, because it appeared to him that to be consistent the hon member must abolish imprisonment for debt altogether, and if such a change should be made, what a revolution would be effected in the whole trading operations of the colony. At present a debtor upon an unsatisfied judgment could be detained by his creditor in prison, but then the law stepped in and said that the creditor should not do so for the purpose of revenge. One of the complaints against the English Act of 1849 was, that it was destitute of those elements of severity which were in our existing law. He should be happy to receive suggestions for the improvement of the Bill, and thought the objects in view could be attained without referring the Bill to a Select Committee.

The Bill was then read a second time, and considered *pro forma* in Committee, when the Chairman reported progress, and obtained leave to sit again on the following Thursday.

WELLINGTON FERRY BILL

The SPEAKER announced that the Legislative Council had agreed to this Bill, with amendments.

ACCESSORIES TO INDICTABLE OFFENCES STATUTE LAW CONSOLIDATION BILL

The SPEAKER announced that the Legislative Council had agreed to the amendments in this Bill.

OFFENCES BY FORGERY STATUTE LAW CONSOLIDATION BILL

The SPEAKER announced that the Legislative Council had passed this Bill, which was read a first time, the second reading being made an Order of the Day for the following Thursday.

SUPPLEMENTARY ESTIMATES.

Postponed till the following Thursday.

MALICIOUS OFFENCES AGAINST PROPERTY BY LARCENY STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL, the report of the Committee of the whole House was adopted, and the third reading made an Order of the Day for the following day.

MALICIOUS OFFENCES AGAINST PROPERTY STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL stated, in reply to Mr. REYNOLDS, that these Bills did not repeal the existing law,

lest by any accident any offences punishable under the existing law should have been omitted in the consolidated Bills

BOUNDARIES OF RUNS BILL

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

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

This Bill was read a third time and passed

OFFENCES AGAINST THE QUEEN STATUTE LAW CONSOLIDATION BILL

The report of the Committee of the whole House was adopted, and the third reading made an Order of the Day for the following day

The House adjourned at 4 o'clock, till 1 o'clock on the following day

LEGISLATIVE COUNCIL

WEDNESDAY, JULY 6

The PRESIDENT took the Chair at 2 o'clock

MESSAGES

Messages were received from the House of Assembly in reference to the Consolidated Law Bills, and on the motion of the Hon the CHIEF SECRETARY, the Bill relating to Indictable Offences not being Treason, was read a first time, and the second reading made an Order of the Day for Tuesday next. The consideration of the remaining Law Consolidation Bills was also made an Order of the Day for Tuesday next

BOUNDARIES OF RUNS BILL

This Bill was read a first time. The second reading to be an Order of the Day for Tuesday next

MINERAL LEASES

The Hon Mr MORPHEIT said he was sorry to inform the Council that the Hon Captain Bagot, whose motion on the subject of mineral leases was to come on that day, was exceedingly unwell and unable to attend in his place, but as he had received a communication from that hon gentleman requesting him to take charge of the motion, with the permission of the Council he would do so. He had not had any consultation with the hon member, therefore he was not aware of any peculiar views which he might entertain on the subject, but supposed there was an anxiety on his part in connection with the question of mineral leases, and the lease which had been granted to Messrs Chambers and Luncke, that all the information possible should be laid before the Council, and through the House before the country. He did not consider it necessary to put the 1st and 2nd questions, as tabled to the Hon the Chief Secretary, for since the motion had been tabled, the lease itself had been laid on the table, and was in possession of members. With regard to the third question, however, it was as follows—“Whether the question of granting that lease had been duly sanctioned by His Excellency the Governor-in-Chief, by and with the assent of the Executive Council in Council assembled.” He supposed the Hon Captain Bagot considered that the regular course of procedure in such cases had not been pursued in this, and no doubt he had every reason to come to that conclusion, for the lease was neither in accordance with the Act, nor the regulations under the Act, giving power to grant mineral leases. The hon member quoted from the Act, and also from the regulations made under the Act (Council Paper No 23) which required the observance of that old-fashioned way of renewing leases, of paying a renewal fine of not less than 5/ per acre, and observed that in the face of the Act referred to, and in the face of the regulations which he had quoted, it was found that a lease had been granted to Messrs Chambers and Luncke for a term of 28 years—of 14 years with a right of renewal for another 14 years, and on a fine of 1/ per acre. He believed he was right in stating these to be the terms of the lease which had been granted, and it seemed to him that in granting this lease a very sad mistake, and a great neglect of the duties devolving upon the Ministry, had been committed. The next question on the notice paper was—“Whether the execution of that lease by His Excellency the Governor-in-Chief was done in strict accordance with the provisions in that case made and provided by the Act of the Local Legislature, No 5, of 1857-58, commonly known as the Waste Lands Act,” and “that all correspondence that has taken place with members of Government, connected with this transaction, be laid on the table.” It appeared to him that the execution of the lease in question was not in accordance with the regulations. The Hon the Chief Secretary stated on the previous day that the Government would take all legitimate steps to rectify the evil as soon as possible, to relieve the colony from the responsibility of the terms of this lease. It was due to the colony that the Government should show that it was not the act of the Government of the colony, but of a Minister who acted in the matter without authority, and however certain they might be that that act had been performed with the best intentions, it was not to be tolerated for a moment that the Government or any individual member of a Government should override an Act of Parliament. The Legislature

would never acknowledge the right or power of any individual member of the Government to override an Act of Parliament. It would be subversive of all rule order, and practice. That part of the motion relating to the correspondence might be considered the gist of the whole, the other portions might be considered as questions put to the Hon the Chief Secretary

The Hon the CHIEF SECRETARY observed that he had taken an opportunity on the previous day of explaining that the lease in question had been granted by the Commissioner of Crown Lands without the knowledge of his colleagues, and which lease, if they had been consulted would not have been issued. He also had stated that the matter had resulted in Mr Neales, the Commissioner of Crown Lands, resigning his office, in order to relieve the Government from any embarrassment which might be caused by the transaction. With regard to the two questions which had been put by the Hon Mr Morpheit, he begged to lay on the table all the documents required, including the leases and correspondence which had taken place with the Government on the subject. He begged to say, in reply to the question “No 3,” that the granting of the lease was duly sanctioned by His Excellency the Governor-in-Chief by and with the assent of the Executive Council. This reply to the question, however, would be explained somewhat more fully by the minutes made by His Excellency the Governor on the subject, as follows

“On the day of the departure of the last mail for England, some mineral leases were brought to me for signature from the Commissioner of Crown Lands, and his Secretary having stated that the Commissioner particularly requested my signature thereto, as Mr Hart was leaving for England on that day, and wished to have the leases with him, I signed them, though such act was of course irregular. Let the duplicates, therefore, be laid before the Executive Council at its next meeting, that the usual record may be made on the minutes of the issue of the leases.—24th June, 1859

“The Chief Secretary also intimated that a notification had been forwarded to Mr Chambers, that the lease was null and void, and of no use, and at the same time offering to grant a new lease or leases upon the proper form under the new regulations. A similar notification would be sent to England by the first Overland Mail, and a notification also would be forwarded to the Agent-General in London, so that the facts of the case might be made known as soon as possible

The PRESIDENT reminded the hon the mover that his motion had not been seconded

The Hon Major O'HALLORAN seconded

The Hon Mr FORSTER quite concurred in the propriety of bringing the question before the Chief Secretary, and he was also quite satisfied that all possible steps would be taken by the Government to remedy the evil which had occurred. It would be a very easy matter to give notice to Mr Chambers, and very easy no doubt to notify the particulars to the Agent-General, with a view of having them intimated to persons who might have it in contemplation to invest money on this lease, but it was not altogether clear that the colony would not be involved in a great an expense by following up that course of action as otherwise. He felt, however, that the Government were bound to take the steps indicated by the Chief Secretary, but he hoped the Ministry would be very clear as to the safety of all their points before they decided upon any particular course. It should be considered how far the Government felt themselves bound by the act of any one of their members, which had been sanctioned by the Governor in Council. He was not satisfied that the members of a Government were at all times agreed, and a most appropriate illustration of that fact was before them in the recent appointment of Mr Milne as Commissioner of Crown Lands. As he understood it, some members of the Government might hold views upon any important question of State policy, while some other members of the Administration were entitled to hold other and precisely opposite views. He felt doubts, also, as to whether the present regulations in reference to leasing waste lands were in accordance with the Act of Parliament. The Act stated that the renewal fine was to be a minimum of 1/ per acre, there was no power whatever for the Governor, by the issue of regulations to fix the sum of 5/ per acre as the amount of renewal fine. He hoped the Hon the Chief Secretary would not only see that this matter was put right, but that all regulations relating to the waste lands and mineral leases would be investigated and searched into thoroughly. There appeared to him that a great want of care was apparent in the drawing up of the existing regulations, and he would like to be informed whether they did not transgress the powers given by the Act of Parliament. He referred to the matter merely with a view of having it sifted by the Government

The Hon the SURVEYOR GENERAL observed, in reference to what had fallen from the Hon Mr Morpheit, that the lease had been applied for, and the terms accepted by the Government in 1858, whereas the regulations now in existence were dated 13th January, 1859. The application was made before the issue of these new regulations, and he did not think it was intended that they were to have a retrospective effect

The Hon Captain HALL felt, after what had fallen in the course of the discussion, that there was great necessity for a

searching enquiry into the whole question. A minimum of 1/ an acre was required by the Act as a renewal fine and he did not see what power had been conferred on the Executive to raise the minimum to 5/ an acre. There was no question whatever as to the Government not having the power of leasing 320 acres in one lease, as it was stated clearly and explicitly that not more than 80 acres should be included in any one lease. He felt that the Government were liable for the consequences, in reference to the lease granted to Messrs Chambers and Fincke in every possible respect, but if the grantees were informed immediately of the mistake, and due diligence used in other quarters, he considered that the Government would be absolved from all responsibility in respect to all further claims, that the Government would be responsible only for transactions occurring prior to the arrival in London of their correcting communications, and that the Parliament of South Australia would recompense parties fairly entitled—they would be bound in honor to do so (Hear, hear). After due notice had been given no claim ought to be recognized.

The Hon. Captain SCOTT said that although the Act fixed the minimum as a renewal fine to be 1/ per acre there was nothing in the Act to prevent the Government from saying that the minimum should be 5/ an acre. In respect to the lease in question, if Mr Chambers applied for it in December, 1858, it was very strange that nothing had been done on the matter before this time.

The Hon. the SURVEYOR-GENERAL replied that Mr Chambers had had surveys made and had otherwise taken action in furtherance of his application.

The Hon. Mr MORPHELL remarked that the prompt action of the Hon. the Chief Secretary in laying the papers required on the table of the House, would relieve him from the necessity of dwelling further at present on the matter. He could not understand the force of the point advanced by the Hon. Captain Hall and Mr Foster, as to the minimum renewal fine being fixed at a minimum of 1/ per acre, depriving the Government of the power to fix it at 5/ per acre if they saw fit to do so. The point might have had some force if the Government wanted to fix the minimum at 16s per acre. He begged also to remind the Hon. the Surveyor-General that all leases and applications for leases were granted subject to such regulations as might be made at any time. The Hon. Captain Hall had very properly expressed the views of the Council as to the liability of the colony, and he was certain that if the Ministry do all that they can do to notify the particulars fully to all parties concerned, there would be no difference of opinion between that Council and the House of Assembly on the subject.

The motion was then withdrawn.

The Hon. Mr MORPHELL remarked, in reference to the next motion on the paper, that after what had passed in that Council on the subject, he felt, acting for the Hon. Captain Bagot, that he could have no objection to allow it to lapse.

The Hon. Mr MORPHELL then moved that the papers which had been laid on the table by the Hon. the Chief Secretary on the subject of the mineral lease granted to Messrs Chambers and Fincke, be printed.

Carried.

THE RAILWAY COMMISSION BILL

This Bill was read a third time, and passed.

PROSECUTION BY ATTORNEY-GENERAL STATUTE LAW CONSOLIDATION BILL

In Committee

On the motion of the Hon. Mr FORSTER the 63rd clause was amended—In the case of a man killed in attempting to arrest certain offenders, Court may order compensation to his family "from such funds as may have been provided for that purpose by Parliament."

The Bill was then reported, with amendments agreed to, the report adopted, and the third reading made an Order of the Day for Tuesday next.

The Council adjourned at 3 o'clock till Tuesday next

HOUSE OF ASSEMBLY

WEDNESDAY, JULY 6

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

MAIN SOUTH ROAD

Mr YOUNG presented a petition (which had been rejected on the previous day in consequence of a slight informality) from the residents of Willunga, praying that there might be no interference with the main South road.

The petition was received.

OFFENCES AGAINST PROPERTY BY LARCENY STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

OFFENCES AGAINST THE QUEEN STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

NOTARIES PUBLIC

Mr SOLOMON moved—

"That he have leave to introduce a Bill to provide for the appointment of Notaries Public, and to confirm the appointments already made."

The hon. member said that in asking leave to introduce this Bill, he would point out the absolute necessity of appointing persons to perform the functions of notaries public. The duties of notaries public were various, for instance, when a wreck occurred upon the coast, or goods became damaged by accidents of the seas, or when it became necessary to make claims upon parties in England or foreign parts, the notarial seal and signature of the notary were sufficient pledge for the veracity of the parties applying, that they were entitled to claim. Although there were two or three parties here performing the functions of notaries public, he believed that the legality of their appointment, or the power to appoint others, would admit of very great doubt and it was for that reason that he asked leave to introduce the Bill, which provided that the Judges of the Supreme Court should have the power of granting to any gentleman power to act as a notary public, under the control of the Supreme Court. He believed that no objection would be offered to the Bill.

Mr MILDRED seconded the motion.

The ATTORNEY-GENERAL should support the motion. It would be in the recollection of hon. members that last session a Bill with a similar object was introduced by the hon. member for Light, and passed through all its stages in that branch of the Legislature, but for some reason or other it was not proceeded with. The position of notaries public at the present time, and the law respecting them, were as follows. Ever since, he believed, the foundation of the colony the Governors had been in the habit of appointing notaries public, though there was no power to that effect conferred by an Act of the Legislature, but the Governors exercised the power as something which they conceived to be inherent in the office. He might say that so far as he was aware the acts of notaries public so appointed had always been recognised as valid by the various bodies who were in the habit of acting upon notarial certificates, insurances had been paid, and in all cases the same credit had been given to them, as was given to the acts of notaries appointed by the Prerogative Court in England. The present Governor conceived that he had no authority to make such appointments, and that although the power had been exercised by former Governors he had no right to appoint notaries public. Since the arrival of His Excellency no notaries public had been appointed, nor could they be appointed, His Excellency abstaining from the exercise of a power, of the legality of the existence of which there were strong doubts. That circumstance placed certain practitioners of the Supreme Court in an unfair position, as they were unable to obtain an appointment formerly conceded as a matter of course, unless there were something in the character or antecedents of the individual which pointed to him as an unfit person for such an appointment. The Bill proposed to go further than to provide for the appointment of notaries public, as it authorised the swearing in of the notaries public already appointed, before the Supreme Court, who would thus be placed in the same position as those under the Act. This would remove all difficulty from the fact that the notaries public of this colony had not hitherto been sworn in. He had thought it right to state to the House what was the state of the law upon the subject, and the circumstances which had necessitated legislative action upon it. He cordially supported the motion for the introduction of the Bill, though he should be prepared to propose amendments in Committee which had better be discussed then than at the present time.

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 the following Wednesday.

INCORPORATED COMPANIES

Mr BAKEWELL moved—

"That he have leave to introduce a Bill intitled 'An Act to facilitate proceedings by and against Incorporated Companies'."

The hon. member stated that the reason he asked the House to assent to the introduction of this Bill was, that in Great Britain and in other colonies there were a great many public companies requiring to carry on operations in this colony, such as banking and loan companies, many of which as the House were aware, carried on business here, though the head quarters were elsewhere. There was a difficulty, as the law at present stood, in a public company carrying on such operations, one in reference to the existence almost of such companies as corporations. A corporation, as the House were aware, acted by means of a corporation seal, and he apprehended there could only be one seal to a corporation, though he was aware there was a decision to the contrary in the Irish Courts. Any act, therefore, requiring to be executed must be sent to the place where the seal was kept. The head offices were generally in England or Melbourne, consequently, as the law at present stood, there was a necessity for forwarding to one or other of those places all documents requiring the seal of the Corporation. He asked that the

law should be amended in this particular, and proposed to do so by means of the Bill which he now asked leave to introduce. The Bill provided not only an effectual and easy method by which the companies might carry on their operations, but also enabled the community to sue the companies. Public companies contracted liabilities, and it was very desirable that there should be some means by which their representatives would be held liable. He was sure that the House would not refuse permission to introduce this Bill, and he felt equally sure that there were many companies which would avail themselves of it. It would be of great advantage to the colony that capital should be introduced here, as the introduction of capital created competition, and the probability was that by an introduction of capital the rate of interest would be reduced. It was good and sound policy to afford every facility for monied companies and capitalists to come to this country and carry on operations. The colony wanted capital and the Legislature should offer every facility for its introduction.

Mr COLLINSON seconded the motion. The ATTORNEY-GENERAL did not rise to oppose the motion, on the contrary, he was quite willing that leave should be given to introduce this Bill, and that it should receive at the hands of the House careful consideration. There was only one thing which he would suggest to the hon member, who had stated very truly that, according to the law of England, corporations, except in exceptional cases, acted exclusively through the instrumentality of their common seal, that was the only evidence of contract, or of their having taken action upon any subject. That being the law of England, supposing we passed a law to that effect, and that a company were established in England with whom a contract was entered into not under the common seal, and the case were to be tried in England, should we be enabled to enforce that contract? He did not urge this as a reason that the Bill should not be introduced, but he hoped the hon member would consider the point to which he had alluded, and which was one well worthy of attention. He should support the motion, and should be glad to see a measure carried, which would remove the difficulties to which the hon member adverted.

Mr BAKEWELL apprehended that if a company adopted the action of its agent here in bringing itself under this Act and operated upon it, that the actions of the agent here would be binding upon the company at home. It was a most important point, but he believed that when the Bill was under consideration in Committee the difficulty could be met.

Leave having been granted, the Bill was read a first time, the second reading being made an Order of the Day for the following Friday.

DIVISIONS

The COMMISSIONER OF CROWN LANDS moved— "That it be a Sessional Order of this House that, on a motion for a Select Committee being carried, the bells shall be rung as in a division." The hon gentleman remarked that Select Committees very frequently had most important matters referred to them, and that it was desirable in electing Committees there should be as large a body of members present to make the selection from as possible.

Mr GLYDE was desirous of moving an amendment or addition to the effect that when a division was called the mover of the motion under discussion should exercise his right of reply prior to the division taking place.

The SPLAKKER said the amendment was not relative to the question before the House and could not be put.

The motion was carried.

LIFE BOATS

Mr HAY asked the hon the TREASURER (Mr Finnis) "If the Government would give directions to the Trinity Board that one of the life-boats, now being built or just finished for them, might be sent to Glenelg, for use in the mail or harbor service at that place?" He was induced to ask the question in consequence of observing that the Trinity Board had had one life-boat built and had another building. These boats were in use at the Semaphore. He had seen a statement in the newspapers to the effect that the first life-boat was of great service to those engaged in the mail and pilot service at the Semaphore, and that the boat was enabled to go out in any sea without peril. As the sea was sometimes dangerous off Glenelg, which had been made a mail station, he wished to know whether one of the life-boats could not be spared for that locality.

The TREASURER stated, in reply, that the mails were now landed at Glenelg by contract, and all the necessary provisions were made by the contractor. If the Trinity Board were recommended to place a life-boat at Glenelg a crew of six men must be provided, and unless the House authorised such an expenditure, the Government could not recommend the boat to be placed there.

MINERAL LEASES

Mr STRANGWAYS moved— "That there be laid on the table a plan of the premises comprised in lease to Messrs Chambers and Fincke of 320 acres of mineral land." The hon member remarked that there was a notice on the paper for Friday which would involve the discussion of the

whole question of these leases, and he would, therefore, content himself with the remark that when the plan was produced he believed it would be found that the official statement made in that House, that the four sections comprised in the lease adjoined each other, was incorrect.

Mr REYNOLDS seconded the motion, which was carried.

ANGASTON LOCAL COURT

Mr BAKEWELL asked the Honorable the Attorney-General (Mr Hanson), whether the attention of the Government has been called to certain defalcations committed by the Clerk of the Local Court at Angaston, and whether the Government intend to make good to the suitors the moneys they have lost by means of such defalcations?

The ATTORNEY-GENERAL said he was not prepared with an answer, as he only saw the notice that morning. With respect to the first part he could state that his attention had not been called to the subject in any form or way. He had heard rumours upon the subject, and was aware that some proceedings had been taken in connection with it, but he had received no official information. With respect to the latter part, he would make enquiry, and answer the question without notice, so soon as he had obtained the results.

The question was discharged.

MINERAL LEASES

Mr NEALES moved— "That the Commissioner of Crown Lands and Immigration (Mr Milne) lay on the table a letter addressed by Mr Dutton, then holding that office, to the hon the Chief Secretary, dated 25th January, 1858, also, memorandum of Major Freeling on the leases issued to Chambers and Finke and others, which memorandum was presented to the late Commissioner (Mr Neales), and dated July 4th." The hon gentleman remarked that both of those letters were in his possession when he was in office, but he thought it better that the new Commissioner of Crown Lands should lay them on the table of the House, than that he (Mr Neales) should do so at the last moment.

The COMMISSIONER OF CROWN LANDS laid upon the table one of the papers asked for, and remarked with regard to the others, that search had been made for them in the Chief Secretary's Office, but they were not to be found at present. A further search would be made, and when the documents had been obtained they would be laid upon the table of the House.

BILLS OF LADING BILL

On the motion of Mr BAKEWELL, the House went into Committee upon this Bill, when Mr GLYDE moved, that in clause 3 "packages" be inserted for "goods," thus relieving the captain from liability in reference to the contents of the packages.

The ATTORNEY GENERAL could understand a motion that the clause be struck out, but the effect which the clause was intended to have would be altogether destroyed if the captain were merely bound to deliver the packages without reference to the contents. The master of a vessel was always enabled to guard himself sufficiently by signing "contents unknown." To render him liable merely for the number of packages amounted to nothing whatever.

Mr SOLOMON moved, as an amendment that all the words after "laden on board" be struck out, thus doing away with the proviso by which a captain would be enabled to relieve himself from liability, by shewing that it was not from his default that the goods mentioned in a bill of lading were not on board.

Mr GLYDE could not see that there was anything so absurd in his proposition. Suppose, for instance, a bill of lading referred to 50 hogsheads of porter, there might be water in the hogsheads, as the captain was not supposed to examine the contents of every package, and would he, under such circumstances, be rendered liable?

Mr BAKEWELL must oppose the amendment of the hon member for the city (Mr Solomon), one reason for doing so being that he believed if any alteration were made in the Bill it would be disallowed by the Home Government. It was desirable that the law affecting bills of lading should be the same in all parts of the British dominions. This Bill had been passed in England, and had been adopted in most of the British colonies, consequently it would be most unwise to alter the provisions of the Bill, which would jeopardise its existence—in fact it would be unjust to make any alterations. What was contended for was, that where it appeared by the bill of lading that goods had been shipped on board a vessel, but that they proved not to be on board, and their not being on board was not caused by any default on the part of the captain, but by fraud of the shipper, that the captain should not be bound to make good the goods so deficient. Where in these very rare cases that the goods did not exist, which were represented in the bill of lading, and there was no imputation on the captain, he certainly thought the captain should not be liable. He would ask the House not to alter the provisions of the Bill, feeling that doing so would jeopardise its existence.

Mr HAY moved that after the word notice, the following words should be inserted, "by endorsement on the bill of lading." His object was not only that notice should be given to the holder of the bill of lading of the goods short shipped, but that the goods which were deficient should be endorsed on the bill of lading itself. He had great doubts of

the utility of the clause, as he considered that the captain should be rendered responsible for his signature. A bill of lading being as negotiable an instrument as a bill of exchange, or a promissory note, every one should, he considered, be warned by endorsement on the instrument itself, and the mere verbal statement of the captain should not be sufficient. The moment a bill of lading was signed, that moment the holder might go and get advances upon it. If the clause were to stand, he would strongly urge that the words he had suggested be inserted.

Mr SOLOMON urged the amendment which he had proposed. The hon member for Barossa (Mr Bakewell) had stated that cases in which there was a deficiency in the cargo as compared with the bill of lading were rare, but as a commercial man, he (Mr Solomon) was enabled to state that cases were not so rare as the hon member appeared to imagine. It frequently happened with ships arriving in the colony that there was a deficiency in the number of packages, and the captain was called upon to make good the amount, which he considered a just law. He could easily understand, if disputes merely arose between the captain and the shipper, why the clause should stand, but there were a great number of bills of lading which were hypothecated, and the holders actually knew nothing at all about the goods but what appeared in the bill of lading. If the captain carelessly signed the bill of lading, without satisfying himself that the goods mentioned therein were on board the vessel, he should be held responsible. There was a rule which every one at all acquainted with shipping must be cognizant of, and that was that the captain did not sign bills of lading till he had satisfied himself, by his mate's receipts, that the goods were actually on board. If the captain signed bills of lading from motives of friendship to the shipper, to enable him to get an advance before the goods were on board, surely the captain should not have the power afterwards to repudiate his liability, and say that it was in consequence of a fraud on the part of the shipper that the goods were deficient. If such a proviso were to stand it would be the party who advanced upon the bill of lading who would suffer, as it might be easy for the captain to show that though the goods were deficient, it was from no fault on his part. The Attorney-General said that to alter "goods" to "packages," as suggested by the hon member for East Torrens (Mr Glyde) would destroy the efficacy of the bill, but he would remind the hon gentleman that printed on every bill of lading there was an exception to the contents in the words "weights and contents unknown." Every bill of lading contained that provision, except for specie or bullion, and where specie or bullion was shipped, it was expected that the captain would make himself acquainted with the contents of the packages before signing the bill of lading. The moment the captain attached his signature to the bill of lading it became as negotiable as a bill of exchange, and the rule in reference to a bill of exchange was that no third party should suffer for disputes between the drawer and acceptor. He could easily understand that between the captain and shipper such a provision as that to which he objected should apply, but not where a third party was the holder of the bill of lading, and who might be perfectly innocent. He could not understand the object of inserting such a provision, unless it were, to create litigation of a character which had never before existed. Supposing that he as an auctioneer, advanced money upon a bill of lading for goods to arrive, and that upon the arrival of the vessel, instead of 50 packages there were only 25, all that the captain had got to show, if this proviso were allowed to remain, would be that the fraud was committed by the shipper, and then the captain would be exonerated, and he (Mr Solomon) left without his remedy, for the advance would have been made upon the faith of the bill of lading, and the party to whom the advance had been made might have left the colony or not be forthcoming. Although it was stated that a similar Bill to this was in operation in Victoria and New South Wales, he hoped it would not be introduced here, for a very large amount of business was transacted here on the faith of bills of lading, and if they were not held sacred there would at once be an end to all faith in such documents. He believed moreover, that the proviso would create endless litigation, as the captain had simply to show that he had no participation in the fraud in order to be thoroughly or legally exonerated. He hoped the House would seriously consider the question. He admitted there was nothing objectionable in the former portion of the clause but he strongly urged the House to strike out the proviso. Fraud might exist between the shipper and the captain, or with the English broker, for it was a practice, especially in the Australian trade, for charterers to have no interest in the vessels except in the outward freight, and it was quite possible that the brokers might recommend the captain to sign the bills of lading upon the faith of the goods being in dock. The goods, however, though in the dock, were actually vested in the shipper till they were shipped, and it frequently happened when, for instance, the charterer had made arrangements for 800 tons of freight for a vessel only capable of carrying 600, that the goods for which a higher rate of freight was paid were taken, whilst others, for which perhaps bills of lading had actually been signed were rejected, and it was then in the power of the owner or shipper to remove them to another dock, so that it would be seen that if this proviso were passed the door would be opened to endless fraud.

The ATTORNEY-GENERAL said there was no doubt whatever the insertion of this proviso would shake the mercantile credit of the colony to precisely the same extent as the mercantile credit of England, Victoria and New South Wales was shaken by the introduction of a similar proviso. It could not be supposed that the proviso would have greater effect upon us than upon those wealthier communities. The hon member for the city, Mr Solomon, might have considered how improbable it was that a country like England, interested more deeply than any other country in the world in maintaining the responsibility of masters of vessels should pass an Act calculated to produce such effects as the hon member had referred to. How should Victoria and New South Wales, whose transactions were far larger than those of this colony, place themselves in identically the same position as that in which it was proposed by this Bill to place this colony. How should they have adopted such a law, and it having been in force for several years, how was it that they had never experienced any of those inconveniences which had been alluded to by the hon member for the City (Mr Solomon). The hon member's objection though a plausible was not a valid one. The hon member, moreover, was, he thought, laboring under a misapprehension as to the existing state of the law, for the transfer of a bill of lading at present did not pass any interest in the contract for the conveyance of goods to the consignee. A party could not sue on a contract in the bill of lading by virtue of the endorsement. If a bill of lading represented that certain goods had been shipped, but by some fraud or error those goods were not shipped to the knowledge of the shipper, that would be a perfectly valid defence to any action, so that this provision, in fact, did not place the captain in a more advantageous position than at the present time. If the shipper of goods or the holder of a bill of lading knew that without any fault of the master the goods were not shipped, the consignee could not claim against the master. The law upon bills of exchange was exceptional to all principles of English law, as, except in connection with a bill of exchange, no person could transfer a better right than that which he himself possessed. If the shipper knew that without fault of the master the goods were not shipped, the consignee clearly had no right of action against the master, so that this provision made no change in the existing law. The proviso placed the consignee in no worse position, whilst the former portion of the clause placed him in a much better. It was proposed that the captain should be liable in every case except where he could show that he had been made the victim of fraud. If the proviso were struck out he would ask the hon member for Barossa to withdraw the Bill, as he would not be a party to make an innocent man the victim of the fraud of another.

Mr STRANGWAYS thought it quite clear after the discussion which had taken place, that if any portion of the clause should be retained it should be the proviso. The hon member for the city, Mr Solomon, had stated there was no reason that bills of lading should not be placed on the same footing as bills of exchange as bills of lading were frequently hypothecated. And no doubt they were, but the parties who entered upon these transactions knew the risk they ran, and in arranging the transactions, no doubt made allowances for that risk. Parties engaged in such transactions no doubt knew the risk as well as in bottomry bonds on vessels. The hon member for the City had said, that at present captains signed bills of lading upon the faith of the goods mentioned in the bills of lading being in dock, but that as those goods were frequently shut out, there was no guarantee that the goods would be actually shipped, and that by being moved about from one dock to another endless frauds might be committed. It certainly did seem that a very lucrative business might be carried on upon a very small capital, as arrangements might be made for sending a lot of goods to Adelaide, and upon the strength of the goods being sent to the dock, a bill of lading could be obtained and negotiated, but the goods being shut out they could be sent to another dock, and another bill of lading being obtained for them, the process could be repeated, as it appeared to him to an indefinite extent. He had not as yet heard any good reason for the insertion of this clause, and should like to hear from the hon member for Barossa some reason for its introduction.

Mr SOLOMON said that the hon member for Encounter Bay had pointed out how the provision might be abused, but he had quite forgotten to point out that the captain might be a party to that abuse. He was not convinced by the arguments of the hon member that the provision being retained would not operate prejudicially to the commerce of South Australia. If the provision were done away with he could imagine that captains who were now careless would be more careful, but if the provision were retained he could not see any reason that the captain should not be a party to the fraud. Very frequently American, Dutch, and German vessels came here with cargoes laden in England, though not English bottoms. If the captains of such vessels chose to engage in fraud where were they to be found? It was not now as it was some years ago, when for every foreign vessel eight or ten English came to the Port, but now for every English vessel there were three or four foreign.

Mr GLYDE said every mercantile man must feel the necessity of upholding the sacredness of a bill of lading as

much as possible, but at the same time he could not support the proposition to strike out the provision, thinking that the captain should be afforded an opportunity of proving that he was innocent if he could. Supposing that he shipped 100 bales of greasy wool, which he represented as clean in the bill of lading, and got an advance upon it as clean, if the captain delivered 100 bales of greasy wool, he thought that was all that could be expected from him, and that he should not be held liable for not delivering clean wool.

Mr BAKELWELL pointed out that the clause in question made a great improvement in the law, as it declared that the statement in the bill of lading that certain goods were on board should be conclusive evidence in all cases but one, and that was referred to in the proviso under discussion. At present it was quite clear there was a good deal of looseness in the shipping of goods, although, as the law at present stood he did not know that the captain of a ship would not be exonerated by showing that the goods had not been put on board. The defective state of the law as it at present stood was remedied by this clause, as it would not be competent for the captain to say that the goods were not on board in any case except one, and in that case he was exonerated by showing that the goods not being on board arose from the fraud of the shipper. He would put this case. Suppose a captain compelled by force by pirates to sign bills of lading for a quantity of gold dust, would the House say that in such a case the captain should be rendered liable for the goods mentioned in the bill of lading? He trusted the provision would not be opposed, otherwise he should be compelled to withdraw the Bill.

Mr SIRANGWAYS said there were two points upon which he should like to be informed. In the first place, in what position would a captain be placed in reference to goods thrown overboard from stress of weather, and secondly, how would this clause affect foreign vessels, and would the law of this colony affect foreign vessels, though the law were not the same where the bill of lading was actually signed as in this colony? Would there be any conflict between the two laws?

The ATTORNEY-GENERAL said, in reference to goods thrown overboard from stress of weather, this Bill would leave the law precisely as it at present stood. In reference to the second question, as to how foreign vessels would be affected by this Bill, that would depend partly upon where the goods were brought from. If they were brought from England there could be no doubt that this clause would operate, but if they were brought from a country where the law was different it would be for the Courts to say whether the contract was made between the shipper and the captain, and if so, the law at the port of shipment would apply, but if it should be held that the contract was between the captain and the consignee then the law of this country would apply.

Mr NEALE thought the third clause had better be struck out altogether, being quite satisfied it would cause a great deal of litigation. He should however like the clause less without the provision under discussion. He believed the Bill accomplished all that it was originally stated it was intended to accomplish, when it placed the endorsee in as good a position as the original shipper as to his contract.

The ATTORNEY-GENERAL said the Bill had better be withdrawn altogether if this provision were to be struck out. The effect of the first clause was to transfer the contract, as though the contract were made with the consignee, and the consignee being placed in the position of the party who made the contract, was affected by everything. If the first two clauses of the Bill were passed, and the third were struck out, he believed the best course would be to withdraw the Bill.

Mr HAY pressed his amendment in reference to endorsing on the bill of lading the goods short shipped, stating that as he read the clause, the captain was to give notice to the holder of the bill of lading that certain goods were not shipped, and he thought that the bill of lading itself should contain evidence that there had been a short shipment.

The ATTORNEY-GENERAL intimated that he felt so strongly in reference to the proviso in the third clause that he could not recommend His Excellency to assent to the Bill if that proviso were struck out, as it would be a violation of every principle of law. If the proviso were struck out it would be the only instance in which the innocent victim of a fraud was made responsible for it afterwards.

Mr SIRANGWAYS saw no use in carrying the amendment of the hon. member for Gumeracha, as the holder of a bill of lading might refuse to produce it, and, consequently, the goods short shipped could not be endorsed upon it.

Mr HAY withdrew his amendment, but expressed a hope that the Bill would not be taken out of Committee, as he objected to the first clause.

Mr HALLETT said it was customary when there was any doubt as to the quantity of goods shipped to insert an intimation to that effect upon the bill of lading. He saw nothing which would be gained by the present Bill except by the endorsee.

Mr SOLOMON'S amendment was lost by a majority of 8, the votes (Ayes 6, Noes 14) being as follow—
AYES, 6.—Messrs Cole, Duffield, Hallett, Owen, Rogers, Solomon (teller).

NOES, 14.—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer, Messrs Collinson, Dutton, Hawker, Hay,

MacDermott, Mildred, Neales, Strangways, Young, Bakewell (teller).

Mr COLE moved a further amendment that the clause be struck out.

The amendment was lost, the votes (Ayes 6, Noes 14) being as follows—

AYES, 6.—Messrs Hallett, Neales, Owen, Rogers, Solomon, Cole (teller).

NOES, 14.—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer, Messrs Collinson Duffield, Dutton, Hawker, Hay, MacDermott, Mildred, Strangways, Young, Bakewell (teller).

Mr HALLETT moved that the first clause be recommitted. The motion was lost.

The various clauses of the Bill having been agreed to, the House resumed, the Chairman reported progress, and the further consideration of the Bill was made an Order of the Day for the following Wednesday.

BUILDING AT THE BOTANICAL GARDENS

Mr HAWKLER said that he had been requested to bring forward the motion which appeared on the paper in the name of Mr Milne—

"That an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sufficient sum to be placed on the Estimates for the present year for the purpose of erecting a suitable building adjoining the Botanical Gardens, for the purposes set forth in a memorial presented to this House by the officers of the Botanical Garden, the South Australian Agricultural and Horticultural Society, the Horticultural and Floricultural Society, and the Adelaide Harmonic Society (See Paper No 45)."

The hon. member with the permission of the House inserted "a sum not exceeding 2,000l." It had long been felt desirable that the various important Societies mentioned in the motion should have a permanent building for the objects to which they were specially devoted. They could hardly be called private societies, having for their object the improvement and extension of everything connected with agriculture and cereal and other produce, consequently they were of the greatest benefit to the colony at large. Large sums were annually paid by these Societies for temporary buildings in which to hold their exhibitions, much larger than the interest of the money which he now asked for would amount to. He believed it had been the intention of the hon. member (Mr Milne) to ask for a larger sum, in order that the proposed building might have been made adapted for a museum of natural history, and for other purposes, but the hon. gentleman thought it very probable that in consequence of the state of the public finances the House would not feel justified in assenting to a larger sum than that now asked for. The societies referred to, especially the Agricultural and Horticultural Societies, might be considered as pertaining to the whole colony, and were not merely for the benefit of the town, the members of those societies in fact lived in all parts of the country, many of them very remote from the town. Any hon. member who had witnessed the shows in the Park Lands, would, he thought, see the importance of such Societies being assisted and encouraged by the public at large, particularly by that House. At present it was necessary to erect temporary buildings, and though great expense was incurred, the buildings, in consequence of the dust and hot winds, were entirely insufficient. If the vote were carried, a plain and permanent building would be erected, affording ample accommodation, and it ought also to be made available for large meetings. He did not for such an amount expect great beauty in the architectural design, but he believed that by the erection of such a building as had been suggested, great benefit would be conferred upon the Societies referred to, and that the interests of the colony would be permanently benefited.

Mr HAY, in seconding the motion, said that he believed there was no expenditure from which the public would derive greater benefits than this, as independently of the advantages which would be conferred upon the various Societies, the building might be made to answer very important purposes in connection with the Botanical Gardens. All that was required was a large airy building, suitable for the annual exhibitions. He did not believe, however, that the building could be made available for the Harmonic Society, a building suitable for an exhibition not being suitable for sound, and he hoped that the building would not be spoilt in an attempt to adapt it to both purposes.

The COMMISSIONER OF PUBLIC WORKS should not offer any opposition to the motion, believing that the object was as thoroughly South Australian as any ever brought before that House. Though the building would be in the neighbourhood of the town, it would, in fact, be for every part of the colony, and it would no doubt lead to an increase in those very pleasant exhibitions which had been so much enjoyed of late years. As soon as the Government were in funds they would expend the proposed amount in the erection of a suitable building, but should the Estimates be carried as before the House there would be great doubt as to the money being found. So soon as the Government were in funds they would carry out the expressed wish of the House.

The motion was carried.

RAILWAY COMMISSIONERS' BILL

The SPEAKER announced receipt of message No 13 from the Legislative Council, intimating that they had agreed to the Railway Commissioners' Bill, with amendments.

Its consideration was made an Order of the Day for the following day

PENOLA

Mr HAWKER moved—

"That an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum not exceeding 2000*l* to be placed on the Estimates for the purpose of establishing a line of telegraphic communication between Penola and Mount Gambier."

The hon member remarked that he had postponed the motion until the report of the Superintendent of Telegraphs had been printed, and that report was so exceedingly favorable that he did not anticipate any opposition to the motion. The district demanded that this sum should be conceded to it, as it was the only thing which had been asked for the South eastern district this session. The length of the telegraph asked for was about 40 miles, which would put Penola in communication with the long lines of telegraph between this and Melbourne. The main portion of the messages sent from Penola would not be on the short 40 miles but would be paid for on the long distance, in fact, if this motion were assented to Penola would be connected with Melbourne, Portland, Bullrat, the diggings, Mount Gambier, Guichen Bay, and several other stations.

The COMMISSIONER OF PUBLIC WORKS would say the same with regard to this that he did with regard to the building which recently formed the subject of discussion. From the report which had been obtained from the Superintendent of Telegraphs, the Government would feel perfectly justified in expending the money so soon as they were in a position to take steps to do so.

The motion was carried and the House adjourned at five minutes past 3 o'clock, till 1 o'clock on the following day

THURSDAY, JULY 7

The SPEAKER took the Chair at eight minutes past 1 o'clock

THE WORKING-MEN

Mr SOLOMON presented a petition signed by nearly 3,000 working-men, praying the House to rescind the vote for 20,000*l* for immigration, and to add that amount to the sum voted for public works.

The petition was received and read

MINERAL LEASES

The COMMISSIONER OF CROWN LANDS laid upon the table a plan showing the position of applications for mineral leases, and returns showing the applications which had lapsed, and those which had been granted.

The returns were ordered to be printed, and the map lithographed.

THE COMMISSIONER OF CROWN LANDS

Mr REYNOLDS asked the Commissioner of Crown Lands whether he had resigned his seat at the Central Road Board, and if he had not, whether he intended to.

The COMMISSIONER OF CROWN LANDS had written a letter tendering his resignation but in consequence of having been extremely busy, he had omitted to forward it. He should do so either that afternoon or on the following morning.

THE TELEGRAPH

Mr HAY said he had heard numerous complaints that messages from Melbourne were not received till late in the afternoon. He was desirous that the Commissioner of Public Works should communicate with the Superintendent of Telegraphs to see if messages from Melbourne could not be forwarded at an earlier period of the day.

The COMMISSIONER OF PUBLIC WORKS said that he was sure the Superintendent of Telegraphs would make every effort to make an alteration. In consequence of the extraordinary press of business, owing to the important late English news, the Superintendent had been in the office for 22 consecutive hours. He believed that the communication between Adelaide and Melbourne would never be thoroughly satisfactory till there were two wires not only between Melbourne and Mount Gambier, but that we should have to put up a second wire also, and this had been renounced the more necessary in consequence of the political news which had recently been received.

GLENELG JETTY

Mr STRANGWAYS asked the Treasurer whether there would be any objection on the part of the Government to place at the disposal of the Trinity Board the means of establishing and maintaining a light at the end of Glenelg Jetty?

The TREASURER said there would be no objection to provide merely a lantern for the end of the Jetty similar to such as were used at the Port, but not a regular light-vessel, or lighthouse.

Mr STRANGWAYS merely referred to a fixed light

MR SELWYN

Mr GLYDE asked the Commissioner of Crown Lands whether Mr Selwyn, the Government Geologist of Victoria, had sent in his report?

The COMMISSIONER OF CROWN LANDS had made some enquiries upon the point and found that Mr Selwyn had sent in a preliminary report, but by no means a complete one. The leave of absence from Victoria which Mr Selwyn had obtained having expired, he was compelled to return by the last trip of the Admell, but would furnish a full report from Melbourne.

Mr NEALES said that Mr Selwyn had furnished him with a progress report, but that gentleman found it impossible to prepare one which would prove satisfactory to himself in a few hours, and preferred completing the mapping and report in Melbourne. He (Mr Neales) agreed to this course, thinking it better that as good a report as possible should be presented.

DISTILLATION

Mr MILDRED asked the Treasurer when he expected the Consolidated Distillation Bill would be laid on the table of the House.

The ATTORNEY-GENERAL believed he should be enabled to lay it on the table on the following day, and proposed to proceed with it on the following Tuesday. He should certainly not be later than Thursday in proceeding with it.

ACCESSORIES TO INDICTABLE OFFENCES STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL, in moving that the amendments of the Legislative Council be agreed to, said that they were of a purely formal nature, principally leaving out "South Australia," and inserting "said province" (Laughter).

The amendments were agreed to, and a message to that effect ordered to be sent to the Legislative Council.

WELLINGTON FERRY BILL

The COMMISSIONER OF PUBLIC WORKS, in moving that the amendments made by the Legislative Council in this Bill be agreed to, said that they were of a strictly formal character, the principal alteration appeared to be that of "swam" to "swun" (Laughter).

The amendments were agreed to, and a message to that effect ordered to be sent to the Legislative Council.

RAILWAY COMMISSIONERS BILL

The COMMISSIONER OF PUBLIC WORKS, in moving that the alterations made by the Legislative Council in this Bill be agreed to, said that they did not at all affect the principles of the Act.

The amendments were agreed to and a message to that effect ordered to be sent to the Legislative Council.

PREPARATIONS FOR WAR

The ATTORNEY-GENERAL moved—

"That Standing Order No 103 be suspended, in order that he may move that the House resolve itself into a Committee of the whole, for the purpose of moving—that an address be presented to His Excellency the Governor-in-Chief, praying him to take such steps as may be requisite for the organization of an armed force within the province, by placing a sum upon the Estimates for that purpose, and by causing any legislative measures which may be necessary to be prepared and introduced to the House of Assembly, and that this House avail itself of the present opportunity to express its attachment to Her Majesty's person and Government, and its resolution to assist, to the utmost of its ability, in defending and upholding the integrity of the British empire, as well as in maintaining the security of this province."

The hon gentleman remarked that he had taken this course instead of advising the Governor to send down a message proposing a sum upon the Estimates, and considering and introducing legislation upon the subject, because he thought on any matter affecting the welfare and prosperity not only of this community but of the empire of which we formed part the Government should act in accordance with and receive the sanction of the Legislature to any measure which they might adopt. All hon members were no doubt aware of the important and he might say the menacing character of the news from Europe. It was true that Great Britain was not actually involved in hostilities directly or indirectly, at least she was not by the last advice, but when they found one of the oldest allies of England, with whom they had been on the closest relations of amity for upwards of a century, engaged in hostilities upon the largest scale, with two of our recent allies, it was found impossible not to fear that something might arise which would prevent England preserving neutrality, and compel her to take part in the contest. These apprehensions were greatly increased by rumours which existed in reference to what they could not form an absolute opinion upon, but which, from the quarter from which they originated, bore the aspect of truth, that between France, our recent ally, and Russia, our recent opponent, there existed engagements of a most intimate kind, which might enable one to rely upon the assistance of the other in case of any emergency which might arise, to carry out any project of ambition or aggression which either

might have formed. It was impossible that any one who had watched the course of the present Emperor of the French from the time he entered France on the last occasion—his strong protestations that he intended to take no part in politics, but merely to live as a private citizen—it was impossible for any one who had noticed him from that period till he obtained the supreme power, and watched how he used that power, not to feel that it was impossible to calculate from his professions what line of policy he would actually adopt. There was no person but who must feel the ultimate intentions of the Emperor of the French were likely to be of such a character as would involve the possibility of protest and energetic action on the part of England to prevent their accomplishment. Whilst that was the case with the French, no one could look upon the policy of the leaders of Russia—postponed only from the time of Peter the Great, never abandoned—without feeling whatever were the professions of the head of the Russian Government, that when the fitting time arrived they would carry out the traditional policy of making Constantinople the southern and Petersburg the northern portions of their dominions. It would involve no greater violation to make Constantinople the southern capital than in the seizure of the site where Petersburg stands to make that the northern capital. No one could doubt that if such a measure were attempted the policy of the Home Government would be to take measures to prevent such a result. War was actually raging, and our late ally and late opponent had entered into relationship which involved mutual support and co-operation, and the object of both it would be impossible that Great Britain could allow to be accomplished without taking energetic action. There was consequently great risk that Great Britain would not long be enabled to preserve her neutrality. The Government of this colony had no more information upon the subject than what might be gathered from the public papers, but in consequence of all these impending contingencies the British Government had called upon the people of England to prepare themselves, they had encouraged volunteer associations organized militia, and were adding to the regiments of the line, in fact they were taking all those steps which it was the duty of a Government to take if war were regarded as imminent, and which, he would say, considering the burdens which were thus imposed upon the people, it was the duty of a Government to refrain from, unless they considered the danger imminent. They had therefore, in the conduct of the British Government, an indication that it did not believe this colony to be behindhand in measures for its defence and protection. The course, therefore, which this Government proposed to take in the first instance, was to ask for power with reference to the organization of a volunteer force and to provide encouragement for such a force, by supplying arms and ammunition. It was also proposed to provide a drill sergeant, and some contributions towards the expense of a uniform. Premiums would also be offered for the best shots and it was thought that in that way arms having been fortunately provided, and in the possession of the Government, that an amount of security might be given to the province. It was thought necessary, in reference to volunteer companies, to have some legislative sanction, but the Bill which was introduced when England was at variance with Russia, was, perhaps, not the best suited for the occasion. It was therefore intended to introduce another Bill. It was necessary that the expenses involved in the various points alluded to should be provided for on the Estimates. In reference to the latter part of the resolution, he was sure there was no one in that House, scarcely in the country, who did not feel when danger threatened the empire of which we formed a part, that it was suitable and right we should express sympathy with our native land, and assure Her Majesty of our desire to assist in the defence of the empire. It was difficult to say anything upon this portion of the subject, because whatever expressions were used, they would be responded to more strongly than language could express by every one who heard them. The Government had not sufficiently matured their plan to be prepared to name an amount, indeed, it had been thought that the Government should, in the first instance, obtain the co-operation and sympathy of the Legislature, and leave it to the House afterwards to decide to what extent they would go.

The TREASURER seconded the motion for the suspension of the Standing Orders which was carried.

Mr. GLYDE wished to ask if the Government had received any despatches from the Home Government upon the subject.

The ATTORNEY-GENERAL said the Government were not in possession of any more information than that of which all hon. members could avail themselves. The hon. gentleman formally moved an address to His Excellency in the words of the motion.

Mr. REYNOLDS supported the motion, and was glad to find that the Government had initiated this without an address from the House. There was now a chance of those Minie rifles, which had been so long rusting, and which had cost so much cleaning being polished up and placed in the hands of volunteers of South Australia to prepare for such emergency as the Attorney-General had adverted to. The latter part of the motion had his earnest and most cordial support. As one of Britain's sons he felt an honor in being

connected with Great Britain, and should be proud to do everything in his power to maintain the connection. He was pleased that the Government had intimated their intention of organizing volunteer companies, which he believed would be found better than militia. Though the Militia Bill of 1854 was still in operation. Instead of bringing that Bill into operation, the Government had acted wisely in determining to organize volunteer companies. If the Parliament had not been in session the Government would have been justified in bringing into operation the Militia Bill of 1854. One thing had struck him as rather peculiar, and that was, that the Attorney-General, as Minister of the Crown, should speak in such strong terms of the Emperor of the French, not that he at all dissented from the hon. gentleman's remarks nor should he if they had been much stronger, for he (Mr. Reynolds) should be afraid almost to describe the Emperor but he was certainly surprised at the apparent want of reserve with which the Attorney-General spoke of the Emperor of the French. Although surprised, the hon. gentleman might have used much stronger language, but he believed such language would hardly have been used in the British House of Commons.

Mr. BARROW rose to speak, but resumed his seat on the Speaker calling upon the hon. member for Victoria.

Mr. HAWKER supported the motion, and gave the Government great credit for the promptitude with which they had acted on this occasion. He had intended on the previous day to put the question as to the course which it was the intention of the Government to adopt in reference to the matter, but before he had an opportunity of doing so the Attorney-General gave notice of the motion before the House. The news from Europe, he did not hesitate to say, was most important, knowing what he did of the Continent, over a large portion of which he had travelled. He was in England during the last war, and from all the circumstances he could not believe that this was going to be a little war. From what he knew of the Emperor of the French, he believed that he was only waiting his opportunity to wrest from Austria that portion of Italy over which he had control, and he believed that Great Britain, however involuntarily, would be dragged into the war, for there could be little doubt which side she would take. She could not take the side of that usurper, the Emperor of the French. He had ascertained from several officers that when the allied troops were fighting before Sebastopol anything but good feeling existed between the two armies. Waterloo was not forgotten, and under such circumstances it was our duty to be prepared for the worst, for to be forewarned was to be forearmed. The course proposed by the Attorney-General was he considered a very admirable one. We had 2,000 Minie rifles, but he would remind the House that since those had been sent out a far superior weapon had been introduced, the Enfield rifle, and he believed that one course which the Government should pursue was to apply to the Home Government for a large importation of Enfield rifles. [The Commissioner of Public Works remarked that the rifles were Enfield rifles.] He (Mr. Hawker) was enabled to state that they were Minie rifles, which were far more cumbersome than Enfield rifles, and he had the authority of Major Nelson for stating that the weapons here were totally different from the weapons in use in the army, the latter description being far more serviceable. Major Nelson had also intimated to him that one of his men who had practised with the Enfield rifle was enabled at a distance of 100 yards to put five balls out of six into a target, but it was necessary there should be great practice, in order that when the distance was not actually measured, parties might be enabled to judge of the distance. It was necessary that men should have great exercise in the use of this description of piece to become expert, but he believed that in no portion of the world could a finer body of men be collected than in South Australia. They were just the right age—very few old men compared with other parts of the world. If a body of men were organized, he believed that when called upon they would be enabled to give a very good account of any predatory expedition with whom they might come in contact. There must, however, be training, organisation, and discipline.

Mr. BARROW was about to remark (when interrupted by the hon. the Speaker calling upon the hon. member for Victoria) that it did not appear by the motion whether it was the intention of the Government to move an address to Her Majesty, although he supposed that such was the intention. He should take it for granted that such an address would be prepared, and it was scarcely necessary to add that it would be carried with perfect unanimity, in both branches of the Legislature. (Hear, hear.) One thing was certain, that whatever difference of opinion there might be upon some subjects, when their loyalty and patriotism were involved, there was perfect unanimity—(hear, hear)—and the unanimity of the Legislature would be re-echoed out of doors. It might be considered a small matter that so small a colony should convey their ideas and sentiments upon important imperial movements, but it should be remembered that on former occasions addresses and contributions had been sent from the colony to the Imperial Government, and that they had been most cordially acknowledged. (Hear, hear.) Such addresses would doubtless stimulate our brave defenders to additional exertions, when it was seen that Britons were actuated by the same feeling in

this remote portion of the world, as were their countrymen in England, Ireland, or Scotland (Hear, hear) But whilst pledging themselves to support and uphold the integrity of the British empire, as well as to maintain the security of this province, it would be exceedingly desirable that the Government of this colony should point out to the Government at home that the position which this colony held in reference to England, whilst it conferred great honor upon us, also increased our danger, that we, being portion of the British empire in these seas, were exposed to the hostile attacks of the enemies of Great Britain when they visited this part of the world. There was a party at home holding ultra-economical views, who were never more happy than when throwing back on the colonies the burden of defending themselves, but as the enemies of Britain would be our enemies in the event of war breaking out, such steps should be taken as would ensure us the greatest amount of imperial security (Hear) Although unquestionably these colonies derived substantial advantages from their connection with Great Britain, they had at the same time conferred vast advantages upon Britain in return, as thousands who were now engaged in Australia in trade and commerce and peaceful industry, to the advantage of the parent country, would otherwise have been dependent paupers at home (Hear, hear) Australia was, therefore, entitled to look to Great Britain for naval protection. It was satisfactory to find that the strength of the navy in the Pacific was being increased, and if Great Britain valued her Australian colonies she should take steps to preserve them from those hostile attacks to which they might be subjected, and from which they were not able to protect themselves. He hoped that in any address which might be prepared this would be borne in view, and that the perils to which we were exposed from the enemies of Great Britain by our connection with Great Britain would be properly set forth. It was a satisfaction to find that it was the intention of the Government to organize volunteer rifle companies. He remembered that on a previous occasion when the subject was mooted he was playfully reminded by the Attorney-General that he (Mr Barrow) might, perhaps, hit a haystack if he had a rifle (Laughter) He did not know on what data the hon gentleman judged of his (Mr Barrow's) skill in rifle practice, or by what data he could judge of the hon gentleman's, but as the hon gentleman could split hairs, he could, no doubt, hit a haystack (Renewed laughter) He hoped that not only would an address of sympathy be presented to Her Majesty, but that increased facilities for coast protection would be obtained, and that a body would be raised in the colony who, if they could not meet compact bodies of disciplined forces, would be fully equal to meet enemies of a less formidable description, who would, indeed, be more likely to make a descent upon our coast (Hear, hear)

Mr MACDERMOTT was much gratified with the promptness with which this resolution had been brought before the House. It would afford him much pleasure if England could consistently with her dignity remain neutral in the struggle which was going on, but he had very little hope of such being the case. When he viewed the state of Italy he could not help expressing sympathy with the inhabitants of that country, who he believed had been much misjudged, but if France were successful in the present struggle it would be simply a change of masters which the Italians would obtain, and it was a question even whether they would be milder. There was another aspect more dangerous, and that was the secret convention between France and Russia. The Turks had concentrated 120,000 men, and when the proper time arrived there could be no doubt that Russia, with the countenance of France, would make an attack upon the Turkish dominions, and England must then become involved in the general war. They must keep in view the augmentation of the French naval force, for even in this neighbourhood they had six vessels. He alluded to New Caledonia. If hostilities took place there could be no doubt there would be predatory attacks upon these colonies, and we must be prepared to resist them. He did not apprehend any serious attack, because that would involve a large flotilla, which could scarcely leave without the knowledge of England, and would be speedily followed, but it certainly behoved them to make a volunteer force as effective as possible.

Mr HAY thought it was clear the Home Government considered there was imminent danger or they would not make such extensive preparations at a time when the people were taxed so heavily. He found that 10^l was actually offered as bounty to men to enter the British navy, and under such circumstances it would ill become South Australia to ask Great Britain to go to any expense in defending us. Even if a large sum were required for the support of a force, he should be in favor of granting it for the purpose of guarding against attacks in the event of a rupture between Great Britain and France. He believed that the Italians would be very little benefitted by the change of masters if they looked to French rule in their dependencies, and to the conduct of the French in Rome. He was afraid that the Italians had little to expect from the present war. He cordially agreed with the resolution, and he believed that every Briton would do the same. British colonies enjoyed greater freedom than any other colonies in the world, it would be impossible to live under any flag which conferred greater liberty than that of Great Britain. He trusted they might see the end of

the war without Great Britain being involved, but he had very little hopes of such being the case.

The TREASURER agreed most cordially with the resolution before the House, and was pleased to see such unanimity. No doubt hon members had all read the recent accounts, and those who had studied the history of Europe since 1851 or 1852, must see that we were on the eve of a great crisis. The position of England was very different from what it was at the time the Russian war broke out. England drifted into that war without being prepared for the consequences, and in consequence had to make large sacrifices, but England was now making extensive preparations, seeing that from the state of European elements she should be prepared to put forth all her energies. When they considered the state of England, and that though the people were heavily taxed they came forth and submitted readily to further taxation for the purpose of meeting those preparations they might be sure there was a strong feeling that those preparations were needed. If they were needed there, we ought not to be idle here. The position of this colony was very different when there was a war with Russia, the colonies had nothing to fear from that war, but with the powers now or likely to be at war, it could scarcely be hoped to make so effectual a blockade as would leave the colonies in the same state of protection as during the Russian war. If England were dragged into the war it would be suddenly, for the powers now at war would not give much time for preparation. One of the belligerent parties was already in our neighbourhood, in New Caledonia, and the Russians were in the Pacific. Whatever blow was struck might be expected to be prompt and sudden and vigorously carried out. The duty of the Government consequently was to arouse the people to a sense of their danger, and the mode in which it was proposed to effect this was to arm a certain portion of the population. With regard to a volunteer force or a militia force, it was unnecessary to discuss those considerations, because that would form part of the duty of the House when the Government proposed the measure founded upon the address. In the first instance we had only to look to our defence, for Great Britain would do her best to secure her gold colonies—indeed we had her assurance that she expected to provide naval protection for them. At the same time, however, the danger arising from a sudden descent must be guarded against. He had, he thought, said enough to show that it was necessary to arm the population, but what sum would be necessary would depend entirely upon the result of the mature deliberations of the Government. In reference to the latter part of the motion, he would remark that although the mother-country was not actually engaged in war she was surrounded by all the elements of war, and consequently that it was our duty no less than our inclination to rally round her with our wishes and promises of sympathy, and an assurance to the sovereign that her loyal and faithful subjects in South Australia would be true to the mother-country. Some persons deprecated preparations for war upon the ground that the disasters from invasion were not of a very serious nature, and that they would only change the Government from Victoria to some other potentate. He had heard such sentiments during the late war, even from members of that House. To that class it would be vain to address arguments, if that class saw no danger from a foreign invasion, no argument was likely to affect them, but this we knew, that the lot of the vanquished was to suffer, and history would shew what was the result of a hostile force occupying a country. It had been said by the hon member for East Lorrain (Mr Barrow) that we should represent to the mother-country that she dragged us into these wars, though the onus of defence was thrown upon us, but we must bear in mind that we bore no share of the National Debt, which had placed England in the high and exalted position which she occupied, and gave her the power of defence which she now possessed. The legitimate way in which we should bear a proportion of that debt would be by taking on ourselves our own protection.

Mr SIR RANGWAYS supported the motion, reserving to himself the liberty of moving any alterations he might deem necessary in the details of the measure. The news by the mail of the previous month gave no intimation of a probability of two of the greatest Powers in Europe being involved in war, yet such was the intelligence brought by the last mail, and the strong probability was that England was already involved. If they looked to history they would find that during the last century England had always been at war in some part of the world, consequently they had no right to suppose that she would succeed in her present strict neutrality, particularly when they remembered how tenacious Englishmen were of their rights, and that some English ships had been overhauled by boats of French cruisers, he felt confident that England must become involved in the struggle which was going on in Europe. That struggle had not arisen on any sudden emergency, but had been long planned. Any one who had paid attention during the last two years to the course which had been pursued by the leading politicians in England, could come to no other conclusion than that they had been endeavouring to arrest what they considered inevitable war. Although the freedom of Italy might be the occasion of the war it was not the cause, there were other circumstances which it was not necessary to enter into. It was merely necessary to consider what would be the

effects to this colony of war. The Attorney-General had stated, that the Government were not in possession of any information upon the subject. [The Attorney-General said what he had stated was, that the Government were not in possession of any facts but those which were open to every one. Despatches had been received, but they did not contain any thing to guide the Government beyond what had appeared in the public journals.] He (Mr. Strangways) was astonished that there had been no official communication from the Home Government to the Government of this colony upon a subject which must so materially affect the trade of the Australian colonies. When the effect upon English interests of a supply of gold from Australia was considered, it would be seen that the matter was of material consequence. He believed that the way in which war between France and England would affect the Australian colonies would be, not by a direct descent but by privateers laying in wait for gold ships. He did not believe that the advantages of maintaining a position here would be sufficient to induce great European powers to make a descent upon our coasts, their only object could be plunder, and gold was the most valuable plunder they could obtain, if it were in sufficient quantities. The hon. member for the Sturt had alluded to the strong language used by the Attorney-General in speaking of the Emperor of the French, but he considered that much more severe language would not have been at all inapplicable. It was well known a good feeling did not exist between the allied armies at the Crimea, and the attacks subsequently made by the French generals, though publicly censured by the Emperor, were privately approved of by him. He believed that nothing would please the Emperor of the French or his army better than a descent upon the English likely to prove successful, for there were some old scores to be wiped out, but he believed in the event of a collision, the same result might confidently be relied on as that which accrued at the early part of the present century. The only artillery possessed by the colony consisted of a few field-pieces and some howitzers, which could not do a vessel at a long distance any serious damage. Armstrong's gun was thought so highly of in England that the inventor was knighted, and he would suggest that the Government should endeavour to obtain from the Home Government some better and more approved description of heavy guns adapted for battering purposes. Armstrong's gun would throw 32-lb. shots five miles. A despatch was received a short time since from the home authorities, intimating that they could not send out 68-pounders unless the colony paid for them, and he believed the amount required was 2,500. This would, he believed, be money well expended, and if the guns were properly taken care of they would last an almost indefinite period of time. About five months since he went around the Armory, and was enabled to state that the rifles here at that time were Enfield rifles, the bore of which was smaller than the Minnie rifles, and in the Enfield rifles there were three grooves, whilst in the Minnie rifle there were three grooves, which he happened to have brought with him from home an Enfield bullet, which exactly fitted the rifles here. He was not surprised at the ignorance which existed upon the subject, as the Committee upon the defences of the colony were unable to meet with any one who could afford any information in reference to the Lancaster gun, though that had been in use three or four years. He believed that no efficient volunteer corps could be raised unless when in training they were subject to martial law. In reference to the manner in which the rifles should be distributed, he thought the Government would not find it advantageous that the volunteers should be allowed to take the rifles upon finding security for their return, but the better plan would be that there should be a central place in each district for an armory, and that a person should be paid to take care of the arms and accoutrements.

Mr. TOWNSEND considered the Government entitled to thanks for having introduced this resolution. If he understood the proposition rightly, it was that we were prepared to do our duty by protecting ourselves, and whilst we expressed our loyalty we at the same time reminded the Home Government of what was their duty in reference to us. The whole of the Australian colonies were most imperfectly protected. By the last mail it was ascertained that fifty vessels were to leave England in one month for the Australian colonies, their cargoes being on an average worth 20,000 each, and this was independent of the enormous gold exports from the colonies. It was most important whilst we endeavored to defend the Imperial Government, that they should send vessels to defend us. He did not think England could long remain neutral, but was prepared to adopt the views put forth by the London *Times*, which had sources of information not second to the Government. He had never heard any one say that it did not matter what government they were under. He would ask would they have a free press under the Emperor of the French? Might they not be sent to a dungeon merely for issuing a pamphlet? If England went to war it would be to protect liberty, but the whole of the Continental Powers had gone to war to crush liberty. He was second to no one in loyalty, and cordially adopted the resolution. It would be for the Government carefully to consider the details of the measure, and they were entitled to the thanks of the House for having given their best attention to it.

The ATTORNEY-GENERAL said he was gratified,

though not surprised at the unanimous concurrence of hon. members. There was only one jarring note, and that was from a quarter from which he least expected it. He alluded to the remarks of the hon. member for East Lothians in reference to our position with regard to England. Those remarks induced him to rise for the purpose of saying a few words. It was quite true that we, as a part of the British Empire, were exposed to attacks from the enemies of England because of our connection at the present juncture, but under the protection of the English name and power we had remained secure. Would any one who had seen the course which had been pursued by Russia and France say that if this colony had been founded as an independent state some pretence would not have been found to bring us under the dominion of one or other of those powers? The conduct of France in the Pacific must have shown any one how easily a pretext might be brought forward. Look to their conduct in Tahiti, where some act on the part of a Roman Catholic priest was made a pretext for the armed interference of France. Every colony in this hemisphere would have fallen under some power unless protected by England, and there was no country in the world from whose dominion so much was gained, and so little suffered, as from the dominion of England. In no part of the world, not even in the United States of America, was there so much practical freedom. Knowing that this arose from the connection with England, they should be willing to submit to the occasional inconvenience which that and every other connection involved. He had the fullest confidence that England would do what was necessary to protect these colonies, which were entitled to the same protection as every other part of the empire, and there need be no fear, no apprehension, that our colonies would be neglected, but he quite agreed that the particular way in which protection should be afforded should be pointed out, and he knew that the Governors of the various colonies, as representatives of Her Majesty, were conferring and making suggestions as to the best means in which the protection of the English Government might be afforded. The Government looked upon this not as a measure in which they were distinct from other members, but they called upon the House to lend their aid to make the measure as effective as possible. The Government were ready to give the fullest consideration to every suggestion, having no jealousy, no desire, no feeling, but that their united work should answer the object.

The motion was carried, and on the motion of the Attorney-General a Committee consisting of Messrs. Hawker, Reynolds, and the Attorney-General, were appointed to prepare an address in accordance with the latter part of the resolution.

CLERK AT ANGASTON

Mr. BAKWELL explained that in the allusion which he had made on the previous day to the defalcation of the Clerk of the Local Court at Angaston, Mr. Warburton was not at all implicated. He had alluded to Mr. Skeene, who had been tried for the offence.

OFFENCES BY FORGERY STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL this Bill was read a second time and passed through Committee the consideration of the report being made an Order of the Day for the following day.

INSOLVENT LAW AMENDMENT BILL

Upon the motion for the consideration of this Bill in Committee,

Mr. GLYDE said that the information which he sought by the notice in his name had been laid upon the table of the Legislative Council, and he therefore begged that the notice in his name might be discharged.

Mr. STRANGWAYS asked if that was the proper time to move that the Bill be referred to a Select Committee.

The ATTORNEY-GENERAL said he had stated he should not oppose a Select Committee, if it should appear in the first place to be the wish of a large proportion of the members of that House, and the suggestions made in reference to the alterations or amendments showed sufficient reason. He had no wish to press the Bill into Committee if it were thought the House would be in a better position to discuss it on the following day or Tuesday, but the suggestions which had yet been made certainly did not show that there would be any advantage in referring the Bill to a Select Committee, and as he had previously stated a Select Committee might prevent the Bill being passed during the present session.

Mr. STRANGWAYS moved that the House resume, his wish being that the Bill should be referred to a Select Committee. One of the alterations which he wished to effect had reference to the accountants' charges. It was not necessary under the old Act to employ accountants, and he could not see any necessity for their employment. Day after day, and week after week he saw notices of insolvency, but he very seldom saw any notices of dividends. If hon. members referred to accounts published in the newspapers, the accuracy of which had not been challenged, it would be seen that there were generally a fair proportion of assets compared with the liabilities, but the question was, what became of these assets, for as he had before said, he never saw any intimation of any

dividend. He believed if the whole details were referred to a Select Committee, a very great improvement might be effected in the Bill.

Mr GLYDE seconded the motion. The Chamber of Commerce had appointed a Sub-committee to report upon this Bill, and he expected very shortly to receive a report from them. Those with whom he had spoken upon the subject were of opinion it would be very desirable to refer the Bill to a Select Committee. He hoped it would be postponed till Tuesday.

The ATTORNEY-GENERAL had no objection, but if he referred the Bill to a Select Committee he should propose to strike out the second clause which repeals the 88th clause, and introduce a separate Bill for that purpose. He would not oppose a postponement of the Bill, but if it were referred to a Select Committee he thought it right to intimate what course he should pursue in reference to that particular point.

Mr ANDREWS thought it would be a great pity to refer the Bill to a Select Committee. The chief reason for wishing to do so appeared to be the charges of the accountants. Under the old law it was said no accountants were required, but the result was that an insolvent kept back a portion of his estate, and the estates were in fact mulcted of much larger sums than in the present day. It would be a crying evil if the existing Act were not amended, and as the session was drawing to a close he saw no prospect of the amended Bill being passed during the present session if it were referred to a Select Committee.

The CHAIRMAN then reported progress, and obtained leave to sit again on the following Tuesday.

SUPPLEMENTARY ESTIMATES

On the motion of the TREASURER the House went into Committee on the Supplementary Estimates. The hon. gentleman remarked that the amount actually required was 26,519/ 08 7d., to meet expenses which had not been foreseen when the Estimates for last year had been prepared. He thought it right to inform the Committee that there would be some additions to the printed list, which would be communicated to the House by message on that or the following day. The amounts named on the Estimates had been actually expended, so that they were literally excesses. It was unnecessary for him to go into a lengthened statement of ways and means, because he had recently done so; but he might remark that the revenue was estimated at 231,650/., but over and above that estimate the Government had received 4,700/., not, as stated in the Supplementary Estimates, 7,000/., owing to the assessment on stock not having been paid in as rapidly as was expected. There were several items which he should have to postpone, and others in which there would be an alteration of amount, which he would explain when those items came under discussion.

Mr GLYDE wished the consideration of the Supplementary Estimates postponed till a reprint had been laid on the table of the House, as the hon. the Treasurer had alluded to so many alterations that it was quite impossible to follow him.

Mr REYNOLDS supported the motion, thinking that the Supplementary Estimates could be disposed of when the Message containing them was sent down by His Excellency.

The ATTORNEY-GENERAL said the Treasurer had alluded to one misprint and two or three items which he did not intend immediately to consider. There were other votes on which the Treasurer was prepared to give all the explanation that could be required, and he must object to any postponement, unless it were the wish of a majority of the House.

The following items were agreed to without discussion — Governor-in-Chief, 11s 11d., Legislature and Library, 17/ 11s 6d., Destitute Poor, 24/ 3s 4d.

Armoury, 88/ 2s 9d.

The TREASURER stated, in reply to Mr REYNOLDS, that it had been found necessary to expend this amount for the purpose of keeping the guns clean, and that there was an amount included for cartage in removing the guns from the old to the new store.

The item was agreed to. Also the following — Stipendiary Magistrate, Mount Gambier, 14/ 7s 1d., Local Court, Adelaide, 44/ 17s 7d., Courts generally, 46/ 14s 6d., Court of Insolvency, 3/ 0s 6d.

Colonial Architect's department, 34/., 5s 10d.

The COMMISSIONER OF PUBLIC WORKS stated in reply to Mr REYNOLDS, that this amount had been expended in consequence of the resolution of the House that plans and estimates and working drawings should be prepared of buildings for which votes were asked. He had carefully watched over the expenditure. In order to prepare the necessary plans he had found it necessary to engage six extra draughtsmen, who worked till 11 or 12 o'clock at night, and the result was, that he was in a position to advertise nearly all the works for which votes had been taken. He should be able to redeem the pledge which he had made that certain works at the Port should be advertised before the 31st of the present month.

Mr HAY believed it to be a waste of money to prepare working drawings to lay on the table of that House. He believed that instead of keeping up a large staff in the Co-

lonial Architect's Office, the better plan would be to advertise for plans for all important buildings.

Mr REYNOLDS said the hon. member for Gumeracha said these plans were useless, but from the statement of the Commissioner of Public Works he believed the money which had been expended in their preparation had been well spent, as it enabled works to be advertised for and employment to be given to a large number of persons.

Mr HAY was still in favor of competition being invited for these plans.

Mr NEALES supported the vote, having no doubt the money had been spent in accordance with the vote of that House, although he did not say they had got the value for it. Where a large expenditure was proposed, it was better that plans should be submitted to the House.

The vote was agreed to. Also, the following — Residence for signalman at Murray Mouth, 14/ 17s 10d., Lighthouse at Cape Northumberland, 690/ 19s 1d., advance to the Central Road Board, 10,000/., repayments (Murray duties), 4,362/ 9s 11d., compensation to lessees, 7,874/ 2s.

In reference to the last item Mr NEALES recommended that the valuations should be managed very differently. They were quite nominal, for nothing like the amount would be realised if the improvements were submitted to any kind of sale. He had heard one party say that he was sure there would be no competition for his posts and rails, and huts were down to such a price, that he was sure no one would be such a fool as to give it.

Mr GLYDE said it appeared at first sight that the valuation was merely a nominal matter, and so it was, if the party bought himself, but it was a very different thing for a third party, and the revenue suffered by an improper valuation.

Mr NEALES said that though his predecessor did not advise him as to the irregular mineral leases, he was quite prepared to advise his successor what he thought best to be done in all cases within his knowledge.

The ATTORNEY-GENERAL said enquiry should be made, and he should be glad to receive every information upon the subject which the hon. member (Mr Neales) could give him. If the hon. member's information should prove correct, the Government would mark their sense of the unworthy conduct of the persons whom they had employed.

Northern Exploring Expedition, 297/ 15s 1d.

Mr REYNOLDS asked if the 100/ gratuity to Major Warburton were included in this amount, as, if so, he intended to vote against it.

The TREASURER said that though the 100/ to Major Warburton swelled the expenditure in connection with the northern expedition, it had not been paid out of this amount, which, he might remark, would close up all accounts in connection with the expedition. The estimate in which the £100 were included would be laid upon the table in a few days.

Mr REYNOLDS should move that £100 be struck off this item. Major Warburton had plenty of water and feed, and why did he not proceed? Why should he be paid £100 merely to catch Mr Babbage? (Laughter.) Major Warburton had power to continue the exploring expedition, and might have immortalized himself if he had only pushed on; his name would have been handed down to posterity as long as posterity lasted, had he pushed on, but instead of doing so he broke up an expedition upon which so much money had been spent.

Mr SIRANGWAYS opposed the motion, stating that having been a member of the Committee upon Mr Babbage's petition, he had heard Major Warburton's explanation, and considered that he acted wisely in breaking up the expedition as he did, at all events, had the 100/ been 500/., still a saving would have been effected to the country by breaking up the expedition, for Mr Babbage admitted that he intended to have remained on Stuart's Creek the whole of the summer, receiving 1,000/ a year. Major Warburton had made known a practical passage across Lake Torrens, which was worth as much, or more, than all the discoveries in the North-West.

Mr GLYDE said Major Warburton was an officer of police, and was bound to go to any part where the Government chose to send him. If he could find the 100/ he should certainly move that it be struck out.

Mr SOLOMON would also strike out the 100/ if he could only find it (Laughter.)

The TREASURER said the 100/ would appear on a supplementary estimate which would be submitted to the House in about a fortnight.

Mr DUFFIELD would vote for striking off 100/., feeling that if it were not found in this item it would not be found at all.

Mr REYNOLDS had read Major Warburton's evidence, and so far from thinking him entitled to 100/., he considered that he should be called upon to forfeit something for breaking up the expedition. He was very sorry that Mr Babbage had been caught, feeling that he would have done far more than Major Warburton.

Mr DUFFIELD reminded the House of a letter received from Major Warburton, which frightened the whole community, for it was thought Mr Babbage was lost. A shepherd in the locality boiled, and was never heard of afterwards, and one gentleman was induced to bring back the sheep which he intended for the new country. Major Warburton should have left the plant at the springs and have proceeded on in the winter.

Mr STRANGWAYS said that the statement made by Major Warburton in reference to the permanence of the water which induced parties to turn back, was correct.

Mr GLYDE thought it a fortunate thing that Major Warburton had christened the springs "Strangways' Springs," as he had secured the co-operation of the hon member for Encounter Bay.

The SPEAKER put the amendment reducing the amount by 100*l*, which was carried by a majority of 4. The votes—ayes, 9, noes, 5, being as follow—

AYES, 9—Messrs Cole, Duffield, Dunn, Glyde, Harvey, Rogers Solomon, Townsend, and Reynolds (teller).

NOES, 5—Attorney-General, Commissioner of Public Works, Messrs MacDermott and Strangways, and Treasurer (teller).

The following items were agreed to—Law Library, 5*l* 16*s* 8*d*, Agent General's Salary, 270*l*, Contingencies, 40*l*.

Immigration Agent, 540*l*.

The TREASURER explained that last year 4,500*l* of the amount voted for this department was saved, and carried to the general revenue. The amount now asked for was for services for which the 4,500*l* were voted, but the accounts did not come in in sufficient time to be charged against that item.

Mr REYNOLDS said that two Immigration Agents had been receiving pay at the same time, Lieutenant Dashwood's salary commencing from the date of his appointment, independently of which 120*l* had been paid for his passage. He moved that the item be reduced by 16*l* 8*s* 9*d*.

The amendment was lost, and the original item carried by a majority of 7, the votes (AYES 11, NOES 4) being as follows—

AYES, 11—The Attorney-General, the Commissioner of Public Works, the Commissioner of Crown Lands, Messrs Cole, Duffield, Harvey, MacDermott, Neales, Solomon, Strangways, Treasurer (teller).

NOES, 4—Messrs Dunn, Glyde, Townsend, Reynolds (teller).

Glenelg Jetty, 1,827 7*s* 2*d*.

The COMMISSIONER OF PUBLIC WORKS explained that against this amount the sum of 1,904*l* 11*s* had been received from the underwriters for an accident to the ship Berkshire. The hon gentleman added, in reply to Mr REYNOLDS, that he had that day received the final papers, describing the actual stock of the Breakwater, and that no doubt the materials would be turned to some useful purpose, probably a portion would be devoted to widening the head of the Jetty at Glenelg, and that portion which was sold might pay for the labor employed upon the work.

The item was agreed to. Also, Barrier Ranges Gold Expedition, 32*l* 13*s* 6*d*.

The CHAIRMAN then reported progress, and obtained leave to sit again on the following Tuesday.

CENSUS BILL

A message was received from His Excellency suggesting alterations in the Census Bill, which were ordered to be printed and taken into consideration on the following Tuesday.

CUSTOMS RETURNS

The TREASURER stated, in reply to Mr SOLOMON, that he had received from the Collector of Customs returns to June 30, but they were not in a fit state to lay upon the table, as the returns from two outports were wanting.

The House adjourned at 25 minutes to 5 o'clock till 1 o'clock on the following day.

FRIDAY, JULY 8

The SPEAKER took the chair at 12 minutes past 1 o'clock.

MINERAL LEASES

Mr REYNOLDS moved—

"That, in the opinion of this House, the mineral leases granted to Messrs Bath & Bosance, George Barclay, and Messrs Chambers & Fincke, are not in accordance with the provisions of the Act No 5 of 1857, nor with the regulations for granting mineral leases framed by the Government, and are therefore illegal."

The House would be aware that some time since he moved for a return, shewing the number of mineral leases which had been granted under the Waste Lands Act of 1857, his reason for asking for that return being that he had ascertained a lease granted to Messrs Bath & Bosance was not in accordance with the regulations of January, 1859, nor in accordance with the provisions of the Act of 1857. He had conversed with many members upon the subject, and his views were well known to Captain Hart and the late Commissioner of Crown Lands (Mr Neales), both of whom agreed with him that the lease was not in accordance with the regulations of 1859, or the Act of 1857. The question of the mineral leases granted to Messrs Chambers and Fincke was a most important matter, one of the most important, indeed, which could engage the attention of the House. Immense quantities of copper and other minerals existed in the North, and when it was stated that Messrs Chambers and Fincke had obtained nine mineral sections, each of 80 acres, the importance of the question would readily be admitted. If two individuals could find nine

mineral sections, the mineral wealth of the north must be enormous. It appeared that Mr Chambers and others interested with him offered to dispose of their interest in these sections for 40,000*l*, consequently if such a price were fixed they must be of great value. If there were to the north such immense mineral riches, it was essential that those riches, which were the patrimony of the people, should be properly guarded and not thrown away. The public should derive some benefit from them. To develop the mineral resources of the colony regulations were proclaimed in 1857, and, with the permission of the House, he would refer to them. Those regulations distinctly stated that no greater portion than 80 acres should be included in one lease, that the term should be 14 years, and that 10*s* an acre should be payable in advance which entitled the holder to search for the first year, and at the termination of the lease the land was thrown open to the highest bidder. The regulations went on to say that the Lieutenant-Governor was not authorised by the Waste Lands Act, or the Orders in Council to grant leases, except for pastoral purposes, and that His Excellency could only grant mineral leases, subject to Her Majesty's confirmation. The House would remember that these leases were to be granted subject to the approval of Her Majesty. Her Majesty in 1857 resigned all interest in the waste lands of the Crown, assigning all her interest to the Legislature and the Legislature in 1857 framed an Act, called the Waste Lands Act, regulating the sale or other disposal of all waste lands in South Australia. That Act stated that the land should be disposed of according to the regulations herein provided, and not otherwise. Now the question arose, could the Government in 1857 grant mineral leases. That question should have been settled before regulations were issued. Her Majesty resigned all claim to the waste lands in 1856 or 1857, and the Legislature then passed an Act, providing that leases should be issued according to certain regulations. The Waste Lands Act received the assent of the Governor in the name of Her Majesty, on 19th November, 1857, and then became law. It provided for framing certain regulations in reference to the issue of leases for mineral lands, and that the lands were not to be disposed of in any other way than in accordance with those regulations. It went on to say that it should be lawful for the Governor to grant for mining, for any mineral except gold, sections not exceeding 80 acres, for 14 years, at 10*s* an acre, with the right of renewal, on payment of a fine of not less than 4*l* an acre. It appeared that these regulations, to have had the force of law, should have received the assent of His Excellency, and have been published in the *South Australian Gazette*. He would commence with the first application, which was made by Messrs Chambers and Fincke on 30th Nov., 1857, just eleven days after His Excellency had given his assent to the Act. They applied for 80 acres under the regulations of 1857. It was very singular that in the return laid upon the table the particular character of the lease was not stated, nor were the particular conditions stated. The lease was applied for on the 30th Nov., 1857, and the lease was dated 25th Nov., 1858, and delivered 17th June, 1859. The House would no doubt be desirous to know the contents of that lease, and whether there was any right of renewal. He did not see that it had gone through the ordinary course that is, that it had been referred to the Commissioner of Crown Lands, or that it had been recommended for approval to the Governor and Executive Council, still the rent was paid according to the regulations of 1857. He came now to another lease on the table of the House for 320 acres and it appeared that lease comprised four sections. It comprised applications made on 30th August, 1858, 26th April, 1858, and 15th January, 1858. Chambers and Fincke in those applications applied for leases under the regulations of 1857. The Surveyor General forwarded the lease to the Commissioner of Crown Lands, the Commissioner of Crown Lands approved it, recommended it to the Executive Council, and the lease was granted. The Executive Council having approved it, the thing was done, and the rent was paid according to the regulations of 1857. It was signed, sealed, and delivered on the 17th June, 1859. The House should understand that there were two leases of 320 acres to these gentlemen, for on 2nd December, 1858, an application was made to the Surveyor General for 320 acres, who, seeing no objection, forwarded it to the Commissioner of Crown Lands, who recommended it to the Executive Council, and the Governor approved of it. All these leases were granted under the regulations of 1857, and the rent was paid under those regulations. The leases were handed over on 17th June, 1859—two leases of 320 acres each, nine blocks of 80 acres each. All appeared tolerably fair sailing up to that time. It appeared the Governor felt justified in granting mineral leases under the regulations of 1857, but, if so, how was it that Her Majesty was not asked to assent to those leases? It was said that Her Majesty had resigned her right to the Legislature, then he contended that the Legislature should have sanctioned the regulations under which the leases were issued, and if the Government leased any mineral lands it could only be in accordance with the Act of the Legislature. The question arose whether the Government could legally grant leases under the regulations of 1857. If they could, the leases should be in accordance with those regulations, but instead of being granted for 14 years without a right of renewal, he found that in these

leaves a right of renewal was given. It was, in fact, "hotch potch," a mixture of the regulations of 1851 and 1859, because the regulations of 1859 gave a right of renewal on payment of a fine of not less than 1*l* per acre. If these leases were granted upon the regulations of 1851, the conditions in the leases were not warranted by those regulations, consequently they could not be legal, being contrary to the regulations both of 1851 and 1859. It appeared that even under the Waste Lands Act of 1857, the Government could not grant mineral leases without the consent of the Legislature. There was no power to grant leases for 28 years, but there was power to grant leases for 14 years, but before the expiration of that period the lands must be valued before another lease could be granted for 14 years. He was astonished that the late Commissioner of Crown Lands should have granted a lease to Messrs Chambers and Fincke, with a right of renewal at the termination of 14 years, upon payment of £1 per acre, for he was sure that hon member (Mr Neales) would bear him out in stating that he considered the lease granted to Bath and Bosance illegal, and that the Government were not justified in granting a lease for 28 years upon payment of £1 per acre at the expiration of 14 years. It was at the instance of the hon member that the provision was made by which at the expiration of 14 years there should be a valuation of the land—a system somewhat similar to that which was adopted in Cornwall—there a royalty was paid at the termination of 14 years. The hon member never expected that the Legislature would agree to grant a lease of 28 years, on payment of £1 per acre at the end of 14 years, and it was never intended there was another point, in reference to granting 320 acres instead of 80, which was an important one. The Act distinctly stated "not exceeding 80 acres," but Messrs Chambers and Fincke, highly favored individuals, had obtained two leases of 320 acres each. He had been under the impression that there was only one lease of 320 acres, but he had found another, and notwithstanding the statement of the Attorney-General, that these 320 acres comprised four sections of 80 acres each, adjoining each other, he found that this was not exactly the case. On this point alone he believed the leases were illegal. The leases under the regulations of 1851 were not valid, granting leases for 28 years, on payment of a fine at the end of 14, was clearly illegal, it was neither in accordance with the Act nor the regulations, in fact, it was a complete mess. He could hardly trust himself to express what he thought in reference to these leases, it was a terrible mess from beginning to end. If the Commissioner of Crown Lands, at the period when the Waste Lands Act of 1857 was passed, had framed regulations as speedily as he made regulations for issuing pastoral leases, which were framed and on the table of that House within a month, if the hon gentleman had displayed the same diligence in framing regulations for the issue of mineral leases, the horrid mess which the Government had got into would have been avoided. If the Government were justified in granting leases under the regulations of 1851, the course was very clear, to the hon member who succeeded Mr. Dutton in the office of Commissioner of Crown Lands. These leases were submitted to that gentleman very shortly after his acceptance of office, and the Surveyor-General, in writing to that gentleman, under date of 17th June, 1859, stated that he forwarded to him the leases prepared by the Crown Solicitor, pointing out that the fine was blank, but pointing out also that the Waste Lands Act gave no right of renewal. Considering the knowledge which the late Commissioner of Crown Lands (Mr Neales) possessed in reference to the Waste Lands Act, he could not conceive how that hon member went on blundering, giving a lease in fact for 28 years, particularly as the provision in reference to valuation was suggested by that hon member, yet in the face of that, and the conversation which he (Mr Reynolds) had with the hon member in reference to the lease to Messrs Bath and Bosance, the hon member issued the lease to Messrs Chambers and Fincke. No apology could be offered for such a gross dereliction of duty. What did it matter to that House that John Hart was going away? The hon member (Mr Neales) had taunted him with being the fancied friend of the working classes, but he could tell the hon member, that in granting these leases he had shown himself rather the real nor fancied friend of that class. The hon member must have known that Mr Chambers wanted 40,000*l* for his interest in this property, yet, in the face of this, he granted him a lease for 28 years. If it were possible to make the hon member pay for his giving away the patrimony of the people, he should be made to pay. Suppose each of these sections should turn out to be a Burra, what would be the value at the end of 14 years? What would be the value of the Burra had it been subject to valuation at the end of 14 years? Why it would have given them probably a million of money, or enough to construct railways to all the principal sources of mineral wealth. Save the working classes, he said, from such a friend as the hon member (Mr Neales). He thought he had raised sufficient to show that the leases were not in accordance with the regulations issued by the Government in 1851 or with the Act of 1857. There was one other matter, and he would now take the liberty of addressing himself to the Government. He must say that granting these leases shewed great laxity—great neglect—great want of attention on the part of the Government. He said so with all good will. The Government believed that the mineral wealth of

the country was in the North, and he could not see why on earth they had delayed for a period of 15 months framing regulations. The Government might consider they had been whitewashed by getting rid of one of their members, that by-gones should be by-gones, and that no one was in fact responsible, but they certainly ought not to have placed the Governor in the awkward position which they had by inducing him to sign these leases. He believed that the leases were not worth the paper they were written on, and then came the question were they to grant legal leases? By all means. If the regulations of 1851 were valid, let the lessees have them under those regulations, but not mix them up with the regulations of 1859. If, on the other hand the lessees wanted the leases under the regulations of 1859 instead of 1851, let them have them. Let proper legal documents be given them, but he did not believe that the leases which had been granted were legal merely because His Excellency's signature was attached to them, for His Excellency could only act in accordance with law, and if the leases were not in accordance with law, they were not worth the value of the paper they were written on. The House might remember that a few years ago a question was raised in reference to land in Victoria-square, and the law was given against the Government. It might be said that a company would be formed in England, and that for the credit of the colony these leases should be granted, but he was not prepared to give away the people's property for a term of twenty-eight years, merely to keep up the credit of the colony. No man in the colony at the present time better knew the value of those leases than John Hart, who had told the House that he was going to introduce an immense amount of capital and immigration to the colony, but Mr Hart knew well that the leases were not in accordance with the regulations of 1851, or the Act of 1857, and if he disposed of the leases, let him do so at his own peril.

Mr STRANGWAYS seconded the motion.

Mr NEALES, before the question was put, thought it necessary, as the lease to Messrs Chambers and Fincke had been more particularly alluded to, to state that upon the mistake being discovered and brought before the House, he stated at once that a blunder had unquestionably been committed, but that he believed that a much greater blunder would be committed if any attempt were made to upset the leases without the consent of the holders. As to the regulations of 1851 being in force after that House had passed an Act in 1857 positively superseding them, he could not believe that to be the case, otherwise he could not see the use of legislating. No regulation by the Queen or other authority could, he apprehended, override legislation of a later date. To apply in 1857, under the regulations of 1851, appeared to him to be a perfect farce. From information which he possessed upon the subject, he felt satisfied that no man would put up expensive machinery if he were to be turned out at the expiration of 14 years. The law in Cornwall, at least that acted upon, was that a man remained in possession so long as he paid his dues. The fact was that the form of lease had before him appeared to have been a blunder, and he was asked to fill up a certain space, and did so. He admitted that he was advised, as had been stated by the hon member for the Sturt, by letter from the Surveyor-General, and that letter, whilst it reflected credit upon the Surveyor-General, perhaps reflected very little discredit upon him (Mr Neales) for not having attended to it. He filled up the lease for the purpose of inducing capital to flow to the colony, and if he could he would have filled it up at a farthing instead of 1*l* per acre. As for spending the people's patrimony, it was absurd, for the fee simple of the land could have been purchased for 1*l* per acre, and even if the leases were confirmed the country would receive 7*l* per acre instead of 1*l* for the land. No capitalist in England would take a lease under the regulations of 1851, and he was afraid that the same remark would apply to the regulations of 1857. If the Burra were put up to auction to-morrow, what premium would it realise after the standing fixtures were paid for at the valuation of the last Burra balance-sheet? Why, he did not believe the Government would get more than 1*l* an acre for it, that is, 10,000*l*. He professed to be a practical miner, and knew what views were likely to meet those of capitalists in England disposed to enter into such pursuits. He did not defend the blunder which had been committed, but he repeated that he believed a much greater blunder would be committed should the House, by its action, endeavor to ride the high horse over the English capitalist.

The ATTORNEY-GENERAL said that so far as he had been able to follow the hon member for the Sturt, it appeared to him that hon member was prepared to defend throughout in every particular the course which the Government had stated they had taken with regard to the past, and had intimated their intention to take for the future. He believed that no hon member in that House would dissent from the course proposed to be taken by the Government in reference to these leases, namely, that while they did not in any way acknowledge their validity, and would do nothing to bind the Government or the people to recognise these as valid leases, they were at the same time prepared to do everything which they were bound by law to do, if application had been made to them in their instance. That was what he had understood the hon member for the Sturt was prepared to do, and he was glad to find that state-

ment responded to warmly by the House. The only question was whether it would be expedient and useful to pass the present resolution, and his own opinion was that it would be neither expedient nor useful. If the Government took the action which they had intimated, this resolution could have no effect, for if the leases were illegal, this resolution could not make them more illegal, and if they were legal, still the resolution could have no effect. The resolution therefore, would be altogether inoperative, unless it were intended to make this the foundation of subsequent action on the part of the Government and the Legislature. He did not understand this as a preliminary step to calling on the Government to take steps to set the leases aside, but if the hon. member for the Sturt stated that was his object, it was a perfectly valid and intelligible reason for having brought the matter forward. When, however, the hon. member said that whilst he would do nothing to make the leases valid, or support them, he did not call on the Government to do anything to set them aside. He thought this a needless and superfluous motion, and thought the best way would be to move the previous question. His own opinion was that the leases were illegal, and that if steps were taken to set them aside the Court would be bound to pronounce so, but he thought it unwise on the part of the Government to take such steps till the result of the action which they had intimated their intention to take was known. He saw no advantage which could result from this resolution. He had confined himself to this one aspect, having no desire to follow the hon. member for the Sturt through the various topics on which he had touched. He agreed with a good deal of the hon. member had said in reference to previous irregularities but there was nothing to defend in the action of the Government after their attention had been called to the matter and the hon. member agreed with what the Government proposed to do. The Government recognised the irregularity which had been committed, and in consequence accepted the resignation of the late Commissioner of Crown Lands. He thought that to pass the resolution at the present time would be useless, but if pressed, he should vote for it, though he should still move the previous question.

The COMMISSIONER OF PUBLIC WORKS seconded the amendment.

Mr DUFFON deemed it incumbent to allude to one point which had been touched upon regarding the action which he took in his official capacity as Commissioner of Crown Lands. He alluded to the point raised by the hon. member for the Sturt relative to the delay which that hon. member alleged occurred in the issue of regulations relative to mineral leases under the Waste Lands Act of 1857. When that subject was brought before the House last week he took occasion to state that there was no foundation for that view of the case, and that the matter was not neglected by him, there having been no delay in framing regulations which could by any possibility affect the issue of leases as soon as they were asked for by several parties. The Waste Lands Act was passed in November, 1857, and the regulations occupied his attention immediately afterwards, for in January, 1858, he addressed a letter to the Chief Secretary drawing attention to the Government regulations of 1851, his object in sending to the Government being to ascertain from the law officers of the Crown whether the Waste Lands Act of 1857 overrode the regulations of 1851, or whether those regulations remained in force till fresh regulations had been published. He would refer to the conditions under which parties applied. In the first place they were allowed three months to send in a plan of the block, and when that was received in the Survey Office, notice was given to the party holding a pastoral lease for the locality upon which this block was situated, and this involved another six months, and then 12 months more were allowed for the party to determine whether he would take a lease or not, so that a period of 21 months would elapse before a lease in due course would require to be issued by the Government. It would be necessary that the House should bear these facts in mind, because they would show that there was no immediate hurry for the issue of the regulations after the Waste Lands Act had been assented to. The terms upon which the regulations should be framed were very carefully considered, and he consulted with parties well acquainted with the subject, amongst whom were Mr Neales and Mr Ayers, who had perhaps had greater experience than any other gentlemen in the colony, and Mr Ayers generally approved of the regulations which were framed. He did not think that a charge of dilatoriness against these regulations could justly be brought against him. When the Waste Lands Act was passed, in 1857, the value of discoveries in the north was not at all known, it was only in the latter part of 1858 that the value of the mineral lodes became apparent to the public. When discoveries of that nature became valuable no time was lost in completing the regulations. It was not necessary to touch on other topics which had been dwelt upon by the hon. member for the Sturt, but if the motion were put he should feel bound to vote for it, as he felt that every hon. member must agree the leases were illegal.

Mr GLYDE could not accept the proposition of the Attorney-General in moving the previous question. If he had had any previous doubt as to the illegality of the leases, it would have been removed by the very able address of the hon. member for the Sturt, and, indeed, the remarks of the

Attorney-General. To his mind, to carry the previous question would be tantamount to saying that the question was of no importance. The Attorney-General had stated that no good end could be attained by passing this resolution, but he thought that the despatch of the Government intimating that the leases were not valid, would have all the greater effect if it were endorsed by a resolution of that House, but it would have much less weight if the resolution were shelved by the previous question being carried. He believed that other hon. members were prepared to move and support an addition to the resolution in accordance with the suggestion of the Attorney-General, that steps be taken to remedy the error which had been committed.

Mr PEAKE would have been very glad if the motion of the hon. member for the Sturt had done something more than simply declare that the leases were illegal, because their illegality was manifest on the face of them, and therefore it was merely asserting a truism. He had just learnt from the Attorney-General that the Government were prepared to take action in the matter, and that the parties in possession of leases in accordance with the regulations in force. He understood that to be the policy of the Government, and if so, it appeared to him that the Government were prepared to do what the House wished, that the leases should be put on a legal footing. Such being the case, he saw nothing but to vote for the previous question.

Mr STRANGWAYS quite agreed that to record an opinion that the leases were illegal could have no practical effect beyond compelling the Government to take action in the matter. The action, however, which the Government now stated it was their intention to take, differed considerably from that which they stated it was their intention to take a few days back, probably circumstances had altered their intentions. On the last occasion the Attorney-General stated that the Government intended to send correct leases to the Agent-General, and leave him to act upon them, but it now appeared the Government intended to adopt a different course. It was necessary that the House should distinctly understand what course it was intended to pursue, more especially if the report were true that Mr Walters was actually engaged in negotiating some of these leases. It was desirable, he thought, that the Government should act for themselves in the matter. The invalidity of the leases was admitted by the Attorney-General, but he should like to know when the hon. gentleman made that discovery. He believed that there was a memorandum to the Chief Secretary, from the Governor, dated 24th June, to the effect that a lease sent to him by the Commissioner of Crown Lands required to be executed at once, as Capt Hart was going to England yet they were told that Capt Hart had nothing to do with the lease. How was it, then, that his name came to be mentioned? He believed there was more in the transaction than had yet come out, and that it required to be thoroughly sifted. The late Commissioner of Crown Lands had gone into office as he stated for the purpose of improving the regulations in reference to mineral leases, and a pretty mess he had made. The question had been touched upon as to the Waste Lands Regulations of 1850, and the fine being fixed at not less than 5/ per acre, whilst in the Waste Lands Act not less than 1/ was the provision, but it appeared to him there was nothing inconsistent, as His Excellency had power to increase the minimum amount of fine. There was another matter in connection with the old leases under the regulations of 1851 which required the sanction of Her Majesty. He should like to know if any sanction had been obtained, because if there were it was possible that the position of the lessees might not be so satisfactory as they could wish. In reference to Chambers's lease, he should like to know whether it had been submitted to the law officers of the Crown, or whether in the Commissioner of Crown Lands' office they picked up any form of lease and filled it in. If such a system were adopted, he thought it should be stopped, and that no lease should be issued until it had been approved by the law officers of the Crown. If that course had been adopted these leases would never have been issued. He thought the Government should inform the House how it was that His Excellency was induced to attach his signature to these leases which had been sent to him in so unusual a manner. Indeed from a memorandum by His Excellency it appeared to have been thought by him highly unusual. It appeared that leases which were illegal had been issued on former occasions, the lease to Messrs Bath and Bosance, and also another one, being also illegal. He believed that all matters in connection with waste lands had been managed in a most slovenly manner. No doubt hon. members had heard numerous complaints as to the manner in which assessment on stock had been levied, and he hoped from papers which would be laid before the House they would be enabled to form some opinion upon this point. The late Commissioner of Crown Lands (Mr Neales), who appeared to have been the prime mover in reference to the lease to Chambers, admitted that a blunder had been committed, but he could not believe that a blunder of so serious a character was accidental. The hon. member had stated that he went into office for the purpose of altering the regulations in reference to waste lands, and the first thing which he did was to issue a lease in defiance of those regulations. He believed the hon. member knew when he issued that lease that it was not in accordance with the Waste Lands

Regulations, particularly as he had his attention called to the point by the Surveyor-General. The hon member said that although he had committed a blunder it would be a still greater blunder if the lease were changed without the consent of the parties interested, but he could not understand this, because the opinion of the Attorney-General was that the lease was void (No, no.) He had certainly understood the Attorney-General to say that the lease was invalid, and he could not see what difference there was between invalid and void, there might be a distinction, but not a difference. No doubt the Attorney-General would enlighten the House upon the point, as he did the other day in reference to the distinction between theft and robbery. If the leases were invalid it was quite clear that the lessees could have no title to the lands comprised in those leases. If the Government were in a position to offer valid leases in exchange, the hon member (Mr Neales) considered this would be a greater blunder. ("No, no," from Mr Neales.) He believed that sometimes the hon member did not know what he said. ("Hear, hear," from Mr Neales, and laugh &c.) The hon member said when in office that he found it necessary to be very careful what he said, but it was quite clear that he did not exercise much care when out of office, for the hon member still contended that a good bargain had been made by the issue of these leases, as the fee simple of the land could have been purchased for 11 per acre. He could not understand this however, and was quite sure that if the lease of the property were put up for 28 years, at 10s per acre, and a fine of 320*l*. at the expiration of 14 years, it would fetch more than the hon member seemed to imagine. He had heard it stated that the Burra Company had offered 20,000*l*. for these leases, and if this were true, and, as had been stated by the hon member for the Sturt, that Mr Chambers asked 40,000*l*. for them, how could it be expected that Mr Chambers could have obtained the fee simple at 11 per acre? Had the land been put up by auction, he believed that the purchaser would have had to pay a very large sum. The hon member (Mr Neales) had stated that no parties would take leases under the regulations of 1850, but the hon member had not stated his grounds for arriving at that conclusion and he believed the majority of those who were acquainted with those regulations would arrive at a different conclusion. The terms were exceedingly liberal, and he believed that capitalists would be easily found to work under those regulations. The opinion of parties quite as competent as the ex-Commissioner of Crown Lands was that the terms were exceedingly liberal. The hon member (Mr Dutton) stated that he enquired of the Attorney-General whether leases could be granted under the regulations of 1851, but did not succeed in getting an answer, and if he had it would probably have been one that he could not have understood, nevertheless he thought he should have pressed the hon gentleman for an opinion of some kind. He was perfectly satisfied of the illegality of the leases, and as all appeared to be agreed on that point, it was perfectly unnecessary, he considered, whether the resolution was carried or not.

The COMMISSIONER OF PUBLIC WORKS quite agreed with the previous speaker, that it was not a matter of great importance whether the motion was carried or not. Anything which would tend to interfere with the action of the Government to put these leases on a proper legal and valid footing, would, he thought, be unwise. The Government were taking the steps which they had stated in the first instance. They would take steps which, it had been stated by the hon member for the Sturt and those who cheered him, were approved of. The Government had taken steps to place the holders of these leases and the people of South Australia in a satisfactory position, and nothing should be done to interfere with efforts and arrangements having these beneficial effects. The wish of the Government was to place the holders of these leases in a proper position, and to preserve the credit of South Australia in the London market. He should regret that the resolution should be carried, because he felt that, without explanation, it might cast a slur on the credit of South Australia. Whilst a member of that House could object to the resolution of the hon member for the Sturt it would be far better, whilst admitting the illegality of the leases, to carry the previous question, and enable the Government to carry out the negotiations which they had commenced, and which he believed would lead to a satisfactory result. They had been told that there were some circumstances connected with the leases which had not met the public eye, but if any hon member thought so, let him move for a Select Committee. The Government could enquire, fully satisfied that the result would be to null those facts which had been expressed. It had also been stated that the South Australian Mining Association had offered 20,000*l*. for this mine, but being acquainted with the whole circumstances, he was enabled to state that no such offer had ever been made. He stated so lest the shareholders should imagine that a large offer had been made without their being consulted at all in the matter. He believed that the whole matter would be met by carrying the previous question, and anxiously watching the course taken by the Government in this matter, which he felt strong confidence would result in a successful issue.

Mr TOWNSEND had understood the Attorney-General to state that these leases were invalid.

The ATTORNEY-GENERAL did not think he could be mistaken in what he had stated. He had stated his own conviction was that the leases were illegal, but he regarded that as unimportant, as nothing which that House could do could affect the legality of them.

Mr TOWNSEND regretted that upon a question of such importance the Attorney-General did not state distinctly and clearly what his opinion was. If the hon gentleman did not, he did not see the advantage of an Attorney-General in the House. He should not have risen had there not been such a calm silence in reference to the probability of these leases being sold by Captain Hart or others in England. If, as was reported to be probable the leases were sold before the next mail could arrive in England, what would then be their position? Looking at the whole circumstances, and the hurry in which Captain Hart went away, it was not all improbable that such would be the case. It would take three months to form a company, for English capitalists had been too often bitten to rush hastily into speculation, but if it should prove that the leases had been sold before the arrival of the next mail in London, he should consider that there had been a deep laid scheme against the interest of the people of South Australia. He could not conceive that merely a blunder had been committed, for the hon member (Mr Neales) actually framed the resolution rendering a valuation at the termination of 14 years necessary, and great weight was given to his opinion at the time in consequence of his being mixed up in mining matters and it was at that time that the hon gentleman said if he were on the Treasury Benches he would show them how to do it. He hoped that the Attorney-General would state clearly and distinctly his opinion as to the validity of the leases, and when it came the Government would take supposing it should turn out that the leases had been sold in the London market. He was not acquainted with the Agent-General, but he believed that the people of South Australia would not be satisfied that the task of rectifying the error which had been committed should be entrusted to him. He could not help hearing parties assembled at the corners of streets saying that it would be a great mistake if the management of this matter were entrusted to the Agent-General. He believed the Government would be justified in chartering a steamer for the express purpose of forwarding their despatches to London, and that the management of the matter should be entrusted to some such gentleman as Mr Alexander Elder. Assuming that the leases were sold, was the colony to suffer? No. Let those who knew that the leases were illegal bear the consequences of their act. The people of this colony should not be robbed. They had heard it said that Mr Chambers had not made such a good bargain, but if Mr Chambers thought so, let him try what the land would fetch by auction. That there had been dark and double dealing, he was sure, and if he wanted proof, the manner in which these leases had been hurried off to England, would be sufficient. If as he had before stated it should turn out that the leases had been sold, all his worst suspicions would be confirmed, for was it probable that matters involving thousands, could be dealt with at a moment's notice? If they were sold let the punishment fall upon the heads of those who were implicated, and not upon the people.

Mr BARROW said that he thought the Attorney-General on Tuesday last gave a very satisfactory statement of the course which the Government intended to pursue, but he did not think that, because the course which it was stated to be the intention of the Government to pursue was considered satisfactory, that the House should now be required to pursue a course which he considered very unsatisfactory, as by supporting the amendment of the hon the Attorney-General, they would shelve the important question before them (Hear, hear.) It might be that the motion of the hon member for the Sturt, if carried, would, as had been said, prove inoperative, but to shelve the question would be worse than inoperative, it would be absurd and ridiculous (Hear, hear.) He was astonished to find the Commissioner of Public Works so strongly recommending the hon member for the Sturt to withdraw his motion, when the Attorney-General had stated that if that motion were pressed to a division he should vote in favor of it, and he (Mr Barrow) trusted that the hon member for the Sturt would not be induced to withdraw it, for he felt certain that the previous question would not be carried, and, consequently, they would have the hon member for the Sturt and the Attorney-General voting on the same side, even as they were then thinking and feeling alike (Hear, hear.) It was unnecessary to enter into arguments to show that the leases were illegal, because what was admitted by both sides of the House might well be permitted to pass without further comment. The voice of the Legislature was unanimous upon the point of illegality, and the leases being illegal, must, to that extent, be considered invalid (Hear, hear.) He would call attention to Messrs Chambers and Fincke's applications for leases under the dates 15th January, 26th April, 30th August, and 2nd December, which four applications would be found in Council Paper 111. In those applications they distinctly and specifically required that the leases should be granted under the regulations of 1851, but the leases which had been granted were not based upon the regulations of 1851, and therefore the leases were not only what the Government should not have granted, but were what the lessees did not apply for (Hear, hear.) How, when one lease was applied

for and another granted the parties should insist upon retaining that which was not in accordance with their own application, he could not understand, but perhaps, after all, it would be found that the holders of the leases would deal in that straight-forward manner which their standing in the colony justified the House in expecting. No doubt when the proper time arrived the leasees would be perfectly willing to surrender the leases, to which they had no legal nor rightful claim, seeing that they had not applied for such leases, and that they ought not to have been granted if they had applied. He hoped the discussion upon this subject would not tend to produce an impression that the Legislature were lukewarm in reference to the development of the mineral resources of the colony. The Legislature might use every effort to develop those resources without committing an illegal act, or giving away what the hon. member for the Barro and Clarence eloquently called "the patrimony of the people" for a peepcock consideration (Hear, hear). Nor did he see any necessity for offering such extraordinary and unreasonable inducements for the development of the mineral wealth of the colony. They did not encourage farmers by giving them large tracts of agricultural land, nor did they encourage squatters by giving away the runs. With regard to the renewal of the leases on the terms expressed, he should like to know if after the expiration of 14 years the Government were to take possession of the lands, what remedy would the leasees have? Certainly, they could advance no legal claim upon an illegal document. He hoped the previous question would not be pressed for, as but one opinion was expressed, so but one resolution should be arrived at, all entertaining the same view should give the same vote, being unanimous in opinion, they should be unanimous in action (Hear, hear). To shelve the question would be to dishonour their position and to involve in doubt and uncertainty that upon which but one opinion existed (Hear, hear). If they felt that the leases were illegal, having tabled a motion affirming that they were illegal, let them not negate their own convictions by carrying the previous question, thus casting a doubt upon that which they believed to be right and just, and true (Hear, hear). He hoped moreover that further action would be taken, so as to bring to a practical issue the judgment of that House. The Commissioner of Public Works had stated that the Government were responsible for the whole of the steps which were being taken for the purpose of setting the matter right, but he (Mr. Birrow) should like to know who were responsible for the steps which had been taken to set the matter wrong? They should seek not merely to remedy the evils which existed, but to ascertain how and through whose agency those evils came to exist, what it was that had brought about this extraordinary state of things, and produced a complication which, in the estimation of many persons, threatened the credit of the colony—a result so serious, that they were even urged to save the public credit by legalising invalid acts. This was a serious question indeed, and he could only hope that the papers which had been moved for by the hon. member, Mr. Neales, would place before the House and the country the whole of the transactions upon which any doubt existed. He did not, however, think that Messrs Chambers and Fincke should be made the solitary scapegoats for these errors and blunders, and be selected as the only victims of official mismanagement. The House should take a comprehensive view of the whole question and see how far private capital had been expended on the faith of arrangements which had their origin in blundering. At present they were merely on the threshold of enquiry, which would doubtless bring to light many matters of which the House were at present but ill informed. He imputed no double dealing, but that gross mismanagement and incapacity had been exhibited there could be no doubt whatever (Hear, hear). The Government had for some time past been pursuing a policy opposed to the first principles of law, which they were supposed to be acquainted with, and if they were not they were unfit for the positions which they held (Hear, hear).

The COMMISSIONER OF CROWN LANDS would take that opportunity of stating that the Government had already taken action in the matter, having been in communication with one of the holders of the leases, and, after stating the illegal nature of these leases, had expressed their willingness to grant proper and legal leases. Should this party refuse to entertain the offer of the Government the Government would still take care to forward proper leases to supersede the illegal ones to the agent in England. The Government would also take care to avail themselves of the means of telegraphic communication, and would cause advertisements to be inserted in the daily papers in London, cautioning the public against negotiating these leases. He believed it would be impossible that these leases could be dealt with by the time the next mail arrived but should they have the appearance of having been sold, the Government would immediately feel that complicity or a conspiracy had taken place and would act accordingly. The Government were prepared to take every step in their power to do justice to the public. The subject had been thoroughly ventilated and the Attorney General no doubt thought that every object had been gained by that course, but if the House thought differently he should not be prepared to divide the House upon the subject.

Mr. DUFFIELD thought this one of those subjects upon

which every member of the House should express himself clearly and distinctly. He could not say with the hon. member for Onkaparinga, that he thought there had been dark doings, but there certainly had been very mysterious ones. The Commissioner of Crown Lands had not dealt with the property of the public as he would with his own, for there were two parties to a lease, and it was customary for the lease to be inspected by the solicitors to both parties before it was signed, but in this case it appeared a gentleman had rushed in and said "the mail starts to-day and you must sign it to-day," and thereupon the Commissioner of Crown Lands signed the lease before you could say Jack Robinson the gentleman compromised by this act admitted he had made a great blunder, but had he been dealing with his own property the probability was that no such blunder would have been committed. The Attorney-General, it appeared drew a distinction between illegality and invalidity, a distinction probably just sufficient to go before the Supreme Court with, but he really could not understand it. In his mind the terms were pretty much the same. His opinion, and he believed, the opinion of the House was, that the course which had been indicated by the Commissioner of Public Works should be carried out, and that a proper and valid lease, and nothing more, should be granted, no matter whether it was sold in South Australia or in England. He would never give his sanction to any other course than that being adopted, and he hoped that the expression of the House would be sufficient to convince the Government that no other course would be sanctioned. He felt confident that before the arrival of the next mail this case would be sold, he hoped not, but he had a strong conviction upon the point.

Mr. HAY should support the original motion, believing that the House would be acting quite rightly in expressing an opinion upon the lease granted to Chambers and Fincke. It appeared there was considerable difficulty in dealing with the waste lands, for it would be remembered that it was upon that question the former Ministry were displaced. His opinion was, that after the passing of the Waste Lands Act, the regulations of 1851 were no longer in operation. Whilst he blamed the hon. member (Mr. Neales) for the manner in which he acted, he could not altogether exonerate his predecessor in office. Mr. Neales was the more to blame in consequence of his attention having been called to the subject by the Surveyor-General. It was clearly against the spirit of the Act to grant a continuation of leases, that is, it was never intended that section should be added to section, as had been the case in this instance. He was surprised that Mr. Chambers did not come forward at once, and state that the lease, having been granted in error, he was prepared to surrender it, particularly after the manner in which the House had on a previous occasion dealt with him in reference to waste lands. Strange things were said in reference to this lease, and there were some who thought the ex-Commissioner of Crown Lands was so thoroughly acquainted with the regulations that it was difficult to give him credit for merely having made a mistake. He fully agreed with the necessity of communicating not only with the Agent-General, but with other parties, in order that the matter might be made known on the Stock Exchange, assuming, of course, that the original leases were not surrendered. The public believed that Mr. Walters and Captain Hart were partners in various speculations, and it was impossible to say what connection there might be between them in England, but under any circumstances it was necessary that prompt action should be taken in order that the illegality of these leases might be made known though the length and breadth of the land, and he could only hope that the occurrence which had taken place would induce the members of the Government to be more careful for the future.

Dr. WARK regarded the transaction as a dark blot in the history of the colony. Grave suspicions had been expressed, and the whole circumstances gave an appearance of truth to those suspicions. The character of the colony was jeopardised, and he considered the whole Ministry were to blame, for the Attorney-General ought to have seen these leases before they were issued. He was rather surprised that the hon. member for the Sturt had not brought forward a vote of censure upon the Government.

Mr. MILDRED could not take the same view as the last speaker, but considered the strongest language that could be used justifiable towards the ex-Commissioner of Crown Lands. He believed that the Government discharged their duty when they repudiated an act which was a disgrace to a man of common understanding, and removed the individual. He could not look charitably at the conduct of that individual from any one point, for no man in South Australia better understood mineral property than did that hon. member. He strongly advised the withdrawal of the amendment, if it were not, he was quite satisfied the Government would suffer a defeat.

Mr. NEALES wholly disregarded the insinuations against himself, many of which were made in deplorable ignorance, but in reference to the attacks upon Mr. Chambers he would remark, that as soon as the mistake was discovered that gentleman waited upon him and said that he should be quite prepared to take any lease which was legal if that which he had received was illegal, and he had no doubt Mr. Chambers

would reduce that to writing, but as he (Mr Neales) was out of office at the time this conversation took place, he did not enter into negotiations which he otherwise would have done. As regarded the insinuations against Captain Hart, it was very probable that gentleman had never read the lease to this hour.

The TREASURER said no one would go more cordially with the resolution than he should. From the moment the blunder had been detected, the Government had taken every means in their power to put it right. He thoroughly acquitted the ex-Commissioner of Crown Lands of any complicity—of every thing, in fact, beyond a great blunder in the hasty execution of the duties of his office. A glance at the correspondence before the House would show that the hon member was not aware at the time that he was doing an illegal act, and that he was not liable to the imputation of improper or corrupt motives. Any one who read the letter to Chambers and Fincke, of 14th June, would acquit him of all complicity, and he believed the hon member was not aware when the lease was sent to the Governor that it was not in accordance with the regulations. He could well understand that the late Commissioner of Crown Lands never read the lease, but merely filled in 1/2 per acre, in fact, he acquitted that hon member of all but haste and inconsiderateness. He felt it right to state his impressions in reference to any person with whom he had acted. It had been stated there was something dark and mysterious in this transaction, but there was nothing of the kind, and the only object of the Government was to place the lessees and themselves in a proper position. He apprehended there would be no difficulty in substituting proper leases for those that had been granted. In reference to the remarks of the hon member for Gumeracha relative to a partnership existing between Captain Hart and Mr Walters, he could only say there was nothing in the correspondence which he had had with Mr Walters which would not lead him to the conclusion that implicit reliance might be placed in his integrity, and when it was said that Mr Walters was not the proper party to whom to entrust this matter, he would remind hon members that Mr Walters was under heavy sureties for the due fulfilment of his instructions, and was not likely to peril the forfeiture of those sureties.

Mr SOLOMON supported the original motion. In reference to the fear which had been expressed that the lands would be disposed of prior to the arrival of the next mail, he would remark that probably a period of two months must elapse before the necessary arrangements could be made to dispose of them, and if the Government did what they stated it was their intention to do, he thought they would do all that was essential to remedy the evil. He believed that passing this resolution would assist a speedy settlement of the matter. He could not agree with the ex-Commissioner of Crown Lands that Messrs Chambers and Fincke, could have obtained the fee-simple of the land included in the lease for 1/2 an acre. All those interested in land speculations must have been asleep to have allowed it. He remembered a section of 80 acres, on which there were supposed to be minerals, being submitted to auction and realizing 7,000/, he (Mr Solomon), being one of the bidders and if he mistook not the ex-Commissioner of Crown Lands also. However desirable it might be to introduce capital to the colony, there could be no doubt that the ex-Commissioner of Crown Lands had by his act done more injury to the colony than he could possibly have done good had he remained in office for 20 years.

Mr REYNOLDS in his reply exonerated the hon member, Mr Dutton, from a good deal of the blame which he had formerly laid to his door, as it appeared the hon member had addressed a letter in January, 1858, to the Chief Secretary upon the subject of the regulations under the Act of 1857, but that letter could not be found. The Attorney-General and the Treasurer said they agreed with the resolution which he had brought forward, and under such circumstances he could not see why he should be asked to withdraw it. In reference to the remarks which had been made relative to the Agent-General, he did not believe that gentleman would be guilty of anything to detract from his high character, but at the same time it was notorious that gentleman owed his position to a great extent to the private friendship of the Chief Secretary and Captain Hart, and it was difficult to say to what extent men might not be influenced by private friendship. He did not believe for a moment that the hon member, Mr Neales, had lent himself to any dark dealings. Oh, no, he remembered once a banner near the Sandhill, on which was this strange device, "Neales and Purity," and Neales's purity doubtless would be handed down to posterity. (Laughter.) He gave the hon member credit for as much purity—aye, as much as was shown upon that banner. (Renewed laughter.)

The previous question was negatived, and the original motion carried.

THE MAIL SERVICE

A Message was received from His Excellency transmitting correspondence with the P and O Company, relative to the mail service.

Ordered to be printed.

MR SELWYN

The COMMISSIONER OF CROWN LANDS laid upon the table progress report from Mr Selwyn.
Ordered to be printed.

PRESS MESSAGES

Mr HAWKER understood that press messages from Adelaide to Melbourne were paid for in Melbourne, and that not a farthing was received in this colony. In the aggregate, these messages amounted to a large sum, and in consequence of the war, and the first intelligence arriving here, the amount was likely to be increased.

The COMMISSIONER OF PUBLIC WORKS said that at present the amounts were received by the office to which messages were sent, but a correspondence was going on in reference to it, and he was endeavouring to effect an arrangement by which each office would retain the amount charged for messages delivered to it.

THE CONVICT TURNER

The ATTORNEY GENERAL stated, in reply to Mr LOWSEND, that Turner had been liberated from prison, although the term for which he was sentenced to imprisonment had not expired. Turner was convicted of forgery, but the Court were divided in opinion as to whether the offence which he had committed amounted to forgery. Mr Justice Gwynne agreed with the Chief Justice that it did not, but Turner had clearly been guilty of a minor offence, and having served the term of imprisonment which would probably have been awarded to that offence had he been tried for it, he was liberated.

OFFENCES BY FORGERY STATUTE LAW CONSOLIDATION BILL

The report of the Committee of the whole House upon this Bill was adopted, and the third reading made an order of the day for the following Tuesday.

PATENT BILL

The COMMISSIONER OF PUBLIC WORKS obtained leave to introduce a Patent Bill, which the hon gentleman stated he should be enabled to lay upon the table on the following Tuesday.

The House adjourned at half-past 4 o'clock, till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, JULY 12

The PRESIDENT took the chair at 2 o'clock.

MISSING LETTERS

The Hon H AYERS drew the attention of the Government to the circumstance of a number of Adelaide letters having been carried to Sydney, a circumstance which had occurred in the preceding mail.

The Hon the CHIEF SECRETARY replied that the attention of the Government had already been drawn to the question.

THE NATIONAL BANK

The Hon A FORSTER brought up the report of the Select Committee on the National Bank Bill.
Read, and ordered to be printed.

MESSAGES

Messages were read from the House of Assembly approving of the Accessories to Indictable Offences Bill, Wellington Ferry Bill, Census Bill, Indictable Offences by Forgery, and the Railway Commissioners' Bill.

REAL PROPERTY ACT

The Hon A FORSTER, pursuant to notice, moved—
"That there be laid on the table of this House annually a report from the Registrar General, exhibiting the progress and working of the Real Property Act, pointing out any defects in the law itself, or any impediments to its general adoption that may be developed by experience, and contrasting its results generally with those accruing under the system of conveyancing, with registration of instruments established under previous statutes and colonial Acts."

As the Real Property Act had become law and been in operation for some time, it was very desirable that the result of its operation should be known. If defects were found to exist they should be remedied, and for this reason he had moved that a return should be laid on the table by the Registrar-General, who would be able from his experience to point out the defects in the Act. The subject had engaged the attention of the House of Commons in England, and a similar course to that adopted here with reference to Real Property Law had been recommended there.

The Hon H AYERS opposed the motion. He objected to any officer of the Government annually giving his opinion to the Council upon the working of a law which regulated the operation of his own particular department. It was the duty of the Registrar-General to report to the Executive Government if any defects existed in the law of which he had the administration, and a Select Committee could then be appointed to take evidence. The motion suggested a procedure which differed from the usual practice of the House, and if the practice were adopted, there

would be no reason why some legal gentleman might not also be called on to furnish the Council with his individual opinions.

The Hon Captain BAGOT supported the motion. The Real Property Act was a new measure which affected the majority of colonists, and the information asked for was very desirable. The return would of course pass through the Government, as there was no other channel through which such reports could be received.

The Hon J MORPHEIT said that it was very desirable that the Council should be furnished with all information but he had an objection to the motion because it was not proper to ask the opinion of an officer on questions which could not come before the House as points of fact. There existed a great difference of opinion about the Real Property Act, which could only be settled by a statement of facts. In order to ascertain the result of the experimental working of the Act, the facts should be laid before the House. To ask the opinion of the Registrar General, would be to arrive at a foregone conclusion, as the opinion could not be an impartial one, and would give rise to discussions of an impracticable nature. He would move that all the words after the word "experience" should be struck out.

The Hon S DAVENPORT supported the original motion. The report which Mr Morpheit objected to asked for facts and experience. The Real Property Act was a highly important experiment, and if it were really defective the House should see where it was defective. The Solicitor-General, Sir Hugh Cairns, had affirmed the same principle proposed by the Real Property Act in the House of Commons in England with reference to the Irish Encumbered Estates Act. It would therefore be undesirable to expunge the words proposed by Mr Morpheit, as there was no other officer to whom they could refer for the information they required so eligible as the Registrar-General.

The Hon the CHIEF SECRETARY suggested that after the word "annually," the words "by Government" should be inserted. He thought this amendment would meet the difficulty.

The Hon A FORSTER did not object to this amendment. He thought the motion was an inoffensive one and he had not expected that any member would have objected to the information he proposed to obtain. The motion could do no harm, and might do a great deal of good. An official report on the subject would be gratifying not only to the colony but to other countries which were watching the operations of the Real Property Act with great interest. If the experiment were successful, the report would inspire confidence and induce colonists to bring their lands under the Act. Mr Ayers had intimated that if the principle contained in the motion were adopted, any professional gentleman might be called on to furnish the House with his own individual opinion. He (Mr Foster) would have no objection to this, as the subject was one of so much importance. (Hear, hear.) Mr Morpheit had said that individual opinions were not wanted, but as the country was paying more or less for what professions afforded facilities to the public, it was desirable that the Council should know whether the facilities afforded under the new Act were greater than those enjoyed under the old system.

The motion was adopted with the amendment suggested by the Hon the Chief Secretary.

THE BOTANIC GARDENS

The Hon Dr DAVIES, according to notice, asked the Hon the Chief Secretary "if the Government will have any objection to introduce an Act during the present Parliament for the regulation of the Botanic Garden, similar to the one already given to the South Australian Institute."

The Hon the CHIEF SECRETARY replied that the Government were of opinion that no sufficient reasons at present existed for the introduction of a Bill such as the one proposed.

THE MEDICAL PROFESSION

The Hon Dr DAVIES moved—

"That the Law Officers of the Crown be requested to introduce into Parliament a Bill embodying the principles of the Medical Act of the 21st Victoria, so as to make that Act applicable to the circumstances of this colony."

The Medical Act in operation in England contained clauses which were required in the colony. The medical profession did not wish to limit the liberty of the subject, but the public should be informed that regulations were necessary to confine the practice of medicine to those persons who had acquired professional knowledge. The legal body had an Act to protect them from the intrusion of unqualified persons, and the medical faculty should be similarly protected. There was a township in the colony which contained eight *quack* medical men, three only of whom were qualified practitioners. There should be an annual registration of members of the faculty of medicine, as the present list contained many persons who had either left the colony or died. Non-medical men should not be allowed to sue in Courts for medical charges. It was possible that in some cases individuals coming to this colony had either lost their diplomas or left them behind in England, but still it was necessary that they should undergo an examination.

The Hon Captain BAGOT seconded the motion.

The Hon the CHIEF SECRETARY said that the Government would hesitate to introduce a Bill giving additional

powers and privileges to any particular body. An Act already in existence provided for the examination of medical men. If the Bill proposed by the hon member should be introduced the Government would carefully watch it during its progress through the House.

After a few remarks, the Hon Dr DAVIES stated that he would withdraw his motion requesting the law officers of the Crown to bring in this Bill, and introduce one in his own name.

ARMING OF THE COLONISTS

The Hon the CHIEF SECRETARY moved—

"That an address be presented to His Excellency, praying him to take such measures as may be required for the organisation of an armed force within the province, and that this House avails itself of the present opportunity to express its attachment to Her Majesty's person and Government, and its resolution to assist, to the utmost of its ability, in defending and upholding the integrity of the British Empire, as well as in maintaining the security of this province." Intelligence had recently been received that a war had broken out in Europe, in which Sardinia, France, and Austria were engaged, and it was not probable that England would long preserve an armed neutrality, and it was now proposed to organize a force sufficient to guard the colony from any predatory attacks to which she might be subjected from privateers or other quarters. He was not prepared to indicate the exact course which the Government intended to pursue in reference to the matter. The advices had been too recent. It was however, proposed in the first place, to issue the Enfield rifle to volunteers who chose to enlist under clause 15 of the Act of 1854. The volunteers would likewise be supplied with a cheap and useful uniform, and also be provided with instructors. He felt confident that the Council would express their sympathy with the Imperial Government in the crisis which had occurred.

The Hon Captain BAGOT was prepared to give the motion his cordial support. It was desirable to adopt some mode of organization for the purpose of defending the homes and firesides of the colonists. It was the duty of the mother country to defend the trade of British subjects on the high seas, while the colonists had themselves to protect their own territories. During the war with Russia the colony had incurred a considerable expense which resulted only in show, and nothing of value was obtained. If they were to secure their own firesides from invasion every man should be enrolled and organized. In Switzerland and the United States the whole population arrived at manhood were enrolled and embodied. In the United States 2,500,000 men were enrolled as militia, who were not immediately called on to serve, but still the organization had taken place. The results of the war in 1813 showed the excellence of the system. America now had a standing army of only about 7,000 men, who were chiefly employed upon her western borders. The whole adult male population of this colony should be enrolled. If England were engaged in war with any European power they would be no danger to apprehend except from predatory invasions of armed ships, and there was no defence like that of the people themselves. Adelaide was the only place in the colony worth plundering and an armed population would be the best protection against such attacks. In the last census taken in America, the population of the Eastern Free States amounted to 8,575,000 people, from which a militia was enrolled of 963,000, being in the proportion of one out of every nine persons, and in the States of Indiana, Michigan, and Illinois the proportion was about equal to that. If the colonists were enrolled on the same principle, 14,000 men could be raised, one-half of which would be inhabitants of the Plains, comprised with Gawler to the north, Willunga on the south, and the hills to the eastward. This would be the only portion of the population called into action, and, from these districts, there would be a force of 7,000 armed men. It would be necessary to enact that all males between the ages of 18 and 45 should be enrolled in a corps of organized militia, to be held in readiness to perform military service. The system adopted in Switzerland had the effect of exciting the ambition and emulation of the young people of that country, and a similar result would be experienced here.

The Hon Major O HALLORAN opposed the addition to the motion before the House. The duty of the Government was to suggest the most prompt and easy mode of defence in case of invasion. It was probable that if a conflict took place, the battle-field would be between Murrumbidgee and the St. Marys. Skirmishes would be required to be despatched the moment the enemy landed. A regular militia should be formed. He did not concur with the Hon Captain Bagot in saying that the drill bestowed on the volunteers had been thrown away, on the contrary, he appealed to the Hon Major Freeling, if, at the time when they (the Volunteers) were disbanded, they were not in a condition fit to join the line. (Hear, hear.) From Major Freeling. The benefit of discipline was that it brought a large number of men under the control of one mind, and without discipline such a force would be no better than a rabble. The Imperial Government had refused a company of artillery applied for by His Excellency, and also another application for a supply of at least ten guns. There

was no necessity to arm the whole population. There were at present in the colony 100 men belonging to the 40th Regiment, who cost the colony 2,400*l* a year. An application should be made for another 100, the maintenance of whom would only entail additional expense of 2,400*l* more per annum. But at present there were no guns of heavy metal in the place and a vessel lying off the Semaphore would be able to shell Port Adelaide effectually. The two guns captured in the Crimea were the largest in the colony but yet it was possible they could not be depended on. He hoped the Government would not call out more men than necessary, as 500 well-disciplined men would be more efficient than 5,000 untrained.

The Hon the CHIEF SECRETARY replied that the matters suggested would receive the careful consideration of the Government.

STATUTE LAW CONSOLIDATION BILLS

The Bill relating to Malicious Injuries was considered with the amendments proposed by the House of Assembly.

On the motion of the Hon the CHIEF SECRETARY, the House reported progress, and obtained leave to sit again on the Tuesday following.

The Bill relating to Offences against the Person was submitted, with the verbal amendments proposed by the House of Assembly, and agreed to.

The Offences by Larceny Bill was agreed to, with the proposed amendments.

Offences against the Queen Bill. The amendments proposed by the House of Assembly were agreed to.

The Prosecution by Attorney-General Bill was read a third time and passed.

BOUNDARY OF RUNS

This Bill was read a second time, and received a few merely verbal alterations. The third reading was made an Order of the Day for the following Tuesday.

INSOLVENT ACT

A message was received from His Excellency the Governor, enclosing a copy of a dispatch received from the Secretary of the Colonies on the subject of the Insolvent Act.

Ordered to be printed.

On the motion of the Hon the CHIEF SECRETARY, the Council adjourned to Tuesday following, at 2 o'clock.

HOUSE OF ASSEMBLY

TUESDAY, JULY 12

The SPEAKER took the Chair at five minutes past 10 o'clock.

CENTRAL ROAD BOARD

The COMMISSIONER of PUBLIC WORKS laid upon the table directions for the guidance of the Central Road Board.

Ordered to be printed.

CUSTOMS

The TREASURER laid upon the table Customs returns for the last quarter, showing the imports and exports.

Ordered to be printed.

THE CENSUS BILL

The ATTORNEY-GENERAL stated, in reference to the amendments proposed in this Bill by His Excellency the Governor-in-Chief that the Bill, as originally introduced, proposed to take the census during the present year, but it had been suggested that instead of being taken in this colony alone, without reference to other Australian colonies it would be advisable to postpone it for a year in order that arrangements might be made with the other colonies for taking the census also at the same time, so that the census would form part of a body of statistics of the whole of the Australian colonies, capable of comparison and contrast with the statistical returns of other colonies. That alteration was agreed to, and the Government put themselves in communication with the other colonies, when a suggestion was received from the Governor of one of those colonies that it would be advisable to increase the delay by another year, in order that the census of the colonies might be taken at the same time as the census in the mother-country, which was taken every 10 years, and would be taken in 1861. If this were agreed to by the other colonies, he thought it desirable that the Government of this colony should also have the power of agreeing to the proposition, and that was, in fact the object of the amendment proposed by the Governor-in-Chief. It would undoubtedly be advisable, with reference to all the objects contemplated in census returns if the census of these colonies were taken at the same time as the census of Great Britain. Primarily, no doubt, it was more desirable that we should have the means of comparison with other colonies than Great Britain, but if other colonies adopted the view that it would be desirable to postpone the census till 1861, he thought it would be well that the Government of this colony should have the power of doing so also. The amendment merely enabled this to be done—that the census should be taken either in 1860 or 1861 and he therefore moved that the amendment suggested by the Governor-in-Chief be agreed to.

Mr STRANGWAYS hoped the House would hear from the Attorney-General, whether the Government intended

to take action in 1860, or to postpone it till 1861. He had understood the Attorney-General to say that the object of the amendment was to enable the Government to act on the suggestion which had been made should it be thought desirable. When the House considered the suggestions which had been made as to the means by which the census might be taken, he thought it probable that the next Parliament would adopt means for taking the census annually. If that were the case, and all action were suspended till 1861, it would be unnecessary to pass the Bill, as, before action could be taken upon it, the new Parliament would probably have repealed it. He hoped the Attorney-General would state distinctly what course the Government intended to take.

The ATTORNEY-GENERAL said the course which the Government intended to pursue was this. If the Governments of the other Australian colonies postponed the census till 1861, the Government of this colony, under the proposed amendment, would postpone action also, but if the other Governments did not agree to a postponement, the Government of this colony would then make arrangements for taking the census on an early day in 1860.

The amendments were agreed to, the House resumed the Chairman reported progress, and the report was adopted.

SUPPLEMENTARY ESTIMATES

On the motion of the TREASURER, the report of the Committee of the whole House was agreed to, and a resolution passed to the effect that the Estimates be embodied in the Appropriation Act.

OFFENCES BY FORGERY STATUTE LAW CONSOLIDATION BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

INSOLVENT LAW AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL, the House resolved itself into Committee upon this Bill.

Mr GLYDE asked if that would be the proper time for the hon member for Encounter Bay to bring forward a motion that the Bill be referred to a Select Committee.

The ATTORNEY-GENERAL said he had no desire that the Bill should be discussed in Committee of the whole House before it had been examined by a Select Committee, if it were the opinion of a majority or a large portion of the House that it would be desirable to refer it to a Select Committee, but he wished the feeling of the House to be clearly expressed. He would formally move that the first clause be agreed to, in order to afford an opportunity of expressing the opinion of the House.

Mr STRANGWAYS said he had that day given notice for the appointment of a Select Committee to enquire into the Insolvent Law, and contingent upon the appointment of a Committee, that this Bill be referred to it. When the subject was referred to on a former occasion the Attorney-General said that in the event of the Bill being referred to a Select Committee he should introduce a separate Bill to repeal the 88th clause and he believed that the better course would be to strike out the whole of the clauses in the Bill before the House, except that which related to the repeal of the 88th clause, for there were many clauses in the Bill which he did not approve of, and the effect of which he believed would be to render matters worse than at present. A Select Committee would in all probability be enabled to make many suggestions for alterations in the present law and he would therefore move that the House resume and the Chairman in report progress.

Mr GLYDE said he had that instant received a communication from the Chamber of Commerce which he would read to the House. It was as follows—

“Adelaide, 12th July, 1859.”

“Dear Sir—The Sub-Committee of the Chamber of Commerce appointed to consider the proposed amendment of the Insolvent Law finds the subject to be of such magnitude, that it appears to them the best course would be to have a Select Committee of the House of Assembly appointed, to take evidence fully as to the working of the existing Act. Such a Committee would probably not be able to report at a very early date, but as immediate action appears to be necessary, a progress report might be made, recommending the passing of a short Act during the present sitting—

- “1st. Reporting the 88th clause in accordance with the despatch from the Secretary of State.
- “2nd. Providing for partially secured creditors having a voice in proceedings under the Arrangement Clauses of the present Act, by having their securities valued.
- “3rd. Enacting such other provisions as the Select Committee, in a progress report, may recommend as being of urgent necessity.

“I am, Sir, yours faithfully, “GEO YOUNG”

“L Glyde, Esq., M.P.”

He hoped, under the circumstances, that no opposition would be offered by the Government to the course proposed.

Mr BAGOT opposed the appointment of a Select Committee, the effect of which would be to shelve the Bill, which appeared to be the object of the body apparently represented by the previous speaker—the Chamber of Commerce. It was quite evident that he wished the Bill to be cushioned during the present session. It was the duty of the Government, the Bill having been read a second time, to proceed with it,

and he was surprised how those hon. members who had assented to the second reading could now come forward and ask that the Bill should be referred to a Select Committee. It would have been much better if those who now wished the Bill to be referred to a Select Committee had, at the second reading, moved that it be read again that day six months. Having agreed to the second reading, they had agreed to whatever principles were enunciated in it. When the second reading was assented to, the principles which it enunciated were also assented to. The Government having brought in the Bill, and the second reading having been assented to, their simple course now was to proceed with the Bill or abandon it, to refer it to a Select Committee would be merely cushioning the Bill. The Chamber of Commerce—a self-constituted body—was no doubt capable of giving advice upon many questions, but he did not think it right that the Chamber of Commerce should come forward and recommend that House to do so and so. The Chamber of Commerce could come before that House by petition like any other body, but it was going too far to ask one of its members, who was also a member of that House, to read a report, and to attempt to coerce that House. He thought the House was losing sight of its own dignity by sanctioning such a course. He hoped the Bill would not be referred to a Select Committee, as the amendments which it contemplated were essentially necessary for carrying out the present Insolvent Law. It was the duty of the House to pass a Bill as quickly as possible, in order to make the Act as workable as possible.

Mr ANDREWS said that the paper with which the hon. member for East Lothians (Mr Glyde) had been furnished by the Chamber of Commerce should no doubt be useful to that hon. member in assisting him to suggest amendments in Committee, but he deprecated the interference of any body such as the Chamber of Commerce with the legislation of that House.

Mr HAY thought that if the Chamber of Commerce would embody their views in reference to an amended Insolvent Law, it would have a far better effect than any evidence which could be obtained by a Select Committee. When witnesses were called before a Select Committee, they gave their particular views upon points which had struck them in cases in which they had probably been interested, without taking a comprehensive view of the question, such as would be obtained by such an embodiment as that which he had suggested, and which he believed was acted upon when the existing Insolvent Law was framed. He did not believe that a Select Committee would be beneficial.

Mr BARKWELL supported the proposition to refer the Bill to a Select Committee, being perfectly satisfied that the Bill did not carry out the views of the mercantile community. He had heard very great objection expressed to many of the provisions. If he were on the Select Committee he should certainly urge that every power be taken from the Commissioner to punish an insolvent of his own accord, merely giving the Commissioner power to send an insolvent before a Jury. He did not believe it would be necessary that the Committee should sit for more than a week. He believed that a good insolvent law could be framed here, the mercantile community not having had sufficient experience and that the better course would be to pass a short Bill, remedying palpable defects in the existing law, and wait to see what law was adopted in England, where he observed a comprehensive measure had been introduced to Parliament, and the framers of that measure had had the advantage of the experience of the merchants of London, and the Commissioners of Bankruptcy and Insolvency. He should like that Bill to be adopted in all its integrity. He believed it to be a most unconstitutional thing to give a Commissioner power to imprison.

Mr PEAKE would have agreed with the previous speaker if there had been no right of appeal, believing that no man should be allowed to exercise judicial power for punishment without the intervention of a Jury. A ready means of appeal being provided by this Bill, he did not think the argument of the hon. member for Barossa valid. The proposition to refer the Bill to a Select Committee had, he thought, received its answer from the hon. member for Barossa who had stated that a comprehensive measure was before the British Parliament, which he thought the House should adopt being the result of the immensely wider experience of the merchants of London upon this particular subject. The hon. member had said that we had scarcely had experience enough to frame an insolvent law, but he believed that the better course would be to avail ourselves of the experience which we had, and as they became wiser they could improve the law, by this means they could ultimately embody in the Bill as much experience as was possessed by the English merchants.

Mr STRANGWAYS said the question was not whether the Bill should be referred to a Select Committee, but whether the House should resume, leaving out of the question altogether the merits or demerits of the Bill. With regard to the hon. member (Mr Peake), he appeared to have a great predilection for patchwork and had a perfect horror of anything like a perfect measure which would not require the constant introduction of short bills to patch up.

Mr GLYDE thought the hon. member (Mr Bagot) was not in his place on the second reading of the Bill, or he

would have known that many hon. members said they would not oppose the second reading of the Bill, because they felt that some amendment in the existing law was necessary, but it was distinctly understood that by assenting to the second reading they did not commit themselves to the principles of the Bill—in fact a hope was expressed that the Government would listen with favor to the suggestion that the Bill should be referred to a Select Committee. The hon. member for the Light had indulged in something like a sneer at the Chamber of Commerce but the hon. member appeared to forget that the Insolvent Act was passed for the benefit of the mercantile community, which was represented by the Chamber of Commerce. It could not be expected that the Chamber of Commerce should seek to protect the interests of lawyers, but rather to protect mercantile interests against the lawyers. He was sure that the delay caused by the appointment of a Select Committee would be most profitable, although it was possible they might not pass a long Bill during the present session. It was possible, indeed, that the Committee might recommend that legislation should be postponed until they were acquainted with the English Act. All that was required for the present was that the 88th clause should be repealed that private arrangements should be made public, and that the interests of creditors who held securities should be protected. The rest might be allowed to stand over. There were many reasons why the Bill should be referred to a Select Committee, and he did not know that he should be betraying confidence in stating that the Commissioner of Insolvency would be glad to come before a Committee and give evidence. He hoped that mercantile members of the House would ask for a Committee, and that legal members would not oppose such a course.

The ATTORNEY-GENERAL emphatically protested against the doctrine laid down by the previous speaker, that the Insolvent Law was passed for the benefit of the mercantile community. It was passed for the benefit of the community at large, and although he was pleased to receive suggestions from the mercantile community or their representatives, it was not from any idea that they had an exclusive interest in the Insolvent Law, but that their relations with parties who came before the Insolvent Court gave them great experience in reference to the law in that respect. It had been said that the mercantile community wanted a Bill which they could understand themselves, and under such circumstances he could only recommend them to draw the Bill, and no doubt it would be conformable with the interests of all classes of the community the lawyers included. (Laughter.) He should have no objection to have the task of preparing the Bill taken off his shoulders. He never understood that the House, in agreeing to the second reading of the Bill, did more than affirm that a change in the law was requisite, and perhaps in the direction indicated by the Bill. Whether, however the amendments were precisely such as were required was a question which was left to the Committee of the whole House to decide. The hon. member (Mr Glyde) had stated that it was very desirable certain amendments should be effected during the present session, and if the whole law were to be referred to a Select Committee, he (the Attorney-General) should not divide the House upon the point, seeing no objection to the suggestions of the Chamber of Commerce being acted on.

The CHAIRMAN then reported progress, and obtained leave to sit again on the following day.

THE POLICE RATE BILL

On the motion of the ATTORNEY-GENERAL, the House went into Committee upon this Bill, when the hon. gentleman moved the insertion of a clause giving the Commissioner of Police power to appoint police constables for any place, making a rate, and providing that the police constables appointed under the Act should have the powers of police constables under Ordinance 19 of 1814. The hon. gentleman remarked that he had suggested this clause in order to remove the difficulty arising from small local bodies. The Government proposed to appropriate an amount equal to that raised for the payment of the police, and in a subsequent clause power was given to the Treasurer to pay the police force from year to year. He hoped the House would be prepared to support the principle, that though the police might be appointed for particular places, they still, to a certain extent, tended to give security to all persons in the community, and thus it was that the Government proposed to give an amount equal to that raised by rates towards their maintenance.

Mr STRANGWAYS asked if the Bill were passed, whether it was intended to support a fewer number of metropolitan police than during the past year.

The ATTORNEY-GENERAL said that if the Bill were passed, the Government proposed that the City Police Force should be as stated in the Estimates.

Mr STRANGWAYS moved that the Chairman leave the chair for the purpose of taking the opinion of the House upon the Bill generally. He believed that no one acquainted with Adelaide or the surrounding districts would believe that in these dull times any of the ratepayers would be disposed to impose upon themselves an additional rate. He believed that the inhabitants of Adelaide would have to pay 6d in the pound, in order to raise the necessary amount, and was quite sure that the Corporation would not impose such a rate for police purposes. If the Government or that

House thought it essential that there should be an efficient police force in Adelaide, he was quite sure that it would have to be paid for out of the general revenue, or a compulsory rate must be levied. He believed that the House were not prepared to pass an Act giving compulsory power to the Government. It was necessary that there should be an efficient police force at Adelaide and the Port, but there could be no doubt that districts in the interior derived advantages from that force, and should contribute towards the expense, but without a compulsory rate it would be impossible that this could be carried out. Tasmania, New South Wales, and Victoria expended enormous sums upon police. In Victoria, in 1858, the expenditure for police was 311,000*l.*, in New South Wales, in 1857, it was 130,000*l.*, and was larger the succeeding year, and in Van Diemen's Land, in 1858, it was 37,000*l.* If an efficient police force were not maintained here, the result would be that this place would become a rendezvous for the scum of the other colonies. The Parliament during the first session of its existence passed an Act to prevent criminals from coming here from Swan River, and he could not imagine that it was now desirable to reduce the police force to such an extent as to enable convicts and bad characters to live here in security, and become pests to the respectable portion of the community. Not long ago repeated allusions were made in the newspapers relative to robberies, supposed to be committed by Swan River convicts, and if there were not an efficient police here, similar outrages might be expected to be frequent. He did not believe that either in Adelaide or other localities would the inhabitants raise a rate themselves, but if Parliament wanted an efficient police they would have to pay for it out of the general revenue. He suggested that course as the less of two evils, sooner than that the force should be numerically so weak as to be useless.

Mr BAGOT seconded the motion.

Mr McELLISHER agreed to a considerable extent with the remarks of the hon member for Encounter Bay. He would be sorry to see the present arrangements disturbed, or the present respectable and efficient force disbanded. He should regret any alteration in the existing law, unless the rate were to be made compulsory, feeling assured that if it were not, they would never have an efficient police force. He would also suggest that the appointments should be left to the Local Magistrates of the district. If so and the rate were compulsory, there would then be a probability of having an efficient police force.

Mr DUTTON supported the motion of the hon member for Encounter Bay though if the time were more propitious, he would support the principle contained in the Bill, considering it to be founded upon justice, but knowing that the time was not propitious and doubting if the rate were imposed by the House that it could be levied, he should support the motion of the hon member for Encounter Bay, and he believed, after the expression of opinion on the part of many hon members, the Government would think it expedient not to proceed with the measure this session. The city rates for municipal purposes were very much in arrears, he was not prepared to state the exact amount, but if he could he believed it would astonish hon members, and it under this Bill a rate were levied on the rateable property of the city and a police were appointed upon the strength of such rate being received, he was quite sure that the Treasurer would find himself on the wrong side of the ledger. He approved entirely of the principle laid down in the Bill, but the time was not propitious for carrying such a measure into operation.

Mr BAGOT hoped the Government would withdraw the Bill for the present session, as he felt satisfied it would be impossible to carry it out unless there were a compulsory clause, and he must give serious consideration to the proposition to assent to a compulsory clause, before he could agree to it. He found that no provision was made in the Bill for those portions of the country where there were no Corporations or District Councils. He represented a district in which there were very few District Councils, and he should certainly oppose giving the Government power to levy a compulsory rate in such districts. He hoped, therefore, that the Bill would be withdrawn, as under the present system, police protection was enjoyed, and during the hot weather people could sleep with their doors and windows open, but if the number of police for the City of Adelaide were reduced to 12, he was afraid they would require a little stronger bolts and bars to their windows than at present. He did not think that the Corporation of the City of Adelaide would be disposed at present to levy a rate, as it was as much as they could do to meet their expenditure, in fact, they were in debt and under such circumstances, how could they be expected to levy an additional rate for such purposes. The object of the Government appeared to be to obtain power of taxation over those portions of the country where there were no District Councils, but he would recommend that a sum sufficient for police protection should be placed on the Supplementary Estimates, and next session the Government would be enabled to come forward with some better considered Bill. He felt there was considerable force in the observations of the hon member, Mr McEllisher, that the appointment of police should not be entirely under the control of the Commissioner of Police. In Ireland the local magistracy

recommended men for the police force, and it would be admitted that a more efficient body of men were not to be found in the whole world.

Mr SOLOMON supported the proposition of the hon member for Encounter Bay. He was convinced that the present feeling of the Corporation was such that to make the Bill operate, the rate must be compulsory. The trade of the city was in that state at present that it must be felt to burden the citizens with any additional taxation would be more than they could bear. The City Corporation was largely indebted to the Bank, which permitted it to overdraw, and large amounts remained uncollected from the assessments which had been made. Under such circumstances, to put additional burdens upon the citizens, would be doing that which would be unjust. He would not only support the motion of the hon member for Encounter Bay, but would go further, and say that the Corporation had done a great deal for the City of Adelaide. Many hon members would, no doubt, remember that five or six years ago the streets of Adelaide were impassable, but what was then condition now? He believed that the Corporation of the City of Adelaide would favorably contrast with any corporate town in the colonies.

Mr REYNOLDS could well understand hon members for the City recommending that the Bill be withdrawn, because hitherto the City had had a large portion of the police which were paid for out of the general revenue, but he (Mr Reynolds) not being a City member could give an independent vote. This was one of the measures upon which the Government hung their policy, and he should be very sorry to see it meet such a fate as to be thrown out. He could not understand hon members opposing the measure after for three sessions discussing the question, and contending for the principle involved in this Bill. It would have been impossible indeed that the Government could have met the House without such a Bill. Having expressed his views upon the subject for two or three sessions, he should feel bound to support the Bill, subject to certain amendments. He was surprised at the hon member, Mr Dutton, now he was out of office, opposing the Bill, he supposed that hon member must to some extent have compromised himself when he occupied the Treasury benches. He looked upon the proposition of the Government as a very fair one, having provided for that force at Adelaide and the Port which were required for the general interest of the community, they then left any further protection required by the localities to be provided for by a rate, which they subsidised to the extent of the amount collected. It might be true that a large amount was expended for police protection in New South Wales but it should be remembered that there were large tracts of country in that colony, and that it was a penal settlement a few years ago, and then again, though 37,000*l.* might have been expended for police protection in Van Diemen's Land, that colony was also a penal settlement. But South Australia was a free colony, looked upon as a model colony, and when we were spending 36,000*l.* per annum for police protection he could not help thinking we were spending more than necessary. He would not make it imperative to levy a rate, but would leave it to the city authorities, who, he believed, were sufficiently alive to the interests of the community. If it was found that crime was on the increase then the city authorities would take the initiative for the suppression of offences.

Mr GLYDE said that if he were to understand the effect of carrying the motion of the hon member for Encounter Bay would be to shelve the Bill for the present session, he should certainly vote against it. He could not ask the Government to withdraw the Bill, being one of those who had asked the Government to introduce such a measure. He could not believe that a Bill would be worth much without a compulsory clause, and as the representative of Kensington and Norwood, believed that the residents of those localities would be quite willing to give the Government power to raise the amount. The proper way would be he believed, to supplement from the general revenue to the extent of the rate, in the same way that the District Councils were at present supplemented.

Mr PEAKE had said when this measure was first introduced that it was a graceful tribute to the expressed opinion of the House during three sessions that there should be a readjustment of the expenditure for police. He had thought at one time that the Bill did not go far enough, and that it should contain a compulsory clause, but the hon and learned gentleman at the head of the Government thought that would not be prudent, but that provision should merely be made for a less force, giving the various districts and municipalities power to increase that force if they thought necessary. He could not go with the hon member for Encounter Bay, who on this, as on so many other occasions, was in the objective case. He hoped the hon member would not be successful, but that the House would be true to their previously indicated policy, and not allow the Bill to be thrown aside. He believed that this Bill would be the first step towards allowing municipalities and districts, if they liked, to organise a police force and make provision for its payment. In reference to the clause which had been introduced relative to the appointment of constables, he thought there was a good deal of force in the remarks of the hon member (Mr McEllisher) that the local Magistrates should have a voice in the appointment. The

course proposed would be far better than the mere sham which was carried out in England of appointing parish constables. He believed the appointment of paid constabulary would be a far more beneficial and useful thing to the community.

Mr DUFFIELD hardly knew what course to take, as he believed that he had supported the principles of the Bill, but he thought the Bill had hardly been well digested, as he found a large portion of the country shut out from its operation, the Bill merely providing that police rates should be levied by Corporations or District Councils but there were many populous parts of the country not included either in Corporations or District Councils. He might allude to the west side of the district of Hindmarsh, which was not included in any Corporation or District Council, and he might refer also to the districts of Light, Kapunda, Koorunga, and many other populous parts of the country. He did not think, therefore, the Bill had been well considered, for he did not see why those parts of the country that he had alluded to should have police protection at the expense of other parts. Times were just as bad in the country as in the city, and he could only infer from the argument of the hon member for the city (Mr Solomon) that the rate could not be borne by the citizens, that it must be borne by the country, but he could assure the hon member that the country was as little able to bear it as the city. He believed that if the Bill were to be made operative, it would be essential that the rate should be compulsory. He could not see why some hon members should oppose a principle which they had so loudly advocated another time. The only effect of passing the Bill without a compulsory clause would be, that a large portion of the community would not appoint any police, and would be protected at the expense of those who did. He believed it would be better to adopt the motion of the hon member for Encounter Bay, and that a better digested measure should be presented to the House. If they were to have an efficient police, the money must be raised to pay them, and must come from the community at large.

The ATTORNEY-GENERAL said that if it were the intention of the Government, or the policy of the Government, to propose to the House a compulsory rate, it would be quite right that it should be extended to every part of the country. If there were to be a compulsory police rate, he thought it should be extended to every district in which there was police protection, but it was not the policy of the Government to propose a compulsory addition to the direct taxation of the people, and he would say further that until there had been an appeal to the people he should not be disposed, either as a member of the Government or the Legislature, to support a compulsory rate, though he should be quite prepared to do so if the people of the country showed they would rather keep the money in their pocket than furnish efficient police protection, and the public peace was in consequence endangered. But till that had been done, he was not prepared either to propose or support a compulsory measure. That being the case it would be impossible to make this Bill applicable, except where the means of levying a rate existed at the present time. It might be very improper that the residents of those districts had not organised themselves into District Councils but the provisions of this Bill must necessarily be confined to those districts where such bodies exist. With reference to the general question, he believed the present Bill to embody only principles consistent with justice to different parts of the community. He agreed with the remarks which had been made in reference to additional police in the City of Adelaide, but at the same time he felt that those who said it was unfair that the districts should be taxed for a police force for the city, urged an argument which was unanswerable. He felt that he must support what he knew to be just, though causing perhaps considerable inconvenience and possibly injury. He felt bound to oppose the proposition of the hon member for Encounter Bay. Police constables would be paid by the Treasurer, contributions in aid from the public revenue being to the extent of local taxation. That principle was distinctly embodied in the present Bill. It was felt that if police were to be appointed under the Bill they should form a portion of the police force under the party at the head of that force.

Mr HAY said that if the hon member for Encounter Bay had been able to carry his amendment, by which the Government would have been able to enforce a rate, they would not have heard of any opposition to the Bill from him that day. Some of the city members said that they considered the Bill perfectly fair and just, but in consequence of the bad times should support the proposition of the hon member for Encounter Bay. The Bill must, it was quite clear, be passed sooner or later, and he would sooner pass it in its present form, giving power to impose a rate or not. He was in favor of the voluntary principle, but he so far went with the hon member (Mr Dutton), that he did not think the Bill should be brought into operation during the present year but that the Government should pay the police throughout the country during the present year. The Government could then correspond with the various districts requiring police protection. He intended to move as an amendment that the Bill come into operation on 1st July, 1860. He should advise the Government to proceed with the Bill and make arrangements for paying from the general revenue the full complement of police for the present year.

Mr NEALES could not go with the previous speaker, as he did not think it fair that they should legislate for a period subsequent to the new Parliament coming into operation, at the same time he thought that breathing time should be given to the various localities which would be affected by the new arrangements, and should have no objection to a period of two months elapsing between the passing of the Bill and its being brought into operation. Those hon members who now wished to get rid of the Bill altogether, acted a most inconsistent part, for during the last three years they had been constantly crying out that there should be some alteration by which the charge upon the general revenue would be reduced. Though a representative for the City he did not mean to trim at the last moment, but should endeavor to carry out the principles which had been enunciated during the last three years by all the members for the city in and out of office.

The ATTORNEY-GENERAL intimated, in reply to Mr GLYDE, that if the Bill passed, the Government would take measures to obtain the sanction of the House, to supplement any amount raised in any district for a police force during the ensuing year.

Mr STRANGWAYS said if the rate were not compulsory there was no chance of the Bill being operative. Neither the Corporation nor District Councils would voluntarily impose upon themselves a rate for police purposes. The hon member for the city (Mr Neales) had stated he had no intention of trimming, and probably not, for the hon member did not know what trimming was. Need he allude to the remarks of the hon member in reference to the vast importance of securing the Murray railway to connect it with Adelaide and the Port (Question). He strongly urged the necessity of providing an efficient police force out of the general revenue, otherwise whilst the neighboring colonies maintained efficient police, this colony would become the rendezvous of all the rogues from the other colonies, and so long as they could carry on their pursuits in Adelaide they would do so. Taking everything into consideration this was certainly not a good time to impose fresh taxes upon the citizens, and under such circumstances he saw no alternative but to pay the police from the general revenue.

Mr BARROW had not intended to speak, but as the measure appeared to be trembling in the balance, every word which was said on one side or the other would assist to determine its fate. On a previous occasion, having suggested that the Government should bring in this Bill, it would hardly now be fair on his part to oppose the measure (Hear, hear). It appeared unrescuable first to urge the Government to introduce a Bill and then to reject it upon light and insufficient grounds. It was true the times were not very brilliant, but that he thought could hardly be regarded as a sufficient reason that those who had asked the Government to introduce the Bill should now reject it. The clause in the Bill relative to a police rate was not compulsory, and if nothing more were dreaded than that it would prove inoperative that he thought was not sufficient to warrant the overthrow of the Bill. The Government had brought forward this measure in compliance with the expressed wish of the House, and it was utterly hopeless for any Government to attempt to carry on legislation if hon members were so changeable in their opinions (Hear, hear). It was often imputed to gentlemen on the Ministerial benches that they changed their views and opinions when they changed their seats, but it sometimes happened with hon members on the Opposition benches that they changed their opinions without changing their seats (Laughter). It was hardly fair to ask the Government to withdraw the Bill or to throw it out, after they had been pressed to introduce it, without some solid reasons for a different course being adopted in reference to the measure than that which the Government had a right to expect. With regard to the proposed rate being compulsory he would at once state that if the Government had proposed it should be compulsory, he should, without the slightest hesitation, have voted against the measure (Hear). When the Attorney-General intimated his intention to introduce this Bill, he (Mr Barrow) asked whether it was intended to be compulsory or permissive, and upon being apprised that it would not be compulsory but permissive he then expressed his approval of it. He could not, therefore, consistently unite in throwing out a Bill introduced in accordance with the expressed wish of the Legislature. Still he felt the force of some of the remarks which had fallen from the hon member for Barossa (Mr Dutheld), although the hon member's speech was one thing and his vote another. He must leave the hon member, however, to reconcile the contradiction which appeared between his speech and his vote. He acknowledged the force of the hon member's remark when he alluded to Kapunda, Koorunga, and other populous districts being exempted from the operations of an Act supposed to apply to the whole colony. He was disposed to leave the question to be dealt with by the Government, and the more so as he believed that this was one which the Government could safely be trusted to carry out, the Government having taken their cue from the frequently expressed wish of the House—merely affirming, in fact, the will and pleasure of the House. He should be prepared to support the introduction of amendments in Committee, if those amendments should appear desirable, but he should be opposing his former wishes, and acting his

former speeches, if he were to unite in an attempt to shelve the Bill.

Mr HAWKER would support the clause and the Bill generally. He should have thought a compulsory clause more advisable, but if the House thought not, and the Government were of a similar opinion, he was perfectly willing to take the Bill as it was, and give it a fair trial. He could not for a moment consent to shelve the Bill altogether, for although there was not a compulsory clause, he believed that the Bill would remedy great injustice to the country districts. He was not surprised at the opposition which had been offered to the Bill by the city members. They had been told by the hon member (Mr Dutton) that he must oppose the Bill, because the time was not propitious, but the question was when would the propitious time arrive? He believed that whenever a measure was brought forward to put the burden on the right shoulder, a majority of the city members would always be found asserting that the propitious time had not arrived. One hon member had suggested that the Bill should be put off till next year, in order that the various country districts which would be affected by the provisions of the Bill might be communicated with, but he could not see the necessity of this, because this measure was to equalise the proportion between the city and the districts, and was more applicable to the city than in the districts. There would be no rates unless the districts themselves applied for police protection. The great objection which had been raised to the Bill was, that it would be inoperative, but it would be impossible to tell till it had been tried. If the city were to determine not to have police protection, and crime in consequence increased, he believed that the citizens would be the very first to make the Bill operative.

Mr OWEN, though a representative of the city, was prepared to give precisely the same vote that he should had he been a representative of any other locality. He had no objection to a police rate, if it were general. He could well understand the feelings of country members upon the subject, and was in favor of placing all localities upon the same footing, letting each pay a fair share of the rate. It would be unfair to burden the city more than the districts. He should vote in favor of the amendment, and trusted the Bill would be withdrawn.

Mr ANDREWS should support the clause. It was monstrous, he considered, to appoint constables irrespectively altogether of the Commissioner of Police. Such a course would be sure to lead to jealousy between that portion of the force appointed by the Commissioner and that portion who considered themselves independent of that officer. The only doubt which he had had about supporting the Bill had been removed by the introduction of this clause.

Mr COLE approved of the clause, and the general principles of the Bill, which he considered reflected great credit upon the Government. He would suggest one thing which he believed would lessen the expenditure in connection with police, and that was that the authorities should not be so lavish in granting licences to those hotbeds of crime, public-houses.

Mr SOLOMON reminded the hon member who had accused the city members of being influenced by selfish motives, that upwards of £20,000 of the vote for police were expended upon a body almost exclusively for the protection of a class of which the hon member for Victoria was the representative in the House—the squatters. He alluded to the mounted police. He hoped that at no distant period there would be a more equitable system, and that the cost of police would be defrayed by a rate levied on the whole property throughout the country. Let each district have such a force as the rate therein levied would pay for. It was a well known fact that the mounted police were principally for the protection of the outer districts (No, no.) He denied that he was influenced in his opposition to the Bill by the fact of being a city member, his custom always being to deal with a question on its merits without reference to any particular locality.

Mr HAWKER, in reply to the extraordinary speech of the previous speaker, said that if the hon member had referred, he would have found that a very small portion of the mounted police were employed in the squating districts. One of the arguments in favor of an assessment on stock was that the squatters should pay for the mounted police employed in the outlying districts. Before the hon member for the city, Mr Solomon, preferred accusations, he should be a little more careful in ascertaining data on which to found his accusations.

Mr TOWNSEND supported the Bill. It was only fair that a certain number of police for the city should be paid for from the general revenue, because the whole colony at times came into the city and had protection. In reference to the mounted police, he must say that he had seen more members of that body in attendance at one concert in town than he had ever seen in the district which he had the honor of representing. He did not know how it was, but the mounted police were always to be found in and about Adelaide in all directions. It had been said that the Bill would be inoperative, and that if there were no police a large number of bad characters would congregate in Adelaide, but the first duty of the citizens was to protect their property, and many even now cheerfully paid a percentage towards private watchmen. If when this Bill were

passed the citizens or others omitted to provide an efficient force the duty of the Government would then be to impose a compulsory rate.

Mr DUFFIELD thought in the few remarks which he had made he had been misunderstood. He merely wished to convey that he thought they would be enabled to get a more complete Bill next session.

The SPEAKER put the amendment "That the Chairman do now leave the chair," which was lost by a majority of nine, the votes (Ayes, 11, Noes, 20) being as follows—

AYES, 11—Messrs. Bagot, Bakewell, Collinson, Duffield, Dutton, Harvey, McEllister, Owen, Scammell, Solomon, Strangways (Teller).

NOES, 20—Commissioner of Crown Lands, Commissioner of Public Works, the Treasurer, Messrs. Andrews, Barrow, Cole, Dunn, Glyde, Hallett, Hawker, Hay, Mildred, Neales, Peake, Reynolds, Rogers, Townsend, Dr Wark, Young, Attorney-General (Teller).

The clause was then agreed to. Also clause B, providing that the police rate should be paid to the Treasurer.

The ATTORNEY-GENERAL stated, in reply to Mr TOWNSEND, that in the event of any of the police force being disbanded they would receive a month's pay for every year's servitude, and that in the event of the Volunteer Companies being carried out, they would be employed as sergeants and non-commissioned officers.

Clause C provided that the Treasurer should pay the police force.

Mr STRANGWAYS pointed out that after the first year the police might be disbanded in consequence of no rate being levied. He therefore moved that unless notice were given the rate should be in force for two years.

The ATTORNEY-GENERAL said this would be making the principle compulsory. If a district or municipality imposed a rate it would be because it would be believed that the inconveniences arising from the want of police protection were greater than those arising from the payment of a police rate. If they did so it would be for the House afterwards to say whether they would make the imposition of the rate compulsory.

Mr GLYDE thought that some such evil as that pointed out by the hon member for Encounter Bay was almost certain to happen. A district would for a year or two levy a rate, and if there were no crime they would say there was no necessity for police protection, and refuse to pay a rate.

Mr McELLISTER asked if the police who were disbanded would receive a preference when other appointments became vacant.

The ATTORNEY-GENERAL said that those who were disbanded would, with all others who had ever been in the Government employ, be considered to have a preferential claim.

The COMMISSIONER OF PUBLIC WORKS believed that this Bill would create a great demand for police, as it would not only be the city which would require to be supplied, but Norwood, Unley, and Kensington would apply for aid for the purpose of establishing police.

Mr NEALES would allow any community to say they would not have police, but if they had once had them, they stuck to it. He believed there would be no disbanded police, for there were so many districts unprotected, there would be a rush to get these efficient men. He could only say, as regarded the locality where he resided, he was quite sure if the Bill were passed there would soon be a police-rate, particularly as they would be subsidised to an equal amount.

The ATTORNEY-GENERAL said if the rate were compulsory upon the whole province he could understand it, but he did not think it fair that the Government should make the rate compulsory in continuation when it did not make it so in the commencement. He could not see why the rate should be compulsory for the future and not for the present, and as he could not consent to it being compulsory at the commencement, he must oppose the proposition.

Mr STRANGWAYS wished the proposed addition to be, that where 12 months notice had not been given, the rate might be levied 12 months after the first year. Thus, he was aware, would amount to sanctioning the rate for two years, unless the district give notice to the Commissioner or Treasurer that they were going to levy a rate for one year only.

The ATTORNEY-GENERAL said it was proposed that the Bill should be entirely voluntary. Power was given to the people to provide for themselves, and it would be seen to what extent they availed themselves of that power before the Government taxed them in order to provide for police. He must oppose the proposition of the hon member for Encounter Bay, because it in reality would amount to a tax for two years, and he questioned whether making the rate operative for two years would not deter many from making the assessment.

Mr REYNOLDS opposed the amendment, the reason urged by the Attorney General being quite sufficient to induce him to do so. If police were appointed, the Government could deduct the amount in aid for District Council.

Mr BARROW hoped that the Bill would be made either compulsory or optional, and not half and half which it appeared to him it would be if the amendment were carried out. He could not see why they should tie up the hands of the Corporations and District Councils as was proposed by the amendment, and whilst the House prided themselves

upon making retrenchments where necessary, they would compel District Councils to support for two years what they considered no longer necessary. The whole matter was an experiment, and he thought one year was sufficient for the trial. He hoped no compulsory element would be introduced in the Bill, but if it were found compulsory was necessary for the preservation of peace, let there be a new Bill altering the principle whenever it was found politic to do so. He should support the optional principle, which was the essential character of the Bill.

Mr GLYDE supported the amendment, feeling satisfied that a difficulty would be sure to arise, as at the elections, which would probably be much more noisy than heretofore, police or no police would be made a party cry.

Mr TOWNSEND opposed the amendment, and expressed a belief that the funds necessary for police protection would readily be forthcoming.

Mr PEAKE opposed the amendment, the House having declared that the Act was not compulsory but permissive. The effect of the amendment would be to act as a threat, and the residents would in consequence delay taking action. If the respectable inhabitants of districts would take a little more interest in public matters connected with those districts he believed that many of the evils now complained of would be avoided.

Mr STRANGWAYS said that if a rate were only levied for one year, and notice was given to the Commissioner at the time, then the police would only be engaged for one year, and the rate for the second year would not be compulsory.

Mr MILDRED should oppose the amendment, as no existing District Council could bind a future District Council, and as districts might not find it necessary to continue a police force. From the feeling manifested by the District Councils he was thoroughly satisfied the Bill would be hailed as a boon.

Mr McELLISIER still hoped the local magistracy would have a voice in the appointment of constables.

The amendment was lost, and the clause passed as printed. Clauses 3 to 10 were struck out having merely been inserted lest the whole of the police should not be under one head.

The ATTORNEY-GENERAL proposed the Bill should take effect from 1st October.

Mr HAY suggested that it should take effect from the end of the year, and intimated that if the Government did not accede to the suggestion he should move that it take effect from 1st July, 1860. He remarked that the police rate could be collected with the rate for general improvements.

Mr YOUNG said the police-rate could not be collected with the general rate, and thought the 1st October a convenient date at which the Bill should come into operation.

The ATTORNEY-GENERAL said the question of keeping up the police force for the present year had better be brought under discussion when the item for police on the Estimates was under consideration.

Mr STRANGWAYS supported the amendment of the hon. member for Gumeracha. The Attorney-General had been two years preparing the Bill, and it would only be fair to give the District Councils something like a reasonable time for the alterations which this Bill proposed. The Bill originally consisted of 12 clauses, but the Attorney-General struck out seven or eight, and introduced three or four others—in fact, very little remained of the original Bill but the preamble. He hoped the opinion of the ratepayers would be taken, as it appeared to him exceedingly desirable that one period should be fixed for the commencement of all financial matters.

The ATTORNEY-GENERAL was sure the House must feel how dull they would be without the hon. member for Encounter Bay, who so constantly exercised his powers of amusement for the gratification of the House. No action had been taken in the matter till the latter part of last session, and he thought the House would agree with him that the time which he proposed to allow before the Bill was brought into operation would be quite sufficient.

The amendment was lost by a majority of 12. The votes on a division being (Ayes 6, Noes 18) as follows—

AYLES, 6—Messrs Duffield, Harvey, Owen, Scammell, Strangways, Hay (teller).

NOES, 18—The Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer, Messrs Andrews, Barrow, Cole, Duffield, Duff, Glyde, Hawker, Mildred, Neales, Peake, Rogers, Reynolds, Dr Wark, Young, Attorney-General (teller).

The House resumed, the Chairman reported progress, and obtained leave to sit again on the following Thursday.

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

The SPEAKER announced the receipt of a message from the Legislative Council intimating that they had agreed to this Bill with amendments, the consideration of which was made an Order of the Day for the following Thursday. The Council intimated they had agreed without amendment to the Bills to consolidate the laws relating to offences against the Queen and indictable offences by larceny.

STRATHALBYN AND GOOLWA TRAMWAY

On the motion of the COMMISSIONER OF PUBLIC WORKS, two days longer were allowed to the Committee upon this Bill to bring up their report.

CUSTOMS FORMS AND ROUTINE

Mr REYNOLDS obtained till the 23rd inst to bring up the report of the Committee.

MANSFIELD'S PATENT BILL

Mr DUFFIELD obtained till the 19th inst to bring up the report of the Committee.

LSIMATES

Postponed till the following Tuesday.

SALARIES OF OFFICERS OF BOARDS

The House having resolved itself into Committee, the TREASURER moved, "That the proposed expenditure of 1,420l. by the Harbor Trust for salaries of officers to that Board is satisfactory to this Committee." Carried 1,400l., Waterworks Manager, &c. Carried 3,505l., Officers of Central Road Board.

The COMMISSIONER OF PUBLIC WORKS explained that forage for two horses was allowed to the Surveyor for the northern district, in consequence of the distance which he had to travel. Where officials remained out a night and a day 15s. were allowed for expenses.

The COMMISSIONER OF CROWN LANDS remarked this charge was always thoroughly scrutinized by the Board. The Surveyors were obliged to keep diaries, and they had not merely to attend to the roads in their various districts, but had a great deal of office work to do, such as preparing sections and estimates, and it was consequently essential that they should live near town.

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr Reynolds, that the amended regulations which he had that day laid on the table would not at all relax the control which he had over the department, but that the regulations would it was believed facilitate harmonious working between the department and himself. The minutes of the meetings of the Board were sent to him so that he was kept thoroughly informed of their proceedings.

MOUNT BARKER.

Mr ROGERS brought forward the notice in his name—

"That he will ask the Hon. the Attorney-General (Mr. Huxton) if the Government have received any intimation from the Resident Magistrate of Mount Barker of his inability to attend to the District of Strathalbyn, in consequence of his onerous duties at Mount Barker and Woodside? Also, if the Government have been requested by the inhabitants of the District of Strathalbyn to appoint a Resident Magistrate for that place, and if the Government intend to make such an appointment?"

The ATTORNEY-GENERAL said the Government had received intimation to the effect alluded to, and had been requested to appoint a Resident Magistrate, but under present circumstances did not feel justified in doing so. The Government did not intend to make the appointment unless upon an address from that House.

GREENHILL ROAD

Mr BARROW moved—

"That this House will on Wednesday, July 13, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum not exceeding £6,000 to be placed on the Estimates for the purpose of forming and opening the Greenhill-road as a main line, in accordance with the prayer of a petition presented to this House on Friday, June 24th last."

The hon. member remarked that a short time since he presented a petition signed by 230 or 240 resident landholders, praying that the Greenhill road might be declared a main line, and that a sum of £6,000 might be placed on the Estimates for its construction. He felt it his duty to present the petition, as he always should any petition respectfully worded which was entrusted to him, particularly when it was from a portion of his own constituents, although he thought the petitioners would have acted wisely if they had asked for a smaller sum. He had, therefore, mentioned in the motion "a sum not exceeding 6,000l." so as to retain the sum asked for, but still admitting of a smaller sum being given should the House think fit. It was scarcely necessary to remark upon the large amount of traffic which came down the Greenhill-road, Adelaide, Norwood, Kensington, and other places, were supplied with fruit and vegetables and timber by that road, but he did not advocate that line in opposition to the Magill line of road, though he was aware some did. He asked the House to go into Committee, and then considered the question on its merits, believing that at that advanced period of the afternoon the House did not desire that he should occupy any further time.

Mr GLYDE seconded the motion, which was carried.

MR D SUTHERLAND

Mr REYNOLDS, in bringing forward the motion in his name, altered the date to the 15th July—

"That this House will on Wednesday, 13th July, resolve itself into a Committee of the whole, for the purpose of considering the motion that an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of 400l. to be placed on the Estimates for the purpose of compensation to Mr David Sutherland, in accord-

ance with the report and recommendation of the Select Committee appointed to consider the same."

Mr TOWNSEND seconded the motion, which was carried.

MESSRS CHAMBERS AND FINCKE

In reference to the following notice in the name of Mr DUTTON—

"That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Milne) the date of the day when the letter addressed by Messrs Chambers and Fincke to the Surveyor General, dated 23rd May, 1859, was received in the Survey Office.

The ATTORNEY-GENERAL stated that the letter was received on the day upon which it was dated.

The House adjourned at a quarter to 5 o'clock till 1 o'clock on the following day.

WEDNESDAY, JULY 13,

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

RAILWAY EXTENSION

Mr TOWNSEND presented a petition from 335 residents of Kapunda and Light, praying that a railway terminus might be erected on Section 1408. The petition was received and read. Mr Townsend stated that he merely presented it, but did not pledge himself to support its prayer.

Mr PEAKE presented a petition from 269 residents of Kapunda and the immediate neighborhood, praying that the terminus might be erected on Section 1411. The petition was received and read.

KAPUNDA

Mr BAGOT presented a petition from 1,050 residents of Kapunda and neighborhood, praying the House to take steps to pass a Bill to authorise the extension of a railway by the alternative line to Kapunda. The petition was received and read.

REDRUTH

Mr McELLISTER presented a petition from Mr Pollard, Clerk of the Local Court, at Redruth, praying that he might be placed on the same footing with regard to salary as the Clerks of other Local Courts.

PASTORAL LEASES

Mr GLYDE asked the Commissioner of Crown Lands when copy of the leases to be granted to squatters under the new Act would be laid upon the table of the House?

The COMMISSIONER OF CROWN LANDS said that the draft of the intended lease had not yet been settled or prepared, but that so soon as it had been he should be prepared to lay it upon the table.

LEASE TO MR CHAMBERS

Mr TOWNSEND had understood the Commissioner of Crown Lands to state that he had written to Mr Chambers tendering him a lease in accordance with the regulations. He was desirous of knowing what had been the result of that communication.

The COMMISSIONER OF CROWN LANDS begged to inform the House, that as the result of the letter, he had had a call from Mr Chambers, who was prepared to hand to the Government a power of attorney empowering Mr Fincke to sign the new leases in London on his own and Mr Chambers's behalf, and Mr Chambers was also prepared to send through the Government a letter instructing Mr Fincke as to the manner in which the power of attorney should be used. The Government had every hope that the matter would be satisfactorily arranged.

Mr GLYDE would like a little more explanation. He understood the Commissioner of Crown Lands to say that Mr Chambers proposed to give the Government a power of attorney, authorising Mr Fincke to sign the leases, but it appeared to him that a much more simple mode would be for Mr Chambers to sign the leases himself.

The COMMISSIONER OF CROWN LANDS could not give any more information.

MINERAL LEASES

The COMMISSIONER OF CROWN LANDS stated that he had given instructions for the returns in reference to mineral leases, which the hon member (Mr Neales) had intimated his intention of moving for, to be prepared.

DISTILLATION AND CUSTOMS ACTS

Mr TOWNSEND asked when the Amended Distillation Bill, and the Bill relative to the tobacco duties, would be laid before the House? The mercantile community were looking very anxiously for the latter Bill.

The ATTORNEY-GENERAL said he hoped the last-mentioned Bill would be laid upon the table in the course of the day, and the Amended Distillation Bill was in the printer's hands.

LEASES TO MESSRS CHAMBERS AND FINCKE

Mr REYNOLDS asked whether the new leases to be granted to Messrs Chambers and Fincke would be in accordance with the regulations of 1851 or 1859?

The COMMISSIONER OF CROWN LANDS said the new leases would be in accordance with the present law, and the present regulations.

WASTE LANDS

Mr BAGOT asked the Commissioner of Crown Lands whether the lessees of the Waste Lands of the Crown had paid the amounts with which they were chargeable under the Assessment Act, or had arrangements been made for delay?

The COMMISSIONER OF CROWN LANDS said the Act itself gave the lessees time till the end of July.

LEASES TO MESSRS CHAMBERS AND FINCKE

Mr STRANGWAYS brought forward the notice in his name—

"That he will ask the Hon the Attorney-General (Mr Hanson) how and when he first became aware that the lease to Chambers and Fincke had been issued in the manner and form in which it was issued?"

The ATTORNEY GENERAL said that on the 28th or 29th June, he could not be quite certain which, he was informed by the Chief Secretary that he had heard out of doors that the leases which had been issued to Chambers and Fincke were not in accordance with the regulations, and in consequence an interview took place with the late Commissioner of Crown Lands, and on 30th June he became aware of the form in which the leases had been issued.

CENTRAL ROAD BOARD

Mr STRANGWAYS moved—

"That there be laid on the table of this House a return showing the number of stationmen employed by the Central Road Board during the last two years, the nature of the work on which they were employed, the amount expended on stationmen in each district, by whom the stationmen were engaged, and how often they were seen and their work examined."

The hon member remarked that he had been requested to move for these returns, and the Commissioner of Public Works had informed him that he was willing to furnish them.

The COMMISSIONER OF PUBLIC WORKS said they should be furnished as quickly as possible.

The motion was carried.

THE INSOLVENT LAW

Mr STRANGWAYS moved—

"That a Select Committee be appointed to enquire into and report upon the Insolvent Law of this province."

He believed that the motion would be entirely acquiesced in by the Government, that they were anxious to obtain all the information that they could in reference to the working of the existing law. He believed there were many matters which required alteration and amendments, which had not been touched upon in the amended Act which had been laid before the House. The amendment proposed by the new Bill, he believed, would be productive of far greater evil than those which they proposed to remove. To enquire into the evils of the existing law, and the amendments which would be required to remove those evils, would be the province of the Committee. The House were aware that a difference of opinion existed between the Commissioner of Insolvency and the Judges as to the nature and operation of the penal clauses of the Act—he alluded to the old Insolvent Act—and the Commissioner having ordered insolvents to gaol, the Judges, in a large majority of such cases, ordered them to be discharged. Leaving out of the question whether the Commissioner was right or the Judges were right, he had a very strong objection to leave such great power in the hands of any one man as that which was conferred on the Commissioner of Insolvency by the existing Insolvent Act, and which it was also proposed to confer by the Amended Act. His view was, that parties guilty of fraud should be dealt with in the same manner that parties guilty of other crimes were dealt with by the Supreme Court, but he objected to place an innocent insolvent and a fraudulent insolvent upon the same footing, as they would be by the Amended Act. The old Act was based upon the supposition that imprisonment for debt would be practically abolished, as any one unable to meet his pecuniary engagements, by making a declaration to that effect before the Official Assignee, could obtain protection, but the present was based on a directly opposite supposition, that a debtor could be imprisoned for an indefinite time, and that the Commissioner could order his discharge at any period not exceeding three years. He wished to see the Act so amended that the offences referred to in the penal clauses should be treated as crimes, and punished as other crimes were, not that punishment should be placed in the power of the Commissioner of Insolvency. He believed that a Select Committee would suggest many alterations in the details, and the arrangements under which the Act was at present carried into operation, which would be highly beneficial to the trading community. If hon members referred to that very interesting periodical the *Government Gazette*, they would see constant notifications in connection with insolvency, but it was very seldom there was any notification of any dividend. His impression was, there was something radically wrong in the manner in which affairs in the Insolvent Court were managed, there being so very few instances in which there was any intimation of dividends having been paid or being payable. Hon members in the habit of reading reports in the newspapers would know that by the reports of the accountants to the various estates there appeared a fair pro-

portion between the assets and the liabilities, but what became of the assets? They certainly were not expended in dividends, and he believed that a large proportion of the assets, which should be available for distribution amongst the creditors, was swamped by fees to accountants and other charges. Allusion might probably be made to a large portion of the mercantile community being favorable to the amended Act, considering that great alterations were necessary in the existing law, and so he believed there were, but not such amendments as were contemplated by the measure before the House. That portion which provided for perm. tenure of office by the Commissioner during good behaviour, he entirely agreed with, and should be happy to render the office of the Commissioner still more permanent, by authorising the Treasurer to pay the salary of the Commissioner in the same way that the salaries of the Judges of the Supreme Court were provided for. By the proposed amendment, the tenure of office of the Commissioner would be very slightly more permanent than at present, because the salary of the Commissioner had to be voted by that House, and if the House should refuse to vote it, the probability was that the Commissioner would decline to perform the duties of his office. There were many other things in the existing Act and the amended Bill before the House of which he disapproved, but as he believed no objection to the motion would be offered by the Government, he would merely allude to the Court of Appeal. It was proposed that the Court of Appeal should consist of the Judges of the Supreme Court, or any two of them, and the Commissioner of Insolvency, but the latter part of the clause effectually provided that the Commissioner should be a mere nonentity, for it provided that the order in the Court of Appeal should be concurred in by at least two Judges. The Attorney-General, whilst he supposed the hon. gentleman must have seen some reason for placing the Commissioner in the Court of Appeal, had at the same time apparently thought it desirable that the Commissioner should be a mere nonentity, and that his vote should have no effect whatever on the other members of the Court. It was not, he thought, at all desirable that a person who had given a decision in one Court should be a member of the Court of Appeal, who had to hear the appeal against that decision, because the probability was that when the Judge of the Court in the first instance gave his decision, his impression was that he was right, and it was not probable that a person who had once given a decision upon a matter, would be in a position in which he could so fully consider it, as if he had not heard it till it came before him in the Court of Appeal. Having alluded to some of the matters which he considered required amendment, he would move the appointment of a Select Committee.

Mr GLYDE seconded the motion, considering the question one which could not receive too much attention. He had received a note from the Commissioner of Insolvency, relative to a statement which he (Mr Glyde) had made on the previous day. The Commissioner stated that although as a Government officer he should be happy to attend before any Committee of that House, he had never stated so. His (Mr Glyde's) informant must have misunderstood him, as what he had really stated was, that he should be happy to attend before a Sub-Committee of the Chamber of Commerce.

The ATTORNEY-GENERAL should offer no opposition to the appointment of a Select Committee, because he was quite satisfied that the whole question connected with the operation and provisions of the insolvent law should be discussed in the fullest way, and upon the fullest information that could be obtained. A Select Committee might obtain information which could hardly be brought before the House in any other way, and it might be useful in the full discussion of the question. Whilst, however, he agreed to the appointment of a Select Committee to consider the question, in reference to the Insolvent Bill before the House, he proposed to allow it to remain till he had ascertained what would be the probable length of the enquiry of the Committee, and should he find that their labors would enable them to present in a short time such a progress report as would enable the House to come to a decision as to what modifications of the law were required, he should be glad to avail himself of it, but if not, he should feel bound to proceed with the present Bill, and it would be for the House to consider to what extent they would modify the provisions. He would not enter into a discussion relative to the insolvent law, because he felt it could have no practical result, and it would be better to discuss the whole matter when the House had the information which it was thought this Committee could furnish. He should be able, he thought, to show some reasons for the provisions contained in the Bill before the House which might induce the House to come to a different conclusion than that which had been arrived at by the hon. mover of this resolution, but as no practical result could be arrived at from continuing the discussion, he should conclude by saying that he should offer no opposition to the motion.

The motion was carried, the Committee appointed being Messrs Andrews, Bagot, Bakewell, Dutton, Blyth, and Strangways, to report that day fortnight.

Mr STRANGWAYS then moved the contingent notice in his name that the Insolvent Law Amendment Bill be referred to the Committee just appointed, mentioning that he should have no objection to the course proposed by the Attorney-General, that if there was a prospect of the passing of the

Bill being delayed beyond the present session, a Bill should be introduced to repeal the 83th clause of the Insolvent Act.

Mr GLYDE seconded the motion. The ATTORNEY-GENERAL felt it his duty to oppose the motion. He had stated already that he would not proceed with the Bill until he had ascertained whether the Committee would be likely to report in sufficient time to enable the Government to carry the Bill through during the present session. If the Committee presented a report he should be happy to avail himself of it for the purpose of making useful amendments in the law, but he could not consent to place the Bill in the hands of the Committee, and out of the power of that House. If the Bill were referred to a Committee, the House could not proceed with it in any way. It must object to placing a measure of this kind in such a position that the House would depend for its power to deal with it upon the action of a Committee.

The SPEAKER said that the Bill having been referred to a Committee of the whole House, could not therefore be referred to a Select Committee, unless the former order were rescinded.

Mr GLYDE asked if he was to understand that the Attorney-General would take no action in reference to this Bill until the Committee had brought up their report.

The ATTORNEY-GENERAL said that, was precisely what he had distinctly stated he would not do, but he would give as much time to the Committee to make a progress report as would be consistent with the time which would be required for passing an Insolvent Bill through that and the other branch of the Legislature during the present session. He would say that he would not proceed with the Bill for 10 days, but if there were no report from the Committee at the expiration of that time he would then proceed with the Bill.

SCAB IN SHEEP

Mr HAWKER moved — "That he have leave to introduce a Bill intitled an Act for the further prevention of the extension of Scab in Sheep."

The hon. member remarked that there was a defect in the existing Act which the Bill which he now asked leave to introduce proposed to remedy. It merely consisted of a short clause. The existing Act had been found to work well in every portion of the colony, but in the south-eastern district there was great difficulty in keeping sheep clean, from the constant driving of flocks from the neighboring colony of Victoria without due precaution. The object of the amendment which he was desirous of proposing was, not to allow any flock which had been diseased within a period of six months to be removed without the sanction of the Inspector. In the neighborhood to which he had alluded flocks, imperfectly cured, were driven through clean districts, and many flocks became infected in consequence of the disease again breaking out, to the great loss and detriment of the owners. The Bill which he asked leave to introduce had been called for by a great number of settlers in that locality, and had been approved by the Inspector, with whom he (Mr Hawker) had been in communication, and that officer had suggested other alterations in the Act. If the House would allow the Bill to be introduced and printed, on the second reading of the Bill he would be prepared with the clauses suggested by the Inspector. His object now was merely to bring in the Bill, and he would name a day for the second reading sufficiently distant to enable the Inspector to go thoroughly into the matter.

Mr HALLETT seconded the motion. The ATTORNEY-GENERAL offered no opposition, because he quite felt that the Scab Act did not afford that protection to the owners of clean sheep which it was intended to afford. For instance, it appeared that any person might bring scabby sheep into the colony, and take them where he liked in a day. There was no redress, unless they were turned loose.

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 the 22nd July.

GAWLER TOWN EXTENSION RAILWAY

The House having resolved itself into Committee, Mr. BAGOT moved —

"That an Address be presented to His Excellency the Governor-in-Chief, requesting him to cause a Bill to be introduced in this House, during this Session, for the extension of the Gawler Town Extension Railway, from Section 1411, across the River Light to the vicinity of the town of Kapunda."

The hon. member remarked that he should be compelled to trespass upon the time of the House for a few minutes. The House were aware that the extension of the railway from Gawler Town northward, at present stopped at Section 1411, on the south side of the River Light, and according to the report of the Chief Engineer, about two miles from the centre of the town, in a direct line, but if they were to take the distance by the present bridge from the township to the terminus at Section 1411, the distance would be about three and a-quarter miles. The township of Kapunda was north of the Light, and the centre of a large mining and agricultural district, he believed that the number of inhabitants collected there made it the third town in the province.

Perhaps there were as many inhabitants at Gawler Town, but in Kapunda and the neighbourhood there were more than in any other country town except the Barra. The quantity of land sold was very large indeed, and the settlers were increasing year by year. Very few who had not paid a visit to the township for the last two years could imagine what rapid strides it had made. The improvements which had been made showed that an immense amount of money had been expended in and about the town. He believed that he would be considerably under the mark when he stated that considerably more than 100,000*l* had been expended in buildings alone, altogether irrespectively of the expenditure at the mines. He repeated that he believed he was under the mark in stating that considerably more than 100,000*l* had been expended on substantial improvements. The House would see that a large number of inhabitants were collected there, and being the centre of an agricultural district a very considerable amount of traffic might be expected from that town. The principle upon which railway extension had up to the present time been made was to accommodate a number of inhabitants who had invested money in the country and by that means to bring as much traffic as possible to the railway. Where a large number of inhabitants were congregated, and a large amount of money had been expended on permanent improvements, unless there were very strong grounds indeed, the property of parties should not be injured by the creation of a rival town. The House would remark that the extension of railways in this colony was carried out very differently from what it was at home. Here the Government established railways, and the money spent in constructing them was public money, and therefore the inhabitants of the country were encouraged to come to that House, and ask that justice might be done them, but where private parties constructed railways and they passed near to a town, then the inhabitants of that town could come in, and by taking a large number of shares could influence the terminus, so that the township would not suffer. It appeared that upon that ground there was strong reason for the residents of Kapunda and the neighbourhood coming to that House, and asking that great justice should not be done them, as would be if the terminus were placed elsewhere, as the value of their property would be depreciated, and a rival township being established in another place, the improvements which had been made would necessarily be materially deteriorated. The report of the Chief Engineer pointed out three lines, the first, a direct line, came within a mile or a mile and a half of the centre of the township. Another, the Fryer's Creek line, came also within about a mile or a mile and a half of the centre of the township, but the expense of the Fryer's Creek line, though the gradients appeared to be easier, was so much greater that the inhabitants of Kapunda did not ask for it, because, although they felt it might be of advantage particularly to those engaged in mining operations, the expense would be so great that they did not feel justified. The only other line which the Chief Engineer had pointed out was the direct alternative line. If the line were to be extended northward by Kapunda, the entire expense of the direct alternative line over the direct line would be about 6,000*l*. It was merely that small sum which was asked, and he hoped the House, in justice to the large sums which had been expended in improvements and land, and the large amount of traffic, would sanction that small outlay. The Engineer stated, in the first part of the report, that he feared some difficulty in reference to water in the direct alternative line, but he (Mr. Bagot) pledged himself, if the House would pass the motion, and allow the Bill to be read a first time, and refer to a Select Committee, to shew and the inhabitants were prepared to shew that there was in unlimited supply of the very best water. He had tasted water from an old shaft and finer he never tasted. That shaft was not a great distance from Sections 1403 and 1404 and there were wells nearer than that. The persons from whom he had presented a petition upon the subject would be enabled to show before a Select Committee the advantages which would arise from having the station placed in this particular part. If the House agreed to the motion he should be perfectly willing, as was the case with every Railway Bill, that it should be referred to a Select Committee, and that a deputation from that Committee should go up and report personally, as in the case of Gawler Town. He had no objection to such a course, and felt satisfied that the inhabitants of Kapunda and the neighbourhood would be exceedingly happy if not only the Committee, but the whole House, were to examine for themselves, when they would see that only justice was asked. The very best station that could be had on this alternative line would be on sections 1403 and 1404.

Mr. DUFFON gave the motion his warm and hearty support being well acquainted with the locality, and the large and increasing population centred in the district. The hon. member for Light, who had introduced the motion, had very fairly stated the claims which that motion had upon the House. Where so large an amount of property was located as about Kapunda, and where there was such a fine agricultural district, and so many inhabitants settled, it was but just and fair that every facility should be given to the district and the inhabitants, such as was granted to other portions of the country. He should therefore support

the motion, and hoped it would be carried. No doubt it would appear as it always did in these cases, that there were conflicting claims as to where the station should be placed, but the fairest way would be to refer the matter to a Select Committee to take the necessary evidence in reference to the several claims, and decide impartially in the matter.

The COMMISSIONER OF PUBLIC WORKS had great pleasure in following the previous speaker. Had not the hon. member for Light entered into the explanation which he had, he should have had a great deal more to say. He thought the inhabitants of Kapunda had placed themselves in a very strong position, when they asked merely to be placed in the same position as the inhabitants of Gawler Town. He had the honor of a seat upon that Committee, and a large portion of their time was taken up in considering the right spot at which to place the station. A deputation from that Committee visited the locality, and he was quite satisfied that a great deal of misapprehension was allayed by that Committee, particularly by the visit to the locality. He was quite sure also that the right spot was after all selected. As the question of water had been alluded to he might mention that he had received several communications upon the subject, and a great difference of opinion existed upon the question. Of course the railway authorities and the Government, and he might say that House, had but one object, which was to select the best site for the station, bearing in mind the extension of the railway system, and the claims of persons settled in the locality, and it must also be remembered that it was always desirable to secure a large amount of traffic. With the distinct understanding that the Bill should be placed in precisely the same position as other railway Bills, and that before it was read a second time there should be the fullest enquiry into the matter, he could see no objection to the motion. He would state, however, that there was some difference between the Chief Engineer and the hon. member for the Light as to the cost, and perhaps the case of the hon. member might have been strengthened, if the proposal to raise some portion of the funds, which he believed had been mooted, had been carried out. If it were necessary to raise 20,000*l*, the Government were not prepared to comply with the rule by funding one-third on the present Estimates. It would be very desirable if a Committee were appointed, that they should visit the locality, as there were many points very familiar to the witnesses or parties residing in the immediate neighborhood which were not so clear to parties who had not resided there for a lengthened period.

Mr. TOWNSEND should support the motion upon the grounds which had been stated by the Commissioner of Public Works. In reference to the petition which he had that day presented, he might mention that he had presented it believing it to be the right of any body of persons to petition the House, but had distinctly stated that he reserved to himself the right of voting as he might think proper when the whole matter was before the House. As the hon. member for Light asked that the matter should be referred to a Committee, he should support that proposition. The hon. member had mentioned something about water, and its qualities. He did not know whether the hon. member was a high authority upon that point, but if not, the House had high authorities in the hon. members for the Start and West Torrens (Laughter). He believed water tasted differently at different parts of the day, and perhaps the hon. member for Light would state at what period it was he tasted it. (Renewed laughter.) He should cheerfully support the motion, believing it was the interest of all parties that the station should be placed in the best position.

Mr. REYNOLDS supported the motion, and hoped the question would be submitted to a Select Committee. In reference to water, there were no doubt some hon. members from their peculiar habits capable of forming a more correct opinion than others, but had it been a question of heavy wet, he should have proposed that the matter be referred for the opinion of the hon. member for Onkaparinga (Laughter). He was pleased to find the Commissioner of Public Works disposed to yield to the inhabitants of Kapunda, what he thought they were entitled to. Where a large population were concentrated he thought the railway should be carried as near to them as possible. He should cordially support the motion so long as the alternative line did not interfere with the Main North Line.

Mr. DUFFIELD cordially supported the motion, but hoped when the matter was before the Committee, that they would not lose sight of the great question of railway extension generally. If they could oblige the inhabitants of Kapunda they were bound to do so, but if by so doing they would be making a great sacrifice in the working of the road afterwards, they should hesitate before making such a sacrifice. He believed, however, that what was asked could be carried out without any great additional expense in making railways northwards.

Mr. GLYDE asked if the hon. member for Light was disposed to guarantee the expenses of the Committee, as it was likely to be an expensive one, and as the hon. member was asking for £5,000 for private individuals, he thought the expenses should be guaranteed.

Mr. NEALE thought the hon. member who had last spoken should have first ascertained whether this was a private Bill. The Government were asked to bring in a Bill, and if the hon. member for Light could substantiate the

case which he had laid before the House, he was sure they would not take the immense responsibility of destroying the fortunes of a population and property in a township of such importance as Kapunda. He had no doubt that the evidence which would be given before the Committee would prove not only that there was good water, but that the spot indicated by the hon. member for the Light was the place where the station ought to be.

Mr SHANNON was glad to see that the Government were disposed to take the matter in hand, and that the general feeling of the House was favorable. It was, consequently, not necessary to make any lengthened remarks. In reference to water, he could assure the House that he was at the spot not 48 hours since, and that abundance of excellent water was to be procured within a very moderate distance—water almost as soft as rain-water. Even supposing that 20,000^l should be required to bring the railway into the town, if that course were not pursued almost equal expenditure must be incurred, because if there were not a railway there must be a road, and a bridge erected, so that the expense would not certainly be materially greater in the one case than in the other. By bringing the railway into the town nothing more than justice would be done to a number of parties, who had expended nearly their all in erecting buildings to carry on their trades. If the station remained at 1411 the traffic must be diverted from Kapunda to the Railway Station.

Mr HAY supported the motion, but at the same time suggested the expediency of pushing on the surveys which were going on, for the purpose of making known the probability or otherwise of carrying the line by the Valley of the Gilbert. If it were shown that this could not be done he should like, instead of a Bill to carry the railway to Kapunda, that it should go 10 miles further. If on the other hand the surveys should show that it was a feasible scheme to carry the line by the Valley of the Gilbert, the Government should take action, and carry the railway a little further north. Either the Government or the Central Road Board must do something, or neither the ores from the mines could be brought down, nor would the settlers be enabled to get their produce to market. If nothing were done till the House broke up, no action could be taken till next year.

Mr McELLISTER thought the Valley of the Gilbert had been neglected, it was formed by nature for a railway, and was the most practicable route in the North.

The motion was carried, the House resumed, and the Chairman brought up the report, which was agreed to.

PUBLIC NOBARIES BILL

On the motion of Mr SOLOMON, this Bill was read a second time, and passed through Committee, the consideration of the report being made an order of the day for the following day.

WASTIE LANDS IN HUNDREDS

Mr HAY moved—

"That, in the opinion of this House, greater privileges for grazing on the Waste Lands should be granted to the first settler on purchased land within the Hundreds than are enjoyed under the regulations now in force (See Paper No 102), and would recommend the following alterations—That each settler in a Hundred containing a large extent of unsold lands be allowed to graze one head of great cattle, or six head of small cattle, for every two acres of purchased land held by him in such Hundred, also that no small cattle be allowed to graze on the Waste Lands in the Hundreds, except on such portions as may be specially set apart by the Government for that purpose."

The hon. member remarked that he had brought the motion forward, considering that the regulations which had recently come in to be operated prejudicially. He had always considered it would tend to the settlement of Hundreds a great distance from Adelaide, and draw people away from thickly settled portions of the country, if greater facilities were given for grazing cattle. The present regulations allowed settlers on purchased lands to graze only 16 head of cattle for every section, and the remaining portion of the land was granted to individuals who had no right whatever to it, and who did not own a single acre in the Hundreds. In the early days of the colony, parties who could possess themselves of 30 or 40 head of cattle could soon improve their position, from the facilities which were given for grazing, and if similar facilities were now given parties would be drawn out to the distant parts of the country. From correspondence it would be seen that 15 or 16 years ago Captain Bagot and Mr Hagen strongly impressed upon the Government the necessity of not granting any portion of the waste lands near the settled parts of the country, but that the settlers should have the advantage of the waste lands for grazing purposes. At that period parties who had a small number of cattle were soon enabled to work themselves into the position of landlords from the produce of those cattle. There were many articles in the present day with which the colony was very indifferently supplied. Look for instance, at the price of cheese, and butter, and dairy produce generally. This would show the necessity of affording facilities for cattle to be kept within a short distance of Adelaide, in order that Adelaide might be supplied with dairy produce. During the last five or six years the price of dairy

produce had been enormous, and last year he found that the estimated value of imported cheese was £3,000, but that was a very insignificant sum compared with what the consumers actually had to pay for it. From the high price of dairy produce not only in Adelaide but in every town in the province, it was quite evident that something should be done to encourage dairy farming. As the regulations at present stood however unsettled the country no person holding only one section could claim to graze more than 16 head of cattle, and as there were many settlers who had not the means of purchasing or renting more than one section, they could not carry on dairy operations profitably with only 16 head of cattle. Instead of handing over the surplus waste lands to persons who had no claim to them, he contended that each holder of purchased land should be permitted to graze to the extent of 40 head of cattle for every section. Every inducement should be given to parties to go out to settle the country. It was well known to those who were acquainted with grazing that where sheep and cattle were grazing together, though the sheep got fat the cattle were driven out. He proposed that where sheep and cattle were grazed, arrangements should be made between the owners as to the particular spots where the sheep should be grazed, and if this could not be done, that application should be made to the Government to determine the point. In consequence of the regulations which had existed dairy farming had been nearly excluded in the colony. He did not believe that the squatters would be injured in any respect by the course which he proposed, which was that they should be confined to their own runs. The squatters had no claim within the Hundreds, the owners of purchased land should have the exclusive privilege of the waste lands. He hoped the House would agree to the motion and protect the new settlers by including the substance of the motion in the new regulations. It would be easy for the Surveyor-General to frame regulations to meet such cases as he had suggested where there were sheep and cattle. The alteration which he had suggested was the more essential since the Government had increased the licence fee from 6d to 18d per head.

Mr TOWNSEND seconded the motion.

Mr McELLISTER, in supporting the motion, said that 10 years ago when he was in business he bought many a ton of butter at 5d and 6d per lb and the reason then of the price being low and the supply abundant was that the squatters did not encroach as in the present day. The squatters had realised ample fortunes, and why should they wish for more than they had? They had got the waste lands for a farthing an acre, and should not seek to encroach upon the poorer class. He was sure that neither the hon. member for Victoria, nor the hon. member, Mr Duffield, would seek to prevent the little settlers from getting on as well as those who had preceded them. If a man were permitted to graze 40 or 50 head of cattle, he would be able to bring his ton of butter into town every year easily, and what a start would that give a poor man.

Mr HAWKER, as no other hon. member appeared disposed to address the House, would make a few remarks. He must state, notwithstanding the appeal which had been made to his liberality by the hon. member for the Burra, that he felt bound to oppose the motion, and thought he should be enabled to show good reasons for doing so. He did not think the hon. member could have considered what would be the effects of the motion. The hon. member, as he understood, wished to double the allowance of cattle permitted to be grazed by the regulations put forward by the Government. He did not exactly understand the ideas of the hon. member when he spoke of hundreds with a very large quantity of unsold land, as, taking the average quantity of unsold lands within the hundreds, what did it amount to? According to the proposition of the hon. member the owner of every section would be at liberty to graze three sheep to every acre. Taking the average capabilities of runs, they would not carry more than 200 sheep to the square mile. Supposing one third of the hundred to be sold, according to the proposition of the hon. member for Gumeracha, the persons who purchased one-third, or 20,000 acres, would be entitled to graze 60,000 sheep, or three times the number that the whole run would carry if none of the land were sold. Every person who purchased upon the conditions proposed by the hon. member, would consider he was entitled to run sheep or cattle according to the regulations. If one-third of the hundred were sold every person would want to run the number he was entitled to, and the consequence would be that the purchasers would want to run three times as many sheep or cattle as the run would carry if no land were sold out of the hundred. The effect of the allowance as it stood at present was that there was a much larger quantity of stock than the land would carry to keep in condition, but what would be the effect if the allowance were doubled? If every proprietor attempted to run the stock which he was entitled to there would be ten times the destruction in such a season as the present. (Hear, hear.) If hon. members would make enquiries relative to the loss and destruction amongst cattle they would find that the loss was not merely amongst working bullocks, but dairy cattle, in consequence of there being more cattle upon the runs than the runs could carry. The hon. member for Gumeracha had alluded to the waste lands

being given to parties who had no claim to them. He should have imagined that the hon member was alluding to some Eldorado of which no one was making use, but the probability was when hundreds were declared some one was making use of them not only for the benefit of themselves but of the country at large. The hon member's remarks would apply rather to a country which had never been taken up, but as regarded hundreds, the hon member had not a leg to stand on, as he had acknowledged that before hundreds could be declared land must be sold. If the motion were adopted, the stock which was put upon the land would be starved, and instead of the farmers or the community being benefitted, great and serious injury would result.

Mr ROGERS supported the motion, thinking it desirable that small settlers should have greater facilities for grazing stock than they enjoyed at present. The present regulations, he was aware, pressed very severely upon the small settlers, who were frequently obliged to sell their cattle to the squatter for a mere trifle. In many instances parties having 50 or 60 head of cattle were obliged to sell them for 2*l*. or 3*l*. per head, though had they been able to retain them, or possessed grazing capabilities for them, they would have been a little fortune to the owners.

Mr DUFFIELD would have to oppose the motion of the hon member for Gumeracha, and follow the course of the hon member for Victoria, feeling convinced that by opposing the motion he should best serve those whom the hon mover sought to serve in bringing the motion forward. Hon members, in driving through the hundreds, would, on looking on the right or left, see cattle lying dead in all directions, and it was well known that the allowance by the regulations was far greater than the hundreds were capable of supporting. At the present season there were thousands of cattle lying dead, and he believed he should be within bounds when he said that tens of thousands had died within the last three months from want of sustenance. A good deal had been said about the supply of dairy produce. The hon member for the Barra had said that the high price and short supply arose from the small settlers not having facilities for grazing their cattle, but he believed that one cause in the rise of price was that there was more money in the colony to pay for it, and more people to consume it. He was satisfied that by carrying the resolution they would not serve the parties whom it was intended to serve, and thus the hon member for Gumeracha would have seen, had he gone fully into the matter.

Mr BARROW hoped that the Government would express an opinion upon a subject of such importance as that before the House (Hear, hear). He thought when the hon member for Gumeracha rose to propose the motion that he (Mr Barrow) would have been enabled to vote with him, but although he had anticipated giving his vote in favor of the hon member, he was now less satisfied of the propriety of the proposition than before the hon member spoke. The remarks of the hon member for Victoria had certainly established a counterpoise to those of the hon member for Gumeracha. (Hear.) He should however like to hear from the Government an expression of their opinion upon the subject. He held that as the country was required for agriculture the squatters must go back (Hear, hear). It was perfectly natural that the squatters should endeavor to delay the period of their retreat as long as possible, seeing that they had got snug quarters—(laughter)—but when the time arrived out they must go, and it would be of no use to resist or resent (Hear.) But before the House adopted such a resolution as that which had been brought forward by the hon member for Gumeracha, it should be clearly shown what advantages would be derived from it. He believed that if they could combine dairy farming with wheat growing it would be a great advantage to the community (Hear.) He would not enter into the cause of the high price of butter, as perhaps the high price of mutton was a matter which should be dealt with first. (Laughter.) He would leave the discussion of the smaller matter till the greater had been settled. If the hon member for Gumeracha had shown that his proposition was likely to prove favorable to the establishment of dairy farms, he would support the motion, or he would do so if he could see that anything was likely to arise which would lead to an improved system of farming in the colony, which, after all, was not farming as it was understood in England or Scotland (Hear.) It was wheat growing, but not general farming. To combine dairy farming and the rearing of live stock with wheat growing would be a vast benefit, and though he was prepossessed entirely in that direction, and should rejoice at any proposition which promised to carry such a result, he could not see any such promise in the proposition of the hon member for Gumeracha. If the hon member could make out any better case in his reply than he had in his opening address, he (Mr Barrow) might still be induced, even then, to go with the motion, but he could not help feeling that at present the balance of argument was rather against the hon member. He hoped, however, that the Government, upon a question of such importance, would favor the House with their views upon the whole matter.

The COMMISSIONER OF CROWN LANDS believed there was a good deal of misapprehension in reference to this matter, both on the part of those who were favorable to the motion, and those who were opposed to it. He must say

that from enquiries which he had made, and documents which he had obtained from the Surveyor General's office since he had taken office, his own views had been very much affected—his own views had been considerably modified (Laughter.) When he read the result of his enquiries he thought the House would admit they were in possession of a good deal of additional information upon the subject. He would state in the first instance the manner in which depasturing licences were dealt with. Applications were received in the Crown Lands Department, till the end of June, and when it was found how many licences were asked for in a hundred, the Surveyor-General apportioned a large portion for such licences. The Surveyor-General was in the habit of dealing very liberally in such cases, and as an instance he might mention that in one case the depasturing licences applied for involved 2,570 acres, but the quantity apportioned by the Surveyor-General was 8,900 acres, or upwards of three times the quantity. With regard to annual leaseholders, it was often believed, and he had thought himself, that the boundaries of annual runs were not clearly defined, but he found he had been mistaken, the boundaries being clearly defined, and parties could not overrun those boundaries without their cattle being impounded. He would draw attention to some items in a return which he had procured from the Surveyor-General. In the Hundred of Alma there were 35,000 acres of land purchased, and 60,000 unsold, but in that hundred, although there were 35,000 acres of purchased land, the depasturing licences only extended over 3,500 acres, and the annual lessees had only got 17,000 acres, leaving 40,000 acres for which the Government got no rent. In the Hundred of Belvidere there were 38,000 acres purchased, and 16,000 acres unsold, no annual leases were granted, and the depasturing licences only extended over 3,000 acres. In the Hundred of Blanche there were 21,000 acres sold, and 43,000 unsold, the annual leases extended over 2,000 acres, and the depasturing licences 8,000, leaving 32,000 acres for which the Government received no rent. In the Hundred of Dutton there were 2,726 acres sold, and 50,000 unsold, there were no annual leases, and the holders of purchased land had no depasturing licences. In the Hundred of Gilbert there were 63,000 acres sold and 6,000 unsold, there were no depasturing licences nor annual licences. The Murray was an exceptional case, as there were there 50,000 acres sold and 677,000 acres unsold, but the larger portion, 528,000 acres, was occupied by annual lessees. In Port Adelaide there were 19,000 acres sold and 30,000 unsold, there were no annual leases, but the owners of land availed themselves of 3,900 acres, leaving 26,000 acres for which they received no rent. In Stanley 12,000 acres were sold and 49,000 unsold, there were no annual leases, and the owners of purchased land only availed themselves of 6,000 acres. In Waterloo there were 40,000 acres sold and 15,000 unsold, there were no annual leases, and only 4,800 acres were made available for depasturing licences. He thought the House would admit that was matter enough to induce him to modify his opinion. He was certainly startled when he received the returns. He felt a difficulty in determining upon any course of action till he had received that paper, and then his opinion was much modified. The result appeared to shew that it would be quite possible to grant the motion of the hon mover without affecting the squatter in the slightest degree, but the most prominent fact brought forward by the return was, that the Government did not receive that amount from the unsold lands which they ought to. He believed that at present the cattle starved each other out—the result of parties grazing cattle who did not pay sixpence. If the Government could ensure that parties running cattle on the hundreds would pay for them, the Government would be benefitted, and there would be no cause for complaint in any shape or way, but he believed that at present the country was robbed of its legitimate revenue.

Mr SHANNON wished to know the quantity of land apportioned to each animal. He was satisfied the motion of the hon member for Gumeracha would not tend to any good result, or he would vote for it. At the present time he believed the hundreds would not depasture half the quantity of stock which the regulations gave the owners of purchased land the privilege of grazing.

Mr DUTTON agreed generally with the remarks of the Commissioner of Crown Lands, but in reference to the remark that the squatters would not be affected by the motion of the hon member for Gumeracha, if carried, though that was correct so far as the present hundreds were concerned, it ought not to be forgotten that the Government had unlimited power to create new hundreds, and although the present Government would not do such a thing, there was no knowing what might be the policy of their successors. Hundreds might be created in every direction, and a few sections in each hundred would destroy the runs in toto. This was an important point. It should be remembered that no petition had been presented to the House asking for an alteration in the existing regulations, and he believed that the number of cattle permitted by the existing regulations was in excess of the grazing capabilities of the hundreds. He did not think that any scheme could by any ingenuity have been devised which would have a greater tendency to raise the price of meat than that of the hon

member for Gumeracha. The Commissioner of Crown Lands had stated so clearly the liberal apportionment of the Surveyor-General, that he was quite sure the motion could not force itself on the favorable consideration of the House. The hon. member, Mr. Hay, had stated that no one had a right to annual leases within the hundreds, and he was sorry to hear that statement, for the subject was well debated, and it was determined that the original lessees had an undoubted right to receive such position as might be set apart for depositing licences. To show to what a small extent this was acted upon, out of 60 hundreds, comprising about 7,000 square miles, the annual leases did not amount to more than 1,200 square miles in the whole 60 hundreds. Not the slightest argument had been brought forward by the hon. member to induce him to support the motion, and if it were carried, it would be the first of a series of attacks from which the pastoral interest would suffer, he should consequently give it his determined opposition.

The ATTORNEY-GENERAL said that the course which he should take would not be to vote against the motion, but he would ask the hon. member to withdraw it for the present, on the ground that the hon. member had tabled a motion consisting of two parts, the first proposed that the number of cattle kept by the proprietors of purchased lands should be increased, and the other was, that no small cattle should be permitted to graze upon waste lands, except upon those specially set apart for them. The first part as stated by the Commissioner of Crown Lands the Government were not disposed to object to, if they could see their way clearly as to the manner in which it could be carried out, and with respect to the second part, if the Government could make arrangements without injustice to those possessing sheep, in opposition to cattle, the Government would be prepared to take steps to carry that out also. But the Government were not prepared to state what course they would adopt, because it was necessary to investigate the subject, and to refer to the Surveyor-General. He had no objection that the hon. member should take the opinion of the House, if dissatisfied with the course which the Government stated it was their intention to take, but he would ask the hon. member to withdraw the motion for the present on the promise that the Government would immediately investigate the subject, and prepare new regulations. If those regulations were satisfactory, the object of the hon. member would be gained, and, if not, he would have an opportunity of again bringing the subject before the House and the Government, and the House and the Government would be in a better position to deal with it than at present. He believed that the Government would give substantial effect to that which the hon. member desired to accomplish, but if not, the hon. member could again bring forward the motion, with the advantage of having fresh regulations to discuss.

Mr. HAY adopted the course indicated by the Attorney-General, and withdrew the motion.

BILLS OF LADING BILL

This Bill passed through Committee, and the consideration of the report was made an order of the day for the following Wednesday.

INSOLVENT LAW AMENDMENT BILL

Postponed till the following Tuesday week.

SALARIES TO OFFICERS OF BOARDS

The TREASURER moved—

“The consideration in Committee of the whole House of Finance Papers relating to the salaries of officers of Boards and Commissions (Nos. 79, 87, 88, 96, and 98)”

Trinity Board 6,939/.

Mr. STRANGWAYS asked how it was that six pilots were required when four were formerly sufficient, when the duty was much heavier.

The TREASURER said the number was fixed by the Trinity Board, and experience had shown that the convenience of shipping required that number.

The vote was agreed to.

Botanic Gardens 300/ Carried

Railway department, 6,419/ 4s

Mr. STRANGWAYS pointed out that the Chief Engineer received 800/ from the construction account, and 200/ from the traffic account. He thought 800/ sufficient, as the Engineer to the Waterworks received only 650/. He also objected to 100/ travelling expenses for the Assistant Engineer.

The COMMISSIONER OF PUBLIC WORKS said that the Chief Engineer had, independently of other duties, to furnish reports required by the Government and that House, and he thought was fully entitled to the sum asked for. He believed, that compared with the responsibilities, the Engineer of the Railway received less than the Engineer of the Waterworks. Both the Engineer and the Assistant Engineer incurred larger expenditure for travelling expenses than they were allowed.

Mr. STRANGWAYS pointed out there were three Commissioners on the estimate, but he believed only two acted.

The COMMISSIONER OF PUBLIC WORKS said the third Commissioner was not in the colony, but the amount, though voted would not be expended if the Commissioner were not in the colony.

The vote was agreed to.

Local Marine Board, 507/ 15s

Mr. STRANGWAYS thought the Shipping-Master at 200/ a-year might be done away with, and the duty be discharged by the Clerk and Secretary.

The TREASURER said the office was created by the Imperial Passengers Act. It was necessary there should be such an office.

The ATTORNEY-GENERAL said the Board existed in consequence of the Merchant Shipping Act. He was satisfied a smaller estimate would not enable the Board to perform its duties.

Mr. STRANGWAYS moved that the item of 100/ for a secretary be struck out.

The motion was lost by a majority of 5. The votes on a division (Ayes 7, Noes 12) being as follows—

Ayes, 7—Messrs Cole, Dunn, McEllister, Owen, Rogers, Shannon, Strangways (teller)

Noes, 12—The Attorney-General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Barrow, Collinson, Hallett, Hawker, Hay, Mildred, Neales, Peake, the Treasurer (teller)

The original item was agreed to, the gross amount of salaries to Boards being 21,160/.

The House resumed, and the Chairman brought up the report, which was agreed to.

GREENHILL-ROAD

Mr. BARROW moved that the motion in his name, relative to a grant not exceeding 5,000/ for the Greenhill-road, be postponed till the following Friday, as it referred to a petition which he had presented on the 24th June and on the 28th June it was ordered to be printed, but, although many petitions which had been subsequently ordered to be printed appeared on the files, this petition did not, and it was desirable hon. members should be in possession of it before he moved the House into Committee. He hoped the petition would be printed, and placed on the files without further delay.

The SPEAKER said that by the records of the House it appeared that the motion for printing the petition was negatived.

Mr. BARROW said that not only was the petition ordered to be printed, but a division took place upon it.

GLENELG JETTY

The TREASURER stated, in reply to Mr. STRANGWAYS that the question of placing a sum on the Estimates for maintaining a light at the extremity of the Glenelg Jetty was under the consideration of the Government.

The House adjourned at half-past 4 o'clock, till 1 o'clock on the following day.

THURSDAY, JULY 14

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

IMMIGRATION

Mr. SOLOMON presented a petition from 271 residents at Mount Barker, praying the House to reconsider the vote of 20,000/ for immigration, with the view of transferring that amount to the item for public works, and suspending immigration for 12 months.

The petition was received and read.

STRATHALBYN AND GOOLWA TRAMWAY

The COMMISSIONER OF PUBLIC WORKS brought up the report of the Committee upon the Strathalbyn and Goolwa Tramway, with minutes of evidence, &c. The report was read, and recommended that the Bill before the House for the construction of the tramway, be proceeded with. The report, minutes of evidence, &c. were ordered to be printed.

CUSTOMS

The TREASURER laid on the table, as ordered by the House, a Bill to amend the law relative to Customs in South Australia, which was read a first time and ordered to be printed, the second reading being made an order of the day for the following Tuesday.

THE PATENT BILL

The COMMISSIONER OF PUBLIC WORKS laid on the table a Bill to authorize the Government to grant letters of registration for all inventions and improvements in arts and manufactures to have the same effect as letters patent in England, with regard to this colony.

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 Wednesday.

HINDMARSH VALLEY AND ENCOUNTER BAY

Mr. STRANGWAYS asked the Commissioner of Crown Lands whether it was the intention of the Government during the present session to introduce a Bill to settle disputes relative to the boundaries of sections and roads in Hindmarsh Valley and the district of Encounter Bay.

The ATTORNEY-GENERAL said the matter had been brought under his consideration, but he found it was a matter which exclusively affected private rights, and in which the information possessed by the Government as to what those rights were, was so imperfect, that he had not felt justified in introducing a Bill. It appeared to him

scarcely a measure which the Government should introduce, inasmuch as it would be scarcely possible to introduce a measure which would not affect one side or the other, and he thought the Government should take a neutral position with regard to both parties. The matter having been brought under his attention a Bill had been prepared, but on reflection he found that he could not in the then state of the information possessed by the Government, take steps to introduce such a measure.

Mr STRANGWAYS asked whether it was intended to leave the owners of land in the district to settle the disputes entirely amongst themselves. He alluded to the boundaries of sections and roads. His reason for asking the question was, that he had recently observed in the newspapers a report of an action of ejectment, *Smith v Leeworthy*, in which both parties claimed the same land under different grants.

The ATTORNEY GENERAL had already stated what was the present intention of the Government in reference to this matter. The Government would take no steps to assert the right of one party as opposed to another. If during the early days of the colony mistakes had been committed and conflicting claims had arisen, the Government ought not, he thought, to take steps to assert the claim of one party as opposed to another, but if any one could show that injury had been received by an error of the Government, he considered that the Government would then be bound to submit a claim for compensation, and recommend that it be acceded to, but the Government were not justified in becoming the active supporters of either one side or the other. The Government would be happy to give every assistance in carrying a Bill through, but when they were asked to assert the claim of one and negative another, he thought the Government would be wrong in assenting to such a proposal.

PROSECUTION BY ATTORNEY-GENERAL STATUTE LAW CONSOLIDATION 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 this Bill. The hon gentleman observed that the amendments were all merely verbal, and moved that they be agreed to.

Mr STRANGWAYS thought it not altogether correct that a Bill should go forth from that branch of the Legislature requiring so many amendments. It was true that the amendments were merely verbal, but there were a very large number of them, and the corrections should have been made before the Bill was sent up to the Council. He did not blame the Council for making the corrections.

The ATTORNEY-GENERAL said if the corrections had been made and the Council had altered them back again, it would not have been worth while for the House to re-alter them.

The amendments were agreed to, and a message to that effect ordered to be sent to the Legislative Council.

POLICE RATE BILL

The ATTORNEY-GENERAL said he had not taken this Bill out of Committee because he desired that hon members should have an opportunity of seeing the Bill in a complete form. He had no further amendments to propose, and would therefore move that it be agreed to.

Mr GLYDE thought the third clause required a slight amendment. It stated "it shall be lawful for the Commissioner to appoint," but he thought the clause should run "the Commissioner shall appoint." The present wording appeared to leave it optional with the Commissioner to appoint or not, but it would be hardly fair that this option should exist after a district had paid in a rate to the Treasury. It appeared to him that by the clause as it at present stood, after the rate had been paid into the Treasury the Commissioner might refuse to appoint constables.

The ATTORNEY-GENERAL said the effect of the amendment would be to leave the legal operation of the clause precisely as it was at present. If the hon member would refer, he would find in all these matters, where for instance it was stated "it shall be lawful for the Governor" to do so and so, an obligation was implied that as there was a duty on the part of the Government to do something,—it was not discretionary. He considered the proposed amendment unnecessary, as it would not at all affect the legal operation of the clause, but at the same time he did not object to it.

Mr GLYDE did not press his amendment.

The consideration of the report was made an Order of the Day for the following day.

PUBLIC NOTARIES BILL

On the motion of Mr. SOLOMON the report of the Committee of the whole House upon the Bill was agreed to, and the third reading was made an Order of the Day for the following day.

The House adjourned at half-past 1 o'clock till 1 o'clock on the following day.

FRIDAY, JULY 15

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

YATALA

Mr HARVEY presented a petition from the District Council, and 150 inhabitants of the District of Yatala, praying

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that the main road passing through it might be included in the schedule of main roads, and maintained as one of the main lines.

The petition was received and read.

SALISBURY

The COMMISSIONER of PUBLIC WORKS stated, in reply to Mr HARVEY, that the Commissioner of Police had received instructions to place a constable at the police station at Salisbury.

THE INSOLVENT LAW

Mr STRANGWAYS asked whether the Committee upon the Insolvent Law could report upon the Insolvent Law Amendment Bill without that Bill having been formally referred to them. He wished to know also whether, if the Committee obtained leave to present a progress report, they could report that it was desirable certain amendments should be made in the Insolvent Law, but that the rest which were required might be deferred.

The SPEAKER said that although the Committee could not report upon the Bill, it might be an easy matter for them by a side-wind to convey their ideas in reference to it.

Mr STRANGWAYS then moved that the Committee have leave to report from time to time.

Mr REYNOLDS seconded the motion, which was carried.

MAIL GUARDS

Mr STRANGWAYS moved—

"That this House will, on Wednesday, July 20th, resolve itself into a Committee of the whole, for the purpose of considering the motion that an Address be presented to His Excellency the Governor-in-Chief, intimating that, in the opinion of this House, it is desirable that Mail Guards should be employed on the chief mail routes, and a sum not exceeding £1,000 placed on the Estimates for that purpose."

The hon member remarked that he would not go into the question, but simply ask the House to go into Committee upon it on the following Wednesday, when he believed he should be prepared to satisfy the majority of members of that House that it was desirable mail guards should be employed. He had obtained some information from the Postmaster General on the subject which he believed would have considerable weight in influencing hon members.

Mr DUNN seconded the motion, which was carried.

EXCESSES ON VOTES.

On the motion of the TREASURER the report of the Committee of the whole House on the excesses of votes for 1858 was agreed to.

GRATUITY TO MR TOLMER

Mr HAWKER moved—

"That this House will, on Wednesday, July 20th, resolve itself into a Committee of the whole, for the purpose of considering the motion, that an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of £100 to be placed on the Estimates for the purpose of a gratuity to Alexander Tolmer, for his services in carrying on the Gold Escort between this colony and Victoria, as recommended by a Select Committee on 15th September, 1857."

The hon member remarked that he should depart from the usual course in such matters, thinking that on a motion of this kind it was better the House should discuss at once whether they would entertain the motion, than that they should go into Committee and negative it. He would not have moved in the matter but for the strong representation of Mr Tolmer, and before moving he had consulted several members who were present when the Select Committee was ordered and brought up their report, and every hon member had stated he would support the motion. He consequently came before the House, believing it would be carried. The first thing which would strike hon members probably would be that it referred to a long time ago, but although the services for which this gratuity was asked might have occurred a long time ago, circumstances might have arisen to prevent the person performing them from receiving his reward. It appeared that so far back as 1852 an address was passed by the House to Sir Henry Young requesting him to place on the Estimates a gratuity of 100l, for Mr Tolmer's services in connection with the overland escort. When the Bullion Act was first passed it would have been almost a dead letter if it had not been for the suggestion of Mr Tolmer, which was carried out, of bringing the gold overland, thus extricating the colony from a position of almost bankruptcy to one of prosperity, which, under the blessing of God, had never ceased to the present day. He found that a Select Committee were appointed to take into consideration the claims of Mr Tolmer and Mr Alford, and on 15th September, 1857, the Committee reported in favor of this £100 to Mr Tolmer. Why no action was taken upon that report he could not say. Mr Tolmer afterwards held a high position under Government but ultimately his appointment was done away with, and he was left without any appointment. In a letter which he had received, Mr Tolmer stated that he was in receipt of a small pension, and that he was compelled to take that or nothing, as his appointment was abolished. This grant had been approved of before the introduction of Responsible Government, and after Responsible Government had been instituted, a Select Committee

was again found recommending this sum, which he believed the Government considered fairly due to Mr Tolmer for services, though performed a long time ago. Before bringing this motion forward he had consulted gentlemen upon the Government benches, and one of those gentlemen standing high in the Ministry, stated that he believed the amount ought to be paid, that Mr Tolmer was entitled to it, and that if the House expressed a wish that the money should be paid, the Government would not oppose it. Looking at the whole bearings of the case, and seeing that there were many hon. members who were better acquainted with the case than he was himself, and that the Chairman of the Committee who recommended the amount being paid was also present, he had not the least fear of the motion being carried. He wished the discussion to take place before going into Committee and on Friday would merely move that the address be presented.

Mr McELLISTER seconded the motion and only wished that the amount was £1,000 instead of £100 for he believed Mr Tolmer's services were fully entitled to the larger sum. In the days of prosperity they should not forget the days of adversity, above all they should not forget those who were the means of relieving the colony from the depression under which it at one time labored, and which Mr Tolmer had been instrumental in removing. The services rendered by Mr Tolmer in 1852 never ought to be forgotten by the colony, and he hoped and trusted they never would. The House were asked to bestow a very trifling reward for very important services.

The motion was carried.

REDRUTH

Mr McELLISTER moved—

"That this House will, on Wednesday, 20th July, resolve itself into a Committee of the whole, for the purpose of considering the motion, that an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of £30 to be placed on the Estimates for the purpose of increasing the salary of Mr Powell, Clerk of Local Court, Redruth."

The hon. member remarked that 30l. had been taken off Mr Powell's salary in consequence of the good service by day being taken away. Mr Powell was an old and efficient officer, having a large family, and very arduous duties, and under such circumstances he trusted the prayer of the memorial which he had presented would be attended to.

The motion not being seconded fell to the ground.

KANGAROO ISLAND

Mr BAGOT asked the Commissioner of Public Works whether he was enabled to lay upon the table any information in reference to the bottom of the sea at the spot where it was proposed to lay down a submarine telegraph for the purpose of connecting Kangaroo Island with one of the existing lines of telegraph.

The COMMISSIONER OF PUBLIC WORKS said that when the subject was under discussion, he was requested to obtain information in reference to the probable bottom, and had in consequence communicated with Captain Douglas, who had furnished a report and map, by which it appeared that after the rocky shoal was cleared, the bottom was generally sandy, interspersed with particles of decayed coral but he did not consider the particles were much above the levels of the sandy bottom, being probably detached portions of large beds. The examination having merely been for maritime purposes, Captain Douglas recommended that the bottom should be carefully and minutely sounded at the point where it was intended to lay down the telegraphic cable.

The House having gone into Committee,

Mr BAGOT moved—

"That an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum not exceeding £3,000, to be placed on the Estimates for the purpose of connecting Kangaroo Island with one of the existing lines of telegraph."

The hon. member said he would briefly point out some of the advantages of having connection between Kangaroo Island and one of the existing lines of telegraph. He proposed to leave it altogether to the Executive Government to say with which part of the line it was desirable there should be connection. The House were aware that a contract for the conveyance of mails had been entered into, and that this colony had obtained a great boon by the mails being landed upon her shores. However much we might consider we were entitled to have the mails delivered in the Gulf on at the Semaphore, there could be no doubt that we had gained a great deal by having the mails landed on any part of our shores. It was a great improvement on the old contract. In considering this matter the House must look on it as one which not only interested ourselves but the other colonies of Tasmania, Victoria, and New South Wales generally. It was a matter of far greater importance to them than us that telegraphic communication should be established between Kangaroo Island and one of the existing lines of telegraph. When the House considered that those colonies were much larger than ours, that the population was much larger, and that they had more influence in many ways than this colony could be expected to have, from their greater wealth, and various other reasons, he thought we were in duty bound, if it could be done without much

expense or injury to ourselves, to give the other colonies every facility of obtaining the earliest news upon the arrival of the mails. It appeared to him that, for their own sakes they should do this, because if the other colonies combined as they were willing to, and said that the contract should not be carried out but that the ocean steamers should not call at Kangaroo Island but should go direct to Melbourne, he apprehended that the contract would be at an end so far as this colony was concerned. They must look therefore to the interests of the colony, and consider what an advantage it was to have the mails landed upon these shores. He had it from the best authority a gentleman who had conversed with one of the leading directors of the P and O Company, who had stated that though it was not put in the contract that this connection should be made from Kangaroo Island, still it was clearly understood at the time the contract was entered into that this line of cable should be laid down. He had this from undoubted authority, indeed he might mention his authority as being Mr Green, who had mentioned the circumstance not only to him but others. Seeing that the P and O Company would rather not call here if they were not bound to do so by their contract, there having been an understanding to the effect he had mentioned at the time that contract was entered into, he thought the House would agree with him that they were bound to expend the sum mentioned in his motion for the purpose of carrying the contract into effect. He had also heard from high authority, the highest authority indeed that could be obtained, that the people of Victoria were determined, if this connection were not carried out, to express a very strong opinion in reference to the steamers calling at Nepean Bay. He was not prepared to enter more fully into that matter, but the statement to which he had alluded came from such authority that it must carry the highest weight with it. He hoped that the House would agree with the motion, and that the cable would be laid down with as little delay as possible.

The ATTORNEY-GENERAL rose for the purpose of stating that he should not offer any opposition to the motion but on the contrary should vote in its favour. If the motion were carried, the Government would be prepared to act in the spirit of the resolution, and carry out the object contemplated, if they were satisfied that the contract with the P and O Company was such as would bind the steamers to call at Kangaroo Island. Only under such circumstances would the House be justified in proposing such expenditure to the Government, or the Government justified in making it. He should assume in the few observations which he should make that which they had reason to hope and believe was the case, that the contract with the P and O Company was that the steamers on the outward route should touch first at Kangaroo Island, and on the homeward route last at that spot. If that were the case there were two very strong reasons why the Government should support the motion and the House agree to it. The first was personal, so to speak, to the Government, because there could be no reasonable question that although nothing had been said definitely pledging the credit of the colony, still the representations made by the Governor in his despatches were such as to lead the Home Government and the P and O Company to the belief that this colony would take means of connecting Kangaroo Island with the other colonies by telegraph. He thought the House had reasonable grounds to suppose that was the implied understanding which induced the Home Government to press as a condition of the contract that the steamers should call at Kangaroo Island, and the P and O Company to agree to it. Whatever had been done by the Home Government to secure the steamers calling here would, he was sure, be redeemed by the Legislature of the colony, unless they were prepared to sacrifice the advantages arising from the steamers touching here. He presumed the House were not prepared to sacrifice those advantages if by any reasonable means such a result could be prevented. That was one reason that he should support the motion. Another reason was that the calling of the mails at Kangaroo Island was viewed with considerable jealousy by the colony of Victoria, and there could be no doubt that the representations of that colony, which contributed so large a subsidy, would receive great weight, in fact the danger would be that they would receive greater weight than the relative importance of the colony warranted. This colony would have a very strong reason for objecting to the terms of the contract removed if this motion were carried as within a few minutes of the arrival of the steamers at Kangaroo Island the news of all the markets would be communicated to Melbourne, and that colony would receive in a larger proportion than now the advantages of the steamers calling here. Unless they could to some extent make the interests of that colony identical with our own, there was reason to fear that the feeling which existed there would become still stronger, and would be so pertinaciously forced upon the Legislature and the Government that the subsidy would be made dependent upon the abandonment of this portion of the arrangement, and the Home Government would be compelled to yield to the pressure. On the grounds that the credit of the colony was involved, and that it would be to the interest of this colony to give every possible equality and advantage to the other colonies, which could only be done by connecting Kangaroo Island with one of the existing lines of

telegraph, he should support the motion, but upon the distinct understanding that it would not be carried out unless it should prove to be a portion of the contract with the P and O Company that the steamers should call at Kangaroo Island.

Mr STRANGWAYS should oppose the motion, and believed that if the hon member for Light and the Attorney-General knew the probable expense of the undertaking, the one would not have proposed nor the other supported the motion. It appeared this was in fact a Government measure, and he must congratulate the Government upon having obtained the services of the hon member for Light as a pilot-fish. If the credit of the colony were at stake it was the duty of the Government to bring forward such a proposition, but he had heard nothing to convince him that the credit of the colony was at all at stake. If laying down a cable as proposed could be effected at an average cost and not involve a large annual outlay, he should be happy to support the proposition, but there were many matters which required to be taken into consideration, and when these had been weighed he was sure the House would come to the conclusion that whilst a large annual outlay would be involved the advantages would be comparatively slight. Those advantages would be equally obtained if the P and O Company by an arrangement with the other colonies would direct the steamers to call either at the Lightship or Glenelg, for there was already a telegraph at the Semaphore, and in the course of about two months there would also be one at Glenelg. If the steamers were to call at Glenelg for the purpose of landing the passengers and mails, all this large outlay would be avoided. The House were aware of the great inconvenience which had been experienced, and the great outlay in connection with the cable across Holmes Channel, a great number of accidents had happened with that cable, and indeed that sub-marine telegraphic cables were exposed to many accidents was the result of the experience of all who had been connected with them. If the hon member for Light had obtained from the Superintendent of Telegraphs an estimate of the probable expense, and the accidents to which the cable would be subject when laid, he believed the hon member would never have brought forward the motion. The report of the naval officer was to the effect that the bottom of the ocean between Willunga and Nepean Bay was coral, and no substance would more quickly destroy a cable than coral. Then again through that portion of the ocean in which the cable would require to be laid there was a very strong current, it was very considerable across the shorter route by Backstairs Passage and as the coast on each side was very rocky the probability was that the bottom was rocky also. He believed under such circumstances that the cable would not last more than two or three months—in fact, he believed that two cables would be absolutely necessary in the event of an accident happening to one. The House should also remember that in the event of an accident happening to a submarine cable, it was not like a subterranean telegraph, as it could not be repaired. The cost of taking it up and repairing it, if practicable, would be nearly as much as laying down a fresh cable. The Attorney-General had stated that if the motion were carried it would not be acted upon by the Government, unless it were found that the P and O Company were by their contract obliged to call at Kangaroo Island. It appeared to him that the House were called upon to vote 8,000 blindfold, as they really had no information before them to lead them to a conclusion as to what would be the actual expense. There was no information whatever before the House as to the cost of the undertaking, and he would remind the House that not long since a resolution was arrived at that no money should be voted for public works unless estimates and plans were before the House. He should oppose the motion on the ground that the expenditure would be large, and the advantages not at all commensurate.

Mr BAGOT remarked that Council Paper No 25 gave every information in reference to the probable expense.

Mr HAWKER must oppose the motion of the hon member for Light, believing it was altogether premature. The Attorney-General had stated that the credit of the colony was, to a certain extent, pledged to this measure, but it appeared extraordinary that the credit of the colony should be pledged when the Government were actually at present not in possession of the contract which had been entered into for the conveyance of the mails. It was not known whether the steamers were to call here for the future, or whether their calling here had merely been an experiment. If it were an understood thing at the time the contract was entered into that this work should be carried out, he imagined that if a communication upon the subject were not made to the Governor it would have been made to the representative of the colony—the Agent-General. The hon member for Light had mentioned Mr Green but he was not aware that Mr Green was recognised as the agent of this colony, and he held that if it had been considered necessary that this cable should be laid down, either the Agent-General or the Governor of this colony would have been informed of it. He agreed with many of the remarks which had fallen from the hon member for Encounter Bay, and believed that the amount named in Council Paper 25, as the probable cost of the work, would be far short of what the cost would actually be. Another

point was, if this cable was of such enormous importance to Victoria, if it was solely for the convenience of that colony, the least that colony could do would be to bear a portion of the expense. If Victoria had proposed to do this, and that this colony should bear a portion of the expense according to the benefits which she would receive, he could then understand the motion. The House had been told that information had been received from the colony of Victoria to the effect, if we did not carry out the work mentioned in this motion, strong opposition would be raised to the steamers continuing to call at Kangaroo Island. The hon member for Light had stated that he had the highest authority for stating such a communication had been received, and he (Mr Hawker) had heard that Sir Henry Barkly, the Governor of Victoria, had apprised Sir Richard MacDonnell that if this cable were not laid, every attempt would be made on the part of Victoria to prevent the landing of the mails at Kangaroo Island. That was an attempt at coercion, and he trusted the House would not allow themselves to be bullied in such a manner. The question was not put fairly before the House. It would have been different had it been shown that it was part of the agreement on the part of the Agent-General on behalf of this colony, but the hon member for Light had not attempted to show that it was any portion of the agreement between this Government and the Government at home. He believed that, if this cable were laid down it would have the effect of preventing the mails from ever being landed at Glenelg. He believed also that Victoria expected greater advantages from the cable than she would ever receive, for it had not been stated how the news was to be delivered at Kangaroo Island, and there must certainly be the expense of a boat's crew, for the purpose of landing the press messages. This was a totally different thing from an overland telegraph. If Victoria and New South Wales were to reap the whole advantages, the least which could be expected was, that they should bear a portion of the expense. He saw no reason for assenting to the motion at the present time, but should have no objection to do so on a future occasion, when in possession of full information in reference to the contract between Great Britain on one hand and the colony on the other, whether it was thoroughly understood that a cable should be laid down for the purpose of connecting Kangaroo Island with one of the existing lines of telegraph. If such an understanding existed, he should be happy to support the motion, but till assured upon that point he must oppose it.

Mr GLYDE said he was as willing as any man could be to bear his share of any bargain. He would pay his portion of any transaction public or private, but till he had heard something more definite to shew that the credit of the colony was pledged to the performance of this work, he must vote against the motion, as he should look upon the expenditure not only as a waste of public money but as a waste of public money for the advantage of the other colonies. The hon member for Light had admitted that it would be of no advantage to us, and if Victoria wanted it let that colony pay for it, he repudiated altogether the insinuation that we were bound to lay down this cable. The Government stated they were perfectly in the dark about it, and he did not see how such a condition as laying down this cable could possibly be mentioned in the contract. He had not heard anything which induced him to believe that the credit of the colony was pledged in any way to make this line. They had been threatened with most formidable opposition from Victoria to prevent the steamers calling here, but he did not know what further opposition could be dreaded from that quarter, for some time ago a very strong memorial from the Chamber of Commerce of that colony was forwarded to the Home Government, and was signed by hundreds of gentlemen connected with the mercantile world, every possible argument being used to shew the inexpediency of the steamers calling here, yet not a word was said in that memorial about this cable being laid down, and in the counter memorial from the Chamber of Commerce of this colony there was not a word about a telegraph from the mainland to Nepean Bay. He believed that they would be cutting their own throats, and voluntarily placing themselves in a secondary position by assenting to this motion. If there were any advantage from the telegraphic news filtering through Adelaide, keep it by all means. If the telegraph were constructed, it would certainly be cutting off all hope of persuading the steamers to come up the Gulf. To his mind a more foolish scheme had never been presented to the House, and he was surprised at the Attorney-General supporting it, though not at the hon member for the Light in bringing it forward.

The COMMISSIONER OF PUBLIC WORKS hoped the hon member who had just addressed the House, would not be surprised at his rising to support the motion. No member of that House had taken a more consistent course than he had in endeavouring to induce the outward mail steamers to call at some port in South Australia. The question had been discussed for many sessions, and he believed that if a cable were not laid down for the purpose of connecting Kangaroo Island with one of the existing lines of telegraph, a mass of influence would be brought to bear to prevent the steamers from calling at any port in South Australia. Some hon members appeared to think that all the influence which could be brought to bear against us had been exhausted, but Victoria might refuse to vote her share of the subsidy, and he

was credibly informed that the P and O Company were prepared to throw off from the £135,000 the whole contribution from this colony if they were excused from calling at Kangaroo Island. Supposing this were represented to the Home Government, the influence of this colony was considerably less than that of Victoria, and there would be the entire influence of that colony and the numerous influential gentlemen connected with it in England against us, to say nothing of the P and O Company being against us, and worse than all there would be the statement that we had broken our implied pledge. If hon. members would refer they would find that in a despatch from the Governor of this colony to the Secretary of State, in reference to steam postal communication, it was stated that in consequence of the works which were in progress there would be no difficulty in connecting Kangaroo Island with the other colonies. This was in a despatch urging the outward mail steamers to call at a port in South Australia, and any one reading that despatch must see that there was an implied pledge that the work proposed in the motion of the hon. member for Light should be undertaken. The daily papers of that day had shewn the advantages resulting from the steamers calling here, and had pointed out that by a slight additional expense there might be a fortnightly mail instead of a monthly. If steps were not taken to connect Kangaroo Island with the mainland they would at no distant period be deprived of the advantages of the steamers calling here first on their outward, and last on their homeward voyage. Almost every person in the colony was interested in the continuance of the existing arrangements. The mercantile community experienced the advantages of the present system in the rates of exchange, for they had seen the time when there were no opportunities of sending gold home, that the local institutions were enabled to place the exchange at a high rate. The advantage to which he had alluded was one of those which had been unthought of from the steamers calling at a port in South Australia. The Government had been accused of being influenced by Glenelg interests and Port interests, he should be glad to see the ocean steamers call either at Glenelg or the Light-ship, but rather than see them pass and go to Melbourne, there was hardly any amount which he should consider too much to vote consistent with the resources of the colony. He had seen the Superintendent of Telegraphs since the debate commenced, and that gentleman had stated that the sum asked for would be quite sufficient to lay down the cable, consequently, it behoved every member of that House to consider whether for 8,000l it was worth while to run the risk of losing the advantage of steamers calling here first on their outward, and last on their homeward voyage. The report which he had read to the house from Captain Douglas's spoke of the bottom of the ocean, where this cable would require to be laid, being probably decayed coral, but he apprehended there was as much difference in coral as there was in limestone in its decayed and natural state, and he did not believe that any one acquainted with the bottom of the Gulf in that quarter would believe that there was any fear of damage to the submarine cable from the cause which had been alluded to by the hon. member for Encounter Bay. There had been a sneer about this being a Government measure, but it was not warranted, the Government did not consider that they should take the matter out of the hands of the hon. member for Light and had had no communication with him upon the subject. The result of the debate would be very anxiously watched in the neighbouring colony, and comments would be freely made upon it, he trusted the House would not at the last moment neglect to carry out an implied pledge, as by doing so they would wilfully throw away great advantages, which after numerous attempts had been gained, and the benefits of which had already been experienced by the community.

Mr HAY said that if the hon. member and the Government had attempted to shew the advantages which would be derived by this and the other colonies from the proposed work, instead of endeavouring to frighten the House into assenting to the motion, they would have taken a much better course. Had it been shewn that this colony, or Victoria, or New South Wales, would derive any advantages worth mentioning, he believed that every member would have cordially supported the resolution, but since the notice had appeared on the paper he had read various papers connected with the subject, and could not see any advantages which would be derived either by South Australia or Victoria. At present the custom was for the branch steamer to meet the steamer before she entered Nepean Bay, and he believed that before the boat could reach the shore and the news be telegraphed, the branch steamer would be at Glenelg. Captain Douglas stated in his report that if the steamer arrived at night there would be no advantage. He believed that all the advantages which would be gained would be equally gained by constructing a telegraph from a point near Cape Jervis, and if a steamer arrived during the night, the editors would then get a message intimating that a steamer had arrived, that was all the advantage that he could see would be derived, either by this colony or Victoria. Supposing that a boat with a boat's crew were to meet the steamer, still there must also be some party to get the items of news, and two or three hours would probably be consumed in pulling to shore. Some one must be in the boat to supply the telegraph messages, and

so it appeared to him it would be necessary there should always be an agent on the spot. If the telegraph were at Kangaroo Island to be available for the mercantile community, it would be essential there should be agents there, and the same remark would apply to Victoria. There must be agents on the spot to communicate with that colony. He thought this colony had done all which could be expected of her in providing a branch steamer, and he believed there was no man in Victoria who understood the question who really believed that he would be benefited in any way by this cable, as the branch steamer would reach Glenelg in a shorter time than the boat could reach the shore. He was surprised that the motion should have been brought forward, and still more surprised that the Attorney-General should support it. The original outlay was estimated at 8,000l, and with the interest of money, and other expenses, the total cost could not be estimated at less than 2,000l per annum. It would be better, instead of incurring such an expenditure for such a purpose, to double the subsidy to the P and O Company, instead of employing a branch steamer. The expenses already amounted to about 4,000l a year. He was convinced that if the question were put fully before the Home Government and Victoria, and the small advantages which would be derived were shewn, it would be at once seen and admitted that it would be useless to incur such an expenditure. He hoped the hon. member for Light would withdraw his motion, as no advantages could possibly be derived from it.

Mr REYNOLDS thought he should really be carrying out the wishes of the hon. member for the Light, and be almost thought of the Government, were he to vote against the motion. The Government had taken very high ground and placed the matter in a very serious aspect, making it appear that unless a cable were laid down from Cape Jervis to Kangaroo Island, we should cut covenants with the Home Government. The Attorney-General had stated that the credit of the colony was involved in the construction of this telegraphic cable, but it was an extraordinary thing if the credit of the colony was really involved that no action had been taken in the matter till near the close of the session. ("Hear, hear," from the Attorney-General.) He was happy to find that he and the Attorney-General agreed on this occasion. It appeared that had it not been for the movements of the pilot-boat, as the hon. member for Encounter Bay had termed the hon. member for Light, the House would have heard nothing about telegraphic communication with Kangaroo Island. What did the hon. member for Encounter Bay mean when he called the hon. member for Light a pilot-boat? Surely he did not mean to insinuate that the Attorney-General was a shark. (Laughter.) He was surprised to find the Attorney-General gulp down the motion as he did. He believed that the hon. member for the Light was disappointed when the Attorney-General supported the motion, and so was he. (Mr Reynolds.) It was quite clear that the matter required a little more consultation before the motion should be assented to, for, although the Commissioner of Public Works said that the amount asked for would be quite sufficient, it appeared there had been no proper survey, and he wanted to know, after the cable had been laid down, how long would it last? If there was a prospect of the cable only lasting a year or two, he did not think they ought to expend the money. It had been said that great influence was at work in Victoria to prevent the steamers calling at Kangaroo Island, but he believed that influence would be at work whether the cable were laid down or not. He believed the feeling was such as to desire to prevent the steamers calling at Kangaroo Island, whether the cable were laid down or not. He thought there was a good deal in what had been stated by the hon. member for Gumeracha when he quoted from the report of Captain Douglas, and he was satisfied that Victoria would derive but a very small advantage. The advantage might be getting the news an hour or two earlier, but, he would ask, was that such an advantage as should induce the House to assent to this huge outlay, particularly as the Victorian merchants could only avail themselves of this advantage by keeping agents at Kangaroo Island. He believed that after the cable had been laid down, parties instead of keeping agents at Kangaroo Island, would prefer trusting to agents in Adelaide. It was possible that this stir had been made in Victoria in consequence of there being twenty-five miles of surplus cable in the hands of a mercantile firm in that colony, and it was perhaps thought that a little agitation might induce the Government of this colony to purchase it. With the present appearance he believed that upon the arrival of the last steamer an extraordinary was published in Melbourne before one was published in Adelaide. As the House did not know the cost of the work, nor the nature of the contract with the P and O Company, nor whether the merchants of the neighboring colony would be prepared to take advantage of the telegraphic cable when laid down, he should vote against the motion.

Mr LINDSAY was at a loss to imagine whether the Government were in favor of the motion or not. There were two or three points which had not been touched upon, but he thought it had been clearly shown that it would be better for ourselves, Victoria, and the owners of the steamers, that the vessels should call at some port on the main land instead of at Kangaroo Island. Although if the cable were laid

down the residents of Victoria would receive their news at the same time that it was received in Adelaide, still, in the event of war the cable would be liable to be cut. The navy of France was now quite equal to the navy of England ("No, no") In the event of war it was possible that France would be joined by Russia, and it would be impossible for England to have any large portion of her navy at one particular spot. If half-a-dozen cruisers could be spared for the Kangaroo Island station, possibly no enemy ship could enter Backstairs Passage, but if not, the telegraph cable might very easily be severed.

Mr BARROW said he would not follow the previous speaker as to the relative strength of the navy of France and England, but would merely remark that he thought the French were far more likely to run than the English if they ever came into collision upon anything like fair terms (Hear, hear). He did not see much force in the statement of the hon member, that if they were to take the telegraph to the mainland, they would more effectually protect vessels, as he presumed that in the event of a battery had not been included. He thought that in this discussion there had been some little misapprehension. The House had been faulted with yielding to coercion. It was true their pride had been appealed to, and they had been put upon their mettle, in consequence of an alleged desire on the part of Victoria to intimidate us, but he did not think the statement of the hon member for Light evinced any desire to coerce, the only coercion being that Victoria said, "this arrangement don't suit us, and we won't contribute, we decline to pay for what we don't desire." The hon member for Encounter Bay had raised an objection which was subsequently disposed of, and perhaps the hon member would not have spoken so strongly against the motion of the hon member for Light had he been aware that an estimate of the cost of the work had been laid before Parliament. An estimate of the cost had been prepared by Mr Todd, and was amongst the papers of hon members. He was rather surprised to hear the hon member for Victoria, who regarded Mr Todd as so excellent an authority when he wanted overland telegraphs, repudiate that estimate, for if Mr Todd's estimate were worth anything in one case it was in the other. One of the objections raised by the hon member for Encounter Bay against a submarine cable was that in time it would wear out (Laughter). No doubt it would, that was the property of all created things, and thus, like all other cables, would wear out in time. There could be no doubt, whether the credit of the colony were pledged or not in that serious view which some persons attached to it, the Home Government were led to suppose it was highly probable that the Government of this colony would construct a line to Nepean Bay, but he (Mr Barrow) had always felt that it was not necessary to lay down that line, and he had asked at an early period of the session whether it was intended to extend the wire from Willunga to some part of the south coast by which the approach of the steamer might be announced when she made her appearance in the Backstairs Passage. He did not think the cable would be such an advantage as would justify the additional expense, for it would be observed that of the 8,000l 4,050l represented the submarine cable, so if the line were merely extended to the point from which the submarine cable would have to be taken, it could be done for half the amount which it was now proposed to expend, and Victoria would have quite as much benefit by that arrangement as by the one proposed by the hon member for Light, because, as it would be necessary to have a boat for the purpose of landing an agent at Kingscote, the agent could as well be landed at some convenient spot upon the south coast opposite Nepean Bay (Hear, hear). The hon member for Encounter Bay, and the hon member for East Torrens (Mr Glyde) had said, that if a telegraph were established at Nepean Bay, they might bid farewell to all hope of seeing steamers at the Lightship or Glenelg, but he could not see thus it might as well be said, that because a telegraph was established at Willunga, they might bid farewell to all hope of seeing steamers farther than that spot (Hear, hear). The Government had assured the House that they would not act upon this resolution if carried, until they were assured that the contract entered into by the Home Government with the P and O Company bound the steamers to call at Kangaroo Island, but the contract could not be expected to embrace the establishment of a telegraph, it would be apprehended merely state whether the steamers should call at Kangaroo Island or not. He felt that it would be a great advantage if the telegraph could be extended to some part of the south coast as it would then frequently happen that the merchant would have six or seven hours' notice of the arrival of the mail, and merchants who would otherwise leave town, being forewarned of the near approach of the steamer, would remain in town, or leave some one to attend to their communications. Such an arrangement would, indeed, frequently involve the gain of a day, and he would, therefore, move that 8,000l be struck out, and 4,000l inserted, "for the purpose of extending the telegraph from Willunga to some portion of the south coast between Yankabilla and Cape Jervis." If that amendment were passed, and it was afterwards found desirable, the cable could still be laid down and he thought the hon member for Encounter Bay would be disposed to support the amend-

ment, for there would be no fear of coral rocks wearing out the overland wire, which would secure to the residents of Victoria all the advantages which would be secured by the proposed submarine cable, and he therefore with confidence submitted the amendment to the House (Hear, hear.)

The ATTORNEY-GENERAL remarked, in reference to the Government not having introduced the motion, that the Government could not introduce a motion which they were not pledged to carry out. In this case he merely supported the motion on condition that, by the contract with the P and O Company, the steamers were bound to call at Kangaroo Island.

Mr NEALES said he believed that the original motion would not be carried, and he was afraid the amendment would share the same fate. There could be no doubt that considerable jealousy existed on the part of Victoria, and he believed the best course would be to defer the motion, particularly as they had heard that the Government would not be prepared to carry it out until they knew the contents of the contract. As the amendment would not be thought have the effect which was desired, it would be better to allow matters to remain as they were. He fully agreed with the hon member for East Torrens (Mr Glyde) that if this cable were constructed they would be cutting off all hope of the vessels coming up the Gulf. It should also be remembered that this was not so simple a matter as an overland telegraph, and that after the cable had been laid, it might be subjected to the same fate as that across the Atlantic, where after an exchange of messages between the President and the Queen, the cable went "whizz," and had never spoken since (Laughter).

Mr PEAKE agreed that the best course would be to defer the motion. He believed that if it were found the contract with the P and O Company was that the steamers should call at Kangaroo Island, the true policy of the Government would be to connect Kangaroo Island with the mainland and the other colonies, after having strongly urged the Home Government to recognise the geographical position of the colony, and after having secured what we desired, we must not now seek exclusive advantages over other colonies but should endeavour to place them in as good a position as ourselves. He should always be prepared to act upon that policy when the Government felt in a position to deal with the matter. He would rather that action should commence with the Executive and that it should be postponed till they were in possession of more complete information.

Mr BAGOT, in reply, said that many hon members had alluded to the expenditure, but none had considered the probability of the line paying. Some years ago a gentleman connected with a private company was prepared to connect Kangaroo Island with the mainland. A private company was prepared to carry that out, and seeing that 234l had been received here in one day for messages (exclusive of press messages), between Adelaide and Melbourne, it was not too much to suppose that a sufficient number would be received in the course of the year at Kangaroo Island to pay the cost of 320l. The hon member for the Sturt had expressed his surprise at finding the Attorney General support the motion, and he (Mr Bagot) was also surprised, for he had had no previous communication with the Government on the subject before he put the motion on the paper, but when he saw the Government support the motion he felt perfectly satisfied that the hon members for the Sturt and Encounter Bay would oppose it. The hon member, Mr Glyde, representative for East Torrens, or the Chamber of Commerce appeared to think this a most foolish scheme, but he regarded it as vanity and folly on the part of the hon member to suppose that any memorial from our Chamber of Commerce could have the effect of setting aside the representations of the people of Victoria, who were so powerful at home, it was one of those things which showed the littleness of the mind which could not look beyond the sphere in which it revolved (Laughter). It was absurd to suppose that a memorial from a little place like this could set aside the interests not only of Victoria but New South Wales. The simple question was whether it was worth while to lay out 8,000l and 320l a year to fix, as he believed this would the calling of the steamers and the landing of the mails upon our shores. If hon members thought it was, let them support the motion, and if, as the Government had stated, it should prove part of the contract that the steamers should call at Kangaroo Island, they should then take action upon the resolution. If a majority were against the motion he would rather give way, and vote for the amendment of the hon member, Mr Barrow, as though that would not fully carry out the object in view, it would still be a step in the right direction.

Mr REYNOLDS asked if the Treasurer had any money to proceed with the work in the event of the resolution being carried.

The TREASURER was afraid that the House had voted away all the money, and that he should have to arrange the Estimates differently if this motion were carried.

Mr IOWNSHEND remarked that a few days since, when the Treasurer was asked to remit the duty upon cornsacks, amounting to £3,400, he stated that he could not do it without increasing the duty upon tobacco, but it now appeared that an item of £8,000 could be arranged. The hon member for Light had referred to a memorial which had

emanated from the Melbourne Chamber of Commerce, and the great weight which it would probably have with the Home Government, but he (Mr. Townsend) could only say it was one of the loosest, crudest productions he had ever seen. In fact, it could not have been worse had it been prepared by the hon. member for Light (Laughter). The counter memorial got up here was a very different document, the facts being well arranged, the case clearly stated, and he should be much surprised if that memorial did not have greater weight than the one from Victoria. If the motion were carried it appeared there would be no difficulty about the money by a peculiar mode of rearranging the Estimates. The Treasurer reminded him of the gentleman who could supply any kind of liquor out of the same bottle (Laughter). It appeared to him from what had fallen from the Attorney-General that no effect would be produced if either the motion or amendment were carried, as the Government would take no action.

The ATTORNEY-GENERAL said the hon. member who had last addressed the House had quite, unintentionally he was sure, misrepresented what he (the Attorney-General) had said. He had not stated that the motion if agreed to, would not be carried out, but what he had said was, that the Government would not carry it out till they knew what the terms of the contract were. He would also point out, in reference to the hon. member's remarks about abolishing the duty on cornsacks, that there was a difference between the permanent reduction of revenue, and the expenditure of money. There was no analogy, and no one, he apprehended, in the present state of the colony, would assent to a permanent reduction of revenue by taking off duties.

Mr. PEAKE apprehended that if the motion and amendment were lost, it would place the Government in the position of being unable to proceed with the motion during the present session. He thought it undesirable that the Government should be placed in such a position as if a copy of the contract arrived the Government might wish to take immediate action. He would suggest that the matter should merely be deferred till the arrival of the contract with the Imperial Government.

The SPEAKER intimated the Government would not be placed in the position which the hon. member appeared to think.

The motion and amendment were negatively.

MR D SUTHERLAND

The House having resolved itself into Committee, Mr. REYNOLDS moved—

“That an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of £400 to be placed on the Estimates for the purpose of compensation to Mr. David Sutherland, in accordance with the report and recommendation of the Select Committee appointed to consider the same.”

The hon. member remarked that hon. members having had the evidence before them for some time, were no doubt pretty well acquainted with the case. The report was very short, and stated that the allegations in the petition were borne out. The Committee examined Mr. Sutherland, and found his statement fully borne out. Mr. Sutherland exercised four land orders of eighty acres each, and on the map from which he selected no line of road was marked through the sections. His statement was borne out by Mr. Croxall, who selected land at the same time. Mr. Croxall could not obtain his grant in consequence of a road between his section and that of Mr. Sutherland being under consideration. When he did obtain it, he found there was a road through his section and Mr. Sutherland's, and the consequence was, that instead of Mr. Sutherland getting 320 acres, he only got 312. When Mr. Sutherland got his land grant, he fenced in his four sections as they appeared upon the map, but some individuals broke down the fencing, and the result was an action in the Supreme Court, where Mr. Sutherland was defeated in consequence of a technicality, and he then appealed to the Legislature for compensation. The Committee considered the value of the land of which Mr. Sutherland had been deprived, and the value of the fencing which he had been compelled to put up in consequence of the roadway. Mr. Sutherland valued his land at £30 per acre. Mr. Croxall valued his land, which was not so good, at £16 per acre, and the Committee adopted that valuation, which, with £240 for fencing, made the amount which they recommended to be paid to Mr. Sutherland.

Mr. TOWNSEND seconded the motion, which was carried, the House resumed and the Chairman brought up the report, which was agreed to.

GREENHILL-ROAD

The House having gone into Committee, Mr. BARROW moved—

“That an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum not exceeding £,000/ to be placed on the Estimates for the purpose of forming and opening the Greenhill-road as a main line, in accordance with the prayer of a petition presented to this House on Friday, June 24th last.”

The hon. member remarked that in rising to make the proposition he would offer one or two remarks. The question was not a new one to the House, and it would therefore be unnecessary to go minutely into the matter. It was well known to hon. members that the road known as the Green-

hill-road was very extensively used by a large number of landholders and others adjacent to it, and that Adelaide and a large number of surrounding townships were supplied with fruit, vegetables, and timber by means of vehicles passing along this road. There were no district funds available for the purpose of repairs, and it would be impossible that the road could be maintained from the rates collected. He might state that though he presented a petition on the subject, which was signed by a large number of his constituents, and felt bound to take action in the matter, still he was not in accord with them as regarded the prayer of the petition, thinking if the petitioners had asked for a smaller sum than £600/ they would have acted more judiciously, and that it would have been better to have left the matter more open, so that the House might have been left to exercise their discretion in the matter. The House would observe that, in the motion which he had brought forward, he did not ask for £6,000, but merely for a sum not exceeding that amount. He should be willing to accept an amendment, inserting a smaller sum than was asked for by the petitioners, not because he believed £6,000 would be thrown away upon so very important a road, and one which ought to be maintained by the Government, but he feared the Treasury was not able to bear so large a draft upon it at the present time. The petition which he had presented upon the subject had, as he understood, been ordered to be printed, but it appeared by the votes and proceedings that such was not the case. Without however entering into that question, he would ask that the petition be read by the Clerk of the House.

The petition having been read

Mr. GLYDE supported the motion.

Mr. BAGOT moved as an amendment, that £6,000 be struck out, and £2,000 inserted.

Mr. YOUNG said the motion appeared almost too late, for the Treasurer said there were no funds, but independently of that he thought it undesirable to entertain the motion just as the Government contemplated a change in reference to main lines of road.

Mr. LINDSAY believed that the Greenhill-road was one of the best lines going to the East, and a very proper road to be made a main line.

Mr. BARROW intimated he would rather support the amendment.

The amendment was lost by a majority of 13, the votes on a division, ayes 5, noes 18, being as follows—

AYES, 5—Messrs. Bagot, Glyde, Harvey, Lundeay, Barrow (teller).

NOES, 18—Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs. Cole, Duffield, Dunn, Hallett, Hawker, MacIermott, Mildred, Peake, Reynolds, Rogers, Shannon, Solomon, Townsend, Young, Treasurer (teller).

The original motion was also lost.

DISTILLATION

The ATTORNEY-GENERAL laid on the table a Bill to consolidate and amend the law in reference to Distillation, which was read a first time, and ordered to be printed, the second reading being made an Order of the Day for the following Wednesday.

POLICE RATE BILL

On the motion of the ATTORNEY-GENERAL, the report of the Committee of the whole House upon this Bill was agreed to and the third reading made an Order of the Day for the following Tuesday.

PUBLIC NOTARIES BILL

On the motion of Mr. SOLOMON, this Bill was read a third time and passed.

MAIN SOUTH-ROAD

Mr. YOUNG moved—

“That the petition of certain residents of Willunga, in reference to the Main South-road, be printed.”

The hon. member remarked that he was induced to ask for the petition to be printed in consequence of some contemplated changes by which some of the main lines would be detached from the hands of the Government.

CASUALTY HOSPITAL

The COMMISSIONER OF PUBLIC WORKS stated, in reply to Mr. HAWKER, that he found the house recently occupied by the Collector of Customs at Port Adelaide would answer for a Casualty Hospital if 100/ were expended upon it, and he considered it his duty to incur that expenditure in preference to proceeding with the larger work.

The House adjourned at 20 minutes to 4 o'clock, till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, JULY 19

The PRESIDENT took the chair at 2 o'clock.

MESSAGES

Messages were received from the House of Assembly approving of the amendments proposed by the Legislative Council in the Criminal Proceeding by Attorney-General Bill and Public Notaries Bill.

POLICE RATE

On the motion of the Hon the CHIEF SECRETARY, the Police Rate Bill was read a first time, and the second reading made an Order of the Day for Tuesday following

ABORIGINAL RESERVES

The Hon S DAVENPORT wished to know from the Hon the Chief Secretary whether it was with the concurrence of the Government that a building had been erected on the shores of Lake Alexandrina, upon Crown lands leased by the Hon J Baker, intended for the use of the aborigines. He (Mr Davenport) was of opinion that such a plan of operation if generally pursued, would be found detrimental to the interests of the waste lands of the Crown.

The Hon the CHIEF SECRETARY replied that the land upon which the building alluded to was being erected was an aboriginal reserve, and not a leasehold property, as the hon member had supposed. It had for some time been the usual camping-ground of the natives when they visited that part of the country, and there was provision made for the erection of a store at that place.

STATISTICS

The Hon the CHIEF SECRETARY laid on the table statistics of the colony for the year 1858

PENSIONERS

The Hon Major O'HALLORAN moved—

"That the Hon the Chief Secretary lay on the table of this House a return of all pensioners within the province, whether of Her Majesty's or of the late East India Company's service, separate columns to show the number of Engineers, Artillery, Cavalry, and Infantry."

It was desirable that under any sudden emergency which it was possible might arise in consequence of the war in Europe, that the Government should know where to lay their hands upon trained military men in case of need.

The Hon Captain BAGOT seconded the motion.

The Hon the CHIEF SECRETARY laid on the table the return asked for, which was read and ordered to be printed.

NATIONAL BANK

The Hon A FORSTER moved the second reading of the National Bank Bill. He remarked that the Bill had passed the House of Assembly, and the report of a Select Committee of that House had been received by the Legislative Council. Notwithstanding the principle of the Bill had been affirmed, he was under the impression that a misapprehension existed in the minds of one or two hon members which he was desirous of removing. There were some advantages which the Company were anxious to secure which could not be obtained without the concurrence of the Council, one of which was the principle of limited liability which they proposed to adopt. Instead of rendering each shareholder liable, as in ordinary cases, for the amount of his paid up shares, it was proposed to hold him responsible for double the amount of his shares. The new Act also contained a clause empowering the Company to sue and be sued, and to limit the liability to a specific time. Although there was a colonial Act in existence providing for the establishment of companies upon the limited liability principle, yet as this was only a branch of what might be termed a foreign company, they did not avail themselves of the Act, but must apply to the House for a separate Bill. All the restrictions in the Bill before the Council were restrictions voluntarily proposed by the Company. Another clause in the Bill specified that no dividend should be paid out of capital, and that weekly and quarterly statements should be rendered. It might not be generally known that the banking business of the colony had been carried on with a very small amount of capital, as with a circulation of 1,250,000*l.*, there had often been not more than 450,000*l.* specie in the coffers of the Banks. Clause No 9 gave power to suspend payments for 60 days during the year. Although this clause bore the appearance of conferring a power on the Bank to suspend cash payments at any time, it was a power at present enjoyed by all chartered banks, and consequently could not be objected to. Clause 10 provided that all the notes of the Bank should be paid in specie. He (Mr Forster) would content himself with these remarks and would not anticipate the objections of hon members. There were no doubt various points which would require consideration, if not amendment, and when the Bill was referred to Committee no doubt evidence would be taken on the subject. He had no wish to press the Bill through Committee at once, and would therefore move the second reading of the Bill for Tuesday next.

The Hon H AYERS was not opposed to the second reading of the Bill, and as the hon mover had stated his willingness to entertain any suggestions in the way of amendments, he would reserve his remarks until the Bill was in Committee, which he hoped would be some distant day, in order that the evidence taken before the Committee may be in the hands of hon members, and which was not then in possession of the Council.

The Hon D DAVIES supported the amendment. He objected amongst other features of the Bill to the fact of there being no limited time specified as to the liability of shareholders. In one of the local banks a shareholder's responsibility terminated three years after he had ceased to

own a share in the Company, and in the Bank of South Australia the period specified was six months. But there was no provision in the National Bank Bill for a period at which liability would terminate. He would therefore move that such a provision should be introduced.

The Hon A FORSTER replied that he would have no objection to postpone the consideration of the Bill if necessary. As to the non-liability of shareholders at a specified time, alluded to by the Hon Dr Davies, the Act in question was the transcript of an Act passed in New South Wales, regulating banking establishments in that colony.

The further consideration of the Bill in Committee was made an Order of the Day for Tuesday next.

CENSUS BILL

The Hon the CHIEF SECRETARY moved the adoption of amendments in this Bill, proposed by the Governor-in-Chief.

The amendments were adopted.

CONSOLIDATION OF STATUTE LAW

The Bill relating to Offences by Forgery was adopted with the amendments proposed by the House of Assembly.

The Bill relating to Malicious Offences was considered in Committee. The amendments proposed by the House of Assembly were adopted, and the third reading made an Order of the Day for Tuesday next.

BOUNDARIES OF RUNS BILL

The Hon the SURVEYOR-GENERAL proposed to amend Schedule C of this Bill by the insertion after the word "survey" of "furnished to the employer, and one copy of plan or field-notes to the Surveyor-General."

The Bill was recommitted for the consideration of this amendment, which was adopted without discussion. The third reading was made an order of the day for Tuesday next.

MESSAGE FROM THE GOVERNOR

A message was received from His Excellency the Governor thanking the Council for the expression of loyalty contained in their address, and stating that it was his intention to take immediate steps to introduce into Parliament a measure for the organization of an armed force.

The Council then adjourned to the following Tuesday, at 2 o'clock.

HOUSE OF ASSEMBLY

TUESDAY, JULY 19

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

GREAT EASTERN ROAD

Mr BARROW presented a petition from 569 inhabitants on and adjoining the Great Eastern or Magill line of road, praying that the road mentioned might be retained on the list of main roads, and not be expunged as proposed by the Central Road Board.

The petition was received and read.

MOUNT CRAWFORD

Mr DUFFIELD presented a petition from the District Council of Mount Crawford, praying that a main road might be constructed to connect that district with the main road to Lyndoch Valley.

The petition was received and read.

NOARLUNGA

Mr MILDRED presented a petition from about 200 residents of Noarlunga, praying that justice might be done in reference to main roads particularly the main South-road.

The petition was received and read.

MANSFIELD'S PATENT BILL

Mr DUFFIELD brought up the report of the Committee appointed to consider the petition against Mansfield's Patent Bill. The Committee stated that they found the allegations in the petition proved.

THE INSPECTOR OF SHEEP

The COMMISSIONER OF CROWN LANDS laid on the table a return showing the officers connected with the department of the Inspector of Sheep, who had obtained six weeks leave of absence. The hon gentleman remarked that the return would have been furnished at the time returns of a similar character in connection with other departments were laid upon the table of the House, but that the head of the department had been absent from town. He was not aware that the heads of any other departments had been absent, and that the required returns had, in consequence, not been furnished.

The return was ordered to be printed.

POLICE RATE BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

THE ESTIMATES

The TREASURER wished the House to postpone the consideration of the Estimates for a short time, till a message had been received from His Excellency, in accordance with the Police Rate Bill.

Mr REYNOLDS put it to the Government whether it was worth while to take up the time of hon members by

continuing the sittings of the House during the present week. Select Committees were sitting upon the Insolvent Act, the Customs Act, and the Electoral Act, and though the House adjourned, these Committees would be enabled to continue their sittings, and when the House met again, the business which remained could easily be run off. He hoped the House would agree to an adjournment for there were many items upon the Estimates which they were not yet in a position to decide upon, and there had not yet been sufficient time for hon. members to consider the evidence in connection with the Strathalbyn and Goolwa Tramway Bill.

The ATTORNEY-GENERAL said, so far as the Government were concerned, if it were thought that the proposed adjournment would meet the convenience of hon. members, and facilitate public business, the Government would not oppose the proposition, but he would point out to the House that a notice of motion had been given by the hon. member for Victoria, for an address to His Excellency praying that a reward of 1,000*l.* might be given to the first person who should penetrate to the north-western or northern shore of this continent, and it would perhaps be a pity to postpone that motion for a week. He would suggest therefore, that after the Government business had been disposed of, the House should discuss that one motion on the following day, as it was a matter in which the whole public of South Australia were interested.

Mr MILDRED said he was as much interested in the question which had been referred to by the Attorney General as any member of the Government could be, but he felt that in the absence of all information, in reference to the discoveries recently made by Mr Stuart, the House were really not in a position to deal with the subject. He would rather that the motion should be postponed for a week, when the House would probably be better prepared to deal with it, and to determine what reward it would be desirable to offer. It would be impossible that the question could suffer by the delay of a week, and by that time the House would no doubt have elicited more information upon the subject. He would be sorry to oppose the motion of the hon. member for Victoria, but if it were brought forward on the following day he should, in the absence of information upon the subject, be obliged to do so.

Mr HAWKER said that if the motion which he had given notice of had been to give Mr Stuart 1,000*l.* for the discoveries which he had made, he could have understood the remarks of the last speaker. If it were worth while to push a line to the north-western or northern shore of this continent, not a day should be lost. If Mr Stuart attempted to do so, but did not succeed, he would get nothing. At this time of year it was of the greatest importance that there should not be any delay, and if the motion were carried, he believed that Mr Stuart would be ready to start within a week. (Hear hear.)

Mr MACDERMOTT said that instead of the motion being postponed for a week, he should be glad to see the Standing Orders suspended, in order that the motion might be considered during the present sitting. It was a matter of pressing urgency, as he understood that Mr Gisborne, connected with laying the European telegraph, was at present in Melbourne.

The SPEAKER said it was not competent at present to discuss the question.

Mr SHANNON agreed with the hon. member for the Sturt that it would be better the House should adjourn till the Select Committees had brought up their reports, but he hoped no time would be lost in bringing in a Bill to extend the railway to Kapunda.

Mr GLYDE said that if the hon. member for the Sturt pressed a motion for an adjournment, he should vote against it, but he had no objection to an adjournment after the business which appeared upon the paper for the following day had been disposed of.

The COMMISSIONER OF PUBLIC WORKS suggested that after the Estimates had been postponed, some hon. member should move that the House at its rising adjourn till the following Tuesday, and then the question could be discussed.

Mr BARROW moved that the consideration of the Estimates be postponed till the following Tuesday.

Mr DUFFIELD said it would be unfair to hon. members who resided in the country to blot out the business which appeared upon the paper for that day as many country members had come a considerable distance for the express purpose of attending to their parliamentary duties.

The Estimates having been postponed till after the consideration of the next Order of the Day—

Mr SOLOMON moved that the House at its rising adjourn till that day week. A number of Select Committees had been appointed and they had a great deal of work to do, which it would be impossible to get through, if the House continued its sitting. He found a motion on the paper for the second reading of the Strathalbyn and Goolwa Tramway Bill, but the evidence in connection with that Bill had been before hon. members such a short time that they had no time to consider it. His principal reason for making the motion for an adjournment was that it was absolutely necessary the Committees should get through their work, which would take some time, and he did not think

that the Strathalbyn and Goolwa Tramway Bill should be proceeded with at present, for the reasons which he had stated. It was impossible that hon. members could at present so fully understand the question as they should before being called upon to vote upon it.

Mr SHANNON opposed the motion on the ground that if an adjournment had been intended it should, in justice to the country members, have been announced on the previous Friday. He had come to town expressly for the purpose of attending to his legislative duties, having no other business to call him here. Another reason that he should oppose an adjournment was that a resolution had been carried to the effect that the Government should introduce during the present session a Bill to extend the railway to Kapunda, and it was desirable that Bill should be introduced without delay, and referred to a Select Committee. He should oppose any adjournment till that Bill had been brought in and a Select Committee had been appointed to consider it. He should then be as glad as any member could be that there should be an adjournment, and in the meantime the Select Committees could be proceeding with their business. He hoped that in the course of a week or ten days, if an adjournment took place, the Select Committees would be enabled to bring up their report, and he would then suggest that an amount of business should be placed upon the notice paper sufficient to occupy the House each day for at least three or four hours. He was sure the House would agree with him that it was not desirable to adjourn till a Committee had been appointed relative to the extension of the northern railway, and he hoped the Government would be prepared to lay the Bill in connection with that matter upon the table on an early day.

Mr REYNOLDS should support the motion of the hon. member, Mr Solomon, that the House at its rising adjourn till that day week. He could hardly understand the hon. member for the Light, who said that he came to that House because he had got nothing else to do, and yet that he should oppose the adjournment whether there was anything to do or not. (Laughter.) It appeared to him that the hon. member would be in a glorious minority, and therefore that he might as well stay at home and amuse himself. A good deal had been said by the hon. member for the city about Committees. He found that he (Mr Reynolds) was on three Committees and if the House adjourned for a week those Committees would then be enabled to proceed with their labors, but if the House continued its sitting the reports of those Committees would not be brought up. He knew the Government were anxious for a holiday, and the hon. member (Mr Duffield) should remember that although the Select Committees of which he had been a member, had concluded their labors, there were other Committees which had not.

Mr DUFFIELD should oppose the motion, though after the business which appeared upon the notice paper for the following day had been disposed of he should cordially support it. Country members travelled a considerable distance, at considerable expense, to attend to their parliamentary duties, and where an adjournment was intended it would only be courteous to them that notice should be given on the Friday; it could as easily be given on the Friday as on Tuesday. If such a course were to be recognised as adjourning the House on Tuesday without previous notice, the effect would be that gentlemen resident in the country would be deterred from taking seats in that House. Those hon. members who could jump in their carts, and drive home in half an hour, no doubt thought lightly of such matters, but it was a very serious thing for country members to be dragged into town from a considerable distance, and at considerable expense, to find that they had nothing to do. He should oppose the motion for an adjournment for the reasons which he had stated, and considered that if the motion of the hon. member for Victoria were worthy of consideration by that House, it should be considered immediately.

Mr STRANGWAYS said it would be equally convenient to him either to attend the House during the week or not, and, therefore, he should be guided in his vote by the wishes of a majority of the House. One matter had not been alluded to, which was, that he believed a majority of the members of that House were going on Thursday to the rifle shooting, to hear a lecture on the rifle, to be delivered by the rifle instructor, and a large number of hon. members being desirous of profiting by the instructions of that officer, it would perhaps be desirable that the House should adjourn for the week.

Mr TOWNSEND supported the motion for an adjournment, remarking that he perceived by the notice paper a motion for the second reading of the Strathalbyn and Goolwa Tramway Bill, but he only received a copy of the evidence in connection with that Bill at 12 o'clock on Saturday, and he believed that a great many other hon. members were in a similar position, consequently there had been no time to carefully consider the evidence. He did not intend to go to the rifle shooting on Thursday, and therefore it was immaterial to him whether the House adjourned or not. If the hon. member for Encounter Bay (Mr Strangways) intended to go, he only hoped that the hon. member would take care of himself, for what they would do without the hon. member he did not know. (Laughter.) The Strathalbyn Tramway was a matter involving 60,000*l.* and he thought hon. members should be afforded greater opportunity of reading the evidence

With regard to country members, he was quite sure that the hon. member for Barossa (Mr. Duffield) would not say that he came to town for the express purpose of attending to his parliamentary duties, as in the present state of the flour market the hon. member's activity and zeal would not permit him to absent himself from town. (Laughter.)

The ATTORNEY-GENERAL should oppose the motion, though not for reasons connected with the Strathalbyn Railway Bill, but when the Order of the Day for the second reading of that Bill was called on, he should have no objection to allow it to stand over in order that hon. members might make themselves better acquainted with the report and the evidence. The Government had acted in accordance with what they considered their duty by bringing it as speedily as possible under the notice of hon. members. The Government had thought that two days would be sufficient to enable hon. members to make themselves masters of the question, but when those two days happened to be those which preceded the mail going out he could understand how it was that hon. members had not fully mastered the question. His only reason for opposing the motion for an adjournment was that he considered it desirable that the motion of which the hon. member for Victoria had given notice should be fully discussed with as little delay as possible. The question proposed to be raised by that motion was altogether independent of what had been done by Mr. Stuart. It had no direct or necessary connection with Mr. Stuart, although Mr. Stuart might be the only person who tried for the reward, and he might be successful or unsuccessful. The only question was whether, after the favorable indications which had been brought to light by the late discoveries of Mr. Stuart, it would not be wise to offer a moderate sum for the accomplishment of the object mentioned in the motion of the hon. member for Victoria, and to see if any one might not be prompted to solve the great problem by passing from the southern to the north-western shore of this continent. It would be a pity that the favorable season for entering upon an expedition of this kind should be allowed to pass without offering some encouragement. He would ask the hon. member for the City (Mr. Solomon) to withdraw his motion, and as the Strathalbyn and Goolwa Tramway Bill would not be discussed that day, if the House were prepared to suspend the Standing Orders the motion of the hon. member for Victoria might be discussed that day.

Mr. SOLOMON had not the slightest objection to withdraw his motion if the Standing Orders would permit the motion of the hon. member for Victoria to be discussed.

The motion for an adjournment was by the leave of the House withdrawn.

STRATHALBYN AND GOOLWA TRAMWAY BILL.

On the motion of the COMMISSIONER of PUBLIC WORKS the second reading of this Bill was postponed till the following Tuesday.

ESTIMATES.

On the motion of the TREASURER the consideration of the Estimates was postponed till the arrival of a message from His Excellency in connection with them.

EXPLORATION TO THE NORTH-WESTERN OR NORTHERN SHORE.

Mr. HAWKER moved that the Standing Orders be suspended, in order that the House might resolve itself into a Committee of the whole, for the purpose of considering the propriety of presenting an address to His Excellency the Governor-in-Chief, praying that the sum of 1,000*l.* might be placed on the Estimates as a reward to the first person who should succeed in crossing from this colony to the north-western or northern shore of this continent.

The motion having been carried,

Mr. HAWKER remarked that from the manner in which the motion had been received he could see that the House as well as himself appreciated the immense importance of establishing a line of communication between this colony and the north-western or northern portion of this continent. On the previous day they had received intimation that Mr. Stuart, who had, by his perseverance and judgment, previously made such important discoveries, had again proceeded in a north-western direction with still more important results than previously. When that gentleman turned back, it was not because he found himself in a desert, but because his supply of horseshoes was not sufficient, and the horses which he had with him were so lame that he found it impossible to proceed. Mr. Stuart turned back in the mid-t of water and well grassed country, and there was the same description of country so far as the eye could reach in the direction in which it was proposed to proceed by the motion which he now submitted to the House. A proposition had been made by the Home Government, and an agent had been sent out by the last mail, to establish telegraphic communication between Great Britain and all the settled portions of the Australian colonies. It was proposed to connect Australia with Java, but the distance which by that arrangement the cable would have to be laid, would be upwards of 3,000 miles. If, however, a direct line through this continent could be established, the distance would be shortened by one half, and the scheme to which he had alluded would no doubt be abandoned. It was sure that every hon. member must see the enormous

importance it would be to this colony if this should be the first settled portion of the Australian colonies which the telegraph would reach, and receive the first telegraphic news from Europe. After the Government expedition which had been sent out last year, and its results, he felt it would be futile to propose that another expedition should be despatched, but when the House saw that a gentleman who had proved himself thoroughly competent, had volunteered to establish this line between the two shores of this enormous continent, and that all that was asked for was a very moderate amount for his exertions, the proposition was then on a totally different basis and would, he was sure, receive the unanimous support of that House. (Hear, hear.) The favorable season for such an expedition was now far advanced, and every week was of the greatest consequence. He should have liked fuller information in reference to Mr. Stuart's discoveries upon his last journey, but he felt that gentleman must have discovered good country, and had left off at country of a similar character, when he was prepared to start within a week, and prosecute the journey from the point at which he left off, till he arrived at the north-western shore. Last year it would be remembered that the brother of Mr. Gregory went on an exploring expedition to the north-western part of this continent, and discovered a good country, and it was the opinion of Mr. Stuart and many other parties that it was very possible that there might be a belt of good country extending to the north-western shore. His own opinion was that it was very probable such a belt existed, and all must be alive to the great importance of the subject. On the following Thursday, Mr. Todd, the Superintendent of Telegraphs, would proceed to Melbourne for the purpose of communicating with the Superintendents of Telegraphs in Victoria and New South Wales, upon all matters connected with electric telegraphs, and if Mr. Todd could take down intelligence that this sum of 1,000*l.* had been voted, and when it was known that a good tract of country had been discovered for many hundred miles in the direction of the north-western shore, it might modify the views in reference to a cable in the north-eastern portion of the continent. He, therefore, formally moved "That an address be presented to His Excellency the Governor-in-Chief, praying that a sum of 1,000*l.* might be placed on the Estimates, as a reward to the first person who should succeed in crossing from this colony to the north-western or northern portion of the Australian continent."

Mr. HAY cordially seconded the motion. The great object should be to ascertain what country or what description of country existed between the points indicated in the motion, and there could be no doubt that the erection of a telegraph would facilitate the settlement of the Australian continent very much. He quite agreed that the reward proposed was not over much. When they considered the large amounts which had been expended by the New South Wales Government, and the Government of this colony, in exploring expeditions, if for 1,000*l.* they could ascertain what country there was between Port Augusta and Victoria River, the money would, he considered, be well spent. He trusted that independently of this reward, if the explorer were successful in reaching the northern or north-western coast, that House would not hesitate to make ample provision for him for life. It would not be the first occasion of such a course having been pursued—Captain Sturt having been rewarded for life, and he considered that the discoveries already said to have been made, if confirmed, demanded that there should be a similar recognition of the explorer.

The COMMISSIONER OF CROWN LANDS said the Government had great pleasure in supporting this motion, and if the offer of a reward of 1,000*l.* should operate as an inducement to Mr. Stuart or any one else to undertake such an expedition, and carry it to a successful issue, he could only say that he considered the country would get the expedition at a very cheap rate. The discoveries which it was stated had been made by Mr. Stuart were certainly of a very startling character, but the Government were not in possession of any peculiar information upon the subject—no more, indeed, than what any hon. member might derive from the public prints. There was no reason, however, to believe that the statements made by Mr. Stuart were exaggerated, and from those statements it certainly appeared that we were on the eve of making extraordinary discoveries. The peculiar geological formation of the country discovered by Mr. Stuart, and the extraordinary features, the natural artesian springs, were matters of great importance. It would unquestionably be very much to the advantage of the colony if Mr. Stuart should prosecute his researches to the point indicated in the motion of the hon. member for Victoria, and if he were successful, not only would he have a claim upon this colony for the amount offered, but he would have a claim also upon every colony settled on this continent, and upon the Home Government, who, he was sure, would all respond in a manner satisfactory to Mr. Stuart. If Mr. Stuart could be induced to undertake the expedition, he was quite sure that he would take with him the hearty good wishes of every member of the community.

Mr. SOLOMON had much pleasure in supporting the motion, never indeed had he supported any motion brought before that House with greater pleasure, believing that Mr. Stuart's journey, if successful, must prove a great boon to the

colony. He was only surprised that the hon member for Victoria had named so trifling a sum. He fully concurred with the remarks of the Commissioner of Crown Lands, that whoever carried this expedition to a successful issue would be entitled to a reward not only from this but the other Australian colonies and the Home Government. He felt confident that if the expedition were successful, not only would the neighboring colonies respond, but in a far greater ratio than it was proposed by the hon member for Victoria that this colony should. He hoped they had at last hit upon the right man to carry out this undertaking, and he gladly supported the motion, but regretted that it did not contemplate a much larger reward, because it was borne in mind that the task was an exceedingly arduous one, such indeed was, with the exception of Leichardt's, had never been undertaken, and poor Leichardt had not been heard of for a number of years. He could not help speaking with some degree of feeling upon that ill-fated man, for he had been intimate with him, and was to have started with him, having been one of the Committee, when residing at Morston Bay, who fitted him out. They had now much more knowledge of the country than at that time, and there could be no doubt that the discoveries said to have been made by Mr Stuart were of the highest importance. There was no reason to doubt the accuracy of the reports in reference to the recent discoveries by Mr Stuart, as what that gentleman had previously represented had proved to be true. He heartily supported the motion, but must again regret that the amount mentioned was so small.

Mr BARROW should support the motion of the hon member for Victoria. He did so even without the regret which had been expressed by the hon member for the City (Mr Solomon) (Hear, hear). He felt confident that if the task were undertaken by Mr Stuart, or any other gentleman, and carried to a successful issue, the House would not consider itself nor would any other House which might have been elected, consider itself bound and tied down to the particular sum named, if the services which had been performed justified a larger vote (Hear, hear). He thought there was a great deal of force in the remarks of the hon the Commissioner of Crown Lands, that whether the service were performed by Mr Stuart or any other person, the party who performed such service would be entitled to a reward not only from South Australia, but from the Australian colonies generally (Hear, hear). The successful explorer would undoubtedly receive a reward from the other Australian colonies, and also from the parent country, which was interested politically and scientifically in the question, and would reward and enrich the successful explorer. If, therefore, there were to be something like a *pro rata* reward by the Australian colonies and the parent country, and the amount which we were going to give was 1,000, as our proportion, it would require no stretch of the imagination to see that the successful explorer would be in possession of a large, though, at the same time, well-merited reward (Hear). He thought that the hon member for Victoria, who had brought this matter forward had, as a matter of course, considered the amount which he had inserted, and had not come forward and proposed an inadequate or insignificant sum. He should therefore heartily support the motion (Hear). It would be seen that the motion of the hon member for Victoria had no direct reference to Mr Stuart, although it was known that Mr Stuart was prepared to go out, but it was open to any one to undertake such a journey and claim the reward, if he succeeded in accomplishing the object in view. The question did not require much argument. It resolved itself into this—Would they give £1,000 to know what was in the interior, and be enabled to fill up the central portion of the map of Australia? He considered it would be well worth that amount to this colony, and the other Australian colonies would no doubt think it would be advantageous to them, and would abundantly reward any party who should reach the north-western or northern coast, whilst we should be richly benefited (Hear).

Mr MACDERMOTT cordially supported the motion. He was very happy that a gentleman of so much enterprise and perseverance was prepared to undertake the expedition, and had great hopes that he would be successful. They had already learnt that Mr Stuart had discovered abundance of water in the country through which he had travelled, springing from the tops of hills at a moderate elevation, which was evidence to his mind that the source of those waters must be powerful and extend over a great extent of country. Besides this, Mr Stuart reached the 28th parallel of latitude, and 150 miles further would have taken him into the tropics, where he might have depended on periodical rains. If he (Mr Macdermott) were a young man, he should be perfectly prepared to undertake the journey, but he was scarcely equal to it now. It appeared to him to offer a path to fame, which was deserving the enterprise of any person. There was no enterprise which he knew of which offered so fair a prospect of success, and which would lead to so much fame. He hoped that a due reward would follow the successful explorer. He considered 1,000^l inadequate, in the event of success, but believed that amount would be very much increased.

Mr STRANGWAYS was most happy to support the motion, and if the expedition were successful he should be happy to give a much larger sum than that named in the

motion. One of the advantages which would be presented to this colony, would be the means of constructing an overland telegraph. He thought, however, that the terminus should be fixed a little more definitely than they were in the motion of the hon member for Victoria, and would suggest to the hon member to amend his motion by inserting "via Stuart's country from Port Augusta to between 115 and 143 degrees longitude." He found that 115 degrees would be close to Barrow's Islands, and 143 to the East of Cape York. He was desirous that any person claiming the reward should not be bound to go by Gregory's track to the north coast. He believed that if this amount were placed on the Estimates, they would in six or eight or perhaps twelve months obtain all that they desired. From what he had heard from Mr Stuart and other parties he believed there would be very little difficulty in travelling the country to the northern coast of this continent. He had heard it stated that Mr Stuart in the northern extremity of his present discoveries met with a very large number of blacks, and he believed there was no greater proof of the existence of a good country, as where the country was not good, there was no sustenance for the natives. He cordially supported the motion of the hon member for Victoria, but hoped the hon member would adopt the form which he (Mr Strangways) had suggested.

Mr BAGOT hoped the hon member for Victoria would not adopt the suggestion of the hon member for Encounter Bay. He thought that this was a question which could be fairly left to the Executive, and if it were explained that the explorer was merely bound to go to some portion of the north or north-western coast, that would be quite sufficient limits within which to confine him. If the explorer went due west from Stuart's country he considered that he would be quite entitled to the reward. He hoped the motion would not be altered, but that the matter would be left to the Executive.

Mr NEALE should support the original motion, though he thought the last speaker had gone as much too far one way as the hon member for Encounter Bay had the other. If the party went due west it would not accomplish the good which was expected. He was quite prepared to leave it to the Executive, but it must certainly be something north of west to claim the prize. He thought the form in which the motion had been put by the hon member for Victoria comprehended all—that it must be to the north or north-west of Port Augusta.

Mr LINDSAY considered the proposition to limit the points between the 115th and 143rd degrees so reasonable that he should vote for it. Whatever might be the result, he considered that 1,000^l would be well expended for the geological discovery. Even supposing it should be ascertained that the route was impracticable, the colony could afford to pay 1,000^l for that knowledge, but if telegraphic communication could be established, so much the better. It would be well if the resolution were so definite that there could be no misunderstanding as to who should be entitled to claim the reward.

Mr GLYDE should support the proposition of the hon member for Encounter Bay that the points should be fixed, considering the motion of the hon member for Victoria too vague. He had examined the map, and was about to propose a similar amendment to that which had been proposed by the hon member for Encounter Bay. It was necessary for their own protection that some limits should be fixed.

The ATTORNEY-GENERAL would also suggest to the hon member for Victoria to consent to some modification of his motion defining some limits, and the course to be taken by those desirous of claiming the reward. He did not wish that a matter of this kind should be left open to the Executive, so that hereafter a question might arise between the parties claiming the reward and the Executive. He would suggest to the westward of 143 degrees of longitude, and to the north of the tropic, which would probably meet the views of all hon members. In reference to the general question, he thought it only wise on the part of the House to encourage exploration in this way, as persons who entered upon the undertaking would feel their reward depended upon their success, and if the reward proposed were a sufficient stimulant to an efficient individual, he should not support an increase. It was proper that what the Legislature of this and other colonies might do should depend upon the character of the results obtained. At the present time they were asked to encourage persons in an undertaking which might prove exceedingly advantageous, or of very little advantage indeed, and he did not think they should do more than fix an amount sufficient to induce parties to make an attempt. Whether that amount should be afterwards increased would depend upon the results.

Mr HAWKER adopted the amendment suggested by the Attorney-General, and the motion as amended was carried.

ADJOURNMENT

Mr SOLOMON moved that the House at its rising do adjourn till the following Tuesday.

Carried

MAIN ROADS

The COMMISSIONER OF PUBLIC WORKS moved for leave to introduce a Bill to define the Main Roads of the province. The hon gentleman remarked that reference was

made to this Bill in the speech of His Excellency upon the opening of Parliament, showing the desirableness of describing in one schedule the main roads of the province, which were at present in three separate Acts. There were many main lines described in a very unsatisfactory way both to that House and the Central Road Board, and the object of the Bill which he was desirous of introducing was to remedy this and place the main roads upon a sound and satisfactory footing.

Leave having been granted, the Bill was read a first time, and ordered to be printed, and read a second time on the following Tuesday.

MAIN ROADS

The COMMISSIONER OF PUBLIC WORKS laid on the table a schedule of proposed main roads recommended by the Central Road Board, with a map explanatory of the same. The schedule was ordered to be printed and the map lithographed.

CUSTOMS ACT AMENDMENT BILL

The TREASURER, in moving the second reading of this Bill, said that it was unnecessary to dwell upon the provisions of the Bill, which had already been fully discussed in Committee of the whole House. The Bill had been brought in in obedience to a resolution of the House, that cornsacks, manures of all kinds, and artificial grasses, should be admitted free of duty, and in order to make up the loss thus occasioned to the revenue, that the duty on tobacco should be raised from 1s to 1s 4d per lb. The Bill also proposed to grant indemnity to the Government for having, upon the resolution of the House having been arrived at, given the necessary instructions to the Collector of Customs to regulate the tariff according to the resolution of the Committee.

The ATTORNEY-GENERAL seconded the motion, and the Bill having been read a second time, the House went into Committee upon it.

Mr SOLOMON asked whether, since the resolution of the Committee, cornbags had been admitted duty free, and whether duty had been charged upon tobacco at the rate of 1s 4d per lb. He asked the question because he observed that by the 4th clause the Bill was to take effect from the passing thereof.

The TREASURER said, that so soon as the resolution of the Committee had been arrived at, it was forwarded to the Collector of Customs to be acted upon immediately, and no doubt, although he was unable positively to state cornbags had been admitted duty free from that date, and the extra amount had been charged upon tobacco. It was true that it was provided the Bill should take effect from the passing thereof, but effect would also be given to the indemnity contained in the third clause.

Mr GLYDE must record his vote against the Bill, which he regarded as an unnecessary and foolish piece of legislation. Taking the duty off cornbags would merely put money in the pockets of a few rich millers, without at all benefiting those whom the measure was intended to benefit, the farmers.

Mr DUFFIELD said the hon member who had last spoken had admitted that if the millers were rich there were very few of them, and the records of the Insolvent Court showed that a fearful number of that class, to which he himself belonged, had latterly been compelled to seek the protection of that Court. Probably this Bill was a step towards remedying the embarrassments which had existed amongst them, for the hon member had admitted at all events that the 3,000l. which had been derived annually from duty on cornbags, had been paid by the millers, and the millers alone, and no one who had studied political economy would say that taxation should bear exclusively upon any one class. He had always heard and read that taxes were paid by the consumers of the article upon which the tax was levied, and if so the millers in this instance did not pay the duty. He would not have risen had not the class to which he belonged been alluded to, and had it not been perfectly clear that the hon member who had made the allusion had not studied the question. He believed that the direct effect of the measure would be to lessen the price of the commodity in connection with which cornbags were used, to the consumer, and as a great quantity were used to send away that commodity to a neighbouring colony, it would enable us better to compete with foreign producers.

Mr SOLOMON could not allow the argument of the hon member for Barossa, that the duty on cornbags was paid by the consumer, to pass without remark. Perhaps the hon member would state who paid the duty on cornsacks in store in the hands of first holders. That duty had been paid by the importers, who would never get back the amount. He believed there were 1,500 bales in the hands of holders, who had paid the duty, and would never get it back. He should like to know whether the consumers of flour would ever pay the amount.

Mr DUTTON said it was the constitutional privilege of Englishmen to have a growl. He had always held that this measure was quite uncalled for, and did not believe that it would benefit farmers in the least. Although, perhaps, not so well read in political economy as the hon member for Barossa, he believed there was in the colony a regulation by which farmers could obtain bags from the millers, indeed, intimation might constantly be seen in the papers to the effect that millers would be

Happy to supply bags to the farmers. He thought the measure unjust, because there were a large number of cornbags in the colony, which had paid duty, indeed, he was a holder himself, and should, consequently, be a loser to the extent of the duty, he consequently exercised his constitutional privilege of having a growl. He objected to the duty upon tobacco being raised, because tobacco was essentially a poor man's luxury. It would have been much better, in his opinion, instead of raising the duty on tobacco, to have raised the duty on spirits, with which a poor man could dispense, but he apprehended it would not be of much use now offering any opposition to the measure.

The ATTORNEY-GENERAL thought the hon member for Barossa, in what he had said, had stated the truth, but not the whole truth. He agreed with the hon member, that it was an incontrovertible maxim in political economy that taxes always fell upon the consumers, but though taxes always fell upon the consumers, the consumers did not always get the benefit of a remission of taxes. (Laughter.) It very often happened, that though a duty was taken off, the amount was not allowed to the consumer. When the Government levied a tax it was certain that the consumer would have to pay that, but it was not certain that the consumer would get the advantage when that tax was taken off. With regard to the two members for the city who had spoken upon the subject, those two hon members being in equal difficulty, sympathised with each other, but he would say, that a great number of persons came before the Legislature for redress with not half so good a case as that which had been made out by the hon members, and it would be well for the hon members to consider whether they should not petition the Legislature with the view of obtaining drawback upon the cornbags on which they had paid duty. He could not say what conclusion the House would come to upon such a petition, or whether the Government would oppose it, but looking at the spirit in which the House had dealt with matters in which private interests had suffered in consequence of steps which had been deemed necessary for the public good, it was worth while for the hon members to consider whether they should not come before the House to obtain redress.

Mr DUFFIELD could sympathise with large holders of cornbags, as he was a large holder himself.

Mr GLYDE asked whether the hon member for Barossa would give the farmer an advanced price for his wheat, commensurate with the reduced price of bags consequent upon taking off the duty.

Mr REYNOLDS said that when the hon member for East Torrens (Mr Glyde) said this was an unnecessary and foolish measure, he should have liked that hon member to inform the House why it was so, as the hon member was very fond of charging other hon members with doing foolish things, without pointing out where the folly existed. So far from regarding it as a foolish thing to take the duty off cornbags, he (Mr Reynolds) regarded it as only an act of justice to an important class of the community.

Mr STRANGWAYS said that if any holders of cornbags petitioned for drawback on cornbags, they should also be prepared to show that they had not benefited by the increased duty upon tobacco, as it was quite possible that the gain in the one instance might more than counterbalance the loss in the other, as the moment the resolution of the House had been arrived at tobacco became worth 4d per lb more. It was unnecessary to go into the question of who paid the duty, but it was quite clear to him that farmers would not get three farthings a bushel more for wheat in consequence of the duty having been taken off cornbags. There had been some talk about taking the burden off the millers and placing it on the working man, but what after all did the additional 4d per lb on tobacco amount to? Why, to the most inveterate smoker it would not make a difference of more than a penny per week.

Mr HAY asked the Government to exempt casks and staves from duty. He found that the duty only amounted last year to 25l.

The SPEAKER ruled it would not be competent to do so in the present Bill.

The various clauses having been agreed to, the consideration of the report was made an Order of the Day for the following Tuesday.

MESSAGES FROM HIS EXCELLENCY

The SPEAKER announced the receipt of Messages from His Excellency, intimating that an amount of 3,209l 3s had been placed on the Estimates for police purposes. This Message was ordered to be taken into consideration with the Estimates on the following Tuesday. Also, Message intimating that 6,000l had been placed on the Estimates for the purpose of forming an armed force within the province, also, Message transmitting draft of a Bill to extend the Gawler Town Railway from Section 1411 to Kapunda, also, Message transmitting copy of documents relative to telegraphic communication by way of India between Great Britain and the colony.

The Messages were ordered to be printed.

KAPUNDA RAILWAY BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS this Bill was read a first time and referred to a Select Committee, consisting of Messrs Bagot, Barrow,

Hawker, Mildred Neales, Reynolds, and Commissioner of Public Works, to report on the following Thursday week

THE CENSUS BILL

A Message was received from the Legislative Council intimating that they had agreed, without amendment, to the amendments made by the Assembly in this Bill

OFFENCES BY FORGERY STATUTE LAW CONSOLIDATION BILL

A Message was received from the Legislative Council intimating that they had agreed, without amendment, to the amendments made by the Assembly in this Bill

THE WAR

Mr STRANGWAYS asked if the address to Her Majesty in reference to the war went by the last mail

The ATTORNEY-GENERAL said the resolution adopted by the House went home by the last mail, but not the address, as it had not been agreed to by the House

REGISTRATION BILL AND DISTILLATION BILL

The ATTORNEY-GENERAL intimated that on the following Tuesday, unless the Government business occupied the whole of the day, he should proceed either with the Registration Bill or the Distillation Bill

ESTIMATES

On the motion of the TREASURER, the consideration of the Estimates was made an Order of the Day for the following Tuesday

IMMIGRANTS BY THE JAMES JARDINE

Mr SOLOMON brought forward the notice in his name— "That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Milne) if any or what number of the immigrants arrived in this province by the James Jardine have left for Victoria by the Admella"

The hon member remarked, that he had been informed a number of persons who had arrived at the expense of the colony, took their departure for Melbourne a few days afterwards in the Admella

The COMMISSIONER OF CROWN LANDS had placed himself in communication with the authorities at the Port, who stated that amongst the names of persons who left by the Admella, were none who had arrived by the James Jardine, nor did any such names appear in the list of passengers by the Harilah The surgeon of the James Jardine stated that he had no reason to suppose any of the passengers by that vessel had left the colony for Melbourne

STATISTICS

The ATTORNEY-GENERAL laid on the table statistics of South Australia for 1858, from official records in the Chief Secretary's office

INSOLVENCY RETURNS

Mr STRANGWAYS asked when the insolvency returns ordered upon the motion of the hon member for Gumeracha, would be laid on the table?

The ATTORNEY-GENERAL said nearly the whole of the returns were completed, and he would make enquiry as to when they could be laid before the House

The House adjourned at half-past 3 o'clock till the following Tuesday

LEGISLATIVE COUNCIL

TUESDAY, JULY 26

The PRESIDENT took the chair at 2 o'clock

DEFENSIVE ARTILLERY

The Hon Major O'HALLORAN, pursuant to notice, asked the Hon the Chief Secretary whether the Government have taken into consideration the urgent necessity of immediately providing such heavy battering ordnance as may be deemed requisite for the protection of our coasts and harbours Otherwise, in the event of England taking a part in the war now raging in Europe, the safety of this province may be perilled by not having cannon of this description at our command, together with a sufficient number of trained artillerymen to man efficiently such guns The question was one of great importance, and its neglect might compromise the safety of the province, as there was nothing at present, in the form of artillery, to prevent a hostile force from shelling Port Adelaide and Glenelg It was with a very strong sense of the importance of the subject that he had tabled the motion standing in his name

The Hon the CHIEF SECRETARY replied that the subject had engaged the serious consideration of the Government, who were about to propose a vote in the House of Assembly for that purpose, to the extent of 4,000l or 5,000l, and intended to order from England a number of the Armstrong guns (Hear, hear)

THE MEDICAL PROFESSION

The Hon Dr DAVIES moved, pursuant to notice, "For leave to introduce 'A Bill intitled an Act to regulate the Qualifications of Practitioners in Medicine and Surgery'" It was not intended in the proposed Bill to attempt to prevent any person from calling in any adviser whom he thought proper, but it was to let the public know who were really

qualified medical men He (Dr Davies) proposed in this Bill to repeal the Acts of 1844 and 1846, so that there would not be really three Acts bearing on the same question, but one Act which was an embodiment of all the three One of the principles of this Bill was an annual registration, which practice existed to a certain extent at the present time He was of opinion that temporary medical certificates should be granted to professional men who had either lost or mislaid their diplomas, and also that powers should be granted to medical men to recover fees in Courts of law He would remark that the principal features of the Bill were not original introductions, but extracts from an English Act having the same object He was of opinion that the registration fee would more than cover the working expenses of the Act

The Hon Dr EVERARD seconded the motion, and leave was granted to introduce the Bill

The Bill was read a first time, and the second reading made an Order of the Day for the Tuesday following

PUBLIC NOTARIES BILL

On the motion of the Hon A FORSTER, this Bill was read a first time, and the second reading made an Order of the day for the Tuesday following

STATUTE LAW CONSOLIDATION

The Bill relating to Malicious Offences was read a third time and passed

BOUNDARY OF RUNS BILL

This Bill was read a third time and passed, with a few alterations of a merely verbal character

POLICE RATE BILL

The Hon the CHIEF SECRETARY said that complaints had been made in several of the country districts, which contributed a large portion of the revenue of the colony of the maintenance of a body of police employed principally in the city of Adelaide, and he admitted that there were some grounds for the complaint The Government in this instance proposed to reduce the number of the foot police employed in the city, so as to have a sufficient force to protect Government House, the Supreme Court, and the Gaol, and also an adequate number for the apprehension of criminals The Government proposed in this Bill to give powers to the various municipal bodies throughout the province to levy a rate in their own districts to an extent not exceeding sixpence in the pound When the assessment was levied it was proposed that it should be paid over to the general revenue for disbursement by the Chief Secretary, which would thus place the power in a central authority In clause 5 of the Bill, authority was given to supplement additional powers He hoped the Council would see the justice of the measure proposed, and accede to the second reading of the Bill

The Hon Dr DAVIES opposed the second reading of the Bill The body of police at present employed was a partly disciplined force, and the only one available for a sudden emergency The citizens of Adelaide would shortly be very heavily taxed They were at present subjected to a Corporation rate, and would in all probability shortly have to pay a heavy water rate, and a militia rate, and any further increase in their taxation was undesirable Besides, it was not advisable that the efficiency of the police force of South Australia should be weakened, which was held in high estimation, not only here, but also in the neighboring colonies He (Dr Davies) had never heard that the country districts had complained of a want of police protection The citizens of Adelaide paid an immense proportion of the public revenue, and there was a large amount of property located there which required protection Besides, in the dense population of a city more crime prevailed than in the country districts, and consequently the inhabitants were in more need of police to apprehend criminals The Bill provided that the country districts should have power to tax themselves, but if the country districts had to pay over the revenue derived from this tax to the Government, they would make woeful complaints if they had not a control of the expenditure He moved that the Bill should be read a second time that day six months

The Hon Major O'HALLORAN seconded the amendment He thought it would be an injudicious step to remove a trained and valuable body of men from a place where, if an emergency were to arise, they would be likely to be useful

The Hon A FORSTER thought that the Bill was not advisable for the country generally Complaints from the country districts might have reached the Government, but the House had not been put in possession of them In the suburbs, however, there had been complaints of insufficient police protection He would have no objection to supplement the present police force with additional strength, but he was opposed to a measure which would have the effect of leaving the city unprotected, and in all probability entail increased expense on the country

The Hon Captain SCOTT was of opinion that the country districts would not be willing to submit to a rate such as the one proposed, as they did not at present feel the want of police protection He was opposed to the general principles of the Bill, which would have the effect of impairing the efficiency of the police by scattering them over the country

whereas it was necessary now to keep a disciplined force at hand (Hear, hear)

The Hon H AYERS was not so much opposed to the principle of the Bill as to some of the details, one of which was the paying over of the local rates to the general revenue, and the appointment of officers by the Commissioner

The Hon the CHIEF SECRETARY thought that hon members were under an erroneous impression in supposing that a reduction of the police force was contemplated. The actual number of foot police in the city was at present 44, and the horse police numbered nearly 100. It was proposed to reduce the foot police in the city to 24, inclusive of corporals. The country districts had not complained of the proposed tax, they complained of contributing to the general revenue, and not being furnished with sufficient constabulary.

The PRESIDENT then put the amendment, "That the Bill be read that day six months," which was carried.

NATIONAL BANK BILL

On the motion of the Hon A FORSIER the House went into Committee for consideration of the clauses of the Bill. The hon mover remarked that the Bill conveyed power to alter the deed of settlement, and he would therefore propose the introduction of the words, of any such supplementary deed of settlement, in the clauses where the deed of settlement was referred to.

Clauses 1, 2, and 3 were agreed to with this alteration.

The Hon H AYERS observed, with reference to clause 4, that no specific amount of capital had been alluded to. The object of the Bill had been to limit the liability of shareholders to double the amount of the capital subscribed, but there was no specific capital named. Some amount should be stated, so that the public would have some guarantee of the amount of liability of the shareholders.

The Hon A FORSIER considered that the amount of the capital was defined in the preamble of the Bill by the number and value of the shares. It was not possible to define the capital of a branch Bank, although it might be practicable in a central establishment.

The Hon H AYERS remarked that there had been no precedent before of a Bill similar to this. In ordinary companies established under the Limited Liability Act, it was the rule that when a portion of the capital was lost the Company should wind up.

The Hon A FORSTER replied that this Bank was established under a new system. All the banks previously established had originated in the mother-country, but now the colonists were sufficiently wealthy to establish banks of their own. The capital of the institution was limited to the amount of the shares subscribed, of 5*l* each, and beyond this definition it would be impossible to further fix the capital of the Bank.

With reference to clause 5,

The Hon Dr DAVIES was of opinion that shares should not be transferable without the sanction of the Directors.

The Hon A FORSTER considered that shareholders should be permitted to effect transfers of their shares without applying for the sanction of Directors.

The clause was then passed as printed.

Clauses from 6 to 9 inclusive were approved, with some small verbal amendments.

The Hon H AYERS considered that the amount of coin required to represent notes in circulation was too small.

The Hon A FORSIER replied that the notes in circulation were to be represented by an equal amount of coin, bullion, and Government securities. Other banks had the privilege of issuing notes to the extent of three times the value of the coin in their coffers, and consequently the powers proposed by the Bill were limited as compared with other Banks at present in existence.

The remaining clauses were passed with almost verbal alterations.

The Hon A FORSTER proposed an additional clause to the effect that the Act should be deemed a public Act and should be judiciously taken notice of by the Judges and others in the courts without its being specially pleaded.

This clause having been approved, the report of the Committee was adopted, and the third reading of the Bill made an Order of the Day for the following Tuesday.

On the motion of the Hon the CHIEF SECRETARY the Council adjourned till Tuesday, August 2, at 2 o'clock.

HOUSE OF ASSEMBLY

TUESDAY, JULY 26

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

PAYNEHAM, &c

Mr BARROW presented a petition from 129 residents of Payneham, Glynde, Norwood, and Stepney, praying that certain roads might not be removed from the class of main roads, the petitioners having purchased land upon the belief that the roads referred to would be maintained as main roads.

The petition was received and read.

CORNSACKS

Mr STRANGWAYS presented a petition from a number of merchants, praying that provision might be made for drawback on cornbags on hand upon which duty had been paid prior to the passing of the Act exempting cornbags from duty.

The petition was received and read.

CENTRAL ROAD BOARD

The COMMISSIONER OF PUBLIC WORKS laid upon the table return showing the number of stationmen employed by the Central Road Board between June, 1857, and May, 1859.

COMMISSIONER OF CROWN LANDS

Mr STRANGWAYS asked the Attorney-General whether he had any communication to make to the House in reference to the Commissioner of Crown Lands, or his department.

The ATTORNEY-GENERAL was not aware that he had any communication to make to the House.

INSOLVENT LAW

Mr STRANGWAYS, as Chairman of the Select Committee upon the Insolvent Law, brought up a progress report, and moved that it be read.

The CLERK of the House read the report, which was as follows—

"PROGRESS REPORT OF SELECT COMMITTEE ON AMFNDMENT OF INSOLVENT LAW

"1 Your Committee have to report to your honorable House that they have examined the Commissioner of Insolvency (Mr Mann), and the Chief Justice of the Supreme Court (Sir Charles Cooper).

"2 Your Committee are of opinion that your honorable House should, during the present session pass an Act providing that the Commissioner of the Insolvent Court should continue to hold office during good behaviour, but that provision should be made for removing the Commissioner from office upon an address from both Houses of Parliament to the Governor for the time being. And your Committee are of opinion that clause 88 of the Insolvent Act of 1857-8 must be repealed.

"3 Your Committee consider that an Insolvent Act should be remedial on the face of it.

"4 Your Committee are of opinion that all petitions and proceedings under the arrangement clauses should be made public, but that the repeal or alteration of clause 110 of the Insolvent Act of 1857-8, and the consideration by your honorable House of all other matters (except those above referred to) affecting the Insolvent Law of this province should be postponed.

"5 Your Committee propose to take further evidence on the subject of the Insolvent Law, and to report more fully to your honorable House on a future occasion.

H B F STRANGWAYS, Chairman

"Committee Room, 26th July, 1859."

MINERAL LEASES

Mr HALLETT, in order to bring a subject under the notice of the House, would move that the House at its rising adjourn till the following day. It was rumoured out of doors that an attempt had been made to tamper with the Commissioner of Crown Lands in reference to a mineral lease, and it was desirable that the public should know whether such had been the case. He should be happy to hear any explanation from the gentlemen on the Government benches.

The ATTORNEY-GENERAL smilingly seconded the motion, and remarked that a very foolish letter had been written to the Commissioner of Crown Lands by a person named Mackay, which might certainly have been for the purpose of tampering with the Commissioner of Crown Lands, but it did not follow that it was so, and the only notice which the Commissioner of Crown Lands had considered it necessary to take of the matter was to inform the writer that he could have no communication with a person who could write such a letter. He would lay the letter upon the table on the earliest opportunity, but his own impression was that it was giving the matter too much importance.

The motion was carried.

INSOLVENT LAW AMENDMENT BILL

The ATTORNEY-GENERAL intimated it was his intention to proceed with the consideration in Committee of this Bill. He understood the progress report of the Committee to be to the effect that they approved of the provision which gave security of office to the Commissioner, they also proposed that the 88th clause of the existing Act should be repealed, that there should be some legislation relative to arrangements under the private arrangement clauses and that it was not desirable other matter should be entered into until there had been an opportunity for a complete examination of all matters connected with insolvency by the Committee. If the House believed, in reference to all or any points included in the present Bill, that it would be better there should be a postponement until the result of the labors of the Committee had been made known, he should offer no opposition, but there was one point which he wished had been included in the suggestions of the Committee, which had reference to parties contracting debts without any reasonable or probable

means of liquidating them. That was a provision in the present Act, and in the Bill before the House, but still even in that respect, if it were thought better that there should be delay, he should offer no opposition, as the present clause was tolerably efficient. He moved that the first clause be agreed to.

Mr ANDREWS was desirous of moving an amendment. It would be remembered that the existing Act as passed by that House and forwarded to the Legislative Council, provided that the chief officer of the Insolvent Court should be a Judge, but the Council altered the title from Judge to Commissioner, on the ground that such a person as a Judge of the Insolvent Court was never heard of. He was desirous of reiterating the provision which the Bill originally contained, and would therefore move the insertion of the words "that Charles Mann, Esq., be the first Judge of the said Court, and in the event of death, it should be lawful for the Governor to appoint another," &c. He felt assured that all who knew the present Commissioner must feel that he was a most fit person to fill the office of Judge, and that he would not be enabled to discharge his duties so effectually or obtain that respect to which his office entitled him, as a mere Commissioner, as if he were a Judge.

Mr STRANGWAYS opposed the proposition, remembering that the other House formerly declined acceding to it, and it was not likely that the Upper House would now be prepared to do just the reverse of what they formerly did. That in itself was a good ground of objection. Another was that he could not imagine any other reason for the alteration than to gratify the pride of the present occupant of the office. There appeared to be something in a name, and Judge was preferred to Commissioner. He believed that the enquiry which was going on in reference to the Insolvent Law would result in a material alteration in the law, and that a large portion of the judicial functions of the Commissioner would be taken away from him, the powers which would be vested in him being more in accordance with those which were vested in the Commissioners of Bankruptcy and Insolvency in England.

Mr BAKEWELL supported the amendment. He believed that the Act as formerly sent up to the Council was a great improvement upon the present one. The House were unanimous in the opinion that the title of the chief officer of the Court should be Judge instead of Commissioner. He was clearly of opinion that the Chief Officer of the Court was a Judge whatever name he might be called, he had judicial functions to perform, and was not a ministerial officer, as was implied by the term Commissioner. He did not think those judicial functions would ever be taken away from him. Whatever power might be taken away he believed that very important powers would still remain, and that the title of Judge would be more applicable than Commissioner. All the powers of a Judge should, he considered, be thrown around the head of the department.

The ATTORNEY-GENERAL should offer no opposition to the amendment, simply on the ground that the Bill as originally proposed or introduced by the Government, provided that the person at the head of the Insolvent Court, and who did in reality exercise the functions of a Judge, should be called a Judge, and although it was not thought expedient under the peculiar circumstances when the Council altered the title to Commissioner, to raise any question upon it, if there had been leisure for fuller discussion upon the subject, it was quite possible there might have been some representation upon the subject to the other branch of the Legislature. As the Government proposed in the first instance that the head of the Court should be called a Judge, there could be no objection on their part so to alter the Bill before the House, as whatever the title might be, the functions would be the same, and the emolument the same. The powers, functions, and duties of the head of this department were in reality those of a Judge.

Mr BARROW said the hon. the Attorney-General had said that he would not oppose the amendment, and he presumed the hon. gentleman would not oppose the clause being passed as it stood. That was the course which he (Mr Barrow) should prefer. (Hear, hear.) The Attorney-General had assured the House that on exchanging the title, it was not intended to alter the duties, nor was it intended to alter the salary. That might be the present intention, but on a subsequent occasion it was not unlikely that the hon. member for Yatala would propose, the House having appointed a fourth Judge, that the salary for a fourth Judge should also be provided. (Hear, hear.) His own opinion was that there was already a sufficiently expensive judicial staff. They had appointed a third Judge in order that there might be a majority on the Bench, but if a fourth Judge were appointed, although he might be specially connected with the Insolvent Court, it would be hard if he could not eventually take his seat with the other three, and the chances of a majority being thus destroyed they would have to appoint a fifth Judge, for the same reasons which had been urged for the appointment of a third. He hoped the Attorney-General would let well alone, and as the hon. gentleman would not oppose the amendment, he hoped he would not oppose the clause.

Mr REYNOLDS said that if this amendment were assented to it would in reality be appointing a third Judge. He and many others thought upon the discussion about the appointment of a third Judge, that the Commissioner of

Insolvency might occupy the position of third Judge, and thus save the expense of appointing a third Judge, but the Government raised an objection to the Commissioner sitting on appeal cases, though strange to say, in the Bill which they introduced they actually proposed that the Commissioner should sit as one of the Judges. If an amendment had been inserted in the Insolvent Act of last year by which the Commissioner of Insolvency would have had a seat upon the Bench, the country might have been saved the expense of appointing a third Judge. To all intents and purposes the Commissioner was a Judge, but if they gave him the name there might be something hanging to it and ultimately a pension. No doubt the object of the amendment was to entitle the Commissioner to a pension when he retired. He had a great dislike to pensions, but it appeared to him quite clear that if they continued appointing Judges they would have to continue granting pensions. He regretted that the Commissioner of the Insolvent Court had not received the appointment of third Judge, which was an office he formerly held, but the Governor, it having appointed a third Judge, he was not now prepared to support the appointment of a fourth, as the Law Courts were already sufficiently expensive. If some gentlemen in the House would take as much interest in reforming the Law Courts as another gentleman did out of it, he would be a great benefactor to the community. He was not prepared to support the amendment of the hon. member for Yatala.

The amendment was lost, and the clause passed as printed. The second clause, repealing the 88th clause of the existing Act, was also passed.

The third clause was struck out.

The ATTORNEY-GENERAL, with regard to the fourth clause, proposed an alteration, by which a party contracting debts without reasonable or probable expectation of being enabled to pay them, would be liable to imprisonment at the suit of the assignees, as judgment creditors, for any period not exceeding six months. The hon. gentleman intimated it was not his intention to take the Bill out of Committee, so that the House would have an opportunity of seeing the clauses in their amended form.

Mr STRANGWAYS opposed the proposed amendment. He had understood the Attorney-General to say on a former occasion that he would be guided by the report of the Committee, who had that day presented a progress report which had been just read, and as the House had heard, all that was recommended was that the Commissioner's tenure of office should be permanent, that the 88th clause should be repealed, and that petitions under the arrangement clauses should be made public. The Committee recommended that all other alterations in the existing law should be postponed. Knowing what he did of the evidence before the Committee, he should oppose any other alterations than those which had been suggested by the Committee, because he believed that when the matter came to be fully enquired into there would be great alterations in the existing insolvent law, that the power of the Commissioner would be curtailed to a great extent, and that he would not have the arbitrary power of sending an insolvent to gaol. He believed that the clause as proposed to be amended would confer greater powers upon the Commissioner than he enjoyed at present. If it would not, he saw no necessity to introduce the alteration proposed by the Attorney-General. He should oppose the Bill, so far as it proposed to confer powers upon the Commissioner which he did not think he should possess. He would suggest to the Attorney-General to withdraw the amendment, and act as he had stated he would on a former occasion, strictly in accordance with the recommendation of the Committee.

The ATTORNEY-GENERAL was not desirous of departing from the course which he had stated he would on a former occasion adopt. He should be guided to a great extent by the Committee. He had adopted every one of the suggestions of the Committee, with this single exception, consequently he could not be accused of any want of deference to the Committee in pressing the single amendment which he now proposed. Very important matters would have to be decided by the Legislature, whether in all these matters, affecting commercial relations in the colony, and the character and credit of persons in business, charges which it would be almost impossible to define in any precise law, whether in matters of this sort, for which punishment must be provided, the decision should be by a jury or left in the hands of the Commissioner of Insolvency. That was a very important question, and he believed whatever decision might be arrived at in reference to some acts, that in that referred to in the amendment before the House it would be impossible that it could be placed in any other category than in the discretion of the Commissioner. It was a matter which it was impossible to define with absolute and rigid accuracy. Although a person might be refused his discharge under that Act, still he would not be treated as a criminal. At the present time, a very large class of frauds, or substantially frauds were practised by debtors on creditors, which were altogether beyond the scope and power of the Commissioner, and he thought it as well that the Commissioner should have power to deal with them. At the present time a person might keep books fairly, and there might be the utmost regularity, but still he might have been going on for a considerable period, well knowing that ultimately he would be unable to discharge his debts, and

substantially robbing all those with whom he was dealing, yet at present there was no punishment for such conduct. On those grounds he was unable to agree with the report of the Committee, but if he had been able to attend the Committee, it was possible that the report might have been different.

Mr GLYDE, as a member of the Committee upon the Insolvent Law, took that opportunity of thanking the Government for the very courteous manner in which they had received and adopted the suggestions of the Committee. He also thanked the Attorney-General for suggesting the amendment in the clause under discussion, and he thought it was an oversight that the last Act did not provide for the punishment of the class of offences alluded to by the gentleman. It was desirable that the session should not be permitted to close without some such amendment being introduced in the existing law, for the House should remember that the amended Act would probably remain in operation twelve months.

The clause as amended by the Attorney-General was passed.

Upon the motion of the ATTORNEY-GENERAL, the following clauses, to 17 inclusive, were struck out. An alteration was made in the 18th clause, to the effect that the petition should be advertised in one Adelaide newspaper, and in the *South Australian Government Gazette*.

The 19th clause was to the effect that the Act should be considered remedial.

The CHAIRMAN reported progress, and obtained leave to sit again on the following Thursday.

THE STRATHALBYN AND GOOLWA TRAMWAY BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, said that the measure was a very important one, and had frequently been before the House in one form or another. It had engaged the attention of many hon members in Committee, and the result had been laid before the House. That day week he was about to move the second reading, but refrained from doing so, in consequence of hon members stating that they had not had time to peruse the voluminous evidence. He presumed they had done so during the recess. When he sought to introduce the Bill, an objection was raised, upon the ground that a shorter route might be found by Milang, but the statements which had been made in favor of Milang had been fully set aside by the evidence before the Committee. No subject on which his attention had been engaged had ever been so satisfactorily elucidated as that Goolwa, as the proposed terminus, had the advantage over Milang. He hoped hon members had read the evidence, and that their attention had been particularly directed to the evidence of those who were well qualified to judge. He regarded the evidence of the master of the Melbourne, who had passed through the Murray Mouth 180 times, as conclusive that the terminus should be at Goolwa. Many witnesses had expressed an opinion that Milang, instead of presenting an increased depth of water, was filling up. He would also refer the House to the evidence of Mr Stark, who had considerable property close to Milang, and through whose property the road would pass, but that gentleman was so convinced of the necessity that the terminus should be at Goolwa, that he had been converted to that route, though it was against his interest that the line should go to Goolwa. Other portions of the evidence also rendered it perfectly conclusive that the line should be to the Goolwa. Another objection which was raised in the debate which took place on this Bill was that no traffic returns had been laid before the House, but this objection had been met by the statement that there was no main road between the two termini, and that the returns consequently could not be reliable. But in the evidence before the House there was a good deal in reference to traffic, and the evidence of Mr Jones, the Superintendent, shewed that if the traffic were 1,000 tons annually, the expenses would be met. It was almost certain that there would be a very large amount of traffic in consequence of the very extensive mines in this portion of the colony, which were second only to the great northern copper mines. Persons much more conversant with the locality than he was were of opinion that the mineral resources of the Strathalbyn district were capable of great and rapid advancement. He would proceed to consider the claims of the district, and when the House considered the large sums which had been expended on the extension of the railway northward, and which had been raised upon the credit of the colony at large, he thought that the claims of those who paid the interest on those loans which had been contracted should not be quietly passed over by that House. With this constantly in view, the Government last session pledged themselves that this measure should be carefully considered, and the result was the Bill which he asked should now be read a second time. Another matter had been brought out in the enquiry before the Committee, and that was, that there was a considerable quantity of land which would be brought into the market by the construction of the proposed tramway. The evidence of Mr Bowman made this perfectly clear, and those who had read it must see that a very strong case could be based upon it. As an individual member of that House, and as a member of the community, he believed that a case had been fully made out by the original petitioners. It had been

shown that the work would be reproductive and that the residents of the locality were entitled to it, not only from the importance of the district but the probable traffic which would pass along the line. The House would not be acting fairly if, under such circumstances, they were to refuse the means of communication which the Bill before the House proposed to afford. He had no objection to amend the preamble as to the mode of working, some objection having been taken to working by horses, although it had been shown that until 25 horses were required it would be cheaper to work by horses than by steam. Considering the progress which would probably be made by the district, perhaps steam would be cheaper. He begged to move that the Bill be read a second time.

Mr RLYNOLDS opposed the second reading. As a preliminary objection, he would remark that it did not appear they had the funds to carry out this work - this important work, in the estimation of the Commissioner of Public Works. There were no funds, unless indeed the item of £20,000 for immigration were struck out. He had been in favour of giving some communication to the Murray to the districts in the neighbourhood of Strathalbyn, and as a disinterested individual had hoped, from the evidence which had been gathered by the Committee, that he would have been prepared to adopt the route either to Milang or the Goolwa, but after going somewhat extensively into the evidence, he must say that no case had been made out for the expenditure of £60,000 or £70,000, perhaps £100,000. The Commissioner of Public Works had stated that the Government intimated last session that this subject should have their serious attention, and, no doubt, the Government had seriously considered it, but he denied that they had taken steps to satisfy the enquiries of that House. It was incumbent on the part of the Government, if they intended to give this subject their serious consideration, to procure traffic returns, but no such returns had been furnished. It should be shewn what would be the probable returns. It was true that the Commissioner of Public Works had stated there was no main road, that there was no place from which traffic returns could be obtained, but the evidence of Mayor Freeling shewed that returns could have been obtained at several points on the line from Strathalbyn to the Goolwa. Why were they not obtained? The Government had provided nothing of the kind. The Government had merely given returns of the land under cultivation in the district, and even those had been obtained from persons deeply interested in the line from Strathalbyn to the Goolwa. This was certainly not satisfactory. Persons deeply interested were not those upon whose evidence the greatest reliance was to be placed. He found that garden stuff and a variety of other things were included in the return, but could it be expected that these would ever be sent to Goolwa? Why, the parties, instead of taking such products to Strathalbyn, would be more likely to bring them by the main road to Adelaide and sell them. As for the residents at Onkaparinga and Macclesfield taking their products to the Goolwa, he would ask were they not more likely to go to Milang? Were they to take it for granted that the produce of those districts would go by the tramway? It was nonsense to suppose so. They would be far more likely to go a distance of twelve miles to Milang to ship their produce by the steamers which navigated the mouth of the Murray, in preference to going first a distance of four miles, and then a distance of twenty-one by the tramway. Another objection which he had to the Bill, although the Government had given it their serious consideration, was that the Government asked the House to assent to 20,000*l.*, or one-third the amount, thus proposing to carry out the work for 60,000*l.*, but upon what authority, he would ask, did they expect to complete the work for that amount, when the estimate of their own Engineer was 74,000*l.* He would support the Government if he could, but he could not do so in this instance, as there was no evidence before him to support the Bill. The hon the Attorney-General laughed, and cried "hear hear," and no doubt the hon gentleman, as a special pleader, would be enabled to make the worse appear the better case, but he (Mr Reynolds) could only judge from plain facts which were before him. It appeared to him that although this tramway was to cost 74,000*l.*, and probably more, the Government had really taken no steps to ascertain whether it would be advisable that such a work should be constructed. It appeared to him that it was a sop to the southern members, and no doubt the Government thought that, with their assistance, they would be enabled to carry it through the House. No traffic returns were before the House, no surveys, and no report had been made till June, when the Committee sat. The House were asked to assent to the work before plans were prepared. But for the assistance of the southern members, it was probable that the Government would not be able to pass the Bill, but it was quite clear the Bill was intended as a sop to those hon members, and consequently with their assistance probably the Government would be enabled to pass it. The Commissioner of Public Works had referred to the evidence of Captain King, the master of the Melbourne, but he (Mr Reynolds) would refer to the evidence of that witness's master, Captain Cadell, and that evidence went far to shew how unwise it would be to construct a tramway between Strathalbyn and Goolwa,

as if the Finnis River and Currency Creek were brought in competition with the tramway, what would it be worth? There was already a good main line nearly to Strathalbyn, and let that suffice. He had no interest in the north or south, unfortunately, but it appeared to him that it was very unwise to bring the north and south in competition by talking of what had been done for the north. Were there not many parts of the colony which required means of communication before Macclesfield and Strathalbyn? If the tramway were constructed it could go no further than Goolwa, because there they would come to the water, but why not spend the 100,000*l.*, which the work would probably cost, to the north, and do something for the permanent benefit of the colony? Why spend 100,000*l.* upon a scrubby place with which nothing could be done? Had not the money better be expended in opening up the vast mineral resources in the north? Some good might then result, but there was nothing to show that any benefits would result from this tramway, nor was there any reliable evidence before the House to show that it would cost less than 100,000*l.* Another objection which he had was that he thought it would be exceedingly unwise to construct a line of tramway 21 miles in length. He was astonished, too, at the evidence of the Engineers. He was once in favor of tramways, but the evidence of the Chief-Engineer, Mr. Hanson, shook his faith in them. It was now recommended that when the traffic increased so as to require 20 or 25 horses, that locomotives should be substituted, but he observed that nearly that number would be required at starting, so that he thought it would be better assuming that a tramway would pay at once, to have a locomotive, but he did not believe that either would pay. He would suggest that the Government should wait a little longer till something had been done to the Murray mouth, seeing that the Strathalbyn people had a good main line, and a good natural road from Milang to Strathalbyn. There was, consequently, no necessity for constructing a tramway. He should vote against the second reading of the Bill, but if any hon. member would move that it be read that day six months, or pursue any other course which would have the effect of shelving the Bill, he should be happy to support him. He was aware that the plea would probably be urged that if this Bill were assented to employment would be given to the working classes, but if this Bill were to be passed through all its stages that day, and the other branch of the Legislature were to pass it through all its stages on the following day, a period of at least six months must elapse before the work could be commenced. No working plans, no drawings had yet been prepared, consequently if the object were to afford employment to the working classes, the 20,000*l.* had better be devoted to some other object which could be more quickly commenced. There was no greater fallacy than to suppose that this Bill would give immediate employment to the working classes.

Mr. YOUNG supported the second reading of the Bill. He was rather astonished at some of the remarks which had fallen from the hon. member for the Sturt, who appeared in a greatly excited state, and had spoken of this Bill as a sop to the members for the south. The hon. member's first objection was that there were no funds, but the funds, no doubt, would be found for this, as they were for other works which were sanctioned by the House—such, for instance, as works to the north. The hon. member's whole arguments, upon being analysed, vanished like a bottle of smoke. The hon. member objected that no traffic returns had been taken. But how could traffic returns be taken in a country through which a dray could not pass? It was absurd to talk about traffic returns. From the evidence which had been taken, it was clear that the country which would be benefitted was a very large wheat growing country, and although it might be urged that there was a greater extent of country in the north, he was prepared to show that one acre in the south produced equal to five acres in the north. No doubt both points which had been spoken of as the terminus had their claims, but Goolwa would always be the port of shipment for foreign markets. The hon. member for the Sturt had commented rather warmly on the fact that a good deal of the evidence was given by parties interested, but he apprehended that in this as in other cases information was sought from those who were enabled to afford it. It would have been of no use to call parties who knew nothing of the merits of the case. He would particularly refer to the evidence of Mr. Kealing who stated that he had only 200 acres in cultivation out of 1,200, but that he should have four or five times as much in cultivation if he could carry his produce to a market. That shewed what advantages would be derived from carrying on this work. He had no wish to withhold from the north what it was fairly entitled to, but at the same time the claims of the south ought not to be overlooked.

Mr. PEAKE had read the evidence taken before the Committee very carefully, and agreed with the finding of the Committee, that if they were to have a tramway parallel with a navigable river, it would be better to have the terminus at Goolwa, because it would connect with the Port Elliott and Goolwa tramway, and enable the produce by one unloading to be put on board. He should, however, look with considerable regret upon the adoption of this scheme, for he believed it would be beginning at the wrong end, and he was confirmed in this impression by the evidence of Mr. Hardy. He would ask whether the surveys in hand

for connecting Port Adelaide and the Mount Barker district were not likely materially to affect the traffic likely to pass down the Strathalbyn and Goolwa tramway, and the Engineer stated there was a probability of getting a line in the country indicated. Yet in the face of this, the House were asked to spend 100,000*l.* without determining whether the work was to form part and parcel of the connecting link with Adelaide. It would be premature to adopt the course proposed by the Bill before the House, until that problem had been solved, as it was in fact asking the House to adopt one end of a scheme, instead of a scheme as a whole. If this were a whole scheme for connecting Strathalbyn, Adelaide, Mount Barker, and the River Murray, he should be happy to consider it, but as it was, he considered it would be beginning at the wrong end. It might turn out after the tramway had been constructed that the intervening country could not be connected without great cost. Therefore it was that he considered the scheme should be considered as a whole. The Engineer was of opinion that the Murray mouth could be improved, and that was another reason that they should hesitate in adopting this scheme. If 74,000*l.* were spent on a tramway, where was the money to come from to improve the navigation of the Murray mouth? If this measure were adopted he believed it would put an end to all improvement of the Murray mouth, yet Captain Cadell stated that the Murray mouth was capable of improvement within the means of this colony. He should be happy to afford employment to those who required it, but he repeated that he believed this scheme was beginning at the wrong end. If the House were to abandon the idea of improving the Murray mouth they would be abandoning an idea which he should greatly regret, and he felt that they would be doing so if they were to adopt this Bill. He should therefore vote against the Bill from a conviction that it proposed to begin at the wrong end, and he was not prepared to abandon the improvement of the Murray mouth.

The PRESIDENT should support the second reading of the Bill. When the hon. member for the Burra said that he should oppose the second reading, he certainly expected to hear from the hon. member some better grounds for his opposition, but all the arguments of the hon. member appeared to amount to this, that it would be beginning at the wrong end, and that if this railway were constructed it would interfere with the improvement of the Murray mouth. When the hon. member said that we were beginning at the wrong end, he presumed the hon. member meant that they should make 21 miles from Adelaide to the south, instead of 21 miles from Goolwa towards Adelaide. The hon. member shook his head, but if he did not mean what he (the Treasurer) had stated, there was no meaning attached to his remarks. He confessed he could not see the force of the argument, that by making a road to the Goolwa they would interfere with the improvement of the mouth of the Murray, and the hon. member himself had been unable to find anything in the evidence to support his arguments. The hon. member for the Sturt took up a very vehement, if not a very argumentative course. The hon. member charged the Government with not taking the proper preliminary steps to place the House in possession of information, to enable them to arrive at a correct conclusion. The hon. member had charged the Government with not furnishing traffic returns, but he had been completely answered on that point by subsequent speakers. There were no roads, and all that the Government could do, was to refer to the inhabitants to ascertain what was the amount of produce, and then calculate the probable amount which would pass within the points of the terminus. When the Government approached the House with the Bill, they asked the House to examine witnesses, and see what amount of traffic could be anticipated. The House refused a Committee at that stage, but a subsequent Committee had satisfied itself that there would be sufficient traffic to pay the working cost of the line. He had always advocated the construction of lines of such solidity that they could be adapted to locomotives. If that system were adopted, commencing with horses would not afterwards prevent the use of locomotives. From the best evidence which could be procured, it was believed that the traffic would pay the working expenses and the construction, and this would probably ultimately form a portion of the main trunk line. It had been said that this was a sop to the southern residents, but it was, in fact, merely a simple act of justice, and it was the duty of the Government to do justice to those districts which were deficient in means of communication. The sum of 74,000*l.* would go a very little way towards extending railways to the north, but it would do a good deal for the south, and would tend to open up a country which was to a great extent deficient in means of communication with Adelaide or the sea. He had not heard one argument to convince him that they should hesitate to pass the Bill. The report of the Committee fully satisfied him there was a prospect of the line paying, and that the line to the Goolwa was the correct one.

Mr. PEAKE said the hon. the Treasurer had misrepresented him so much, that he wished to offer some explanation. What he had said was, that he wished the matter postponed till the whole project for the intervening country was before the House.

Mr. STRANGWAYS thought the hon. member for the Burra was not quite clear as to what he said or what he meant. The hon. member had alluded to evidence which he

stated he had read attentively, and to which he was desirous of calling the attention of the House, but when the hon member wanted to find it he could not. It was quite clear that the hon member had not studied the evidence quite so attentively as he would wish the House to suppose. One thing, however, which the hon member had said, he to a certain extent agreed with. The question before the House was substantially not whether there should be a tramway from Strathalbyn to the Goolwa, but whether there should be a tramway in that direction. No one who had read the evidence could, he thought, come to the conclusion that if a tramway were to be constructed at all it should be constructed in any other direction. If it were constructed it should not only be to connect Strathalbyn with the seaboard, but to form a line of railway communication to connect Adelaide with the Murray. He believed this railway would form a link in that line. If the surveys in the Valley of the Sturt and Mount Barker district resulted in finding a line to connect Strathalbyn with Adelaide, they would then have a line to connect Adelaide with the Murray, though the Goolwa was at the lower extremity of the Murray. If this Bill were not passed it could only be looked upon as an intimation that the House would have nothing to do with the southern district (No. no.) The House readily voted money for the north, but when it was asked to do anything for the south, all kinds of objections were raised. There never had been any money spent there, and if this Bill were rejected it would be tantamount to saying that there never should be. What money had been spent south of Willunga and east of Strathalbyn? The only amount was that for the Port Elliot and Goolwa tramway. There was no difficulty in obtaining money for the work. Vast sums of money were borrowed and expended, and there was a Bill at that moment before the House to authorize the expenditure of a large sum in the north. He hoped the House would give every district its fair proportion, and acting upon that principle, he believed a majority of the House were prepared to support the second reading of the Bill. The amount asked for was not far in excess of what would be necessary for a macadamised road in the locality, but if this tramway were constructed, there would, of course, be no necessity for a macadamised road. It was stated by Mr. Bowen that between Strathalbyn and Goolwa there were 12,000 acres which would be readily bought up at 1/ per acre if this tramway were constructed, so that there would be 12,000/ towards the outlay, and he believed that there were other large tracts of country which would be brought into cultivation. If this line were constructed there would be no difficulty in establishing branch lines. He believed that a great many hon members had had this matter brought under their consideration outside the House, and he should cheerfully support the second reading.

Mr. ANDREWS supported the second reading of the Bill, though he had once been prejudiced in favor of Milang, but the Government having enabled the Committee to take evidence upon various lines, those whose interests had induced them to support the Milang line had entirely failed in making out a case. He was not aware that a title of evidence had been taken to show that Mr. Goyder's scheme would not have the effect which he stated, and he regretted the Committee had not taken evidence upon the point.

Mr. HAWKLER should oppose the Bill from a conviction that if it were passed there was never an instance of a sum of money having been voted away with greater injustice to other portions of the colony. A great many points in connection with the question had been entirely overlooked. The first question appeared to him to be what were the relative accommodations which each district possessed to get its produce to market, in proportion to the importance of each district. If any hon member would take a map of the colony and go carefully through it, and see the accommodations fairly and dispassionately, possessed by each district, he believed there was not one but who would come to the conclusion that the district upon which it was proposed to expend 74,000/, was the district especially which had the greatest accommodation for getting its produce to a market. He went carefully over the map that morning, having previously gone through the evidence twice, and some portions of it, and he would say that he never saw a report so utterly at variance with the evidence as that in reference to the Strathalbyn railway. He should have to make comments on the evidence, and to read portions, but he would first look at the benefits which various districts had had, and compare them with the quantity of land sold. He quoted from returns furnished by the Government, and he could not help thinking that when the Commissioners of Public Works made his statement he might have gone a little into the expenditure upon roads before he proposed to expend 74,000/ upon a district which had already had the lion's share. He did not make a bald statement, but was prepared by returns before the House, to show that such was the case. On referring to the expenditure upon the north roads, disconnecting the expenditure upon the Port-road, which it was absurd to connect with any aspect of the district in the colony, he found that the total expenditure was 113,526/, whilst the expenditure upon the South-road had been 131,387/. Going 25 or 26 miles out of town, and taking the expenditure on what was called the northern district, north of Gawler Town, he found that the

total expenditure on those roads since the foundation of the colony had been 33,746/. On the branches of the South-eastern-road after getting over the ranges, the expenditure had been 55,564/. The total quantity of land sold in the colony was 1,947,706 acres, of which 1,045,664 were sold in the northern district, and 294,383 acres in the south-eastern district. The total expenditure upon main roads had been 511,951/, or at the rate of 5s 3d per acre on the land sold. The south-eastern district had received 131,387/, though the amount to which it was entitled from the sale of land was only 77,275/, consequently it had received over and above what it was entitled to 54,612/. On the other hand the northern district was entitled to 274,486/, but had received only 113,526/, so that the balance due to the northern district in proportion to the land sold was 160,960/, and yet in the face of these returns the hon member for Encounter Bay got up and said that justice had not been done to the south. He had gone carefully into the subject, and was only astonished that any Government should propose such an outrageous outlay in a district which had already received such expenditure upon it. At present their was an actual deficiency in the amount expended on these northern district of 160,960/, whilst the south had had a larger sum than it was entitled to have expended upon it by 54,612/. He would proceed to look at the relative means of getting produce to market, and the extent of the districts. He found that the whole district south of Strathalbyn was under 300 square miles. At present that district possessed four harbors supplied with jetties—Rosetta Head, Port Elliot, Goolwa, and Milang. The hon member for Encounter Bay said there had been no expenditure of any description except upon the Port Elliot and Goolwa Tramway, but he thought it would be found that the expenditure had been considerably over 50,000/. If the cost of the jetties were added it would be found that there had been an enormous expenditure upon this district. He found that Strathalbyn already had two roads which were described as very fair bush roads to get the produce to market, the one being a distance of 12 or 24 miles, another road to water 19 miles, and from another portion 18 miles. The finest road ever made in this colony led from Adelaide to that district, and he might mention that the farmers upon coming five or six miles this side of Strathalbyn got the Adelaide price for their wheat. Some members spoke of the north and the south as if they were equal in importance, but it was like comparing a drop of water to the ocean for the north was already settled 500 miles north of Adelaide, and would very shortly be to the extent of 700 or 800 miles, yet hon members compared the expenditure upon the two districts, and said that there should be the same expenditure upon the south as upon the north. At the present moment parties in the south could get their wheat taken down to Port Elliot via Milang, at 7/4 per bushel, but for some weeks there had been great difficulty in getting any produce down from the north, and goods had been detained at the railway station because no drays could take them. There were 20,000/ worth of copper ore at the Burra, which could not be got down, and farmers could not get down their produce, because the cost of carriage would absorb what it would fetch. In the one case there was a small insignificant district, a large portion of the land being unavailable, with four ports, not one more than 20 miles from where the produce was grown, with the most magnificent macadamised road from Adelaide leading to it, and on the other hand, there was an immense valuable district with tens of thousands of acres, thousands of tons of ore raised there, and at the present moment no means of bringing them to Adelaide, it not being a question of expense, but it being impossible to bring down the produce at any price whatever. The House had heard a good deal about large tracts of splendid land being rendered available if this railway were made, but the outside extent of the magnificent tract of land, and no doubt it did appear magnificent to the people of the south, for to them the hills appeared mountains, the outside extent he said was something under 1,000 acres in Long Valley, and the total quantity about Bull's Creek and Mount Observation, which would probably be brought under cultivation, would be 2,000 acres. This was the enormous country which, with that already under cultivation, was to produce sufficient to make this tramway such a paying concern. He would again point out that the tramway would not go through good country, the largest portion of it would go through sand and scrub, which, by the evidence of Major Freeling, would be useless for agriculture or grazing. Where then was the traffic to come from? If they were so unfortunate as to have 74,000/ spent on a district where there were already sufficient accommodations for exporting the produce, he was quite sure it would prove a total failure. Looking through the evidence, he found the computation was for a tramway, but gentlemen on the ministerial benches had often spoken of tramways as being expended. The cost of rails on the tramway was estimated at 15 3/4/, but the Commissioner of Public Works had said that when the export of produce increased, a locomotive must be substituted, and if the rails were in consequence taken up, and 70 lb rails substituted for 40 lb, the cost would be 22,680/ additional. He would proceed to look to an important point in the evidence. Every witness, even those most favorable to a railway, agreed that if it stopped

at Port Elliot, it would be comparatively useless. All pointed out the want of safe anchorage, but the evidence of Mr George Young, Captain Cadell, and others, appeared to be fully ignored in the report, although they were the most competent witnesses who were examined. It resolved itself into this, that before the railway could be made complete, it must be changed into a locomotive, which would involve an outlay of £22,600, and then it must be extended from Port Elliot to Victor Harbor, a distance of five miles, and when that was done, Victor Harbor must have something done to it to make it fit for vessels to lie there, so that £74,000 would be nothing like sufficient to make the work efficient. Another circumstance which he gathered from the evidence was, that the most favorable country through which the railway would pass was in an extent of about seven miles or 25,000 acres, and would the Commissioner of Public Works say that sufficient grain could be grown in that extent to justify such enormous expenditure? It would be robbing the revenue of the country to expend it upon a district which would be little benefitted. All the evidence shewed that the produce would be drained off in other outlets, and would not come by the tramway at all. Another objection which he had was that this was no portion of a scheme of railways in this colony. He did not hold with making railways merely where they were wanted, or where they might prove beneficial. In a young county it was impossible to make a network, and when large sums of money were voted, it was the duty of the House to see where they could be expended most beneficially to the general interests of the colony. This railway would be unconnected with any other, and would have to be carried on as a separate establishment. In first laying down railways they should see where the great trunk lines would ultimately be supplied by feeders. Any one acquainted with the geography of the colony would see that the only point where a main trunk line could be made was to the north. It was absurd for hon members to say that votes were supported for the north, and why not for the south? for in saying so they only showed their ignorance of what the north was. If gentlemen on the Ministerial benches would take a trip to the north they would perhaps alter their views upon the subject. When they looked at the south eastern district everything was magnificent, and he was reminded of the fable of the frog endeavoring to blow himself out to the size of the ox, but when they looked at the northern district the other end of the telescope was used, everything was contracted and small, and they imagined by that means to put the two districts on an equality. He believed that the wants of the colony demanded that the railway should be extended to the Burra. A large portion of the country to the Burra was fenced on each side, and it was evident the produce could not be taken to or fro. What would be the case two years hence? If there were not a railway to the Burra it would be one of the greatest blows the colony had ever suffered, for it was not merely the Burra, but ores were sent from other large mines to be smelted there. Nearly the whole of the roads north of Gawler Town were in their natural state, and the nearest port at which goods could be shipped was Port Adelaide, a distance of over 100 miles. He would again point out that Captain Cadell in his evidence stated he would take wheat from Milang to Melbourne for 1s per bushel, the cost of getting it to Milang was 3d, yet in the face of that the Government asked for this enormous expenditure to gold as it were refined gold, it was a specimen of "to whom that hath shall be given." It would detain the House too long a time to go through the evidence, but he would remark that many important portions of it had been totally ignored by the Committee, no notice whatever had been taken of the evidence of Captain Cadell, Mr Young, and many others. He saw clearly there was some object in carrying this measure, independently of affording the means of export. There were various reports, but he could not say what the motive was. He could not understand how the Government could propose to expend such an enormous sum of money upon a district which had already received such an enormous expenditure upon roads, and should vote against the second reading of the Bill.

Mr ROGERS supported the Bill. The hon member for Victoria had, he thought, travelled a good deal out of his way to institute comparisons between the north and the south, but he had forgotten to state that Mount Barker was the first settled district in South Australia, and the hon member had also forgotten to state the traffic on the Glen Osmond-road, in fact, the comparison had been unjust and unfair throughout. The hon member had not mentioned the amount which had been expended in railways in the north, and it should also be remembered that the land in the north had been sold very recently, whilst that in the south-eastern district had been sold for 20 years. On reference to the evidence it would be seen that the traffic on this tramway was estimated at 10,000 tons annually, and to get that amount of produce to Adelaide at present cost 14,800*l.*, but the cost by the tramway was estimated at 5,500*l.*, so that there would be a profit to the settlers of 9,300*l.* There was abundance of labor at present, and as money was also cheap, now was the time to go ahead. It was true there were some harbors in the south, but what agriculturists wanted was to have the means of getting their produce to these harbors. This had been

termed by the hon member for the Sturt a sop for the south, but the hon member was the greatest sop himself, and he could only look upon the opposition which had been offered to the Bill as fictitious.

Mr LINDSAY would not have risen but for the figures of the hon member for Victoria which were calculated to mislead. A comparison had been made as to the land sold in the two districts, but he imagined the comparison should be not only as regarded the land, but population. Last census showed that the numbers north of Adelaide as compared with those to the south, were as 34 to 7, and from the statement of the hon member for Victoria, it appeared that the amount expended in roads to the north was 268,814*l.* against 236,636*l.* in roads to the south, being in the exact proportion of the population, which appeared to have been adopted as a basis by the Central Road Board. If, however, hon members referred to other items they would find the expenditure had been immeasurably greater for the north than on the south. For instance the total expenditure on public works in the north was 567,000*l.* against 163,000*l.* expended in the south, of course including the Northern Railway, so that there appeared to be a sum of nearly 400,000*l.* due to the south, and he was glad to find the Government prepared to do justice to it. He would remind the House there had been an estimate of 42,000*l.* for the completion of this work, and he believed that it might be completed for that amount. It was absurd to say that such heavy rails were necessary, as in the United States there were railways, the rails of which only weighed 13 or 15 lbs to the yard. He was surprised at the argument of the hon member for the Burra, that because the Murray mouth might be capable of improvement, a line of railway leading to the Goolwa was therefore unnecessary, for he apprehended that directly the converse was the case, as it was impossible for large vessels to go any higher up than the Goolwa. He should support the Bill, not because he was pleased with the manner in which the Government proposed to go to work, but because he believed nothing better could be expected.

The ATTORNEY-GENERAL would not have risen if the question had been confined as to whether it was considered expedient to make a line between two particular points, so far as the interests of the districts were concerned, because, having been referred to a Committee who had carefully investigated the question, and taken the evidence of all persons capable of forming an opinion, he should be satisfied to adopt the report of that Committee as a sufficient basis for legislation. But the question had been approached from a very different point, and the House had been called on to refuse their sanction to the measure, because it would occasion some injustice to the northern portion of the country. The hon member for Victoria, who spoke at considerable length and with considerable force upon the subject, spoke as if the Government were disposed to ignore the claims of the north, and had said that if the Government were to visit the north perhaps their previous opinion relative to the importance of that portion of the country would be altered, and they would be convinced it was a most important portion. He did not know to what portion of the present Government the hon member's remarks could apply, as the Commissioner of Crown Lands was connected with an important interest in the north, and he believed there was not a member of the present Government who had not personally inspected some considerable extent of country to the north. It did not require a personal visit to be satisfied that the mineral, wheat, and wool producing country to the north of Adelaide was a most important element. He had always said that South Australia, as a colony, lay to the north of Adelaide, and there they must expect population and wealth to concentrate, but because he admitted that, he did not admit as a conclusion that they were not bound to do the best which they could for a comparatively small portion of the colony, the original nucleus of the colony, where all the earliest colonists located themselves, and which must naturally from that circumstance have had the largest amount expended on it. For the last 22 or 23 years that part had been settled, but it was not till after the Burra began that population flowed to the north, consequently it was to be expected that a much larger amount should have been expended upon the south than upon the north. He could afford to pass over the misstatements of the hon member for the Sturt as to this being a sop to the south. He was quite satisfied it should be felt it was not for the purpose of doing justice but for currying favor, because it was natural the hon member should attribute to others those motives which he felt would have the most influence with himself, in fact, the hon member estimated the character of others from a due estimation of his own character. In reference to the observations of the hon member for Victoria in reference to the extension of the railway to the Burra he thought it very probable that whatever Government might exist at the end of the year, or whatever Legislature, they must be prepared to consider that question, but he believed that those interested in the extension of railways in the north did not lay a proper foundation for its accomplishment when they opposed a slight extension of the railway system to the south. Acquiring in an extension to the South would be the best means of procuring a recognition of the fair claims of the north when the question came to be considered.

Mr HAY was convinced he would be doing good service to the residents of Strathalbyn by voting against this Bill. If it were found that a practical line could be carried out from the Valley of the Sturt, no one would be more thankful that this Bill had been opposed than the residents of Strathalbyn and the Bugle Ranges. It was necessary to enquire how many would be benefitted by the proposed tramway, and in that respect the question certainly had not been fairly put before the House, for it was stated that the produce of Alexandria would pass by the tramway but it was clear that a large proportion would never pass near it, and it was clearly shown also that it would be of no benefit to a large proportion of the residents of Macclesfield. He could point out dozens of localities where there was nothing but the natural road for 20 or 30 miles. He would strongly impress upon the Government the necessity of employing competent parties to survey the Murray mouth with a view to its improvement, and he should feel bound to oppose the second reading of the Bill though he should be the first to vote for it if he believed it would benefit any material extent of country, but he could not after reading the evidence.

Mr DUFFIELD was satisfied that if the Bill were carried it would be found in seven years that the money had been thrown away. After looking at the evidence he was satisfied that an amount of traffic could not be expected sufficient to keep the tramway in repair, and at the expiration of seven years it would be a monument to the folly of that House. As to the question of a tramway, he had long since stated that he believed there was no course between a macadamised road and a locomotive. There was a good macadamised road between Adelaide and Strathalbyn, in fact, the whole distance a party might ride or drive 10 or 12 miles an hour without danger. He should vote against the Bill, believing that there were many districts in which the money could be more advantageously expended.

The second reading was carried, on a division, by a majority of 9, the votes—Ayes, 15, Noes, 6, being as follows—

AFFS, 15—The Attorney-General, the Commissioner of Crown Lands, the Treasurer, Messrs Andrews, Cole, Collinson, Glyde, Harvey, Lindsay, Macdermott, Owen, Rogers, Strangways, Young, the Commissioner of Public Works (teller).

NOES, 6—Messrs Duffield, Hay, Hawker, McElister, Shannon, Peake (teller).

The Bill was considered *pro forma* in Committee, when the Chairman reported progress, and obtained leave to sit again on the following Thursday.

VALLEY OF THE STURT

The COMMISSIONER OF PUBLIC WORKS brought up a report and map in connection with the survey of the Valley of the Sturt.

The report was ordered to be printed and the map lithographed.

THE ESTIMATES

were made an Order of the Day for the following day

CUSTOMS ACT AMENDMENT BILL

The report of the Committee of the whole House was agreed to, and the third reading made an order of the day for the following day.

BARRIER RANGES

The COMMISSIONER OF CROWN LANDS laid on the table the report of the commander of the Barrier Ranges Expedition.

Ordered to be printed.

BOUNDARIES OF RUNS BILL

OFFENCES AGAINST PROPERTY BY MALICIOUS INJURY CONSOLIDATION BILL

Messages were received from the Legislative Council intimating that they had agreed to these Bills with amendments, the consideration of which was made an order of the day for the following Thursday.

MESSAGES FROM HIS EXCELLENCY

were received, intimating that 400*l* had been placed on the Estimates, as compensation to Mr D Sutherland, 4200*l* for the purchase of heavy artillery, 2000*l* for northern exploration, 2000*l* for the erection of a building adjoining the Botanic Gardens, 2000*l* for a telegraph between Penola and Mount Gambier, and 3500*l* for a second wire to Mount Gambier.

The House adjourned at 5 o'clock till 1 o'clock the following day.

WEDNESDAY, JULY 27

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

KAPUNDA EXTENSION RAILWAY

Mr MILDRED obtained an extension of time till the following Tuesday, for the Committee to bring up their report in connection with this matter.

SUPERINTENDENT OF TELEGRAPHS

Mr BARROW asked the Commissioner of Public Works whether Mr Todd, having left the colony for the purpose, as it

was understood, of attending to the submerging of the Tasmanian cable, sufficient provision had been made for the transmission of telegraphic messages consequent upon the arrival of the next mail. He asked the question, knowing that Mr Todd transmitted some very heavy messages upon the arrival of the last mail.

The COMMISSIONER OF PUBLIC WORKS believed it would be exceedingly difficult to replace Mr Todd's services, but the arrangements which had been made were, he believed, as perfect as could be for the transmission of messages upon the arrival of the next mail.

INCORPORATED COMPANIES SUITS BILL

Mr BAKEWELL, in moving the second reading of this Bill, said, that he had, on a previous occasion, when asking for leave to introduce the Bill, so fully entered into its provisions, that it was unnecessary to detain the House by entering at any length into the provisions of the Bill. Its purpose was exceedingly simple, being merely to enable capitalists connected with Joint Stock Companies to carry on operations in this colony with greater facility than hitherto. At present, there were great difficulties in the way of companies, whose head quarters were in Sydney, Melbourne, or perhaps New York, or elsewhere. The present Bill proposed to remove those difficulties, and he believed that one effect of the Bill would be the introduction of foreign capital. Those who thought it undesirable that foreign capital should be introduced, or that the present rate of interest obtained by money lenders should be reduced, would of course vote against the Bill, but those who thought with him that it was sound policy to afford facilities for the introduction of foreign capital would vote for the second reading.

The Bill was read a second time and passed through Committee, the consideration of the report being made an Order of the Day for the following Wednesday.

BRIBE TO THE COMMISSIONER OF CROWN LANDS

The COMMISSIONER OF CROWN LANDS understood that during his absence allusion had been made to a matter personal to himself. He understood that after the proceedings of the House had commenced on the previous day, the hon member for Encounter Bay (Mr Strangways) gravely asked the hon the Attorney-General if he had any communication to make in reference to the Commissioner of Crown Lands or his department. He imagined the hon member for Encounter Bay alluded to a very foolish letter which had been addressed to him as Commissioner of Crown Lands by a Mr Mackay, offering him a certain share in a mine upon certain terms. The only knowledge which the hon member for Encounter Bay could possess of the matter must have been derived from a conversation which that hon member had with him (the Commissioner of Crown Lands) in the refreshment room, and he was disposed to blame the hon member for having introduced the matter to the notice of the House (Hear). He thought the hon member might have left him to act as he thought proper in the matter, without bringing it under the notice of the House. He had brought down the letter on the previous day with the intention of showing it to two or three members as a curiosity, but with no intention of taking action upon it. As the matter, however, had been brought under the notice of the House, he begged to lay the letter on the table, and moved that it be read by the Clerk of the House, as it was not worth while to move that it be printed. The reading of the letter occasioned some merriment. It was, as stated, from a Mr Mackay, who appeared to have some connection with the Wheel Sarah Mine, as he offered the Commissioner of Crown Lands 500 shares in that flourishing company for 20*l*, although the shares were readily selling at a premium of 2*l*, but the writer observed he had no doubt the Commissioner of Crown Lands would clearly define the reason for offering him 500 shares at such a reduced rate.

The SPEAKER remarked that if it were considered the letter conveyed the offer of a bribe to the Commissioner of Crown Lands, the writer might under an Act passed last session be very severely punished.

THE NORTH ROAD

Mr HARVEY moved—

"That the petition of the District Council and inhabitants of Yatala, in reference to the North Road, be printed."

The hon member remarked that he hoped the House would permit the petition to be printed, as the question was a very important one to the petitioners. The Central Road Board had struck out the road referred to from the schedule of main roads, and his object was to place copies of the petition in the hands of hon members, in order that they might be afforded an opportunity of judging of the merits of the case. Mr COLE seconded the motion, which was carried.

LEASES TO MESSRS CHAMBERS AND FINKE

Mr GLYDE moved—

"That an Address be presented to His Excellency the Governor-in-Chief requesting him to cause to be laid on the table of this House a copy of the despatch (if any) forwarded by the last English mail to the Home Government, with reference to the mineral leases granted to Messrs Chambers and Finke, together with copies of the leases, and of any

official letters or instructions sent to the Agent-General or any other parties on the subject."

The hon. member remarked that it was unnecessary to take up the time of the House further than to remark that he was sure the documents which he moved for would be read with great interest. He would take that opportunity of asking the Commissioner of Crown Lands whether, since he had been in office, any circumstances had come under his notice which made it appear that a mistake had been committed, and that some of the land included in the lease of Messrs. Chambers and Finke had been previously leased to some other parties. He understood that a party had stated that he had a lease of the identical land or some portion which had been granted to Messrs. Chambers and Finke.

The ATTORNEY-GENERAL should offer no opposition to the motion, and the Government would instantly comply with it by laying on the table the official letter and instructions sent to the Agent General, with whom this Government as a Government had communication, but with regard to the despatch sent by the Governor to the Secretary of State, he was not aware there would be any objection to placing it before the House, though he must, at the same time, remark that it did not affect the Government, but was a matter personal to the Governor, and it would be for the Governor to say whether it would be proper that communication should be laid before the House. He guarded himself in that way because that was not a matter between this Government and the Government of England.

The COMMISSIONER OF CROWN LANDS said that with regard to the statement that a section leased to Messrs. Chambers and Finke had been leased to another party, he could only say that there was no such second lease in existence. Certain parties had made application for a lease of certain lands included in the lease to Messrs. Chambers and Finke, but one thing settled the point, and that was that the application was subsequent to the application made by Messrs. Chambers and Finke, so that there were no grounds whatever for the report which had been alluded to. The motion was carried.

GREAT EASTERN-ROAD

Mr BARROW moved—

"That the petition of the Great Eastern-road settlers be printed."

The hon. member remarked that his object in moving the petition be printed was, that the road referred to in the petition was one which the Central Road Board proposed to expunge from the schedule of main roads, and it was therefore only fair to the residents in and about the locality to have the opportunity of placing the case clearly and distinctly before the House. He trusted the House would permit it to be printed. It was not necessary at that moment to enter into the allegations which it contained.

Mr GLYDE seconded the motion, which was carried.

NOARLUNGA

Mr MILDRED moved—

"That the petition of the memorialists of Noarlunga and Willunga be printed."

The hon. member remarked that this petition also referred to a complex question before the Central Road Board.

Carried.

MINERAL LANDS

Mr NEALES moved—

"That there be laid on the table of this House a return of all the rents received for mineral lands since 1850, with date of each payment, name of each person making such payment, and the authority under which such payment was received, also, the area that each person paid for, and whether such areas (if exceeding 80 acres) were in complete blocks. Also, a return of all the mineral leases prepared in the Crown Solicitor's office and the office of the Surveyor-General, distinguishing the time they were applied for and the date of their preparation, and the diagrams of the areas, whether attached or otherwise."

The hon. member remarked that this notice had formerly been upon the paper and lapsed, and he had applied by question to the Commissioner of Crown Lands for the returns asked for, who had promised to supply them without further notice, but as they were not forthcoming he had again placed this formal notice upon the paper. The hon. member remarked that he had not asked any one to second the motion.

The SPEAKER said that the hon. member must have done so, or it would not appear upon the paper.

Mr BARROW seconded the motion.

The COMMISSIONER OF CROWN LANDS was sorry that the hon. member for the city should have implied blame to him, for the fact was that as soon as he promised the returns should be furnished, he ordered them to be made up, but it must be obvious to any one who read the motion, that the data must be furnished from several Government offices. Nearly the whole of the data had been furnished, but the returns were not yet in a complete state, though he hoped they would be by the following or the next day.

Mr NEALES knew that the blame did not rest with the Commissioner of Crown Lands, and had replaced the motion upon the paper for the purpose of affording the hon. gentleman an opportunity of explaining. He believed that the returns from all the departments might have been furnished by each in 10 minutes.

GLYNDE AND STEPNEY

Mr BARROW moved—

"That the petition of the inhabitants of Glynde, Stepney, and its vicinity, be printed."

The hon. member remarked that this petition referred partly to the same road as the other petition which he had presented, and which the House had ordered to be printed, also to the North eastern-road, which was another which it was proposed to expunge from the list of main roads. The persons who had signed this petition were not, however, the same as those who had signed the previous one.

Mr GLYDE seconded the motion, which was carried.

STRATHALBYN

Mr ROGERS moved—

"That this House will on Thursday, 28th July, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of £200 to be placed on the Estimates for the purpose of salary of a Resident Magistrate at Strathalbyn."

The hon. member remarked that he had placed the motion on the paper finding that the duties of the Magistrate at Mount Barker were such that it was impossible that he could attend also to Strathalbyn. No one who was acquainted with that gentleman would, he was sure, deny that he was a most efficient Magistrate. Mount Barker was a very populous district, and Echuunga, Little Hampton, Woodside, Maccesfield, Mount Loirens, and other places, were included within its limits, therefore the time of the Magistrate was fully occupied in attending to them without Strathalbyn. He believed that the gentleman had intimated that he was really unable to attend to Strathalbyn.

Mr ANDREWS seconded the motion, which was carried.

BILLS OF LADING BILL

Mr BAKEWELL moved "That the report of the Committee of the whole House upon this Bill be adopted."

Mr GLYDE pointed out that the first and third clauses appeared rather to interfere with each other. The one he presumed placed the endorsee in the same position as the shipper, but he would ask, supposing after a party had sent a bill of lading to a friend he ascertained that friend was in difficulties, and consequently wished to stop the goods, it appeared to him that he would not be able to stop them *in transitu*.

Mr BAKEWELL said that as regarded *in transitu*, the Bill before the House would not in the slightest degree interfere with the existing law. No doubt the right to stop *in transitu* rested with the shipper, and that right would not be at all affected by this Bill. The consignee did not undertake the liabilities of the original shipper, unless he acquiesced in being placed in that position. Before a consignee could be liable there must be an adoption of his position. He apprehended, however, that it would always be easy for a person to satisfy himself whether he should assume the position of consignee or not.

The ATTORNEY-GENERAL said that after the property had passed by endorsement to any party, the right of stoppage *in transitu* no longer existed but as regarded the original shipper and the consignee, it existed till the goods were actually delivered.

The report was adopted, and the third reading made an Order of the Day for the following Friday.

REGISTRATION OF PATENTS BILL

The ATTORNEY-GENERAL moved—"That this Bill be read a second time." It was a matter within the experience of most hon. members that no small portion of the time of the Legislature, during the past and present session, was occupied in discussing the question of granting exclusive privileges to persons claiming to be the original inventors, or assignees of useful inventions. At the present time there was no power to confer an exclusive privilege upon such persons except through the Legislature, but as the Legislature recognised, and he presumed always would, the moral right of an inventor having his invention secured to him, and as that right might as well be secured through the action of the Government as of the Legislature, it had been thought advisable to introduce a Bill for the purpose, and the provisions though simple would, he believed, be found efficient. Its operation would be similar in effect and principle to registration in England. A person seeking an exclusive privilege would have to state that he was the inventor, and the matter would then be referred to persons qualified to report upon it. According to their report letters of registration would be granted or not, and would have the same effect and confer the same privileges as letters patent in England. It was not necessary to trouble the House with any further observations, as the principle of the Bill having been recognised, he did not anticipate there would be any opposition to it.

The COMMISSIONER OF PUBLIC WORKS seconded the motion, which was carried, and the House went into Committee upon the Bill.

Mr REYNOLDS asked if there was any regulation in force by which a party who had obtained a patent in England would be compelled to apply within a certain time in order to obtain a patent in this colony?

The ATTORNEY GENERAL said there was no limitation in the Bill before the House within which the party

must apply, but if an invention had been practised and known in England, the application for a patent here would be liable to be defeated. He thought it however desirable to avail himself of the suggestion of the hon member for the Sturt, and would insert a provision to the effect that the application for registration must be within six months of the invention having been patented in England.

Mr REYNOLDS said that was the suggestion he was about to make, that no registration should be granted to a party who had patented an article in any other country, unless he applied within six months of such patent having been granted.

Mr BARROW suggested that in some cases six months would be a very limited period, as three months would be occupied in sending to this colony. An invention might be patented in England, but some time might be required to ascertain whether it was applicable to this colony. The House might not be in session at the time the party was desirous of applying for registration, and he thought it would be wise to extend the period to 12 months.

Mr NEALES thought it better there should be no limit. If the patentee did not think proper to protect his invention by applying for registration where there were masses of population, let some one else do so. It would be better, he thought, to leave the matter completely open. He would suppose a case in which the foreman of an inventor left England for the purpose of patenting an article in this colony, and afterwards the inventor came out, would the House be prepared then to shut up the foreman? The policy of the colony should be to protect all improvements which were likely to prove valuable, no matter who brought them forward.

Mr BARROW said the hon member had misunderstood the object of the amendment, which was that the original patentee could not claim registration against other parties, unless he did so within a limited period.

Mr NEALES would grant registration to the original inventor at any time if no one had forestalled him. Why refuse a useful matter protection however stale if it was new to this colony.

Mr REYNOLDS formally moved the insertion of the following proviso:—"Provided always that no such letters of registration shall be granted for any patent obtained in another country, unless applied for within a period of six months."

The ATTORNEY-GENERAL intimated he would not take the Bill out of Committee, in order that the amendment might be considered.

Mr BARROW would like to know whether it was intended to protect persons during the interval between presenting a petition and obtaining letters of registration. There were some kinds of inventions which might be perfected in secrecy, but there were others which could only be judged of by experiments out of doors. They had recently had an illustration for a person who was desirous of obtaining a patent, and who had conformed with the law, had, during the progress of legislation, his invention taken away from him, as he legally failed to show that his invention was not in use in the colony, though it certainly was not at the time he presented a petition for a patent to that House. He thought that parties should be protected from the date at which their petitions were presented. He would also draw attention to the sum of 20*l*. mentioned in the clause under discussion. He wished to know whether the expenses would always be 20*l*. or whether it was probable there would be a balance which the patentee would be entitled to receive.

Mr LINDSAY considered 20*l*. too high, though in Victoria it was formerly 120*l*., but it was now only 2*l*. 10*s*. He thought 20*s*. might be substituted for 20*l*.

Mr HAY said that in Victoria, at the present time, it took from 15*l*. to 18*l*. to obtain a patent. In the first instance, the party wishing a patent deposited 2*l*. 10*s*., which gave him security for six months, during which the invention was tested, but the whole expense attendant upon getting a patent amounted to from 15*l*. to 18*l*.

Mr LINDSAY said that the 15*l*. or 18*l*. were paid by instalments extending over seven years.

The ATTORNEY-GENERAL said, in reference to the points which had been raised, that letters of registration had the same effect as patents, conferring on the individuals who obtained them an exclusive privilege in connection with certain articles. The patentee could not be defeated unless it could be shown that the invention was known and practised previously to the application for a registration. If the House thought that 12*l*. or 15*l*. would be sufficient he had no objection to substitute that amount for 20*l*., but if the amount were diminished it would be only right that provision should be made for any additional cost which might be incurred being defrayed by the party applying, as it was possible the expenses might exceed the amount which was deposited.

Mr BARROW said that his object was identical with that of the Attorney General—to protect the *bona fide* inventor, but he was afraid this would not always be the case in reference to inventions of agricultural implements, in which the colony was practically interested. There were other inventions which could only be tested in the open air, and the period which intervened between the petition being presented and granted was usually sufficient to enable a clever

blacksmith or carpenter to fabricate an implement similar to that for which a patent was asked, and the actual inventor was in consequence deprived of his rights. Such had proved to be the case in that colony. (Hear, hear.) Before steps could be taken to secure a patent by the original inventor, or perhaps before the Legislature sat to entertain the application, another person might make an instrument of the kind, and the *bona fide* inventor would, in consequence, be defeated. He observed in the Bill that provision was made for competent persons to report upon inventions for which patents were asked, but it did not say within what time they were to report, and as they might occupy one, two, or three months, other parties could avail themselves of the principle. If inventors were to be protected, it was right they should be protected from piracy between the period at which they petitioned and receiving letters of registration. (Hear.)

The ATTORNEY-GENERAL said he had stated that the effect of registration would be precisely what the hon member for East Torrens had stated it should be. Unless it could be shown that the invention was known and practised before the petition was presented, the party would be protected. He presumed that the hon member for East Torrens had referred to Mansfield's Patent Bill, but if an inventor chose to allow a sufficient time to elapse between publishing his invention in a neighboring colony, and applying for a patent here, he did not know there was any law which would protect him. If an inventor allowed sufficient time to elapse between publishing his discovery and applying for a patent to allow another party to avail himself of the invention, he did not know that the party should be protected from the consequences of his own *laches*. Under the existing system difficulties might arise in consequence of the Parliament not being in session, but those difficulties would be removed by the Bill before the House.

Mr BARROW understood the Attorney General now to state that parties would be unable to avail themselves of inventions unless they shewed that such inventions had been known and practised prior to the presentation of petitions for patents. Such being the case, the case which he had suggested was fully met, and he was fully satisfied.

The House resumed, and the further consideration of the Bill was made an Order of the Day for the following day.

GRAVITY IO MR TOLMER

Mr HAWKER moved—

"That an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of £100 to be placed on the Estimates, for the purpose of a gratuity to Alexander Tolmer, for his services in carrying on the gold escort between this colony and Victoria, as recommended by a Select Committee, on 15th September, 1857."

The hon member remarked that he had previously stated the case fully to the House, and it was then understood that if the proposition were to be rejected it should be rejected at once. He would, under such circumstances, detain the House, but merely move the address.

Mr DUTTON, though at all times reluctant to take up the time of the House, must express his concurrence with this motion. The establishment of the overland escort, and the admirable manner in which it was worked for a number of months, bringing over large quantities of gold, conferred great benefit on this colony, which was mainly due to the very energetic manner in which Mr Tolmer performed the service. He therefore had great pleasure in supporting the motion.

Mr FOWNSEND fully concurred with the remarks of the hon member for the city (Mr Dutton). There was not a merchant or tradesman in Adelaide who would not bear testimony to the fact that trade revived every time that the gold escort came in. On referring, however, to the report of a Committee appointed upon this subject in 1857, he found that the case of Mr Alford was also recommended to the favorable notice of the House, and he was in hopes that the hon member for Victoria would have moved that the report of the Committee as a whole be adopted. He was not aware why the hon member had merely selected a part.

The ATTORNEY-GENERAL said it would be in the recollection of the House that a motion had been made for the presentation of an address to His Excellency praying that a sum of 250*l*. might be placed on the Estimates for a testimonial to Inspector Alford, but after being fully discussed by the House, it was negatived, and he thought the fact of it having been negatived was sufficient reason for not bringing it forward again. He did not say it was conclusive, but it was sufficient reason, unless there were strong grounds for adopting a different course. Whilst he should offer no opposition to the motion before the House, he should, though very reluctantly, have been compelled to offer very strong opposition to a motion in favor of Mr Alford, for although no one had a higher opinion of the services rendered by Mr Alford than he had—and he so expressed himself when he spoke strongly against Mr Alford's claim—the reason that he opposed that motion, and that it was rejected by the House, was that after Mr Alford had left the police force he was offered employment at a higher rate of remuneration, but declined the offer on the ground that he had entered into a lucrative business, which

he was not disposed to abandon. He thought that such an offer having been made, Mr Alford could not ask for compensation for having been compelled to leave the service.

Mr DUNN supported the motion, remarking that Mr Alford had shut himself out by refusing the offer which was made him.

Mr MILDRED supported the motion. He had been Chairman of the Committee which had been referred to, and very much regretted that the claims of deserving officers had not been recognised. He should cordially support a proposition to devote an equal amount to both officers as a manifestation of gratitude in the manner in which they had carried out an achievement which had been productive of great benefit to the colony. The ability and energy of Mr Alford were equally appreciated with those of Mr Folmer.

The motion was carried.

CLASSIFICATION OF OFFICERS

The ATTORNEY-GENERAL laid on the table a return showing the number of classified officers in the Government service, the date of their appointment, &c. The return was not quite completed in consequence of the Inspector of Sheep having been absent from town, but a return in connection with that department would shortly be laid upon the table.

INTIMIDATION OF MEMBERS

Mr REYNOLDS wished to draw the attention of the House to a matter which had occurred to him, and which amounted almost to intimidation. On the previous day it was well known that an important debate would take place upon the Strathalbyn and Goolwa Tramway Bill, and he believed there was an impression abroad that the passing of that Bill would give a vast amount of employment to the working classes. As he was entering the House on the previous day he observed a considerable number of the laboring class around the door of the Assembly, and one individual, who appeared to be the spokesman of the party, addressed him, saying that he hoped Mr Reynolds would consider the state of the working men as the Attorney-General and the Government had promised to push forward public works. That was the second occasion upon which he had been addressed in such style, and if such a course were to be tolerated, hon members, unless possessed of strong determination, might be intimidated. So far as he was individually concerned the course which had been pursued towards him had had no effect. He was a warm friend of the working class, but he felt that class were not likely to forward their views by pursuing the course which he condemned. He should ever act as an independent member, and had ever done so. He had thought it his duty to draw the attention of the House to the matter, and to let working men know that they should not accost members of either House upon entering the Legislature with the view of influencing their votes. In order to afford the House an opportunity of discussing the point, he would formally move that the House at its rising adjourn till the following day at 1 o'clock.

The SPEAKER remarked that he thought the hon member for the Sturt had acted quite rightly in bringing the subject under the notice of the House. He trusted that such an occurrence would not again take place, or if it did, he should certainly feel it his duty to have the gallery cleared. It was the privilege of any person to address that House by petition, which was the only proper way of approaching it.

Mr TOWNSEND had heard the hon member for Mount Barker (Mr Dunn) upon one occasion spoken to in an improper manner in consequence of his views upon the question of immigration. Nothing had a greater tendency to alienate the best friends of the working classes than such conduct. At present the public were provided with seats in the gallery, but if there were indications of approval or dissent from that quarter, it would be advisable to adopt the course which was pursued in the House of Commons, where admission could only be obtained upon the order of a member. He would point out, however, that by a Bill which was passed last session the remedy was placed in the hands of hon members, and he trusted they would not hesitate to exercise it. He believed that those who were guilty of such improper conduct were but a very small minority, and that the working men did not sympathize with them any more than the hon member for the Sturt.

Mr DUNN said that he was scarcely able to pass into the House sometimes in consequence of the obstruction offered by working men who were assembled around and intentionally jostled him to and fro. What he had done to the working classes he did not know, unless it was that he had on one occasion alluded in rather a jocular strain to some of them whom he had met with. In the public streets all sorts of offensive remarks were made to him and though he lived 21 miles in the country a number of men beset his house in his absence and made use of all sorts of threats. He was an independent member, and during 18 years had always paid a fair day's wages for a fair day's work. He had not been intimidated, or rather insulted, as he had described, rather had a tendency to induce those who were favorable to the working classes to turn the other way. He could be led or reasoned with, but he was not to be bullied. No man yet ever succeeded in intimidating him.

The ATTORNEY-GENERAL sincerely sympathised with the hon member for the Sturt in having been selected as a person to be intimidated, but he would ask that hon member and the House whether a little more importance had not been given to the matter than was quite necessary. He never troubled the House with details of what he heard in passing in or out of that House. The fact was there could be no doubt a number of men were in distressed circumstances, and they exercised an Englishman's privilege of grumbling. No doubt it was very unpleasant, particularly if the grumbling assumed a character to induce the party at whom it was directed to think it was believed he could be intimidated. He did not, however, gather from the hon member for the Sturt that such was the object of the parties who addressed him but rather that the hon member had been made the confidante of the grievances of the working classes from a conviction that they would meet with a ready response. He might also remark that, from the smallness of the community, greater importance was attached to such occurrences than they really demanded. He remembered in England when members of either House going to Parliament to perform their duty did so at much more serious risk than any which appeared to have been incurred by the hon member for the Sturt, as they did so at risk of injury to the person, and perhaps some danger to life, but still he did not remember that the circumstance was formally brought under the notice of either House. Hon members merely shrugged their shoulders and performed their duties without regard to the treatment to which they had been subjected in the vicinity of Parliament. He thought that they must make considerable allowances for the position in which many of the laboring classes found themselves. He might differ as to the extent to which want of employment existed, or whether that want arose from circumstances which could or could not be controlled, or was to be attributed in some measure to the course pursued by the individuals who complained, but there could be no doubt that distress existed to a considerable extent at the present time, and under such circumstances a licence must be allowed. It could not be expected that a hungry person with hungry children at home should be able thoroughly to control his feelings. He was quite sure that the hon member for the Sturt would not be induced to act for or against the working classes merely by being threatened by some of them, and he thought the hon member would see that this was a matter which ought to have been allowed to pass over in silence. He believed that hon members were far more likely to be intimidated by newspaper criticism than by threats of the working classes. He could understand hon members being deterred from pursuing a particular course by dread of newspaper criticism, but he was not aware that any hon member had ever asked to be protected against such criticism, and he hoped hon members would go on performing their duties fearlessly and conscientiously whether favourably criticised by newspaper editors or otherwise.

Mr REYNOLDS was not afraid of the newspapers, in fact, he thought he had shown that his skin was thicker than the Attorney-General's—it was like a rhinoceros's (Laughter). When, however, a number of working men met an hon member they might be friendly or unfriendly, and there might be physical force in the way. Though he gave the working classes credit for great intelligence and love of order, he was sorry to see that those who were leading them on were of a character that might do great injury to the reputation of the working classes as a whole. He thought it would be better that he should bring the matter before the House than that he should take advantage of the Bill which had been introduced last session by the Attorney-General. He might have taken action under that Bill, but he felt quite sure that having drawn attention to the matter it would not occur again. No doubt the working classes looked on him as their friend and supporter, and he was aware that they looked upon the Attorney-General in an opposite light. He only hoped that the Government would push forward public works, in order that the hon gentleman might not be assailed as he (Mr Reynolds) had been.

Mr STRANGWAYS asked whether such conduct as that which had been referred to by the hon member for Sturt, would come under the 5th clause of the Act of last session.

The SPEAKER said he had no doubt it would, but the hon member being a lawyer, could, probably, form a better opinion than he (the Speaker) could.

DR WARK

On the motion of Mr MILDRED, a month's leave of absence was granted to this gentleman, in consequence of a severe domestic affliction.

DISTILLATION ACT AMENDMENT BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that he saw no necessity to take up the time of the House, having previously stated the principles and objects contemplated by the measure when he obtained leave to introduce the Bill. The present law in reference to distillation was found to be obstructive in two or three particulars, which were not absolutely necessary for the security of the revenue. They were obstructive because distillation was not, and could not at present be expected to be carried on upon a large scale. It was proposed to repeal both the existing Acts, and to

introduce one Act, containing no other provisions than such as had been found absolutely necessary for securing the revenue. The House having passed a resolution not to remove the duty on spirits distilled in the colony during the present session, it would be incompatible with that resolution to frame any law rendering insecure the collection of the revenue from spirits.

Mr HAY believed that this Bill was a step in the wrong direction. If it were brought into operation, he was quite sure that a large number of stills, used by vinegrowers throughout the colony, would be abandoned. The Bill provided that every person distilling must have a store-room in which to deposit the spirits. This storehouse must be of brick or stone, and he was quite satisfied that provision alone would cause a great number to abandon distillation. It would be unjust towards a branch of industry which would, in all probability, be a most important one in the colony. Under the previous Act, parties having vineyards of two acres were allowed to distil for the fortification of their wines, but the Bill before the House would, he was satisfied, prevent any distillation whatever. By this Bill whenever a party wanted a gallon of spirit for forty his wine he must go to a custom-house officer, and the store-room was to be kept locked, the custom-house officer keeping one key and the proprietor the other. Such restrictions upon this branch of industry would never answer, and to carry out the Bill there would require to be an addition of at least 2,000*l.* or 3,000*l.* per annum to the Customs department for officers. South Australia was equal in climate and soil to any country in the world for the growth of the vine and the manufacture of wines and spirits. Why then should this branch of industry be restricted? It would be much better to leave the law as it stood at present, and when the new Parliament met they would be able to deal with the question upon a much broader principle. He should, therefore, move that the Bill be read again that day six months, convinced that they would be retrograding by passing such a Bill. Last year the value of spirits imported was 84,000*l.*, and he would defy materials to be found in South Australia to manufacture spirits of such inferior quality as those imported. Why then should not encouragement be given to the colonists to supply their own wants by manufacturing a much better article than that which they imported.

Mr TOWNSEND seconded the amendment, and was in hopes the subject would receive at the hands of the House that consideration which its importance demanded. He believed that the Bill before the House would have the effect of inflicting new and burdensome taxes upon the people, and that it would revive in this colony one of the worst forms of the excise system in the old country. It would be seen that the store-room, in which the spirits were to be placed, was to be provided with two keys, one of which was to be kept by the Custom-House officer, so that it was clear it was intended that officer should have the right of entry whenever he pleased. No doubt a very excellent spirit could be manufactured in the colony, in fact it had been shown before a Committee, by whom the subject had been investigated, that we could make the finest spirit in the world, then why not encourage its manufacture, particularly as it was known that a large portion of the wine and spirits imported here was trash. He was connected with an insolvent estate recently, and in examining matters connected with it, he ascertained that the insolvent, in order to manufacture port wine, used proportions of green tea and Sydney soap (Laughter). That was the fine old crushed port which had been supplied to the public of South Australia. Mr P. G. Harris in his evidence stated that the spirit which we received here was made principally from beetroot and the refuse of farms. The whole colony would be benefitted if the 84,000*l.* sent out of the colony for spirits were kept in it, and a far better spirit could be manufactured here. He believed that this Bill would, by establishing a system of excise, inflict great burdens upon the people of the colony, and that it would materially diminish the revenue. If the Bill were brought into operation he could see clearly that it would not prevent the revenue from being defrauded, and under such circumstances he trusted the Bill would be withdrawn, because he was sure, knowing the opinions of some members of the Government in reference to distillation, that it must have been productive of great pain in the Cabinet.

Mr COLE supported the amendment, not that he was in favor of distillation, but he believed by postponing the Bill the question would be placed more fairly before the public. He believed when it was fairly shown what free distillation was, and what it would cost, many would cry out as vehemently against it as they now did for it. He believed that the present Bill was so trammelled with restrictions upon those who required to distil, that it would be found a mockery. He observed that spirits distilled in the colony were subject to 25 per cent less duty than those imported, but he would point out that the manufacture of spirits in the colony must diminish the quantity imported, and that the revenue suffered by the reduction in duty. How was this deficiency to be made up? Why, by placing an extra tax upon tea and sugar. What the working classes wanted was not cheap spirits, but a cheap loaf and a cheap leg of mutton, which he believed a measure of this kind would render dearer instead of cheaper. He should feel bound to oppose any measure such as that before the House,

feeling that it was fraught with misery and disease. If the question were fairly put to the masses, he was satisfied they would say, let there be no distillation, for it would after all be the working classes who would have to pay the army of excisemen and others whom it was proposed to appoint, for the purpose of carrying out the Bill before the House.

Mr ANDREWS supported the Bill. It having been settled that free distillation could not be obtained during the present session, some little credit was, he thought, due to the Government for not placing any more restrictions upon distillation than were essential for the protection of the revenue.

Mr PEAKE would not enter upon the fiscal part of the question, which had been already discussed, and the House had agreed to refer the removal of all restrictions upon distillation to the country. He had made a slight attempt at distillation himself, and felt where some of the clauses were likely to operate oppressively. He thought it unnecessary that a plan of the premises should be forwarded at the time the licence was applied for, and he felt assured that if the erection of storehouses were insisted on, it would to a great extent stop operations. He had gone to considerable expense in sinking a cellar, and if he were now called upon to erect a storehouse, he should certainly, in preference to doing so, abandon distillation. He saw, however, the necessity for some such provision in reference to distillation from foreign produce. He had submitted a plan to the Treasurer, which was extremely simple, and he believed might be carried out without any risk to the revenue. He proposed to give the Collector of Customs power to issue permits to those engaged in distillation, and to take their promissory notes as security for the duty (Laughter). He did not believe in locks and keys, and believed that the more restrictions which were introduced, the more would parties exercise their wits to endeavor to remove those restrictions. He believed that if means could be devised by which stock could be taken of spirit as it was made, and credit taken for that which was put in consumption, a great boon would be conferred upon those engaged in distillation, but clause 5 would be a dead lock upon them. He hoped the Government would deal as liberally as possible in the matter. It was not the vinegrowers who were likely to attempt to defraud the revenue, but where the revenue was most likely to be defrauded would be in distillation on the hills from foreign produce.

Mr MCELLISIER hoped the Government would withdraw the Bill, as he was quite sure it was a measure which would never prove satisfactory to the country. During the ensuing six months, opportunity would be afforded of canvassing the country fully upon the distillation question, and enabling the country, after mature consideration, to express an opinion upon a question so deeply involving the interests of the colony, so that there would be nothing lost by adopting the suggestion of withdrawing this Bill, for if it were passed, the strong probability was that there would be fresh legislation upon the subject when the new Parliament were elected. It was quite evident that the Bill did not satisfy those who would be affected by its provisions. The fact was the Bill did not go far enough, and if the Attorney-General did not withdraw it, he should be compelled to vote for the amendment of the hon member for Gumeracha. The House was very near a dissolution, and he could not see any injury which would result from a withdrawal of the Bill.

The TREASURER would only say a few words, the question having already been so fully and frequently discussed. From some remarks which had been made by hon members, it appeared to him that the Bill was not properly understood. The last speaker had said that the Government could lose nothing if the Bill were withdrawn, but it was for the express purpose of protecting the revenue that the Bill had been introduced. If the Government were satisfied that they would lose no revenue, they would be quite satisfied to allow matters to remain as at present. It had been determined after full discussion, that no measure to remove all restrictions should be introduced during the present session, and consequently it became the duty of the Government to make the existing law as clear and intelligible as possible. One Act passed in 1851 was highly restrictive, and another passed in 1857, known as Dr. Wark's Act, proposed to give certain facilities, but it did not repeal the Act of 1851, consequently many of the provisions of that Act remained to the present day. Great misapprehension existed as to the state of the law at present, for instance some supposed that they could fortify wines to any extent they pleased by the use of spirits taken out of bond, or which they manufactured themselves, but the Act of 1851 limited the quantity of spirit to be used in fortifying wines to 10 per cent. It would be found in the evidence of one of the distillers before the Committee of that House, upon the subject of distillation, that he did not place that construction upon it, and that he had been in the habit of putting 25, 30, or 40 per cent of spirits, and in fact selling spirits in the shape of wine without paying duty. A considerable amount of revenue might be lost by this means, but the Bill before the House removed all doubts as to the actual state of the law, so that parties could not err from ignorance. It had been ascertained by the Inspector that the quantity of spirits distilled under the new law had been 750 gallons, but 400 gallons of the quantity were missing, that quantity having been stated to have been used on the premises

or in the fortification of wine. The quantity actually found on the premises was only 350 gallons. One essential feature in the Bill was the restrictive clause, which required locks to be placed on the cellars in which the spirits were stored, but that was in fact a restriction in the existing law, and the object was to bring it intelligibly into operation. Unless that clause were inserted it would be impossible to estimate the loss to the revenue from the operations of unprincipled persons. He was afraid that the modification suggested by the hon member for the Burra (Mr Peake) would not answer, as it would not be right to place the Collector of Customs in a position to give permits to one party and not to another. No doubt there were many persons of principle enough to pay the duty, but Customs regulations were for the purpose of preventing unprincipled persons from taking improper advantages. Hon members had not referred to the liberal clauses of the Bill, which gave gardeners power to distil from their produce. The Bill clearly defined the powers, in fact, of all parties, and he believed would be found a great improvement upon the present law.

Mr BAKERWELL trusted the House would reject the Bill, and assent to the amendment. He had conversed with many persons upon the subject, and the universal opinion was that if this measure were carried, no distillation would be carried on. He trusted that the Bill would be rejected, and that a short measure would be introduced removing the disabilities under Dr Wark's Act. He would allow the vinegrowers to distil duty free, seeing the many risks which they had to run, and how desirable it was to protect that branch of industry. He did not believe the colony would at all suffer from such permission. It was contemptible, indeed, to consider the duty upon 750 gallons, however much the question might deserve consideration, when the quantity distilled was increased.

Mr MILDRD supported the second reading, but would much rather that the whole of the Bill was struck off after the first clause. (Laughter.) It was well known that he was an advocate of free distillation, and as the restrictions could not at present be erased from the Statute book, it was only fair that some difficulties which existed at the present time should be removed. On the understanding that the pruning knife should be applied in Committee, he should support the second reading of the Bill.

Mr STRANGWAYS supported the amendment. The two Acts had not been passed at very remote periods, and he could not see the use in passing a third, for the purpose of consolidating the previous two as during the next Parliament the whole question would have to be reopened, and, if so, he could not see any necessity for consolidating the two statutes in one, as there could be no great difficulty in understanding the two separately. He congratulated the hon member for the Burra upon his plan of protecting the revenue by means of promissory notes. Never before, he was satisfied, had such a scheme entered the brain of man. Whilst a large portion of the revenue was derived from spirits, it was no doubt necessary that there should be restrictions to prevent illicit distillation and smuggling, and he could see no benefits likely to arise from passing the Bill before the House, particularly as the whole question would be reopened by the new Parliament.

Mr BARROW said it appeared a matter of some doubt whether this Bill had been brought forward in the interest of the friends of free distillation or of the opposite party. (Laughter.) Upon looking over the measure, he found an infinitesimal quantity of good, but an intolerable amount of restriction. From what he had heard out of doors, he believed the general opinion was, that the bill was worthless, that it did not warrant any strong opposition, but that it was worthless. (Hear, hear.) It was regarded as scarcely worthy of consideration, and people did not care whether it was passed or thrown out. It was unadvisable, however, upon so important a question, that the House should be called upon to legislate afresh every year, as it tended to impress the public with the idea that Parliament had not made up its mind upon the question. There had been step by step legislation upon the question, sometimes they advanced a step and sometimes took a step backwards, but the measure before the House left the question about where it was before. (Hear.) The restrictions counterbalanced the advantages, and as the general election was so near, and as the measure could not give satisfaction to the advocates of free distillation, he thought it would be better to leave the question to be decided on wider and more comprehensive grounds at the general election. (Hear.) He was the more induced to advocate this course when he found the avowed opponents of distillation stating they should support the measure. When those who were hostile to distillation stated they should support the measure he thought there was some fear that so far from emancipating it would rather tend to rivet the restrictions and make them more strong and binding. (Hear.) He could not see any amount of good in the measure to counterbalance the restrictions which it imposed, and he should therefore support the amendment of the hon member for Gumeracha. He did not overlook the concessions which were made in the Bill, but the restrictions were so great that he could not look at it as an instalment of free distillation in any way whatever.

Mr KLYNOLDS hoped the Government would withdraw the Bill. It was quite clear from what had fallen from those

in favor of free distillation that they would gain very little by the Bill, which was, in fact, little more than a consolidation of the Distillation Bills, and he would ask whether it was worth while to pass such a Bill when the general election was so near, and the first question which would be taken up by the new Parliament would be free distillation. He hoped after the feeling of the House had been expressed that the Bill would be withdrawn, rather than that there would be fresh legislation this session, when so little was to be obtained by it. If pressed to a division, he should be obliged to oppose the Bill.

Mr GLYDE said, if pressed to a division, he should vote for the second reading of the Bill. He could not see why those in favor of free distillation should not support the Bill, as it appeared to him to confer advantages which were not previously possessed.

The ATTORNEY-GENERAL did not feel justified in adopting the suggestion that the Bill should be withdrawn. He was satisfied that the House should deal with it as it stood, either accepting it on account of the advantages which it proposed to confer upon those not vinegrowers or rejecting it on account of the additional restrictions which it imposed on vinegrowers. Whilst the Bill proposed to give facilities to the distiller, it at the same time, for the interest of the public, prevented the distiller from abusing the privileges conferred upon him to the extent to which it was believed they had been abused. He was very much struck with the arguments of the hon member, Mr Bakewell, because they appeared to him to amount to a severe satire upon those who had spoken in favor of free distillation. Notwithstanding all the outcry which had been made, only 15 persons had availed themselves of the privilege of distilling, and amongst them they had distilled 750 gallons of spirits. After the excitement which had been attempted to be created, and the forcible appeals which had been made upon the subject, the whole question, when viewed by the light of experience, became much smaller than any one would suppose it possible it could become from the great interest which had been excited in it. He would remind the hon member for Gumeracha that there was a revenue of 60,000*l.* at stake, and that if that were evaded recourse must be had to taxes more burdensome. If hon members, on voting for the second reading, thought they would be enabled to do away with any restriction he could only inform them they were mistaken, as if the restrictions were rendered less stringent than they were at present the Government would withdraw the Bill.

The second reading was carried by a majority of one, the votes (Ayes 14, Noes 13), being as follow—

AYES, 14—The Attorney General, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Andrews, Collinson, Glyde, Hallett, Harvey, Hawker, Macdermott, Mildred, Peake, Solomon, the Treasurer (teller.)

NOES, 13—Messrs Bakewell, Barrow, Cole, Dunn, Dutton, McElister, Owen, Reynolds, Rogers, Shannon, Strangways, Townsend, Hay (teller.)

The House then went into Committee upon the Bill.

The ATTORNEY-GENERAL explained that there would be no obstruction in calling upon parties to obtain a licence, as upon application being made to the Treasurer it would be granted as a matter of course, unless the Treasurer were prepared to justify a refusal in that House.

Mr FOWNSEND pointed out that no licensed victualler could hold a licence under the Act. He thought this very hard. He knew a party who had a vineyard, and was also the proprietor of a licensed house at some distance from his vineyard, but if he obtained a licence under the Bill before the House, he would forfeit his licence as a licensed victualler.

Mr STRANGWAYS said the amendment must be in the Licensed Victuallers' Act. He thought it undesirable that a licensed victualler should hold a licence to distil, as the strong probability was that the spirits which he distilled would find their way into the bar of the public house, without paying duty.

The ATTORNEY-GENERAL could easily imagine there might be persons possessed of sufficient principle that they might be allowed to combine the pursuits of distiller and publican, but taking the average of publicans and distillers, he thought it better to allow the law to stand as it was.

Mr BARROW expressed a hope that the restrictions contained in the 4th clause were not such as the Government would feel bound to retain.

The ATTORNEY-GENERAL explained that the plan of the building referred to as having to be sent in was merely a ground plan, and he could not conceive how a description of the premises could be so simply conveyed.

The first four clauses were passed as printed, the succeeding two were postponed.

In the seventh clause, subjecting spirits manufactured in the colony to a duty of 25 per cent less than on those imported, Mr HAY moved an alteration to the effect that the duty be one third less than on imported spirits, thus reducing the amount to 6*s.* per gallon.

Mr BARROW said if his memory served him rightly, the proposal was exactly in accordance with the celebrated dilut financial scheme in the Government, which was laid before a Committee. The Government suggested that if there were free distillation, the duty on imported spirits should be 3*s.* per gallon. If he were incorrect in his recollection of the

Government scheme, the Government would doubtless set him right, but he thought the Government scheme was, that if there were free distillation the duty on imported spirits should be 3s per gallon and if so, that scheme was identical with that of the hon member for Gumeracha.

Mr STRANGWAYS moved that the duty on spirits manufactured in the colony be the same as on spirits imported. He saw no reason why there should be any protection in connection with this any more than any other kind of industry.

The clause was passed as printed, and the House resumed. The CHAIRMAN reported progress, and obtained leave to sit again on the following day.

INSOLVENT LAW

On the motion of Mr STRANGWAYS, the Committee upon the Insolvent Law were allowed another fortnight to bring up their report.

CUSTOMS ACT AMENDMENT BILL

The third reading of this Bill was made an Order of the Day for the following day.

THE ESTIMATES

Were postponed till the following day, to take precedence.

MESSAGES FROM HIS EXCELLENCY

Messages from His Excellency were received transmitting copy of despatch from the Secretary of State relative to colonial defences, correspondence relative to postal communication via Panama, and additional police estimates.

The House adjourned at a quarter to 5 o'clock till 1 o'clock on the following day.

THURSDAY, JULY 28

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

CORPORATION OF PORT ADELAIDE

Mr COLLINSON presented a petition from the Mayor and Corporation of Port Adelaide, praying that an alteration might be made in the line of streets in that locality.

The petition not being under the seal of the Corporation was pronounced informal and was withdrawn.

THE VOLUNTEER RIFLE COMPANIES

Mr STRANGWAYS brought forward the notice in his name—

"That he will ask the Hon the Treasurer (Mr Finnis) whether Lieutenant Gibson (the rifle instructor) has been consulted by the Government respecting the regulations for the issuing of the Enfield rifles to volunteer corps, and, if so, whether he approved or disapproved of such regulations, and his reasons (if any) for such approval or disapproval."

The hon member remarked that he had been induced to put the question in consequence of having understood that Lieut Gibson had not been consulted in reference to the regulations referred to, and that he had expressed an opinion that the regulations were inexpedient.

The TREASURER said his answer would be very short, because not having consulted Lieut Gibson that was a sufficient answer to the whole question.

CUSTOMS ROUTINE

Mr SOLOMON presented a report from the Committee appointed to consider a petition from the merchants of Port Adelaide, relative to a simplification of Customs routine. The Committee suggested regulations which they considered would afford greater facilities to the mercantile community, whilst they would not involve any additions to the Customs department in the shape of officers, or any risk to the revenue. The report and papers connected with it were ordered to be printed.

THE VOLUNTEER CORPS

Mr REYNOLDS asked the Attorney-General or the Treasurer what had become of the swords which were lent to the gentlemen who formerly composed the Volunteer Corps? He asked the question, as he understood that the swords had not been returned, and a number of gentlemen disposed to organise themselves into a company, would be very happy to avail themselves of the swords.

The TREASURER said that he should have stated the swords had been returned, but for the statement of the hon member that he believed they had not been which made him hesitate. His belief was that the swords had been returned.

THE ESTIMATES

The TREASURER before bringing the items which were undisposed of under the notice of the House, would state the position in which the Government were with regard to the Estimates and the various addresses and messages which proposed further additions to the Estimates of expenditure. The House were aware that all the Estimates had been gone through except two heads of service, the one the police, and the other roads, streets, and bridges. The item of police had been postponed till the decision had been known in reference to the Police Bill, and the item in connection with roads, streets, and bridges had also been postponed till the late of the Strathalbyn Railway Bill had been ascer-

tained. He had to inform the House that if all the additions and deductions which had been made were allowed for, and all the amounts included in addresses to His Excellency were added to the Estimates, and if the amounts included in messages from the Governor were added, the sum to be appropriated would be considerably in excess of the Ways and Means as estimated. The amount of expenditure estimated was £65,637 9s, and up to the 19th July, the additions which had been made amounted to £6,250l, and if various addresses and messages were adopted, the increased amount would be £24,801 16s. The total additions would, therefore, added to the original estimate, amount to £96,709 15s. That amount included every message which had been sent from His Excellency up to that day. The deductions which had been made in going through the original estimates amounted to £8,811 15s, leaving the sum to be provided for £87,897 10s. To meet this expenditure, the estimated ways and means in the abstract amounted to the sum of £48,900l, from which, however, must be deducted the sum of £2,441 18s 6d, being the difference between the estimated balance when the Estimates were laid upon the table, £5,000l, and what ultimately proved to be the amount, £3,558 1s 6d, the difference being £2,441 18s 6d. The reduced available Ways and Means consequently amounted to £46,458 1s 6d, against a proposed expenditure of £87,897 10s. Unless the amounts were adjusted in some way, the deficiency would be £21,439 8s 6d. To meet this deficiency to a considerable extent, the Government proposed to leave out the item of £20,000l, proposed for the Strathalbyn and Goolwa tramway, though not with any idea to shelve that Bill. The Government proposed this course for this reason, that the Railway Bill authorised the Government to appropriate one-third of the cost of the work from the public revenue, therefore it was unnecessary to take a vote for the amount upon the Estimates, because the Bill gave the necessary authority. The Strathalbyn Railway and extension northward would be provided for by the excess of actual over estimated receipts, as it was always found there was a surplus. The Government liked to err on the right side. If there were a surplus it would be appropriated as he had stated, because there was a clause in the Bill authorising the construction of the railway, which enabled the Government to appropriate such amounts. If there were no surplus, then the Government would proceed with the works out of the two-thirds borrowed money. It was not likely that amount would be expended before the House again met, and provision could be made in future estimates for the amount which would be required. He had endeavoured to give as clear an explanation as possible, in order that the House might understand the position of the Government. By deducting the sum of £20,000l from the deficiency, the House would perceive there would still be a deficiency of £1,439 18s 6d, but the Government would take care not to expend that amount, unless the revenue would afford it. There would be no difficulty in meeting the apparent deficiency. He had little doubt that before the end of the year this amount of £1,439 18s 6d would have been provided for the deficiency, as the House would perceive, arose from the unforeseen expenditure which had been proposed during the progress of the Estimates. A considerable sum had been provided for the defences of the colony, which when the Estimates were laid upon the table, did not appear a matter of such pressing importance as at the present time. There was also a considerable sum for public works in connection with telegraphic extension, which reports from the Inspector of telegraphs shewed were highly necessary. These were the reasons that the amount contained in the original abstract had been so greatly exceeded. He now moved that the item of police, £5,160 16s be agreed to.

Mr TOWNSEND had listened with great regret to the statement of the Treasurer, which must have been sufficiently clear to every hon member, but it clearly proved that there would be an excess in the expenditure as originally proposed of £21,000l, and to meet this it was proposed to leave out the £20,000l for the Strathalbyn and Goolwa tramway. The hon gentleman had also remarked that the Government would proceed with the work with the two-thirds borrowed money, but that would be a departure from the policy which had been hitherto pursued. The Government had borrowed money upon the faith that one-third of the required sum would be expended or had been expended from the revenue of the colony, and if that system were departed from he believed it would have a most prejudicial effect upon the bonds in England. It would indeed be a breach of faith to expend the two-thirds borrowed money without expending one-third from the revenue of the colony. He believed that it would not be found necessary to devote £20,000l to the Strathalbyn and Goolwa tramway, and that when the Bill was under consideration in the other House, the Treasurer would be relieved of all anxiety in reference to it.

Mr McLELLISTER should oppose the police item, or that portion which related to the salary of the Commissioner, who, he observed, was also provided with three clerks, which he considered unnecessary. The salary of the Commissioner was 600l per annum, which was far too high. The salary of the first Commissioner was only 350l, and when the hon Treasurer held that appointment he was obliged also to perform the duties of Police Magistrate, yet his salary was only

450*l* per annum. Mr Dashwood afterwards performed both duties and only received 450*l*, and Mr Tolmo also only received the same salary. But now the duties of the Commissioner were not so onerous, for there was a Police Magistrate, and one of whom the country might well be proud, for a more impartial man never sat upon the Bench. Still though the labors of the Commissioner had been lightened, the Government now proposed to give him 600*l* per annum, though he was prepared to show he was incompetent and inefficient. The office was a sinecure compared with what it was, for the Commissioner could go into the country whenever he pleased, and why should he have more than any previous Commissioner? The Commissioner had three clerks whose united salaries amounted to 750*l* per annum and he thought one of those might be struck off, but he did not care which. He should move that the salary of the Commissioner be reduced to 400*l*. He also moved that one of the clerks be struck off.

Mr TOWNSEND said that perhaps that was the correct time to ask about the mysterious 100*l* said to have been paid to Major Warburton for his exploration in the north. He should like to hear distinctly from the Government whether that amount had actually been paid, and if so, whether, after the distinct and positive vote of that House, it was intended to surcharge Major Warburton with the amount. He thought 600*l* a year too much for the Commissioner, but he could not support the proposition of 400*l*. He thought 500*l* would be sufficient, particularly when he remembered that the Sheriff, who had most important duties to perform, and incurred considerable risk, received only 500*l*. He should like a direct answer to the question which he had put in reference to the gratuity of 100*l*.

Mr SOLOMON supported the amount as it appeared on the Estimates. He was surprised to hear the hon member for Onkaparinga institute comparisons between the Commissioner of Police and the Sheriff, for although it might be true that the nominal salary might be only what had been stated, he thought it would be found that there were such things as fees for the extra risks which that officer incurred. (No, no.) At all events, whether there were such fees or not the cases were not at all analogous. The Commissioner of Police had to travel about the country in the discharge of his duty, and occasionally they heard of him in the character of an explorer. (Laughter.) He thought the mysterious 100*l* which had been alluded to had been settled, and he agreed with the hon member for Onkaparinga that if it had been paid it should be surcharged, for whilst the Commissioner received 600*l* a year he did not consider that he was entitled to any extra allowances.

Mr DUTTON should support the vote for 600*l*, and would say a few words in reference to the 100*l* which had been alluded to. The hon member for the city (Mr Solomon) had laid it down as a reason that the Commissioner of Police should not receive this 100*l*, that he was bound in consideration of his salary, to perform all the duties which the Government thought fit to impose upon him, but he differed with the hon member, as the salary of the Commissioner of Police was given for the performance of police duties. If the Government required the Commissioner to proceed on a service of emergency, involving, possibly, risk of life and great hardships, it would have been impolitic and unjust to expect the Commissioner to perform extra duties with extra risks without giving him extra remuneration. When Major Warburton was appointed to proceed on this service of emergency, it was intimated to him that he would receive extra remuneration for his services. It would be remembered that a Select Committee was appointed in connection with the northern exploration and he (Mr Dutton) was examined as a witness before that Committee, and when asked if it was intended to remunerate Major Warburton, he had stated that it was the intention of the Government, and he was not aware that any dissent or dissatisfaction was expressed at that announcement. He was surprised that any attempt should be made to ignore such a very moderate amount of remuneration as that which had been given to Major Warburton, considering the services which had been performed. The House, however, was omnipotent, and it was useless for him to raise his small voice against such a course, but he repeated that he considered the remuneration to Major Warburton well merited and exceedingly moderate. He considered Major Warburton's discovery of a crossing-place, at what was formerly considered Lake Torrens, was worth the whole of the money which the colony had expended upon the northern exploration. The value of the discovery of country beyond would have been greatly diminished if there had been no other route than that on the western side of Lake Torrens.

Mr FLAKE supported the 600*l*, and was sorry that his hon colleague should have brought forward any proposition to reduce that amount. He believed that any hon member conversant with business would be exceedingly sorry that an office entrusted with the expenditure of 35,000*l* a year, should be held by a person who was not considered worth 600*l* per annum. If the present Commissioner of Police did not possess the confidence of hon members, why not remove him by a vote of censure, but he should oppose any attempt to cut down the salary and degrade the office by such a process. With respect to the 100*l* which had been so diligently enquired after by the hon member for

Onkaparinga, he was very sorry that the House had not been called upon by the force of circumstances to award a much larger sum. If the Commissioner of Police had prosecuted his researches, instead of turning back, he believed that the House would gladly have given him 1,000*l* instead of 100*l*. However, the 100*l* had gone, and the idea of deducting it now from the salary of the Commissioner appeared to him altogether futile. He could not adopt the suggestion that the Executive, after giving 100*l*, should turn round and say, now you must give it back again. If the Ministry had done wrong let them be punished for it, but don't ask the Commissioner of Police to give back what had been given to him. A long harangue had taken place last year about the police and the necessity of reducing the estimate for that body, but after all the discussion which had taken place upon it, and all the hopes which had been entertained of effecting a reduction, he found that the estimate before the House was only 930*l* less than it was last year. There certainly must be something wrong that after all the talk the estimate had only been reduced by 930*l*. He called the attention of the House to the subject, because a good deal had been said about the police, and he hoped when the new Parliament assembled, the House, on a retrospective glance at the end of the session, would not come to the same result that the present Parliament had. It appeared from the statement of the Treasurer that after the 20,000*l* for the Strathalbyn tramway had been struck off there would still be a deficiency of upwards of 1,000*l*. He observed an item of 20,000*l* for a building at the Botanical Gardens, but that was a work which he thought might be postponed. The 10,000*l* for national defence could not, he thought, be struck out, but the 200*l* which he had referred to, he thought might be, in order that the expenditure might be brought within the means. He should like to see the colony able to boast of the finest Botanical Gardens in the Australian colonies, but he was not disposed to exceed the means at the disposal of the colony for the purpose of doing so.

Mr BARROW thought he could throw out a suggestion by which the Treasurer would be enabled to make good the deficiency of the sum of 20,000*l* which had been voted for immigration, but that amount might, he thought, be reduced to 10,000*l*. (Hear, hear.) Perhaps the hon member for the Burra would approve of that suggestion. (Laughter.) He thought it was too late to attempt to effect reductions in the Estimates, as they had been carried so near to completion, that unless the whole question were re-opened, it would be scarcely fair to take a particular department, a particular officer, for the purpose of effecting a reduction, such a course would scarcely be satisfactory to the country. He had previously stated that he thought savings might be effected in the departments generally, and he was still under that impression, but he could scarcely support the proposition of the hon member for the Burra, Mr McEllister, to reduce the salary of the Commissioner of Police. With regard to the inefficiency of the Commissioner, that was an argument not for the reduction of his salary, but it was an argument for dismissing him from his post if the allegation should be proved. (Hear.) The hon member for the Burra also recommended that one clerk connected with the department should be dismissed and the hon member did not care which. (Laughter.) He reminded him of a country magistrate who assured the Bar that he should neither be partial nor impartial, and so, with the hon member— he was neither partial nor impartial, but the House might take which they liked, or both. (Laughter.) If 100*l* had been promised to Major Warburton, it must be paid. If the Treasurer did wrong to promise it, he would sooner make the Treasurer pay the amount than that the Commissioner of Police should be deprived of his promised reward. He did not know if the Commissioner was the only member of the force who had received any extra reward in connection with this expedition, for he believed he was accompanied by some troopers, who, he believed, sometimes went exploring also, and it was possible that they might be rewarded ratably, according to the usual income given to them. He did not see that the Commissioner should be rewarded for the risks and perils which he encountered, unless the private troopers who accompanied him were rewarded also, the principle held good with regard to the troopers as with regard to the Commissioner. (Hear.) He did not know whether the Government would think it necessary to take an additional vote for 4,701*l*, or whether it would not be sufficient to take a vote for 3,297*l*, as in message No 14 sent down by His Excellency. On the whole, however, he thought the matter might be left in the hands of the Government, for the Estimates were too far advanced to enable the House to effect retrenchment in particular departments. (Hear.) He regretted with the hon member for Onkaparinga to hear the Treasurer state that the Government would proceed with the construction of the Strathalbyn Railway with borrowed money, it would be better to adhere to the course of first providing one third the amount than that the reverse should obtain. But perhaps after all, the Treasurer merely wished to show Ways and Means on paper, and had no expectation of the Strathalbyn and Goolwa Railway Bill being carried in the other branch of the Legislature. Should it, however, be carried, he should be sorry to obstruct the work, for the present time was not one at which such works should be obstructed. As to the merits of the Strathalbyn and Goolwa

tramway, he said nothing, the House had decided that it should be, and means must be provided to carry out that line which the House had given their verdict in favor of. It was necessary to economise expenditure, he saw no other item which would better bear reduction than immigration, but he must oppose any reduction in the salary of the Commissioner of Police, and hoped no attempt would be made to surcharge the £100 if it had been promised before Major Warburton went to the north.

Mr ANDREWS supported the 600*l*. He regretted that he was not in the House when the hon member for the Burra, Mr McElister, brought forward his motion, but from what had fallen from the previous speaker, he gathered some of the statements which had been made by the hon member for the Burra. He could scarcely be surprised at the remarks or at the course pursued by the hon member for the Burra when he remembered the number of small motions which had emanated from the hon member in reference to the police. From the character of those motions, he could easily imagine that the hon member had little sympathy with the commandant, but rather with the other portion of the force. The hon member's sympathy not being with the commandant, it was possible his antipathy might be very great, and thus it was that the hon member had determined at last to have a shaft at the Commissioner by making an attempt to cut down his pay. The hon member for Onkaparinga had had a little poking about, about the 100*l*, but the hon member was probably as well versed in pounds, shillings, and pence as any member in that House and if he would put down 15*s* a day, to which the Commissioner of Police would have been entitled during his absence, for travelling expenses, he would find that the amount would reach 50*l*, so that in point of fact the only amount derived by the Commissioner for special service was 50*l*. He was sure that if the hon member would consider the damage which would be done to trousers, boots, and the kit which a gentleman would probably take with him on such an expedition, he could not consider the amount excessive. If anything would drive gentlemen of character from the service, it would be such petty attacks as that which had been made by the hon member for the Burra. If officers were to be put up to auction, no doubt there would be many bids, and probably occupants would be found at a lower sum than that proposed, but he would ask whether 600*l*, a year could be considered too much for a gentleman who was entrusted with the expenditure of 35,000*l* per annum.

The ATTORNEY-GENERAL said, in reply to the remark of the hon member for Onkaparinga, that he believed it would not be honorable on the part of the Government to take back from Major Warburton the 100*l* which they had paid to him, therefore, whatever were the consequences to the Government that was a course which they could not adopt. His reason for pointing out the course which the Government would take was to be found in answer 28 before the Committee on the petition of Mr Babbage, where it was stated by the hon member (Mr Dutton) that the Government intimated to Major Warburton when he started upon the expedition, that he would be specially remunerated. However wrong it might be to promise this remuneration, having promised it, and having given it, the Government could not in honor take it back again. The Government must be satisfied to bear the consequences of that act, and the result might be that they would have to pay the amount out of their own pockets. It would be for the House however to say whether they would place a responsible government of the country in a position that when they incurred expenditure for the public service they would run the risk of paying it out of their own pockets if the Legislature differed with such expenditure. If the House considered that the Government should be exposed to such risks, the Government would be prepared to submit. The hon member for the Burra had spoken of the incompetency and inefficiency of the Commissioner of Police, but he would merely call the attention of the House to the fact, that there was no more crime than there was in 1862, when the population was only 83,000, though it had since increased to 110,000. Could there be any better proof of the efficiency of the police, and of the head of that force than the fact that in 1853 there were 65 offences and in 1859 only 67, though the population during that period had increased one-third.

Mr GLYDE would support the 600*l*. He thought the Government were wrong in promising the 100*l*, but as he presumed it had been paid, the proper course would be to surcharge the Government with it, and he hoped yet to drive the Government into a corner, so that they would be compelled to pay it out of their own pockets. The Attorney-General had put the question seriously to the House, and had asked them if they would place the Government in a position of being compelled to pay the amount, and he said—"Yes," for if the Government chose to exceed their province, it was the duty of the House to check them. He stated distinctly that Major Warburton was not entitled to the 100*l* although he did not blame him for accepting it, but he blamed the Government for giving it. He hoped the country members would look well to the amounts which they were asked to grant, for though the Police Bill had been thrown out, he contended that the force mentioned in the Estimates originally was sufficient, according to the admission of the Government, for the protection of Adelaide and the Port, and he should

move that the proposed additions be struck out together with the 750*l* for compensation on reductions. When the Government introduced the Police Bill they accorded sufficient protection for Adelaide and the Port from the public revenue. Circumstances had not changed since then, when the Government said that if the inhabitants of Adelaide and the Port wanted more protection they must pay for it. The circumstance of the Police Bill having been thrown out in the other branch of the Legislature had not at all affected matters, and he could not see why an additional force should now be asked for. The House were now asked to assent to an establishment on the same footing as formerly, although the Government had admitted that such an establishment was unnecessary. He hoped the country members would particularly look to this. He, as a suburban member, should oppose the proposed addition.

Mr REYNOLDS thought that hon members had travelled a good deal from the question. The question as he understood, before the House was, whether they should pass the item of 35,000*l* for police, but upon this the hon member for the Burra had moved that the salary of the Commissioner should be reduced, but he (Mr Reynolds) was not prepared to assent to that reduction, thinking 600*l* a year little enough, believing Major Warburton to be a very efficient officer. But there was another question, and that was whether, if the Commissioner could be spared to go on exploring expeditions, he or his sub might not be dispensed with. He was very sorry that Mr Babbage was caught, or Major Warburton might perhaps have got to the north-west coast, and what would have become of the police force all the time. It appeared to him that if the Commissioner could be spared for so long a time they might certainly manage to spare the Chief Inspector. Had the hon member for the Burra proposed that the second in command be dispensed with, he might have supported the hon member. He thought, however, that the hon member for Yatala was rather hard upon the hon member for the Burra, particularly as he had heard it stated that the hon member owed his seat to the influence of the hon member for the Burra, who had acted as sponsor to him. Under such circumstances, it was hard—it was cruel—to speak of the hon member for the Burra as he had. He could not see the necessity of alluding further to the 100*l*, as he understood that had been previously settled by the action of that House, and he thought the question ought not to be again raised. Perhaps the Government ought not to have promised it, but when they did, probably they did not expect that Major Warburton would have broken up the expedition. If the Government promised 100*l*, no doubt they ought to pay it, but as the House had refused to sanction it, the money should come out of their own pockets, and no doubt the late Commissioner of Crown Lands would be happy to contribute something handsome to the amount. The House had already disposed of the 100*l*, and he should leave that question. The question was did they really require to vote 35,000*l* for police, and he thought not. He thought, with the hon member for Last Torrens, that the provision made, when the Police Rate Bill was under discussion, was sufficient, and he should therefore move that the House assent to 30,350*l* 8*s*, but reject the proposed addition of 4,700*l*. Whether the Police Bill were passed or not, he thought that provision would be sufficient, and he would remind the House that though the other branch of the Legislature had rejected the bill, the remedy, in point of fact, rested with themselves by refusing to vote a larger sum than that which he had suggested.

The COMMISSIONER OF CROWN LANDS would say a few words in reference to what had fallen from the last and previous speaker. Country members had complained during the last two sessions that the general revenue paid for the entire police protection for the City and the Port, and the Government had shown their acquiescence in the views entertained by hon members upon the point by introducing a Bill to amend this. That House had passed the Bill, and it had been assented to in the other branch of the Legislature everything would have gone on comfortably, but it was rejected. It had been said that the House had got the remedy in their own hands, as, if the House would only vote the smaller sum, they would compel the residents of the City and the Port to tax themselves, but this was a mistake, for although the Bill in question gave power to levy a rate for police protection, neither the City nor the Port had now power to levy a rate for that purpose, and the Government were compelled to place the matter on its original footing, and it would be impossible to make any alteration during the present session.

Mr LINDSAY thought it would be exceedingly paltry to call upon Major Warburton to refund the 100*l*. He would not have risen but for the purpose of doing justice to another individual, to whom a certain amount of credit was due, for a discovery which had been alluded to by the hon member for the city (Mr Dutton) that hon member had given Major Warburton credit for discovering a roadway across the supposed bed of Lake Torrens, but that discovery was decidedly Mr Babbage's (No, no.) He repeated that Mr Babbage crossed before Major Warburton (No, no.) He admitted that Major Warburton made the valuable discovery of permanent springs, and was entitled to considerable credit in consequence, but the credit of the roadway across Lake Torrens was due to Mr Babbage (No, no.)

Mr GLYDE remarked, in reference to the powers of the citizens to establish a police force, should it be found that the force provided was insufficient, that they surely had the power to employ 20 men, and dress them as they pleased. He understood the Commissioner of Crown Lands to say, that the House were asked to assent to the same police force as before, because the City and Port had no power to tax themselves. It weakened the position of the Government when it was remembered that the Attorney-General refused to insert in the Bill a compulsory clause, as that was, in fact, admitting that the Government did not care whether additional police were provided or not.

The ATTORNEY-GENERAL said the hon. member was not satisfied with merely stating his own views, but drew inferences from the conduct of the Government which were unwarrantable and unfair. What he (the Attorney-General) had stated when the Bill was before the House was, that the Government declined to make the clause compulsory, feeling that they would not be justified in doing so; but if the citizens of Adelaide refused to appoint a sufficient number of constabulary to preserve peace and order, he should then be prepared to make the clause compulsory. The force which the Government had proposed to maintain in Adelaide from the general revenue was for the protection of the whole community, but at the same time he would remark that the presence of a police force in Adelaide gave security to every district, as, for instance, when the disturbances occurred at the Burra. At the same time the Government felt the force of the remarks in reference to other localities being called upon to contribute towards the maintenance of the police kept in Adelaide, and consequently they took a step tenable each locality to provide its own protection. He believed that when the citizens of Adelaide found they were left without police protection, they would take steps to obtain it. It was not from what persons said at the moment that their action could be deterred, and he believed that when the citizens found their position was really changed, that they would accommodate themselves to it. He had no fear, had the Bill been carried, that within a very brief period of the police force having been disbanded, steps would have been taken to carry the Bill into operation. When, however, the Bill was thrown out by the other branch of the Legislature, and the citizens of Adelaide could not provide protection, nor any other districts, the Government were then placed in a position to consider whether the police force which had hitherto shown itself so efficient to repress crime should be disbanded. The Government thought it should not be, and he hoped the House would think so too.

Mr DUFFIELD said the hon. member for East Torrens (Mr Glyde) had drawn the particular attention of country members to this item, and no doubt country members were much obliged to the hon. member; but he thought in this instance it would be found the hon. member was wrong in his reckoning. When the Police Bill was before the House he had stated that he thought the Government had better withdraw it, and re-arrange the distribution of the police force throughout the colony; and if the Government could assure him that there would be such a distribution that every district would have its fair share, he should be disposed to support them; but he should certainly vote against the item if the whole of the police were to be stationed in Adelaide. He would not allow the remarks of the Attorney-General, in reference to the 100l to Major Warburton to go unchallenged. If the Government were to distribute funds without coming to that House, then he said the Estimates were a dead letter. He could not see what hurry there was in the matter, the Government knew that Major Warburton was not likely to leave the colony, and the reward certainly might have been held over till the House had expressed an opinion upon the subject. That course would have been consistent with responsible government. The House had expressed an opinion upon the subject a few days ago, and it was for the Government to carry out this opinion.

The TREASURER had wished to speak before in reply to the remarks of the hon. member for Onkaparinga, but had been unable to catch the Speaker's eye. The hon. member had expressed an opinion that it would operate injuriously to the bonds of the colony if the 20,000l for the Strathalbyn tramway were struck off, as he (the Treasurer) had suggested, but this was quite a fallacious idea, as the course which he had proposed was not a novel one. In 1857 the House passed the Estimates without voting 40,000l for the Kapunda Railway Extension, because, had it appeared upon the Estimates, it would have shewn an excess of 40,000l, but still the railway was proceeded with, and the bondholders had the assurance as they would in this case, that one third would be provided from the revenue of the colony. That assurance was in the Bill, and it was not necessary that it should appear upon the Estimates. The hon. member for the Burra, Mr McEllister, objected to the salary of the Commissioner, and gave as a reason for doing so that the Commissioner could go where he liked, but he was not sure that Major Warburton had any liberty to go where he liked any more than any other head of a department. He had filled the office himself, and the Commissioner of Police like the head of every other department, could only go where he liked upon obtaining permission from the head of the Government. In this instance it was not the proposal of Major Warburton himself that he should go, but he was se-

lected as being the best suited to the emergency. The Government were only entitled to judge of the case by the information of which they were in possession at the time, but the House could now judge of the matter by later information, by Mr Stuart's discoveries, which had made known that there was good country beyond the point which Major Warburton reached. The Government had no means of judging but by Major Warburton's own report, and having confidence in his judgment, ability, and veracity, from his report they believed that he had acted wisely in returning. Whether or not subsequent events confirmed this opinion he would not say. If Major Warburton had been paid as Commissioner of Police, he would have been entitled to travelling allowances amounting to 500l, so that in fact the Government merely gave him about 500l. The Government named 100l, in order to make his salary for the time 1,000l a year, at which rate Mr Bibbage had been engaged. The Government could not ask Major Warburton to refund and, consequently there was no course open to the Government but to pay the money themselves if the House persisted in the determination not to vote the amount, and he should pay his proportion without the slightest hesitation. It would, however, be a dangerous precedent to establish. The amount was small, and if the Government had acted in defiance of that House, they would deserve censure, and might be called upon to refund the money, but it not unfrequently happened that when the House was not sitting the Government were called upon to say whether they would sanction excesses or leave services unperformed, and the Government most frequently authorize expenditure before the wishes of that House could be ascertained. It would clearly be inconvenient to call the House together upon every excess. If the amount were large, such for instance, as 10,000l to the Central Road Board, the Government would not be expected to refund, but upon the House expressing its censure the Government would retire. He hoped the House would strengthen the hands of the Government by taking a favorable view of such cases as that under discussion.

Mr McELLISTER regretted that the talent of the hon. member for Yatala had not been better exercised than in heaping abuse on him. He had understood the hon. member to accuse him of being actuated by spite and malice, but he did not know that spite and malice should be imputed to an hon. member merely because he exposed an abuse. He certainly had never been actuated by spite or malice towards any man, and hoped he never would be. No one had a higher opinion of the intelligence and efficiency of the police force than he had, ever since they were under the command of Major O'Hallorin, and it was purely on principle that he proposed the amendment which he had. The hon. the Treasurer had stated that the only reason which he had urged that the salary of the Commissioner should be reduced was that he could go where he liked, but there was another reason, and that was that when the hon. the Treasurer occupied the office of Commissioner of Police, and also performed the duties of Police Magistrate, the salary was only 450l per annum, and neither Lieut Dashwood nor Mr Tolmer received more. But now there was a Police Magistrate the Commissioner of Police was relieved of a good deal of duty, and he could not see why the salary should be raised to 600l. Neither could he see that three clerks were required in the Commissioner's department, knowing that the Chief Inspector had been refused the assistance of a clerk.

Mr SOLOMON supported the item as it appeared on the Estimates. It had never been supposed or stated that the provision which was made when the Police Rate Bill was under discussion would be sufficient unless it were supplemented by the citizens themselves. It had been said by the hon. member for East Torrens (Mr Glyde), who had called upon the country members to aid him in rejecting this vote, that the citizens could easily get men to walk about in a particular dress, but where he would ask were they to get the money to pay for them? He believed that efficient police protection in the city operated as a protection to the whole of the country, as upon bad characters arriving here, they were watched, assuming there was an efficient police protection in the city, but what would be the result if the views of the hon. member for East Torrens were carried out? Why, bad characters would congregate here, and after the police had been disbanded, it might be difficult again to get together a body who were equal to any in England and unsurpassed in any of the Australian colonies.

Mr FOWNSEND said he had no desire in the remarks which he had made, to disparage Major Warburton or the police, as he believed that in the mounted police were to be found men of very high talent and respectability, but considering the present state of the colony, he thought 500l a year would be sufficient for the Commissioner of Police, and for that reason he had proposed it. The hon. member for Yatala had said that if offices were put up to auction no doubt there would be many bidders; but he was afraid that if the hon. member himself were submitted to public competition the bidding would be very far from spirited, and the commission of the auctioneer very infinitesimal indeed. (Laughter.)

Mr HAY supported the 600l, believing that amount to be quite little enough, the appointment being one of great responsibility. With regard to the 100l having been paid, he

thought it better that the matter should be allowed to drop, as it was quite clear that Major Warburton would have been entitled to half the amount for traveling expenses as Commissioner of Police, still he did not think that such a service had been performed as would warrant the payment, and if the amount were larger the House would probably be justified in withstanding it. He was surprised to hear the remarks of the hon member for the City (Mr Solomon), who had at once swallowed the whole sum though last session the hon member proposed great reductions in police, and he believed proposed that the salary of the Commissioner should be reduced by one-half.

Mr SIRANGWAYS supported the item as amended by message from His Excellency. No doubt from the exquisite confusion in which hon members appeared to be in reference to the police, and the variety of opinions which had been expressed, the Government would as usual succeed in passing every item. He was perfectly ready, too. The hon member for Encounter Bay (Mr Lindsay) was in error in stating that the credit of crossing Lake Torrens was due to Mr Babbage, the fact being that Mr Babbage never went ahead of Major Warburton, Major Warburton went considerably ahead of Mr Babbage, and he did not consider that Major Warburton's services had been anything like remunerated. He was in favor of maintaining an efficient police force, as if we did not, the effect would be that this colony would become the rendezvous of bad characters from the neighboring colonies.

Both the amendments having been negatived, Mr DUFFIELD said that he really thought there might be a reduction in the clerks. The Attorney-General had referred to 1853, but he found that at that period there were only two clerks connected with the department.

The ATTORNEY GENERAL said the Commissioner's clerk wrote 400 letters during the year and received 1,600, another clerk acted as paymaster and kept all the accounts, and a third kept the stores, and made purchases under the directions of the Commissioner.

Mr REYNOLDS said that he had been looking through the Municipal Corporation Act, and found that they had no power to appoint constables. Such being the case, he did not feel justified in voting for a smaller estimate than that proposed.

Mr GLYDE called attention to the fact that, if the smaller sum only were voted, the citizens would have five months to make the necessary arrangements, as the reduction would not take place till the end of the year.

Mr BAGOT supported the Government. He had opposed the Bill thinking it of the highest importance that an efficient police should be maintained.

Mr DUFFIELD asked whether it was intended there should be a fresh distribution of the police?

The ATTORNEY-GENERAL repeated his impression, that the police maintained in the city were a protection to the whole community. Until the citizens were enabled to provide a police he did not think that the number should be reduced. The Government had frequently consulted the Commissioner of Police as to the distribution of the force, and he had stated that there could be no more effectual distribution for the purpose of checking crime than at present. It would be impossible there could be any better distribution unless the numbers were increased. The Government would, however, again bring the matter under the notice of the Commissioner, but he doubted if the Government would feel justified in altering the distribution except by the recommendation of the Commissioner.

Mr SOLOMON, in reference to the remarks of the hon member for Gumerach, referred to the Hansard of Nov., by which it would be seen that he had merely stated the Commissioner of Police could be dispensed with if he could be spared to go on exploring expeditions.

The vote as originally proposed 35,161l 4s, was carried.

Strathalbyn and Goolwa Tramway, 20,000l

Mr REYNOLDS said, in reference to this item, that he had always understood it was desirable one third of the amount required for such undertakings should be first provided out of the general revenue, as the odds for the remainder then fetched a better price in England. He was sorry, however, to find, from the statement of the Treasurer, that the Government were disposed to depart from that sound principle. Hitherto one-third had been expended before any of that which was borrowed, and he was sorry to see the Government now scheming to carry out public works without recognising that principle. He was afraid that the Chief Secretary (Mr Youngusband) had had a good deal to do with this, in order that he might be able to carry out this pet scheme of a railway between Strathalbyn and Goolwa. He did not believe the Treasurer had been instrumental in causing such a course to be adopted, and he could only regret that the Government had adopted a course which would he believed prove so prejudicial. The effect upon the bonds in the English market would be bad, as the purchasers of bonds had purchased them upon the faith that one third of the amount would be forthcoming out of the general revenue. A majority having determined to have the tramway, let it be provided for in the usual way by the amount being placed upon the Estimates. Let the 20,000l for immigration be

knocked off, but to knock off the item for the Strathalbyn Railway would be, to his mind, something like getting money under false pretences. To expend the 20,000l for immigration would be to place others in the same miserable position in which so many were already placed here.

The ATTORNEY GENERAL was sorry to hear the hon member for the Sturt make use of such language, because it implied a severe censure upon the hon member himself as a member of a former Government. The hon member had spoken of the Government as scheming to obtain money under false pretences, but the Government had merely done what the hon member had himself done on a former occasion, without the slightest intention of not carrying out the principle which had been referred to to the fullest extent. The Government said that one-third of the amount required should be contributed from the current revenue, and having taken that authority, and knowing what would be required during the financial year, they now found that there was no necessity to keep it on the Estimates for the present year, which would only make it appear there was a large deficiency. The Government had no intention whatever of breaking faith with the public creditors, or if they had they would not have called the attention of the House to the subject, other means might have been devised of accomplishing their object. The position of the Government was thus—certain public works were believed to be essential, and certain matters required to be provided for. The Government took such an estimate as they thought would be available for the present year but that would not prevent them from applying a further sum if there were a surplus. The Act which had been passed authorised the expenditure, and indeed imposed certain obligations when the works were commenced. He was sorry to hear such expressions from the hon member for the Sturt towards a Government which had some reason to flatter itself that it had the confidence of that House and the country, and which were a reflection upon the Legislature which supported it. The hon member for the Sturt was too ready to impute dishonourable motives to those who were opposed to him, but though he (the Attorney-General) differed with the hon member, and would probably continue to differ, he was not aware that he had ever attributed dishonourable motives to the hon member, though he might have his own opinions as to what were the motives of that hon member. It was the hon member's policy which he attacked, leaving motives to the hon member himself and his conscience. It would be more consistent with the character which the Legislature should maintain, that such language should be refrained from. When the House came to the question of immigration he should be happy to deal with it, but in the meantime he would merely remark that he believed no class in the community were more deeply interested in preserving a continued stream of immigration to this colony than the working classes. There was nothing inconsistent in his sympathy with the working classes and his desire that there should be a continuous stream of immigration to this colony.

Mr REYNOLDS said the Attorney-General had taken very high moral ground, and perhaps the hon gentleman would not have taken such ground had he not been touched up a little. He (Mr Reynolds) had merely been actuated by those motives which actuated him on all occasions, and which he trusted actuated the hon the Attorney-General. What he had stated was that to obtain the two thirds upon credit before the one-third had been expended from the public revenue was something like obtaining money under false pretences, and he must still contend that it was so.

Mr LOWSEND wished to know whether if the Council threw out the Bill the Government would proceed with the work. He asked the Attorney-General the question, because it was folly to suppose that the Chief Secretary was the head of the Government. The House had often been informed that the policy of the Attorney-General was the policy of the Government.

The ATTORNEY-GENERAL had stated that there was no matter in which the Ministry had come before the House, in which the policy had not been agreed to by all, but if the policy of any one member were to be considered the policy of the Ministry, he, as the person who formed that Ministry, might reluctantly claim that policy.

Mr REYNOLDS said that when he was a member of the Government, it was the Chief Secretary, Mr Youngusband, who dictated the policy.

The ATTORNEY-GENERAL said the hon member for the Sturt had stated that which would lead to an absolutely incorrect and untrue impression, as to what was the policy when he was a member of the Ministry. Although the Chief Secretary was nominally the head of the Government, the policy of the Government so far as expressing the policy of one individual, had been the policy of himself.

Mr REYNOLDS said the hon gentleman had attacked his veracity.

The ATTORNEY-GENERAL—No you accuse

Mr REYNOLDS said, that whilst he was a member of the Government, he very seldom saw the Attorney-General, and there was a rule in connection with the Government that, upon any question arising, the Chief Secretary should be consulted, such being the case, he presumed the Chief Secre-

tary was the head of the Government. William Youngshusband had dictated the policy of the Government, and he stated again that William Youngshusband was the head of the Government, and dictated the policy and action of the Government.

The TREASURER said the hon member for the Sturt was mistaken, when he said that the course hitherto pursued had been to expend one-third from the revenue of the colony before the remaining two-thirds were raised. The Act merely provided that one-third should be raised from the revenue, and the two thirds by loan. The object was merely to ensure a certain sum being forthcoming from the general revenue.

Mr HAY wished to add to the motion—"or as an addition to the amount voted for the construction of main roads." He reminded the House that the amount placed at the disposal of the Central Road Board was very small.

The COMMISSIONER OF PUBLIC WORKS said that the Government had never shown any indisposition to increase the amount granted to the Central Road Board, and that if a saving could be effected in any item the Central Road Board, as representing the whole community, would not be overlooked.

The item was struck out.

The following items were agreed to without discussion—
Building at Botanic Gardens, 2,000/

Telegraph between Penola and Mount Gambier, 2,000/

Second wire on Intercolonial Telegraph as far as Mount Gambier, 3,500/

Organization of Armed Force, 6,000/

Compensation to D Sutherland, 100/

Central Road Board, 4,200/

Reward for crossing to north-western shore of Australian continent, 2,000/

Mr PRYKE asked whether if Mr Stuart were successful, the Government would be disposed to grant him an annuity instead of giving him a lump sum. He should also like to know if the Government would be disposed to reimburse any portion of the expenditure for the outfit.

The ATTORNEY-GENERAL said if Mr Stuart were successful, and he or his friends thought an annuity would be preferable to a lump sum the Government would be prepared to submit a proposal to the House, but it would depend upon the Legislature whether it would be adopted. He had no doubt that any Legislature would recognise a yearly claim equivalent to what would be derived from an investment of 2,000/. With respect to the other question, the action would depend altogether upon the view taken by the Legislature, but he did not think that any party undertaking such an expedition need fear any want of liberality on the part of the Government, but undoubtedly the view taken would be different if the expedition were successful, from what it would be if it were unsuccessful.

Mr SOLOMON asked if the Government intended to send a vessel to the north west coast to meet the party, as probably it would be impossible for them to take sufficient provisions to last them back. Such a course would, he thought, be necessary, and was adopted with Leichardt's party.

Mr GLYDE supported the proposition of the previous speaker. He presumed that £1,000 would be sufficient to charter a vessel for five or six months. As South Australians they should endeavor to induce parties to proceed in a north-westerly rather than in a northerly direction, because any country south of the Gulf of Carpentaria would be due north of Victoria. If the Government were to advertise that they intended to dispatch a vessel round to Victoria River, he thought it might induce many parties to go who would not otherwise.

The ATTORNEY GENERAL was not disposed to recommend that a sum should be placed on the Estimates for the purposes mentioned, because it was not known when the expedition would start, or what arrangement would be made, or whether the assistance had any chance of being rendered useful, but he would suggest that the hon member, Mr Solomon, should move an address to His Excellency, and he should be happy to support it in order that the necessary steps might be taken to prevent a party from arriving at the coast without finding means of transport. The Government would communicate with the party and make the necessary arrangements, but, at the same time, they would be glad to be strengthened by the opinion of that House.

Mr SOLOMON intimated that he would take an early opportunity of carrying out the suggestions of the Attorney General.

Mr REYNOLDS considered 2,000/ a very small sum, considering the amount which would be required for an outfit.

Mr BARROW said there was not a shadow of a doubt that a very much larger sum would be the reward of the successful explorer, but he did not see that South Australia should be called upon to pay the whole reward to which the successful explorer would be entitled. New South Wales and Victoria would no doubt bear their share (Hear, hear.) He had previously expressed himself to that effect, and since that period he had received a telegraphic message, intimating that the leading paper in Victoria had an article upon the subject, stating that the people of that colony would rejoice to reward Mr Stuart or any other successful explorer (Hear, hear.) He looked upon the sum of 2,000/ as merely our proportion of the general reward, which would undoubtedly accrue to the successful explorer from the whole of the

Australian Colonies, and probably to some extent the Imperial Government (Hear.) Under such circumstances he thought they might very well let the 2,000/ stand without any attempt to augment it. If he were disappointed in his anticipations, and New South Wales and Victoria were so unaccountably and improbably mean as to refuse to contribute to the reward, it would then be perfectly competent for the Legislature of this colony to double the reward when they found that they had to pay the whole instead of a proportion. If, however, this Government would place themselves in communication with the Governments of Victoria and New South Wales it would give a more tangible appearance to the thing, but he felt confident that South Australia would not stand alone. If, however, they found that they would have to pay the whole, he was sure that Parliament would cordially double or triple the amount when they found that the other colonies would not join in so noble a work (Hear.)

Mr SKIRANGWAYS did not think that the reward should depend upon the other colonies or the Home Government. In voting the 2,000/ he did not mean to intimate that was all he should be disposed to vote if the discoveries of the person claiming the amount were of far greater value.

Mr BARROW thought the argument of the hon member would be perfectly valid if the explorer were to confine himself to the limits of this colony. It would then, no doubt, be perfectly just that we should pay the whole reward, but as the explorer would not be restricted to the limits of this colony, he thought, whoever was the owner of the fee simple of the country in which discoveries were made should join in the reward.

Mr PRYKE said that two explorations had been conducted at the expense of private individuals, and the one under discussion would require a large outfit, as there must be 40 horses and 16 or 12 men, who required to be fitted out and paid wages for 12 months. There might be many contingent expenses also.

The ATTORNEY-GENERAL said that whether the expedition succeeded or failed he thought those who fitted it out would have no reason to complain of the liberality of the Government.

The item was agreed to, and the Chairman reported progress, the consideration of the report being made an Order of the Day for the following Tuesday.

INSOLVENT LAW AMENDMENT BILL

Postponed till the following Tuesday, the ATTORNEY-GENERAL intimating that he believed by that time there would be another progress report from the Committee upon the Insolvent Law.

CUSTOMS RETURNS

The TREASURER laid on the table Customs Returns for the year ending 30th June last.
Ordered to be printed.

LEASES TO CHAMBERS AND FINKE

The COMMISSIONER OF CROWN LANDS laid on the table copy of despatches to the Agent-General in reference to these leases.
Ordered to be printed.

BOUNDARIES OF RUNS BILL

The ATTORNEY-GENERAL said the only amendment which was not merely formal, which had been made by the Council, was that the Surveyors should furnish two plans, one for the employer and the other for the Surveyor-General.

The amendments were agreed to, and a message to that effect directed to be sent to the Legislative Council.

MALICIOUS OFFENCES AGAINST PROPERTY

STATUTE LAW CONSOLIDATION BILL

The amendments made by the Legislative Council in this Bill, though exceedingly numerous were merely verbal, and were agreed to, a message to that effect being ordered to be sent to the Council.

STRATHALBYN AND GOOLWA TRAMWAY BILL

This Bill passed through Committee, the amount of loan being raised from 40,000/ to 50,000/, and a clause being introduced to enable the Government to lease the railway. The consideration of the report was made an Order of the Day for the following day.

MAIN ROADS BILL

Postponed till the following Tuesday.

REGISTRATION OF PATENTS BILL

This Bill passed through Committee, a clause being introduced by the ATTORNEY-GENERAL rendering it necessary that patents for articles patented elsewhere should be applied for within a period of 12 months of the time at which such articles were patented elsewhere.

The consideration of the report was made an Order of the Day for the following day.

DISMILLATION ACT AMENDMENT BILL

Postponed till the following Tuesday.

CUSTOMS' ACT AMENDMENT BILL

The third reading was postponed till the following day.

NORTHERN RAILWAY

Mr SHANNON brought forward the notice in his name—
“That he will ask the hon the Commissioner of Public Works (Mr Blyth)—

“I When he expects to open the Northern Railway for general traffic to Section 112, and if he intends doing so before completing the line further north?”

“If How the works on the line are progressing generally, and if any stations are in course of erection, and if so, at what place?”

The COMMISSIONER OF PUBLIC WORKS said it had never been proposed to open the railway till the whole line to Kapunda had been completed, experience of partial openings at Salsbury and Smithfield having shewn that such a course was objectionable. The station at section 70 would be completed in about a fortnight, that at Section 12 in about a month, and at Kapunda about a month after the site had been fixed by the Bill before Parliament. A considerable portion of the earthwork had been done, and the present contractor had been urged to proceed rapidly, but it was feared the time for the completion of his contract, the 11th October, would be slightly exceeded.

MR JOHN HINDMARSH

Mr LINDSAY brought forward the notice in his name—
“That he will ask the Hon the Attorney-General (Mr Hanson) whether the conveyance of Section No 1, at Rosetta Head from John Hindmarsh to the Government, was executed under the Real Property Act? and, if not, why not? Also, whether any and (if any) what charges were paid to the legal practitioner employed by the Government to effect the conveyance?”

The ATTORNEY-GENERAL said the conveyance had not been executed under the Real Property Act, because it did not appear to the Government there was any sufficient reason that it should be. No charges whatever had been paid any legal practitioner for the conveyance.

ENCOUNTER BAY

Mr LINDSAY brought forward the notice in his name—
“That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Milne) whether the Government intend to expunge all the Sections in the Encounter Bay District interpolated by the late Surveyor-General (Captain Frome), or to permit the present proprietors to be ejected by a series of actions in the Supreme Court, and, in either case, whether the surplus land so acquired will be thrown into the area of the neighbouring sections, or how otherwise dealt with?”

The COMMISSIONER OF CROWN LANDS said the Government did not intend to expunge the sections referred to, nor had the Government any reason at present to anticipate that any other actions would be brought. If there were any surplus land beyond that included in the original grant, it would form portion of the waste lands of the Crown, and be disposed of as such.

The House adjourned at 5 o'clock till 1 o'clock on the following day

FRIDAY, JULY 29

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

PORT ADELAIDE

Mr COLLINSON presented a petition from the Mayor and Corporation of Port Adelaide which had been rejected on the previous day in consequence of an informality.

The petition was received and read

THE SCAB ACT

The COMMISSIONER OF CROWN LANDS gave notice that on the following Tuesday he should move for leave to introduce a Bill to amend the existing Scab Act.

THE GILBERT LINE

Mr HAWKER wished to know when the survey of the Gilbert line would be laid on the table of the House. There was a probability of the House being shortly prorogued, and as a Bill had been introduced to extend the Kapunda railway from Section 1411 to 1403, and as a survey had been ordered last session, it was important that the House should know what would be the probable result.

The COMMISSIONER OF PUBLIC WORKS stated that the gentleman who had been entrusted with the survey thought that he would be enabled to complete it in about a fortnight, but the results would have to be laid before the railway authorities, and some time would be occupied in condensing the plans. Although the survey had been ordered last session it was one of a series of surveys and those surveys were proceeded with in the order in which they appeared upon the notice paper. He believed that the survey allotted to, from Section 112 to the Valley of the Gilbert, was nearly the last, but he assured the House there would be no delay in laying it on the table. He thought the evidence before the Committee on the Bill under consideration would afford a good deal of information upon the subject.

Mr HAWKER gave notice that, on the following Tuesday he should move a progress report of the survey of the Valley of the Gilbert be laid on the table

GREAT TRUNK RAILWAY BY WAY OF THE BURRA

Mr REYNOLDS obtained leave to make several alterations in the motion standing in his name. The hon member remarked that, at that stage, he did not think it right to enter into a long discussion upon the question. He presumed it was not intended to stop short at the Burra. His object was to have surveys made, and the line marked out before local interests interfered.

Mr HAWKER seconded the motion

Mr SIRANGWAYS asked the Treasurer whether if the motion were carried, the 5,000*l.* could by any rearrangement of the Estimates, be procured? If so, he had no objection to the matter being considered in Committee, but it appeared to him it would be useless to do so, if the money could not be found.

Mr DUTTON highly approved of the subject matter of the motion, but after the statement of the Treasurer on the previous day, unless the hon gentleman had since found a goose which laid golden eggs, it appeared to him there would be considerable difficulty in finding the money.

Mr LINDSAY hoped the hon member would consent to an addition to the motion, so as to include southward to the Goolwa as, although he was prepared to support surveys to the north, the south must not be overlooked. The report of Mr Delisser shewed that it would be very possible to give railway accommodation to most fertile districts in the south, and to the Murray.

Mr BARKOW hoped, before the motion was modified, that the House would learn from the hon the Treasurer, whether, modified or unmodified, it could be carried out. He thought the last speaker had adopted a very Hibernian mode of carrying it out, by increasing the difficulty (Laughter) If the difficulty of carrying out the motion of the hon member for the Sturt arose from the impossibility of finding 5000*l.*, that difficulty would certainly not be removed or lessened by increasing the amount to 10,000*l.* He thought it inexpedient to go further till the Treasurer had stated whether the money could be found or not. If the hon gentleman stated that the money could be found, the House could then go into a discussion of the general question.

Mr GLYDE was not prepared to commit himself to the first portion of the motion, but if the hon member for the Sturt would leave that an open question he should then be prepared to support the motion.

The ATTORNEY-GENERAL suggested that the hon member for the Sturt should adopt the suggestion of the previous speaker, and not ask the House to pledge itself to more than a consideration of the question. With regard to the 5,000*l.*, he would say, on behalf of the Treasurer, that there was not a surplus for the purpose, and whatever resolution was arrived at it would be too late to place an additional sum upon the Estimates for the present year, but in cases of this kind, although it was known that a liberal compliance with the terms of the resolution would be impracticable, the Government, knowing that they had authority to devote such a sum to such a purpose, would consider the resolution of the House sufficient authority to devote the money to the purposes mentioned before the Parliament again met. He would suggest that the House should not agree to the proposition of the hon member for Encounter Bay (Mr Lindsay), as he did not think the Legislature should always consider the north and south as antagonistic elements, which always required to be propitiated. He had never shewn any disposition to disregard the claims of the south, but at the same time those claims were not equal in extent to the claims of the north. It could not be denied that the country settled and available for settlement in the north, far exceeded the country in the south, being the country between Adelaide and the Murray and Goolwa. To say that the House would not take steps to develop the country to the north, unless each step to the north were tagged on to the south, would be a very unwise thing. If the hon member for the Sturt would move that the whole matter be referred to a Committee he should be happy to support him, and should be glad to see this or some analogous motion carried by the House, thinking it wise that provision should be made for railway extension, and that if funds could be procured the surveys should be ready.

Mr HAY was pleased to support the proposition of the Attorney-General believing that hitherto an error had been committed, in first selling the land and afterwards constructing railways, instead of constructing railways first, thus giving an additional value to the land.

Mr PLAKE was glad that this question had been mooted, thinking that in connection with railways they should look a long way ahead. He regretted that surveys in which settled districts were deeply interested, were not before the House, and seeing the difficulty which there was in getting limited surveys, he was somewhat dismayed at the prospect of getting the gigantic surveys contemplated by this motion. The information which would be afforded by such surveys would be immensely valuable. They must not forget the problem, whether the continent of New Holland could be crossed. He deprecated tagging the south to this motion, as if the question were viewed in that light it would never be dealt with on a large scale. He hoped the south would not

be pitted against the north in a question of this kind, but that the question would be looked at as a general development of the colony.

Mr HAWKER as the seconder of the motion, hoped that the mover would make the alteration suggested by the Attorney-General. It was of the highest importance, before large sums were expended upon railways that surveys should be a-head with the view of ascertaining where would be the main trunk lines. Last session surveys to the north had been ordered but up to the present time they had not been laid before the House. He thought it desirable that they should not only ascertain the best line to the Burra and from the Burra to Mount Remarkable, but that there should be also a running survey to Port Augusta as it might be desirable to take a line from Port Augusta to that country which was capable of producing such an enormous export. He trusted the hon. member for the Sturt would make the alteration suggested by the Attorney-General.

Mr REYNOLDS adopted the suggestion of the Attorney-General. His only wish was to open up a discussion upon this important question and he agreed with the hon. member for Victoria, that it might be desirable there should be a survey from Port Augusta to the interior.

The motion was carried in the following amended form—
“That this House will, on Wednesday, 3rd August, resolve itself into a Committee of the whole for the purpose of considering the motion, that, in the opinion of this Committee, immediate steps should be taken to facilitate the development of the mineral, agricultural, and pastoral resources of the northern portion of the colony, by constructing a Grand Trunk Railroad, by way of the Burra, and thence northward by, near, or beyond Mount Remarkable, and that an Address be presented to His Excellency the Governor in-Chief, praying His Excellency to cause a sum of not less than £5,000 to be placed on the Estimates for the purpose of causing surveys, detailed reports, and estimates to be made for a Grand Trunk Railway to a point in the neighborhood of, or near Mount Remarkable, in order to be laid before Parliament at its next sitting,—such surveys, reports, and estimates not only to have reference to a connection with the line now in course of construction by way of Kapunda, but also by such other point of the line between Adelaide and Kapunda, as may, on examination, in the opinion of the Engineers employed for the purpose, afford the greatest facilities for railway traffic, the most favorable gradients, the smallest cost in constructing and working, and be of the most general benefit to the public, and, on such favorable line being decided on, the land to be reserved for a distance of two miles on each side of the same.”

THE CIVIL SERVICE

Mr STRANGWAYS moved—

“That an Address be presented to His Excellency the Governor in Chief, requesting that he will cause a copy of the despatch relative to the uniform to be worn by the officers of the Civil Service of the Colonial Government, to be laid on the table.”

The hon. member remarked that he had heard out-of-doors that a despatch had been received from the Home Government intimating that gentlemen upon the Treasury Benches and others, would have to appear upon State occasions in full uniform, and that the regulation extended to officers of inferior grade. In order to give the public some idea of the appearance of gentlemen on the Treasury Benches upon State occasions he had tabled the present motion.

Mr HALLIDAY seconded the motion.

The ATTORNEY-GENERAL rose principally for the purpose of stating that the hon. member for Encounter Bay had been misinformed and that Her Majesty did not impose any obligations of the kind referred to upon the persons who served her. It was true that a despatch had been received but it would be perfectly useless without the book which accompanied it in which certain uniforms were photographed. If any hon. member was anxious to see what figure he would cut in any of these uniforms he apprehended there would be no objection to show the book at the office of the Chief Secretary.

The motion was negatived.

CUTTING TIMBER

Mr HAY brought forward the notice in his name—

“That he will ask the Hon. the Commissioner of Crown Lands and Immigration (Mr Milne)—

“I Whether the terms of the licence granted to the splitters on payment of a fee of 5*l* restricts them from cutting timber on lands leased to squatters, or only from cutting on sold and surveyed lands?

“II Whether, up to the passing of the Waste Lands Act of last session, splitters were only partially restrained from cutting on surveyed but unsold lands and in the habit of cutting timber on lands leased to squatters without being interfered with by either the Government or the occupier of the run?

“III Whether, since the passing of the Waste Lands Act of last session, some of the squatters have not interfered with the splitters holding a regular licence from the Government and prevented them from cutting timber on their runs, and has not a new regulation been lately adopted at the Crown Lands office (no copy of which has yet been laid before Parliament), to the effect that although holding the

usual licence splitters may be prevented by any squatter from cutting timber on his run, unless he has obtained a special authority from the Commissioner of Crown Lands pointing out a particular part of the run for that purpose?

“IV Is such special licence granted as a matter of course to any applicant, or can it only be obtained from the Commissioner of Crown Lands after the assent of the party leasing the run? Do not the terms of the squatter's lease prevent him from cutting the timber on the run for sale, and does not the Government retain full right to cut and remove the timber growing on the run?”

The COMMISSIONER OF CROWN LANDS stated in answer to the first question that the licence did not restrict parties, but the regulations which were issued did. In reply to the second question, squatters were prevented from cutting as far as possible, but the Government were not in the habit of interfering with leased lands, leaving the matter to the lessees. In one or two cases, however, the Government had interfered. In reference to the third question, he could find no record of any such interference. In a case latterly the holders of a licence were warned off, and informed they must obtain a special licence. It was only those parties who held no licence who were prevented. With regard to the fourth question, each applicant for a special licence was brought under the notice of the Commissioner, and the assent of the lessee was not required. The terms of the lease prevented squatters from cutting timber for sale, and the Government retained full power to cut any timber which they might require, and remove it from the runs. The regulations had been published in the *Government Gazette*, and he now laid them on the table, and moved that they be printed.

Carried

SCAB IN SHEEP BILL

Mr HAWKER said that the Commissioner of Crown Lands had that day given notice of his intention to move for leave to introduce a Bill to consolidate and amend the present law and in consequence of conversations with the Inspector of Sheep, he (Mr Hawker) thought it better that the Bill should be brought in by the Government. He, therefore, moved that the Order of the Day be discharged.

Carried

BILLS OF LADING BILL

On the motion of Mr COLLINSON (in the absence of Mr Bakewell), this Bill was read a third time and passed.

CUSTOMS ACT AMENDMENT BILL

Mr SOLOMON moved the re-committal of this Bill, for the purpose of considering a clause which he was desirous of proposing. The House would remember that a short time ago a memorial had been presented from 16 merchants, praying that drawback might be allowed upon such cornsacks as had paid duty. He believed that memorial was entitled to a large amount of consideration, and that it would be a great injustice to the petitioners if their request were ignored. The clause which he was desirous of proposing, was to the effect that drawback should be allowed upon cornbags upon which duty had been paid within one month of the passing of the Bill, exempting them from duty.

The SPEAKER said it would not be competent to move the introduction of such a clause. It could only be adopted upon a resolution of the whole House, and it would then be competent to instruct the Committee to make it part of the Bill. The first step should be to move that it was expedient to grant this drawback.

Mr TOWNSEND suggested that the further progress of the Bill should be stayed until the hon. member for the City (Mr Solomon) had had an opportunity of bringing forward the motion indicated by the hon. the Speaker.

Mr SOLOMON moved that the third reading of the Bill be postponed till the following Thursday.

Mr HAY trusted that the Bill would not be postponed. If the proposition of the hon. member for the City (Mr Solomon) were adopted, he did not know where the principle was to stop. If, for instance, ad valorem duties were abolished, the House would be called upon to take stock of every draper's shop in the place, for the purpose of ascertaining upon what amount the ad valorem duty of 5 per cent had been paid. He objected to any interference with the Bill, as the evil of which the petitioners complained was one of the risks of business. No doubt many had made money by the increased duty upon tobacco, and though some might have lost by the duty being taken off cornsacks, the recent sales which had taken place of cornbags showed that the price had rather advanced than receded.

Mr STRANGWAYS was not prepared to support the petition and enquired if any hon. member interested in cornsacks could vote upon the question.

The SPEAKER replied in the negative, nor could any one who had signed the petition.

Mr STRANGWAYS opposed the proposition of the hon. member for the City. He agreed with the hon. member for Gumeracha, that in cases of this kind there were certain chances and risks which persons engaged in business were subject to, but the House never heard anything of those who were benefitted by such changes. He should be very much surprised and deeply gratified at any one approaching that House, and offering to pay the additional 4d. per pound upon tobacco which he had in his possession prior to the alteration in the duty. He should vote against the motion, con-

sidering this to be one of those risks of which merchants must be prepared to take the advantage or disadvantage.

Mr DUMFON said if it came to a division he should not have voted, but that he represented many manufacturers in Scotland who were concerned in the question, and he should not have felt he had done his duty had he not taken all legitimate means to bring the question before the House. There was not the slightest analogy between cornsacks and tobacco, because where the package of tobacco had been broken, no one he apprehended in his sober senses could expect to receive drawback upon it. That he was not alone in his opinion, that the holders of cornsacks were entitled to drawback, was he thought sufficiently shown by the memorial which had been presented to the House, and which had been signed by nearly all the merchants in the place. That memorial being so influentially signed, should, he thought, receive the consideration of the House.

Mr PEAKE hoped the motion of the hon member for the city would not be entertained, as parties had had ample warning, a motion to the effect that cornsacks be admitted duty free, having been tabled last session, consequently there was no excuse, and he would not entertain the application for a moment.

Mr TOWNSEND remarked that the arguments of the hon member for Gumeracha did not apply, as when the hon member for the City spoke of cornsacks, he, of course, referred to original packages.

The TREASURER, as no other hon member wished to address the House, would say a few words upon this question. He did not think the House should postpone the third reading of the Customs Act Amendment Bill, because, after the Bill had been passed, it would be quite competent to move an address be presented to the Governor to the effect that it was desirable drawback should be allowed upon cornsacks. He stated that much as regarded the general question, without entering upon the merits of the particular question before the House. It certainly appeared a very great hardship upon the holders of cornsacks, but at the same time he would point out that serious inconvenience would attach to carrying the proposition of the hon member for the city, and it would establish a precedent which would be applied in subsequent cases. For instance, advalorem duties might be placed upon the same footing as in Victoria and as they yielded a revenue to this colony of £4,000 or 50,000 a year, if they were done away with all parties who had paid duties and were the holders of the goods would have been injured to the extent of the duties, and would feel, if the proposition of the hon member for the city were carried, that they had a right to come to that House and ask for repayment. He fully admitted there was a hardship, but in every alteration some parties must suffer.

Mr GLYDE and Mr REYNOLDS were desirous of addressing the House, but were informed that the reply had been made.

The third reading of the Bill was carried by a majority of 11, the votes on a division being (ayes 17, noes 6, as follows—

AYES, 17—The Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works Messrs Collinson, Dunn, Hallett, Hay, Macermott, McEllister, Mildred, Neales Owen, Peake, Reynolds, Rogers, Strangways, the Treasurer (teller).

NOES, 6—Messrs Dutton, Glyde, Hawker, Lindsay, Townsend Solomon (teller).

The Bill was then passed.

STRATHALBYN AND GOOLWA TRAMWAY BILL.

On the motion of the COMMISSIONER OF PUBLIC WORKS the report of the Committee of the whole House upon this Bill was adopted, and the third reading made an Order of the Day for the following Tuesday.

REGISTRATION OF PATENTS BILL.

On the motion of the ATTORNEY-GENERAL the report of the Committee of the whole House upon this Bill was agreed to, and the third reading made an Order of the Day for the following Tuesday.

RESIDENT MAGISTRATE AT STRATHALBYN.

The House having resolved itself into Committee, Mr ROGERS moved—

“That an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of £200 to be placed on the Estimates for the purpose of salary of a Resident Magistrate at Strathalbyn.”

The hon member remarked that the duties of the Resident Magistrate at Mount Barker were most onerous, as he not only had to attend to Mount Barker, but many important villages within his jurisdiction, and it was more than he could be expected to do, to go to Strathalbyn, which district included Maccesfield and the Bremer mines. A gentleman had gratuitously performed the duties of Magistrate at Strathalbyn for two or three years in a very able manner, but had intimated that he could no longer perform them—in fact he had retired from the Bench.

Mr DUNN supported the motion, but had much rather the matter had been left to the Government, after it had been brought under their notice. He had a personal acquaintance with the gentleman who had for the last 20 years performed the duties of Magistrate at Mount Barker, and as that gen-

tleman had three Courts to attend to in the district of Mount Barker, and was getting rather the worse for wear, he thought it only right that he should be relieved from performing duties at Strathalbyn.

Mr HAWKER must oppose the motion, because he thought if every small township or village were to be accommodated with a Special Magistrate, the Government would have to put a very large sum upon the Estimates for the purpose. The hon mover had spoken of the great distance between Mount Barker and Strathalbyn, but there were many magistrates who had to perform duties at Courts at a greater distance apart for instance, the Magistrate at Kooronga performed the duties of a Special Magistrate at Clare, a distance of 25 miles, and also at Auburn, a distance of 30 miles, and there were many similar cases.

Mr REYNOLDS must oppose the motion if it were pressed. It appeared the duties of the office had been satisfactorily performed for the last three years, and he did not see any necessity to make a change. The hon member for Mount Barker had stated that the Magistrate in that locality was beginning to wear, that he was getting older every year (Laughter). He supposed that was the case with most people. If the gentlemen were not vigorous enough to perform the duties that was an argument for appointing some one who was but as he was informed that the duties at Strathalbyn had been very efficiently performed, he thought they had better let well alone. He thought the staff of Supendary Magistrates was sufficiently numerous already, and as the Government had not initiated the proposition, he should oppose it.

Mr LINDSAY was quite surprised at the opposition. He thought the motion would have been carried unanimously—(laughter)—but observing the feeling of the House he did not think it would be.

Mr TOWNSEND must oppose the motion, though he was in hopes that the hon member (Mr Rogers) would have made out such a case as would have enabled him to support it. He believed that Captain Davidson had long very ably discharged the duties, but as there were many magistrates who had to travel an equally great distance, he must oppose the motion.

Mr HAY recommended the hon mover to withdraw the motion, as there was no district with the exception of Morphett Vale in which the duties were lighter than at Mount Barker. If Captain Davidson were getting too old to perform the duties, he would recommend that a portion of his salary should be devoted to an assistant.

The ATTORNEY-GENERAL remarked that so long as he held office he should never recommend the Governor to discontinue in the public service a gentleman who had performed his duties zealously and ably for a number of years, but who was no longer able on account of physical infirmity to perform them so zealously as formerly. He believed the facts were that Captain Davidson was appointed many years ago, and at that time there was only a Court at Mount Barker, but Courts had been subsequently established at Woodside and Strathalbyn, and Captain Davidson was called on to perform the duties of Magistrate at those Courts, without any, or at all events, without any corresponding increase of salary. The Government did appoint a Special Magistrate at Strathalbyn, Mr Walker, who performed the duties zealously for two or three years, but in consequence of a calamity that gentleman was unable to devote so much gratuitous attention as before to the duties. If the motion of the hon member for Mount Barker were not carried, the Government might be obliged to bring the subject under the notice of the House, but he did not think at present there was that absolute necessity which alone should induce the Government to ask for additional expenditure. He thought they should carry on as long as possible without incurring additional expenditure, but those on the spot would be perfectly justified in calling the attention of the Government to the subject. If the motion were carried, the Government would not act upon it till an absolute necessity arose. His own feeling was rather in favor of the motion, but still he did not think the necessity had so completely arisen as would justify the Government in bringing the matter forward.

Mr REYNOLDS remarked that the salary of Captain Davidson was originally only 200l, but it had subsequently been raised to 350l, with forage for a horse. If the gentleman had become incompetent, perhaps the stipend could be divided, and an assistant appointed, which would be better than throwing the present occupant of the office entirely out of his post.

Mr DUNN had not wished to imply by his remark that Captain Davidson was a little the worse for wear, that he was old and decrepid, but that he could not bear so much fatigue as formerly. He believed that if the House would refer to the number of cases which Captain Davidson disposed of, at the various Courts which he attended, it would be found they were greater than any other Magistrate had to attend to.

The motion was negatived.

REAL PROPERTY ACT, &c.

Mr SIRANGWAYS moved—

“That an Address be presented to His Excellency the Governor-in-Chief, requesting that His Excellency will cause to be laid on the table of this House copies of any despatches from the Secretary of State for the Colonies, conveying Her

Majesty's pleasure that the Real Property Law Amendment Act and the Land Grants Act should be left to their operation, and also on the subject of the Parliamentary Privilege Act, the Act for an Assessment on Stock, and the Matrimonial Causes Act, respecting which a notification has not appeared in the *Government Gazette*."

The motion was carried

MAIL GUARDS

Mr STRANGWAYS moved—

"That an Address be presented to His Excellency the Governor-in-Chief, intimating that, in the opinion of this House, it is desirable that mail guards should be employed on the chief mail routes, and a sum not exceeding £1,000, placed on the Estimates for that purpose."

A petition which had been presented by the hon member upon the subject was read and was to the effect that the refusal to allow mail guards in the north did not justify the refusal to allow them in the south, as the contractor for the conveyance of the mail took the contract for three years upon the express understanding that mail guards should be provided. When the question was before the House he was at a loss to understand why there were only three mail guards, and they principally confined to the southern routes, but the very large number of mail bags carried on that road showed there were very good reasons for appointing guards. Ninety-four bags had to be received and delivered in the course of the day. After he had presented the petition, he applied to the Post-Office for some information upon the subject, and ascertained that the Postmaster-General desired that guards should be appointed upon all the routes. Very large sums of money were frequently transmitted by the mails, particularly upon the northern routes. The Postmaster-General was desirous that eight guards should be appointed at a total annual cost of £1,095. He believed that since guards had been abolished, the mails had been delivered with great punctuality, but one of the best drivers employed by the mail contractor was unfortunately unable to read, and it was consequently with great difficulty that he ascertained the destination of the bags entrusted to him.

Mr DUNN supported the motion. The contractor on the Mount Barker-road had undertaken the contract upon the understanding that a guard should be provided to receive and deliver the bags, and that being the case, it would be cutting covenants to do away with the guard. It was impossible for the driver to attend to the mails and his passengers too. The driver on the South-Eastern-road had been fined for not keeping time, but had stated that it was impossible he could keep time if he had to look after the mail bags.

Mr TOWNSEND believed the 1,095 would be well spent, and he should support the motion, particularly as it was recommended by the head of the Post Office. If the money were not voted, it would not be saved as the contract for the conveyance of the mail would be at an increased rate, if the guards were done away with. If ever money had been spent rightly, he believed this would be.

Mr HAWKER said that notwithstanding the north would have the hon's share in the proposed vote he should vote against it. It was strange that it was not until the mail guards were struck off the South-road the Postmaster had discovered they were so essential upon all roads. He had travelled for years in the northern district and there were no guards there, neither were there to the Burra. If there were really such necessity for guards, if property would be in such danger without them, it was strange that it was only just now it was discovered. The driver had no difficulty whatever in attending to the mails, as the Postmasters handed them to or took them from the driver, and he could see no necessity for the appointment of guards. The mail had travelled for a number of years on the Burra road without a guard, and had conveyed a very large amount of property, yet there had been only one stoppage, and that was many years ago.

Mr RYLANDS said this was not a question of north and south and though he was a southern member, he should vote with the hon member for Victoria. If, however, the hon member had merely asked for the amount which was originally asked for by the Treasurer, he should have been disposed to support him. Assuming that the Government had obtained all necessary information upon the point, he should be quite ready to vote the £11,15s, originally asked for. The parties who had entered into arrangements to carry the mail would derive some advantage from not having to find seats for the guards if the House declined to vote the amount, and therefore, there would probably not be much difference in the contract price. He considered that to carry the motion would be a serious reflection on the Government, and when he could support them, he would not be a party to passing a severe censure upon them. (Laughter.)

Mr LINDSAY thought the Postmaster more competent to form a correct opinion upon the subject than any member of that House, and should support the motion.

Mr HAY thought guards were needed upon all mail routes or not upon any. He hoped the motion would not be modified, as the hon member for the Sturt would then vote against it as he (Mr Hay) intended to, for as there had been no guards upon the route by which the largest amount of property was conveyed it did not appear to him that they

could be required anywhere. He believed that if the mails were attacked the guards would not stand fire very long. He trusted that the motion would be negatived, and that proper security would be taken from the contractor for the due delivery of the mails.

The TREASURER said that if the House voted the amount the Government would take care to spend it in the most efficient way, but he would prefer that the hon member for Encounter Bay should withdraw his motion, and allow the hon member for the Sturt to propose the amount originally proposed by the Government, who had originally proposed three guards, but the Postmaster had never omitted to impress upon the Government that mail-guards were required in the north as well as in the south. The Government, however, did not feel disposed to sanction the increase seeing that the mail contractor had taken the contract to the north without guards. He believed that the public would have to pay in one shape or other, and it would be a great inconvenience to the Post-Office department to strike off those originally proposed.

Mr REYNOLDS moved, as an amendment, that £11,15s be substituted for 1,095.

Mr STRANGWAYS adopted the amendment, which was carried by a majority of 4, the votes on a division, ayes 11, noes 7 being as follow—

AYES, 11—The Attorney General, Messrs Collinson, Dann, Hallett, the Treasurer, Lindsay, Macdormott, Reynolds, Rogers, Townsend, Strangways (teller).

NOES, 7—Messrs Glyde, Hawker, McEllister, Mildred, Owen, Peake, Hay (teller).

RECEIPTS AND EXPENDITURE

The TREASURER laid on the table a return showing the receipts and expenditure for the past quarter.

The House adjourned at half-past 3 o'clock till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, AUGUST 2

The PRESIDENT took the chair at 2 o'clock.

JOINT STOCK COMPANIES

The Hon Captain HALL wished to ask the Hon the Chief Secretary whether the Government would have any objection to adopt an Act now in force in England relating to the operation of joint stock companies, founded on the principle of limited liability.

The Hon the CHIEF SECRETARY replied that the Government had not seen any necessity for the introduction of a measure of the kind, as the Act of 1836, now in operation was sufficient to meet all the requirements of the colony.

BOUNDARIES OF RUNS BILL

A message was received from the House of Assembly, agreeing to the amendments in this Bill proposed by the Legislative Council.

STATUTE LAW CONSOLIDATION

The Bill relating to Malicious Injuries was received by message from the House of Assembly, as adopted, without amendment.

BILLS OF LADING BILL

A message accompanying this Bill was received from the House of Assembly proposing certain amendments, in which the concurrence of the Legislative Council was invited.

STRATHALBYN AND GOOLWA GRAMWAY

This Bill, received by message from the House of Assembly, was read a first time and the second reading made an Order of the Day for that day week.

CUSTOMS ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY, the Customs Act, as amended by the House of Assembly, was read a first time, and the second reading made an Order of the Day for Wednesday.

REGISTRATION OF INVENTIONS

This Bill was read a first time and the second reading made an Order of the Day for the following Tuesday.

REAL PROPERTY ACT

The Hon Dr DAVIES, agreeable to notice standing in his name, asked the Chief Secretary the reason why the Judges of the province have neglected to issue a scale of fees for the efficient remuneration of practitioners of the Supreme Court in working the Real Property Act, No 16, 1858, as provided by clause 96 of the aforesaid Act.

The Hon the CHIEF SECRETARY replied that the Government had no control over the Judges of the Supreme Court. He had communicated with Sir Charles Cooper, who had replied in a letter, stating that his attention had been called to the matter, and it was then under consideration.

MEDICAL PROFESSION BILL

The Hon Dr DAVIES applied that the Order of the Day for the second reading of this Bill be discharged. The Bill to some extent might be considered a money Bill, and conse-

quently, he (Dr Davies), would ask the consent of the House to discharge the order
Order discharged

NATIONAL BANK BILL

This Bill was read a third time and passed

NOTARIES PUBLIC BILL

The Hon Mr FORSTER remarked that the object of the Bill was to remove a doubt as to whether the Governor had the power of appointing notaries public. Such public functionaries were very necessary, and he (Mr Forster) moved the second reading of the Bill.

The Bill was read a second time with the introduction of a few verbal alterations and the third reading was made an Order of the Day for Wednesday

INSOLVENCIES

The Hon The CHIEF SECRETARY laid on the table a return of insolvencies from September 30, 1854, to September 30, 1856

Received, read, and ordered to be printed

On the motion of the CHIEF SECRETARY, the Council adjourned till the following day, Wednesday, at 2 o'clock

HOUSE OF ASSEMBLY

TUESDAY, AUGUST 2

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

GREAT NORTH LINE

Mr McLELLISTER presented a petition praying that a sufficient sum might be placed at the disposal of the Central Road Board for the repair of that portion of the Great North Line between the counties of Light and Gawler. The petition was received and read

DISTILLATION

Mr HAY presented a petition from Mr G M Waterhouse, against the Distillation Act Amendment Bill, and praying that all restrictions might be removed from distillation. The petition was partly read, and was rejected, containing statements at variance with the Standing Orders

NORTHERN EXPLORATION

Mr PEAKE presented a memorial from Messrs Chambers, Stuart, and Finke, praying the House to assent to a proposition to award £8,000 for the successful completion of the northern exploration, £1,000 to be paid down, and the remaining £5,000 upon the enterprise being carried out, on which conditions the petitioners stated their willingness to agree to fit out an expedition. The petition was received and read

NORTH-EASTERN ROAD

Mr HAY presented a petition praying that the southern branch of the North-Eastern road might not be expunged from the schedule of main roads. The petition was received and read

MR G M WATERHOUSE

Mr HAY wished to know on what ground the petition recently presented by him from Mr G M Waterhouse, on the subject of distillation, had been rejected

The SPEAKER said because the petition referred to a debate which had taken place in that House

KAPUNDA RAILWAY

Mr MILDRED presented the report of the Select Committee upon the Kapunda Railway Extension Bill

The report was received, read, and ordered to be printed, with the evidence

Mr MILDRED pointed out that expenses had been incurred by the Committee, and the papers relating to those expenses were before the House. The Committee thought it advisable to go to Kapunda for the purpose of personally inspecting the locality, and he wished to know how the Committee should obtain the expenses which they had incurred

The SPEAKER said that the proper course would be to move that a sum be placed on the Estimates for the purpose

Mr BAGOT stated that, of his own knowledge, the visit of the Committee prevented the necessity of calling several witnesses, and, in fact, a great saving had been effected by the trip. It must be quite evident that where there were several conflicting lines, the Committee could obtain much more accurate information upon the subject by visiting the spot than they could by calling witnesses

Mr STRANGWAYS moved that the items be read, and the ayein bill was read by the Clerk of the House, and created some merriment, affording indication that the Committee were not testotallers. The gross amount was about 13/.

Mr REYNOLDS said that it was exceedingly inconvenient to some of the members of the Committee to go to Kapunda, but he had consented to from a conviction that considerable expense would be saved, as it would save the cost of calling witnesses. One engineer who had been called had charged 10/ 10s. He believed the Committee had been as economical as possible. He thought the difficulty

might be got over by the Hon. the Speaker certifying for five witnesses regarding each member of Committee as a witness, but he would put it to the members of the Committee, whether it would be worth while to table a motion for 13/. He should be prepared to pay his share of the expenses

The ATTORNEY-GENERAL said it was irregular no doubt for the Committee to have gone beyond the doors of the House of Parliament for the purpose of taking evidence without consulting the House, but if the House had been applied to, he had no doubt that power would readily have been given. The Committee had erred on a point of form, and as he believed that the objects in view could not have been so effectually secured by any other mode, he should be sorry that any hon member should be called upon to bear expenses incurred solely for accomplishing a public duty with which he had been entrusted. He hoped the Chairman of the Committee would take an early opportunity of bringing the matter before the House, when he should be happy to give his cordial support to the motion

The SPEAKER said if the feeling on the part of the House were that the expenses should be defrayed, the Clerk of the House would defray them without any formal motion upon the subject, but it would be better for the future that the permission of the House were obtained before such expenses were incurred

Mr STRANGWAYS said the Committee had been appointed to take evidence, and not to go up to Kapunda and back. The Committee had clearly exceeded their duty, as they should have reported upon the evidence brought before them, and not upon what they had gleaned from extraneous sources. His opinion was that the evidence was worth nothing which the Committee had obtained in their individual capacities. He was inclined to disallow the amount. The House were in fact called upon to accept the opinion of four individuals, who collectively formed the Committee

Mr NEALES said the Committee had no doubt omitted to apply for leave to move from place to place, but still he thought the hon member (Mr Strangways) would be in a glorious minority of one. He believed that a great saving had been effected by the visit which the Committee had paid, for no evidence which they could have taken would have been so conclusive as a personal examination. If evidence had been called before the Committee, the cost would have been five times as much. It would be seen, however, that the charges were only for four, the fact being that though he was on the Committee, he had to visit the locality upon other business, and his expenses were paid by another party. He did not wish them to be paid for twice over

Mr PEAKE thought the argument of the hon member for Encounter Bay amounted to a glorious nothing. No doubt it was the duty of the Committee to take evidence, but what better evidence could they have, than the evidence of their own senses. He liked to take the evidence of his own senses, as well as the dictum of other people. He hoped the House would consider when a fitting occasion arose, that Committees should avail themselves of personal inspection, and that their expenses should be paid. So many vague and evasive answers were frequently returned by witnesses, that nothing but a personal inspection could satisfy the Committee of the actual state of things, and the country reaped the benefit

Mr COLE expressed great regret and surprise that the hon member for the Sturt should lend himself to such an expenditure as had taken place under pretence of testing the qualities of water. (Laughter.) The hon member claimed compensation for the Committee in order that certain grog scores might be liquidated. (Renewed laughter.) There was something very inconsistent to his mind in calling upon the House to pay grog scores for testing the quality of the water at Kapunda. It was with great pain he saw the hon member for the Sturt, as an independent member of that House, step forward to advocate such a course, particularly after the course the hon member had pursued towards the gentlemen on the Treasury Benches, whom he had taxed with temerity in prying away a mysterious 100/ from Major Warburton, because it had not been voted by the House. The hon member asked for the payment of certain grog scores, but did he mean to say that such expenditure was necessary to test the quality of the water? (Laughter.) Either the water must have been so bad that it required to be qualified by brandy and whisky, or the brandy and whisky were so strong that the Committee must have been prevented from judging of the quality of the water. (Great laughter.) He would not be so mean as to say he would not pay the bill, but at the same time he wished to draw the attention of the House to the inconsistency of the hon member for the Sturt

The formal motion which had been made to enable the subject to be discussed, that the House at its rising adjourn till the following day at 1 o'clock, was then carried

NEW LEASES

The COMMISSIONER OF CROWN LANDS, in reply to Mr McLELLISTER, stated he was not prepared to say which the draft of the new form of lease would be laid upon the

table of the House, but he should be enabled to state on the following day

REAL PROPERTY ACT

Mr OWEN said he had moved for returns in connection with the Real Property Act on the 27th of May last, but though a period of two months had elapsed they had not yet been laid on the table of the House. This and the other House were waiting for them with considerable anxiety, and the delay appeared extraordinary, as he believed that the parties connected with the department were not employed for more than 32 hours during the week.

The ATTORNEY-GENERAL said the moment he received information of the resolution of the House, he gave instructions for the returns to be prepared, and he had since ascertained that all the spare time of the clerks in the office was devoted to the preparation of these returns. He had not felt justified in engaging extra assistance, although the returns were of an exceedingly precise and complicated nature. The returns should be laid upon the table as quickly as possible. Hon members frequently moved for returns, forgetting that if time were an object it would be impossible to prepare them without considerable expense. In future, if time were an object, the better plan would be for the House to authorize the Government to incur some additional expense in order that the returns might be prepared with the greater rapidity.

IMMIGRANTS PER JAMES JARDINE

Mr HAWKER brought forward the notice in his name "That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr Milne) if he has received any information from the Immigration Agent at Port Adelaide respecting the employment of immigrants per James Jardine and if so, what is the tenor of such information."

The COMMISSIONER OF CROWN LANDS said that when the lay days of the James Jardine had expired he sent down to the Immigration Agent to ascertain how the immigrants were leaving the ship, and any other particulars. He found, that with the exception of one female, all had found work or had gone to their friends. One man with a large family grown up, had found employment for his family, but had been unable to obtain work himself.

Mr REYNOLDS said there was a report that a number of the immigrants had gone to Victoria.

The COMMISSIONER OF CROWN LANDS said that question had been previously answered. He then stated that he had communicated with the Immigration Agent, who said that neither he nor the Surgeon Superintendent knew of any case of immigrants going to Victoria, nor had they reason to believe that such was the case.

GLENELG JETTY

Mr STRANGWAYS asked whether it was intended to place a light at the end of Glenelg Jetty. He also wished to know whether there would be any objection to appoint a person at Glenelg to act as Assistant Health Officer, as if no such officer were appointed the quarantine regulations would be rendered void.

The TREASURER said the subject of a light had been, and still was, under the consideration of the Government. The Trinity Board had been communicated with, and had stated that the erection would cost 400l, and its maintenance 170l, but the information being extremely vague the question was again referred to them. The appointment of a Health Officer would involve no expense, and the Government would take an early opportunity of appointing such an officer.

NORTHERN EXPLORATION

Mr REYNOLDS asked the Commissioner of Crown Lands whether Mr Stuart had offered the Government his plan and journal in connection with his last expedition to the north?

The COMMISSIONER OF CROWN LANDS said the Government had that day received a letter from Mr Chambers on the subject, but had not yet come to any determination.

INSOLVENT ACT

The ATTORNEY-GENERAL laid on the table returns connected with insolvency moved for by the hon member for Gumeracha.

Ordered to be printed

HANSARD

The ATTORNEY-GENERAL laid on the table papers relative to the contract for the Colonial Hansard.

SIRAPHALBYN AND GOOLWA TRAMWAY BILL

Upon the motion that the Bill be read a third time,

Mr LINDSAY moved that the Bill be recommitted, with the view of altering the 8th and 9th clauses, believing that upon reconsideration, it would be considered inexpedient to adopt such severe gradients, which would very much increase the expense.

The amendment was not seconded, and the Bill was then read a third time and passed.

REGISTRATION OF PATENTS BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

INSOLVENT LAW AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL the House went into Committee on this Bill, when the hon gentleman

stated that he had postponed the consideration of the Bill till that day, in order that the Committee to whom the Insolvent Law of the province had been referred, might consider one or two points. One point was, to enable an agent in the colony to prove in the same way that the clerk or servant of a creditor would be able to. The other point had reference to the arrangement clauses. The hon member for Encounter Bay (Mr Strangways) had prepared clauses upon these points, to which he did not see any objection, and if the hon member would move their insertion, he (the Attorney-General) would second them, and between that time and the following Thursday, till which time he proposed to defer the consideration of the Bill, he would have an opportunity of considering whether there was any objection to the clauses, and also, whether their introduction would require a modification of the Bill in other particulars.

Mr STRANGWAYS then moved the introduction of a clause to the effect, that any creditor residing beyond the colony might prove by an agent, in the same way as by a clerk or servant.

Mr SOLOMON called attention to there being no provision for a party to prove under a power of attorney. Only recently a case occurred in which a party holding a power of attorney was precluded from proving, although the debt amounted to upwards of 15,000l. Fortunately, very shortly after the refusal by the Commissioner of the Insolvent Court, the creditor himself arrived. It appeared to him that under the provision proposed, an agent would have to make oath to the debt before it could be admitted as a proof upon an insolvent estate.

The ATTORNEY-GENERAL was sure the hon member could not wish to introduce such a principle as that of admitting a debt without the oath of the agent. The fact was, there were a great many cases in which parties knew better the actual state of accounts between parties than the principals, but at present these parties were precluded from proving, as they were not actually the clerks or servants of the principals. When such parties knew sufficient to be enabled to swear to debts, they would be allowed to prove, but it was not intended to place English creditors upon any vantage ground, so that whilst their debts would be admitted without an oath, the debts due to parties in this colony could not be admitted without being sworn to. Although at present parties, situated as he had stated were precluded from proving, they could make a claim, and dividends were always reserved for them. At the present time an English creditor could prove by his clerk or servant, and it was now proposed to enable parties to prove who had such a knowledge of the transaction as would enable them to swear to the debt. If no oath were required, it would clearly be placing English creditors upon vantage ground. Of course, proofs would not be admitted if the Official Assignee suspected fraud, any more than any other proofs would be, without examination.

The clause was agreed to.

Mr STRANGWAYS introduced another clause, giving partially secured creditors power to value their securities, and prove for the balance of their claims when that balance had been ascertained by the securities having been realised twelve months from the date of the last meeting to be allowed for realising securities, or a longer period at the option of a majority of creditors in number and amount. The hon member remarked that under the existing law partially secured creditors had no voice whatever under the arrangement clauses, but he observed that in Melbourne the practice was to value the security and prove for the balance, the dividend being payable on the balance which should prove to be actually due.

Mr NEALES remarked that in a recent case in Melbourne, Messrs Denistoun Brothers lost 43,000l, or rather they wished to claim for that amount upon the estate of John Riorden, but the Court refused to admit the claim, on the ground that Denistoun Brothers realised their securities, which the Court believed should have produced a much larger sum than they did.

The clause was carried, and the CHAIRMAN then reported progress, and obtained leave to sit again on the following day.

MESSAGES FROM HIS EXCELLENCY

The SPEAKER announced the receipt of Messages from His Excellency the Governor, containing papers connected with the South Australian Institute, draft of a Bill to amend the Militia Bill, draft of a Bill to authorize the establishment of a Volunteer Force in South Australia, information that 411l 15s. had been placed on the Estimates for mail guards.

MILITIA BILL

This Bill was read a first time, the second reading being made an Order of the Day for the following Thursday.

VOLUNTEERS BILL

This Bill was read a first time, the second reading being made an Order of the Day for the following Thursday.

THE ESTIMATES

The House having gone into Committee upon the Estimates, the TREASURER moved that the Post-Office department be increased by 411l 15s., for the purpose of making

provision for mail guards, referred to in His Excellency's message.

Carried

Upon the motion that the report be brought up.

Mr HAWKER moved that the department of Immigration be considered, with the view of making the salary of the Emigration Agent 600*l* per annum. He thought that when the House reduced the amount to 500*l* they were not in possession of the facts of the case. He believed it would be found that since that time some hon members had changed their opinion. Having for two sessions decided that the Emigration Agent in England should receive 600*l* a year, it did not appear to him fair, after a gentleman had accepted the appointment and left the colony, to reduce the salary to 500*l*. It would not be fair that the officer should find after his departure the salary had been considerably reduced. It would, indeed, be breaking faith with him, which he was sure the House would not sanction. He was satisfied that the duties of the office would be performed with the greatest assiduity and efficiency, and that great benefits would result from the class of immigrants being selected who were adapted to the wants of the colony.

Mr REYNOLDS should support the motion, though he has previously opposed Lieutenant Dashwood having his passage home provided for him and being paid salary from the date of his appointment. He had since, however, seen reason to change his opinion, and thought it probable that if Lieutenant Dashwood had known the salary had been only 500*l*, he would not have accepted it.

Mr GLYDE had heard nothing to change his opinion, which was that 500*l* a year was quite ample. He had not a word to say against the efficiency of the officer, but it was impossible that he could have so much to do, having only 20,000*l* to expend, as when there was 60,000*l*. If the salary were to be 600*l*, it would be actually more than the head of the department received, because 600*l* a year in England would be more than 800*l* a year in Adelaide.

Mr DUTTON thought the proposition of the hon member for Victoria would have been carried unanimously. He believed that the proposition would be carried by a large majority of the House. The hon member (Mr Glyde) stated as a reason for reducing the salary that the cost of living was not so great in England as in Adelaide, and that the duties of the officer must be light, now that there was comparatively so small a sum to expend, but he (Mr Dutton) was enabled to give a little information on both those points, having recently received a letter from Lieutenant Dashwood, in which that gentleman stated that the cost of living in London, if a person had any appearance to keep up, was enormous, and that the duties of the office were most onerous and fatiguing at the present rate of immigration.

Mr SOLOMON should vote for the 600*l* because Lieut. Dashwood left firmly impressed that he was to receive that sum, and the question was not whether the duties were onerous or not, but whether the Government were pledged to pay that amount. It appeared to him it would be a breach of faith not to pay that sum, and no doubt Lieut. Dashwood's domestic arrangements were based on the belief he would receive that sum. He could not consent to reducing the salary under such circumstances without consulting the officer, who might have preferred quitting the service altogether.

Mr GLYDE said, supposing the views of the hon member for the City were carried out, and the vote for immigration were struck out altogether, would he still continue the agent's salary?

Mr SOLOMON would not then discontinue Lieut. Dashwood's services, as the cessation of immigration would probably only be temporary. A mercantile house might not during one season require any goods from England, but they would not on that account withdraw the buyers from the London market.

Mr PEAKE hoped the House would not be guilty of a breach of faith with the Emigration Agent. He would gladly pay 1,000*l* a year to secure the advantages which would probably result to the colony from a gentleman giving his whole time and attention to the selection of emigrants suitable for the colony. Almost any salary within reason would be well expended for such a purpose. He was convinced that if all the emigrants for this colony had been carefully selected, there would not have been one out of employment.

Mr REYNOLDS said the observations of the last speaker implied that the Emigration Agent was not so efficient as he might be, but had he thought so, he should have moved that the item be struck out altogether. He would not support 1,000*l* a year believing 600*l* ample. He could not understand the argument of the hon member (Mr Glyde) that, because the Emigration Agent had less money to spend, therefore the salary should be reduced. If the duties were not so onerous, perhaps some reduction in the clerical staff might be effected, or a sum of 500*l* be allowed for occasional clerical assistance.

Mr HAWKER'S proposition, raising the salary to 600*l* was carried.

The TREASURER having moved that the report be brought up—

Mr SOLOMON brought forward his contingent motion for rescinding the vote of 20,000*l*, for immigration. He

remarked that he did not bring forward the motion with the less confidence because it had been intimated that he could not carry it. When he brought forward the subject on a former occasion, he thought that hon members had not made themselves acquainted with the state of the labor market in South Australia, but that they had since acquainted themselves with the true position. The House would remember that he presented a petition from 200 or 300 residents of the agricultural district of Mount Barker, praying that immigration might be discontinued, and another petition, signed by about 3,000 working men of Adelaide, probably the largest petition ever presented. He thought these petitions were entitled to some weight. He did not expect to have the support of the Government, though he ought, upon the principle that the views expressed by one member of the Government were the views of the whole, and in Council Paper 52 it would be seen that, when Mr Dutton was Commissioner of Crown Lands, he wrote to the Emigration Agent in England to the effect that there was not only sufficient labor in the colony, but more than sufficient. This was in October last, and it would be admitted that since that month things had become considerably worse. (No.) Those who cried "No," had evidently not taken steps to satisfy themselves of the true state of the case. The Council Paper to which he had referred stated that not only was there abundance of labor in the colony, but that according to the newspapers, there were a great number out of employment. He would ask had anything arisen since the date at which that was written to induce a change of opinion? Had the labor which was then unemployed become absorbed? No, it was notorious there were a far larger number out of employ than at the time that was written. He had stated that he did not expect the support of the Government, because he knew it was not their policy, but leaving policy out of the question, he contended he had a right to expect their support, as he challenged them to show him that since that date any favorable change had taken place. In a letter dated 25th January, 1859, addressed by Mr Dutton to the Emigration Agent, it was stated that there were then £22,500 in the hands of the Emigration Agent, and if so, that amount would be sufficient to bring two shiploads per month till November, without sending home more money. It would be suicidal to bring more men into the labor market to compete with those who were already starving. He did not want to lay before the House a highly-colored picture, but he had satisfied himself by personal inspection, that an immense amount of distress existed, and amongst those in a state of destitution were many old hands, who in vain sought to obtain employment. This was a state of things which ought not to exist. If we were able to absorb labor at such a rate, and at such a remuneration that laborers would be enabled to make a little better living than in England, it would be all very well to import immigrants, provided that capital accompanied them, but unless the latter provision were carried out, to import immigrants would be to import pauperism. It was obvious that during the last two years they had not been importing capital in proportion to labor. He need merely point to the deposits in the Banks, which showed a decided falling off in capital. The subject had been so well ventilated, that it was unnecessary to dwell at any great length upon it, but he would ask hon members to ask themselves if there was not already in the colony a sufficient amount of labor for all the purposes for which it was required, and he believed the answer must be in the affirmative. He would then ask them whether it would not be a suicidal thing in the present financial state of the colony to import extra labor. No doubt the harvest would find some employment for many, but what were they to do in the interim? He believed that the Government should have tests for labor, and he should like to see those tests such that men with families would be enabled to support them at the rates offered, though something less than the current wages. It might be said there was a Destitute Board, but an Englishman's pride prevented him from applying to such an institution, and thus it was there were many industrious families who were suffering in silence, and who had been induced to come here rather than resort to a Union in England. He sincerely hoped that the House would not vote 20,000*l* for the purpose of importing immigrants to compete with the starving multitudes already here.

Mr STRANGWAYS said the matter had been so fully and frequently discussed that he should move the House divide.

Mr SOLOMON called for a division upon the motion, when Mr Strangways' motion was lost by a majority of 17, the votes—Ayes 6 Nones 23 being as follows—

AYES, 6—Messrs Cole Collinson, Hallett Hawker, Scammell and Strangways (teller).

NONES, 23—The Attorney-General, the Commissioner of Crown Lands the Commissioner of Public Works, Messrs Barrow, Duffield, Dunn, Dutton, Glyde, Harvey, Hay, Landsay, MacDermott, McIlhenny, Milfred, Neales, Owen, Peake, Reynolds, Rogers, Shauston, Young, the Treasurer, and Solomon (teller).

The ATTORNEY-GENERAL would say a few words for the purpose of justifying the vote which he intended to give, and vindicating the policy of the Government though he did not anticipate that anything which he could say would

change the opinion of those hon members who contended that immigration should be stopped, any more than the statements of those hon members would influence those who were of a contrary opinion. The Government believed that the true policy was that immigration should be continued, but he had opposed the proposition of the hon member for Encounter Bay, because he thought it desirable that the question should be discussed to the fullest extent, and was aware that some members of the House had not yet had an opportunity of expressing an opinion upon it. Independently of this he had a personal consideration, several members having been precluded on a former occasion from speaking in consequence of a call for a division, and he did not wish to be a party to prevent the matter being completely and fully discussed upon another and subsequent occasion. In the first place he was quite prepared to believe that any hon member who opposed immigration would be as reluctant to interfere with the progress and development of the colony as he (the Attorney-General) would be, but he believed that carrying such a resolution as that before the House would inflict great injuries upon the colony. He would ask hon members to believe that he and those who supported him were as deeply interested in the progress and development of the colony, and in the well-being of the laboring classes, as those who took an opposite course could be, and he was as sincerely desirous as they could be that nothing should interfere with the rewards of industry. He hoped that credit would be given him for a sincere desire to promote the interests of the colony and the well-being of the working men of the community. He believed that those who were desirous of stopping immigration were completely opposed to the interests of the working classes and to the general interests of the colony. If their suggestion could be carried, and that were to be the principle upon which the policy of the country were to be afterwards conducted, it would do more to depreciate the position of working men, and prevent them from emerging from that position to that of employers of labor and capitalists than any other step which could be taken. Immigration at the cost of the Government was the system upon which the colony was founded. The object was to secure land, capital, and labor in three adequate proportions, the land being comparatively worthless without the labor. These were the three elements of production which must be preserved in a corresponding ratio, each enlarging as the other enlarged. When the land was sold there was an increase of labor in a corresponding proportion, but this must cease to be the case if immigration were stopped. He need not say that if that proportion were to be destroyed, if land were to become the property of private individuals in a larger proportion than it could be turned to account by the labor in the colony, that instant the economy of the community would be disturbed, and its progress to that extent would be necessarily checked. He would ask the hon member for the City what possible reason could be given to prevent the introduction of labor on the plea that it would compete with the labor at present here, which might not be urged against the introduction of capital into the colony, or against selling more land, because it would compete with the land already possessed by private individuals. Imagine how extremely absurd it would be to prevent the introduction of capital upon such grounds, and what a fallacy it would be not to sell more land because it would come in competition with that already sold. If the case were fairly argued, these would be found to be fallacies, the same in principle, and not greater in extent, than that urged by the hon member for the City, that the importation of labor should be prevented because it would interfere with the labor already here. The fallacy, which must be patent to hon members in one instance, must, he was sure, be equally patent in the case of labor. It had been said in connection with this matter that the object was to depreciate the wages received by the laboring classes, but he denied there was any such object, nor did he believe from the position of the Australian colonies that any such effect could be produced. During the period at which there was the largest amount of immigration to Victoria, wages in that colony were at the highest. How many sources were now shut up against the employment of capital in consequence of the high rate of wages! No one, looking at the vast mineral resources of the colony, and the vast quantities of land adapted for agricultural purposes, or at the various modes in which our capital might be employed—the country teeming with means for the employment of labor and capital—and there was no lack of capital—there was capital to any conceivable extent—no one, he said, could doubt for a moment that capital would be employed if there were a fair prospect of its employment being attended with profitable results. The only reason that capital was not employed, was a fear that the sum which would be received after the employment of labor, would not yield a profit to the employer. So long as that was the case there would be an apparent, though not a real excess of labor. He believed as he had before said, that the rate of wages would be determined by a different state of things. Looking to Melbourne, they must feel satisfied that the rate of wages was altogether independent of the number of laborers brought into the colony, and who

desired to seek employment. When wages rose to such a pitch that the return yielded to the capitalist ceased to be profitable then no doubt employment for labor ceased to a considerable extent, and however desirable a high rate of wages might be when the natural result of the circumstances of the colony, it was injurious to the working classes when it resulted from other circumstances. It had been asked why the system upon which this colony had been founded should now be so important to its prosperity when the United States had no assisted immigration, and yet increased its numbers in such proportion as it had during the last few years. Undoubtedly if this colony were at such an easy distance from the greatest emigrating country on the face of the earth, there might not be a necessity for assisted immigration, if this were the country to which the whole world looked as a place of refuge, he could understand the argument, but as the position of this colony was just the opposite, the argument did not apply. The voluntary immigration to this colony as compared with America, was nothing, and the cheapness of transit to America offered inducements to parties to go there. The cost of coming to this colony was an absolute bar to parties coming here, in fact, we were altogether in a different position from the United States, and if it were considered desirable that the population should increase, it was absolutely necessary to keep up immigration. The subject had been discussed at such length, that when he rose he intended to make very few remarks compared with what he had, and though many others presented themselves, he would have mercy on hon members, feeling satisfied that hon members holding opposite opinions to himself were quite imperious. He must oppose the recommittal of the item.

Mr McELLISTER supported the motion of the hon member for the City. He gave Government credit for endeavouring to relieve the destitution which existed but could not see any analogy in the comparisons which had been instituted between the introduction of capital and labor. The introduction of foreign capital would, he apprehended, decrease the rate of interest, but the introduction of additional laborers would raise the price of food, though at the present price it would be impossible for the working classes to do more than live even if they could get work. There was surplus labor of every kind in the country, it was not confined merely to the city, but at Kapunda, Barta, Gawler, and other places, there were hundreds out of employment. It would be monstrous to import more till there was some prospect of the surplus labor being absorbed. What he should propose was that immigration be suspended for six months, and that 10,000*l.* of the amount proposed to be devoted to it, be devoted instead to public works. If immigration were carried on in the present state of the colony, what guarantee was there that those who were brought out at the public expense would stop here? and in the present state of the colony, and scarcity of employment, they certainly were not likely to stop if they had the means of going elsewhere. If there were plenty of employment here, and if the wages were fair, he believed there would be no difficulty in getting plenty of labourers from Victoria, therefore, what use was there in importing more? He knew for a fact, that there were many as good men as were to be found in the colony out of employment, and he had interested himself to obtain work for many, but although the Commissioner of Public Works was at all times ready to render all the assistance in his power, still he could not provide for all who required it.

Mr REYNOLDS had listened attentively to the speech of the Attorney-General, and was quite willing to give the hon gentleman credit for a sincere desire to promote the interests of the colony, but at the same time he could not understand the argument of the hon gentleman, that because the colony had been founded upon the Wakefield system, therefore it should be continued. It was constantly dinned into the ears of hon members that the colony was founded upon the Wakefield system. He could not see any reason that system should be continued after it had become perfectly apparent that it did not suit the wants of the colony. If anything could be drawn from the speech of the Attorney-General it was that it was not labor but capital which was wanted. That was the only inference which he had been able to draw from the very able speech of the hon gentleman, that there was a disproportion between the three elements of production, and that such disproportion required to be arranged. The hon member for the City (Mr Dutton) had actually anticipated such a state of things when he wrote to the Emigration Agent in October, and stated there was a surplus of labor in the colony, but that he hoped it would be removed by the harvest. He believed that more distress existed here than had been known for many years, and that there was great distress amongst skilled as well as unskilled laborers. He believed the distress was felt through the various ramifications, and that it would be most unwise to import more immigrants for the next 12 months. The Attorney-General appeared to think there was a good deal of force in the comparison which he had instituted between the introduction of foreign capital and the introduction of labor, but he would remind the hon gentleman that the cases were not parallel, because capital could be removed, but the laborer was not in a position to remove his only capital—his labor—at a moment's notice. He

did not advocate the suspension of immigration altogether, but merely as a temporary measure. Perhaps next year he should be prepared to support a much larger sum, as it did not follow there should always be a surplus of labor. It was clear the Wakefield system did not hold good here, because this year a smaller sum had been voted for immigration than there ever had been before, showing that the principle was not quite as good as it was. It was unnecessary, however, to prolong the discussion, feeling satisfied that nothing which he could say would influence hon members on the opposite side and he was quite satisfied that nothing which the Attorney-General had said or could say would influence him. The House were called upon to deal with a state of things which had scarcely ever before actually occurred, there was a vast amount of actual distress, and from the circumstances of the colony he felt it unnecessary to vote money for immigration purposes. He hoped the House would rescind the vote of 20,000 for that purpose.

Mr LINDSAY was prepared to strike out a part of the vote, feeling that the Wakefield system was inapplicable to the present state of the colony, three or four years ago he should have been happy to try the experiment of stopping immigration, and apprehended that the effect would have been high wages, at first, followed by a greater influx of labor than we had ever had before. He had no desire to stop immigration altogether, but was of opinion that a very slender stream was all that was now required. At the present time he considered that any attempt to carry out the Wakefield system would be absurd. In a year or two it was possible the circumstances of the colony might have changed, and then the system could be revived.

Mr BARRROW felt bound to support the motion of the hon member for the City (Mr Solomon) (Hear.) He must, however, admit that he did so but with a very faint hope of success, or rather without any hope at all, because, judging from former debates on the subject and there being no reason to suppose that hon members had changed their minds, he felt it was almost waste of time to discuss the matter. At the same time the question was one of such great importance, that it was not pleasant to sit down, and allow it to be summarily disposed of, merely from a conviction that the feeling of the House was against him upon a question in which such deep interest was felt. He was quite willing to concede to the Attorney-General and those who acted with him that conscientious and honest desire to promote the interests of the colony to which the hon gentleman laid claim (Hear.) He did not question it for a moment, indeed it would be absurd to suppose that the members of a Government and those by whose they were surrounded and supported could have any desire to depress the colony (Hear.) The House, however, were not discussing the motives which actuated one side or the other. The motives of both might be alike pure, but it was quite clear that the views which they entertained were entirely different. The Attorney-General had entered into an elaborate argument to show that the Wakefield theory was a good one for the colony, and he (Mr Barrow) had no doubt that the Wakefield theory was a good theory, but in the history of every colony there must be a period at which the Wakefield theory had reached its limits (Hear.) When were they to say that the Wakefield theory, having fulfilled its mission another more adapted should be substituted? Or, were they to persevere in that theory till every acre of land had been sold. He supposed the Attorney-General would adopt the affirmative, and say—so long as there was an acre left, let that theory be acted upon, but he would remind the House that the hon the Attorney-General had stated not that there were two elements, but three elements in the Wakefield theory—land, labor, and capital—and if the principle involved in the adoption of the Wakefield theory, as that day interpreted, was carried out, Great Britain should be importing immigrants at the present moment. He admitted that the Wakefield theory was an excellent one with which to start a colony, but this was no reason why it should continue in after years to be equally applicable. Good as it was, it required modifications, and the time might come when it should be laid aside, and a more suitable theory substituted for it (Hear.) The hon the Attorney-General had said that there was no desire in connection with this question to reduce the rate of wages and that he did not believe the importation of immigrants would have that effect, but in the same speech the hon gentleman had said there was any conceivable amount of capital waiting employment, and that the reason it was not employed was that the rate of labor was such that there was no probability of a profit on the investment of capital. If, however, the present rate of wages was so excessive as to discourage the use of capital, and if immigration would not reduce wages, of what possible benefit could immigration be to the capitalist? (Hear, hear.) The capitalist could not benefit by immigration unless he obtained labor at a cheaper rate, and the Attorney-General had stated that the capitalist was deterred from entering into speculations which would afford employment to labor in consequence of that labor being too expensive to afford a fair prospect of profit in the investment of capital (Hear.) Yet in direct opposition to this the learned gentleman said that he did not believe immigration would reduce wages (Hear.) He (Mr Barrow) admitted that this colony had this year under the system of importing labor at the public expense, and it might be necessary to re-

sort to that system again, and whenever such occasions arose he should be most happy to give his vote for an adequate sum for the purpose. But the question at present before the House was, whether it was necessary to vote the present sum which had been placed upon the Estimates. It was not right, according to the Standing Orders of the House, to refer to former debates, or he might have referred to a recent statement by the Attorney-General to the effect, that it was an Englishman's privilege to grumble, and that he must be excused doing so when there was a large amount of distress prevailing. It was admitted that there was a large amount of distress, and that those who suffered had a right to complain. But it was not only the sufferers who were affected, there were the witnesses of that suffering who were grieved and pained to behold distress which they could neither remove nor alleviate. He (Mr Barrow) had not intended to address the House at so much length, but like the Attorney-General, he found as he advanced so many topics present themselves to his mind that he was tempted to make a long speech. He would, however, bring his remarks to an instant conclusion, as they would probably have no effect upon those hon members who had made their minds on one side or the other. He hoped, however, that in what they did, they would keep in view the interests of the colony, even more than what was called giving a consistent vote, for if hon members' views had been modified by enquiry or observation since the last discussion upon this question, it would be better when they faced their constituents than that they should even be taunted with having given two contradictory votes, than that, having altered their views on a question involving the welfare of the community they should refuse to alter their vote ("Hear, hear," from the Attorney-General.) He felt compelled to support the hon member for the city, Mr Solomon, at the same time giving to gentlemen on the opposite side full credit for honesty of purpose in the votes they intended to record. The common object was to develop the interests of the colony, but they differed widely as to the means by which the interests of the colony for the time being were to be promoted (Hear, hear.)

The COMMISSIONER OF CROWN LANDS was pleased at having an opportunity of again addressing the House upon this question. The previous debate upon the question had closed suddenly, and he was desirous that every hon member should be afforded an opportunity of expressing his views. He had previously opposed the vote for immigration, and felt it a hardship that he and others who entertained similar views, should be charged with ultimately intending to stop immigration altogether. He repudiated any idea of having contemplated anything of the kind, but at the same time he felt the majority in favor of immigration was so overwhelming, that it was only right the views of that majority should be carried out. He had refused on two or three occasions to table the resolution brought forward by the hon member for the city, Mr Solomon. He had promised to support that resolution in order that he might have the opportunity, which he now availed himself of, to clear himself from the imputation that he wished, to do away with immigration altogether. In reference to the distress in Adelaide, he was prepared to state, in justification of the vote which he gave on a previous occasion, that there were a great number of unemployed in and about Adelaide. That was undeniable, and the fact had indeed been recognised by the Government, by their placing 10,000/ at the disposal of the Central Road Board, and after that step, he was the more astonished at the proposition to vote 20,000/ for immigration. Still more was he astonished at the large majority in favor of that proposition. He had since scrutinised the division list and found a large majority of those who supported the vote were country members, from whom, and from other sources, he had learnt that there was an actual deficiency of labor of a peculiar character, such as was required for ploughing, sowing and reaping. He felt, therefore, that his former views in reference to this question were modified, although there was unquestionably a large surplus of a certain class of laborers not in demand, because the wants of the colony had not been regarded by sending out proper proportions. He still felt that the vote might be expended in introducing a class of labour which would not add to the unemployed, but, on the contrary, supply labor which was really wanted. Consequently he felt no difficulty in taking office. He had pledged the hon member (Mr Solomon) that he would support the motion, and could not consequently accept office without consulting that hon member. That hon member at once absolved him from the promise which he had made, by stating that he should be perfectly satisfied if he (Mr Milne) would abstain from voting on the question. Upon that understanding he expressed his willingness to accept the office which he held in the Government, and it was at once arranged that he should act as had been suggested by the hon member, Mr Solomon. His wishes in other respects had been deferred to. It had been stated that he had violated a principle in accepting office, but the principle must be immigration as a whole, and if the question were whether immigration should be done away with or continued, he was quite prepared to go with the Government and say that it should continue. With respect to whether the Wakefield system should be continued, he thought the House had already ignored that, because that

principle was, that of the amount derived from waste lands, one-half should be devoted to immigration and one half to public works, but the returns on the table of the House showed that no such principle as that had been recognised since the waste lands of the Crown had been placed at the disposal of the Government. He believed that the present surplus labor arose from want of care in the selection of immigrants who were sent out without the slightest regard to classification or the wants of the colony. Till a late Act was passed, any person who purchased land could nominate whom he pleased the class of immigrants being placed entirely beyond the control of the Commissioner of Crown Lands. When the new Act was passed, the hon. member for the City (Mr. Dutton) placed matters on a better footing, but it was only just now that the effects were beginning to be felt, for there were so many nominations, and the Immigration Agent was bound to keep faith with those to whom passages had been promised. Things were now altered, and it was the duty of the Commissioner of Crown Lands to carry out the principle initiated by Mr. Dutton, and he hoped the result would be that such a class would be selected as would speedily obtain employment. With regard to the employers of labor and the laborers themselves, he held it was the duty of the Government to hold the scales between the two classes, not to import labor in such abundance as to cause distress, but at the same time to keep up such a stream as would encourage capitalists to launch into speculations best calculated to develop the resources of the colony.

Mr. TOWNSEND was in hopes, before the question was put, that the hon. member for the Burra would have spoken, as he was anxious to hear the hon. member's views upon this question. He gave the Attorney-General and the Government credit for sincerity, but he, at the same time, believed it was most important for the interests of the colony that immigration should be stopped for twelve months. The Attorney-General had alluded to the vast mineral resources of the colony and its vast agricultural wealth, but he would ask, if there were this vast mineral wealth to be developed, and these countless acres of agricultural land to be tilled, how was it capitalists did not enter into such speculation? The Attorney-General had said that capitalists could not be expected to invest capital unless there were a fair chance of getting a fair return, but was the way to increase that chance to import more labor, unless the object were to diminish the rate of wages? He was satisfied that those hon. members who were in favor of importing more immigrants could not be aware of the amount of distress which existed. Very recently the firm with which he was connected required a junior clerk and the very first post brought them 45 applications, showing that the want of employment was not confined to the common class of laborers. Contractors also informed him that they could obtain any amount of labor at almost any rate. To what rate he would ask the Government did they want to reduce wages before they stopped immigration? To what rate did they want to reduce the daily pay? He believed that would be a cruel man who would ask the laboring man with a family to work for less than 6s per day. Let any hon. member make his calculation and he would find that the laboring classes could not live for less. The Attorney-General had stated that the reason the United States found it unnecessary to assist immigration was, that being near to a large emigrating country the passage was trivial and numbers were in consequence induced to emigrate to that quarter, but he believed that the cost was as great as it would be to come to Australia (No, no.) It was true that the passage money was only about 90s, but it should be remembered that the emigrants did not stop at New York, but proceeded to Ohio or Cincinnati, and he believed that before they arrived at the scene of their labors, it cost them quite as much as it would to come here (No, no.) The statements of Mr. Wm. Chambers, with whom he was personally acquainted, confirmed his views. The Commissioner of Crown Lands had stated that upon enquiry he found that a number of farm laborers were wanted, and a similar statement had been previously made in that House, but he had upon enquiry found that it was untrue, the proprietor of one of the labor offices having offered to supply as many agricultural laborers as were required. The object, he contended, must be to bring down the price of labor. It was a struggle on the part of capitalists to bring down the rate of wages. If there were any other object, how was it that speculations in connection with mines and other matters were not entered into as alluded to by the Attorney-General? It was not merely in Adelaide that the distress existed, there were large numbers of unemployed in Gawler and elsewhere, and when he saw such general distress—such a surplus of labor—and such an unwillingness on the part of the capitalists to avail themselves of that labor, he could only imagine that the object in deluging the market with a further supply of laborers was to reduce still further the rate of wages. When the hon. the Attorney-General spoke of the best interests of the colony, did he mean that it would produce the greatest amount of happiness to the greatest number? Did he mean that it would benefit generally the 120,000 souls located here or did he allude merely to the 3,000 capitalists? He (Mr. Townsend) sympathized with the masses, and for that reason it was that he supported the proposition of the hon. member,

Mr. Solomon. The Attorney-General on a previous occasion, when this subject was under discussion, had stated that hon. members in the votes which they gave should bear in mind that they were the representatives of the people, but did the hon. gentleman mean to say that the great mass of the people were in favor of immigration? He had not met with any tradesmen who were in favor of a continuation, nor did he believe that the vote in that House accorded with the feeling out-of-doors. A very large proportion of the intelligent thinking portion of the community were in favor of a cessation of immigration for twelve months. The Attorney-General was in favor of the Wakefield system, but he would ask the hon. gentleman whether that system had given to the purchasers of land the labor which they required? On one occasion 1,300 young women were sent here and they were distributed about, and maintained at the expense of the Government (Laughter.) The Attorney-General could not deny that these 1,300 young women had been brought out under the Wakefield system. In the course of nine years the colony had expended 800,000*l* upon this kind of immigration, and when the effects were felt, the advocates of immigration turned round and said, "Oh, but these were not the right sort, they were the sweepings of workhouses, and were not required." He had no sympathy with a lazy man any more than he had with a drunkard, but he had satisfied himself that the distress arising from want of employment had extended itself to the industrious, sober, and intelligent. He found, on referring to the Building Societies, that 80 shares had been withdrawn. Tradesmen were taking little or nothing compared with formerly, and contractors said they could obtain any amount of skilled and unskilled labor at almost any rate of wages. What further proofs of distress could be required? It might be that the opponents of immigration would be beaten, but the cry would be raised at the next election and next session the question would surely be dealt with in a very different manner. If the 800,000*l* which had been expended in immigration had been devoted to roads and bridges, he believed the result would have been that a very large number of parties who had been attracted to America would have been induced to come to this colony, for working men were sufficiently intelligent to know where they could obtain the best market for their labour. Believing that the best interests of the colony would be conserved by suspending immigration, he should support the proposition of the hon. member, Mr. Solomon. He would ask the Government, looking at the probability of war, and the certainty of the cost of passage being increased to the extent of at least 2*l* per head, would they persist in expending this money and subjecting immigrants to such increased risks? The better course would be to expend money in this colony on public works.

Mr. PEAKE presumed that the wish expressed by the hon. member for Onkaparinga, that he (Mr. Peake) had spoken on the subject, arose from a wish on the part of the hon. member to catch him tripping. He must say that the arguments used by the hon. member were even more unsound than those which he used when this subject was previously under discussion. The hon. member had also shifted his ground feeling, no doubt, that his previous deductions were altogether illogical. He hoped that the House would not endorse the views of the hon. member, and he believed that before long the working men in the colony would be as ready as any one to admit that they had been mistaken, and had lost sight of the first principles of political economy, which regulated employment and the remuneration of labor in any country. The hon. member had made another mistake in asking why the miners were not employed? But he could inform the hon. member that every miner was employed, and if there were a thousand more they would be. He believed that the Government had with prudent foresight reduced the amount for immigration to something like the requirements of the colony, but he hoped that returning prosperity would speedily enable them to double or treble the amount. Hon. members who entertained different views upon this question, had not supported them, except by stating that a number of men were at present out of work, and suffering some privations, but the privations which were felt by the working men, had in fact been brought about by the diminished resources of those who employed them. He believed that the best policy of working men at the present time would be to go to work at the lowest rate at which they could possibly live, and in a few months the very result of their labor would cause wages to rise, and the prosperity of the country would diffuse itself in every direction. The prosperity of the working men was linked with the prosperity of the employers. He believed that any theory carried to extremes would prove injurious, and perhaps it was the fact of the Wakefield theory not having been strictly acted upon, which had produced in this colony an amount of prosperity never witnessed in any other. The hon. member for Onkaparinga had spoken of parties withdrawing themselves from Building Societies. Well, it must be admitted this was an indication of diminished income, but the hon. member should have taken society as a whole, and have referred to the diminished incomes of other classes. He believed the real cause of the distress which existed, was that during the last two years there had been bad harvests, and an excess of imports. Something had been said by the hon. member

about the cry which would be raised at the next election, but he had perfect faith in the sincerity and honesty of working men when spoken to in a plain, straightforward manner, and he believed they would ultimately see that it was for their own interest that immigration should be continued. He should give his vote in favor of immigration because he believed that the prosperity of the colony was bound up in its continuance. How many thousands of independent freeholders were there who had landed in the colony without a farthing, and what would those men think of a proposition to cut short immigration and deprive them of the labor they required to reap the produce of their fields?

Mr DUNN said a petition against immigration had been presented from the residents of the district which he represented, but one of the parties who had signed it was heavily indebted to his landlord, and had refused to work out any portion of the debt at a lower rate than 7s per day. Compared with the rates payable in England, even now the laborers in this colony had no reason to complain, for in Somersetshire, Devonshire, and Cornwall, farm laborers were quite content if they could get as much as the price of a bushel of wheat per week, but here they—taking the year through, harvest included—got as much per day. The average wages at home were 6s to 8s per year, with rations, and it was impossible for a man, after clothing himself from his earnings, to save enough to reach these shores. He knew many here who had attained positions of affluence, who had never at home received a high rate than that which he had mentioned. (Divide, divide.)

A motion for a division was carried by a majority of 5. The votes, ayes 14, noes 9, being as follow—

AYES, 14—The Attorney-General, Mr Collinson, the Commissioner of Public Works, Messrs Duffield, Dunn, Dutton, Hay, Macdermott, Mildred, Peake, Rogers, the Treasurer, Mr Young, Mr Glyde (teller).

NOES, 9—Messrs Barrow, Cole, Harvey, Lindsay, McEllister, Owen, Shannon, Townsend, Solomon (teller).

The question was then put "that the words proposed to be omitted stand part of the question," which was carried by a majority of 3, the votes—ayes, 13, noes, 10, being as follow—

AYES, 13—The Attorney-General, Mr Collinson, the Commissioner of Public Works, Messrs Duffield, Dunn, Dutton, Glyde, Macdermott, Mildred, Peake, Rogers, Young, the Treasurer (teller).

NOES, 10—Messrs Barrow, Cole, Harvey, Hay, Lindsay, McEllister, Owen, Shannon, Townsend, Solomon (teller).

The effect was that Mr Solomon's motion was negatived, and the original vote of 20,000 confirmed. Mr Hawker paired off in favor of the vote, with Mr Scammell against it.

The Estimates were then reported, and the consideration of the report made an Order of the Day for the following day.

SCAB ACT AMENDMENT BILL

The COMMISSIONER OF CROWN LANDS obtained leave to introduce a Bill to consolidate and amend the laws for preventing the extension of scab in sheep.

The Bill was read a first time, the second reading being made an Order of the Day for the following day.

The House adjourned at 10 minutes past 5 o'clock, till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

WEDNESDAY, AUGUST 3

The PRESIDENT took the chair at 2 o'clock.

THE HON H AYERS

Leave was given to the Hon H Ayers to attend and give evidence before a Select Committee of the House of Assembly on the Insolvent Act.

RAILWAY FINANCE

The Hon H AYERS, pursuant to notice, asked the Chief Secretary the following questions, viz—

"I. What amount of bonds has the Treasurer issued under the authority of the Adelaide and Gawler Town Railway Extension Act, No 10, twenty-first Victoria, and of the Adelaide and Gawler Town Railway Further Extension Act, No 2, twenty-second Victoria?"

"II. How much of the sum realized by the sale of such bonds has the Treasurer paid over to the South Australian Railway Commissioners or other persons for the purposes of the said Acts?"

"III. Whether any and what amount of the sum of 40,000l set aside from the General Public Revenue of 1859 for the purposes of railway extension, and unexpended during that year, has been since paid, and if any, when was such payment made?"

"IV. Whether any portion of the sum of 20,000l authorized to be set apart from the General Public Revenue of 1859, under Act No 2, twenty-second Victoria, has been paid over to the railway authorities, for the further extension of the railway, and if any, the amount and date of payment of the same?"

The Hon the CHIEF SECRETARY, in answer to question No I, stated that the amount of bonds issued under the first-

mentioned Act was 73,000l, and under the other Act, 53,300l. In regard to question II, he had to state that the sum of 101,000l had been paid over to the Railway authorities. With respect to question III, the sum of 11,500l had been paid on account of the 40,000l mentioned. And in regard to question IV, no part of the amount therein specified had been paid.

PUBLIC NOTARIES BILL

This Bill was read a third time and passed.

CUSTOMS ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that its prime object was to enable the Government to remove the duty upon cornbags. The pastoral and mining interests in this colony paid no duty upon the packages which were used in conveying their produce to market, and the agricultural interest should certainly be placed on an equal footing in this respect. In order, however, to take the duty off cornbags, it was necessary to impose an additional duty on something else, and the article of tobacco—an article of luxury—had been selected for this purpose. The extra duty on tobacco was 4d per lb. The third clause of the Bill contained a necessary indemnification of the Custom House Officers, who had been instructed to levy this additional duty before the Bill became law.

The Hon H AYERS seconded.

The Hon Captain HALL called attention to the very short notice given of the second reading of this Bill, involving as it did such great interests. It was in the power of the Ministry to levy fresh taxes simply by a telegraphic message, and before there was any law in existence to justify them, it would certainly be very prejudicial to the interests of the community. He hoped the Chief Secretary would defer the second reading until there was a larger attendance. He (Captain Hall) differed on several grounds from the Government with regard to this Bill. It was inexpedient to tamper with the Customs, as it would induce a spirit of speculation, based on the conduct of the Ministry, although in extraordinary emergencies the sudden imposition of new taxes might perhaps be justified. Most persons in this colony were directly or indirectly connected with merchandise, and Ministers were not necessarily immaculate. They prayed, "lead us not into temptation," but a proposition by one Cabinet Minister to increase the duty, suddenly, on a particular description of goods, might enable another, who held large stocks in bond of that same article, to clear out before the duty was raised. As to the boon to the farmers, he did not believe they would save anything by the repeal of the cornbag duty. The amount would go into other pockets, and why should branbags be excluded? All alterations in the tariff should be very carefully considered beforehand, and Ministers should impose those taxes that would bear most lightly on the mass of the people. The Bill, however, was not equitable, and the Chief Secretary had not shown that it was so.

The Hon the CHIEF SECRETARY said that the Council had the day before agreed that the Bill should be read a second time this day.

The Hon Captain HALL would move that it be read a second time that day six months.

The Hon Mr DAVENPORT objected to express an opinion upon a Bill which he had only seen a very short time previously, and he agreed generally with Captain Hall, that very good and sufficient reasons should be advanced why the measure should be thus pressed forward. He would support the postponement of the Bill.

The Hon Captain SCOTT said that it was quite customary to make alterations in the tariff suddenly, as was the case some time ago when the duty on spirits was altered. If notice were given of the intention to increase particular duties, holders would clear as fast as possible. Tobacco and spirits were legitimate objects of taxation, and it was quite right to remove the duty from cornbags. He should support the second reading of the Bill.

The Hon A FORSLER remarked that the Chief Secretary had not made out a very strong case in favour of the Bill. The hon gentleman had said that the Council agreed that the second reading should take place that day, but what the Council agreed to was, to consider whether the second reading should or should not take place that day. With respect to the exclusion of branbags from the list of articles to be relieved, it was manifestly absurd. It would, to a certain extent, be a boon to farmers, to take the duty off cornbags, but 4d per pound was a rather heavy addition to the shilling duty at present levied on tobacco, and, as they had heard, it is the last straw that breaks the camel's back. The Bill had its origin in a complaint that cornbags were taxed whilst woolpacks and orebags went free, and the difficulty might have been met by placing a duty on wool and ore bags. He did not see why tobacco should be taxed that an infinitesimal reduction should be made in cornbags. He objected to the suddenness of the alteration of the tariff, and thought that no injury could have arisen from speculation if six months' notice had been given. People bonded their goods, knowing that they were subject to a duty of only 1s per lb., and in a moment the Government came down upon them, like a clap of thunder with an extra 4d. It would upset all mercantile calculations. He hoped the Chief Secretary would postpone the second reading until next Tuesday.

The Hon H AYERS agreed, to a certain extent, with the remarks of the last speaker. The object of the measure was, as had been stated, to remove the duty upon cornbags, in order that they might be placed on an equality with wool-packs and orebags, and not because the tax on cornbags was itself felt to be unjust or oppressive. He should support the second reading of the Bill, but he hoped this mode of dealing with important questions would not be drawn into a precedent.

The Hon the CHIEF SECRETARY would agree to the postponement, if the Council wished it. With regard to what had fallen from Captain Hall, as to a responsible Ministry being placed in circumstances of temptation, it was unfortunate for the argument of that hon member that he had himself proposed to raise the duty on beer. If timely notice of intention to raise the duty had been given the bonded stores would have been empty. He (the Chief Secretary) had not the dialectic skill of Mr Forster, who had misunderstood the Bill, neither was he able to spin out a case so as to puzzle himself and his hearers, but he could state a plain case in a plain way. He moved that the second reading of the Bill be postponed until Tuesday next.

Agreed to

The Council adjourned till Tuesday, at 2 o'clock

HOUSE OF ASSEMBLY

WEDNESDAY, AUGUST 3

The SPEAKER took the chair at 12 minutes past 1 o'clock

THE NATIONAL BANK

The SPEAKER announced that he had received a message from the Legislative Council, intimating that they had agreed to the National Bank Bill with amendments.

The consideration of the message was, on the motion of the COMMISSIONER OF CROWN LANDS, made an Order of the Day for the following day.

SHEAOK LOG

Mr SHANNON presented a petition from 106 residents in the vicinity of the Sheaok Log, praying that the road between Gawler Town and Greenock might be constituted a main line.

THE HON H AYERS

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that permission had been granted to the Hon H Ayers to give evidence before a Committee of the House of Assembly upon the insolvent law.

MINERAL LEASES

The COMMISSIONER OF CROWN LANDS laid upon the table returns relative to mineral leases, moved for by the hon member, Mr Neales.

Ordered to be printed.

THE WATERWORKS

Mr REYNOLDS asked the Commissioner of Public Works when the returns which had been moved for, relative to the Waterworks, would be laid on the table of the House.

The COMMISSIONER OF PUBLIC WORKS said that the returns were ready, with the exception of one in connection with which some survey was required, but he should be prepared to lay them on the table of the House very shortly.

NEW PASTORAL LEASES

The COMMISSIONER OF CROWN LANDS was prepared to answer a question which had been put to him on the previous day by the hon member, Mr McEllister, in reference to pastoral leases. The draft of the lease had been prepared at the Solicitor-General's office but had not yet been considered by the Government. No doubt it would be submitted to them immediately, and he should then be prepared to lay it on the table of the House.

EMIGRATION AGENT

Mr NEALES moved—

"That copies of all letters and despatches sent by the three Commissioners of Crown Lands and Immigration to the Emigration Agent in England during the months of April, May, June, and July, be laid on the table of this House."

The COMMISSIONER OF CROWN LANDS had not the least objection to lay the documents on the table of the House, but thought the hon mover would find that some of them had already been printed, and were amongst the Council papers.

The motion was carried.

NORTHERN EXPLORATION

Mr SOLOMON moved—

"That this House will on Friday, 5th August, resolve itself into a Committee of the whole for the purpose of considering the motion that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum not exceeding 1,000*l* to be placed on the Estimates for the employment of a vessel to proceed to and cruise upon the north-west coast, with a view to rendering assistance to

any party of explorers who shall successfully reach the shores of that coast from South Australia."

The hon member remarked that it would be unnecessary to detain the House with any remarks, because he believed that hon members were fully alive to the advantages which would accrue from following out the principle enunciated in his motion. It was more than probable that an exploring party would be immediately formed to proceed to the north-west coast, but having found their way across there, it might be that they would find themselves unable to return. For instance, the party might be deficient of provisions, or they might be so beaten and worn out with their journey that it would be necessary they should desert the horses, and be taken round by sea. It was, he thought, the duty of this colony to send round a vessel at a proper time, for the purpose of affording assistance to the party, and he believed the House would be unanimous in that view. He proposed that the expenditure of the money should be left with the Executive, who would no doubt take care that the proper arrangements were made with the parties going in reference to the signals to be used.

Mr GLYDE seconded the motion.

Mr PEAKE would ask the hon member (Mr Solomon) to withdraw or suspend the motion until a motion which he (Mr Peake) had placed upon the notice paper had been entertained. That motion was for the purpose of considering a plain business-like proposition which had been made by Messrs Chambers, Stuart, and Finke to undertake the exploration to which the motion of the hon member for the city had reference on certain conditions. It appeared to him that it would be perfectly useless to pay 1,000*l* for a vessel to cruise about the north-west coast, as she might be cruising about for 18 months, and at the expiration of that time the object in view might be as far off as at the present time. He hoped the hon member would not press his motion until the House had had an opportunity of considering this doubtful service, and had also expressed their opinion or judgment upon the proposition of Messrs Chambers, Stuart, and Finke, to accomplish that which had been so long looked for.

Mr STRANGWAYS suggested that the better course would be to assent to go into Committee upon the understanding that the motion should be postponed until the other motion in the name of the hon member (Mr Peake), had been formally disposed of by the House.

Mr SOLOMON having intimated that he should have no objection to adopt this course, the motion was carried.

CUSTOMS FORMS AND ROUTINE

Mr SOLOMON brought forward the notice in his name—

"That this House will on Friday, 5th August, resolve itself into a Committee of the whole for the consideration of the resolutions embodied in the Report of the Select Committee on Customs Forms and Routine, and for the consideration of the motion that an address be presented to His Excellency the Governor-in-Chief, praying that His Excellency will be pleased to cause a Bill to be introduced to give effect to such resolutions."

The SPEAKER having intimated that the hon member could move the House into Committee at once if he chose—

Mr SOLOMON adopted that course, altering the motion to the effect that the Attorney-General and himself be requested to prepare a Bill to carry out the recommendations of the Committee. The hon member said it would be in the recollection of the House, that a Committee was appointed by the House to enquire into a question raised by certain petitioners as to the forms and routine at the Custom House. The Committee took evidence upon the point, and their report was to the effect, that they considered the complaint of the petitioners proven, and for that reason it was that he asked the assent of the House to the proposition that a Bill be prepared to meet the difficulty. The question would not have been met by the present form of motion, but he believed that one or two of the recommendations of the Committee would necessitate an alteration in the present Bill. All that the Committee asked for or recommended had been assented to by the Collector of Customs, who admitted the necessity of the alterations which were suggested. Some other matters had also been submitted to Captain Douglas which would have facilitated the operations of the mercantile community, but these he had found impracticable. The Committee had been exceedingly cautious in merely recommending such alterations as the Collector of Customs believed would prove useful to the public, without endangering the revenue, or necessitating any additions to the staff of officers.

The TREASURER said that the report of the Committee embodied a great many matters, but nearly all could be accomplished without passing a Bill, at least so he was informed by the Collector of Customs, and he believed without referring to legal authority. Most of the matters treated of in the report were such that had they been brought under the notice of the Collector they would have been at once attended to, and he was only sorry that the Committee had had the trouble of investigating such matters, as the necessary alteration in the forms and routine might have been effected by a simple application to the Collector. There was no point he believed which was found fault with, and for which a remedy was suggested, that

either the Collector or the Government objected to, believing that the proposed alterations were well calculated to accomplish the object in view. He would suggest that it was not necessary at present to introduce a Bill, and that the motion should be amended so that His Excellency would be requested to take steps to carry out the recommendations of the Committee, which would leave it open to the Government if necessary to introduce a Bill. He thought this would meet the whole case, and that effect could be given to the recommendations of the Committee without the introduction of a Bill.

Mr SOLOMON had no objection to the course proposed by the hon. the Treasurer, provided the Government would pledge themselves to give effect to the recommendations of the Committee and remedy the defects which at present existed if necessary by Bill. He believed the Collector of Customs would be found perfectly ready to put the recommendations of the Committee into operation, but he had been informed by the Collector that there were one or two points which would require the introduction of a Bill to give effect to them. If the Government would pledge themselves to introduce a Bill to give effect to those portions which required the introduction of a Bill he should have no objection to adopt the course indicated by the Treasurer.

Mr RLYNOLDS said that when the hon. member named the Attorney-General and himself to prepare a Bill, he imagined that the hon. member had placed himself in communication with the Attorney-General, who had expressed an opinion that the Collector would not be justified in making the suggested alterations without further legislation. If the alterations which were deemed advisable could be made without the introduction of a Bill, he did not see the necessity of legislating. It had occurred to him, however, that there were one or two recommendations which could not be carried out without legislation. On the assurance that the Government would carry out the recommendations of the Committee, he should support the suggestion of the Treasurer.

The TREASURER said he had not had any communication with the Attorney-General, but had merely acted upon the report of the Collector, and his own views upon the matter. The Government would do their best to give effect to the recommendations of the Committee by Executive arrangements or the introduction of a Bill.

Mr MILDRED, upon looking over the recommendations of the Committee, considered that the whole question devolved upon the Collector, and that the alterations which were essential to carry out the recommendations of the Committee might have been sanctioned by a responsible Ministry. There was one point to which he would allude, which he considered of considerable importance, he thought that a captain should be allowed to send his chronometer or instruments on shore at any time, providing they were returned on board prior to the departure of the vessel, for it was a matter of the greatest importance that the captains of vessels which touched here only for a short time should be enabled to get their chronometers regulated. He believed that the Collector of Customs was most anxious in all cases to remove all difficulties, but there was frequently a difficulty with subordinates, and very great obstacles were thrown in the way of captains of vessels.

The TREASURER said he had no power to alter the recommendations of the Committee, and should act upon them as passed.

Mr SOLOMON adopted the amendment suggested by the Treasurer, and the motion as amended was carried.

THE VOLUNTEER FORCE

Mr SOLOMON wished to bring a question of some importance under the notice of the Treasurer. It was reported out of doors that a number of gentlemen, he believed about 50, amongst whom he believed was the hon. the Speaker, had formed themselves into a Volunteer Force, and upon applying to the Government for arms and ammunition, the application had been refused until certain forms had been gone through. They were also informed that only 10 rounds of cartridge per month would be issued gratuitously, and that any further supplies which were required must be paid for at the rate of twopence each. He wished to know if there was such an arrangement.

The TREASURER said the hon. member and the House must be aware that the supply of ammunition in the Government stores was limited, and the Government were obliged to limit the supply for practice. The limitation was he believed ten or twelve rounds per month, but it should be understood that independently of this each volunteer was allowed from the Government Store ten or twelve rounds for every day that the squad or company were out at drill. If the members of the corps required a supply for private practice they would then have to pay twopence per cartridge. The cartridges cost the Government from three halfpence to twopence each and it was proposed to charge twopence each for such quantity as could be spared.

MESSRS CHAMBERS, STUART, AND FINKE

Mr PEAKE moved—

“That the memorial of Messrs James Chambers, John McDouall Stuart, and William Finke be printed.”
The hon. member remarked it was unnecessary for him to

say that he intended to take action upon the petition, as he had already tabled a motion upon the subject.

Mr MILDRED seconded the motion, which was carried.

MESSRS CHAMBERS, STUART, AND FINKE

Mr PEAKE moved—

“That this House will on Friday, 5th August, resolve itself into a Committee of the whole for the purpose of considering the motion—That, in the opinion of this House, the proposal of Messrs James Chambers, John McDouall Stuart, and William Finke, offering to contract to explore that part of New Holland lying between latitude S 26° 30', longitude E 135° (Mr J M Stuart's furthest north-western station), and King's Sound, on the north-western coast of New Holland for the sum of 6,000l.—should be at once accepted by this Government, and the adjacent colonies of Victoria and New South Wales invited to take an equal share with this colony in the cost of this enterprise.”

He was quite sure the House would agree with him that public attention, not only of this province, but of the whole Australian colonies, had long been directed to this important subject—the proposed crossing of the main land of New Holland. Several expeditions had been fitted out by the Government at great expense but unfortunately these had turned out little better than waste of money. So long as he had had anything to do with public matters, a more plain, straightforward, business-like proposition had never been submitted to the House than that which had been submitted by Messrs Chambers, Stuart, and Finke. The proposition was to the effect that the man who had already led successfully difficult and arduous expeditions was prepared to lead another with the view of crossing the main lands of New Holland. It must be evident that the gentleman by whom this expedition was proposed to be led would scarcely be able to do it unassisted, there were others who would place means at his disposal, and were determined to assist in the solution of the great problem. He had thought it better that this question should be brought forward by some one not on the Treasury benches, because the Government would then be enabled to go on with it not as a Government question. The enterprise here contemplated, and the risks to be incurred, might perhaps appear less at the first glance than they really were. Looking at the map of Australia, and the routes previously explored, it would appear that little more than 500 or 700 miles were to be gone over before the main lands of the island were crossed, but whoever imagined they could be crossed in 500 or 700, or even 1,000 miles, he believed laboured under a great delusion. Mr Stuart had nearly reached the north-western boundary of the province, and assisted by the discovery of the younger Gregory, and his own experience, and that of others, he was led to the conviction that he could cross the main land of New Holland. Mr Stuart was prepared to lead the expedition and there were those who were prepared to see him through with it from the beginning to the end. That was a spirit which the Legislature should encourage. He believed that this enterprise would be fraught with great results, and all that those who were prepared to incur the expense of the outfit asked the Legislature for was simply 1,000l., although that sum would nothing like pay the cost of the outfit, and they were prepared to leave the balance of 5,000l. in hand till the task had been accomplished. If it were not accomplished, of course the money would not be drawn. That was the prayer of the memorial. The proposition was placed before the House in a business-like form, and he trusted the House would accede to it. He hoped the House would make up their minds to grapple with this great question, and accede to the terms proposed in the memorial. He felt perfectly assured that if the neighbouring colonies were communicated with they would be quite willing to bear a portion of the expense, and knowing how capable the intended leader of the expedition was for the task, he had full confidence in that expedition being brought to a successful issue.

Mr MILDRED seconded the motion. This appeared to him, and had for a number of years, to be a most interesting expedition, and the business-like manner in which the proposition had been laid before the House appeared to him one of the best guarantees that it would be accomplished. The thing appeared to him perfectly tangible. All that was asked for was 1,000l., which, as had been observed, would be nothing like sufficient for the equipment, and the remaining 5,000l. would not be demanded unless the expedition were completely successful. If it were so the results would be worth considerably more than 6,000l. to this and the neighbouring colonies.

Mr HAWKESB. should not oppose going into Committee, but at the same time he would state that unless the motion were very much modified he should feel it necessary to oppose it. He did not understand the memorial being supposed to be signed by Messrs Chambers & Finke. If they were going out upon the expedition he could understand it, but the fact was that the first had not the slightest intention of going with the expedition, and the other was on his way to England. The House were called upon to vote a large reward in the event of the expedition being successful, and in the meantime to advance 1,000l. which he believed would be quite sufficient to fit out the expedition. He could not see why there should

be any go-between in the shape of Messrs Chambers and Finke between Mr Stuart and the Government. If the expedition were successful it would be derogatory to the House and to the country that though the country found the money, the expedition was that of Messrs Chambers and Finke, who, as he had already stated had not the slightest intention of joining the expedition. He had no objection to vote a large sum if it were thought advisable in case of success, nor had he any objection to vote 1,000*l* if it were thought advisable to fit out the expedition, but if the 1,000*l* were to be voted he should insist upon the money being applied by the Government in fitting out the expeditions, and that the expedition should be under the auspices of the Government, and the Government only. The House had seen what Mr Stuart could do, he had carried out everything successfully hitherto, and he believed he would carry out this, but he repeated that if the motion were carried in its present form, and the expedition were successful, it would not be the expedition of South Australia, but the expedition of Messrs Chambers and Finke, Mr Chambers having no intention of going with the expedition, and Mr Finke being on his way to England to sell mineral leases.

Mr REYNOLDS should support the motion for going into Committee, reserving to himself liberty to suggest any alterations which he might think proper. He thought it would be much better that the discussion should be reserved until the House were in Committee, but at the same time he would remark that he thought there was a great deal of force in the remarks of the hon member for Victoria, and it was very likely that when in Committee he should be found supporting the views of that hon member.

The motion was carried.

HIGHBURY, ANSTY'S HILL, &c

Mr HAY moved—

“That the petition of the residents in and about Balmoral, Highbury, Anstey's Hill, Houghton, and Gumeracha be printed.”

The hon member remarked that the petition had reference to the schedule of main roads.

Mr SHANNON seconded the motion, which was carried.

RAILWAYS

Mr LINDSAY moved—

“That a return be laid upon the table of this House showing the number of rails that have been replaced upon the City and Port and Goolwa Railways respectively, during each period of six months from the opening of the lines to the present time.”

The hon member remarked that he merely wanted to have a continuation of returns furnished last year for the purpose of apprising the House at what rate the railway was wearing. He wished for a similar return in reference to the Goolwa railway, in order that the different systems might be compared, and that it might be seen at what rate the railways were being worn out.

Mr ROGERS seconded the motion.

The COMMISSIONER OF PUBLIC WORKS would take care that the returns were laid on the table as speedily as possible.

The motion was carried.

GREAT NORTH LINE

Mr McELLISTER moved—

“That the memorial of the stockholders, sheepfarmers, farmers, and others, presented by him, be printed.”

The hon member trusted that the House would recognise the justice of the prayer of the petition. The road in question was probably more in use than any other in the colony, and had never had a shilling expended upon it.

Mr HAWKER seconded the motion, which was carried.

LANGUAGE OF ACTS OF PARLIAMENT

The COMMISSIONER OF PUBLIC WORKS, in the absence of the Attorney-General, moved—

“That he have leave to introduce ‘A Bill intituled an Act for shortening the language used in Acts of Parliament.’” The hon gentleman remarked that it was merely proposed to adopt an English Act, by which several clauses would be saved.

Leave having been granted, the Bill was read a first time and ordered to be printed, the second reading being made on Order of the Day for the following Tuesday.

ELECTORAL ACT

The COMMISSIONER OF PUBLIC WORKS, in the absence of the Attorney-General, moved—

“That he have leave to introduce ‘A Bill intituled an Act to amend the Electoral Act.’”

The hon gentleman remarked that the Bill had been framed in accordance with the recommendations of a Committee of that House appointed not long since. Those recommendations had been forwarded to the law officers of the Crown, and the Bill which he now asked leave to introduce was founded upon them.

Leave was granted, and the hon gentleman stated he would introduce the Bill in the course of the day.

WASTE LANDS

Mr PEAKE moved—

“That this House will on Friday, 5th August resolve it-

self into a Committee of the whole for the purpose of considering the motion— That, in the opinion of this House, it is expedient to let all waste lands distant 500 miles from the City of Adelaide for four years, at a nominal rent of 5*s* per square mile, and that two years be allowed for stocking the runs so situated.”

The hon member remarked that he had been induced to table the motion in consequence of the very extensive pastoral country which was opening up for occupation, and he thought the true policy was to get the runs stocked as quickly as possible, and after the parties saw a fair prospect of realising something handsome for their exertions in stocking this new country, then to call upon them to contribute to the public revenue. He thought the House would endorse that view, but at the same time he wished the matter to be fully discussed.

Mr HAWKER had great pleasure in seconding the motion, because he believed this was a very important subject, and one which should be brought before the House. No one who was not practically acquainted with such matters could believe the immense cost there was in stocking new country, particularly such country as that recently discovered distant from a port of shipment. He believed that it would be good policy to adopt the most favorable terms, otherwise under the existing regulations, the probability was that a large portion of that country would not be taken up for years to come. Even those portions most favorably situated could only be stocked at an immense expense and at great risk. If it were desirable that the country should be stocked it was desirable that every encouragement should be given for its speedy occupation.

Mr TOWNSEND should not oppose the motion for going into Committee, but he hoped the hon member for the Burra would be able to make out a good case in Committee or he must then oppose the motion. The impression out-of-doors being that the amount derived from the occupation of Crown lands was quite low enough at present.

Mr STRANGWAYS asked the Commissioner of Crown Lands whether the question could be arranged by an alteration of the Waste Lands Regulations or whether it would be necessary to pass an Act to give effect to the resolution.

The COMMISSIONER OF CROWN LANDS imagined it would be necessary to amend the existing Act. The Government were fully alive to the necessity which existed for some modification of the law in reference to new country. If the recent discoveries were to be availed of, it would unquestionably be necessary that there should be some modification of the existing regulations, such as giving parties an extended time for stocking the runs, or perhaps remission of rent. He did not know that the Government would support the motion in its present form, but they were quite alive to the necessity of modifying the regulations where the country was distant from a shipping port.

Mr HAY thought the House should be extremely cautious in dealing with this question, or the result might be, that parties acquainted with the locality would pick out the eyes of the country. Ten shillings per square mile had always been considered a nominal rent, and if that rate were reduced he feared the result would be that parties would claim large tracts and hold them on speculation. Some, no doubt, would make very large profits on such speculations, and on the whole he saw clearly that it was a subject which would require to be very closely looked into. It was certainly the first time that he had ever heard 10*s* per square mile was too much, and there might be a good deal of the country known as Stuart's country, which was better worth 2*l* per square mile than country 200 miles from Adelaide was worth 10*s*. He hoped the House would carefully consider the effect of the motion, and he trusted that when the House went into Committee the hon member for the Burra would be enabled to make out a good case.

Mr BARROW should support the motion for going into Committee, but he must join with the hon member for Gumeracha, in expressing a hope that the hon member for the Burra would come prepared to fully satisfy the House of the policy of the course which he proposed in connection with this question. (Hear.) He certainly thought it reasonable to ask that lands situated at a great distance from Adelaide, or an available port of shipment, should be let on easier terms than lands of similar quality nearer to Adelaide or a port of shipment. (Hear.) They ought not to compare the finest land in the distant country with the worst near at hand, but take country similar in quality, but situated differently as regarded distances. Every hon member had admitted that land so far from a market, should be let at a lower rate. He thought every one would see that if it were desirable to explore country it was also desirable to occupy it, otherwise exploration became a mere scientific excursion. (Hear.) Although he did not undertake scientific research, the people of the colony thought there was something more than scientific research involved in these explorations. It certainly appeared to him that measures should be taken to occupy a country when explored. (Hear.) Supposing the hon member for the Burra could make out a case, he did not know whether the hon member would think it well to take 5*s* as a minimum, and that the runs should be put up to auction, starting from that sum, by which a much larger amount might be obtained. He merely threw out that suggestion, but felt that the whole question must be approached with the greatest caution and

deliberation, and that some time would be required before the House could come to a decision upon a question involving such large interests (Hear) He would suggest that a more remote day than Friday should be fixed for the discussion of the question, particularly as the arrival of the mail would probably interfere with the consideration of the motion upon that day. He should support the proposition for going into Committee, reserving to himself the full right of dealing with the question according to its merits when in Committee.

Mr. REYNOLDS said that if the question were to be disposed of at once he should certainly vote against the proposition of the hon member for the Burra, who, he was afraid, would not be able to throw much additional light upon the question on the following Friday, and if no further light were thrown upon it he was afraid that he (Mr Reynolds) would be found in the same mind as at the present moment, and oppose the motion. Perhaps if the hon member would postpone his motion till that day month, there would be more time to consider the question—(laughter)—and perhaps that would be the best thing the hon member could do. The hon member's object appeared to be, when pastoral land was discovered, to get it stocked at once. The hon member would not give time to parties to come in and make an offer for it, but said, "let's give away the land for 5s a square mile, for so many years," without giving an opportunity to parties to come forward and say under the existing regulations, "I'll take this block," and so on. It was true that he had a good deal of pastoral country, but after all what was it compared with New South Wales? and when was such a proposition as that of the hon member for the Burra ever put forward by the New South Wales Government? Where lands were situated at such a great distance from Adelaide, or from a shipping place, a longer time to stock the runs might be given, rather than they should be leased for 5s per square mile. The sum appeared to him so ridiculously low that he would far sooner give the lands for nothing. It appeared to him pettifoggish legislation to name such a sum as 25s per annum for 100 square miles. The amount was so trumpery that it would be as well to make the parties a present of the lands. He was disposed to keep the pastoral regulations as they were at present and where lands were at a considerable distance from Adelaide or a shipping place, he would allow an additional time to stock the runs. He had no objection to discuss the question, and would support the proposition to go into Committee on the following Friday.

Mr. NEALES would not oppose the motion, but thought it would be far better to extend the time at which the whole question should be discussed. He considered the following Friday too early a date. It was clear to him that the motion must be very much modified. For instance, it would not do to fix an arbitrary distance of 500 miles from Adelaide, as just that distance might happen to be in one of the best runs in the colony. He believed that the best plan would be to extend the time for stocking distant runs, as if the rent were anything less than 10s per square mile, it would be better to give the runs for nothing. What was really required was more time for stocking such runs. He believed that if the amount were reduced below 10s per square mile this colony would be the laughing-stock of other colonies.

Mr. SOLOMON should support the proposition to go into Committee upon this question, but would not pledge himself to support all that was stated in the resolution. It appeared to him that the object of the resolution was to invite squatters from the neighboring colonies to come here, but he believed that the existing regulations were of such a nature, and presented so many advantages compared with the land regulations of other colonies, that sufficient inducement was already offered, without reducing the rent to 5s per square mile. The hon member for the Sturt asked the hon member for the Burra to postpone the motion till that day month, but to give effect to that would be like postponing the motion in the name of the hon member for the Burra till that day six months, as the strong probability was, that before that day month the Parliament would have been prorogued. He thought the time appointed for the discussion of this question was too near, but still he should support the motion for going into Committee. He was disposed to give greater facilities for stocking the country, but at the same time was not disposed to reduce the present rental to 5s per square mile.

Mr. DUFFIELD pointed out that the Waste Lands Regulations which had been referred to by the hon member for the Sturt were very different from those of this colony, the runs in New South Wales being let according to their carrying capacities, and he (Mr Duffield) had a run there, for which he paid little more than 1s per square mile. The object of the New South Wales Government was to get the runs stocked as quickly as possible. He should support the motion for going into Committee, but trusted the date for discussing the question would be altered to Friday week. He thought that in some cases it might be necessary to offer a premium for stocking runs, as he quite agreed that after discovering country the next best step was to stock it as quickly as possible. He should be disposed to support a proposition to the effect that if distant runs were stocked

within a limited period there should be a remission of rent, the object being to get the country stocked speedily.

Mr. DUTTON considered the motion entirely unnecessary—in fact, it was interfering with the duties which essentially belonged to the Commissioner of Crown Lands, who had stated that the subject had engaged the attention of the Government, and it could be safely left in their hands to alter the Waste Lands Regulations so as to enable new country to be occupied more easily than at present. The question had engaged his attention when Commissioner of Crown Lands, and would have assumed a more practical form and shape, but that the Government were waiting for Mr Stuart's return with the amended plans of runs which the Legislature had decided he should have. Those runs involved an alteration of the Waste Lands Regulations, and waiting for Mr Stuart's return was the reason that the question had not been dealt with even before he (Mr Dutton) left office. He regarded the motion as quite useless, and an interference with the duty of the Commissioner of Crown Lands, he should, consequently, oppose any further action on the part of the House.

Mr. PEAKE said the hon member for the Sturt had stated the case well. The hon member had said that he (Mr Peake) would not wait, but wanted the country at once divided into runs. That was precisely the policy which he advocated, he did not want to wait, but would hold out invitations for the country to be stocked, and when by a liberal and enlightened policy, parties had been induced to stock the runs, he would then call upon them to contribute a fair proportion towards the revenue. That was the policy which he advocated, in contradistinction to the policy of the hon member for the Sturt, and he could only hope that the hon member would be induced to modify his views. With regard to the remark of the hon member for the Sturt that this was a matter for the Executive, and that the House ought not to interfere, he believed at that late period of the session a discussion upon the question would greatly strengthen the hands of the Commissioner of Crown Lands, and it would place the hon gentleman in possession of the views of the House upon the subject. He could not endorse the idea that this was a subject which the House ought not to investigate. He had fixed the following Friday, because he regarded the session as nearly at a close. If it were postponed till the following Friday week it might not be entertained at all, and it would be a pity not only for the country, but the Executive, that the opportunity should be lost of obtaining the views of the Legislature upon this question. He had fixed 500 miles, considering that the centre of the province, but he merely wished to ascertain the views of hon members upon the general policy of the motion, and should then be satisfied. He believed that the true policy was to invite parties to stock the country as quickly as possible, and if that could be accomplished, the effect would be that they would soon have butchers' meat cheaper than at present. He had intended to suggest that runs, such as he referred to, should be rent free, but it had been suggested to him that it would be better to name a peppercorn rent, and that was the reason that he had named any rent at all. He should be perfectly satisfied that the House should determine to abolish the rent altogether, believing that to be the true policy.

The motion was carried.

PUBLIC NOTARIES BILL

The SPEAKER announced that the Legislative Council had agreed to the Public Notaries Bill with amendments.

The amendments were ordered to be taken into consideration on the following Friday.

THE HON H AYERS

The SPEAKER announced that the Legislative Council had granted permission to the Hon H Ayers to give evidence before the Select Committee of the House of Assembly upon the Insolvent Law.

MESSAGE FROM HIS EXCELLENCY

A message was received from His Excellency transmitting information in connection with despatches relative to the Real Property and other Acts, moved for by the hon member for Encounter Bay (Mr Strangways).

ELECTORAL ACT

The COMMISSIONER OF PUBLIC WORKS had on the table a Bill to amend the Electoral Act, which was read a first time, and ordered to be printed, the second reading being made an Order of the Day for the following day.

INCORPORATED COMPANIES SUITS BILL

On the motion of Mr BAKEWELL, this Bill was re-committed, when the hon member moved the introduction of a clause rendering instruments executed under powers of attorney valid, intimating that he would allow time for hon members to consider the effect of the clause before taking the Bill out of Committee.

The CHAIRMAN then reported progress and obtained leave to sit again on the following Friday.

SURVEYS FOR TRUNK LINES

In Committee

Mr REYNOLDS moved—

"That, in the opinion of the Committee, immediate steps should be taken to facilitate the development of the mineral,

agricultural, and pastoral resources of the northern portion of the colony, by constructing a Grand Trunk Railroad, by way of the Burra, and thence northward by, near, or beyond Mount Remarkable, and that an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of not less than 5,000^l to be placed on the Estimates for the purpose of causing surveys, detailed reports, and estimates to be made for a Grand Trunk Railway to a point in the neighborhood of or near Mount Remarkable, in order to be laid before Parliament at its next sitting—such surveys, reports, and estimates not only to have reference to a connection with the line now in course of construction by way of Kapunda, but also by such other point of the line between Adelaide and Kapunda as may on examination, in the opinion of the engineers employed for the purpose, afford the greatest facilities for railway traffic, the most favorable gradients, the smallest cost in constructing and working, and be of the most general benefit to the public, and, on such favorable line being decided on, the land to be reserved for a distance of two miles on each side of the same."

The hon. member remarked that when he first introduced this question he met with tolerably unanimous support, and he had no doubt that support would still be extended to him. Any hon. member who had at all taken an interest in the construction and extension of the railway system in South Australia must be impressed with the fact, that it cost a very considerable sum of money for compensation to parties supposed to be injured by the construction of railways. Large sums were also expended for the purchase of land through which railways passed. His object was to prevent this very large expenditure. He believed that hitherto they had been proceeding upon a wrong principle, for the custom had been to sell the lands before the surveys for railways were commenced. He wished now to take action the other way, and, first of all, to make the surveys, reserving the land on each side, so as to avoid the large expenditure which had hitherto been incurred in compensation, and the purchase of land for railway purposes. This matter had been impressed on his mind for a very considerable time, and he should have brought it forward at an earlier period of the session, but many things had occurred to cause delay, and it was not till the recent discovery of lands in the north that he had determined to urge the subject on the attention of the House. Large tracts of pastoral and beautiful agricultural country having been discovered, he had been induced at last to table the motion. He felt that if South Australia was ever to become an important country, it must be by opening the resources of the northern portion of this province, and he believed that now was the time to take action. Roads had been formed in every direction from the metropolis; large sums had been expended in public buildings in the City, at the Port, Glenelg, and elsewhere, and now was the time that he felt the Government should reserve every pound that they could for the purpose of constructing railways to the north, and opening up that portion of the province. No doubt there were many hon. members who would object to such a course, and put in claims on behalf of the particular districts which they represented, but whoever reflected at all beyond the district of which he was the representative, would see that to open up the north would be the best thing that could possibly be done for the future interests of South Australia. He knew nothing which could open up a country better than railways. Macadamized roads did not have the same effect as railroads. No sooner had it been determined to construct the railway to Gawler than land was taken up 75 miles beyond it, and a similar effect would be produced in all cases. There was a considerable population at Mount Remarkable, and, no doubt, that had been caused principally by the fact of the House having decided that the great trunk line should be to the northward. That would be the effect of making the survey to Mount Remarkable, though he did not conceive that a railway could be constructed for some years, but the mere survey would have a vast effect upon the northern portion of the country, and probably open up the country for 150 or 200 miles beyond the Burra. Such was the effect on the public mind produced merely by surveys, that parties immediately commenced speculations in land. He knew nothing which could open up the country so cheaply as surveys, and the next best thing which could be done would be to construct a line of railway. He thought the day was not distant when the necessity would be seen of constructing a railway near to Mount Remarkable, perhaps through a gap, extending on to the western plains, where he had heard mineral leases had been taken up, and which were supposed to teem with mineral wealth. He believed that a survey could be made through valuable land from the Burra to the points to which he had alluded, and that now was the time to take action, reserving the land for a distance of two miles on each side of the line. When the survey was made most likely some company would step forward and offer to construct the line. As to what should be done with the land on each side of the line, that would depend upon circumstances. It was possible that an English company might offer to construct the line on conditions that they received the land, or the land might be leased, and would no doubt raise a large income. At all events by reserving the land on each side of the line, there was no doubt that a very con-

siderable sum would be raised towards the construction of the railway. He need not detain the House any longer, as he expected that the opinion upon the point was nearly unanimous.

Mr SHANNON seconded the motion, though he did not altogether agree with the former portion. He could scarcely agree with the proposition to construct a line immediately to Mount Remarkable, he believed the proper course would be gradually to construct the line, and he thought the session should not be allowed to pass without the introduction of a Bill to authorize the construction of 10 or 12 miles of the northern railway. It was certainly desirable to reach the Burra, and he thought that 10 or 12 miles might be constructed annually, but he did not go the length of saying that the whole line should be constructed at the same time. He fully agreed that it was desirable the best route should be ascertained, and that the land should not be sold till the railway had been constructed. Most extraordinary claims had been sent in for compensation, and it would be well to take steps to prevent such claims from being preferred for the future.

The TREASURER could not allow this matter to pass without making a few remarks. The motion called upon the Government to take action at once—to commence forthwith, in order that the surveys might be laid before Parliament at its next sitting. But if the Government were to commence at once, with full appliances, it would be impossible that the surveys could be completed by the next sitting of Parliament. He would wish the House to remember the financial position of the Government. The House had voted 2,000^l in excess of the estimated Ways and Means, and he wished the House to understand that if the resolution were passed, the Government would only act upon it if there were a surplus arising from saving in expenditure, or an excess in the receipts over the estimated amount. He wished to guard the Government in another session against any charge of setting aside the desires of that House, if the work should not be done. The Government looked upon this as a very important resolution, and if carried, would endeavour to give it effect, having regard to the Ways and Means of the colony. The resolution contained a principle which he believed to be a good and true one, although he should wish the words of the motion to be amended, namely, that they should seek to push the railway system to the northward, securing the best line and the best traffic, and having determined on the line, that they should reserve the lands on each side of the line for future sale. The hon. member for the Sturt had truly stated that large sums had been paid for compensation, and one point which he did not think had been touched upon was, that he believed the sale of the lands, after the railway had been constructed, would go far towards the defraying the cost of construction. He thought, however, that it would be difficult to carry out this resolution to the full extent, for experience shewed that when surveys had been made and the Legislature had determined upon which was the best line when an extension Bill was brought forward, it was always found there were party conflicts, and the probability was that the line would be diverted from what appeared to be the best in the first instance. He believed that there were no body of engineers in the world who could come here and lay out a system of railways which would be found not to be opposed to some particular interest in the colony, and the probability was that no Bill for the construction or extension of railways would pass through the Legislature in the shape it came before them. The principle, however, contained in the motion was a good one, but he would recommend that the wording should be altered, so that it would have relation to a line northward to Port Augusta for if the line went beyond Mount Remarkable, he considered the terminus should be Port Augusta, which must be the second port in the colony, and it would be from there that the line to the new country would go.

Mr LINDSAY was glad to find that the general feeling of the House was in favor of a system of railways as far as they could be pushed. He was glad also to find that the old argument about no population and no traffic shared the fate it always deserved. It was clearly not the true policy of any country to sell the land before railways were constructed, and thus make the cost of construction double or treble what it ought to be. Ten or eleven years ago he urged upon the Government the necessity of adopting the course which was proposed by this motion, and had it been adopted a good deal of expense which had been incurred might have been avoided. He believed that railways might be made thoroughly reproductive by reserving the land in the vicinity.

The motion was carried.

THE ESTIMATES

The TREASURER moved that the report of the Committee of the whole House upon the Estimates be agreed to.

Mr STRANGWAYS said that he, and he believed many other hon. members, intended to oppose the Appropriation Act till the Government had laid on the table a copy of the lease which it was intended to issue under the new Assessment Act. He also intended to call on the Government, before passing the Appropriation Act, to lay on the table returns which had been called for upwards of two months

since, in connection with the Land Titles Registration Office

Mr FOWNSEND wished the Estimates to be recommitted with the view of reconsidering the item for the Mount Lofty telegraph.

The SPEAKER said it was too late. The report was then agreed to, and the Treasurer then laid on the table the Appropriation Bill, prepared in accordance with the resolutions of the House, and moved that it be read a first time. The hon gentleman remarked that the returns which had been alluded to would be laid on the table before the Bill was read a second time.

Mr PLAKE said there were several questions pending in which the country felt considerable interest, and it would be satisfactory, no doubt, if the Treasurer could intimate when the Government contemplated proroguing the House.

The TREASURER said at that distant time it was difficult to name the precise day that the House would be prorogued, but the Government hoped that the state of public business would be such that Parliament could be prorogued on the following Tuesday week. He moved that the Appropriation Bill be read a first time, printed and read a second time on the following day.

Mr REYNOLDS said the Government appeared in a desperate hurry to pass the Appropriation Bill. It was clear that their object was to pass this Bill, and having got all they wanted, to bid good-bye to hon members. He had had a little experience of the Government, and unless the Government could assure him that a copy of the new pastoral lease would be on the table of the House on the following day, he should be compelled to oppose the second reading of the Appropriation Bill.

Mr FOWNSEND hoped the Government would postpone the second reading of the Bill till a later period, as he observed there was a great deal of business on the paper for the following day.

Mr GLYDE said he should oppose the second reading of the Appropriation Bill, unless the Government persuaded His Excellency to lay on the table a copy of the despatch forwarded by him, relative to the mineral leases granted to Messrs Chambers and Fmke.

Mr STRANGWAYS intended to move as an amendment that the second reading of the Appropriation Bill be an order of the Day for the following Tuesday. This would not at all impede the operations of the Government, and it would afford some slight protection to hon members, who desired to have an assurance that the business of which notice had been given would be carried into effect.

The TREASURER said, that although notice for the second reading was given for the following day, that did not at all pledge the Government to move the second reading on that day. It was quite possible that the second reading might be still further put off, but even if the Government moved the second reading of the Bill, and the House agreed to it, the Bill would be in possession of the House till after the third reading and could not be sent to the other House till after that period. His object was merely to forward public business. The form of the new leases he knew had been printed, but if it were not laid upon the table of the House on the following day, he had no objection to postpone the second reading of the Appropriation Bill.

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

SCAB ACT AMENDMENT BILL

The COMMISSIONER OF CROWN LANDS, in moving the second reading of this Bill, said that a few days since the hon member for Victoria asked leave to introduce a similar Bill, but the Government feeling that this was a proper time to consolidate the law upon the subject had introduced the present Bill. The law at present in existence was found not to have the effect which it was intended to produce, for instance, when sheep were travelling, there was not that control which was essential to prevent the extension of the disease, and, in many instances, sheep became diseased in consequence of carelessness in crossing runs without authority. He hoped that the Bill before the House would have the effect of eradicating the disease altogether, at all events he was satisfied it would be found a very valuable measure.

The COMMISSIONER OF PUBLIC WORKS seconded the motion.

The Bill was read a second time and passed through Committee, the consideration of the report being made an Order of the Day for the following day.

The House adjourned at a quarter to 4 o'clock, till 1 o'clock on the following day.

THURSDAY, AUGUST 4

The SPEAKER took the chair at seven minutes past 10 o'clock.

IMMIGRATION

Mr BARROW presented a petition from 130 German residents in the vicinity of Greenock Creek, praying that the vote of £20,000 for immigration might be rescinded and the money devoted to public works. The hon member remarked

it was rather late to present such a petition, but he had only received it that morning.

The petition was received and read.

YANKALILLA

Mr STRANGWAYS presented a petition from the residents of Yankalilla, praying that the electric telegraph might be extended to that district.

The petition was received and read.

NEW PASTORAL LEASES

The COMMISSIONER OF CROWN LANDS laid on the table copy of the new pastoral lease.

KAPUNDA RAILWAY EXTENSION BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, said that two days ago a report had been presented to the House, and the fact of the matter having been referred to a Select Committee rendered it unnecessary for him to address any lengthened observations to the House. The Committee had visited the spot, and were consequently well qualified to judge. It was proposed to extend the railway to a section close adjacent to the township of Kapunda. The Committee, after calling engineers and other evidence, recommended the House to proceed as quickly as possible with the line proposed in the Bill before the House, and he believed that a considerable saving would be effected by placing the station where it was proposed, instead of placing it at Section 1411. The advantages to be derived from that alone would almost warrant the expenditure sought for by the present Bill, but there were other considerations which warranted the passing of the measure which he now moved be read a second time.

Mr STRANGWAYS said that as the House were not yet in possession of the evidence which had been taken by the Committee, he should move the second reading of the Bill be an Order of the Day for the following Tuesday.

Mr REYNOLDS thought the request of the hon member for Encounter Bay so reasonable, that he must support it, although he had fully made up his mind as to the course which he should pursue in reference to this Bill. He therefore seconded the proposition, that the second reading be deferred till the following Tuesday, in order that hon members might be afforded an opportunity of looking through the evidence.

The SPEAKER said that the delay in the printing of the evidence arose from some of the witnesses not having returned their evidence to the Clerk of the House.

Mr BAGO must also support the proposition of the hon member for Encounter Bay, as he believed that a perusal of the evidence would have a tendency to remove the doubts which existed upon the minds of many hon members. He regretted that the evidence had not been placed before hon members as he considered it related to a question of as much importance as the Insolvent Law, the evidence in connection with which had been furnished.

The SPEAKER said that the delay was not attributable to any neglect on the part of the officers of that House, but simply to the fact that the witnesses had not yet returned the evidence which had been sent to them for correction.

The COMMISSIONER OF PUBLIC WORKS offered no opposition to the proposition of the hon member for Encounter Bay, and the second reading of the Bill was accordingly postponed till the following Tuesday.

VOLUNTEER MILITARY FORCE ACT AMENDMENT BILL

The ATTORNEY GENERAL, in moving the second reading of this Bill, said that it affected the existing law upon the subject in two particulars. In the first place, it was proposed to remove what it was felt was objectionable in principle, and to a considerable extent inconvenient in practice in the former Bill, by which the election of officers rested with the volunteers, and, secondly, the Bill provided that the remuneration should be more suitable to the altered circumstances of the colony. In all other respects, having experienced the operations of the former Act, it was thought that Act might be left without amendment. It was not necessary to say more in reference to a Bill which made so small an alteration in the existing law, but he might state that although under the former Act parties recommended as officers were appointed unless there were some very strong reason to dissent, and the power which was formerly vested in the volunteers was removed by the present Bill, still the Government desired to consult the feelings of the volunteers on the appointments which they made, and to act in accordance with their ascertained wishes.

Mr STRANGWAYS said the experience in connection with a volunteer force was that it was nothing more than playing at soldiers, and he believed that if it were necessary to have a local military force it should be a militia force. There would be no necessity to raise the force by ballot. In England the necessary force was raised entirely by volunteers, and he could not see why parties should not form such a force here in preference to those petty forces which it was proposed to raise in each district. He had no doubt that the change in the rate of pay was about in accordance with the altered circumstances of the colony since the former force was in existence, but he should like to know whether it was the intention of the Government to pay those parties who enrolled themselves without pay. He believed that if a

militia force were organized those petty companies of 25 in one place and 25 in another might be done away with.

Mr BAGOT would not oppose the second reading of the Bill, but strongly recommended that the Rifle Corps should have the power of appointing their own officers. He thought that the various companies should be allowed to appoint those in whom they had the greatest confidence, but, at the same time, he should like to see the views of the hon member for Encounter Bay carried out in reference to militia, believing that if we were to have a force which would be of any use every man must know the use of arms. In reference to the Volunteer Force as formerly carried out, the discipline was unquestionably good, but there were at the same time many defects. The only true system of defending any small community he believed was, to learn every man the use of arms, and if that were done, it would be found that an efficient force would be formed in a short time. If there were to be a Volunteer Force, the question might arise—how were they to be paid? and he for one should be prepared to support an income-tax for that purpose. He thought that the arrangement should be such that every man should be bound to come out when called upon.

Mr McLELLISIER felt with the hon member for the Light, that the volunteer system was not the system which was best calculated to protect South Australia. He believed that the establishment of a militia would be the best means of protecting the lives and property of the people of the province. He greatly regretted that the Government had not appointed a military commission, particularly as they could have availed themselves of such men as Major Nelson, Major Fiesling, Major O'Halloran, Captain Bagot, and the Hon the Treasurer. Had the Government consulted those gentlemen the opinion arrived at as to the best mode of defence would have been most valuable. The volunteer system was not one in which dependence could be placed. If men were wanted to fight they must be placed under proper authority, and they must be paid. He hoped the Government would yet see the necessity of appointing a Military Board to consider the question.

Mr MACDERMOTT said it appeared to him that a militia force was the most constitutional which any country could employ. Every person should, he considered, know how to defend the country to which he had removed, and by enrolling a militia the place of rendezvous would be known, and there would be an organized body in case of need, but time was too valuable to employ much in training. He thought the colony could afford to maintain the wages of a regiment, which no doubt the Imperial Government would grant if the colony would pay the expenses, which he believed would amount to about 12,000⁰/₇ per annum. This would be a very good nucleus for the irregular forces to rally round. The appointment of officers by volunteers always appeared to him to strike at the root of discipline.

Mr REYNOLDS said that he should prefer militia. Experience had shown him that under the volunteer system there could not be the same amount of discipline as under the Militia Act. He would suggest that the Government should withdraw this Bill until the discussion upon the Militia Bill had taken place.

The TREASURER said it was curious to trace the altered remarks and opinions of hon members. In a former Legislature the Government were obliged to adjourn the Militia Bill until the Volunteer Bill had been discussed, and it was now suggested that the Volunteer Bill should be adjourned until the Militia Bill had been discussed. He supposed that some new light must have come upon hon members, but he was not aware what. The Government acted on the principle, in introducing the Volunteer Bill and the Militia Bill, that they had a right to command the services of every man to aid in defending the colony. That was the system of the Militia Bill, but with the view of disturbing parties as little as possible from their various avocations, only a certain number would be called out. Whilst power was given to the Government to organize a militia force it was also necessary to give them power to supplement that force, and for that reason the Volunteer Bill was introduced. The volunteer force formerly raised had this advantage, it was formed of parties residing within a certain radius of the coast who could be called together at short notice, but a militia force extending over the whole colony would necessarily take a certain time to call out. There were many who would risk their lives as volunteers if they could choose their companions, and that was the object of the Volunteer Bill. The hon member for Encounter Bay had compared volunteers to playing at soldiers, but he did not know what the hon member meant, as all military forces, he apprehended, were merely playing till engaged in actual warfare. The men who were enrolled under the Act of 1855 went through all the drill and training to which the military force in England was subjected, and attained considerable efficiency, but having only the old muskets they could not of course be so efficient as they would now be when armed with the Enfield rifle. The Bill before the House merely proposed alterations in the existing law to this effect—it left with the Crown, or its representative, the power of appointing and removing officers, and reduced the scale of payment. There was a clause, the House would observe, No 15, peculiarly applicable to the colony, by which the Governor might accept the services of volunteers without pay, as there were a number of gentlemen who would

gladly give up sufficient time without pay to enable them to become efficient skirmishers. There was proof of this in the numbers who were daily enrolling themselves. These parties would be under the same rules and regulations, and in a time of actual necessity would be under the operations of the Militia Act—that is, under the same rule as Her Majesty's regular troops. It was necessary that every facility should be given to the Government for calling upon the inhabitants to defend the province in case of necessity.

Mr LINDSAY concurred with the suggestion of the hon member for the Stat, that this Bill should be postponed until the Militia Bill had been disposed of. He had no faith in the voluntary principle for any purpose whatever, it had been a universal failure, and even in the sense in which it was most commonly used what did it do? Why, it starved the parsons. (Laughter.) He did not believe in voluntary associations of any kind. It was quite clear that people who could not contend against such a contemptible enemy as a bush fire, could not contend against a more formidable foe. To enable any country to defend itself against an enemy, it was absolutely essential that every person should be able to be called upon. He had no confidence in a volunteer force, he had no intention of joining one, and if he did, should have no confidence in his colleagues.

Mr LOWENSEN thought the Treasurer had shown the necessity of a volunteer force, and it appeared that a number of persons had enrolled themselves in order to avoid the militia. He thought the regulations in connection with the volunteer force were not so well understood as they should be out of doors. He had heard it stated out of doors, that the volunteers were only allowed ten rounds of ammunition per month, and that any further supply they were called upon to pay for. This had created some dissatisfaction and he was desirous of knowing what number of rounds were given to the military, as he considered that the volunteers should not be placed in a worse position in this respect than the regular force. If a party on field-day for instance had to pay 3s 4d for 20 rounds, that with other expenses became burdensome. He should support the second reading of the Bill before the House.

The ATTORNEY-GENERAL said that though to a certain extent it was immaterial whether the Militia Bill was discussed before the Volunteer Bill or not, he should still feel bound to proceed with the Bill in its present position. It had been said that if the Militia Bill were passed, there would be no necessity for the Volunteer Bill, but he must dissent from that. A Militia Bill was a compulsory Bill, and more than a certain number of persons could not be taken from their ordinary avocations at the same time. It was all very well to say that it was the duty of every man to assist in defending the colony, that might be the duty of an individual, but were the Government called upon to take every able bodied man from his ordinary avocations to do it? The hon member for the Light had suggested that the Militia Act should be carried out upon the same principle as in England, by which a certain number were taken every year, and that was precisely what it was intended to do, but in a country like this it would be unwise to prevent the Government from accepting the services of those who were willing to render them. It was because he agreed with the necessity for rendering available the services of the whole population as far as possible, that he asked the House to assent to the present Bill for the purpose of supplementing the Militia Act. The Government intended to take power to bring the Militia Act into operation immediately, and would do so, but they wanted to supplement that Act by the Volunteer Bill, because they would be unable to impose the provisions of the Militia Act upon more than a certain number. In the interim the Government wished to avail themselves of every person who was willing to offer his services to the Government. With reference to the remarks of the hon member for Onkaparinga, he believed that the ammunition supplied to the volunteers was in excess of that which was supplied to the soldiers, but if he were misinformed, there would be no objection whatever to place the volunteer in every respect upon an equality with regard to the number of rounds with the military. It might be that the military were supplied with a larger number of rounds upon each particular occasion they were called out, but the occasions were fewer in the course of the year. He would give a pledge that the number of rounds supplied should be equal to the number supplied to the regular troops. The volunteers also had the opportunity of obtaining not at an immoderate rate any additional rounds which they might require for private practice, in fact, at the lowest rate at which the Government could supply them without actual loss. The Government charged 2d per cartridge to the volunteers, whilst the charge to a soldier for every cartridge which he lost was 4d.

The Bill was then read a second time, and the House went into Committee upon it. The first clause related to the appointment of officers by the Government.

Mr BAGOT suggested that if the power of appointing officers were taken from volunteers, probably an arrangement might be made by which they would be allowed to suggest three or four names for each appointment, and that from those names the appointments should be made.

Mr REYNOLDS asked what objection there was to appointing officers upon the recommendation of volunteers.

The ATTORNEY-GENERAL said the objection which had suggested itself to the Government was founded upon the experience of the former system, and was considered inconsistent with the proper maintenance of discipline. It led to a system of court-martialing the volunteers which did not lead to the recommendation of the most suitable persons. He believed such had proved to be the case, for, whilst the large majority of persons appointed as officers by the Government were such as the Government would have felt pleasure in appointing without the recommendation of the companies, they had, in some instances, in consequence of the recommendation of the companies, felt bound to appoint parties whom they would not otherwise have appointed, and who did not vindicate the choice of their comrades.

Mr IOWNSEND had put himself in communication with one or two parties, and found that the system formerly pursued had generally worked well, though one or two parties had probably been appointed who would not have been but for the recommendation of the companies. Still as the Government had the power of rejecting those recommendations, he saw no necessity for altering the system which had hitherto obtained.

The ATTORNEY-GENERAL said it was true that the Government had the power to reject the recommendation, but it was scarcely possible for them not to comply with it, unless the party recommended were obviously unsuited. Any person who had obtained his position by undue court-martialing could not be best depended upon for the maintenance of authority when he had obtained office.

Mr LINDSAY considered that the name volunteers implied that the parties might do as they pleased, and that they should be allowed to elect their own officers.

Mr BAGOT could not understand how parties could first enrol themselves and then do as they pleased, because they must be subject to some authority—they must obey their officers. He thought that if the various companies were permitted to have the choice of their officers it would induce many to enrol themselves who would not otherwise be induced to do so, and it would be the means of a great many more companies being formed than otherwise would be, because those parties who thought there was a probability, if a certain number could be induced to join, of their being elected officers, would exert all their influence to obtain the requisite number. There were a number of gentlemen in that House who had formerly served their country, and no doubt they would put themselves forward again, and induce a number of others to join the force. There was a natural and proper ambition in man to wish to be an officer, and exercise command over his fellow-men. He hoped the Government would allow each company to recommend a certain number of individuals from whom the selection of officers should be made.

Mr DUTTON was of opinion that the appointment of officers must be left absolutely either to the Government or the company. He thought it would be objectionable that the company should recommend three or four names, as whoever the Government selected, a feeling of jealousy would be created. Absolute power to appoint should be given to the Governor or the company.

Mr IOWNSEND said that according to the argument of the last speaker, if four names were submitted, from whom one selection was to be made, only three would be offended, but if a selection of four officers were to be made from 100 men, without any recommendation at all, the result would be that a feeling of jealousy would be created in 96. (Laughter.)

Mr MACDELMONT hoped the House would adopt the clause as it stood, for it would be striking at the root of all discipline, that those who were to command should obey the wishes of those who were commanded. It was quite an erroneous principle.

The TREASURER would call the attention of the House to the 15th clause of the former Act, by which it would be seen as that Act still remained in force, that volunteers who received no pay, and put the country to no expense, were allowed to select their own officers. It would be seen that power was still reserved to those volunteers who did not receive pay, to appoint their own officers, and those companies when danger menaced the province, would come under the Mutiny Act, though they elected their own officers, that is, they would be subject to the same regulations as Her Majesty's troops. Those volunteers who enlisted for three years and received pay would have their officers appointed by the Crown and he thought this would have a tendency to render the service more efficient.

Mr GLYDE said that what had fallen from the hon the Treasurer would induce him to vote against the Bill, for he imagined that the Bill before the House did away with any power which was given under the old Act (No, no.) He must vote against any interference with the choice of those who proposed to serve the country without fee or reward.

The ATTORNEY-GENERAL said the hon member who had last spoken had not exercised the clearness of vision which he usually exercised, or he would have seen that the clause which had been referred to by the Treasurer still remained in force. If the hon member had no other reason than that which he had stated for opposing the Bill, he apprehended that the Government might calculate upon his support in a division.

Mr STRANGWAYS thought the Treasury benches appeared in an exquisite state of confusion upon this point. The Treasurer said that the Bill before the House would not alter the 15th clause of the old Act, but it appeared to him that the clause in the new Bill was perfectly superfluous, because the old Act said that it should be lawful to recommend persons to the Government as officers, and whether that clause existed or not, he apprehended it was quite competent to recommend persons as officers. "A cat might look at a king," and he was not aware that there would be anything illegal in recommending parties. The appointments would all have to be made by the Attorney-General, whose policy was the policy of the Ministry, and some slight patronage might in consequence fall into the hands of the hon gentleman. (Laughter.) The rate of pay, he observed, was 3s 6d per day, a rate which would no doubt induce many to endeavour to obtain the patronage of the Attorney-General. He thought it desirable that all appointments should be made by the Government, believing that would be the most effectual means of preventing parties from volunteering, and he should support the proposition upon that ground. He strongly recommended the substitution of the Militia Act, and would point out that if a sufficient number voluntarily enlisted there would be no necessity for any bounty. In England, he believed that a sufficient number had in every instance enlisted without bounty.

The ATTORNEY-GENERAL thought the residents of Encounter Bay might congratulate themselves upon the views entertained by their two representatives, one of whom objected to the voluntary system because as he said it starved parsons, and the other wished to make such an alteration in the Bill as would render it inoperative. He had stated before that under the former Act the Government felt bound to act upon the recommendation of the companies in the appointment of officers unless there were strong reasons to dissent from that recommendation, and now the Government proposed to do away with that recommendation, but would at the same time consult the wishes of the volunteers in the appointments which were made. The reason of this proposed alteration, if it could be so termed, was that under the former Act parties were recommended who were not the most suitable, and the volunteers themselves, if they had had time to consider the matter, would have confirmed the impression that they were not the most suitable. Although it was not the wish of the Government to refuse to receive any recommendation relative to the appointment of officers, still the Government were not bound to act upon that recommendation, they would not be bound to appoint persons against whom there were strong objections.

Mr REYNOLDS should support the clause as it stood, though he admitted there was a good deal to be said upon both sides of the question, but he thought the preponderance was in favor of the Attorney-General, particularly as the hon gentleman had stated that the Government would pay some deference to the wishes of the volunteers.

The clause was passed as printed.

The second clause referred to the rate of remuneration.

Mr GLYDE said that under the old Act artillerymen received 10s, and cavalry 6s per day. He wished to know why the proportion had been reduced.

Mr STRANGWAYS wished to know why cavalry and infantry were placed upon the same footing, as the one class were put to far greater expense than the other.

The TREASURER said that the duties, hardships, and risks were the same in any branch of the service, and there seemed no reason to make any difference. Although the rate of remuneration to artillerymen was formerly 10s a day, a number of those who formerly joined and received that rate were now prepared to join at 3s 6d. The Treasury was not quite so full as in the days of the gold-fields, when the Government could afford to make distinctions.

The ATTORNEY-GENERAL said, in reply to Mr TOWNSEND, that the officers would receive the same rate of remuneration as the others.

Mr STRANGWAYS said it appeared to him the whole provisions of the former Act had been departed from. He wished to know whether it was the intention of the Government to appoint officers to those volunteer companies which received no pay, or whether the election of officers would be left to such companies.

The ATTORNEY-GENERAL said it was not the intention of the Government to force pay upon any one, and those volunteers who offered to serve without remuneration would not receive the remuneration which was provided by this Act. In all cases where the service was performed without pay, the volunteers would be allowed to recommend or appoint their own officers, and the Government would accept that recommendation.

Mr LINDSAY wanted to know whether the cavalry would be supplied with horses as well as arms. (Laughter.) Some time ago the cavalry found it somewhat difficult to go through the various manoeuvres in consequence of the majority being without horses. (Renewed laughter.)

The ATTORNEY-GENERAL imagined it rather improbable that any person would volunteer in the cavalry unless he were provided with a horse. The hon gentleman added, in reply to Mr Reynolds, that the Government were prepared to receive any number of volunteers not exceeding 2,000, that being the number of rifles at their disposal. If

was intended to limit the number who would receive pay to 500. The present Bill provided for the payment of that number.

The various clauses having been agreed to, the Chairman reported progress, and the consideration of the report was made an Order of the Day for the following day.

MILITIA ACT AMENDMENT BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that its object was twofold, first, to alter the rate of pay in the former Act, and, secondly, to authorise the Government to bring the Act into operation immediately. If the Act were passed the Government would take immediate steps to issue the necessary proclamation and ballot for the militia, every step would be taken necessary to organise a force with the least possible delay should anything arise to render it expedient to do so.

The Bill having been read a second time, the House went into Committee upon it.

An alteration was made by which the pay of the adjutant, including his pay as lieutenant or ensign, was made 7s 6d per day instead of 6s 3d, and the sergeant major's pay was raised from 5s to 5s 6d per day.

Mr STRANGWAYS asked whether it was intended to appoint a permanent military staff.

The ATTORNEY-GENERAL said the Government did not intend to appoint a permanent military staff. A staff-adjutant had been appointed for the volunteers, who would be required to act for the militia till the number had increased to such an extent as to render the performance of the duties impossible. The pay of officers under the Act would be received by them only whilst the militia was embodied.

Mr REYNOLDS asked whether if the officers happened to be already in the employ of the Government, they would receive the pay provided by this Act. Suppose, for instance, Major Trevelyan were appointed, would he receive pay in addition to that which he received as Surveyor-General?

The ATTORNEY-GENERAL said persons in the service of the Government were exempted from service so that the question could not arise. In reply to other questions, the hon gentleman stated, that the militia would not be moved from the district in which they were located, except in case of actual warfare, in which case they would be fed, and their expenses paid. It was true that under the old Act, a provision of 360l per annum was made for an adjutant, but it was not incumbent upon the Government to expend that sum, and they did not intend to till an absolute necessity arose.

Mr REYNOLDS asked if Government officers would be permitted to volunteer. He thought it as well that they should be permitted to. Formerly they were permitted to volunteer in the artillery.

The ATTORNEY-GENERAL said that no Government officers would be permitted to volunteer if the regular drill would interfere with their attendance at their various offices, but if they could become efficient by attending to the duties after their ordinary duties were over, there would be no objection to their becoming volunteers.

Mr REYNOLDS—But they might be called out.

The ATTORNEY-GENERAL thought if they were not permitted to go, there would not be much chance of getting much writing done whilst an enemy were landing. Even the hon member for the Sturt would, under such circumstances, be apprehended, find it rather difficult to attend to his ordinary avocations.

The clause was passed as printed.

Mr GLYDE wished to know whether members of the House of Assembly would be exempt. He observed the old Act said "Members of the Legislative Council." He did not wish members of the House of Assembly to be exempt, but he certainly thought they should be placed on the same footing as the members of the Legislative Council.

The ATTORNEY GENERAL said at the time the Act was framed, the Legislative Council was the only Legislature, and the expression must be taken to extend to the Legislature that is, to both the Houses.

Mr REYNOLDS was desirous that gentlemen in the Government service should not be allowed to volunteer, and trusted the Government would bear that in mind.

The various clauses having been agreed to, the Chairman reported progress, and the consideration of the report was made an Order of the Day for the following day.

MAIN ROADS BILL

The COMMISSIONER OF PUBLIC WORKS said that after several delays he had now to move the second reading of the Main Roads Bill, a measure which had no doubt been anxiously watched by many Hon members would observe by referring to the schedule attached to the Bill, the existing main lines of roads as they existed in three Acts, and no doubt many hon members would be struck with the definitions which were given to some roads. For instance, the Main South Road in the Act was merely defined as the South Road, it was not stated where it began, or where it ended. Petitions had frequently been addressed to that House praying that certain lines might be declared main lines, and the Central Road Board were frequently addressed upon the subject, although they had no power to deal with

such applications. The varied circumstances of the colony since 1848 rendered it necessary that the Legislature should devote some further consideration to the question of main roads. He had placed himself in communication with the Central Road Board, and the result had been a suggestion from that Board as to what should be the schedule of main roads, which appeared in Council Paper 25. In the first part of the Bill the principle laid down for the approval of the House was that where railways had been constructed they should be treated as main roads. Another point was that they should start from the stations in extending main roads until railways had been formed. This would enable the Central Road Board to expend money in making approaches to the station from which they started. If the available funds were expended on the formation of new roads, sooner or later that system must come to an end, and it would be equally objectionable that between this and Kapunda there should be not only a railroad, but a main road to keep in repair. One of the principal objects in view was, to adopt some very prudent suggestions which had been made by the Central Road Board, and if the House got as far as the schedules that day, he should be happy to make those suggestions. A great deal of attention had been devoted to the subject by the Central Road Board, and their opinion was very valuable. The Bill sought to enable the House, for the first time since that Parliament had assembled, to declare what should be the Schedule of Main Roads. It would be observed that some had been expunged on account of railways running parallel with them. It was proposed to continue the lines from the stations, in order to enable the Central Road Board to form the approaches. It was a question of great general interest, and of very considerable importance, he begged to move the second reading of the Bill.

Mr GLYDE wished to understand whether the Government proposed to substitute the Schedule of Main Roads proposed by the Central Road Board.

The COMMISSIONER OF PUBLIC WORKS said he intended to move the Schedule line by line, so that the opinion of the House could be taken upon every item.

Mr BAGOT hoped the House would carefully consider this question, as he observed it was proposed to expunge several main roads, although property had been purchased in the vicinity principally upon the strength of such main roads having been declared. He thought the fairest way in every case in which it was proposed to expunge main roads would be that the road should first be made, and then handed over to the District Council. If that were done he believed that a good deal of injustice would be got over. With regard to the line to the North, he felt that the line proposed by the Central Road Board would be very advantageous, but the principle of starting from the station was exceedingly important. The station was the centre of the township, and it was only fair that the main line should start from town. He hoped the House would not dispose of the question without well considering what should be done with regard to those roads which it was proposed to abandon.

Mr LINDSAY had understood the last speaker to say that those roads which existed only in theory should be made actual roads before they were handed over to the District Councils. He understood that it was intended to continue a heavy expenditure upon roads which were afterwards to be converted into railways, and this appeared to him to be a great absurdity. If a railway were to be quickly constructed from Kapunda to the Burra, where was the necessity for making a main road? He saw it was also proposed to expunge the old South-road and make a totally new one nearly parallel. This appeared to him quite unjustifiable. If a main line were to be made nearly parallel it would be better at once to make a railroad, as the cuttings and embankments would be sufficient for railway work. Large sums had been expended in cutting the Hindmarsh Valley, but how this would be justified he could not see, as by the schedule it appeared very doubtful whether it would be a main road. It was unquestionably highly necessary that the road system should be revised, but he was afraid the Government scheme would not do without considerable modification.

Mr TOWNSEND said that when he first received a copy of the Bill he thought that justice was going to be done to a road in which he felt great interest—the Great Eastern road—but when he came to look closely into the Bill he found that it was merely an amalgamation of existing Acts, and he believed the effect of adopting it would be to make every one grumble. The Government in point of fact said, we don't know nor care which are main roads, but would have members to scramble and determine amongst themselves which should be main roads, and maintained as such. The Commissioner of Public Works in moving the second reading, had not even stated what the Government proposed to make main lines, or what, in fact was the policy of the Government. It appeared that whilst hon members were scrambling, the Government intended quietly to look on. He believed that the Government ought not to break faith with those who had purchased land upon the faith that proclaimed main roads would be preserved as such. He sometimes heard the expression in that House "cutting covenants," but he contended, that whatever course was pursued faith must be kept with the people. The hon member for Light had suggested that the roads should first be made by the Government, and then handed over to the District

Councils to maintain. He had no objection to such a course, as a road in which he was interested would then be made, and would be a great advantage to the people of Lobefhal and Magill. The hon. member (Mr. Barrow) had presented a petition from 500 persons, stating that they had been induced to purchase land upon that line upon the faith that it would be a main line. Frontages fetched as two to one if on a main line, and if the Government broke faith with parties in this respect, he believed they would have a good claim for compensation. He believed that a good case could be made out for the Great Eastern-road, 30,000/ having been expended in land upon the line, and he believed 10,000/ would carry the road through. If that were done, he believed that 30,000/ more might be derived from the sale of lands in the vicinity for market gardens.

Mr. BARROW said, as to going into Committee, he hoped the House would not adopt that course (Hear). He hoped that some hon. member would adopt a course which would bring the debate to a conclusion, before the House were asked to go into Committee. He did not know that he differed materially from the Commissioner of Public Works in reference to the road question, but he would ask what schedule was there before the House which could be relied on? (Hear). First, there was a schedule of main roads to be constructed as proposed by the Bill, then there was a scheme propounded by the Central Road Board different from the Bill, and both these schemes were to be interpreted by a map different from each (Laughter). He did not know what the House were called upon to do. He was utterly incapable of expressing an opinion beyond this, that he was in profound darkness upon the whole matter, and he believed that most hon. members were in a similar position (Hear, and laughter). The question of obliterating main roads was one which they must grapple with, and he should be disposed to join issue with the Government, and say that it would be unjust and highly undesirable to perpetrate such a breach of faith, unless those who were interested received a *quid pro quo* (Hear). But if the Government wished to throw open the main roads to a general scramble, so far from the House adjourning on Tuesday week, he did not think it would be able to adjourn by Tuesday month, for not only would there be a prolonged debate but petitions would flow in from all quarters. He therefore hoped that the motion for the second reading of the Bill would be met by some hon. member moving the previous question, or that the Bill be read that day six months, or something which would prevent the House from going into Committee. (Hear). There was nothing before the House on which to form an opinion. There was a schedule, a bill, and a map. To which was the attention of the House to be directed, or were the three to be taken into consideration at once? He could not tell. It would be far better, instead of attempting to legislate out of such a chaotic mass, to leave matters as they were, and allow the new Legislature to deal with the question (Hear). If it were considered necessary that the present Legislature should decide, it was necessary that the Government should prepare their schedule of roads, but there was nothing tangible before the House. Every member would be left to battle for those main lines in which he was interested, and to cut off those in which he was not interested. He did not wish personally to table any motion to obstruct the views of the Government, but at present there was really nothing before the House which could be brought to any practical issue, and he hoped that some hon. member would adopt the course which he had suggested, for the purpose of relieving the House from the difficulty in which it was placed (Hear, hear).

Mr. REYNOLDS said he was in the same position as the hon. member who had just sat down, for he could not understand what the Government meant. He should be obliged to move the second reading of the Bill on that day six months, in order to give the Government time to consider what sort of a measure they would submit to the House, rather than the bald unmeaning scheme which had been submitted. If he had understood the Commissioner of Public Works right, it amounted to this, that the Government did not want the Bill to pass, but the hon. gentleman said he would move the items in the schedule one by one, and perhaps in the general scramble one or two main lines might be knocked off. He would rather see the Government come forward with a bold line of policy. He did not like to see the Government come forward with a Bill, and say, "There, put it in any shape you like, because we can't deal with it, we leave it to you." Now that there was a responsible Ministry, if it were thought there were too many main lines why not say so at once, and let that be their policy, instead of having no policy at all. He did not understand what the Government meant. If the second reading of the Bill were assented to, were the House to understand that the Bill was the policy of the Government? The Commissioner of Public Works had stated that the principle laid down was that where main lines ran parallel with railroads the main lines had been obliterated, but, if that were the case, was the Port-road and the main line to Gawler Town to be struck out? If so, the Government had not given the people interested an opportunity of petitioning the House against such a course, because in the Bill it was pretended that those

roads should remain intact. It was unfair for the Government to come forward with a Bill which they did not intend to carry. He would ask did the Government not know that the Bill would not have the approval of the House, and had they not anticipated that it would be met by some such motion as that it should be read that day six months. It was a farce—a mockery—to trifle with the House in such a way.

Mr. MILDRED seconded the amendment. He had always been under the impression that it would be great injustice to strike off main lines of road. He would, however, give credit to the Government for having put on the left hand the old schedule, and on the right the proposed schedule, and on the plan the roads which they proposed to obliterate. It was, however, with the justice or injustice of the case which the House had to deal. By law that which was given to a man as his freehold could not be taken away without remuneration. Thousands and tens of thousands had been expended in land upon the faith that certain lines would be continued main lines, and he would ask, would it not be gross injustice to deprive the parties who had so invested their money of the advantages of these still being preserved as main lines, and entail upon them the expense of keeping them in repair. The theory of District Councils was a very ingenious one, but at the same time, it might be called too far, and he was certain that a large majority of the House would not go with the Government on this occasion. He was sorry that such a Bill should have been submitted to the House. Parties on the lines of railroad might be very well pleased, as they were not called upon to keep any roads in repair, but others were by indirect taxation called upon to contribute not only to the cost of railways, but by direct taxation to maintain macadamized roads. The Government had, he thought, shewn great want of tact in bringing this Bill forward.

Mr. GLYDE supported the amendment. It appeared to him the Government were not prepared to take the responsibility of adopting the scheme recommended by the Central Road Board, but wanted the House to adopt it, thus throwing the responsibility partly on the Road Board, and partly on that House. He did not deal with the question as a general one, but as the representative of a particular district he looked to see if it affected that district, and seeing two main roads struck out or proposed to be expunged, that was sufficient to induce him to vote against the Bill.

Mr. SOLOMON should vote for the amendment, believing that great injustice would be done by the Bill to the purchasers of land upon main lines. He had no objection that the roads when properly made should be handed over to the District Councils. He could not endorse the doctrine of the last speaker, that in a question of this kind affecting the whole country, members should merely look to see how the particular districts which they represented would be affected. Although only a representative for the city, he (Mr. Solomon) considered himself bound to look to the interest of the whole community, and was sorry to hear such an opinion expressed as that which had fallen from the hon. member (Mr. Glyde), that he was merely bound to look to the interests of that district which returned him.

Mr. HAY considered the Government had shirked a very important question in not coming forward with a line of policy. There was no policy at all in the Bill. The Government asked the Central Road Board to prepare a schedule, and the Board did not shirk the responsibility, but the Government certainly had. The Government came before the House stating they had no policy, and telling the House to do what they thought proper with the roads, that was certainly not the policy which he should have expected on an important question like this. Although a member of the Central Road Board he felt bound to say that the Government had not acted fairly towards that Board, as they had neither accepted nor rejected the recommendation of the Board, in fact, he considered the Government had placed themselves in a most humiliating position—a position altogether unworthy of them, as it appeared they would not take any decided course until they found on which side there was likely to be a majority. He wished to see the Government come forward with a schedule, and adhere to it as their policy.

Mr. MCKELLISIER supported the amendment. He believed the best course would be for the Government to withdraw this Bill, and allow the country to express an opinion upon this question, as in reference to free distillation. He did not think it right, after declaring a main line, to throw additional burdens upon the farmers, it was not right or just to those who purchased land upon the faith of main lines, and he did not believe that the farmers could possibly bear the additional burdens which this Bill would impose on them.

The ATTORNEY-GENERAL said the opposition to the Bill appeared to be partly of a personal nature, affecting the policy of the Government, and partly on the ground that it was not known what was the real policy and intention of the Government. There was also an appeal to the principle which should guide the conduct of the Legislature from which he must express dissent. Some hon. members grounded their opposition upon the assumption that the Government had no policy at all, others opposed the Bill, because they had no means of informing themselves of its provisions, and that the Government intended striking out the proposed schedule. He did not wish to im-

pute to the hon member for Gumeracha that desire to shirk responsibility which he had so freely imputed to the Government, but he could tell the hon member that there was quite as much reason to attribute a motive of that kind to him as to the Government. The policy of the Government was well enough understood. Every district was quite alive to its own interests, and had impressed its views upon that House. So far from the Government having shirked a declaration of their policy, hon members had only to refer to the records of the House to show that the charge was contradicted by the conduct of persons interested in the results of this Bill. Another principle had been asserted, which he could not understand, and that was, that when once a main line had been declared, there was a perpetual obligation to make and maintain that line. He repudiated, on behalf of the people of South Australia, any such obligation. So far from there being any breach of faith, it would be a gross violation of duty to those whose money the Legislature were authorised to expend, and who never derived any advantages from such roads, if they were made or maintained at the public expense. The question must be looked at as a whole, and in recognising certain claims they must have regard to others far greater in extent and more important in principle. It was proposed to obliterate those roads which ran parallel with railroads, so as not, in fact, to afford two separate means of communication with Adelaide, and it was also proposed, in new main lines, to start, not from Adelaide, but from the railway station with which it was desired to bring the road in communication. The Government had placed before the House a schedule, and also a schedule from the Central Road Board, and map, which they proposed to adopt, in order that the House and the country might know the policy of the Government. The course taken by the Legislature in reference to main roads must ultimately throw those roads upon the districts, without giving them power to raise money for their maintenance, for the grants to the Central Road Board could not be increased in proportion to the extent of roads which they were called upon to maintain.

Mr MACDERMOTT considered that the House had brought on themselves the great difficulty in which they were placed in consequence of the facility with which they had declared main lines of road without information to guide them in so important an act.

Mr DUFFIELD hoped that few hon members would endorse the doctrine laid down by the hon member (Mr Glyde), and merely look to their own districts, though the elections were near at hand, and the elections in the country districts would probably turn more upon the roads than upon any political question. The Central Road Board gave their opinion to the Government, which he thought the Government should have adopted, and he might remark that the Central Road Board not only expunged roads, but recommended main roads in districts which they were totally unconnected with. The question had often been brought before the House, but though admitted to be an important one, there had always been a disposition to deal with it as it would probably be dealt with that day. He should vote with the Government, believing that the Bill would be a great improvement upon the main road system of the province.

Mr HAWICER, though not perhaps altogether agreeing with the mode in which this Bill had been brought forward, considered it too important to shelve, and should vote for the second reading. If, however, he were to look at it as the hon member for East Torrens, Mr Glyde, did, only as affecting the district which he represented, he should vote against it, for he could not see on the map that a single yard of road in his district was provided for. On first looking at the Bill, he disagreed with the scheme, but many of his doubts had been removed by the lucid statement of the Attorney-General. He had long felt that the system of multiplying roads in the neighbourhood of Adelaide was injurious to other portions of the colony, and the system now should be to expend more in the outer districts, which had no means of communication. He thought the Central Road Board had shown great judgment in the scheme which they had proposed.

The COMMISSIONER OF CROWN LANDS hoped, after the explanation which had been afforded, that the hon member for Gumeracha would support the second reading of the Bill. The hon member would be perfectly justified in doing so, as he had apparently been in ignorance of the intention of the Government to adopt the schedule recommended by the Central Road Board. He regretted that had not been more distinctly stated in the first instance by the Commissioner of Public Works. He hoped the House would assent to the second reading of the Bill, as he was sure that every hon member must see the necessity of dealing with the question as quickly as possible. A great deal had been said about main lines, but the Central Road Board often found it necessary to divert the road in consequence of natural obstructions, and purchasers might just as well complain on such occasions. He believed the course which the Government had adopted was the proper one, they had put both schedules in the Bill, and had declared, as their policy, that they adopted the schedule of the Central Road Board.

Mr PEAKE supported the second reading of the Bill. He should like to have seen a railway to the south, and then one or two more roads might have been blotted out. On the whole, he believed that the system proposed would be a great improvement upon the present one. He did not understand the argument, once a main road always a main road, it reminded him of "once a bishop always a bishop." If a mistake had been made, there was no reason that mistake should be persevered in, and money squandered to any conceivable extent.

Mr COLE said the question was a very important one, or he should not have spoken upon it. The whole discussion appeared to have been upon main roads, as if there were no other roads. He should oppose the Bill, because it affected district roads, and from enquiries which he had made, he believed that it would be utterly impossible for districts to maintain district roads and main roads. At present the District Councils were only empowered to levy a rate to the extent of 1s in the pound, but if they were called upon to keep the main roads in repair, it would involve an assessment of from 5s to 9s in the pound. He had understood one portion of the policy of the Government, to construct main lines where it was intended that railways should ultimately be, but he believed that to be a fallacious principle. District Councils had hitherto worked well, but if this Bill were passed, they would become nugatory, and all that they had done would fall to the ground. He opposed the Bill believing that it would be a gross breach of faith towards those who had purchased lands on the faith that certain lines would be main lines.

Mr STRANGWAYS should support the amendment unless the Government would strike out the schedule, and pledge themselves not to insert another. (Laughter.) From the difference between the statements of the Attorney-General, and the Commissioner of Public Works, he could only come to the conclusion that there was a slight difference of opinion amongst that happy family. It appeared to him that there must be another scheme or schedule which was not before the House, but which the Attorney-General had in his mind. He was sure that hon members would see that if the proposed schedule were passed it would have to be modified very shortly, and he warned the House that if the schedule were gone into he intended to enter very minutely into it. The policy of the Government appeared to him to be to first ascertain the views of a majority of members of that House, and then to adopt a policy in accordance with the views of that majority. He believed that the Bill could do no good. His Excellency, in his speech, had merely stated that a Bill would be introduced which would be a consolidation of three existing Acts, but in this instance a rather extraordinary course had been pursued, for something more had been given than had been promised. He hoped the House would reject the Bill. ("Divide, divide.")

The SPEAKER put the formal motion—"That the words proposed to be omitted stand part of the question"—tantamount to putting the motion "That the Bill be read a second time"—which was negatived by a majority of 4, the votes, ayes, 13, noes, 17, being as follows—

AYES, 13.—The Attorney-General, Mr Bakewell, Mr Collinson, Commissioner of Crown Lands, Messrs Duffield, Dutton, Hallett, Hawker, Hay, Macdermott, Peake, the Treasurer, Commissioner of Public Works (teller).

NOES, 17.—Messrs Barrow, Cole, Dunn, Glyde, Harvey, Lindsay, McEilstray, Mildred, Neales, Owen Rogers, Shannon, Solomon, Strangways, Townsend, Young, Reynolds (teller).

The amendment that the Bill be read again that day six months was then put and carried.

Mr GLYDE asked if an hon member after declaring his intention to vote in a particular way could vote differently.

The SPEAKER said if an hon member's voice had been heard voting a particular way, he must, on a division, adhere to that side, but an hon member might change his mind by arguments which were adduced, otherwise there would be no use in discussing a question.

DISTILLATION ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL this Bill was considered in Committee, when the hon gentleman intimated his intention to introduce a clause by which it would not be necessary that a store room of brick or stone should be erected unless required by the Inspector. Where there were several stills near each other, one room in the locality would be used as a general bonding room. He also proposed that only two days' notice instead of three should be requisite prior to distilling. The hon gentleman intimated that he must insist upon the clause prohibiting a distiller from being a publican, which clause was under discussion when Mr HAY called the attention of the Speaker to the fact that there was no House, and there was a count out.

The House adjourned shortly after 5 o'clock till 1 o'clock on the following day.

FRIDAY, AUGUST 5

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

NORTHERN RAILWAY

Mr NEALES presented a petition from 421 inhabitants in the neighborhood of Section 112, praying that the House

would cause the railway to that spot to be opened as early as possible

The petition was received and read

THE WAR

Mr STRANGWAYS asked when the address to Her Majesty relative to the war was likely to be prepared. Probably the Attorney-General would be enabled to give some information upon the point, as the Committee had been moved for by the hon. gentleman.

The ATTORNEY-GENERAL said the hon. member was quite right in stating that he had moved for the Committee, and that he had omitted to prepare the address, but the fact was he quite forgot it, in consequence of the variety of matters which pressed upon him immediately prior to the departure of the last mail. He hoped to have the address prepared by the following Tuesday.

THE MAIN ROADS BILL

Mr HAY wished to make a few remarks in reference to the course which he had pursued on the previous day relative to the Main Roads Bill, and in order to enable him to do so, would formally move that the House at its rising adjourn till the following Tuesday at 1 o'clock. It would be in the recollection of the House that the hon. member for East Torrens, Mr Glyde, on the previous day asked the Speaker whether an hon. member was allowed to vote contrary to his voice, and the hon. member in putting the question, no doubt referred to the course which he (Mr Hay) pursued in reference to the Road Bill, having voted for it after expressing his dissent from it. He found that he was charged by the hon. member for Victoria with opposing the Government, because they did not adopt the recommendations of the Central Road Board, but he denied that he had done so, as he had never asked the Government to agree with the recommendations of the Central Road Board, nor did he agree with some of those recommendations himself. He had stated that he opposed the course taken by the Government in not stating their policy, but at the same time stated that he believed the country would suffer from not having a Road Bill during the present session. It was entirely upon the ground that the Government had not stated their policy that his opposition was based, and not from any desire to throw out the Bill. He was, however, satisfied, the moment that the Attorney-General made the explanation which he did, which would account for any apparent discrepancy between his vote and his speech.

The COMMISSIONER OF CROWN LANDS, in seconding the motion, said that no one who heard the speech of the hon. member for Gumeracha could have arrived at any other conclusion than that his opposition arose from the Government not having adopted any distinct line of policy, the Government not having said that they would adopt the recommendations of the Central Road Board, or what course they would pursue, but the state of the case was completely altered after the explanation made by the Attorney-General. The only reason of the hon. member for Gumeracha for opposing the Bill having been that no distinct line of policy was laid down by the Government, it was impossible, after the explanation was afforded, that the hon. member could have adopted any other course than to support the Bill. The grounds of opposition having been entirely removed by the Attorney-General, it was creditable to the hon. member for Gumeracha that he acted as he did on the occasion.

THE VOLUNTEERS

Mr TOWNSEND was desirous of asking the Attorney-General a question in reference to the volunteers. There were many who were, he believed, deterred from joining the volunteers, finding that they would be liable to be brought under the Mutiny Act. In the Channel Islands when volunteers were guilty of breaches of discipline they were handed over to the civil and not the military authorities, and there were many here from the Channel Islands who believed that such would be the case here. He was desirous of knowing whether such would be the case.

The ATTORNEY-GENERAL said the provision of the existing law undoubtedly was that offences committed by volunteers during the time they were embodied in actual service were tried by a court-martial, but the power of the court-martial was strictly limited, and was not placed on the same footing with regard to volunteers as soldiers. For instance, a court-martial could not award any corporeal punishment, but merely imprisonment. He thought that military offences should be tried by a military tribunal but it was quite right that the power of that tribunal should be limited. He did not think that such offences should be tried by a Bench or Magistrates or the Supreme Court.

EXPLORATION

Mr NEALES moved—
“That the Commissioner of Crown Lands and Immigration (Mr Milne) do lay upon the table of this House a letter addressed to the late Commissioner of Crown Lands (Office No. 456) and entered under the head ‘Exploration’—suggestive of survey of interior of continent.”
The hon. member stated that he merely wished the document produced, in order that when the question of exploration was brought under consideration the House might not be placed in the position of having only one offer to consider.

The COMMISSIONER OF CROWN LANDS said that, after perusing the document referred to in the motion of the hon. member, he deemed it right to refer it to the Surveyor-General to make what comments upon it he might think proper, and it had been returned to him with a minute by the Surveyor-General stating his opinion as to the desirability of acting upon the suggestion. He should be happy to lay this minute also before the House.

Mr NEALES stated, in reply to Mr STRANGWAYS, that the letter referred to was from Mr Murray, Civil Engineer. The motion was carried.

MILITIA

Mr STRANGWAYS moved—

“That in the opinion of this House, it is desirable that a Militia Force should be organized within this province.”
The hon. member remarked that he had understood from the Attorney-General on the previous day that it was the intention of the Government to organize a militia force, and if that were the case it would be unnecessary for him to detain the House. He should like to know whether he had rightly understood the hon. gentleman.

The ATTORNEY-GENERAL said that what he had stated on the previous day was not that it was the intention of the Government at once to organize a militia, but to put the Militia Act into operation to enable a force to be organized at a moment's notice. For instance, the Government would proclaim the Act, divide the country into districts, fix the quota for each district, have the lists prepared and the ballot, but it was not intended to go further at the present moment.

Mr STRANGWAYS must then move the motion of which he had given notice. He did not believe there was the slightest necessity for the ballot. He believed that a militia force could be raised here in the same manner as in England, and he believed he was correct in saying that notwithstanding the very large number of men required during the late war, in no one instance was it found necessary to resort to the ballot in England. If the system of volunteering or enlisting in the militia were carried out, the country would merely require to be divided into districts, and when the number for each district had been fixed, if a sufficient number enlisted for a particular district the ballot ought not to be put in force in that district. He believed that there would never be an efficient force if the parties comprising it were not, whilst at drill, under martial law. Notwithstanding the large number who were volunteering, he believed they would far rather volunteer in a militia force, and thus a volunteer force would be rendered unnecessary. The expenses under the Militia Act would not be so great as under the Volunteer Act. Some were of opinion that the volunteer force which formerly existed here was a very efficient body of men, but all he could say was that if parties did consider them efficient their ideas of efficiency must not be very distinct. He very much questioned whether they would have been able to go through their manoeuvres so as to co-operate with regular troops, and if they could not do that they would be worse than useless. Instead of trusting to such a body it would be better that parties should go out separately with their rifles or muskets to shoot Frenchmen on their own account in the event of an invasion. If once a panic were created amongst undisciplined troops the whole were upset, and as he had before said, it would be far better instead of trusting to such a means of defence that parties should go out singly. He believed that the volunteer force would prove more dangerous to their friends than their foes, and if ever the French came here there would very quickly be very few volunteers seen. A large number of those entering the force he found were married men with wives and families, and was it to be supposed that these men would be prepared at a moment's notice in a time of danger to leave their wives and families and rush to the shores to prevent an enemy landing? He believed also that a great many of the volunteers had very erroneous impressions of the duty which they could be called upon to perform, many thinking that in the event of the enemy making their appearance, they would only have to go down to Lefevre's Peninsula, and pop away at boat's crews. If an invasion did take place, it would be very different duty which would have to be performed, and he did not believe that the volunteers could ever be rendered so efficient as to be of the slightest use in defending the colony. However good shots many might become, considering the nature of the country between Adelaide and the coast, and the very little natural protection which would be afforded to the defenders, they would be of little use. He had that day had a conversation with the Hon. Major O'Halloran, who had expressed an opinion that the volunteers would be substantially useless, he believed that 500 militia would be of more use than double that number of volunteers. If the military authorities were consulted, he believed they would be unanimous in the opinion that a small number of militia would be far more efficient than a large number of volunteers, and he believed also that a large number both in and out of that House thought it desirable that a militia force should be organized. He did not think the Government to spend a large sum of money, but he believed that if the course which he suggested were acted upon, it would entirely obviate the necessity of expending money upon a volun-

teer force. If the same system were adopted as in England, a permanent and efficient body might be obtained.

Mr MCELLISER seconded the motion, believing that a militia force would be far more beneficial for the protection of the colony than a volunteer force. He had no faith whatever in volunteers without pay. Who were the parties who were joining the volunteer force? A number of fine young fellows, certainly full of spirit and courage, but what did they know about warfare? If an enemy were to make their appearance he believed that purely from want of discipline the volunteers would very quickly show their backs instead of their faces. Besides this, he believed that a militia would in the end be less costly, as well as much more efficient. Experience had shown that unpaid volunteers could not be depended upon. In America, men who were not paid were not willing to fight, and in reference to the volunteers in this colony it should be borne in mind that the large majority had no stake in the country. It would be far better that those who had a stake should be taxed in order to defray the cost of a regular and efficient force. If they were to have an efficient force, let them have it, whatever the cost might be, let there be no shame, but it would be of no use to have a force composed of undisciplined young men, who had no particular incentive, having no stake in the colony. Let them have something they could depend upon whilst they were about it.

Mr LINDSAY supported the motion, and thought it scarcely necessary he should do more, the arguments of the hon mover having been sufficiently conclusive. The volunteer system had been tried and found wanting. He recollected on one occasion, looking at that valiant volunteer army, who really presented a very showy appearance, having elegant uniforms, and looking well, but the whole army consisted of 17 officers and one man. He could not believe in the efficiency of such an army, particularly as that one man, whilst learning the sword exercise, cut off the tip of his own nose, and that might be taken as a fair sample of the efficiency of the corps.

The TREASURER would make a few remarks in reference to what had fallen from the hon mover. It struck him that the colony was in a very unfortunate position, if what some hon members who had spoken upon the subject had stated were true. In the first place, the hon mover said that he had no confidence in the volunteers, because they were married men, whilst the seconder of the motion said that they would all run away because they were single, so it appeared that in South Australia there was not a single man of sufficient courage to face an enemy. He confessed that he had no such fears as those which had been expressed by the mover and seconder, believing that when these men had learnt the use of weapons, they would not fear to use them. The arguments which had been used relative to the non efficiency of the volunteer force appeared to be applied to those who did not receive any pay, he would take it for granted that portion only were referred to, because the hon member said that he had no faith in volunteers without pay. If there were no others there might be some force in the arguments which had been used, but it should be remembered that, although the Government could accept the services of parties without pay, who would be instructed to act as skirmishers, to assist the regular force, there was also a paid volunteer force, which, to all intents and purposes, were regular troops taught by skilled officers. Without drilling, these men could not acquire the efficiency of regular troops, but at the same time, there was the requisite material. The hon member for Encounter Bay, Mr Strangways, who appeared to thoroughly understand all the qualities of a soldier, and the means by which the colony should be defended, had pronounced an opinion that there was no skirmishing ground between Adelaide and the Bay, and that the country afforded no natural protection to the skirmishers. Perhaps the hon member's vision was peculiar, or in coming up or going down the road he did not look to the right or to the left, which would account for his not seeing any objects behind which riflemen could conceal themselves. The hon member said that the Government should at once call out the militia, he wished the Government not merely to enrol them, but to call them out. The Government would do so if it were necessary, but if events should show that it was not necessary he could not see why they should do so. In the meantime the Government were doing what was useful, as they were taking every means to train persons who would afterwards become volunteers or militia-men in the use of the rifle. The instructor, under the orders of Major Nelson, had undertaken to teach a certain number of persons the use of the rifle so as to enable them to become instructors and communicate that knowledge to persons enrolling themselves. The hon member (Mr Strangways) had said that the ballot was not necessary, but if it were not, the Militia Act gave the Government the very power which the hon member asked. The Government were quite able to secure the services, by enlisting, of any number of persons who might wish to do so. He could not allow one observation which had been made by the hon mover to pass unnoticed. The hon member had said that the volunteers under the Act of 1855 were utterly inefficient, and it was impossible they could have acted with the regular troops. Doubtless the hon member had lights out of doors from whom he gleaned his information, but there were many who thought very

differently of those volunteers and he (the Treasurer) was one. Of course volunteers upon the first day's drill were not so efficient as after 28 days' drill, nor would they be so efficient probably at the end of the first year as at the end of the second, but the commandant of the force reported most favorably of them, and he (the Treasurer) saw two companies at the Port who were as fine a body of men as were to be found in Her Majesty's service. At first these men laughed at the idea of putting on uniform, but Major Moore, with his accustomed urbanity, talked to them upon the subject, and the result was that they not only put on the uniform, but took great pride and interest in it, and he had seen them go through their evolutions as well as any troops in Her Majesty's service. It was impossible that any troops could have gone through their manoeuvres better than those troops did when finally inspected by Major Moore. The same remark would apply to some companies at Kensington, he did not mean to compare them with crack regiments, but they were quite equal to the average of troops in Her Majesty's service. He could not see any necessity at the present time for immediately proceeding to organise a militia, all that was necessary he thought would be to divide the country into districts, to determine the quota for each district, to serve the ballot and to enrol. That having been done, a single order from the Governor to the Commissioner of Police would cause every man to appear at the appointed rendezvous for drilling, which was not a very difficult thing, and in the meantime the parties would be made acquainted with the use of the rifle.

Mr REYNOLDS rose for the purpose of requesting the hon member for Encounter Bay to withdraw his motion. Although he was prepared to advocate the Militia Act being brought into operation instead of the Volunteer Act, he thought the motion of the hon member went a little too far. It would be far better that the matter should be left in the hands of the Government, and if the requisite number of volunteers did not present themselves then the Militia Act could be brought into operation to make up the deficiency. He might have gone a little further with the hon mover than he was now disposed to, but for the severe reflections which the hon member had cast upon the volunteer force which existed some time ago. After the strictures which had been passed upon that force, he hoped that the Commissioner of Public Works and the Commissioner of Crown Lands would stand up and defend the respectable body to which they formerly belonged. He was rather surprised to hear that the Hon Major C. Halloran had also spoken of the volunteers not in the highest terms, as that gentleman occupied rather a high position in that corps, and he was consequently rather surprised to hear that he had cast any reflection upon a body of which he was so important an officer. He thought the observations of the hon member, Mr Strangways, amounted to a reflection upon the young unmarried men, and the hon member had indirectly passed a compliment upon the married men. He did not think the hon member had got the spirit of a man in him. (Laughter.) Perhaps when the hon member became a married man the case might be different. (Renewed laughter.) The hon member had said that he preferred the militia, because that force would be most efficient, but he (Mr Reynolds) would far sooner place rifles in the hands of those who would voluntarily step forward to defend the country than those who were compelled to do so. He was at a loss to understand what the hon member really meant, the voluntary system was the volunteer system it was precisely that system which the Government were adopting, and the Militia Act would supplement any deficiency. He repeated that if the hon member (Mr Strangways) would get married he might get a little more of that spirit which belonged to the father of a family. The hon member was afraid that the volunteers would do more damage to their friends than their enemies. Perhaps the hon member himself might get shot, and would the volunteers then look upon him as a friend? If the hon member were under any apprehension he had better remove from Glenelg, or it would, perhaps, be convenient to remain there, lest the French should land, and the hon member might then be enabled to find some hole in the sandhills in which to conceal himself, for he felt quite sure the hon member would be afraid to venture in defence of his country.

Mr PEAKE said that when he read the motion of the hon member for Encounter Bay, he looked upon that hon member as the prudent father of a very large family, who was prepared to take every precaution, and vote away any amount of money to guard against an invasion, but he was rather surprised to find that the hon member was an unfortunate bachelor like himself. (Laughter.) He was surprised at the remarks which had been made in reference to volunteers, knowing what they had done in America, Mexico, and in fact in every part of the world in which they had been tried. He was more surprised when he remembered the policy which had been acted on in England. He should like to see a rifle in the hands of every man, and believed that by the volunteer system the service in the hour of need could be made complete. Training, of course, would be essential, and this he understood was the policy of the Government. The policy of the Government, he understood, was to take as few hands as possible from ordinary

industry and with that policy he concurred, but he would give instructions in the use of the rifle to all those who had sufficient leisure to avail themselves of such instruction. At the present time he believed it would be unwise to take any large portion of the community from their ordinary avocations and in that respect the policy of the Government was, he considered, better than that of the hon. member for Encounter Bay. He had no fear of the volunteers when brought to the pinch running away, for Englishmen were as good here as anywhere.

Mr. MACDERMOTT said the value of troops was in exact proportion to their discipline. He should consider 100 troops of the line equal to 1,000 volunteers. The cheapest troops which could be employed in this country he believed would be troops of the line. The colony could no doubt obtain two, three, four, or five companies by paying the expenses, which would be very moderate, compared with the cost of maintaining local troops. He should much prefer seeing 500 militia trained for a short period than to see the volunteer system extended to any great extent. It had been very correctly stated that the militia was recruited by volunteers in England, and he believed that would be the best way to recruit here. One volunteer was worth ten pressed men. It was the glory of England during the Russian war that there was not a soldier or sailor in her service who was not a volunteer. He believed that no other country but America could make a similar boast. He should like to see any artillery force which might be formed placed under the militia, as artillerymen required longer and more careful training, and should be subject to stricter discipline. The services of such a force would then be extremely valuable. Labor was so exceedingly valuable here, that he believed the best policy would be to increase the troops of the line to the extent which was thought requisite, save to the extent of five companies, and have a subsidy of militia force in training to co-operate with them. He should be glad to see the ideas which he had expressed carried out.

Mr. SOLOMON would not have taken part in the discussion but for the statement of the hon. member for Flinders, to the effect that he considered 100 regular troops equal to 1,000 volunteers. That was a statement which he could not allow to pass unnoticed, because he would call the attention of the House to the fact that the statement of the hon. member, who had, he believed, for many years been an officer in Her Majesty's army, was not supported by occurrences which had taken place within the recollection of every hon. member of that House. He need merely refer to New Zealand, where the military under Colonel Despard attacked Hori Heki. The military were there destroyed nearly to a man, the New Zealanders only laughing at the regular troops whom they called idiots for standing up in rows to be shot down, but a mere handful of men from the ships subsequently tackled the New Zealanders, who were far from contemptible as fighting men, and destroyed the greater portion of them. These men were volunteers, so that the comparison which had been instituted between 100 regular troops and 1,000 volunteers, certainly did not hold good in that case. He believed that when the volunteers were called upon to act, they would be found better than regular troops, as the probability was that they would have something more to defend than the regular troops had. He regarded the instance which he had cited as a remarkable one, to show what could be accomplished by volunteers, and even undisciplined men, for a braver set of men than the New Zealanders never breathed, they were severe antagonists even to regular troops.

Mr. TOWNSEND said his observations had been anticipated by the hon. member for the city, for he too had been much struck by the observations of the hon. member for Flinders in reference to the relative efficiency of volunteers and regular troops. He was surprised to hear the remarks which had been attributed to the Hon. Major O'Halloran, as he believed it would be found that the gallant Major owed his title to the volunteers, and he was consequently surprised that the hon. gentleman should have endeavoured to disparage that force, which, if ever called upon, he believed would do credit to themselves, and be found equal to any force in the world.

Mr. BARROW hoped the hon. member for Encounter Bay would withdraw his motion, or if he did not it was quite clear it would be lost by a large majority (Hear). He thought that the course which had been taken by the Government would meet all the requirements of the case. If the Government acted with promptitude and adopted a liberal course, he believed that the militia would not be needed (Hear). If, however, it should be found that militia were required, the Government had power to call them out and he did not think it necessary that any further preparations should be made for the defence of the colony than had been made and were making (Hear).

The ATTORNEY-GENERAL would not have made any remarks but for the remarks of the hon. member for Flinders in reference to the immense superiority of those who were compelled to serve over those who served voluntarily. He thought the hon. member had answered himself, for, after the hon. member had said that 100 regular troops were equal to 1,000 volunteers, the hon. member in the same breath said that during the late war the whole of the troops

and seamen were volunteers. He could not understand how men who voluntarily came forward, and were subjected to the same drill as those who were compelled to serve should prove so immeasurably inferior. He did not see why volunteers here should prove so inferior to their cousins on the other side of the Atlantic, and it was not found there that volunteers were destitute of courage or energy, but on the contrary, they fought steadily and bravely, consequently he saw no reason to believe that the volunteer force here would prove otherwise than efficient. He believed that wherever the officers would lead the men would be prepared to follow, and he had full confidence in the officers, as having that degree of courage which would render them worthy to be followed by such persons as would be volunteers. Probably none of the British troops at the Crimea had ever been in battle before, and certainly at Alma not one of the Guards who ascended in face of the Russian fire had ever before been under fire. He trusted the hon. member (Mr. Strangways) would not press this motion to a division, because he believed that in reality the Government were doing precisely that which the hon. member wished that they should do, calling upon those who were willing to serve without pay to come forward and enrol themselves, and having also a Militia Act to fall back upon.

Mr. NEALES hoped the hon. member for Encounter Bay would not withdraw his motion, because he felt it would not be fair to those who thought with the hon. member that a militia would be the more efficient force, and he believed that the Attorney-General would find more supporters of the proposition than he anticipated. There had been a good deal of joking about this matter, but if there were to be any fighting he believed that not only would all the joking go but a good deal of the courage. The argument in reference to all the troops at the Crimea being volunteers did not apply, for the fact was that they were the finest trained troops in the world, and they were mixed up with the troops who had recently seen active service in India. If hon. members would refer to the statement of Mr. Russell, the *Times'* correspondent, they would find that such was the case. He believed that the House had begun at the wrong end, and he believed, moreover, that no volunteer force would be efficient which had not the power to elect its own officers. If this were conceded the Government might then be able with confidence to call upon them as an auxiliary force when the bad day came. He should like, however, that the colony should be supplied with some thing more substantial in the shape of militia. He could understand the Treasurer saying that if the necessity arose, the Governor could call out the militia, but it would be quite useless to call them out if they had not been previously trained. He did not go to the extent of saying that the difference between the regular troops and volunteers was in the proportion of ten to one, but he believed it was in the proportion of three to one. He would rather be one of 100 regular corps warfare than one of 300 volunteers. Volunteers should not be put forward as regular troops, but merely be called in to help the regulars. They should certainly be allowed to elect their own officers and be an unpaid force.

Mr. BAGOT said that here, where time was so valuable, it would be undesirable to call men out unless they were actually required. He did not wish to do away with volunteering, but thought the volunteers should merely be supplemented by calling out the militia. Every man should, he thought, be able to be called out, and every man should be compelled to come forward and learn how to defend his country.

The COMMISSIONER OF PUBLIC WORKS said as he believed it would be of no use to ask the hon. member for Encounter Bay to withdraw his motion, he should at once state that he should vote against it. To some extent, no doubt, the subject had been treated in a popular strain, but it was nevertheless one which deserved the serious attention of the House. He believed that the volunteers could not be compared, in point of efficiency, with paid soldiers, but still it should be remembered that they would have a higher inducement than their mere pay, they would have their wives and children, their hearths and homesteads, and if a man would not fight for those he deserved to lose all he was possessed of. He believed one good would arise from the discussion, and that was, that there would be abundance of volunteers, fine able-bodied fellows, in whom he, for one, should have more confidence than in the militia. If regular troops had to be maintained, the cost to the colony would be a serious item.

Mr. HAWKLER should support the motion of the hon. member for Encounter Bay. He thought the Attorney-General and some other hon. members had taken a very wrong view of the remarks of that hon. member. He did not think the hon. member meant to say that the volunteers were deficient in personal courage, but that their courage would be quite unavailing unless it were combined with discipline. Experience in every part of the world where battles had been fought had shown that if victory were to be achieved discipline must be on its side. The English troops were superior to any other troops in the world, because their discipline was so superior, and their victory over far larger bodies might be attributed not only to their superior courage but their superior discipline. He quite agreed with the principle of volun-

teering, but it was not sufficient alone, to have a really efficient body there must be a militia. He had no objection to the ballot, as he thought that every one was bound to take his chance in defending the country. If however, they merely depended upon volunteers or militia not thoroughly organised, he feared it would be found they were trusting to a broken reed. If the next mail should bring intelligence of a war between England and France, it would be necessary to establish a militia, and a volunteer corps to assist that militia. He should support the motion, for, as he presumed the House would not sit much longer, it was of no use to delay the matter till Parliament had been prorogued. It would strengthen the hands of the Government to find the House were in favor of a militia should the next mail bring news of a war between England and France.

Mr GLYDE should vote against the motion, considering it unnecessary. The House, he imagined, had done all that was necessary on the previous day by passing the Militia Bill and the Volunteer Bill. If the news by the next mail were warlike, he presumed the Government would take action, and call out the militia immediately. That, he thought, would carry out the views of the hon. member for Encounter Bay.

The COMMISSIONER of PUBLIC WORKS said it appeared to be taken for granted that a militia force was better disciplined than a volunteer force, but that was begging the question. He quite went the length of saying that disciplined were superior to undisciplined forces, but it did not follow that the militia would be better disciplined than the volunteers. A strong case had, he thought, been made out to show that volunteers were better than militia, and had it not become a proverb that one volunteer was worth ten pressed men? If the volunteers were to be subjected to the same discipline he would back them against the militia. If the motion of the hon. member for Encounter Bay were carried, it would involve the necessity of going to a great deal of expense which he thought might be avoided, and, as he saw no necessity for it, he should vote against it. If it were found that the necessary volunteer force could not be obtained, they could then fall back on the militia.

Mr COLE said that, as he was an advocate of peace, the House would no doubt be surprised at his rising, but he wished to show the inconsistency of some hon. members. He was sorry to hear the hon. member for Victoria disclaim so much against the volunteers. The hon. member had the effrontery to declare that to trust to the volunteers would be to trust to broken reeds, yet that hon. member himself was a volunteer. He hoped there was sufficient pluck in South Australia to show, when the time came, that volunteers were something better than broken reeds.

Mr STRANGWAYS did not wish it to be understood that the Hon. Major O'Halloran had at all reflected upon the volunteers. What he had said or intended to say was, that Major O'Halloran considered it extremely unwise to depend for the defence of the colony upon volunteers, and considered it highly necessary that a militia should be organised. The hon. member (Mr Peake) had said that he had supposed he (Mr Strangways) must be the prudent father of a large family or he would not have put such a motion on the paper. All he could say was, that he wished the hon. member would not measure another person's corn by his own bushel. He was not surprised to hear the Treasurer speak in such glowing terms of the former volunteers, for if he remembered rightly the hon. gentleman was Acting Governor at the time, and no doubt when he had to inspect them they presented their best appearance. He believed that the motion would be lost, but had the hon. member for Victoria and the hon. member for the City (Mr Neales) spoken at an earlier period the motion would, no doubt, have supported what their intentions were till they had ascertained the views of a majority of the House, and they then moulded their views accordingly. It had been said by some hon. members that volunteers were better than pressed men, but those who held that doctrine must be unacquainted with the naval history of England, for the most glorious victories had been achieved by crews nearly entirely provided by press gangs. He believed that a very large proportion of those who were joining the volunteer companies were doing so in the hope and expectation of being made officers, and if they were not elected officers a very small number of those who had expressed their willingness to serve would be found. (Divide, divide.)

The motion was lost by a majority of 10, the votes, ayes 8, noes 18, being as follow.

AYES, 8—Messrs Bagot, Dutton, Hawker, Lindsay, MacDermott, McEllister, Neales, Strangways (teller).

NOES, 18—The Attorney-General, Commissioner of Crown Lands, Commissioner of Public Works, Messrs Bakewell, Barrow, Cole, Colhoun, Glyde, Hallett, Hay, Mildred, Owen, Peake, Reynolds, Rogers, Solomon, Townsend, Treasurer (teller).

BUILDING SOCIETIES, &c

The ATTORNEY-GENERAL laid on the table balance-sheets connected with the Gawler, Lown, Kapunda, Clare, and Port Lihot Building Societies, and of the Macclisfield Lodge of Oddfellows.

PARLIAMENTARY PAPERS

Mr REYNOLDS moved—

“That all papers and other documents ordered by the

House during the present session, if not prepared by the responsible Minister from whom they may be required prior to the prorogation, be completed so soon after such prorogation as may be, and forwarded to the Speaker in print, and that it be an instruction to the Clerk of the House to cause such papers and other documents to be bound with the Votes and Proceedings, in the same manner as if the papers had been laid on the table during the session of the House.”

The hon. member remarked that he had been given to understand it had hitherto been the practice, when papers were ordered by the House, which were not laid on the table during the session in which they were ordered, that they were not forwarded for the purpose of being bound up with the votes and proceedings. He found that many had apparently been forgotten or had not been bound up with the votes and proceedings, and in order that they might be bound up he had tabled the present motion. He hoped that the effect of bringing this resolution forward would not be to delay any returns which had been moved for. Very important returns had been moved for by Mr Owen in connection with the Real Property Act, and though these had been asked for some months since, they had not yet been laid upon the table. Returns in connection with the Waterworks had also been moved for. He hoped the Government would lay on the table all papers and returns which had been asked for as far as they were prepared, and the remainder could be forthcoming during the prorogation.

Mr BARROW seconded the motion, which he thought was entitled to the general concurrence of the House. Of course it would be understood that a sufficient number would be provided to forward to hon. members during the recess at their private residences.

The ATTORNEY-GENERAL cordially concurred in the spirit and object of the motion. Had his attention been called to the subject he should have been glad to propose such a motion. It must always be the case that some returns moved for during a session could not be prepared during that session, and as they were not laid upon the table till the following session, they necessarily formed portion of the proceedings of a session in which they were not moved for. This had been felt to be inconvenient, but it had hitherto been impracticable to take any other course.

Mr STRANGWAYS should move the previous question, his reason for doing so being that there were many papers which had been ordered which he was desirous of seeing before the session was brought to a close, but if this motion were carried he felt perfectly sure that not one of those papers would be forthcoming. Some returns had been called for by the hon. member for the city (Mr Owen) but no steps whatever were taken to prepare them for a period of six weeks. If the motion were tabled on the last day of the session he should have no objection to it, but he objected to giving the Government a first rate excuse for not laying on the table of the House those papers which had been ordered.

Mr REYNOLDS hoped the Government would exonerate him from any desire to give them a first-rate excuse for not laying on the table those returns which had been ordered. (Laughter.) The business of the session was progressing at so rapid a rate that he thought it better to lose no time.

The amendment was not seconded, and the motion was carried.

REAL PROPERTY ACT

Mr LINDSAY moved—

“That, in the opinion of this House, all land acquired by the Government from private individuals ought to be conveyed under the Real Property Act.”

The hon. member considered this a question of sufficient importance to engross the attention of the House, even though it should delay the prorogation. The Real Property Act was now a Government measure, and it might reasonably have been supposed that the Government would have some degree of confidence in their own measure, but as it appeared they did not act upon it, it was quite clear to him that they had no confidence in it. He presumed the Government must have good reasons for not bringing land which they purchased from private individuals under the operations of the Act. He presumed that it must be apparent to the Government that there were such defects in the Act as would render it highly dangerous to do so. But if it were unsafe for the Government to do so at all, it must be equally unsafe for the public, and, in tabling this motion, his object was to give the Attorney General an opportunity of pointing out where the defects were, in order that they might be remedied as soon as possible. If it were not such an Act as the public should place confidence in, let some attempt be made to remedy the defects, and if with no other object it would be well worth while that the House should remain a little longer in session.

Mr BARROW seconded the motion, protesting altogether against the allegations contained in the speech of the gentleman who had just sat down.

The ATTORNEY-GENERAL was not aware there was any objection to the motion, if after hearing the real facts the House should concur with it. He would remind hon. members that the Real Property Act was to facilitate the transfer of property. It provided that land the Government parted with should be brought under the Real Property Act, but when the Government acquired property which it was never intended to transfer, there was no reason for incurring

the expense and trouble of bringing the land under the Real Property Act. Whenever land was parted with by the Government, it was brought under the Real Property Act, but when land was acquired never to be parted with, there was no reason that it should be brought under that Act, unless it were the wish of the House it should be.

Mr STRANGWAYS pointed out that land as soon as acquired by the Government was substantially brought under the Real Property Act. If the House remained in session till they corrected all the defects in the Real Property Act, he was quite certain that nothing would be left of the Act but the title, and he believed it would be necessary that even that should undergo some modification.

Mr BAGO called attention to the fact that in all lands to be acquired by the Government it would be necessary that the vendor should consent to the property being conveyed under the Real Property Act, and it was quite possible that some obstinate fellow, like the hon member, Mr Strangways, might say "I won't." (Laughter.)

Mr TOWNSEND thought it scarcely parliamentary to call the hon member for Encounter Bay an obstinate fellow. The hon member was not obstinate but firm and crochety, and probably once in a thousand times the House might get some little information from him. He hoped the House would not remain in session till they had remedied the defects in the Real Property Act, or in the character of the hon member for Encounter Bay.

The motion was negatived.

MESSRS CHAMBERS, STUART, AND FINKE

The House having gone into Committee for the consideration of the following motion

"That, in the opinion of this House, the proposal of Messrs James Chambers, John McDouall Stuart, and William Finke—offering to contract to explore that part of New Holland lying between latitude S 26° 30' longitude E 135° (Mr J. M. Stuart's furthest north western station) and King's Sound on the north-western coast of New Holland, for the sum of £6,000—should be at once accepted by this Government, and the adjacent colonies of Victoria and New South Wales be invited to take an equal share with this colony in the cost of this enterprise."

Mr PEAKE said that remarks and comments had been made reflecting upon the integrity and candour of the proposition, but when the memorial was presented, it was presented in perfect good faith. It was a memorial from three gentlemen who had been connected for several years in exploring country on their own private account, selecting pastoral country, and who had opened a field of success which had not at first been anticipated. The exploration, which had been undertaken by these gentlemen, and the discoveries which had been made, had opened up so many advantages to the colony that they had been specially rewarded by that House, and he was requested by those gentlemen to tender their thanks for the liberal and handsome manner in which they had been treated. The party had at length reached a certain point of discovery, they had been working for a number of years, and now believed that they had it within their grasp and power to reach the opposite shore of New Holland. They asked the Government to subscribe 1,000*l*, and to guarantee 5,000*l* if this were brought to a successful issue, but he had now on behalf of those gentlemen to ask the House for permission to withdraw the memorial. They were desirous of withdrawing it because they could not stand under the imputation of anything like indelicacy of purpose. He considered the proposition had been made by them in a most fair, straightforward, and business-like manner, but they would not allow him to proceed with the matter after their offer had been so widely misconstrued, both in and out of doors. He therefore asked permission to withdraw the memorial. It had been stated in that House that 1,000*l* would be sufficient to fit out the expedition, but when he explained that there was a distance of 1,000 miles between Mr Stuart's northern point and King's Sound, he could not conceive what idea hon members had of expense when 4,500*l* were recently spent upon an expedition which never proceeded more than 100 miles beyond Port Augusta. If hon members considered that, he thought they would form a very different opinion. At starting it would be necessary that 60 horses should be provided and before reaching the other side it would probably be necessary there should be 100. It might also be necessary that a vessel should be sent round to protect the exploring party. He could not sufficiently praise the enterprise of the men who were prepared to undertake this task. It had been said by some hon members that they could not understand why one should lead this expedition, whilst another remained behind, and another was in England, but it would be seen that the efforts of the explorer would be useless unless there were some one here in whom he could place the fullest confidence for supplies. He considered the leader should be a person of high character and qualities, but at the same time there must be some one to keep the party in thorough supply whilst the explorer was advancing, otherwise the expedition would never be brought to a successful issue. One was required in advancing, the other in the rear. With respect to the gentleman whose name appeared, and who was absent in England, it was at Mr Stuart's request the name of Mr Finke was mentioned, the fact

being that they had been together for a long time. Something had been said about a party in England having the glory of the enterprise, but he would ask who had the merit of the last enterprise? Was not the name of Mr Stuart indelibly fixed on the discovery? He was precluded from entering upon the matter so deeply as he otherwise should, in consequence of having intimated his intention to withdraw the motion, but he would formally move the motion in order to afford an opportunity for an expression of opinion.

The ATTORNEY-GENERAL hardly felt justified in supporting the motion as it at present stood. He doubted if it would be wise on the part of the House to authorize the Government, or wise on the part of the Government to pay 1,000*l* upon the starting of this expedition. Having regard to the financial position of the colony he did not know that it was worth while to tender the colony liable for 6,000*l* for this purpose, but at the same time the offer which had been made should not be lightly passed over. Those who made it must be considered to be actuated by some degree of public spirit, in addition to a regard for individual distinction and pecuniary consideration. He should be reluctant that the offer should be allowed to pass away without some attempt to turn it to practical account. The way in which he had thought they might deal with the proposal was that the 1,000*l* which it was proposed should be immediately advanced should be withdrawn, and that this colony should undertake to pay a sum of say 3,000*l* if the expedition were successful, and to put itself in communication with the other Governments requesting contributions of an equal sum, so that the gross amount raised would be 6,000*l*. If the parties would be willing, in connection with such arrangement, to undertake the expedition, he thought it desirable that the Government should be authorized to conclude it. He would not move an amendment to the effect he had mentioned, because he did not know whether the suggestion would be acceptable, and till the House knew the views of the parties, it would not be worth while to come to any resolution upon the subject. He threw out the suggestion, however, because he thought it was one which the House might fairly adopt, and to induce any party to carry out such an expedition, he thought the House would see that these were sufficiently reasonable terms. He did not doubt that the Governments of New South Wales and Victoria would feel that the interest of the whole population of Australia would be greatly promoted by the discovery of an available track between here and the northern or north-western coast, and would be glad to shew their sense of the importance of such a discovery, and of the public spirit, skill, gallantry, and endurance of those who discovered such a passage, and would contribute in an equal spirit of liberality with this colony. He did not think that the amount which he had suggested was larger than would be fairly due to parties who carried through such an enterprise. If the suggestion were regarded favorably by the gentlemen who had presented the petition, and the House were disposed to pledge itself to a grant of 3,000*l*, the Government taking steps to secure the co-operation of the other colonies, he thought perhaps the better mode would be, that the motion should be withdrawn for the purpose of considering the suggestion.

Mr NEALE asked how the 3,000*l* would be affected by the 2,000*l* which had already been offered? If it were intended to include the 2,000*l* in the 3,000*l*, he was quite sure that the parties interested would not entertain the proposition for a moment, as they would be actually out of pocket.

Mr TOWNSEND considered the 2,000*l* quite irrespective of the proposition before the House. The 2,000*l* were to be given to the party who first reached a given point, and it was open to all.

The ATTORNEY GENERAL said he did not consider the 3,000*l* sufficient inducement but the Government, independently of contributing that amount, would place themselves in communication with other Governments with the view of obtaining an equal contribution. That would be the whole reward to which any party would be entitled. If another party went forward first and was successful he would be entitled to the 2,000*l*.

Mr STRANGWAYS hoped the hon member for the Burra would withdraw the motion. Mr Chambers, in making the offer, had not been desirous of making any bargain with the Government, but he believed it was desirable the expedition should be undertaken, and had stated the terms. Allusions had been made to the petition being signed by Messrs Chambers and Finke, but it was well known that Mr Stuart could not carry out his explorations without the assistance of Messrs Chambers and Finke, nor could Chambers and Finke without Mr Stuart. One found the funds to enable the other to do the work. He believed that the cost of the expedition would be more than 3,000*l*. He had permission to state on behalf of the petitioners that they were not prepared at their own expense to fit out an expedition to cross the continent, as not only the risk but the expense would be very great, and the success highly problematical, but that further explorations would probably be conducted by Mr Stuart within the limits of this province, and the petitioners were quite prepared in expectations of that kind to rely on the liberality of the House.

Mr DUTTON thought it a great pity that before the memorial was presented the petitioners had not placed them-

selves in communication with the Government to arrange the details of a plan, and then the whole thing could have come before the House in a shape in which the House could either have approved or disapproved of it. More than a fortnight ago a motion was brought forward by the hon member for Victoria, the very unusual course being pursued of discussing a motion upon the day on which notice of it was given, and he was under the impression that the thing had been well considered by the hon member, and the parties interested. Had that not been the general impression, he apprehended the House would not have taken the unusual course of discussing the motion upon the same day that notice of it was given. It appeared to him there was only one course to pursue, and that was to withdraw the motion, leaving the parties to place themselves in communication with the Government, and having agreed to certain conditions let those conditions be submitted to the House, but he would remind the House that the time of year for exploring was rapidly passing away.

Mr HAY trusted the motion would be at once withdrawn. The hon member for Victoria thought 1,000*l* would be sufficient, and tabled a motion to that effect. The Government put down 2,000*l*, and then the memorial was introduced by the hon member Mr Peake, asking for 1,000*l* down, and a guarantee of 5,000*l*. He did not hesitate to say that 6,000*l* would not be too much for any person who should cross the continent between the points indicated in the resolution, and he would leave the thing open to any one who had spirit and enterprise enough to undertake it. He believed that Mr Stuart was entitled to the thanks of the country for the discoveries he had already made, and if any one were to be even consulted with in reference to this expedition he would say let it be Mr Stuart. He believed that the colonies of New South Wales and Victoria would cheerfully contribute their proportion.

Mr STRANGWAYS said he had been requested by Mr Chambers to state that if the Government desired to fit out an expedition, he believed there would be no difficulty in arranging with Mr Stuart to take the command of it.

Mr HAWKER said that three weeks ago he was requested by a gentleman whom he thought well acquainted with the subject, to give notice for the following day of a reward of £1,000 for crossing the continent. He had been requested to go and see Mr Chambers and Mr Stuart, and imagined he should have been in communication with them before the motion was brought forward, but hon members being anxious to adjourn for a week, the motion was brought forward at once, and he had not an opportunity of previously obtaining that information which would have prevented so many misunderstandings which had since occurred. He stated most sincerely that he had not the slightest wish to reflect upon Mr Chambers or Mr Stuart. The manner in which the motion had been that day received showed that he was not wrong in the opinion which he formed. 1,000*l* were asked for an expedition which it was stated would cost 3,000*l* to fit out, and he could not see how the House could vote public money to be mixed up with other funds, and with what must be called a private expedition. He had stated the other day that he should be prepared to vote a large sum, and if Government thought it necessary that a large reward should be offered, he should be happy to support it. He thought the proper way would be for Messrs Chambers and Stuart to communicate with the Government, and the Government would then communicate their views to the House. He hoped the motion would be withdrawn, and that before the session closed something tangible would be brought before the House.

Mr PEAKE thought the policy of the Government a wise one, and if it rested with him he should be happy to leave it an open question, but in his present position he preferred withdrawing the motion, and that it should at a future time be submitted in a tangible shape by the Government or some hon member. He believed the neighboring colonies would cheerfully give their quota, and thus the matter might be arranged.

The motion was then withdrawn.

CROSSING THE CONTINENT

In consequence of the action taken in reference to the previous motion Mr SOLOMON withdrew his motion relative to sending a vessel to the north-west coast.

The ATTORNEY-GENERAL stated, in reply to Mr REYNOLDS, that the Government would not submit any proposition to the House until they were in a position to state they believed there were parties ready to undertake that expedition.

REMOTE DISTRICTS

Mr PEAKE withdrew his motion relative to a reduced rental for 1,000 miles distant from Adelaide, intimating an intention to substitute another.

PUBLIC NOTARIES BILL

The amendments made by the Legislative Council in this Bill were agreed to.

VOLUNTEER ACT AMENDMENT BILL

The Report of the Committee of the whole House upon this Bill was agreed to, and the third reading made an order of the day for the following Tuesday.

MILITIA ACT AMENDMENT BILL

The report of the Committee of the whole House upon this Bill was agreed to, and the third reading made an order of the day for the following Tuesday.

The ATTORNEY-GENERAL stated, in reply to Mr STRANGWAYS, that the Government intended by next mail to send to England for 500,000 cartridges for the Enfield rifles, and would send for supplies from time to time, so as always to have a million cartridges in store.

INSOLVENT LAW AMENDMENT BILL

The ATTORNEY-GENERAL said he had no objection to offer to the clauses introduced by the hon member for Encounter Bay. The report of the Committee was agreed to, and its consideration made an order of the day for the following Tuesday.

The remaining business was postponed, and the House adjourned at 4 o'clock till 1 o'clock the following Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, AUGUST 9

THE HON THE PRESIDENT

The CLERK of the Council begged to inform the Council that he had received a message from the Hon the President, intimating that in consequence of the melancholy news which had been received relative to the loss of the Admella, he must beg to be excused from attending the Council that day.

On the motion of the Hon Major O'HALLORAN, seconded by the Hon Dr DAVIES, the Hon John Morphet was called upon to preside.

WRECK OF THE ADMELLA

The Hon the CHIEF SECRETARY moved that the House adjourn till the following day, in consequence of the melancholy news which had been received relative to the loss of the Admella. He was sure that every hon member of that House must deeply regret the circumstance by which there was too much reason to believe the Hon the President had suffered so heavy a bereavement.

The Hon A FORSTER fully concurred in the propriety of the course suggested by the Hon the Chief Secretary. It was due to the Hon the President that this mark of sympathy and respect should be shown under the melancholy circumstances in which he was placed. He should rejoice if some more favorable intelligence should enable the hon gentleman to resume his seat on the following day.

The Hon Major O'HALLORAN was sure the Council would not be wanting in sympathy towards the Hon the President, who had so long occupied that position and had never been absent till that day. He was afraid however that the adjournment proposed would not be sufficient, and would suggest that there be an adjournment for a week, as he feared no happier results than those which were anticipated by a majority of those acquainted with the coast where the calamity occurred. An adjournment till the following day would consequently only necessitate a further adjournment.

The Hon Captain BAGOT could not go the length of the hon and gallant Major in saying there was no hope. He trusted that there was a great deal of hope, and he, for one, had hope. In the perilous situation in which those who were wrecked were placed they would have energy enough to exert themselves for their own safety, and he trusted cheering accounts would be received before the day was out. He thought that instead of adjourning for a week at once, an adjournment from day to day if necessary would much more usefully mark the respect of the Council for the Hon the President, and would keep the business in a position that it could be proceeded with should more favorable intelligence be received. He trusted that on the following day they would see the President in his place with a smiling countenance.

The Hon Captain HALL could not go the length of the hon and gallant Major, and say they should give up all hope. He was sure there was no member of that Council who would not wish to pay every mark of respect to the Hon the President under the painful circumstances in which he was placed. It would be better he thought not to proceed with the business for the day, and then they would not disarrange the notice paper. He should support the proposition that the House immediately adjourn. He could not help remarking that he thought the Government were entitled to some word of praise for the promptitude with which they had acted in at once despatching a vessel to the wreck for the purpose of rendering assistance. There was nothing of great importance on the notice paper, and he thought the House should immediately adjourn till the following day, as a mark of respect to the Hon the President.

The motion for an adjournment till the following day was carried, the notices upon the paper being transferred to the notice paper of the following day.

HOUSE OF ASSEMBLY.

TUESDAY, AUGUST 9

The SPEAKER took the chair at 10 minutes past 1 o'clock
THE WRECK OF THE ADMELLA

Mr SOLOMON wished, before any business was proceeded with, to make an appeal to the House which he was sure would meet with general approval. The House were aware that a most unfortunate and melancholy event had taken place, a vessel having been wrecked containing a large number of passengers, many of whom were personally known to members of that House, and for whom he was sure the greatest respect was entertained. Under such circumstances he thought he was entitled to ask that the House should immediately adjourn for a short time. Knowing the feeling of many hon members he believed it would be necessary for him to do little more than move that the House adjourn till that day week. Before that time they would know the worst of the calamity which the colony had to mourn. At present it was known that a number of persons, if not entirely lost, were in imminent danger, and as the House and the country entertained a great respect for many of these parties, he was sure that the House, till acquainted with the worst, would be unable to proceed with public business. He therefore begged to propose an adjournment for a week.

Mr HALLETT seconded the motion

The COMMISSIONER OF PUBLIC WORKS wished, before the motion was put, to make a few remarks. Though agreeing with much which had fallen from the hon member for the city (Mr Solomon), he still thought that, in the present state of public business, a week would be a very lengthened period to adjourn. He was not sure what course would be adopted in the other branch of the Legislature, but he believed that no such motion would be made there as had been made by the hon member for the city. It would be less objectionable if the hon member would merely move an adjournment till the following day.

Mr BAGOT hoped the hon member (Mr Solomon) would adopt the suggestion of the Commissioner of Public Works, and merely move an adjournment till the following day. The grounds were certainly such as the House should take notice of, a very old member of the other House having been plunged into the deepest affliction by the melancholy event which had been alluded to by the hon member for the city. If only to show respect to the feelings of that hon gentleman and others, he trusted that the House would adjourn, but he thought respect would be equally shown by an adjournment for one day as for a week. An adjournment for a day would, he thought, be preferable to an adjournment for a week, several country members having come to town specially for the purpose of attending to their Parliamentary duties.

Mr REYNOLDS hoped the Government would assent to the motion of the hon member for the city, Mr Solomon, as he was afraid that if the House merely adjourned till the following day the excitement and painful feeling which existed in both branches of the Legislature would not be allayed. He was afraid indeed that the excitement on the following day, so far from having been allayed, would be increased. He hoped therefore the Government would assent to an adjournment for a week, and believed he was justified in saying that there would be a similar motion in the other branch of the Legislature.

The COMMISSIONER OF CROWN LANDS understood the motion to be that the House at its rising adjourn till that day week (No, no.) He would suggest the propriety of delaying the motion till a later period of the day, as he thought it probable that before the rising of the House additional information relative to the melancholy event which had originated the motion would have been obtained. He believed that the additional information would either confirm the expected bereavement, or show that the particulars of the accident were not so melancholy as had been anticipated. He would therefore suggest that the motion should be postponed till a later period of the day (No, no.)

Mr HAY trusted the hon member (Mr Solomon) would amend his motion, as had been suggested, and merely move that the House adjourn till the following day. In the absence of full particulars they must only hope that the calamity was not to the extent which some considered. By the following day the House would be in possession of additional particulars, and a further adjournment could take place, if necessary.

The ATTORNEY-GENERAL trusted the hon member for the city would amend his motion, as had been suggested. He was quite sure there was no member of that House who must not feel it a gratification to him to manifest in any public way, consistently with the performance of the duties for which he was sent to that House his sympathy with those afflicted by the recent heavy calamity, and his sense of the great public bereavement by the sudden loss of so many members of the community. Whilst, however, he was sure that every one desired to show sympathy of that kind, he did not think they would be justified in making the calamity a reason for neglecting to proceed with public business for so long a period as was proposed by the motion of the hon member for the city. He felt that would be a cessation from public business which was not warranted or called for by the occasion, or was necessary to show the feelings to which he had

adverted. Although but few instances of this kind had fortunately occurred in the colony, he would remind the House that there had been instances affecting the Legislature, for instance, in New South Wales, upon the death of a member of the Legislative Council, there was only an adjournment for one day, to mark the sense of the Council of the calamity which had occurred, public business was not impeded for a longer period. He trusted the hon member for the city would amend his motion, to obviate the necessity of moving an amendment, as on an occasion of this kind, he should like the action of the house to be unanimous, and that there should be no division.

Mr SIRANGWAYS thought it highly desirable, whatever action was taken, that it should be unanimous, and he therefore hoped in order that the action might be unanimous, and that the Government might not be found in a minority, that they would support the motion of the hon member for the city (Mr Solomon). If there were any probability of the business of the country generally being delayed by such a course, he should not be so much inclined to support it, but he might state it was more than probable the other branch of the Legislature would adjourn for a week, and if so, there would be no advantage in the House of Assembly sitting during the week, he should consequently support the motion of the hon member for the city (Mr Solomon). He believed that during the next two or three days the excitement would be greater than ever to obtain the latest information in reference to one of the most fearful wrecks which had occurred on the Australian coast. He believed there would be great difficulty in getting a sufficient number of members together during the week to constitute a House, and he should therefore support the motion of the hon member for the city.

Mr SOLOMON would have had much pleasure in adopting the suggestion of the hon the Attorney-General, but that he believed if his motion were so altered the same course would have to be gone through on the following day. It was true that a vessel had left for the purpose of proceeding to the scene of the wreck to render any assistance which could be rendered to the survivors if any, but he had known the coast well for many years, and dreaded the information which they would receive, as he did not believe there was any hope of ultimately saving any person from the wreck, from which two persons had escaped. He hoped the House would assent to his motion to show their sympathy with a large number of colonists who had been bereaved by this unfortunate accident. He was satisfied that if the House adjourned till the following day the same course would have to be gone through, and he must therefore press his motion for an adjournment till the following Tuesday.

The motion was negatived, upon which

The ATTORNEY-GENERAL moved that the House adjourn till the following day, at 1 o'clock, which was carried.

LEGISLATIVE COUNCIL

WEDNESDAY, AUGUST 10

THE HON THE PRESIDENT

The CLERK of the HOUSE stated that he had received a message from the Hon the President, stating that in consequence of there being no further information relative to the passengers by the Admella, he trusted the Council would again excuse him from attending.

On the motion of the Hon Captain HALL, seconded by the Hon H AYERS, the Hon John Morpeth was called to the chair.

The Hon J. MORPETH, on behalf of the Hon the President, expressed deep gratification at the sympathy and consideration expressed by the House, but at the same time intimated the President hoped no consideration for him would allow the House to interfere with what they considered a necessary duty.

The Hon the CHIEF SECRETARY moved the House adjourn till the following Tuesday in consequence of the continued uncertainty relative to the passengers by the Admella. The fate of so many fellow-citizens was involved that he felt it was not desirable to proceed with public business.

The Hon S DAVENPORT seconded the motion, which was carried, and the Council adjourned accordingly, the notices on the paper being transferred to the notice paper for the following Tuesday.

HOUSE OF ASSEMBLY

WEDNESDAY, AUGUST 10

The SPEAKER took the Chair at eight minutes past 1 o'clock

ADJOURNMENT

Mr TOWNSEND intimated that, at the request of several hon members, he was induced to move the House adjourn till the following Tuesday. He was not desirous of originating a discussion upon the point, but he felt that a majority of the House would agree with him that in consequence of the distressing news relative to the Admella, and the doubt

which existed as to the extent of the calamity, hon members generally were totally unable to apply their minds to public business and that if business were proceeded with it would be disposed of by a bare majority of the House. He was also induced to propose an adjournment till the following Tuesday in order that the convenience of country members might be consulted. On the previous day the hon member for Barossa (Mr Duffield) endeavored to pair off with some hon member, but could not do so, being unable to find any hon member who did not entertain similar views to himself.

Mr SOLOMON, in rising to second the motion, had no wish to enter upon any discussion, and certainly had no desire unnecessarily to impede public business. On looking over the notice paper, he believed that all the business could be disposed of on the first day of meeting, and he thought it would be folly to go on adjourning from day to day until some definite information had been received relative to the ill-fated Admella and the passengers by her. It was probable that on the following day the excitement would be far greater than at the present time, and on the day after that (Friday) the return of the Corio might be expected. He therefore thought it far better to adjourn at once till the following Tuesday, as that would afford an opportunity to hon members to go home, instead of remaining in town in a state of uncertainty whether public business would be proceeded with or not.

The TREASURER would say a few words in reference to the question, and he would at once express a hope that the House would not support the motion of the hon member for Onkaparinga. So far from the excitement continuing till the return of the Corio, he believed that very shortly a telegram would be received showing that the mission of the Corio had succeeded. He believed there was every probability of the apprehensions relative to the passengers being shown to be groundless, and that all the passengers would be saved. He could not see the emergency was such as should cause them to put off public business. If the House were adjourned at once all the notices in the paper would lapse (No, no). He thought no case had been made out for the proposed adjournment.

Mr BARROW said the case was one of feeling and general sentiment on the part of hon members (Hear). He did not think it necessary in order to support the demand for an adjournment that they should show it was positively due to the Admella, or to a proper and becoming sympathy on account of the Admella, but the fact was, that whether wisely or unwisely, hon members were not disposed to attend that House in sufficient numbers, and if a House were made there would only be just a quorum, and no more. Under such circumstances, he thought it would be better to accede to the motion of the hon member for Onkaparinga, not because it would argue a lack of sympathy if they proceeded with the business of the country, but because so many hon members were determined not to attend that week, and that if public business were conducted, it would be with a bare quorum of representatives.

The COMMISSIONER OF PUBLIC WORKS was not quite clear whether the motion was, that the House should immediately adjourn, or that it should adjourn at its rising. He would point out one inconvenience which would result from an immediate adjournment. Amongst the Orders of the Day, hon members would observe the second reading of the Kapunda Railway Extension Bill, and if that measure met the approval of the House, the requisite materials might be ordered by the outgoing mail, but if the House adjourned for a week, it would be impossible. In reference to the deplorable wreck which had taken place, he would point out that when the Dunbar was wrecked, containing a number of old colonists of New South Wales, the Legislature of that colony adjourned for one day, to mark their sense of the calamity which had happened. That form had very properly been gone through here, and he thought the House might now proceed with public business.

Mr PEAKE said that if the House intended to adjourn from day to day till some definite intelligence had been received relative to the sad calamity which had occurred, it would, he thought, be far better at once to adjourn for a week. Not to do so would be a positive drawback, and would be productive of great inconvenience to country members. Personally he had been subjected to some inconvenience in consequence of the House not meeting on the previous day, but he bowed to circumstances, and the calamity which had pressed so heavily on many members of the community. He would far rather proceed with business, but he repeated that if the intention were to adjourn from day to day till something definite had been learnt, he thought the better plan would be at once to adjourn for a week, as they would gain nothing by adopting the course of adjourning from day to day, and such a course would be productive of great inconvenience to country members.

Mr SHANNON agreed with the previous speaker that in preference to adjourning from day to day till the extent of the calamity had been ascertained, they should at once adjourn for a week. Country members were put to very great inconvenience by having to remain in town, there being no certainty whether business would be proceeded with or not. He thought, however, that by adjourning for a day the House had sufficiently shewn

their sympathy with their fellow colonists, that as public men they had gone to a sufficient extent, and that it was desirable to proceed with the business on the notice paper. Another strong reason for proceeding with business had been urged by the Commissioner of Public Works. The homeward mail would soon start, and it was desirable that the Kapunda Railway Extension Bill should be settled before then.

Mr BAGOT hoped the House would at once proceed with the public business. He admitted it would be preferable to adjourn for a week at once instead of adjourning from day to day till the extent of the calamity which had occurred had become known, but he really could not see that the House were called upon to neglect public business by adjourning for a week. The session had lasted for a considerable time and many hon members, particularly country members, felt that the sooner (consistently with public business) the session was brought to a close the better. He trusted the House would take the whole circumstances into consideration and proceed with business, feeling confident that the sympathy which had been manifested by adjourning the House on the previous day was felt to be all that was requisite.

Mr REYNOLDS should support the motion of the hon member for Onkaparinga, which indeed was precisely what he (Mr Reynolds) had suggested on the previous day. He felt satisfied that unless an adjournment till Tuesday were carried the very important business which had been referred to by the Treasurer would be disposed of in a very small House. If the business were really important it was desirable there should be a good attendance of members when it was brought forward, but he believed that unless there was an adjournment till the following Tuesday the business would be carried on by a bare quorum. He should therefore support the motion of the hon member for Onkaparinga. He could well understand the course taken by the hon member for Light, who probably thought that in an important matter in which they were interested, they would from the state of the House be enabled to obtain a good majority to carry the Bill. He did not say that he should not support the Bill himself, but he believed that the object of the hon members would be gained in a full House. If the only object of the hon members were to press forward that Bill, he thought their object would be equally gained by assenting to an adjournment. As for the remarks of the Commissioner of Public Works about getting the Bill passed before the departure of the next mail, he took that for what it was worth, for even if the Bill were passed by that House it would not pass so hurriedly in the other branch of the Legislature, and therefore he could not see that anything would be lost by the delay.

The ATTORNEY-GENERAL would say a few words in reference to this matter, and would begin by saying that he never opposed an adjournment as a matter of personal convenience or feeling to hon members, and if this motion had come from those who had not habitually delayed and obstructed the business of the House, he should have treated it differently. Three times lately, and at no very late hour, had the business of the House been brought to a standstill at once by adjournments, and once by a count out, and on each occasion of an adjournment, the reason was that had that course not been pursued, the probability was there would have been a count out. Now, when he found the motion before the House came from members who were in the habit of leaving the House, so that there was not a quorum, and business was consequently brought to a standstill, or who were in the habit of remaining for the purpose of pointing out that there was not a quorum, thus showing a desire to obstruct business, he looked on the motion before the House as not being for the ostensible purpose for which it was brought forward, but in accordance with the previous conduct of hon members. When hon members alluded to a fuller House, he would ask whether the experience of the last few days, or indeed of the last week or two of any session, would lead hon members to expect a fuller attendance than at present. He sympathized deeply with the circumstances connected with the loss of the Admella, but at the same time he did not think the circumstances were such as required an adjournment for more than one day. He understood indeed, the hon member for East Torrens (Mr Barrow), to admit this, and that he did not urge the adjournment as an expression of sympathy, but as a concession to the wishes of certain hon members, and those who had expressed this wish, were those who had on previous occasions been instrumental in bringing about a count out, and had stated that if this motion were not carried, the same tactics would be resorted to (No, no). He had distinctly understood the hon member for the Sturt to state so (No, no). He had certainly understood the hon member to say that to proceed with the second reading of the Kapunda Bill, so far from pressing forward the Bill would tend to delay it (No, no). When such a course as that was taken he thought the Government had no course open to them but to endeavor to proceed with public business, and if the Government were met by a count out, they had no alternative but to submit.

Mr SIRANGWAYS said that what had fallen from the Attorney-General amounted to an admission on the part of the hon gentleman that the present Government retained their seats by the sufferance of a few hon members. The

hon gentleman had said that there were some hon members who habitually obstructed public business, that there had latterly been two adjournments at an unreasonable hour, and one count out. The only inference which he (Mr Strangways) could draw from this was that hon members had so much confidence in the Government that the Government could not actually command their attention for the purpose of transacting business. In reference to the important business as it was called, on the notice paper, he admitted there was some very important business, and that portion of the business it appeared to him the Government were desirous of getting over as quickly as possible. He alluded to the passing of the Appropriation Bill, and as soon as that was passed the Government and the Attorney-General would feel perfectly secure and would pay no attention to any obstructions for the future. The Government deserved to be congratulated upon their position, as it appeared their existence as a Government depended upon the support of a few hon members whose support or attendance the Government could very seldom command. This did not reflect any great credit on the Government. It proved that members of the House generally cared so little whether the Government could carry on or not, that they would not attend for the purpose of giving that support which any Government should be able to command. He had advocated an adjournment on the previous day partly as a token of sympathy with those who had lost relatives by the loss of the Admella, and partly because he thought the excitement of hon members was too great to enable them to transact any important business. If, however, a majority of hon members were in favor of going on with business he should have no objection to that course, but he did not believe the majority were. He believed that if at any moment news were to arrive that additional intelligence had been received relative to the Admella there would be a count out in a moment. That being the case, he thought it would be the height of folly to attempt to proceed with public business, as many would be called from a considerable distance merely to go through the form of adjourning from day to day. To prevent this, and believing that from the excitement during the next few days the House would be liable to what he had pointed out, he should support the motion of the hon member for Onkaparinga and whether carried or not the result would be practically the same.

Mr REYNOLDS said the Attorney-General had misrecounted what he had said. He denied that he had any wish to obstruct public business, and in referring to the course taken by the hon member for Light what he had said was that they might have a better chance of carrying the Kapunda Bill in a fuller House.

Mr HAY said that from what had fallen from a number of hon members there was clearly no prospect of getting on with public business, and he thought it scarcely worth while to make the attempt. He saw no necessity himself to adjourn till the fate of the passengers by the Admella had been finally ascertained, but as he believed it would not be possible for the House to proceed with more than a very small amount of business and as there would probably be a count out, he trusted the Government would not oppose an adjournment. It was his intention to withdraw all opposition to an immediate adjournment till Tuesday, feeling that no business worth naming could be proceeded with and he wished to see the notice paper arranged at once for the ensuing week.

Mr NEALES would also recommend the Government to give way, it would have been better if on the previous day they had adjourned till the following Tuesday. He was quite sure it would be most unsatisfactory to force the House to sit. He did not know how others felt, but from the moment he heard the sad news, his health was affected, and he had not yet recovered.

Mr ROGERS also hoped the Government would withdraw opposition to an adjournment till Tuesday. Personally he did not think there was any necessity for so lengthened an adjournment, but still he did not think it would be found possible to make a House in the interim. A number of country members had come to town for the express purpose of attending to their parliamentary duties, and if the House adjourned till Tuesday, these would be enabled to return to their homes instead of remaining in town, as they would be compelled to if the House merely adjourned from day to day. He had no wish to impede unnecessarily public business, but would strongly urge the Government to withdraw their opposition.

The ATTORNEY-GENERAL said as those who generally supported the Government requested that all opposition might be withdrawn, he would take that course—

Mr TOWNSEND rose to order, the hon the Attorney-General had already spoken.

The COMMISSIONER OF CROWN LANDS said the Government felt disposed to give way, in consequence of the remarks of hon members who usually supported the Government, the Government were prepared to withdraw their opposition. It appeared after all, from what had fallen from a majority of hon members that they desired the adjournment, not on account of the great calamity which had occurred, but that they were themselves too excited to proceed with public business, but after all, the excitement was not so great as to prevent hon members from coming to that House, and the hon member for

Encounter Bay had stated that, if it were determined to proceed with public business he should be quite prepared to. However, on account of the excitement which no doubt existed and the Agricultural Show, the Government would withdraw their opposition. (Divide divide.)

Mr TOWNSEND said he was merely the mouthpiece of many hon members who had expressed a belief that it would be impossible to proceed with business, and a member of the other House (the Hon Mr Foister) had expressed a similar belief. He was surprised at the hon the Attorney-General taking the course which he had. The hon gentleman had said that, if the motion had emanated from the supporters of the Government, he would have given it his support but because it emanated from the quarter which it did, he should oppose it. He (Mr Townsend) supported the Government when he believed them to be right and opposed them when he believed they were wrong, and that was the course which he intended to pursue. He denied that he had ever been a party to the tactics which had been referred to by the Attorney-General. The Attorney-General had no right to make the statement, it was untrue. (The hon member subsequently, at the request of the Speaker, withdrew the expression "untrue.") He hoped, therefore, the Attorney-General would withdraw the charge which he had made and he would remind the hon gentleman that the way to obtain support from a majority of that House was not when he felt powerful to turn round and insult hon members. He had brought forward the motion, feeling with other hon members the impossibility of applying their minds to public business.

The ATTORNEY-GENERAL wished to state that what he had said was that the motion was supported, not moved by those who had been parties to obstructing the business of the country. (Name name.) He would name the hon member for Encounter Bay, and the hon member for the Sturt. He had not entered the house when the motion was first brought forward, and thought it had been moved by the hon member, Mr Strangways. His reason for opposing it was, that it was supported by those who had endeavoured to obstruct the business of the country, and he looked upon it as another effort to delay the public business, which had been the object of the previous tactics of those hon members who supported the motion before the House.

The motion was carried, and the House adjourned till the following Tuesday, the Government business on the notice paper being postponed till that day, and the other business till the following Wednesday.

LEGISLATIVE COUNCIL

TUESDAY, AUGUST 16

The PRESIDENT took the chair at 2 o'clock

REAL PROPERTY ACT

The Hon the CHIEF SECRETARY laid on the table a report from the Registrar General, on the working of the Real Property Act.

Received read, and ordered to be printed

MESSAGES FROM THE HOUSE OF ASSEMBLY

Several messages from the House of Assembly accompanying Bills from that branch of the Legislature, were read by the President

VOLUNTEER MILITARY FORCE BILL

Read a first time, second reading made an Order of the Day for Thursday

MILITIA BILL

Read a first time, second reading made an Order of the Day for Thursday

BILLS OF LADING BILL

The Hon Mr FORSIER moved the first reading of the Bills of Lading Bill

Read a first time, second reading made an Order of the Day for Wednesday

CAPE NORTHUMBERLAND

The Hon Captain SCOTT asked whether it was the intention of the Government to provide a lifeboat for use at Cape Northumberland

The Hon the CHIEF SECRETARY said that the Government were in communication with the Trinity Board on the subject, and were having a lifeboat built

LIGHT ON GLENELG JETTY

The Hon Mr MORPHEW asked whether it was intended to place a signal light at the end of the Glenelg Jetty

The Hon the CHIEF SECRETARY replied that the Government had plans prepared for that purpose

TELEGRAPH TO CAPE NORTHUMBERLAND

The Hon Capt HALL drew attention to the importance of extending the telegraph wire from Mount Gambier to Cape Northumberland. In time of war such an extension would be very useful, and recent calamities urged it on grounds of humanity

The Hon the CHIEF SECRETARY said that the matter would engage the consideration of the Government

THE POWDER MAGAZINE

The Hon Capt SCOTT rose to ask the following question standing in his name—

"That he will ask the Hon the Chief Secretary whether there is any intention of removing the Government ammunition from the magazine at the North Arm, to some place where it would be more secure, in the event of England taking part in the present war in Europe, and any of the enemy's ships of war appearing off our coast?"

It was ascertained that an enemy's vessels drawing a small measurement of water might shell and destroy the magazine, or it might where now situated, be easily captured. In addition to this, portions of the building were of combustible materials. There were 50 tons of ammunition in the magazine, all of which might be destroyed in a moment, and their rifles, &c., would then be of but little use.

The Hon the CHIEF SECRETARY remarked that there was a report before the House of Assembly, showing that the magazine was not within range of an enemy's guns, but if there was any prospect of a hostile descent on the coast the Government would take action in the matter.

ORGANISATION OF THE MILITIA

The Hon Captain BAGOT moved the following proposition standing in his name on the notice paper—

"That an Address be presented to His Excellency the Governor-in-Chief, praying that in any Bill that may be laid before Parliament for organizing a Militia in this province, provision may be made for the compulsory enrolment of all males between the ages of 18 and 50 years, in some corps of Militia in the city, borough, or district in which they reside. That the enrolment shall be made by each person subscribing his name, place of abode, age, and calling, in the enrolment-book of the corps with which he engages to serve, the roll being headed by a solemn declaration to the effect that all persons who subscribe it acknowledge themselves bound to the performance of military service when required for the defence of the colony, and that they will yield obedience to all lawful commands that may be issued from time to time in this behalf. That it shall also be declared that it is a primary duty every free man owes to his country to be at all times prepared to defend its freedom, and that, consequently, those who hold back, neglect, or refuse to enrol themselves in manner required, shall forfeit their franchise as electors, and not be restored thereunto until they shall have complied with the provisions of the law."

The hon gentlemen said that the only true and satisfactory method of providing for the defence of the colony, and for meeting the exigencies that might arise, was for the whole male population to be enrolled, the result of which would be that all who were enrolled would feel a desire to arm and to prepare themselves for the defence of the colony. He would only press the enrolment at present, the rest would follow. The sympathies of the people were in favor of this plan, and in proposing an address to His Excellency, such as that in the motion, he was satisfied the public would support him. Every man in the province between the ages of 18 and 50 should be compelled to enrol, and as young men grew up they would be proud to have their names on the same books as contained the names of their fathers and grandfathers. To enforce enrolment he had felt that it would be only right to deprive of their franchise those who refused to be enrolled. He would now move the address to His Excellency.

The Hon J MORPHELT would favor compulsory enrolment, but objected to tamper with the franchise. He, therefore, recommended that all the words after "freedom" be struck out.

The Hon Major O'HALLORAN would also support the first portion, whilst he must object to the concluding portion of the motion. A penalty of 30l would be incurred by each person refusing to serve in the militia.

The Hon the CHIEF SECRETARY said that the Militia Act of 1854 made enrolment compulsory, and levied a penalty of 30l, with the alternative of going to gaol, in case of refusal to serve in the militia. Considering the provisions made in several clauses of that Act, and bearing in mind that on Thursday next the new Bill would probably be affirmed by the Council, he did not see any necessity for the present motion.

The Hon Captain BAGOT said that the clauses referred to by the Chief Secretary related to penalties leviable to those who might refuse to serve after having been drawn, whereas what he was anxious to establish was a compulsory and general enrolment of all classes, to be ready for actual service when ever called out. The English militia were not suited to this colony, on the contrary, the whole population should be armed here, that in case of need the Government might know where to go to.

The Hon Mr MORPHELT supported the principle of the Bill, but objected to the proposed interference with the franchise, which in fact could not be legally touched, as it was secured under the Constitution Act. He would move that, after the word "freedom" the rest should be omitted.

The Hon A FORSTER seconded the amendment. He trusted, however, that the hon mover would see the necessity of withdrawing the latter portion of his motion. On Thursday they would have full opportunity of discussing the Militia Bill. He should be disposed to give his support to a general enrolment, apart from the objectionable disqualification embodied in the close of the motion.

The Hon Captain BAGOT was willing to withdraw the motion altogether if it was the desire of the Council. He would accept Mr Morpheet's amendment.

The Hon Major O'HALLORAN hoped the motion would not be withdrawn. He regarded it as a very excellent one.

The words objected to having been withdrawn, The Hon Capt HALL did not take exception to a general enrolment, but before consenting to the motion would wish to be informed, in any case of emergency arising, and the whole male adults from 18 to 50 called out, what would become of the material interests of the country, if left to the care of old men, women, and children?

The Hon H AYERS must also oppose the motion, which went too far in its compulsory provisions. Clergymen, surgeons, and persons physically incapacitated ought to be omitted. The Militia Bill would also come on for regular discussion in a day or two, and the matter might very well be left over until then.

A division being called for there appeared—

For the motion, 4—Messrs Forster, Morpheet, O'Halloran, and Bagot (teller)

Against the motion, 8—Messrs Ayers, Davies, Davenport, W Scott, A Scott, Everard, and Hall (teller)

JOINT STOCK COMPANIES ACT

The Hon Captain HALL obtained leave to withdraw the notice standing in his name, as he believed there would be no chance of giving it effect during the present session.

SIRATHALBYN AND GOOLWA TRAMWAY,

The Hon the CHIEF SECRETARY was about to move the second reading of this Bill, when

The PRESIDENT remarked that the Parliament had no power to pass a Bill involving an appropriation of public revenue, unless it had been recommended by the Governor. He had protested before on this point, and must repeat his protest.

The CHIEF SECRETARY, in resuming, said that the object of the Bill was to facilitate traffic and commerce in the neighbourhood of the Goolwa. The colony produced 2,400,000 bushels of grain, of which the Strathalbyn district raised 280,000. In that district there were 150,000 acres of land fenced in, but part was not fenced in consequence of the great expense of conveying produce to market, absorbing the resources of the farmer. The Government had never spent one shilling in connecting this district with the seaboard, yet some such communication must be conceded. The proposed tramway would be nearly as cheap as a macadamized road, and when made would be self-supporting, whilst the metalled road would have to be kept in repair at a very great annual cost. The estimated cost of the work was 73,000l. It was proposed to raise this amount by borrowing 50,000l, and by taking from the general revenue the balance, 23,000l. Of the amount required for the construction of this tramway, a great portion would be returned by means of the sale of Crown lands, which would in consequence fall into the market. There was evidence to show that 10,000 tons of goods would be conveyed both ways, and this quantity would doubtless be soon very largely increased. Mr Thomas Jones showed that a charge of 11s per ton would more than pay expenses, but at present 37s 6d per ton had to be paid by the settlers for cartage. Taking the traffic both ways, the construction of the proposed line would save the settlers of the district 14,000l a year. He hoped no old antagonisms of north and south would affect the fate of this measure, but that it would be discussed simply with regard to the wants of a large and important district of the colony.

The Hon S DAVENPORT seconded the motion. The hon gentleman stated at some length that he would have opposed the Bill had the rails been proposed for horse traffic only, but they had it in the reports of able engineers that the tramway, though only intended for horse traction in the first instance, would be provided with rails that would carry locomotives. With regard to the rival claims of the northern and southern portions of the colony, he (Mr Davenport) had lived in the south many years, and was satisfied that the country owed to the south a measure similar to that now before the Council. The scheme now before the House had this great recommendation, that it was only a part of a great system, and the Strathalbyn and Goolwa tramway would eventually prove to be only a branch of an extended series of lines running through the colony, opening up the River Murray navigation. The point at which to strike the Murray was at the 3^d Sections, whence they would reach the interior and command the Darling Junction. In supporting the measure before them he did so with confidence, the reports of Messrs Hargreaves, Hanson, and other experienced persons having thoroughly exhausted the whole subject. The hon gentleman then went into the question of the superiority of the Goolwa or of Milang as a terminus, and declared himself in favor of the Goolwa. That was the line that should be adopted. By carrying out this work more land would be brought into the market, communication would be facilitated, and the public would be enriched. He held that what benefited one part of the colony would benefit every part—all parts of the province had common interests, and sympathized in the common prosperity or decline. It was quite certain that if the tramway could be constructed for the sum stated, a saving would be effected, for a common

road would cost more. It had indeed been said that a macadamised road to connect Strathalbyn with the seaboard could be made for 1,500l per mile, but he believed it would cost at least 2,000l, as the metal would have to be carted for a long distance over unfavorable country. Then they all knew that the annual charge for maintaining a macadamised road was 200l per annum per mile, so that in 10 years every macadamised road doubled its original cost. But the Strathalbyn tramway, 21 miles could be kept in repair, as was shewn in evidence, at a cost not exceeding 600l a year. He was not unmindful of various objections urged, nor of the rival schemes proposed. It had been recommended to cut through the Holmes's Channel, but this was like a child's idea of cutting through a mud embankment. They proposed to cut through the channel, and thus to drain away the waters of the Murray behind, but when they thus directed the course of the river and dried up the lakes, or left them to be supplied with salt water only, would they be prepared to meet those numerous claims for compensation that would flow in from persons who were deprived of the water frontages they had bought and paid for? It had been said that Victor Harbor was the proper port of the south, and, if so, the formation of this tramway to Goolwa, whence there was already another to Port Elliot, nearly completed the line of communication between Strathalbyn and the sea. The hon gentleman then quoted various figures to show the gain to the settlers that would accrue from the formation of the line, and read an article from a Melbourne paper stating that a great demand would exist in that colony for Maclesfield marble. The cereal produce was very heavy, the soil was also capable of raising a large quantity of potatoes, and mines were opening up in every direction. He looked upon the measure as a boon to the inhabitants of the Strathalbyn district, and as a benefit to the colony at large, and therefore cordially supported the second reading of the Bill.

The Hon Capt HALL would oppose the second reading on the grounds that the preamble had not been proved. Nothing had transpired in evidence to show that it was expedient to undertake such a work. The only matter which the evidence decided was that the Goolwa route was preferable to the Milang, but no arguments had, in his opinion, been adduced to show that it was desirable to construct the line at all. He considered the estimated traffic, both as respects agricultural and mining produce, had been considerably over-estimated. It had been based upon the supposition that all the produce of the neighbourhood would go along the line, which no person could expect would be the case. The quantity of grain estimated to be forwarded yearly had also been exaggerated, inasmuch as the yield per acre had been put down at 16½ bushels, where it was very well known that the average recently given was only eight bushels. It was stated that there was an immense saving in cost between sending produce from Strathalbyn to Port Adelaide, and sending it to Port Elliot. But was Port Elliot the market? The produce forwarded by tramway must either be sent to Victoria by way of the Murray, or forwarded to Port Adelaide. In his opinion, a tramway was not required for the neighbourhood. The roads in the district were excellent. He had himself recently travelled upon them, and could bear testimony to their being as good as any in the colony. In addition to the good roads which the residents in that neighborhood enjoyed, they had Port Milang within 12 miles of them. And it was an indisputable fact that they could convey their produce to market at a less cost than the farmers under the hills could send theirs to Adelaide. He looked upon the attempt to construct the Goolwa and Strathalbyn tramway as an introduction of the thin end of the wedge. Construct it, and then an extension to Victor Harbor would be required, and there would be no end to the ruinous expense. He did not agree with those who thought the land fund would be augmented by the sale of new land opened. The quantity of good land in the neighborhood was insignificant, and the greatest proportion of it would never fetch 1l per acre. They might grow some potatoes on the Black Swamp, but this they would have to drain first, and a tramway would not do it. As he had stated before, the evidence before him merely proved that the Goolwa route was preferable to Milang, but it did not at all convince him that a tramway to either place was necessary, and he should, therefore, oppose the second reading.

The Hon H. AYERS must oppose the second reading of the Bill, as he had failed to discover in the evidence which lay before him anything to justify such an outlay as the undertaking required. No extent of country fit for agricultural purposes would be opened up by the formation of the proposed line. The evidence of the Surveyor-General went to show that a great proportion of the land in the neighbourhood through which the line would pass, was barren and scrubby, and unfit either for agricultural or grazing purposes. The testimony of that hon gentleman was valuable, and carried with it great weight. The statements with regard to the estimated traffic, which had been made by the Hon the Chief Secretary and the Hon Mr Davenport, were not borne out by the evidence taken before the Select Committee. So large an amount of traffic could not possibly pass over the line—the produce of the neighbourhood being quite unequal to it. He also contended that the Government

were not in a position to construct the work, inasmuch as they would have to commence it with borrowed capital. They had themselves confessed that they had not the money in hand, so that instead of beginning a work of the kind with our own money and finishing it with the borrowed capital, it was intended to reverse the usual method, and use the borrowed capital first. He submitted that such a course of procedure was unjust, and a violation of contract with those who subscribed the foreign capital. Under the circumstances of the case he should move as an amendment that the Bill be read a second time that day six months.

The Hon Captain SCOTT seconded the amendment. It was his opinion that the tramway would neither be reproductive or self-sustaining. There was nothing in the evidence before him to lead him to any other conclusion. With regard to the estimated amount of traffic no data had been submitted which in his opinion was at all reliable. He had carefully examined the returns before him, and felt sure that if he put down 7,000 tons as the probable amount of traffic both of ores and farming produce, he should be naming the outside figures. The cost of maintaining the line had on the other hand been under-estimated, 200l would only be the wages of two men. So trifling a sum was quite out of the question, and absurdly small. The idea of two men keeping in repair a line of 21 miles, was a very foolish one. The Goolwa tramway which was only seven miles long, shewed, by the sum required for its maintenance, that the amount estimated for keeping in repair the proposed Strathalbyn and Goolwa tramway had been put down absurdly low. He was not of those who were afraid of voting money away from Port Adelaide, let them show him what this tramway would be, and he should cheerfully vote for it. The hon member then compared the traffic on the Goolwa tramway and the cost of that line, with the estimated traffic and cost of working the proposed line. Last year the traffic on the Goolwa line had fallen off 30 per cent., and the passage traffic 19 per cent. He was sure that the probable traffic had been greatly exaggerated, and the expenditure as greatly reduced, thus making the whole case perfectly deceptive and fallacious, and because he felt sure that the line could not pay, he must vote against it. It had been said that it would be of great advantage to the people in the district, and so no doubt it would be, but they must look to the cost, and supposing it to be taken to Victor Harbor, the total cost would certainly not be less than 120,000l. If the management and expenses cost only 5,000l a-year, the gross amount of the traffic would be only 3,850l, so that there would be a loss of 1,150l on the traffic alone. The interest on the 120,000l at 6 per cent would be 7,200l, so that without taking contingencies into account at all these two items amounted to 8,350l, for conveying 7,000 tons 33 miles. It would cost the country 24s for every ton from Strathalbyn to Victor Harbor. Taking the average, he found there were 45,000 acres enclosed, and 48,350 amounted to 3s 10d per acre on the enclosed land annually to be paid by those people as a rent. He must state his reasons for opposing the Bill, and must say that he could see nothing to justify him in voting for the second reading. He was quite as willing as any one to support a measure of this kind, if he could see his way to do it honestly. It appeared strange to him that by one road goods could be carried a distance of 32 miles for 11s, but by another road, the distance being only 38 miles, the charge should be 37s. Viewing the matter as a whole, he did not think it would pay, and although he admitted that they should afford every facility to parties to bring their produce as cheaply and shortly to market as possible, still it should be remembered that the country might pay too dearly for that advantage, and they should see that they did not pay too much.

The Hon A. FORSTER did not think it necessary, in discussing a question of this kind, that hon members should appeal to their disinterestedness. He was quite sure that although the Hon Mr Davenport had admitted having some interest at Maclesfield, he would not for a moment be supposed to be influenced by that consideration. If, however, such appeals were permitted he (Mr Forster) could take most dispassionate view, for he had no interest in any position of the colony which could possibly give him a bias. Such appeals he considered were perfectly unnecessary, believing that every hon member was prepared to look at the question in a fair and honest light, as it affected the interests of the colony generally. No doubt the proposed line would be of great benefit to the settlers about Strathalbyn, but that alone should not be considered a sufficient reason that the work should be undertaken, if it could be shewn that the general interests would suffer. If it could be shewn that other claims equally strong were not met in any such way, he could see no reason that this scheme should be entertained. It was not enough to say that the people of Strathalbyn would be benefitted, because they would be benefitted also by other schemes. The question was could they afford the expenditure involved in this scheme? The Hon the Chief Secretary had stated in his opening address that not sixpence had been spent in connecting Strathalbyn with the metropolises.

The Hon the CHIEF SECRETARY said what he had stated was that not sixpence had been expended in connecting Strathalbyn with the Port Elliot and Goolwa district.

Mr FORSTER would ask was it desirable that money

should be spent in connecting Strathalbyn with Port Elliot and Goolwa. It was really of very little use quoting from the evidence which had been given upon the subject because there were two parties one wishing a tramway to Milang, and the other to Goolwa, and though the preponderance was in favor of Goolwa, he should have no difficulty in quoting passages to show that Milang was more desirable than Goolwa. Was it possible however, to meet with a disinterested witness on this subject? He did not mean to say witnesses seeking merely their own self-interest, but with that natural bias which influenced every man where his own interest was concerned. If any witness were not biased, he should think it was Captain Cadell. If Captain Cadell had any bias he should think it must be in favor of Goolwa, that being his point of departure and shipment for his produce. If, therefore, it were possible to select an impartial witness, he should think it would be Captain Cadell, and taking him, therefore, as an unbiased witness, what were Capt Cadell's views upon this question? He would quote his evidence in reference to the statement of the Hon the Chief Secretary that not sixpence had been spent to connect Strathalbyn with Goolwa. [The hon gentleman here quoted portions of Capt Cadell's evidence to the effect that Milang was the natural port of shipment.] The object of a railway, he apprehended, was to afford the farmers and miners an opportunity of sending their produce at a cheap rate to foreign markets. It had been suggested that no vessel could go through the mouth of the Murray capable of carrying a sufficient cargo for a foreign market, but Capt Cadell said that whoever made such a statement did not understand naval architecture. Capt Cadell considered the proposed tramway a needless expenditure and further stated that he was at present under arrangements for a steamer to pass through the Murray Mouth, and ship produce for Melbourne, without going near the Port. All the wants of the settlers at Strathalbyn were therefore about being met by the arrangements he had named for the transmission of their produce to Melbourne, should they prefer sending it there. It was in evidence that grain might be taken from Strathalbyn to Milang for 3d per bushel, and from Milang to Goolwa for 2d more so that the total cost would be 5d, or very little beyond the proposed cost of railway, supposing the estimated charge for traffic to meet the expenses of the railway. There was no evidence before them that a tramway to Goolwa was necessary at all, that question had, in fact, never been put, but the question put was whether, if there were a tramway, should it be to Milang or Goolwa, and there was a preponderance in favor of Goolwa. Annual tramways had never run, and whatever had been the result in America of establishing railways between two populous towns, there was nothing in the conditions of this colony to justify an anticipation of a favorable result. Here it was proposed to construct a tramway through a desert of 21 miles. If the proposition had been brought forward by any one else, the Government would have looked on it as most absurd. What a case it would have been in the hands of the Government—a proposition for a tramway to pass through a country which could never aid it by traffic to any extent! He did not say it might not be desirable some day and that it might be equally desirable to construct suitable harbors for the immense shipments in connection with the Murray, but he could not say that he was prepared at present to go into a large expenditure and thus was only part of a scheme which, if Victor Harbor were made the port of shipment he did not believe could be carried out for less than 250,000. He did not say he would not support such a scheme if it were brought before the House, but it was not before them, and what he wanted was that the Government should give them the entire plans, and the entire traffic returns. Another objection which he had was to the way in which the Government proposed to raise money for this railway. The Government were starting with a violation of the principle which they had laid down themselves, that they would advance out of the public funds in the first instance a certain portion for the construction of the works. The Government had no surplus funds for this purpose, but relied upon funds which they hoped to have, they reversed the maximum, and borrowed first, and then tried to raise money afterwards. That was a dangerous principle. The bonds of the colony sold well in England, in consequence of the prudent way in which the colony had constructed public works, it having been a principle to pay out of the public funds a large proportion of the cost of works before any proportion was borrowed. It was that which had given the bonds of the colony a standing in the London market which no other Australian bonds possessed, but it that principle were abandoned, he believed that the bonds would very quickly be below par. Another objection which he had to this item was, that if they went on expending £100,000 here and £150,000 there, it might embarrass them when they came to construct great trunk lines. If £100,000 were expended here and £150,000 there he did not know what effect might be produced upon their borrowing powers when these great trunk lines were to be constructed. It would be impossible to proceed with the proposed line without incurring a similar expenditure in other parts of the colony. The people of the Gilbert were clamorous for railways. Gumeracha, Angaston, and Tirol would demand railways also, and the Government would be called upon to construct them if they constructed a line from

Strathalbyn to Goolwa. All those places would have an equal right, and he would with all his heart sanction the expenditure if he only knew where the money was to come from, and was satisfied that the construction of such works would not interfere with other more important operations. He should be happy to give the subject his most serious consideration but in the interim he did not think the settlers of Strathalbyn would suffer any inconvenience by the work being delayed for one year, as they already had communication by excellent roads, and as it had been stated that the yield of grain in the district was 35 bushels to the acre, the extra produce would compensate for a slight additional cost in carriage. As there was no chance of the line being carried further than Strathalbyn in one direction and Goolwa in another, this was not such a scheme as should be supported by the House, and he felt bound to support the previous question as proposed by the Hon Mr Ayers.

The Hon the CHIEF SECRETARY would say a few words if no other hon member wished to address the House. It had been stated by hon members that the tenacity of the evidence before them was not as to the expediency of constructing a line from Strathalbyn to the seaboard, but whether it should be from Strathalbyn to Goolwa or Milang. The evidence had been taken in consequence of a resolution by the House of Assembly that it was necessary to construct a line from Strathalbyn to the seaboard, and the object of examining witnesses was to determine which would be the best line. At the same time he thought it sufficiently evident from the evidence of various witnesses in the neighborhood, that it was necessary the line should be constructed to Goolwa. Attempts had been made to show that the quantity of produce which would probably pass along the line had been over-estimated, but if hon members would refer to questions 1157 and 478, they would find by the evidence of a party residing in the immediate neighborhood the traffic was estimated at 10,000 tons, the traffic in minerals was estimated at 2,400 tons, and the quantity of grain at 271,000 bushels. Great weight should be thought, be attached to the evidence of Mr Jones in reference to the remarks of the Hon Capt Scott, relative to the difference in the cost of carriage, the hon gentleman appeared to have forgotten that in the one case a great portion of the expense was for loading and unloading. With respect to the quantity of land which would probably be thrown in the market, although the country had been represented as a desert, if hon members would refer to the evidence of Mr Bowman they would see there was a probability, if the railway were constructed, of 12,000 acres being taken up. Another argument which, however, appeared to him to be more against the Government than the railway was that the money could not be borrowed as no provision had been made for the 25,000, but it was not likely that the railway would be constructed in one year, and out of the large sums which would be voted for public works next year it would be quite competent to make the necessary provision. It would be unjust to the people of the south who were a large producing community, if this railway were not constructed, and he trusted hon members would give their favorable consideration to the second reading of the Bill.

The Hon the PRESIDENT put the formal motion, "That the words proposed to be struck out stand part of the question—in effect 'that the Bill be read a second time'—which was negatived by a majority of 3, the votes, ayes, 4, noes, 7 being as follow—

Ayes, 4—Messrs Davenport, Davies, Eveiard, Chief Secretary (teller).

Noes, 7—Messrs Forster Hall, Morphet, O'Halloran, Captain Scott, Abraham Scott, Ayers (teller).

NATIONAL BANK

The Hon the PRESIDENT announced the receipt of a message from the Assembly intimating that the Assembly had agreed to the amendments made by the Council in the National Bank Bill.

The Council adjourned shortly before 5 o'clock till 2 o'clock on the following day.

HOUSE OF ASSEMBLY

TUESDAY, AUGUST 16

The SPEAKER took the Chair at two minutes past 1 o'clock

THE SHERIFF

Mr NEALES presented a petition from the principal merchants of Adelaide, pointing out that the salary of the Sheriff was most inadequate, and praying that the Sheriff be relieved from a liability of 250l, the amount of a verdict recently obtained against him for merely discharging what that officer conceived to be his duty.

The petition was received and read.

Mr BAGOT presented a petition from the Sheriff, praying that he might be relieved from the liabilities imposed upon him in the performance of his duties as a public officer, and also referring to the case referred to in the previous petition.

The petition was received and read.

MINERAL LEASES TO MESSRS CHAMBERS AND FINKE

Mr GLYDE would draw the attention of the Commissioner of Crown Lands to the fact that on the 27th July a resolution was passed by the House to the effect that an Address be presented to His Excellency the Governor, praying that there might be laid on the table a copy of the despatch from His Excellency the Governor, to the Home Government, on the subject of the mineral leases granted to Messrs Chambers and Finke, and also copy of instructions upon the subject of the mineral leases referred to, sent to the Agent-General. He wished to ask the Commissioner of Crown Lands whether the leases sent by the last English mail to be given in exchange for those originally granted to Messrs Chambers and Finke were in the form shown in Council Paper No 111. The second question which he was desirous of asking was why no reply had been received to the address of the House, requesting His Excellency to place upon the table copy of the despatch forwarded to the Home Government in reference to these mineral leases.

The ATTORNEY-GENERAL said that the leases which had been sent in exchange for those which it was proposed should be surrendered, were in the form which had been referred to in the Council paper which had been alluded to by the hon member, and, therefore, it was not considered necessary to give a second print of those leases. With regard to the other question, he believed that in the course of the day a message would be received from His Excellency the Governor, transmitting a copy of the despatch referred to.

MINERAL LEASES

Mr REYNOLDS asked whether new leases had been offered to Messrs Bozance and Barclay in exchange for those which had been granted to them.

The COMMISSIONER OF CROWN LANDS said that no communication had taken place between the Government and Messrs Bozance and Barclay in reference to the mineral leases which had been granted.

Mr REYNOLDS understood that these leases were in precisely the same position as those granted to Messrs Chambers and Finke.

The ATTORNEY-GENERAL was not aware it was the intention of the Government to communicate with the persons referred to by the hon member for the Sturt, nor would the Government have communicated with Messrs Chambers, but that they felt steps might be taken relative to the disposal of the leases in England, which might place the Government in a position of embarrassment. He did not think the Governor should be advised to take steps to declare the leases invalid. If for a period of 14 years, the parties continued to work the mines in the spirit of the regulations, they would of course be allowed to do so, but if they did not think right to take steps to obtain the right of renewal, he did not know that the Government should press it upon them. The Government were prepared to treat the leases referred to by the hon member for the Sturt in precisely the same way as those granted to Messrs Chambers and Finke.

THE GLENELG JETTY

Mr BARROW wished to ask the Commissioner of Public Works, whether it was intended to fix a better light at the end of the Glenelg Jetty than that which was exhibited upon the arrival of the last mail. The Corio could not see the light, and actually went as far as the Lightslip, having to return to the Jetty.

The COMMISSIONER OF PUBLIC WORKS said the Government had already issued instructions for a suitable light to be placed at the end of the Glenelg Jetty, and there would be no unnecessary delay in the matter.

Mr BARROW asked whether the new light would be provided in time for the anticipated mail.

The COMMISSIONER OF PUBLIC WORKS was unable positively to state, but could assure the hon member there should be no unnecessary delay.

THE WRECK OF THE ADMELLA

Mr SOLOMON was desirous of putting a question to the Attorney-General relative to a rumor out of doors, in reference to the Corio having been sent to the wreck of the Admella. It was rumored out of doors that the Executive objected to sending the Corio to the scene of the wreck, and that the head of the Executive did so in opposition to the wishes of the other members of the Executive. He wished to know if there was any truth in what was generally rumored, indeed he considered, for the credit of the Executive, the question should be answered.

The ATTORNEY-GENERAL felt that he would not be doing right in giving answers to any rumors. The hon member for the City undoubtedly had a right to ask whether the sending of the Corio was the act of the Government, and if the hon member put that question he (the Attorney-General) had no objection to answer, that the sending of the Corio was the act of the Government, and not of any individual member of it.

THE WAR

Mr REYNOLDS wished to bring a matter under the consideration of the House. It would be in the recollection of the House that on 7th July a Committee was appointed for the purpose of preparing an address ex-

pressive of attachment and loyalty to Her Majesty, and although the attention of the Attorney-General had been called to the subject two or three times the hon gentleman had actually never called the Committee together. If it were inconvenient for the hon gentleman to attend to the matter, he (Mr Reynolds) would move that the Committee be discharged and another appointed, for this was really a matter in which he felt his loyalty was at stake. (Laughter.) He had no doubt that the hon member for Victoria felt the same. He supposed that the hon the Attorney-General really had not time to attend to this matter, and perhaps, therefore it would be more convenient to the hon gentleman that the Committee should be discharged and another appointed.

The ATTORNEY-GENERAL said that if the hon member for the Sturt felt his loyalty was at stake, perhaps he had better give the notice which he had indicated, but he (the Attorney-General) must say that he had no fear of his loyalty being questioned. No delay of the kind which had been referred to would, he felt be construed into disloyalty to Her Majesty or a disregard of the resolutions of that House. It was not necessary to say that other persons might feel themselves in a different position. (Laughter.) The phraseology of the address had, in fact, been determined by the resolution of that House, and he had just submitted a draft of the proposed address to his hon colleagues, and their concurrence having been obtained he should be prepared to lay the address upon the table of the House that day. Even if the address were not approved of he had no doubt he should be enabled to obtain the corrections which were deemed requisite in sufficient time to lay the draft upon the table prior to the rising of the House.

Mr REYNOLDS said that after the explanation which had been afforded by the hon the Attorney-General, he should not bring forward any motion upon the subject.

THE EMIGRATION AGENT

The COMMISSIONER OF CROWN LANDS laid upon the table copies of correspondence which had taken place between the Commissioner of Crown Lands and the Emigration Agent in London.

EXPLORATION

The COMMISSIONER OF CROWN LANDS laid upon the table suggestions by Mr Murray, Civil Engineer, in reference to future explorations, with comments by the Surveyor-General upon the subject.

REGISTRAR-GENERAL

The ATTORNEY-GENERAL said that various returns which had been moved for by the hon member (Mr Owen), relative to the Registrar-General's department had been completed, and he should be prepared to lay them upon the table on the following day.

INTERPRETATION OF ACTS BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, intimated that it was a transcript of an English Act. The object was to render Acts of Parliament for the future shorter than at present, by doing away with many clauses which at present it was obviously necessary to introduce. It was necessary to define not merely that an Act should take effect from the time of passing, but to fix what should be considered the time of passing, which was provided for by the present Bill. Then again, as to title, it was provided by the Bill before the House, that it should be merely necessary to refer to the year in Her Majesty's reign in which the Act was passed, and the number of the Act. There were other provisions which it was unnecessary to advert to in detail, but he repeated that the sole object of the Bill was to shorten the language used in Acts of Parliament.

Mr STRANGWAYS called the attention of the House to the 2nd clause of the Bill, by which it appeared that it was intended to appoint an officer to be called Clerk of Parliament, for the purpose of endorsing upon Bills the day, month, and year in which they received the Royal assent. He imagined it was intended to create a fresh officer for that purpose but he would remind the House that during last session a Bill was introduced in the Legislative Council providing that the endorsements should be made by the Clerk of the Legislative Council, and the Attorney-General objected to that provision. It now appeared by the Bill before the House that this officer was only to be appointed by the Governor, and he should like to hear some explanation upon the point. He should like to hear whether it was intended to appoint one of the present clerks, or whether it was intended to appoint a fresh officer, and if so, whether there would be any considerable salary. He had looked over the other provisions of the Bill and did not object to them, as they would certainly tend to shorten to a slight extent the language used in Acts of Parliament.

Mr BAGOT remembered the measure which had been alluded to by the hon member for Encounter Bay, and the objection raised to that Bill was that the endorsements were to be made by the Clerk of the other House without any reference whatever to the Assembly.

Mr REYNOLDS said if he had understood rightly it was not intended to appoint any fresh officer to carry out the provisions of this Bill, but that the party appointed by the

Governor would either be one of the clerks of the Legislature, or the Private Secretary. He felt disposed to support the Bill if it would not involve any additional expenses.

The ATTORNEY-GENERAL said that it was not intended to create a fresh office, but the Governor would appoint some person to perform the duty. Last session he objected to a Bill having a similar object, because it provided that no matter in what branch of the Legislature Bills had been originated, the Clerk of the Legislative Council should perform the functions of Clerk of Parliament. He considered the proper course would be for the duty to be performed by the officer of that branch of the Legislature from which the measure had reached the Governor. An alteration to that effect was made in the Bill, but it was not then proceeded with in the other branch of the Legislature. That House was not disposed to elect the Clerk of the other branch of the Legislature as the Clerk of Parliament, and as the other House did not wish to recognise the Clerk of the Assembly as the Clerk of Parliament, it became necessary to think of some other mode by which the object in view might be accomplished, and it was thought that if the appointment were left to the Governor there could be no objection either in principle or in dignity. It was not intended that there should be any salary or fee attached to the office. It was supposed the Governor would generally appoint the Clerk of the House in which Bills had originated but it would be for His Excellency, after consulting with the hon. the President of the Council, and the hon. the Speaker of the Assembly, to determine and make any arrangements which might be deemed desirable. His Excellency might appoint the Clerk of the Council, the Clerk of the House of Assembly, or the Private Secretary. It would be some person who had a duty to perform in connection with one or other branch of the Legislature.

The Bill was then read a second time, and passed through Committee, a clause being introduced upon the suggestion of Mr Bagot, to the effect that where the Governor was empowered to make appointments, it should be taken to include by and with the advice of the Executive Council.

The consideration of the report was made an Order of the day for the following day.

VOLUNTEER MILITARY FORCE ACT AMENDMENT BILL

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

MILITIA ACT AMENDMENT BILL

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

KAPUNDA RAILWAY FURTHER EXTENSION BILL

The COMMISSIONER OF PUBLIC WORKS, in moving the second reading of this Bill, said it would be in the recollection of the House, that a few days ago he moved the second reading of the Bill in compliance with the recommendations of a Committee. Hon. members, however, had not at that time been afforded sufficient opportunity of reading the minutes of evidence, and the motion for the second reading was consequently postponed. It was only necessary for him to briefly refer to the remarks which he had made on the previous occasion. The Bill before the House sought to carry the Kapunda railway from 1411 to Section 1403, close to the important town and mines of Kapunda. The recommendation of the Committee would effect a saving of a large amount of cartage in the conveyance of goods to and from Kapunda. Section 1403 was the best place, bearing in view the onward progress of the railway. It might certainly approach nearer the heart of the town, but that would involve engineering difficulties. The Committee were unanimous in recommending the site confirmed by this Bill, but the matter had been so frequently discussed, and having been brought in by message from the Governor, it was unnecessary for him to dwell longer upon it. He could safely commend it to the consideration of the House.

The Bill was then read a second time and passed through Committee, the consideration of the report being made an Order of the Day for the following day.

DISTILLATION ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL, the House went into Committee of the whole, for the purpose of considering the Distillation Act Amendment Bill. The hon. gentleman reminded the House that when the Bill was previously under consideration there was a count out.

The 21st clause was amended so as to provide that a publican might be a member of a Joint Stock Company engaged in distillation.

The 22nd clause was amended, upon the suggestion of Mr PEAKE, reducing the minimum quantity disposable by the holders of a licence from ten gallons to five.

Mr HAY regretted that he was not present when the second reading of this Bill was moved, as he should certainly have proposed an amendment. He trusted that the House would not pass such an Act during the present session, and should therefore move that the Speaker leave the chair. He was sure that on reflection the House would agree with him it would be far better to go on under the existing law during the present session, and at a future period they would be enabled to avail themselves of the experience of those en-

gaged in the trade, and frame a measure adapted to the wants of the colony. They would be better able to deal with the question after the existing law had been tested. He believed that the Act of last session was working to a certain extent, satisfactorily, and it would be far better to allow that Act to remain in force than to pass one containing so many restrictions as the one before the House. If the Bill were passed into law he believed the result would be that many who were engaged in distillation would abandon it altogether. He trusted hon. members could see the necessity of the House resuming, and allow legislation upon this question to stand over till the new Parliament had been elected. Such a course would be satisfied, be far better for the country, and it would show a better spirit on the part of that House. He therefore moved that the House resume, and the next Order of the Day be called on.

Mr McELLISTER seconded the motion, thinking it would be far better that a question which affected so many, and upon which there were such a variety of opinions, should be left till after the general elections. This would give ample time for all parties to consider this important question in all its bearings. He believed that the present Bill would not prove satisfactory, and he, therefore, hoped that the Government would consent to withdraw the measure.

Mr MILDRED hoped the Government would not withdraw the Bill. He desired to go carefully through every clause, and endeavor to put the Bill into a tangible shape, and then if a fair copy of the Bill were presented to the House they would be enabled to consider it in all its bearings, but he confessed, from the number of alterations and amendments which had been made in it, he was unable at present to thoroughly understand it. The difficulty in connection with distillation must be grappled with, and he trusted the House would get the Bill into something like order before they left it.

Mr REYNOLDS confessed that he was perfectly in the dark about this Bill, as it stood at present. He could not see its connection and it would, he thought be far better that a fair print should be placed before the House, as they could then go carefully through it. At present there was really so much confusion, that it was utterly impossible to trace the connection. He wished that the House should have an opportunity of discussing the various clauses in their proper order. At present there was great confusion, but if the Government thought they could by explanation enable hon. members to arrive at a clear conception of the Bill, he should be happy to listen.

The ATTORNEY-GENERAL regretted very much that hon. members had been unable to follow the Bill on account of the proposed amendments and additions, but he thought hon. members would see that the Bill was still substantially the same as it was when first laid upon the table. Certain clauses had merely been amended by putting in detail provisions involved by implication, and giving a rude discretion to the Inspector of Distilleries, whose duty it would be to enforce the law. There was no alteration in the principle, and very little in the details of the Bill. In enforcing the law a question arose whether the phraseology of the Customs Act was applicable to offences under the present Act, and certain clauses had been inserted to remove the difficulty. The offences under the present Bill applied to spirits from the still, instead of to spirits wrongly landed from a ship. He believed that hon. members would find no difficulty in following the whole Bill through, and would therefore ask them to proceed with its consideration. In reference to the remarks of the hon. member for Gumeracha he would say that the Government had introduced the Bill with two objects the first being to place the owners of farm or garden produce, which would be worthless if not converted into spirit into the same position as vine-growers, and another object was to bring the existing laws in reference to distillation into a complete and consistent form, so that every one wishing to distil might readily inform himself of the law in reference to it. If a majority of those connected with the vine and fruit-growing interest asked the Government not to proceed with the Bill, they would be entitled to great deference, but when he found the hon. member for Gumeracha taking one view, and the hon. members for Burra and Clare and Noarlunga, though connected with the same interest, taking another view, he felt that the Government had no alternative but to carry out the policy which they announced at the commencement of the session. He thought that the House would do well to adopt the suggestion of the hon. member Mr Mildred, and he would endeavour to have a fair print of the Bill on the table of the House on the following day.

Mr HAY had no objection to allow the Bill to go through Committee, if the object were to place the farmer and gardener in the same position as the vine-grower, but he was quite sure that they would never be able to work under this Act. The whole matter appeared to have been viewed from a Collector-of-Customs point of view, and he felt satisfied that if such restrictions were placed upon a branch of industry, it could never prosper. With the consent of the speaker, he would withdraw his motion, upon the understanding that a reprint of the Bill should be laid before the House, and he would then take an opportunity of making a few remarks.

The various clauses having been gone through, the Bill was reported, and the consideration of the report made an Order

of the Day for the following Thursday, on the assumption that a corrected proof of the Bill would be laid on the table of the House on the following day

INSOLVENT ACT AMENDMENT BILL

The ATTORNEY-GENERAL said that he had been informed the Committee appointed by the House to consider the state of the insolvent law, and ascertain what alterations it was desirable to make, were not prepared to recommend any additions to the Bill in its present form, and that being the case, he would move that the report of the Committee of the whole House upon the Bill be agreed to

Mr SIRANGWAYS asked the Attorney-General if he had any objection to strike out the 7th clause, which contained a provision that the Act should be construed as remedial. His own impression was that an Insolvent Act should be remedial on the face of it, and that no such clause as that to which he had alluded should be required

The ATTORNEY-GENERAL could hardly agree to the proposal. The clause was in accordance with the recommendation of the Committee, and he thought there could be no objection to its insertion, because he looked on the insolvent law as a law of a highly remedial character. It was true, the remedy to insolvent persons was accompanied in some instances by power deferring the remedy to a future time, but that did not alter the remedial character of the Bill. It had been held that deferring a remedy was penal, but so far as the Legislature could express an opinion, or its intention, the law was remedial, and what had been termed penal was nothing more than deferring a remedy to which the insolvent was entitled

Mr SOLOMON referred to the 6th clause, which provided that no dividend should be received after a period of 12 months, without the consent of a majority in number and amount of the creditors. He wished to know whether the claim of the party seeking to prove or obtain a dividend would be taken into account in determining whether there was a majority, as it was quite possible that the party making the claim might seek to rank for a larger amount than all the rest put together

The ATTORNEY-GENERAL was not quite sure he completely apprehended the point raised by the hon member. The object of the clause was this: at the present time, under arrangements sanctioned by the Court, secured creditors could not prove unless they gave up their securities, and the consequence was, that arrangements had frequently been carried through which were considered detrimental to the great body of creditors, but still they could not interfere, because they held securities. The object of the clause was, that these parties should have the same advantage under the arrangement clauses as they would have under arrangement by deed, that is, that their right of realising their securities would not be affected, but they must not hold those securities for a longer period than 12 months, or if they did, it would be assumed that they accepted the security as sufficient satisfaction. He did not see that any amendment was requisite, or would be likely to prove beneficial

The report was agreed to, and the third reading made an order of the day for the following day

ELECTORAL ACT AMENDMENT BILL

The ATTORNEY-GENERAL moved that this Bill be read a second time. During the session a Committee had been appointed to consider what amendments were necessary in the Electoral Act, and that Committee agreed to certain resolutions as to what was considered requisite. Those resolutions had been given to him with a request that they would be embodied in a Bill which he now presented to the House. He would refer to the main provisions or alterations in the Bill. In the first place it was proposed that the notices of claims, instead of being sent in yearly, should merely be sent in every five years, and it was provided that parties might make their claims at any time. If they were made a certain time before the Court of Revision was held, they were then submitted to that Court claims being received till within a sufficient time to enable the Returning Officer to make up his lists. It was provided also that there should be Courts of Revision every six months instead of every twelve months, as at present, and what was deemed an important alteration was that any person might be transferred from one list to another without the intervention of a Court of Revision, and parties would be entitled to vote by their tickets of transfer though they would not be upon the roll until after the Court of Revision had been held. It was provided, also, that it was not necessary the Returning Officer should transmit copies of the electoral roll, which had hitherto been attended with great expense, and it was believed that it was not only a very costly but unnecessary process. The time of nominating candidates had been enlarged, and provision was made for additional polling-places in districts where it had been represented the accommodations were insufficient. He observed that some slight amendments were requisite, but these could be effected in Committee. All the amendments were purely of a practical character, and were in accordance with the recommendations of the Committee, to whom the question of the electoral law had been referred

Mr GLYDE supported the second reading of the Bill considering that the present Act required amendment, and he

could see nothing in the Bill before the House which was objectionable. At the same time, after reading the Bill, he could not help feeling considerable disappointment at finding the Committee had not grappled with what he considered considerable difficulties in the old Bill. In the first place he would refer to the unequal way in which the members of that House were distributed throughout the colony, and, secondly, to a far more important objection, to the way in which the rights and privileges of individual voters were distributed throughout the colony. No doubt when the existing Act first came into operation, the distribution was fair enough, but circumstances had changed since then, and they had only to look to the last returns to see now that there was a most unfair distribution. He thought, for instance, that it was very unfair to allow the City of Adelaide six members. At the first glance it might be said, that because Adelaide contained one-sixth of the population, and one-sixth of the registered electors, therefore it should return one-sixth of the members, but he was by no means sure that was a sound position. About London, for instance, contained one-tenth of the population of the British Isles, but London and the suburbs only returned 14 or 16 members to the House of Commons. If one-tenth were returned by the constituency, the number, instead of being 14 or 16, would be 60. At home it was considered a dangerous principle to give equal power to men congregated together in large masses as though they were distributed, as they might be acted upon in an unfair way. But if it were said that Adelaide, because containing one-sixth of the population, should return one-sixth of the members of that House, why not carry out the principle in other districts? Mount Barker contained more than one half the number of electors there were in Adelaide, yet Mount Barker returned only two members. He did not consider this a very pressing question, but he should still have liked the matter to have been provided for during the session, and he hoped the Government would take up the matter. There was one other matter in reference to the representation of the metropolis which he would allude to. He believed six members to be returned by Adelaide to be too many, because county districts returned gentlemen who were more or less connected with the metropolis ("Oh, Oh," from Mr Duffield). He believed that the hon member who cried "oh, oh" was one of the very few county members who resided more than 20 miles from town. Three-fourths of the members of that House lived in or near Adelaide, and such would always be the case in a small community. Under such circumstances he thought the schedule should be remodelled. North and South Adelaide might, he thought, be very properly divided, and only five members allowed instead of six. He thought that every district should have two representatives, so that the minority might have something like representation. The second point to which he was desirous of alluding was, he considered, of great importance, he referred to the unequal way in which the rights and privileges of electors were distributed. Why should an elector, because he lived in Adelaide, have the right of nominating or voting for six members, whilst parties resident at East Torrens, or many parts of the north, had only the privilege of nominating one or two? Why should the resident minor in the Barra and Clare have the right of nominating three members to oppose immigration, whilst the Barra shareholder, living in the vicinity of Adelaide, whose interest it was to import immigrants, could only nominate one or two members to support immigration? Then take the great question of distillation. Why should the merchants of Adelaide, who were extensively interested in importing spirits, be enabled to nominate six members to oppose free distillation, whilst vinegrowers were perhaps only enabled to nominate one or two? He believed this was a novel doctrine, but he threw out the suggestion to the House, and he believed that if they reflected upon it they would find there was more in it than they at first imagined. Those opinions were gaining ground at home, and he believed he was correct in saying that in England, Ireland, and Scotland there was only one constituency which returned more than two members. The first principle of representation he believed was this—it would be inconvenient to have all the electors present, but he would ask the House, if it were possible to have all the 20,000 electors present, and the question of immigration or distillation were put to them, would any hon member dream of giving to any one six votes? Would it not be unfair that an elector for the City of Adelaide should have six votes, whilst an elector for Victoria should have only one? If hon members would only consider the point, he believed they would see there was more in it than at first struck them. There were many more things which might be urged in support of the principle, but he was content to broach it for discussion, and should be prepared to express his views in Committee. It was not necessary that there should be such a distribution as he had suggested for the election of members for the Legislative Council, because any man, wherever he lived, had the privilege of voting for the whole eighteen. The principle of universal suffrage was that every man should have an equal voice, but at present that was not the case. He believed it to be a perfectly fair principle that every man or voter should only nominate or vote for one member (Laughter). He was aware it was a novel doctrine, but he would point out that there were 3,300 electors in Adelaide, and if one-third of those could be got to unite, he had

no hesitation in saying they could put in any six men they pleased. The effect would be that the majority would not only not be represented, but they would be misrepresented. He was prepared to move a clause to the effect that electors should not vote for more than one person.

Mr REYNOLDS was not aware, when the hon member for East Torrens rose, that he was about to treat the House to a dissertation upon electoral districts. The fact was, the Committee did not feel at all justified in entering upon the subjects which had been referred to by the hon member, as they had not been deputed to rearrange the electoral districts. If the Committee had understood that they were deputed to do so, no doubt they would have done their duty, and made a fair division of the colony. He was a member of the Committee when the electoral divisions were made, and representation was based upon population. There might now be some confusion, but he did not consider that any special legislation upon the matter was required. The hon member had referred to the apparent unfairness of electors for the city placing six candidates in nomination, but the hon member had answered himself by referring to the fact of having the power of nominating 18 members for the other House. The hon member appeared to think that from the operations of the Act only a certain class of men would be elected to seats in that House, but he would remind the House that the Act had been in operation for two sessions, and its effect had certainly not been to put in men of one class of mind; they did not all think alike, though representing the same localities. Taking for instance the six members for the city, he believed that three would be found in favor of immigration and three opposed to it. Even the representatives of East Torrens did not, he observed, always vote alike, neither did he (Mr Reynolds), and his hon colleague always vote together, in fact, neither of their names appeared upon the division on the immigration question, the fact being that he paired off with his hon colleague, he (Mr Reynolds) being against immigration, and his hon colleague in favor of it. Thus it would be seen there was a difference even between the representatives for the Sturt, and no doubt such was the case with the representatives of other districts which returned two members. The hon member for East Torrens said that he was disappointed upon looking over the Bill, but the fact was that the Committee agreed to certain resolutions, which were handed to the Attorney-General to prepare a Bill in accordance with them, and the Committee had no opportunity of looking at the Bill before it was laid upon the table. The principal suggestions of the Committee appeared to be embodied in the Bill, but he would point out where he thought the views of the Committee had been misunderstood, and that was in reference to the electors having the privilege of claiming at all times that their names should be inserted upon the roll without attending the Revision Court. [The ATTORNEY-GENERAL said the hon member had misapprehended what he had stated. No person was to be placed on the roll without a Court of Revision, but electors might be transferred from one roll to another.] The views of the Committee were, that when parties removed from one district to another they might be transferred at the first Revision Court held in that district, that is, the district in which they resided, and the Returning Officer might then place them on the current roll in order that they might be immediately able to exercise their right. He should support the second reading of the Bill.

Mr STRANGWAYS thought there was a good deal in the remarks of the hon member for East Torrens, relative to the large amount of representation awarded to the city of Adelaide. If it were held that Adelaide was entitled to return six members he thought the best way would be not to allow it to return one district, but to subdivide it into districts. Electors for Flinders or Victoria could only vote for one member, but in Barra and Clare they could vote for three, in Adelaide six, and in many other districts two members. On what principle should an elector be entitled in one district to nominate six members to represent him, and in another only one? The Committee objected to go into the question of electoral districts. The Bill before the House appeared to be founded upon the recommendations of the Committee, but in many instances effect had not been given to the recommendations of the Committee. When there were elections for any district, and important questions agitated the public mind, he did not consider that any person should have the power to alter the roll without the consent of the Revising Officer. Under the former Act, candidates could not address the electors within three days of the nomination, but the Bill before the House substituted 24 hours for three days. He should not oppose the second reading of the Bill.

Mr HAY supported the second reading of the Bill. He had been a member of the Committee, and had no idea it was any portion of the duty of that Committee to revise the number of members returned for the various districts. He believed that the hon member for East Torrens would find it would not only be impracticable, but exceedingly impolitic to do so just now. If alterations were to be effected it appeared to him they could not be completed in sufficient time to enable parties to vote for the new Parliament, and it would be far better that the present rolls should be made available, though he believed that alterations would be required to the north and north-east, in fact he had no doubt

it would be absolutely necessary to revise the districts in a short time. In reference to the question of representation, the only point appeared to him to be whether Adelaide should remain one district or be divided into two. He believed there was a greater chance of bribery in small districts than in large ones. He would sooner seclude districts, where it would be impossible that local interests could be brought to bear. Whilst he admitted there was room for re-modelling the districts, he did not think that was the proper time. It was a duty which had better be left to the new Parliament, and should be exercised in such a way as would not interfere with the elections which were coming on. No roll should be altered except at a Revision Court. It would be a dangerous power to place in the hands of the returning officer to give him the power of altering the roll. In the event of a stout contest, parties might go and take lodgings in the district for a fortnight merely for the purpose of getting their names upon the roll.

The ATTORNEY-GENERAL had hoped, as he intended, that he had carried out the suggestions of the Committee. If he had failed, it had been from a misapprehension as to what the resolutions of the Committee were. In reference to some of the suggestions he had doubts, but he had still thought it better to embody the supposed wish of the Committee. He thought there was a good deal to be said in reference to the power to transfer names from one roll to another, but at the present time a person might transfer upon moving from one district to another, as was proposed by the Bill before the House, that is, he could claim to be put on the roll of the district to which he removed, and could secure becoming an elector of that district. But still that did not meet what had been found to be a great cause of disfranchisement. If parties removed, they could not vote till the new roll was made up, and in the event of an election taking place, they would be disfranchised, they could not vote for the district in connection with which their names appeared upon the roll, because they were no longer resident there and they could not vote in the district to which they removed because they were not upon the roll for that district. He thought one of the resolutions of the Committee pointed to that difficulty, and it was that difficulty which the Bill before the House sought to remove. It was thought that the officer having satisfied himself the parties had removed into the district, could grant certificates which would be equivalent to the parties being upon the roll. Undoubtedly the course proposed was open to the objection which had been raised by the hon member for Gumeracha, but any one of any experience in such matters must know how many were disfranchised, being unable to vote for the district which they had left, or for that to which they had removed. Between these two evils the House had to choose, and he certainly thought the Legislature should guard as much as possible against parties being disfranchised. He did not propose to go into Committee upon the Bill, but if the second reading were carried, he would, before proceeding further with the Bill, confer with some of the members of the Committee to see if he had misapprehended their views.

Mr SOLOMON thought it very desirable that some new mode of voting should be substituted. He was quite certain that a great number did not understand the form of voting paper with the square and cross, and the consequence was that a large number of votes were lost or given to those for whom they were never intended.

The ATTORNEY-GENERAL would be happy to consider any amendment which could be proposed, but was not prepared himself to go beyond the recommendations of the Committee.

The Bill was then read a second time, and its consideration in Committee made an Order of the Day for the following day.

MINERAL LEASES

The SPEAKER announced the receipt of a message from His Excellency, transmitting copy of despatch forwarded to the Secretary of State by the last mail on the subject of the mineral leases granted to Messrs Chambers and Finke.

APPROPRIATION BILL

On the motion of the TREASURER, this Bill was read a second time.

Mr REYNOLDS pointed out that the Superintendent of the Goolwa tramway apparently received only 200*l* a year, but he found the same party also received 100*l* a year as overseer of works at Encounter Bay. He would suggest that when the Government again came before the House with the Estimates they should put down 300*l* instead of 200*l* for the Superintendent of tramways at Goolwa, that being the amount which the party actually received.

The Bill was read a second time and passed through Committee the third reading being made an Order of the Day for the following Thursday.

SCAB IN SHEEP BILL

Upon the motion of the Commissioner of Crown Lands, the Report of the Committee of the whole House upon this Bill was agreed to, and the third reading made an order of the day for the following day.

NATIONAL BANK BILL

The COMMISSIONER OF CROWN LANDS moved—“That the amendments made by the Legislative Council in this Bill be agreed to,” remarking that the majority were merely verbal, and that the Directors of the Bank did not raise any objection to them.

The amendments were adopted, and a message to that effect ordered to be sent to the Legislative Council.

THE WAR

The ATTORNEY-GENERAL laid on the table address proposed by the Committee appointed to prepare an address to Her Majesty, on the subject of war.

The address was read and agreed to.
The House adjourned at a quarter to 4 o'clock, till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

WEDNESDAY, AUGUST 17

The PRESIDENT took the chair at 2 o'clock.

PETITION

The Hon. Captain HALL presented a petition from the Chamber of Commerce praying that the House would not assent to that portion of clause 3 in the Bills of Lading Act, which would enable captains of vessels to escape the consequences of having signed bills of lading for goods never put on board.

Received, read, and ordered to be printed.

SESSIONAL ORDERS

On the motion of the CHIEF SECRETARY, the Sessional Order as to days of sitting was suspended to enable the House to sit on Friday, August 19.

BILLS OF LADING BILL

The Hon. the CHIEF SECRETARY, in the absence of the Hon. Mr. Forster, who had charge of the Bill, moved that the Order of the Day for its second reading be defeated.

CARRIED.

STATUTE LAW CONSOLIDATION ACT

On the motion of the Hon. the CHIEF SECRETARY, seconded by the Hon. H. AYERS, the amendments made by His Excellency in clauses 22 and 24 of the Offences against the Person Bill were agreed to.

REGISTRATION OF PATENTS BILL

The Hon. the CHIEF SECRETARY moved the second reading of this Bill, and stated briefly what were the advantages to be derived from passing it. At the present time any person intending to effect an improvement in the manufacture or arts could only secure to himself the benefit of his own invention by means of a private Bill, carried through Parliament at an average cost of 50*l*. Four such Bills had been introduced into Parliament this session, and it must be evident that such a tax would operate so as to discourage useful inventions and improvements. These private Bills also took up much of the time of the Legislature, and on both grounds it was desirable to have one general Act under which inventors could register. A similar measure had been passed in New South Wales, and gave great satisfaction. If the House would pass the second reading, he would merely move the Bill into Committee, and then postpone further consideration until to-morrow.

The Hon. H. AYERS seconded.

The Hon. Mr. MORPHELT must make a few remarks. The only argument brought forward by the Chief Secretary in favor of the Bill, was that it would save money to the patentees, but it was generally the case that persons applying for patents were so well convinced of the utility of their inventions that they were quite willing to leave to the public the question of remuneration. In such cases they thought nothing of the expense of a private Bill. In England, no patent was given until after the person applying for it had deposited in the proper office minute specifications of the invention or improvement sought to be patented. By this means parties making other improvements could see whether they were infringing on the patent, or whether the pretended invention was or was not a novelty. The enrolment of the specifications was most important, but there was nothing of the sort in this Bill. If the Chief Secretary would undertake that this should be set right in Committee, he (Mr. Morphet) would not object to the second reading. He could not compliment the Government on the way in which they had brought forward this Bill, it would have been better to have given them a blank sheet of paper to write in whatever they pleased. He observed in one clause that the sum of 20*l*. was to be deposited by the person applying for a patent, but suppose the patent only cost 5*l*., would the Government take the other 15*l*., or would it be returned to the depositor?

The Hon. Captain BAGOT had hoped that the previous speaker would have opposed the Bill altogether. It was nothing else than a measure for granting secret patents—(hear)—and it was highly dangerous to the community. In such merely general descriptions as were required under this Bill, terms might be used so ambiguous as to cover anything, and thus when some useful invention was made public a

Bill like this would be brought out of some dark corner, to prove that the invention had been already patented. In the United States the Patent Office was one of the most extensive departments of the Central Government. There, specifications and plans, even models—were always deposited, and the halls of models at Washington were extraordinary, but here patents were to be granted without any precautions at all. He did not believe the Bill could be made either safe or useful.

The Hon. Dr. EVERARD concurred with the last speaker. The public would not be protected under such a measure. He thought the present mode of procedure by means of private bills decidedly preferable. This Bill proposed to take the whole matter out of the hands of the Legislature, and place it in the hands of the Governor and the Executive Council, who, without calling witnesses, might grant patent rights. He must oppose the Bill.

The Hon. the CHIEF SECRETARY replied that the objections were all of detail, which could be readily met in Committee. He therefore pressed the second reading.

The question for the second reading was then put and carried.

In Committee

The House having gone into Committee on the Bill,

The Hon. the CHIEF SECRETARY moved that the first clause stand as printed.

Clause passed, and House resumed. The CHAIRMAN reported progress, and obtained leave to sit again on Thursday.

CUSTOMS ACT AMENDMENT BILL

The Hon. the CHIEF SECRETARY moved the second reading of this Bill, and remarked that its object was to give to the agricultural interest, as respects cornbags, the same exemption from duty as was enjoyed by the sheep-farmer and mining proprietor with regard to woolpacks and orebags. It was only just, and it was a sound policy to equalize these privileges, but as it would involve a loss to the revenue of £3,000 per annum, it was proposed to make up the deficiency by levying 4*d*. per pound extra duty on manufactured tobacco. As far back as October last, the House of Assembly had passed a resolution that cornbags should be exempted from duty. He thought it an act of simple justice, and moved the second reading of the Bill.

The Hon. J. MORPHELT would oppose the second reading. It appeared to him that the Bill was nothing more and nothing less than a Bill to put 4*d*. per pound extra on tobacco, and in the present state of the community he did not think that the Chief Secretary should ask the House to consent to new taxes. This tax was to be placed on an article consumed chiefly by that portion of the population said to be suffering great privation and difficulty. He (Mr. Morphet) was not certain as to whether this distress really existed or not, but he must give people credit for honesty in their statements, and if there was such distress, it was hard to impose an extra tax on the only article of luxury consumed by those who would have to pay it,—he might almost call it a necessary of life to those classes. He had heard no great demand for the repeal of the duty on cornbags, the only objection was to one kind of bag used for conveying away exports being taxed, whilst other kinds, similarly used, were free. But this was no reason for putting a tax on tobacco. The Government had 25,000*l*. the other day to spend on a tramway, and he really did not see that they were in such dreadful straits that this new tax was needed.

The Hon. Captain HALL, to be consistent with himself on a late occasion, must oppose the Bill, and must in doing so reiterate his old arguments. The Chief Secretary had said that he wished to put the agricultural, mining, and pastoral interests on an equal footing. This was very proper, and the mining and pastoral interests were willing to have their bags and packs taxed after the same rate as the cornbags. By this means equality would be established, and the revenue would be preserved. The Chief Secretary had said that the Assembly in October last had resolved upon this change, but they did not resolve to have a new tobacco tax. It was not till very recently that this was determined. At first it was proposed to tax beer, but on opposition being made to a further tax on beer it was decided to place it on tobacco. The Chamber of Commerce had made a minute protesting against these perpetual tamperings with the tariff, and demanding that when fiscal changes were to be made 12 months notice should be given of the intention. A wise finance minister would be very careful not to tamper with the tariff, and when increased duties were resolved upon would calculate far ahead, and allow for six months at least, during which stocks previously taken out of bond would be consuming. To tamper with the tariff rendered commercial operations uncertain, it might enrich a few speculators, but it would ruin many, having calculated upon the continuance of low rates of duty, ordered out large stocks of goods which were placed in bond, to be afterwards subjected to an increased impost of 100 per cent. by a telegraphic message (A laugh). As to the relief to be given by the public through taking off the duty from cornbags, it was ridiculous. The reduction would be infinitesimal. But these unappreciable reductions, so far as the consumer was concerned, made up an important sum in the aggregate, which the revenue must lose. At any

rate be objected to the further tax on tobacco. Some men smoked two sticks a day, and this new tax would fall heavily upon them. It was also a strong temptation to the smuggler. He (Captain Hall) had no objection to a general revision of the tariff, if it was thought desirable, though he thought the tariff of South Australia less objectionable than any of the neighbouring tariffs, pressing lightly, as it did, on the necessities of life, and taxing as heavily as possible (without encouraging smuggling) those articles which might be considered luxuries. He must again protest against such alterations of our fiscal system, and would move as an amendment that the Bill be read a second time that day six months.

The Hon Capt BAGOT certainly could not agree to pass the Bill in its present form. If it was necessary to assimilate the duties on bags brought here for re-exportation, it ought not to be done by levying a new tax on tobacco. The arguments of the hon gentleman (Capt Hall) appeared quite conclusive upon the question. It might be wondered how the difference between cornbags and orebags and woolpacks ever obtained, but the fact is, that when the duty was placed on cornbags it was supposed that they were imported for home use—South Australia not then exporting grain, and if now it was necessary to equalise, let it be done by placing a small duty on orebags and woolpacks, and not by inflicting an injustice upon so large a class of men as those who smoked tobacco.

The Hon Captain SCOTT complained that branbags were not to be included in the free list as well as cornbags.

The Hon Dr EVERARD most cordially supported the second reading of the Bill. It was due to the agricultural interest to remove this tax upon them. He was sorry that all mealbags were not included in the intended exemption. It had been said that cornbags had been taxed on the assumption that they were not to be exported, but he (Dr Everard) had paid duty three times over on the same bags, which came here, were filled with wheat, and were sent out three times over, duty being paid in full each time. He had remonstrated, but without effect, and was now most glad to give his support to the Bill.

The Hon the SURVEYOR-GENERAL said that the repeal of the duty on cornbags would entail a loss of some 4,000/ upon the revenue, and the question was how to make it up. The proposal was by a small additional tax on tobacco, and as tobacco, whatever was said to the contrary, was undoubtedly a luxury, it could not be placed on anything better. He denied that tobacco was consumed by the laboring classes only. Besides, this duty would fall on cigars and snuff. He could see no objection to the proposed mode of securing the revenue, and must support the Bill.

The Hon the CHIEF SECRETARY, in reply, said that only two arguments had been urged against the Bill, and they were equally inconsistent. The hon gentleman (Mr Morphett) had expressed great sympathy for the working classes. He would not tax their tobacco, he would not place one farthing a week on their tobacco, but he would tax the bags that enhanced the price of their bread, and made dearer and dearer. As to the demand of the Hon Captain Hall, as expressed by the Chamber of Commerce, for an extended notice on the part of the Government of their intention to alter the tariff, that was exactly what was to be expected from a mercantile body, whose chief desire would be to have sufficient time in which to speculate. It was equally to be expected and equally to be objected to. As, however, the House was thin, he proposed to postpone the Bill till the next day.

The PRESIDENT ruled that that could not be done. There were then a motion and amendment before the House if the amendment was withdrawn it might be done.

The Hon the CHIEF SECRETARY hoped as there was such a very thin House, that the amendment would be withdrawn.

The Hon Mr MORPHEIT said that there was as good a House then as when the second reading of the Bill was moved, and if the Government would push on their measures they must take the consequences.

The Hon Captain HALL remarked that in the earlier stages of the Bill, the Chief Secretary had insisted on pushing forward the Bill in a very thin House, against his (Capt Hall's) urgent request for postponement, and it was not reasonable now, because the House was thin, for the hon gentleman to ask for delay.

The Hon Captain BAGOT said that the Bill was unpopular, and unpopular because it was unjust. He would not consent to the withdrawal of the amendment.

The Hon Captain SCOTT moved that the House adjourn. The Hon Mr MORPHEIT said that the hon gentleman had spoken before.

The PRESIDENT said that he was not certain whether the hon member had spoken to the question, or had merely asked a question. If he had addressed the House on the subject under consideration, he could not move the adjournment.

The Hon Captain SCOTT explained that he had merely asked a question.

The Hon Captain BAGOT considered the hon member had addressed the Chair on the question under consideration (Divide, divide).

The PRESIDENT put the question, "That the words proposed to be left out stand part of the question," being in

effect, that the question for the immediate second reading be put. He declared that the Noes had it.

The Hon the CHIEF SECRETARY asked for a division. AYES, 4—The Hon the Surveyor-General, Hon Captain Scott, Hon Dr Everard, and the Hon the Chief Secretary (teller).

NOES, 4—The Hon Mr Morphett, the Hon Captain Bagot, the Hon A. Scott, and the Hon Captain Hall (teller).

The PRESIDENT said that as the numbers were equal, he should give his casting vote with the Ayes, in order that there might be further discussion.

The question that the Bill be read a second time was then put and carried.

In Committee—

The Hon the CHIEF SECRETARY, having moved the House *pro forma* into Committee, intimated that he did not intend to proceed further at present.

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again on Thursday.

BILLS OF LADING BILL

The second reading of this Bill was made an Order of the Day for Thursday.

The House adjourned at 3 o'clock.

HOUSE OF ASSEMBLY

WEDNESDAY, AUGUST 17

The SPEAKER took the Chair at seven minutes past 1 o'clock.

HER MAJESTY'S PLEASURE

The ATTORNEY-GENERAL stated in reply to Mr BAGOT, that no Act passed by the Legislature could become law until Her Majesty had assented thereto. When once the Governor had reserved a measure for Her Majesty's pleasure, he had no further power, and the only thing which could be done, if after two years Her Majesty did not signify her assent, would be to introduce another Bill.

THE TELEGRAPH

Mr BARROW was desirous of asking the Attorney-General or some member of the Government, whether any extra allowance would be made to the clerks in the Telegraph Office for the very severe additional duties which they were sometimes called upon to perform.

The COMMISSIONER OF PUBLIC WORKS was very glad the hon member had referred to the subject, which was under the consideration of the Government, and he was quite sure that all who had witnessed the courtesy shown by the clerks, even when tried in a most extraordinary way during the last ten days, would consider them well entitled to some extra allowance. On the arrival of the mail, the work which they had to perform was unprecedented.

Mr BARROW asked whether, when the next mail arrived, it was intended to make provision for relays, so that the telegraph would be worked day and night until all the messages for Sydney and Melbourne had been transmitted.

The COMMISSIONER OF PUBLIC WORKS said that arrangement was made on the arrival of the last mail, the telegraph being kept at work till 7 o'clock on Sunday morning. Prior to the arrival of the next English mail the Superintendent of telegraphs would have arrived in Adelaide, intimation having been received of his intention to leave Melbourne by the first steamer next week.

THE NORTHERN RAILWAY

Mr SHANNON moved—

"That, in the opinion of this House, it is desirable that the Northern Railway should be open for general traffic to Section 112 by the month of January, 1860, at furthest."

It would be in the recollection of hon members that a short time since he asked the Commissioner of Public Works when it was intended to open the railway to the section referred to, and the hon gentleman stated that it was not intended to open it until the line had been completed as far as Kapunda. That was partly the reason which had induced him to place the notice on the paper. Another reason was that it was currently reported out of doors that a vessel called the Alexander started from London in February last laden with 15 miles of rails for the Northern Railway, and if that were true and the vessel had not since been heard of, it was very probable she never would be, consequently there would be great delay before the railway could be completed as far as Kapunda. Perhaps the Commissioner of Public Works could inform the House whether the rails by the Alexander were insured. He felt satisfied it would be a great convenience to the settlers in the neighborhood, and many to the north of Section 112, and to the public generally, if the railway were opened to the point indicated as quickly as possible. It was of the utmost importance that it should be opened at the furthest by January, in order that farmers might be afforded an opportunity of bringing the produce of next harvest to market.

Mr McELLISTER seconded the motion.

The COMMISSIONER OF PUBLIC WORKS said it was perfectly true that there were 15 miles of rails shipped by the Alexander, and it was quite true that vessel left in February, but she sprung a leak, and was obliged to put into Limerick for repairs. She left Limerick in April, and had been spoken

once since, in 12 degrees north of the line. Considerable anxiety was felt in reference to her, and supposing the gloomy anticipation of the hon member for the Light were realised, it would be impossible to open the line to Section 112 or to Kapunda by the time he mentioned. He was happy to inform the House that all the property on board the Alexander was insured, and steps had been taken to prevent as far as possible any delay in opening the railway. Supposing the Alexander to arrive that day, they would be enabled to open to Section 112 in December, and to Kapunda in about two months later, but to open to Section 112 in the first instance would necessitate a great many erections, and the increased expenditure would be fully 1,000*l*. The railway authorities felt, therefore, that they could not recommend an opening to Section 112, in the first instance, particularly as it would involve an expenditure of 1,000*l*, but whatever was the view of the House would of course be carried out by the railway authorities. He thought the House would agree with him that it would not be desirable to incur an expenditure of 1,000*l* merely for the purpose of opening the railway to Section 112 about two months before the whole line could be opened. If the House thought it wise to incur useless expenditure to that amount, they would of course support the motion, but under any circumstances the motion must be amended as it would be impossible to open the line if the Alexander did not arrive.

Mr NEALLS hoped the House would not refuse the application, as although an expenditure of 1,000*l* might be involved, it was quite possible that a much larger amount than that might be saved to the farmers and others by the line being opened. The House would observe upon the notice paper a petition upon the same subject very numerously signed, the whole of the signatures having been obtained in a few hours, and if there had been time, twice the number could readily have been obtained. The Gilbert people were exceedingly anxious that the request should be acceded to, in order that their line might be tested. If the vessel which had been alluded to arrived, he did not think that anything had been urged which could excuse the House from passing the motion as it stood at present. He felt satisfied that the time at which the whole line would be opened would very considerably exceed two months, and it should be remembered, even if the whole line were opened within two months of the time named, those were the particular two months when the principal portion of the agricultural produce on the line required to be delivered. He repeated that, supposing an expenditure of 1,000*l* to be involved in the opening of the line to Section 112, he believed a saving to a very much larger amount would be effected by having it opened.

Mr REYNOLDS would feel disposed to support the motion if a station could be erected, and proper accommodation for goods, so that there might not be a repetition of what occurred at Salisbury. If there were an amendment to the effect that the necessary buildings should be erected, he should cordially support the motion, but he did not like the idea of erecting mere temporary accommodation. He was very anxious to have the railway opened to Section 112, and if practicable, he thought it ought to be done.

Mr McELLISTER supported the motion, remarking that as it would certainly be necessary to erect a permanent station at Section 112, he could not see how the money expended would be lost.

Mr HAY hoped the hon member (Mr Shannon) would withdraw the motion, and leave the matter in the hands of the Government who would no doubt carry out the suggestion if practicable. He would remind the House that the months from December to February were about the best for carting on a bad road. If no expense would be involved in opening the line, it should be done, but he could not see how they could dispense with sheds at certain distances, or if they did they might be called upon to pay large sums for damage done to wheat and flour as was the case when the railway was opened to Smithfield. Looking at the business habits of the railway authorities, he felt that the better way would be to leave them to carry it out if they could.

Mr PEAKE hoped the motion would be withdrawn, as the House were not in a position to dictate to the railway authorities. Every one said it was desirable the line should be opened if it could be, but that "if" went a long way. He believed that if the Commissioner saw his way to open the line to 112, without incurring any considerable expense he would do so, as the hon gentleman must be as well aware as any member of that House what were the requirements.

The ATTORNEY-GENERAL agreed with every word of the resolution, and if it did not imply something more than the language expressed, he should have no difficulty in saying that he should support the motion. He agreed that it was very desirable the railway should be opened to Section 112, and even went further and said it was very desirable it should be opened to Kapunda, but the question was whether it was thought desirable to override every other consideration, in order that the line to Section 112 might be opened a fortnight or three weeks sooner, that the opening of the line to Kapunda should be delayed six weeks. The House had heard from the Commissioner of Public Works that the additional expense would be 1,000*l*, and that this expenditure would be entirely useless when Section 112 ceased to be a terminus. The question, he thought, must be left to the

consideration of the Government. The Government felt that railways conferred great direct and indirect advantages, and he was pleased to hear the hon member for the city (Mr Neales) state, what was acquiesced in by the hon member for the Sturt, that the saving to the farmers by the facilities for the transmission of produce would compensate for the large expenditure, and although that would not appear upon the statistics as a profit, it was clearly traceable as a result of railways. He believed such advantages were not only a justification for the large expenditure which had taken place on railways, but also for pushing them further. They could not expect a revenue return equivalent to the expenditure involved in the construction of such works, but the saving to the community was an abundant equivalent for the expenditure. If in this instance there were merely an expenditure of 1,000*l*, it might be looked upon as something which might be counterbalanced by the advantages to the settlers, but as it involved a delay in opening the whole line, that was another consideration which the Government had to regard, and which introduced a new element in the question. He agreed it was desirable the line should be opened as speedily as possible, but as to accede to the motion of the hon member for Light would delay the opening of the whole line he should oppose the motion.

Mr BAGOT hoped the motion would be withdrawn, thinking that after what had been stated the matter might be safely left in the hands of the Government. He understood the Government to have given a distinct pledge, that if the line to Section 112 could be opened without interfering with the onward progress of the railway, or incurring considerable expense, it should be. He believed that if the parties who had signed the petition presented by the hon member (Mr Neales) believed that acceding to the prayer of that petition would cause a delay in the opening of the whole line of a month, or six weeks, they would not press the matter on the attention of the Government. If the Government could open the line for passenger traffic and postal communication say one train a day, he believed they would meet all difficulties. As the Government had pledged themselves to do what they could to meet the wishes of the petitioners, he trusted that his hon colleague would withdraw the motion.

Mr SHANNON was glad to find the feeling of the House was in favor of the motion, and as he had been assured that the line would be opened as soon as it possibly could be, he should adopt the suggestion which had been made, and withdraw the motion. He was sorry to hear the statement of the Commissioner of Public Works, that there were not a sufficient number of rails in the colony to complete the line to Section 112. Objections had been raised to opening the line as suggested in his motion, in consequence of occurrences which took place when the line to Smithfield was opened, but he could not see the same held good, for the population was very small about Smithfield, whilst it was very great about Section 112.

The motion was withdrawn.

MINERAL LEASES

A motion by Mr NEALLS in reference to mineral leases was made an Order of the Day for the following day, the House not having had time to peruse the last despatch laid on the table in reference to mineral leases.

THE ENFIELD RIFLES

Mr STRANGWAYS moved—

"That, in the opinion of this House, it is highly inexpedient that the Enfield rifles should be issued to volunteers in the manner contemplated by the Government regulations published in the *Gazette*."

The hon member remarked that the regulations referred to in his motion were, that when a volunteer company was formed the rifles were issued upon the parties giving security for 1*l* that the rifles would be returned and produced when called for. Some difficulty had arisen in consequence of these regulations, many very strongly objecting to giving security for 1*l*. He thought it more than probable that the rifles being left with the volunteers, would not be attended to in such a way as would ensure their being kept in a state of efficiency, although the volunteers might think they were giving the weapons such attention as would keep them in efficient order. He believed the best course would be not to exact any security from the volunteers, but that in each district there should be a place where the weapons would be kept in safe custody, that is, that the volunteers should not be allowed to take the weapons to their own houses. If there were an Armory in each district, upon any emergency arising, it would be known where the weapons were, but if they were left in the hands of the volunteers he believed they would not be found as readily as was desired.

Mr McELLISTER seconded the motion.

The ATTORNEY-GENERAL thought it would be inexpedient to deprive volunteers of an opportunity of familiarising themselves with the use of the rifles, other than at the times set apart for practice. He was not at all assured that the security and condition of the rifles would be better attended to by adopting the mode suggested by the hon member for Encounter Bay than if they were trusted to the keeping of the volunteers, an *esprit du corps* would lead them to take

pride in the appearance and efficiency of the weapons and it would be better to let the volunteers keep them than that they should be kept in armouries without any security that they would be kept properly clean. He must decline to support the motion.

Mr REYNOLDS opposed the motion, thinking that the rifles would stand a much better chance of being kept clean if kept by the volunteers, than if placed in depots. He thought, however, there should be some check to prevent parties to whom rifles were entrusted, from using the weapons for the purpose of going out duck-shooting or kangaroo shooting, as whilst engaged in such excursions it was quite possible they might shoot a human being. It was very desirable there should be some addition to the regulations to prevent the pieces from being used in the service he had named.

The COMMISSIONER OF PUBLIC WORKS said that a clause to the effect mentioned by the hon member for the Sturt was embodied in the receipt taken for the rifle, and security was given for the due care of the piece. The parties receiving rifles gave a written pledge that they would only use them as volunteers, that clause having been expressly introduced for the purpose of preventing duck shooting, &c. He must oppose the motion.

Mr SIRANGWAYS thought the remark of the Attorney-General was a strong argument in support of the motion. The hon gentleman said it would be inexpedient to deprive volunteers of an opportunity of familiarising themselves with the rifles other than at the time set apart for practice, but there were very few places where it was safe to use the rifles, as they had a range of a mile. He wished the Commissioner of Public Works would inform the House how the clause to which he had alluded, would prevent parties from using the rifles for the purposes of duck shooting, and kangaroo shooting, for he had heard it said by one party that he had joined a volunteer company for the express purpose of getting a rifle to go out kangaroo shooting, and such might be the case with many. He had heard that the expense of establishing an armoury in each district would not exceed 50*l*.

The motion was negatived.

PORT ADELAIDE

Mr COLLINSON brought forward the notice in his name—

“That he will ask the Hon the Commissioner of Public Works (Mr Blyth) whether he has taken any steps to ascertain the practicability of complying with the prayer of the petition from the Mayor and Corporation of Port Adelaide, on the subject of an alteration in one of the lines of communication in that township?”

The COMMISSIONER OF PUBLIC WORKS said that he found that if he extended the road as prayed, he would have to take down part of the office of the Harbor Trust, and also the shed occupied by Captain Simpson, and as he might not be in a position to comply with the demand which might be made by that gentleman, he could not comply with the prayer of the petition.

THE NORTHERN RAILWAY

On the motion of Mr NEALES, the motion for printing the petition presented by him was discharged.

THE GILBERT LINE

Mr HAWKER moved that a progress report of the survey of the Gilbert Lane of Railway be laid on the table of the House. He was induced to take action in this matter, because hon members must be well aware that a survey was ordered in the early part of last session, yet up to the present time no information had been afforded relative to the survey of this very important line. When the subject was brought before the House a short time since, the Commissioner of Public Works stated that the surveys which had been ordered had been executed in the order in which they had been ordered, and that the reason this survey was not before the House, was that it was the last on the list. He had been looking at the motion given by the hon member for the Burra (Mr Peake), and found that the positions of Gilbert and Light were varied, one name being sometimes first and sometimes last. His opinion was that the survey should have been undertaken, and the survey should have been on the table of the House, but there seemed an inclination on the part of the Government to shirk the Gilbert Lane, and not give it the same attention which was given to other lines. (No, no.) Strange to say the survey of the Valley of the Sturt was not ordered till late in October, yet that survey had been laid upon the table a month ago, whilst the survey referred to in the motion was ordered in September, yet there was not a syllable about it. From what he knew of the district, and conversations which he had with the leading persons in it, the general feeling was that it had not received that attention which it ought to. He believed this line of railway was the most important in the colony. A survey had already been made beyond River-ton, and the gradients were found to be better than by Light or Kapunda. He thought that before the session closed the survey should be brought prominently forward, and during the recess hon members would be afforded an opportunity of considering what course it would be desirable to pursue next session. The survey was a most important one, and it was felt the district had not received that attention which it ought to.

Mr LINDSAY, in seconding the motion, suggested that the Government should, in addition to the usual information, give a lithographed section of the line, which would but very slightly increase the expense, whilst it would prove exceedingly advantageous.

The COMMISSIONER OF PUBLIC WORKS would say a few words, which were called for by the remarks of the hon member for Victoria. The Government had no intention or desire to shirk the question, however much persons on the line might suppose they had. During last session there were two resolutions affecting the survey northward, and being closely connected, it was thought desirable that they should be entrusted to one engineer and one surveyor. The engineer selected was Mr Murray, who had not examined the country to the north, and was selected as being unprejudiced. Mr Murray's attention was first directed from Section 112 to Kapunda and the result of his surveys were embodied in a Bill which had been introduced to the House. He then proceeded to make a useful survey from Kapunda to the Valley of the Light (which had been laid upon the table), and next to the Valley of the Gilbert. In examination of the country he found it would be advantageous to take a line somewhat different and sent in a survey of that portion of the country. He instructed Mr Murray to follow up the surveys precisely in the order in which they were placed upon the resolutions which had been passed by the House, and this course had been pursued. He was sorry it should be thought that the Government desired to shirk the survey of the Valley of Gilbert, as they had throughout been most desirous that there should be the fullest enquiry as to the two routes of railway. The railway authorities were preparing surveys to lay upon the table, and if they were unable to do so prior to the prorogation, they would, in accordance with a resolution recently passed, be bound up with the papers of the House and hon members would have an opportunity of studying the question during the recess. He trusted the subject would receive the careful attention of the new Parliament.

Mr BAGOT supported the motion, but at the same time thought the Government had done as much as they possibly could to obtain the surveys. He thought the surveys would be very valuable to consider during the recess, and he trusted no time would be lost in laying a progress or full report before the House. If the line could be taken up the Valley of the Gilbert without too much expense, or without injury to any portion of the country, the Valley of the Gilbert was certainly entitled to consideration. They should look to the general interests of the country, and not be guided merely by local interests. Having the whole interests of the country in view, let them give the whole subject their best consideration. He hoped that not only a report but diagrams would be furnished before the next Parliament assembled.

Mr HAWKER could not agree with the doctrine of the Commissioner of Public Works, that because the two lines were intimately connected they should therefore be surveyed by one surveyor. What he complained of was that the surveys were not made at the same time, so that the House might have been able to compare the two. He should not have mentioned the subject if they had not had the surveys for the Bill for the Kapunda line, before which they should have had the surveys of both lines, in order that they might all see in what direction the probable trunk line to the north would be extended.

The motion was carried.

REGISTRAR-GENERAL'S DEPARTMENT

The ATTORNEY-GENERAL laid on the table returns called for by the hon member for the city (Mr Owen) relative to the Registrar-General's department.

Ordered to be printed.

WASTE LANDS REGULATIONS

Mr HAY moved—

“That, in the opinion of this House, the Waste Lands Regulations should be altered, with a view of affording increased facilities and inducements to persons desirous of settling on and cultivating the country beyond the limits of the hundreds, and that fresh regulations should be framed for that purpose, as follows—

“I. All purchases of land beyond the limits of the hundreds shall have the same privileges with regard to depositing in the immediate neighborhood of such purchased lands, and on the same terms as regards payment of the licence to the Government as are provided for by the regulations in force for depositing on the Crown lands within the hundreds.

“II. Whenever the quantity of purchased land in any place beyond the hundreds amounts to 2,500 acres within an area of ten square miles, a hundred shall be proclaimed, of which the sold and surveyed land shall (as far as the natural features of the country will allow it) be the centre.

“That an address be presented to His Excellency the Governor-in-Chief requesting him to take the necessary steps to carry out the above resolutions.”

The hon member remarked that it was well known the farmers were trading closely on the heels of the squatters and it was therefore necessary that the permanent settlers should be enabled to push further out. For some time past those who had watched the land sales must have observed that large quantities of land were surveyed, and put up beyond the

limits of hundreds, and that land was purchased by the owners of runs. It must be obvious that if such a system were kept up, and there was no grazing beyond the hundreds, no small settler would be enabled to compete. Many would purchase two three or four sections if they could enjoy the same privileges beyond the hundreds as were conferred within the hundreds. It was the duty of that House to legislate for the permanent settlement of the country. If a farmer purchased two or three sections he could not under the existing regulations graze beyond the land he had purchased. If parties were to be induced to go and settle beyond the hundreds, they must be allowed the same privileges in reference to depasturing stock as within the hundreds. Under the existing regulations none but wealthy men could settle within the hundreds. It was quite clear that if South Australia were to continue an agricultural country there must be a modification of the existing regulations. With regard to the proposition that wherever 2,500 acres of land were sold within an area of ten square miles, a hundred should be proclaimed he considered that 2,500 acres were a sufficient quantity. He trusted there would be no opposition to the motion, as he was satisfied that if the present regulations were not modified the settlement of the country would be retarded.

Mr SHANNON seconded the motion, and had hoped that before then the Government would have introduced fresh regulations. A short time since the hon member for Gumeracha brought forward a motion upon this subject, when the Government requested him to withdraw it, intimating that fresh regulations were about to be issued, and that if the hon member did not approve of them he could then take further action. If the Government really intended to issue fresh regulations it was high time they were laid upon the table, but in the absence of those regulations he cordially supported the motion before the House. He had for a long time thought it unjust to the purchasers of land beyond the Hundreds that they should have no privileges of grazing beyond the boundaries of the land which they had purchased though willing to pay for the accommodation. He considered the hon member for Gumeracha entitled to the thanks of the House for having brought this subject forward, as it would certainly be wise so to alter the regulations, that parties going beyond the hundreds and purchasing land, should have the same privileges as those within the hundreds, where the population was more dense. The matter had, however been so thoroughly gone into by the hon member for Gumeracha, that it was unnecessary to say more.

The COMMISSIONER OF CROWN LANDS felt compelled to oppose the motion. He considered that carrying out this resolution would involve such a radical change in the Waste Lands Regulations and system that he trusted the House would give it their very serious consideration before supporting it. It would alter entirely the nature of the tenure by which the squatter held his lease, and could not be acted upon without a breach of faith to the squatter. On reference to the leases held by the squatters, it would be seen that the tenure by which they held their leases, the existing tenure, was very insecure, as their runs were liable to be cut up for sale, and it must be apparent that if the squatter bought land, he did not receive any depasturing rights by doing so, any more than any other purchaser. If the squatter bought land, he still had to pay for the balance of that which he occupied, and it was notorious many squatters held purchased land to such an extent, that if the regulations were altered as suggested by the hon member for Gumeracha, the whole of that for which they now paid would be swallowed up, and the Government would, of course, lose to that extent. He very much doubted if parties would be induced to go out beyond the hundreds, and purchase land merely for the purpose of securing pastoral rights. To accede to the motion of the hon member for Gumeracha, would be breaking faith with the present holders of runs and doing no benefit to the farmers as a body. If the first resolution were carried, the second would be perfectly useless, but he might state, the second resolution in reference to declaring hundreds was too arbitrary. The Government had shewn a disposition to declare hundreds wherever fair grounds were shewn for doing so, and they were still so disposed. With regard to fresh regulations, he had been such a short time in office, that he had not been enabled to give his attention to the subject sufficiently to enable him to come to a decision and recommend it for adoption to his colleagues. He thought the hon member for the Light was in error in supposing that fresh regulations had been promised during the present Parliament, as if such regulations were brought forward, it would be impossible they could take effect till the following June, at which time the existing regulations must remain in force. It would be impossible for the Government to give their attention to the subject during the present session.

Mr LINDSAY said whatever might be the result of the motion he should pursue that course which he believed best calculated to promote the general interests, and support the motion. He did not understand what the Commissioner of Crown Lands meant by speaking of the spirit of pastoral regulations, because he considered that ever since the colony had been founded there had been an anti-squatting system for the purpose of giving the owners of purchased land cer-

tain advantages. Formerly one square mile was allowed for every 40 acres of purchased land, and he could see no objection to reintroduce such a system. The Commissioner of Crown Lands had said that the tenure of the squatters was insecure, and so it must be admitted it was, and was always intended to be, the object being to induce parties to become purchasers and have certain rights of pasturage in the immediate vicinity. The spirit of the waste lands system had, he contended, been infringed upon by an attempt to introduce a squatting system, and the sooner the permanent settler was fostered and the squatters told that the land was required for permanent settlers the better. At the present, time under the regulations in force, it answered better to pay a high price for land in settled districts than to push out and endeavour to extend the settled districts. He considered the second resolution too arbitrary.

Mr DUFFIELD thought it was hardly necessary to occupy the time of the House with any remarks after the lucid manner in which this motion had been brought forward (Laughter.) The last speaker had stated that he should support the spirit of the resolutions, though not the resolutions as they were at present, and the statements of the hon member for Gumeracha and the seconder of the resolution were perfectly at variance. The hon member for Gumeracha had said that he hoped they would endeavor to keep up the character of South Australia as an agricultural country, and for that reason proposed the abandonment of those regulations which had acquired for the colony that high character which she enjoyed as an agricultural colony, whilst the hon member for Encounter Bay (Mr Lindsay) suggested that they should go back to those very principles which it had been found necessary to abandon before the colony could reach her present high position. It had been satisfactorily shown that the original regulations did not work well, and he believed that alterations, such as were suggested by the hon member for Gumeracha, would be found most detrimental. He had endeavored to pick out of the speech of the hon member for Gumeracha a single argument in support of his motion, but had failed to find one, and there being no argument in support of it, he should oppose the motion.

Mr SOLOMON would say a few words upon this subject, and would do so at once that he intended to vote against the motion. He was neither a squatter nor a farmer, but he could not conceive how any person professing to be a friend to the community could be antagonistic to either of those two interests. The only object to be attained by the motion of the hon member for Gumeracha would not only be antagonistic to the squatter, but would be most unjust. The only argument introduced by the hon member for Gumeracha amounted in reality to this, that it was necessary to drive out the squatter because the farmer was following close at his heels. The hon member had expressed a hope that there would be no class legislation, but was not the hon member now asking for class legislation in bringing one class in direct opposition to another. The hon member for Encounter Bay had insinuated that the squatters were merely to be tolerated, but he would ask were not the squatters one of the existing causes of the prosperity of the colony? Should they not consider the exports which the squatters produced? Were they to drive out and sacrifice every other interest in order that farming might be benefited? For the last three or four years the farmers had complained that too much wheat was produced, and that they could not find a profitable market, and would it be wise under such circumstances to drive out the squatters for the purpose of making room for an interest, though those connected with it declared that they could not make a living. Where one farmer said he was doing well, nineteen said they were doing badly. Large quantities of land had been put up lately which the squatters had been compelled to purchase, and the House were now asked to grant the farmers permission to graze their cattle upon the very land for which the squatters were paying the Government. He considered the proposition a most unfair one—a deliberate attempt to injure one interest for the purpose of advancing another, and for that reason he should vote against the motion.

Mr McLELLISIER could see nothing at all unfair in the motion of the hon member for Gumeracha, and intended to support it. He saw the matter in a very different light from the last speaker. He considered it most unfair that the purchaser of a section should not possess those advantages which it was proposed by this resolution to give him. He did not wish to advocate or see any unfair play to the squatter, but would rather see all put harmoniously together. Some squatters, however, had almost driven farmers to desperation by grazing their sheep up to the very fences of the farmers, and driving their cattle off. He trusted that the House would take steps for the protection of the farmers, who were the bone and sinew of the colony. Every facility should be afforded to those engaged in farming operations, for a man who bought his 80 acre section had to wait a whole year for any return, and then, perhaps, got a bad crop, but the squatter obtained a return for his outlay almost immediately. Why not afford those with limited means an opportunity of turning themselves round and supplying the market with a little dairy produce, till the land in which they had invested their capital produced some return.

The ATTORNEY-GENERAL hardly felt that was the time to discuss whether the first resolution of the hon member for Gumeracha was fair or unfair because it was altogether beyond the power of the Government to give any effect to it. The Government happily were not above the law, but were bound by the law, and the law gave the Government no power to interfere with the land leased, except in accordance with the provisions of the leases. The law recognised the rights which the squatters had acquired, and the Government were bound to recognise and respect those rights. For the hon member for Gumeracha to gain his object, it would be necessary he should obtain the concurrence of both branches of the Legislature to a Bill, and empower the Government to frame fresh regulations. When that power had been conferred, would be time enough to consider whether the regulations which were proposed by the hon member were precisely those which it would be desirable to bring into operation. He had great doubts whether they were, but he had not given much consideration to the subject, because he was stopped at the threshold by the reflection that whether it was expedient or inexpedient that the regulations should be so altered, the Government had no power to entertain the question. He thought that was a sufficient reason for not agreeing to the first resolution, and with regard to the second, it had never been suggested that the Government had refrained from proclaiming hundreds, when such a quantity of land had been sold as would justify them in doing so. There was one matter which should be borne in mind. Suppose the owners of a run chose to purchase 2,500 acres, or that parties purchased without intending to occupy, would that be a sufficient reason for declaring the locality a hundred? He believed it would be impossible there could be better regulations than that, when there was such a quantity of land sold, or such a settlement or intended settlement as would justify the Government in declaring a hundred that they should do so. If the Government had neglected to do so they would be liable to censure, but they had never refrained from proclaiming hundreds when there were any reasons for believing that the settlement of the country would be promoted by it. He must oppose the first resolution, because it contemplated a violation of the law, and what the Government had no power to do, and he must oppose the second, not because he differed with the object, but he believed the object would be better accomplished by leaving the Government to act freely, as at the present time, than to tie them down by a rule which might be perfectly inapplicable to the circumstances of the case.

Mr REYNOLDS had not given much attention to the subject, but confessed he could not see in every line of the resolution that unfairness which had been alluded to. He did not consider that those interested in squatting had made out a case of hardship, nor did he think that the farmers had made out a case of hardship, and under such circumstances he thought they might leave the question till a more pressing necessity for dealing with it arose. He would ask the hon member for Gumeracha to withdraw the motion, feeling that the matter was not of so imperative a nature as to require legislative action. One thing struck him and that was, he thought there should be some rule in reference to declaring hundreds as if there were not, it was possible the Government might act from a hostile feeling to members of that House. He had heard not of the present, but of another Government, who declared hundreds where they were not required, merely for the purpose of putting squatters to trouble and expense. There should be some rule, for if there were not, what was there to prevent the present Government acting from a personal feeling towards members of that House, and affecting the runs held by some hon members, according as they voted for or against the Government? He did not say such had been or would be, but he put the case hypothetically. He should be sorry to injure or cripple the squatter, but he could not see that by carrying this resolution any particular justice would be done to the farmers, or injustice to the other interest. He hoped the hon member for Gumeracha would withdraw the motion, and that the Government would give the subject their serious consideration during the recess, as they often promised matters should have their serious attention during that period. (Laughter.) He hoped when the next Parliament met the Government would be able to say that they had given the subject their consideration, and that they were prepared to propose so and so for the purpose of remedying any unfairness which existed.

Mr HAWKER must make a few remarks upon this question, as this was a kind of motion which particularly affected the class whom he represented—the squatters. As the hon member for the Sturt thought this motion would not operate injuriously to the squatters, he would point out what would be the effect of it. The hon member for Gumeracha had several times brought forward motions of this kind, and up to the present time he was glad to say none of them had been passed. If they had it would have been great injustice to the squatters, for then leases would not be worth the paper on which they were written. The proposition of the hon member for Gumeracha would, in fact present a cheap way for any gentleman who had money to invest, and who had not sufficient pluck to go out and

occupy new runs, to avail himself of those at present in occupation by a side wind. If the hon member for Gumeracha for instance, went and saw a run which he liked, with not a large portion of good land, but the good land commanded nearly the whole run, and the owner of the run was not in a position to purchase, all that the hon member would have to do would be to get the land surveyed and purchase it, and the occupant would be immediately ejected. He thought when the Assessment Act was passed there was a tacit understanding between the House on one hand and the squatters on the other, that that was a final arrangement during the continuance of the leases, subject to the squatters giving way to the legitimate demand for land for agricultural purposes. This, however, was not a legitimate demand, but was offering a premium to parties to go and eject others. Beginning with the commencement of the resolution, he would say that the more agriculture could be concentrated the more beneficial it was for the country, for the produce could not be brought down without good roads, and if agriculture were scattered it would not reach a market. He should resist those being turned out who produced a valuable export, for the purpose of making room for those who produced no export at all.

Mr HAY, in reply, expressed his surprise at the course taken by the Government and contended that no argument whatever had been urged against the motion.

The motion was negatived by a majority of 13, the votes on a division being—Ayes, 4, noes, 17, as follows—
Ayes, 4—Messrs Lindsay, McEllister, Shannon, Hay (teller)

Noes, 17—Attorney-General, Messrs Bagot, Barrow, Colhoun, Commissioner of Public Works Messrs Duffield, Dutton, Glyde, Hallett, Hawker, Macdermott, Mildred, Feake, Solomon, Strangways, Treasurer, Commissioner of Crown Lands (teller)

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that they had agreed to this Bill with amendments. The amendments were ordered to be taken into consideration on the following day.

INTERPRETATION OF ACTS BILL

On the motion of the ATTORNEY GENERAL the report of the Committee of the whole House upon this Bill was agreed to, and the third reading made an Order of the Day for the following day.

THE INSOLVENT LAW.

On the motion of Mr STRANGWAYS the Committee upon the Insolvent Law obtained till the following Wednesday to bring up their final report.

KAPUNDA RAILWAY TERMINUS BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS the report of the Committee of the whole House was agreed to, and the third reading made an Order of the Day for the following day.

INSOLVENT LAW AMENDMENT BILL

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

SCAB IN SHEEP BILL

On the motion of the COMMISSIONER OF CROWN LANDS, this Bill was read a third time and passed.

ELECTORAL ACT AMENDMENT BILL

The House having gone into Committee, the eighth clause was postponed, the ninth clause related to the transfer of names from one roll to another, in the event of parties removing.

The ATTORNEY-GENERAL said that undoubtedly some objections might be urged against this clause, but he thought the advantages counterbalanced the disadvantages, and the Committee had recommended some provision to be made. There was certainly, as had been urged on the previous day, he believed by the hon member for Gumeracha, a risk of parties transferring themselves and their names for a temporary purpose, and there was also the risk of collusion. On the other hand, they had experience that unless there were some provision of this kind, a large number would be disfranchised, if they shifted from the place in which they had been resident, they would lose the constitutional privilege of voting for members of Parliament. It was not expected that this would extend to the extent which it had been found to. He did not wish, however, to conceal his belief that the clause would be open to abuse.

Mr REYNOLDS believed the clause would open the door to very serious abuse, and could not support it. The Committee merely recommended that where parties removed they should be transferred from the roll of the district which they left to that which they moved to. A provision to that effect would, he thought, meet every objection, though he admitted it would be impossible to meet every conceivable case. He should move that the clause be struck out, and that the Attorney-General be requested to prepare one in accordance with the recommendations of the Committee.

Mr STRANGWAYS also objected to the clause which would allow the lists to be tampered with to any extent by

the Returning Officer. If there were an election for any district, and any important question, such as immigration or distillation, agitated the public mind, in order that the election might be determined in accordance with the views of a particular party, 300 or 400 might apply for certificates of transfer, and would be entitled to vote in any district to which they were transferred, 500 people in fact might travel about at election times and carry the elections any way they pleased, transferring themselves to any district they pleased, and no one but the Returning Officer having any control. The recommendation of the Committee was, that no roll should be interfered with except by the Revising Officer, after it had passed a Court of Revision.

The ATTORNEY-GENERAL explained that the Act provided that up to be believed, four days before a Court of Revision was held, any one could make a claim, and new rights were given to him, but if the transfer were to be sanctioned by the Court of Revision, it appeared to him there would be no necessity for this clause. It appeared he was under a misapprehension when he prepared this clause, thinking that the object of the Committee was that parties should be enabled to transfer themselves through the medium of the Returning-Officer without the Revision Court. If the Court of Revision were to effect transfers no greater facilities could be given than were given by the previous clause. The object was to prevent a number of parties from being disfranchised by moving from one district to another, they could not vote for the district from which they migrated, because they were no longer resident there, nor could they vote for the district which they migrated to, because their names were not on the roll. He believed that the advantages conferred by the clause under discussion more than counterbalanced the abuse to which it was open.

Mr REYNOLDS said that the Attorney-General still misunderstood the object of the Committee, which was that when a party removed from one district to another he should at once be put on the list for the district to which he removed, and be enabled at once to exercise the power of voting without being on the roll six months before he could exercise that privilege. The Committee thought that a certificate would enable the party to exercise his vote at an election held in the district the week after he had become a resident in it.

The ATTORNEY-GENERAL said he had misapprehended the wishes of the Committee, and as he should require to give the subject full consideration, and many alterations would be required, he would move the House resume, and the further consideration of the Bill be an order of the day for the following day.

Mr REYNOLDS said there were a number of persons who were not naturalized subjects of Her Majesty, and he thought some provision should be made in the notices of claim so that none but naturalized subjects should exercise the privilege of British subjects.

Mr ROGERS had come to town expressly for the purpose of urging the necessity of a polling place being erected at Onkaparinga. There were six districts at Mount Barker, and there was a polling-place at each but Onkaparinga.

The ATTORNEY-GENERAL would remember this on the following day, when the House was in Committee.

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

THE AGENT-GENERAL.

Mr REYNOLDS moved—

"That a return be laid on the table of this House showing the names of the parties becoming security for the Agent-General, the amount for which bound, the character of the security, and the dates when the necessary documents and securities were given."

The hon member remarked that he observed the question was answered in December, 1858, when it was stated that Messrs Huth were sureties for 10,000*l* each, but he had tabled the motion because he had heard that although the security had been promised it had never been given. The Agent General had large sums at his disposal, and it would be satisfactory to the House and to the country to know what securities had been given, if any.

The ATTORNEY-GENERAL should not oppose the motion, but the bond by Messrs Huth was in England, and was signed on June 12, 1858, that was the only bond signed.

COMMISSIONERS FOR TAKING AFFIDAVITS

The SPEAKER announced the receipt of message No 32, from His Excellency the Governor, transmitting draft of a bill to provide for the appointment of Commissioners for taking affidavits.

The Bill was, on the motion of the Attorney-General, read a first time, the second reading being made an Order of the Day for the following day.

Mr STRANGWAYS asked whether any more Bills would be introduced during the present session?

The ATTORNEY-GENERAL would be sorry to answer a question limiting the power the constitution conferred on the Governor.

THE FLAGSTAFF HILL

Mr LINDSAY had just brought forward the notice in his name relative to the examination of the country near the Flagstaff Hill, when, a large number of members having

left, Mr ROGERS drew the attention of the Speaker to the fact that there was "no House," and there was a count out.

The House adjourned at 4 o'clock till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

THURSDAY, AUGUST 18

The PRESIDENT took the chair at 2 o'clock

VOLUNTEER FORCE BILL.

The Hon the CHIEF SECRETARY moved the second reading of this Bill, and explained that it amended the existing Act, chiefly by giving to the Government the power of appointing officers in the force. The Government would attend to all recommendations, but it was needful to reserve in their own hands the absolute power of making appointments.

The Bill having been read a second time, the House went into Committee on this clause.

Clause 1. On this clause being read,

The Hon Captain BAGOT said that, if the Government wished to discourage volunteering, they could take no better means than by passing this clause. In the English volunteer movements of 1803, all volunteers appointed their own officers, and this was only reasonable. The clause now proposed would prevent volunteer corps being raised, and he saw no other reason for it, than that the Government, by desiring to appoint the officers without receiving the recommendation of the corps sought to escape the onus of voting selections it did not approve of.

The Hon Captain HALL wished the Chief Secretary would say why he sought, by this clause, to repeal the provision in the existing Act, which enabled volunteer corps to choose their own officers. The law, as it stood, was quite satisfactory.

The Hon the CHIEF SECRETARY said that it was unreasonable to enable paid volunteers to appoint their own officers, besides which, as the former volunteer movement showed, unsuitable persons were sometimes appointed.

The Hon Major O'HALLORAN supported the clause, considering the amendment which it embodied highly proper and most useful.

The Hon Captain BAGOT must caution the House against adopting a clause which would put a stop to volunteering throughout the colony.

The Hon Major O'HALLORAN denied this, on the contrary, he could state that several of the volunteers in the corps formerly raised had informed him that they were about to memorialize the Government to effect precisely the alteration contemplated in this clause.

The Hon Mr MORPHEIT thought the Chief Secretary should say on what grounds the Government introduced this Bill. They had appealed to the country to organise volunteer corps, and that appeal was being responded to, but it was now proposed to make these volunteers paid soldiers, and because they were to be paid soldiers—which they did not desire—they were to be deprived of electing their own officers, which was a privilege they valued.

The Hon the CHIEF SECRETARY said that the hon member did not understand the subject. The Volunteer Act contained specific clauses bearing on the subject introduced by the hon gentleman, but that was not what they were now discussing.

The Hon Capt BAGOT must repeat that they went as volunteers, but not as paid soldiers. The whole question was now most thoroughly complicated.

The Hon the CHIEF SECRETARY referred the House to clause 15 of the Volunteer Bill, under which volunteering would go on.

The Hon Capt BAGOT asked if the volunteers were to be brought under this Act, and to be compelled to receive pay.

The Hon the CHIEF SECRETARY said the clause they were discussing would apply to all. There was no exception.

The House then divided on the clause, when there appeared—

AYES, 8, viz—The Hon the Surveyor-General, Hon Dr Davies, Hon H Ayers, Hon Major O'Halloran, Hon A Forster, Hon Dr Everard, Hon Capt Scott, and Hon Chief Secretary (teller).

NOES, 4, viz—Hon Capt Hall, Hon Mr Morpheit, Hon A Scott, and Hon Capt Bagot (teller).

(Clause 2. Sums to be paid to volunteers.)

The Hon Capt BAGOT proposed to strike out all words providing for payment in time of training, and to restrict payment to actual service.

The Hon the CHIEF SECRETARY must oppose the amendment as many persons could not afford to give their time.

The Hon Capt BAGOT said that the volunteers would choose their own time for exercise, and it would merely be their waste time, but the two classes of volunteers were mixed up by the Government in a most extraordinary way.

The Hon the PRESIDENT said that, as this was a money clause, it could not be altered.

The clause was passed.

Clauses 3 and 4—"Short title," and "commencement of

Act,' were, with the preamble, passed The Bill was reported, the report adopted, and the third reading made an Order of the Day for Friday

MESSAGES FROM THE ASSEMBLY

A messenger from the House of Assembly attended with messages conveying the following Acts —

Message No 37, Insolvent Law Amendment Act

No 38, Act for Consolidating the Laws relative to the Scab in Sheep, and for Preventing the Extension of Scab in Sheep

No 39, Act for Extending Gawler Railway from Section 1411, in the Hundred of Light, to Section 1403, in the Hundred of Kapunda

No 40, Act to Shorten the Phraseology used in Acts of Parliament

No 41, The Appropriation Act

No 42, Assembly's agreement to amendments made by His Excellency in the Statute Law Consolidation Bill

SCAB IN SHEEP ACT

On the motion of the Hon the CHIEF SECRETARY this Bill was read a first time, and the second reading made an Order of the Day for Tuesday

SHORTENING OF PARLIAMENTARY PHRASEOLOGY

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a first time, and the second reading made an Order of the Day for Friday

APPROPRIATION ACT

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a first time, and its second reading made an Order of the Day for Tuesday

KAPUNDA RAILWAY ACT

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a first time, and its second reading made an Order of the Day for Wednesday

INSOLVENT LAW AMENDMENT ACT

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a first time, and its second reading made an Order of the Day for Wednesday

MILITIA ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that it was merely a short Bill authorising the calling out of the militia if needed, and also to alter the rate of pay

The second reading was agreed to, the clauses were passed in Committee, the report was brought up and adopted, and the third reading of the Bill was made an Order of the Day for Friday

REGISTRATION OF PATENTS BILL

In Committee

Clause 1

The Hon the CHIEF SECRETARY having proposed a verbal alteration in this clause,

The Hon Captain BAGOT asked, with reference to his remarks the day before, whether the Government had made provision for the deposit of specifications and plans, on the part of persons applying for patents, as otherwise no one could tell what a patent might include

The Hon the CHIEF SECRETARY stated that the provision referred to would be introduced in the next clause

Clause passed as amended

Clause 2

The Hon the CHIEF SECRETARY proposed several verbal alterations in this clause, and also the addition of words providing that within six months from the issue of any letters patent, the patentee should be obliged to deposit minute and detailed specifications of his improvements

The Hon Captain BAGOT wished for plans as well as specifications

The Hon the PRESIDENT said if there were specifications, there would of necessity be plans, which would be enrolled with them

The Hon Captain SCOTT thought that to provide for the delivery of specifications six months after letters patent were granted, was to be six months too late The specification ought to be lodged in time for examination by those persons at whose instance the Government granted the letters patent

The Hon Captain BAGOT concurred in the view taken by the previous speaker

The Hon Mr MORPHEIT pointed out that the six months' interval proposed by the Chief Secretary was identical with the provisions of the English Patent Act In the first instance a conditional specification was sent in, which was sufficiently explicit, and within six months from the issue of the letters patent, a detached and minute specification was lodged

The Hon H AYERS thought this quite sufficient If the patentee failed to describe his invention properly, the loss was his own,—the public lost nothing whatever

The clause was passed

Clause 3 passed with verbal amendments.

On clause 4 being read,

The Hon Mr MORPHEIT remarked that there was no provision in the Act for enabling persons to examine the

specifications If a fee were demanded, or if under some regulations of the Registration Department such opportunity could be secured, it would be useful

The Hon Captain BAGOT also thought that a clause to remove doubts on this point, should be introduced, with, say, a 2s 6d fee

The Hon the PRESIDENT remarked that the House had no power to provide for a fee

The clause was passed, with amendments rendered necessary by amendments in the previous clauses

Clauses 5 and 6 and the preamble were also passed

On the question being put that the Bill be reported,

The Hon John MORPHEIT said he was desirous of knowing what provision would be made for securing to parties interested an opportunity of inspecting the specifications?

The Hon Mr AYERS considered that they might introduce a clause granting this privilege, and leave to the Assembly to give effect to it, by the expedient of a fee, or in whatever way they might think fit

The Hon the CHIEF SECRETARY said, that to give more time, he would move that the House resume, the Chairman report progress, and ask leave to sit again on Friday

Agreed to

CUSTOMS ACT AMENDMENT BILL

In Committee—

Preamble postponed

Clause 1—Cornsacks, manures, &c, free of duty

On the Hon the CHIEF SECRETARY moving that this clause stand as printed,

The Hon Capt HALL objected on three grounds The provision was—1st unnecessary, 2nd, imperfect, and 3rd, unjust The Chief Secretary had shown no necessity for repealing the duty on cornbags The cry about relief to agriculture was mere claptrap, no agriculturist felt any pressure whatever from the tax The duty was paid by the merchants of Dundee, off whose accounts, when they came here, 5 percent was taken to pay for the duty If this were a measure of relief, they should have taken the duty off all mealbags, and bagging and twine, and then perhaps they could have employed some of the surplus labor spoken of in manufacturing bags, which now they could not make so as to compete with the Dundee exporter, because the bagging and twine were taxed Looking at the whole matter, he thought the House should seriously consider what it was proposed to do They had just been told that they had not the power to propose to include a halferowu fee in a Bill sent for their consideration, yet the other branch of the Legislature was legislating by resolution, and determining what should be done without consulting the Council They had passed a resolution upon which the Act sent up to them was based The Council did not infringe on the privileges of the Assembly, and they should not let their own privileges be invaded The fact was, the Bill was a scheme to enable the Government to get 4,500k by a tobacco tax, in return for 1,500l to 2,000k, which was the average amount of duty on cornbags He should move that the clause be struck out

The Hon Capt BAGOT seconded

The Hon Mr DAVENPORT was absent from illness the day before but he took that opportunity of stating that he considered the Bill had come before the House in a most unwarrantable form, for unless some extraordinary necessity justified the course taken on this question, it was highly unconstitutional They ought not to go on legislating in this manner He had seen nothing to warrant the course taken in reference to the Bill which was introduced in the other branch of the Legislature by a suspension of the Standing Orders, although the practice of the British Parliament was most clearly opposed to such a proceeding [Here the hon member quoted from May to show that when a motion for imposing taxes was brought forward, it was not discussed the same day, but held over for the purpose of greater deliberation] The measure was a most imperfect one, for if a revision of the tariff were needful, many other changes would be desirable The Governor, in his opening speech had not prepared the country for such a change in the fiscal system, and a trading community like this ought not to be so trifled with He agreed with Captain Hall as to the absurdity of their being merely called upon to endorse laws handed over to them by the other branch of the Legislature, for if that was the position of the Council it was time they should look seriously into its effects He should oppose the clause

The House then divided, when there appeared—

AYES—(for the clause)—7, viz —The Hon Major Freeling, Hon Dr Everard, Hon Captain Scott, Hon H Ayers, Hon A Forster, Hon Dr Davies, and the Chief Secretary (teller)

NOES—(against the clause)—6, viz —The Hon Captain Bagot, Hon Major O'Halloran, Hon Mr Morpheit, Hon Mr Davenport, Hon A Scott, and Hon Captain Hall (teller)

Majority of 1 for the clause, which was then passed

Clause 2—Increased duty on tobacco

On this clause being put a division was called for, the names and the numbers being the same as the preceding

The clause was passed

Clause 3—Indemnity to officers

On this clause being put,

The Hon Captain HALL said it contained on the face of

it a palpable admission that an illegal act had been done, and he should oppose passing an Act to give indemnity to those who had acted illegally.

The Hon Captain BAGOT wished to know what need there was for the clause.

The Hon the CHIEF SECRETARY explained that the Collector of Customs, when it was determined to raise the tobacco duty, had been instructed before the Act was passed to demand the higher rate, otherwise six months supply would have been taken out of bond. Hence the necessity for indemnifying him.

The Hon Captain HALL and the Hon Captain BAGOT both objected to the interference by the Government with the established laws regulating trade. The last-named hon member said that in the most despotic country such a thing would not be attempted, and that he believed, it was unprecedented in England for a Minister to refuse to allow a person to clear his goods unless he paid an extra duty not sanctioned by law.

The Hon the CHIEF SECRETARY said there were plenty of such precedents.

The Hon Captain BAGOT—Name them.

The Hon Mr DAVENPORT said that there might be precedents, but in the present case there was no justifying reason.

The Hon Mr MORPHETT thought that as the Collector of Customs had acted under instructions he ought to be indemnified, if it were proposed to punish the Ministry, who were really responsible, he could support that proposition, but not the other.

The Hon Captain HALL said the hon member might vote with him, for the Collector of Customs was already indemnified, and was so before he committed himself to what he knew was illegal.

A division being called for, the names and numbers appeared exactly as in the two preceding divisions, and the clause was therefore carried by a majority of one.

Clause 4 being formal, was agreed to without discussion, the report was then brought up, and adopted, and the third reading of the Bill made an Order of the day for Friday.

BILLS OF LADING BILL

On the motion of the Hon A. FORSTER, the second reading of this Bill was made an Order of the Day for Friday, and the House adjourned.

HOUSE OF ASSEMBLY

THURSDAY, AUGUST 18

The SPEAKER took the Chair at seven minutes past 1 o'clock.

THE ADMELLA

Mr STRANGWAYS asked the Attorney-General whether the Government intended to institute any enquiries into the circumstances connected with the wreck of the Admella, and if so, whether it was considered it would be more desirable that His Excellency should appoint a Commission than that the enquiry should be left to the Trinity Board. He also wished to ask whether, in the event of Government determining to institute such enquiry, it would be necessary to pass a short Act giving power to the Commission or the Trinity Board to summon and examine witnesses.

The ATTORNEY-GENERAL said it was the intention of the Government to institute an enquiry into the circumstances connected with the wreck of the Admella, and the intention of the Government was to institute that enquiry through the instrumentality of the Trinity Board, that Board being composed of persons who, by their previous experience and acquaintance with nautical affairs, were suited to conduct the enquiry. Whether a Commission should be appointed was at present under the consideration of the Government, and he was not prepared to answer the question, but he had no doubt he should be enabled to do so at the next meeting.

Mr STRANGWAYS said that if the Government determined upon appointing a Commission, and should find it necessary to introduce a short Bill for the purpose of conferring certain powers in connection with witnesses upon the Commission, he hoped they would do so as speedily as possible after their decision had been arrived at. He should wish to know whether if the matter were left to the Trinity Board, it would not be necessary to confer special powers upon them, to enable them to summon and examine witnesses; there was a very general impression that the Trinity Board had no power at present to conduct the enquiry.

The ATTORNEY-GENERAL said whatever course was adopted the Government would be prepared to take the necessary steps.

THE MONSTER MEETING

Mr BARROW moved that the House, at its rising, adjourn till the following Tuesday. His object in doing so was that the majority of hon members would no doubt like to attend the great meeting, which it was expected would take place on the following day in connection with the Admella, and it was scarcely reasonable to expect they would be able to form a quorum. At all events, having already shewn so much sympathy, he hoped that sympathy would be completed by there being a full attendance at the meeting on the following day. He had spoken to several members upon the

subject, and finding that the general feeling was in favor of his proposition, he would simply move that the House, at its rising, adjourn till the following Tuesday at 1 o'clock.

Mr MILDRED seconded the motion.

The ATTORNEY-GENERAL said if it were the wish of the House he should offer no opposition, but say that he also quite concurred with the expediency of adjourning till the time stated by the hon member for East Lorens. The Government were quite prepared to go on with the business if it were the wish of the House, but probably if they did they would scarcely be able to get that attendance which was proper for the transaction of business. It would be as well, therefore, that the House should adjourn as proposed.

The motion was carried, and the notices appearing on the paper for Friday were postponed till the following Wednesday.

THE AGENT-GENERAL

Mr REYNOLDS wished to ask the Attorney-General whether he was to understand from the reply of the hon gentleman on the previous day, in reference to the Agent-General, that the Agent-General had given securities, and that the bond had been signed.

The ATTORNEY-GENERAL said the Agent-General had given securities, himself in 20,000*l* and two sureties of 10,000*l* each.

Mr REYNOLDS said his question was, whether there was a bond.

The ATTORNEY-GENERAL said there was.

THE APPROPRIATION BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

INTERPRETATION OF ACTS BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

KAPUNDA RAILWAY TERMINUS BILL

On the motion of the COMMISSIONER OF PUBLIC WORKS, this Bill was read a third time and passed.

Mr LINDSAY remarked that he believed there was very little chance of the Bill passing the other House, so that it was really a work of supererogation to pass the Bill in the Assembly. It would be as well however to make the Bill as perfect as possible before it was sent to the other branch of the Legislature, and he would therefore move the recommission of the 8th clause, which at present made it compulsory to have level crossings, he thought it would be better to insert words which would leave it open to the Engineer to make different levels if he deemed it expedient. The object of the Bill was to bring the railway close to the township of Kapunda, but as the population of that township increased the objection to level crossings would be increased.

Mr STRANGWAYS asked whether the Commissioner of Public Works would find the 8,500*l* out of the general revenue. The object appeared to be to borrow money for expenditure upon public works before the proportion had been expended from the general revenue, but that was an objectionable course, and he wished to know whether it was intended to issue the bonds before the amount due from the general revenue had been expended.

The COMMISSIONER OF PUBLIC WORKS said the amount from the general revenue would appear on the Estimates, and be appropriated on the Estimates for the ensuing year. If it were found necessary to advance any portion of that amount, that course would be pursued rather than stop the works. With regard to the objection which had been raised by the hon member for Encounter Bay (Mr Lindsay), he was quite sure the hon member could not have visited Kapunda lately, or he would not have spoken of adopting anything but a level crossing between the two points mentioned.

Mr STRANGWAYS asked whether the House during the present session could affect the Estimates of next session.

The ATTORNEY-GENERAL said it would be necessary in the Estimates which would be brought forward during the ensuing session to make provision for a corresponding amount to that authorized by this Bill.

The SPEAKER said the House frequently authorized works which affected the Estimates of the coming session.

The proposition of Mr LINDSAY was not seconded.

OFFENCES AGAINST THE PERSON STATUTE LAW CONSOLIDATION BILL

The ATTORNEY-GENERAL said that the amendments proposed by the Governor had been suggested by him, as he found that words had been inadvertently left out of two clauses. In those clauses, relating to the offences of rape, and abuse of children under 10 years of age, the punishment varied from imprisonment for four years to imprisonment for life, but the words "with or without hard labor" had been left out, and he thought the House would agree with him that they should be retained. Those were the only amendments.

The amendments were agreed to.

DISMILLATION ACT AMENDMENT BILL

The ATTORNEY-GENERAL said he should have been able to move that the report of the Committee of the whole House upon the Bill be agreed to, but upon referring to the print of the Bill, he found that amendments, which had been

agreed to, had been left out. He also found, on reference to the Clerk, that two clauses had been left out. Before a discussion took place as to the principle of the measure it would be necessary to have the recommitment of the Bill.

The Bill was recommitted, and the ATTORNEY-GENERAL explained the object of various amendments which had been made. Instead of every distillery being compelled to have upon the premises a room built of brick or stone for the purpose of keeping the spouts in, where there were several stills in the same locality a room would be selected in the vicinity by the Inspector of Distilleries for use as a bonded store by all the parties in the neighbourhood.

The various amendments having been agreed to, the House resumed, the Chairman brought up the report, and the consideration of the report was made an Order of the Day for the following Tuesday.

NORTHERN EXPLORATION

The ATTORNEY GENERAL moved—

“That this House will on Tuesday, August 23, resolve itself into a Committee of the whole for the purpose of considering the motion—That an address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum not exceeding £2,000 to be placed on the Estimates for the purpose of defraying the expense of dispatching a vessel to the north-west coast of New Holland, to meet any party who may have left this province for the purpose of reaching that coast under such circumstances as may appear to afford a reasonable prospect of a successful termination of the expedition.”

The hon. gentleman remarked it would be in the recollection of the House that a similar motion had been tabled by the hon. member for the city, Mr. Solomon, but was not proceeded with because great doubt existed as to the probable dispatch of such an expedition, but since that time proposals had been made to the Government by one party, and he understood that possibly other parties would be induced to make the attempt. The Government had been led to believe that it was very probable some adequately organized party would start from this province of such a character as would afford reasonable prospect of their achieving the object for which they started. If that were the case, it was in the highest degree desirable that the Government, who sanctioned the starting, and the Legislature who had voted the reward, should make such provision as was in their power for the protection and reception of the parties composing the expedition upon arriving at their journey's end. Even with such provision there would be abundant risk on the part of the persons forming the expedition—risk not only of the journey, but failure of reaching that point which would enable them to avail themselves of the vessel. Every precaution would be taken by the Government in reference to such a system of signals between the vessel and those forming the expedition, as to the various points at which they would arrive as would diminish, as far as possible, the risk. He was sure it was not necessary for him to say another word in support of the motion. The House had recognised the importance of such an expedition, and had evinced a desire to encourage and reward those who composed it by a vote of that House, and having encouraged persons to undertake the task, every one must feel that a corresponding duty was imposed upon the Government and the Legislature to diminish the risk to the persons composing the expedition.

Mr. SOLOMON, in seconding the motion, said that perhaps it would be necessary he should explain why he had withdrawn the notice which he had formerly given. When that motion was withdrawn there was considerable doubt in the minds of that House and the country whether the expedition would ever start, but he was happy now to hear there was a probability of there not only being one, but two. It was highly desirable in the event of an expedition starting that they should have the hope before them of receiving some assistance upon arriving at the north-west coast, should they succeed in reaching that point. No matter under what favorable circumstances the expedition might start, it was quite possible that it might meet with difficulties in the interior, their supplies might not be sufficient to enable them to make the return journey, and if they did not find assistance at the termination of their journey they would be placed in an awkward position, being unable to return, and not only would the lives of those forming the expedition be sacrificed, but the country would be kept in the dark as to the results of the journey. He felt that the Government deserved the thanks of the country and of that House for having brought the matter forward. He was extremely glad to hear from the Attorney-General that arrangements had been made in reference to the signals, as he knew from the leader of one of the expeditions that there was a probability of their starting in a few days, and it was necessary to fix upon a code of signals at once, in order that upon arriving at the termination of their journey they might know what means to resort to in order to obtain communication between the ship and the shore. Although it would not be necessary that the vessel should be chartered for a considerable period, it would of course be necessary that the signals should be communicated to the party prior to starting.

Mr. REYNOLDS did not rise to oppose the motion, but to give it his cordial support. The question had, however,

arisen in his mind whether this could not be undertaken for a smaller sum than 2,000. Still, he would not stop to enquire upon that point, believing that the advantages of a line of communication across the continent could not be overrated. He should like the Attorney-General to inform the House that the Government were in treaty with some party who was likely to cross the continent. He was aware that overtures had been made by Messrs. Chambers through the medium of the hon. member for the Burra, Mr. Peake, but that after having been withdrawn the House were completely in the dark as to the party likely to enter upon this expedition. He should like to hear some information as to whether the Government were likely to come to terms with Mr. Stuart, or what other party were likely to start.

The ATTORNEY-GENERAL said that so far as he was aware at the present time there was no negotiation between the Government and Mr. Stuart, nor did he know what Mr. Stuart's intentions were, but so far as the Government were aware, Mr. Stuart had not any plan for endeavoring to penetrate to the north-west coast with the co-operation of the Government, or under the sanction of the Government. A communication had, however, been received from Mr. Tolmer, who was prepared to organise a party upon receiving certain assistance from the Government, and make an attempt to cross the continent. Those who remembered Mr. Tolmer's energy and perseverance in conducting the gold escort would admit there were reasonable grounds for hoping for a successful result if the expedition were under his direction. It was from feeling that if he party were organised by him, and under his direction, that the Government would have reasonable grounds to hope for a successful termination he had been induced to bring forward the present motion.

Mr. MILDRED wished to know whether the Government had obtained from Mr. Stuart the map, plan, and journal in connection with Mr. Stuart's last journey, as he understood that Mr. Stuart had offered to make them a present to the Government, or were all negotiations with Mr. Stuart broken off?

The ATTORNEY-GENERAL believed it was true that Mr. Stuart offered, not to make a present of his map and journal, but to exchange them for a lease for seven years, at a nominal rental, of 1,000 square miles of the country which he had discovered, but the Government did not consider it prudent to accept that offer. Whilst he gave the highest credit to Mr. Stuart for his energy and talent as an explorer, and though he quite agreed that one who had penetrated so far beyond previous explorers, and through a succession of hardships had reached the south coast, should have such a reward as was originally contemplated, yet, when Mr. Stuart only went 100 miles beyond his previous discoveries, and asked for the same reward as for his previous discovery, he did not think the Government would have been justified in acceding to it.

The motion was carried.

ADMINISTRATION OF OATHS AND AFFIDAVITS BILL

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said that it had been recommended to his consideration by the Chief Justice. The Bill merely contained two clauses, the first removing all question which might arise as to the power of the Supreme Court to appoint Commissioners for taking affidavits beyond the limits of the colony. The Court might under certain Acts issue commissions for the examination of witnesses, but they had no power to issue a commission to take affidavits, so that when any one desired to make affidavits, it was necessary to make special application to the Court, in some existing cause in reference to which a commission might issue. Another matter was provided for by the second clause. It often happened that considerable inconvenience was felt in consequence of the difficulty in making suitable appointments of magistrates in distant parts of the colony, as, before parties could act in a magisterial capacity they must take the oaths before a Judge of the Supreme Court. The particular case which suggested the alteration contemplated by this Bill occurred at Mount Gambier, where a gentleman was appointed a magistrate who could not come to Adelaide to take the oath, and consequently could not act in a magisterial capacity. By the provision in the Bill before the House, where parties were a considerable distance from the Supreme Court, it would be sufficient that they should take the oath before a Commissioner for taking affidavits.

Mr. STRONGWAYS called attention to the first clause, which gave the Supreme Court power to appoint Commissioners for taking affidavits within or without the colony, but he apprehended that a party without the province making a false affidavit would not be liable to any punishment, inasmuch as he would be beyond the jurisdiction of the Court. He objected to the clause on that account, and he also objected to the second clause, for he apprehended it was more than probable that every practising attorney would be appointed a Commissioner for taking affidavits, and a party who had been appointed a Magistrate would have to go before one of these gentlemen for the purpose of taking the oath. He thought that would be reducing a J.P. to a shade too low, and Justices of the Peace did not occupy at all too elevated a position at present. If parties who had been placed in the magistracy did not

choose to take the trouble to come to the Supreme Court for the purpose of taking the oath, they were not very likely, he thought, to pay much attention to the duties of the office. It was quite a novel thing the swearing in of a Justice of the Peace before a practising attorney, and he should move the clause to be struck out.

The ATTORNEY-GENERAL said the hon member had stated very clearly the reason that this provision had been inserted. It was unquestionably true that the Court had no jurisdiction whatever in reference to persons who were beyond the limits of the colony and it of course would be inexpedient to say that they should be liable to punishment when the Court had no jurisdiction, but because the House could not punish parties guilty of taking a false oath, he thought they could not refuse to allow the evidence of parties beyond the jurisdiction of the Supreme Court to be brought before the Court in any matter in which they were interested. With regard to the second point which had been raised by the hon member, in reference to the oath to be taken by Justices of the Peace, he did not think that the elevation or the depression, the dignity or the reverse, depended upon where the oath was taken. If the hon member had seen how the oath was administered in the Supreme Court, all sorts of business going on, and the candidate for magisterial honors standing amongst the crowd the oath read in an unintelligible mumble, and hardly a word heard, he would feel that if the dignity depended upon the manner in which the oath was administered, some other mode should be adopted but he believed it depended upon an entirely different consideration. He believed that if the party were to be influenced by the oath, he would consider the solemn sanction under which it was taken, and not the party who administered it. Unless the individual felt the solemn sanction, he believed that the circumstances connected with the administration would have no effect whatever. Knowing that there were difficulties connected with the present system he would ask the House to accede to the Bill as a remedy for them.

The Bill was then read a second time, and the House went into Committee upon it.

Mr STRANGWAYS moved an amendment to the first clause, limiting the appointment of Commissioners for taking affidavits to within the province, remarking that he had doubts as to whether a party committing perjury without the limits would be liable to punishment. If the party would be liable to punishment he would not so much object to the clause.

Mr BAGOT hoped the Attorney-General would not alter the clause, believing that it would be very useful as it at present stood. If a party, before whom the oath was taken, was authorised to administer the oath, there could be no doubt that a party making a false statement would be liable to a prosecution for perjury.

The ATTORNEY-GENERAL said the position of persons taking false oaths would be precisely the same as before Commissioners specially appointed. Whether parties taking false oaths would be liable to perjury would depend upon the law of the country in which they lived. It would be idle to legislate or to propose to legislate beyond the limits of the colony because the power of legislation was bounded by the limits of the colony. The Imperial Government had granted to all Courts in England the power of appointing Commissioners, and this was recognised as one of the most useful improvements in the administration of justice, and had been extended from time to time so as to embrace a wider range of cases, and he thought the House could not do wrong in following the example of the Imperial Government. What he now sought was to confer upon the Judges of the colony powers analogous to those in the existing law, and which were enjoyed by Judges in England. He could see no objection to such a course.

The clause was passed as printed.

Upon the second clause being proposed,

Mr STRANGWAYS moved that it be struck out, though he fully agreed with the Attorney-General in reference to the mode in which the oath was at present administered to magistrates. He recollected on one occasion seeing a magistrate mixed up with the crowd at the Supreme Court taking the oath and he at first thought the gentleman was in the charge of the gaoler, who was standing close to his side. He felt, however, that this was not the fault of the law, but the fault of the manner in which the law was administered, and the head of the legal department being the Attorney-General, that hon gentleman was clearly responsible for the manner in which oaths were administered in the Supreme Court. He objected to magistrates going before an Attorney to be sworn in, and would far rather that the present system should continue than that such a course should be pursued. He objected to the provision as being entirely new in principle, and moved that the clause be struck out.

Mr BAGOT felt much inclined to support the proposition of the hon member for Encounter Bay, for it appeared to him that bringing parties who had been placed in the commission of the peace before the Supreme Court was a good and wholesome check upon the Government, who might otherwise, for the purpose of securing certain interest, make objectionable appointments, and there would certainly not be so much chance of the objectionable character of those appointments becoming generally known if the parties could go to any Attorney and be sworn in, as if they were com-

pelled to appear before the Supreme Court. It appeared to him there was very considerable advantage in bringing the parties before the Judges. He might remark that at home the appointments were made by the Lord Chancellor and he thought the appointments here should be made by the Chief Justice.

Mr COLE should like to ask the Attorney-General whether the Commissioners whom it was proposed to appoint would receive fees and if those fees would be regulated. He fully agreed with the remarks which had been made in reference to the unbecoming manner in which the oath was frequently administered, he had frequently indeed been disgusted, as the only portion which could be heard was "So help you God, where's the shilling?" He wished to know also, how it was if a shilling was sufficient in some cases that half a guinea was charged in others. Was it left optional with the parties who swore in the Justices to charge what they liked?

The ATTORNEY-GENERAL said that the only advantage which he had heard urged of the existing system was, that a person who was being sworn in as a Magistrate, was supposed by the hon member for Encounter Bay to be in charge of the gaoler. If the House believed that, a person when called upon to take an oath would disregard the sanction under which it was taken, the best course would be to do away with it altogether. He did not believe that anything would be gained by the most solemn mode of administering the oath, and was quite sure that nothing would be lost by substituting the mode proposed by the present Bill.

Mr REYNOLDS thought it would not be difficult to make arrangements which would be better than the appointment of Commissioners. If there were any honor attached to the office of J P, he should think that parties upon whom it was conferred would not mind riding 20 or 30 miles for the purpose of taking the necessary oath before a Judge of the Supreme Court. A point had been started in reference to fees and he was happy to understand that these Commissioners would be paid by fees, and that their appointment would not involve an increase in the expenditure under the head of Supreme Court Department, which he considered sufficiently heavy already. He should like to know whether Justices were called upon to pay fees for being sworn in. He should oppose the clause.

Mr STRANGWAYS asked whether if a party was appointed a Magistrate, who happened to be a Commissioner for taking affidavits, he would be enabled to swear in himself?

The ATTORNEY-GENERAL was of opinion that he could not.

The clause was passed as printed by a majority of six, the votes on a division being—Ayes 12. Noes 6, as follows—AYES, 12—Mr Cole, Commissioner of Crown Lands, Commissioner of Public Works, Messrs. Hallett, Hawker, Hay, Macdermott, Neales, Owen, Solomon, the Treasurer, Attorney-General (teller).

NOES, 6—Messrs Bagot, Glyde, Lindsay, Mildred, Reynolds, Strangways (teller).

The House resumed, the Chairman reported progress, the report was agreed to, and the third reading made an Order of the Day for the following Tuesday.

ELECTORAL ACT AMENDMENT BILL

The House having gone into Committee, the ATTORNEY-GENERAL moved the insertion of the following clauses, which he believed would carry out the recommendation of the Committee upon the Electoral Act—

"A. The Returning Officers of electoral districts or divisions shall cause every electoral list so revised and signed as aforesaid, to be fairly and truly copied into the electoral roll alphabetically under the several headings of the subdivisions of such district and divisions, into polling places, and shall insert opposite to every name in the column showing the date of registration, the true date of the holding of the Court of Revision at which the claim was allowed and shall cause such rolls, together with the electoral lists, to be preserved among the records of his office, and shall from time to time produce such electoral roll, and shall transmit a copy of the revised list, containing the names of persons entitled to vote at elections of members to serve in the Legislative Council, within fourteen days after each Court of Revision, to the Returning Officer of the province, forming one electoral district."

"B. The electoral roll so corrected at any Court of Revision held in the month of May in any year, shall be the register of persons entitled to vote at any election of members to serve in the Legislative Council or House of Assembly respectively, which may be held between the last day of December and the first day of July, then next following, and the electoral roll so corrected at any Court of Revision held in the month of November in any year, shall be the register of persons entitled to vote at any such election which may be held between the last day of June and the first day of January then next following."

Mr GLYDE said that he should bring forward the amendment of which he had given notice on a previous day, to the effect that so much of the Act should be repealed as allowed a voter to vote for as many members as were to be elected, and that the voting paper should contain the name of only one candidate. He was sorry there was so thin a House, particularly as he believed that many who were absent were

favorably disposed to his proposition Universal suffrage meant, he apprehended, equal rights to every vote, and that was precisely the principle which he wished to carry out, but that principle was not carried out under the present system By the system which he proposed every man would be obliged to plump for a particular candidate It might be said that great inconvenience might arise by the adoption of the course which he proposed, where two members were to be elected, and there were three candidates one of whom was extremely popular, whilst the others were about upon a par, as the probability was that the popular candidate would go in by a tremendous majority, whilst it would be purely a matter of chance which of the other two would be retained but it should be remembered that at present there was nothing to prevent parties from plumping for pet candidates The hon member having illustrated the probable effect of the change which he suggested, said he was satisfied that if hon members would only well consider the principle which he had enunciated, they would find it much sounder than it appeared at first, it, in fact, opened up the question of representing minorities, which was one which must at no distant period occupy the attention of the House He wished to make that House a reflex of the public mind, but under the present system, taking the gross number of voters at 2100, a majority, or say 11000, could carry the elections and the remaining 10,000 would be unrepresented, or misrepresented

The ATTORNEY-GENERAL said he should be compelled to oppose the insertion of the clause He was quite alive to the importance of the subject, and was quite disposed to believe that the present system was capable of great and essential improvement He believed that measures might be taken to make the system of representation much more secure than at present, by the return of persons representing the opinions of the great mass of the people But he could not agree at all with the plans of the hon member for East Torrens for accomplishing this object The hon member had stated that his object was to secure the representation of minorities, but the hon member's plan would do something more than secure the representation of minorities, for it would secure for them a preponderance If hon members would follow out the system, they would soon be convinced of what the probable result would be He could understand if the proposition were that there should be but one district for the whole colony, but when the colony was divided into districts as at present, inhabited by persons of different views, representing different interests and classes of the community, they had the best security that could be afforded that there would be a reasonable representation of the minority He scarcely knew of any opinion which was entertained by any considerable portion of the community which did not find an advocate in that House It is right that the majority should always be heard—their opinions expressed, and their arguments brought forward, and it was not right that the opinion of the minority should preponderate or that their views should have preponderance in that Legislature, but such he felt would be the effect of the proposition of the hon member for East Torrens, and he must therefore oppose it

Mr STRANGWAYS thought the best mode would be to subdivide the large districts, such as Adelaide and the Burra He must confess he was a little astonished to hear the hon member for East Torrens (Mr Glyde) say that his object was to secure the representation of minorities, and yet, in the same breath the hon member said he wanted to make that House a reflex of popular views How the views of a minority could be a reflex of the popular view he could not understand If the amendment were carried, he believed the effect would be that the views of the majority would not be represented, and that the views of the minority would receive considerably more than their fair share of representation There were many other objections to which the scheme of the hon member was open, but they were really so apparent that it was unnecessary to occupy the time of the House in pointing them out

Mr REYNOLDS believed that there was a good deal in what had been urged by the hon member for East Torrens, but still he thought the House were scarcely in a position to deal with the proposition until they had seen the clause suggested by the hon member in print He questioned whether it would be wise to adopt the suggestion, because it certainly appeared to him that if it were adopted the country must be divided into single districts It would be only by such a division that fair play could be given to the popular mind He agreed with the Attorney-General that if such a system were carried out it was very possible that the minority and not the majority would be represented There would be only one way, as it appeared to him, to meet the question, and that would be to divide the country into 36 districts, each returning one member, but he believed that in that House there was a fair representation of every interest and class in the colony No serious evil or inconvenience having arisen, he thought it would be unwise to disturb the present arrangements, and he should therefore oppose the proposition of the hon member for East Torrens

Mr LINDSAY could not agree with the last speaker He had carefully considered the principle, and believed it to be perfectly sound, even supposing that it were found necessary to adopt the suggestion of the hon member for the Staff, and divide the colony into 36 districts He did not see that

such a course would increase the expense of elections, nor could he conceive any objections which could reasonably be urged to it He objected to the present system, which was theoretically wrong It was clearly wrong that a man should be enabled to vote for six candidates in one district, and only one in another As what was theoretically wrong could not be practically right, he should support the proposition of the hon member for East Torrens

Mr SOLOMON could not support the proposition of the hon member for East Torrens, although at the first blush there appeared a good deal of truth in it but upon a little reflection its fallacy was apparent Even if the principle were right, he saw immense obstacles in the way of carrying out that principle It appeared wrong at first that Adelaide should have six members, or that any district, supposing the principle enunciated by the hon member for East Torrens were correct, should have more than one member, but if that principle were carried out it was quite clear that the whole colony must be so subdivided that no district would return more than one member If any one district were allowed to return more than one member, as much injustice would be done as allowing any other district containing a large number of inhabitants to return six No doubt the present system was capable of amendment, but he could not think that any amendment would be effected by adopting the proposition of the hon member for East Torrens Something had been said in reference to difference of opinion upon important subjects amongst candidates, and combinations for the purpose of returning members who entertained particular opinions upon particular subjects, but practically such was not the case, for hon members would find there was anything but unanimity amongst the six members for the city of Adelaide, and then again the representatives for East Torrens were so frequently found opposed to each other upon divisions that it might be inferred the majority and minority of the constituency of that district were represented The same remark would apply to the district of Onkaparinga, and the representatives of that locality, in fact, if hon members would go through the whole of the representatives, he felt assured they would come to the conclusion that all sections of the community were fully and fairly represented, and not only the majority but the minority If the system proposed by the hon member for East Torrens were carried out, he believed that from the splitting which would take place the effect would be that the minority and not the majority would be represented in that House

Mr GLYDE said it was quite evident from the tone of the House, that he should not be able to carry his proposition nor was he much surprised at it, seeing that an entirely new principle was involved in it, but perhaps he had done something in vindication of the principle, by bringing the motion forward, and it would receive a little more thought from hon members during the recess, probably the Press would take notice of it, and the question would be well ventilated With regard to members representing the same locality being opposed to each other, he would remark that might arise from their having been elected at different periods, but at the coming election, for instance, if the elections turned upon a question of particular interest the minority would be virtually unrepresented, a cry would be got up, and none but those who entertained particular views would be returned

Mr HAY was rather surprised to hear the hon member for East Torrens speak of the principle enunciated in his proposition as a novel one, for the idea of dividing the country into small districts, and each district returning only one member, certainly was not a novel one He believed with regard to Adelaide, that the present system was far better than that which was proposed by the hon member for East Torrens, in fact, he objected to the principle altogether, as he considered that to create a number of little districts would be the very way to give an undue influence to local interests The hon member, Mr Glyde, had deluded himself with a scheme which was far from a novel one, and if the hon member looked a little more closely into it he was sure he would find that the scheme would not accomplish the object which he had in view The present system was far preferable

The proposition of Mr Glyde was negatived
An alteration was made in the form of notice of claim claimants being required to state whether they were natural born or naturalised subjects of Her Majesty An additional polling-place at Mount Barker Meadows township, was provided for, and the House then resumed, the consideration of the report being made an Order of the Day for the following Tuesday

MINERAL LEASES

Mr NEALES moved—

“That this House having taken into consideration the mineral leases heretofore issued in this province, are of opinion that it is advisable to alter the tenure and condition of such mineral leases”

The hon member suggested that for the future the blocks should not exceed 320 acres, that the leases should be for fourteen years, with the absolute right of renewal at double the rent of the existing lease, that not less than the amount of the rent paid should be spent annually on the property, and that all other conditions should be with the view of encouraging mining with

foreign or local capital. He thought there could be no doubt about the first portion of the proposition, the applications generally being for 320 acres. With regard to the second, that the lease should be for 14 years that would only be in accordance with the old regulations of 1851, but the uncertain valuation at the end of that period would have such an effect that no parties in England would invest their capital with that risk. He proposed that the rent should go on doubling till it was found that the concern was not profitable, and the Government could then modify the arrangement, the same as the Lords at home reduce their dues. There should also be some fresh arrangement in reference to the outlay. If the Burra had been taken up in 80 acres, it would have involved an immense expenditure of £39,000 on the non-mineral part of the survey—this expenditure upon the greater portion would have been utterly useless the whole of the produce being out of one 80 acres. If the regulations were not altered he believed that the row which they had been kicking up about Chambers's lease would end in smoke, for no English capitalist would ever enter into the speculation. He might take that opportunity of going into a matter personal to himself in connection with this question. It must be known to hon. members that he had been pretty roughly handled in reference to mineral leases, not only in that House but at public meetings, no matter upon what subject, whether Forster's Bill or to elect a member of the Central Road Board. If hon. members would refer to Council Paper 111, they would find a long correspondence relative to the leases granted to Messrs Chambers and Finke. It would be seen that the application for those leases was made under the regulations of 1851, which he distinctly understood to be superseded by the Act of 1857. Those regulations he might remark had never been made very public, and the leases in the Surveyor-General's offices did not accord with the regulations of one date, or the enactments of another date. Those leases had remained for months in the office of the Surveyor-General and two had actually been filled up by his (Mr Neales's) predecessor. He alluded to the leases which had been granted to Messrs Baclay and Borzane and under such circumstances he could not understand the House getting into such a terrible tury with him for merely falling into an error which had been committed twice by his predecessor.

Mr SOLOMON rose to order. He believed the hon. member was out of order in defending his former conduct.

The SPEAKER thought the hon. member (Mr Neales) was travelling a little beyond the point. The question of Chambers's mineral leases had been fully discussed before. If as a matter of personal defence the hon. member wished to call the attention of the House to certain papers, his proper course would be to give notice that he would call the attention of the House to certain papers on a given day.

Mr REYNOLDS understood the hon. member merely to wish to show that what he had done had also been done by other parties who held office before him.

The ATTORNEY-GENERAL believed the practice of the House of Commons to be, when the personal character or conduct of a member had been assailed, particularly where that member had occupied a responsible position, to afford the fullest opportunity of making any explanation which he might deem necessary for his defence. If it were not strictly in order, the courtesy of the House always allowed the fullest latitude and he was quite sure that the hon. member, Mr Solomon, had no desire to prevent the hon. member, Mr Neales, upon a question on which he had been so much assailed, availing himself of an opportunity of explanation by a technical objection opposed to the practice of the House of Commons.

Mr NEALES hardly thought any hon. member would resort to such means to prevent him from offering an explanation to the House.

Mr SOLOMON had no wish or intention to prevent the hon. member from entering upon a defence of his conduct, but he (Mr Solomon) was quite unprepared for it, and even if the defence were a good one he would be quite unable to appreciate it. He was not aware that it was to be brought before the House that day.

Mr NEALES presumed he would not be interrupted again, but if he was, he should not take the opportunity of offering an explanation to this House—the course which had been suggested by the hon. the Speaker—but to the people. The paper which he required for reference had only been laid on the table on the previous day, and he had been unable in the absence of that document to enter upon any explanation at a previous period. As the session was drawing so near to a close he thought he might have been allowed to proceed without interruption. It had, however, been stated before, that every description of interest was represented in that House, and no doubt the hon. member who had interrupted him was the representative of the anti-mining interest or class. He complained that the applications had been entertained for very much larger quantities than 80 acres, but at last of all it appeared to be discovered that the law only permitted 80. He did not see any advantage in this arrangement, and the Government, also, for they granted several leases for 160, 320, &c. &c. On the contrary, he saw very great disadvantage, for it was perfectly ridiculous to call upon parties to expend £320 upon every 80 acres. The

lode might be found to turn, and it did appear to him to be most ridiculous to compel a certain expenditure between four pegs representing 80 acres, for a turn in the lode might compel parties to retuin to the very section which had been abandoned the week previously. If hon. members would refer to Council paper 143, they would there find a letter from the present Commissioner of Crown Lands on the subject of the mineral leases granted to Chambers and Finke, and that letter stated the leases had been prepared in haste, and contained clauses at variance with law. He (Mr Neales) did not admit that such was the case. He would ask how was it that leases came to be in the office, which were not in accordance with any regulations which had been in force at any time. Those leases were drawn by the law officers of the Crown, and two of the leases had been issued to parties by Mr Dutton who never advised him of his mistake. He therefore thought it hard the whole blame should fall upon him. The blame was clearly divisible amongst other people, but he did not want to divide the blame, what he wanted to do, was to alter the mining system. He believed it was wrong that the leases should be issued by the Surveyor-General, the proper party to issue leases was the Crown Solicitor, who should not have drawn leases with a right-of-renewal clause, when no Act which had been passed by the Legislature entitled him to do so. The effect which was produced by the existing leases was developed by Council Paper 117, containing 116 applications for leases to work Crown lands, and from the conditions imposed, as to the area not one of the 116 applications had led to any profitable results, there had not been a profit of a farthing, but, on the contrary, there had been a loss of a few years' rent. The hon. member then referred to a lease granted to W W Hughes, Yorke's Peninsula, one year's rent upon which had been paid, but the lease had never been taken up. There was copper upon that spot, and if the lease were not taken up, the result would be that some one would pick it up for £1 an acre. There was another lease, the land included in which was sold for £1 an acre, though six years' rent had been paid, and at the time of purchase there was £400 worth of ore on the grass. Foster had a block of 180 acres granted for three years, and two years' arrears of rent were due. George Burclay's lease was granted in the same terms as Chambers and Finke's, only the area was only 25 acres. The leases granted to what he believed was called the Monicoota Mine were perfectly useless, whilst the lease to Bath and Borzane, known as the Wheel Sara Mine—some shares in which were recently offered to the present Commissioner of Crown Lands, though he could not say with what object—contained an absolute grant the same as those to Chambers, and his predecessor (Mr Dutton) never gave notice to the parties that this lease had been improperly granted. He had been sorry to learn there was no intention to interfere in the matter, as the result would be that a 13 years' equity would be established. The lease which he (Mr Neales) granted was precisely the same as to terms as this one, and as to area to Hamilton's, Ewbank's, and Foster's. He considered that blame had been very unfairly attached to parties in his office and that of the Surveyor-General, because the forms of lease, in fact, had never been in his office, and he believed that no member of the Ministry thought the form improper, the fault being in filling up £1 per acre instead of £5. He believed, if he had filled up the blank with £5 per acre, the leases would have slipped through, Mr Yopng's husband having said so. Comparing the export of copper with other productions, he found the result very unsatisfactory, the export of copper having advanced since 1854 to the extent of 350 per cent. It ought to have been 3,500 per cent. If it had not been for only granting the leases which had formed the subject of so much discussion to Messrs Chambers and Finke, he could have carried out his mining policy, which he believed would have led to results of an immensely profitable nature, and he trusted that the important question to which his motion had reference would still have the careful consideration of the House. He was quite aware that his successor in office was fully equal to him in every point but one, but having studied and been extensively engaged in mining for the last thirty years, both in the colony and in England, and having risked large sums in undertakings of that character, he claimed to know something more about that particular matter than his successor in office, and thought it a pity that something should not be done this session to farther encourage mining. The idea of fixing a man with ten shillings an acre to work for copper, and to keep him at it for fourteen years, did appear to him monstrous in the extreme, yet this was the first form of lease issued.

The motion of the hon. member was not seconded, and consequently fell to the ground.

THE FLAGSTAFF HILL

Mr LINDSAY moved—

That this House will on Tuesday, 23rd August, resolve itself into a Committee of the whole for the purpose of considering the motion—That an Address be presented to His Excellency the Governor-in-Chief, requesting that the engineer officers of the Government may be instructed to examine the country between the base of the Flagstaff Hill and the Onkaparinga River with a view to extending the Main Trunk Line of Railway southwards from Adelaide,

and that all surveys and reports with reference to such extension be laid on the table of this House as soon as possible after the opening of the ensuing Session of Parliament."

The hon member remarked that there was already a survey from Adelaide to the Murray, going to the South eight miles, and it was desirable that there should be a further examination of the country. If the country were found impracticable, then the south line must stop eight miles from Adelaide. He had conversed with Mr. Delisser, who believed that a line might be found adapted for a railway.

Mr. COLE seconded the motion, not because he altogether approved of it but he did not think it right that the hon member for Encounter Bay should be treated so ignominiously, or that his motions should meet with the fate that they always did. He seconded the motion as an act of charity (Laughter).

Mr. SOLOMON hoped the hon member for Encounter Bay would withdraw the motion, the hon member having that day given notice that South Australia existed to the north of Adelaide, and that it was necessary to divide the colony—the north from the south. The hon member had he thought, better wait to see the fate of that motion, before bringing forward the one under discussion (Divide, divide).

The motion was negatived.

THE IMPOUNDING ACT

Mr. LINDSAY brought forward the notice in his name—
"That he will ask the Hon the Commissioner of Crown Lands and Immigration (Mr. Milne) how many horses have been shot within the County of Hindmarsh since the first passing of a law to authorise the destruction of certain domestic animals in cases of trespass?"

The COMMISSIONER OF CROWN LANDS had not the slightest idea (Laughter). He would suggest to the hon member the best course would be to move that a return of the number shot be laid on the table, and he should be happy to comply with the request, if the hon member (Mr. Lindsay) would tell him how he was to get the information.

COST OF CONVEYANCING

Mr. LINDSAY moved—

"That a return be laid upon the table of this House, showing the cost of conveyance of land acquired by the Government for the City and Port Railway, and for the Gawler and Adelaide Railway, and also by the Central Road Board, from January 1st, 1856, to the present time, specifying the amount paid for each conveyance and the registration fees in each case."

The hon member remarked that he wished for the information in order that the two systems might be compared, and that the House might know what to do if the question should arise as to which should be abolished.

Mr. REYNOLDS seconded the motion. He did not do so out of charity, but considered this a very important motion, one of the best which had been brought forward by the hon member for Encounter Bay.

The ATTORNEY-GENERAL should not oppose the motion, considering any hon member entitled to information affecting the expenditure of public money but if anything could make him oppose it it would be the reason given by the hon mover, that he wished to found a motion for the abolition of the existing system of conveyancing, that is, if the hon member fancied he found advantages in the new system he would move for the abolition of the old. He had always opposed such a course, and had no fear of there being many disposed to follow the lead of the hon member for Encounter Bay in that way any more than they were disposed to in other matters.

The motion was carried.

THE SHERIFF

Mr. HAY, in the absence of Mr. BAGOT, moved—

"That this House will on Tuesday, 23rd August, resolve itself into a Committee of the whole for the purpose of considering the petition of the Sheriff, and the motion that an Address be presented to His Excellency the Governor in Chief, praying His Excellency to cause a sum of 300*l*. to be placed on the Estimates for the purpose of relieving the Sheriff from the loss sustained in the execution of his duty."

Mr. McELLISTER seconded the motion.

The ATTORNEY-GENERAL did not oppose the motion, but threw out the suggestion to the hon member for Light that it would be a violation of every precedent if the House were to vote the money without a Select Committee having been appointed to investigate the subject.

The motion was stated.

STATIONMEN

On the motion of Mr. SPRANGWAYS, a return, shewing the stationmen employed by the Central Road Board, was ordered to be printed.

The House adjourned at five minutes past 4 o'clock, till 1 o'clock on the following Tuesday.

LEGISLATIVE COUNCIL

FRIDAY, AUGUST 19

The PRESIDENT took the chair at 2 o'clock.

INTERPRETATION OF ACTS BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that in accordance with the practice of the Imperial Parliament, whenever any Bill passed the Legislature, it came into operation from the commencement of the session in which it was passed, unless it was otherwise provided. To do away with this provision it was thought desirable to introduce the present Bill, which provided that the operation of Acts should date from the period at which they received the Royal assent, the endorsement of which should be made by some officer appointed by the Governor. The Bill also contained certain interpretation clauses which it was found necessary to adopt. It was similar, in fact, to a Bill which was discussed last session, but which fell to the ground in consequence of some members of the other branch of the Legislature disagreeing with some of its provisions.

The Hon. J. MORPHEE said the Hon the Chief Secretary had alluded to some Bill, which certainly, so far as the title was concerned was not before the Council. The hon gentleman had advocated the measure on the ground that it was desirable to establish some secure means of ascertaining when Bills were assented to, but the title of the Bill now before the House was merely to shorten the language used in Acts of Parliament. It was clear therefore, that the title of the Bill must be altered. So far as the title went, all must approve of the measure, it being unquestionably desirable to shorten the language used in Acts of Parliament, and that a good deal of verbiage should be got rid of, but the Hon the Chief Secretary had principally alluded in his address to determining the time at which Acts passed by the South Australian Parliament should come into operation. It would be in the recollection of hon members that a Bill to that effect had been twice passed by that Council, and that the title of the Bill specified its precise object, but there was some little difference between the Bills passed by the Council and the clause in the Bill at present under discussion. In the Bills which had been passed it was declared that the proper officer to record on the Acts when they should come into operation was the Clerk of the Legislative Council, and the Hon the Chief Secretary had not given any reason why there should be any change. There was every reason that the substance of the Bills passed by the Council should be maintained, the course therein provided being in accordance with the practice of the Imperial Parliament. In the British Parliament the Clerk of the Parliament registered the date at which the Royal assent was given to Bills and in the other Australian colonies a similar course to that proposed by the Bills which had passed the Council was adopted, though not by special enactment, but by practice. A precedent having been established by the Imperial Parliament, and the other Australian colonies, it would certainly be well to adhere to it here. When the Bill was in Committee he should propose such an alteration as would fix the duty and responsibility of endorsing upon Acts the date at which they came into operation upon one particular officer. He could not understand the object of such vague action as was proposed by the second clause, for by that clause it was proposed that the Governor should appoint any one he pleased to affix the date upon the bills. The practice had been for the Governor to come to that House and give his assent to Bills. His assent was read, and the Clerk of the Council was clearly the only proper officer who should affix the date to the Bills. As a matter of regularity and principle, he thought it right to propose such an alteration in the Bill as would fix the duty upon the Clerk of the Legislative Council.

The Bill was then read a second time, and the House went into Committee upon it.

Upon the second clause being proposed relating to the commencement of Acts of Parliament.

The Hon JOHN MORPHEE moved that the words empowering the Governor to appoint any person to affix to Acts the date at which they came into operation be struck out, and that the Clerk of the Legislative Council endorse upon Acts passed by the South Australian Parliament the day, month, and year on which they received the Royal assent.

The Hon Capt BAGOT seconded this amendment.

The Hon the CHIEF SECRETARY had no doubt the other House would reject such a proposition, as they had before. Two successive attempts had been made to induce them to assent to such a proposition, but had failed, and it was to meet the objections of the Assembly that the clause had been framed as it at present stood. By that clause the Governor might appoint his Private Secretary to perform the duty, and very likely would do so, or he might appoint the Clerk of the Assembly. If the Council wished the Bill to be passed at all, he would recommend them to pass the clause as it stood, or he was afraid the Bill would share the same fate as the Bills which had been passed during the two previous sessions.

The Hon Capt BAGOT said that if the only argument in support of the measure was that which had been used by the Chief Secretary, that it was to accommodate the other

branch of the Legislature, he thought that was no argument at all. The Council had passed a Bill last session calculated to meet the difficulty in reference to the period at which Acts passed by that Legislature should come into operation, and he must say he thought that Bill had been expressly rejected by the Assembly. He could not see why the Council should yield their opinion simply because it would be gratifying to the other branch of the Legislature. He thought it far better that the officer who should make the endorsement should be at once declared by an Act, and that it should not be left to the Governor to appoint any person whom he pleased. This was a matter connected particularly with the duties of Parliament, and he trusted the amendment proposed by the Hon Mr Morpnett would be adopted.

The Hon A FORSTER thought the endorsement of the Clerk of the Legislative Council ought to be made to Bills, because all Bills were assented to by His Excellency in the Legislative Council. There could be no doubt of the propriety of that step, but the course which was proposed by this Bill appeared to be a question of arrangement with the other branch of the Legislature. It was perfectly clear the Council would be unable to alter the present state of the law by standing out, and it then became of importance to consider whether it was desirable to alter the law. A medium course had been suggested, that His Excellency should appoint some person to make the endorsement. If the law were clear that the Clerk of the Council should endorse the Bills, he should say adhere to that whatever might be the consequences. He would remind hon members, however, that they had the power, without this form of saying when Acts should come into operation by introducing a clause to that effect. He must say that he felt disposed to support the amendment of the Hon Mr Morpnett, feeling that he would be only supporting what he considered to be a proper privilege, and if the other House rejected the proposition, the Council could then fall back upon what he admitted was an inconvenient course, and state in every Act when it should come into operation. He was disposed to support what was an undoubted privilege of the Clerk of the Council.

The Hon Captain HALL said that two Bills had passed that House providing that the endorsement should be by the Clerk of the Legislative Council, and it appeared to him perfectly natural that the endorsement should be by the Clerk of the House in which the Governor gave his assent to such Bills. He should support the amendment, though it should be again rejected, which would be inconvenient, but they could then fall back upon stating in each Bill when it should come into operation. The two attempts which had been made by the Council in a proper spirit to shorten the language used in Acts of Parliament, by doing away with the necessity of a clause stating when they should come into operation, had failed, but he should still support the amendment, feeling satisfied that the proper party to make the endorsement was the Clerk of the Legislative Council.

The Hon the CHIEF SECRETARY suggested that if the amendment were carried, and it was thought desirable the other clauses of the Bill should pass, the clause might be struck out.

The Hon J MORPHETT would be willing to adopt the suggestion of the Hon the Chief Secretary, if he had the assurance that the Government would give their support to a Bill similar to that introduced last session to determine when Acts passed by the South Australian Parliament should come into operation. Two Bills had been passed by the Council upon the subject, and had been allowed to slip through in the other House without any argument whatever. The evils arising from the vagueness upon this head, that is, the date at which Acts of Parliament came into operation had been so severely felt, that a special Act had been passed in England to avoid the occurrence of them, and he thought the Parliament of South Australia could not do wrong in following the example of the Imperial Parliament.

The Hon the CHIEF SECRETARY was not at all prepared to give any pledge of the nature alluded to by the Hon Mr Morpnett. He had no wish to interfere with the privileges of the Council, nor did he believe that the House of Assembly had any more than the Legislative Council, desired to interfere with the privileges of the House of Assembly, but he felt satisfied that if the Bill went to the other House with the proposed amendment, the result would be that it would be rejected in the same manner that the other Bills had been.

The Hon Captain BAGOL hoped that the Hon Mr Morpnett would not withdraw his amendment, and that the clause would not be struck out. He thought the time had arrived when the question should be discussed fully, and a determination arrived at. He considered that the clause embraced something more than a mere matter of convenience, it very materially affected the privileges of Parliament, not the privileges of the Council alone, but of Parliament. Were they to admit upon their records the acts of other persons? Were the Acts passed by the Council to derive their vitality from persons not connected with or belonging to the Legislature? If they did not insist upon the endorsement being by an officer of either House, they would forfeit their rights and establish a dangerous precedent.

The Hon the CHIEF SECRETARY pointed out that the date at which Acts came into operation could be determined by proclamation in the *Government Gazette*. As to

Bills passed in one House being assented to in another, or the endorsement not being by an officer of the House in which they were assented to, he would point out that applied equally to both Houses.

The Hon J MORPHETT said that in England the practice was for the Queen to give her assent to Bills, or to appoint a Special Commission for that purpose. He supposed that His Excellency the Governor would adopt a similar course here.

The Hon A FORSTER said there were two principles involved in the Bill before the House, one of which had been discussed over and over again, he alluded to the point whether the endorsement upon Bills passed by that Parliament should be made by the Clerk of the Legislative Council. But there was another matter involved, and that was shortening the language used in Acts of Parliament. He did not think they would be compromising the privileges or dignity of the Council by striking out the clause under discussion. He thought the House would have passed the Bill if there had been no clause in it relative to the endorsement upon Bills, and that the Bill had merely had relation to shortening the language used in Acts of Parliament. It would be a pity that they should sacrifice the general advantages of the Bill by standing simply upon this clause. Therefore, if the clause should not be carried, as he was sure it ought not to be, he could not see why it should not be struck out. If the object were to assert the right of that House upon a particular point he could see why the clause as amended should be retained, but if the House desired to avail themselves of the advantages of the other portions of the Bill, he could not see why the clause should not be struck out. He could not vote for the clause as it stood, and should vote that it be struck out.

The amendment of the Hon Mr Morpnett having been carried,

The Hon A FORSTER moved that the clause be struck out.

The Hon Captain HALL said that if the clause were struck out it would leave the vexed question as to who should make the endorsements unsettled. All that they had been fighting for was involved in the clause which they had just been discussing, and he repeated if it were struck out, the vexed question in reference to which the Bills had been passed in two different sessions would remain unsettled.

The Hon A FORSTER pointed out that the title of the Bill had no reference whatever to the second clause. The title of the Bill was for shortening the language used in Acts of Parliament, but the second clause had nothing whatever to do with that. He did not want to impute motives to the other House, but it would be for the Council to consider whether this clause had been inserted to gain a point which the other House had failed to gain fairly.

The Hon Dr DAVIES agreed with the previous speaker that this clause had nothing whatever to do with the title of the Bill. He suggested that the Bill should be sent to the other House with the clause as amended, and if the other House rejected the Bill, the Council could only adopt the alternative of stating in each Bill the date at which it should come into operation.

The Hon J MORPHETT had pointed out, immediately upon the Chief Secretary moving the second reading, that the title of the Bill must be amended, still he would not make the deductions which had been alluded to by the Hon Mr Forster. It certainly was a proof of the slovenly manner in which the Ministry introduced Bills, and it appeared to him the Hon the Chief Secretary was on the horns of a dilemma, for he must admit it was either a most slovenly mode of introducing Bills, or it was an attempt to get a clause smuggled through Parliament which was not alluded to in the title of the Bill.

The Hon the CHIEF SECRETARY said the clause proposed to do away with the necessity of introducing a clause in every Act, declaring at what time such Act would come into operation, and if that was not shortening the language used in Acts of Parliament, he did not know what was.

The motion for striking out the clause was negatived, the clause being passed as amended by the Hon J Morpnett.

The Hon H AYERS introduced a new clause, remarking that it was necessary to provide for Acts which were reserved for the Royal assent. The hon gentleman moved that such Acts be proclaimed in the *Government Gazette* within one week after such notice being received by the Governor that they had been assented to by Her Majesty.

The Hon A FORSTER asked if it was competent to introduce a new clause without notice?

The Hon the PRESIDENT said that it was, and that a clause similar to that proposed was introduced in the Bill passed last session.

The Hon A FORSTER said that no doubt the new clause was desirable, but as hon members had had no opportunity of reading or understanding it, he thought they should be afforded an opportunity of doing so before the Bill was taken out of Committee. He would ask, therefore, that the Bill should not be taken out of Committee till a fair print had been placed before the House.

The Hon the CHIEF SECRETARY acceded to the request, and

The CHAIRMAN then reported progress, and obtained leave to sit again on the following Tuesday

VOLUNTEER MILITARY FORCE ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed

MILITIA ACT AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY this Bill was read a third time and passed

REGISTRATION OF PATENTS BILL

On the motion of the Hon the CHIEF SECRETARY the House went into Committee upon this Bill, when

The Hon H AYERS moved a new clause, providing that the enrolment of registration and specifications should be open to the public at the General Registration Office. The hon gentleman remarked that he would leave the other House to determine the amount of fee.

The Hon Mr FORSTER, having suggested that another Bill should be kept in Committee because hon members had not had an opportunity of studying a new clause, thought it right to state that he should not propose a similar course in this instance, because the principle of the clause introduced by the Hon Mr Ayers had been discussed on the previous day.

The clause was agreed to, and the CHAIRMAN then reported progress, the report was adopted and the third reading made an Order of the Day for the following Tuesday

CUSTOMS ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY moved the third reading of this Bill

The Hon Capt HALL said he did not intend to carry his opposition to the Bill any further than to express his strong dissent from the principle and policy of the measure. He trusted though the Chief Secretary had, from the extraordinary position in which some hon members felt themselves, been enabled to carry the second reading of the Bill by an accidental and very small majority, the uncertain position in which the Bill had been placed would be a warning to him never to attempt to bring such a Bill before that House again, if so, probably the fate of the measure would be such as he had destined for that before the House.

The third reading was carried by a majority of two, the votes, Ayes 7, Noes 5, being as follow—

AYES, 7—Messrs Ayers, Davies, Everard, Forster, Capt, Scott, the Surveyor General, the Chief Secretary (teller)

NOES, 5—Messrs Bagot, Morpeth, O'Halloran, Abraham Scott, Capt Hall (teller)

The Bill was read a third time and passed

BILLS OF LADING BILL

The Hon A FORSTER, in moving the second reading of this Bill, said that at present the operation of the law was somewhat unsatisfactory and uncertain with regard to bills of lading, and to render the effect of the law more certain, the present Bill had been introduced. The object of the Bill was to vest the rights of the shipper in the holder of a bill of lading, and it was intended that the bill of lading should be conclusive evidence against the captain as to all right to the goods, all claims, and all actions for the recovery of goods purporting to be shipped under the bill of lading. He believed that such a Bill would at once commend itself to every hon member, because it was exceedingly desirable that the consignees of goods should be placed in the position which they would be by this Bill, particularly where the bills of lading had been hypothecated. Where other evidence was required than that which was afforded by the bill of lading, it was frequently not readily procurable. An Act similar to that which was now before the House had been introduced in England, and, he believed, in the other Australian colonies, and it was therefore desirable that such a measure should be introduced here. There was a provision in one of the clauses—the third clause—with which he did not concur, giving power to the master of a vessel who had signed bills of lading for goods which proved not to be on board, to exonerate himself by showing that the short shipment had not arisen from any default on his part, but from the fraud of the shipper. He was entirely in the hands of the House in reference to that proviso. The Bill provided that the bill of lading should be *prima facie* evidence against the captain, unless he could exonerate himself by shewing that there had been no default on his part. He repeated that in reference to this clause he placed himself entirely in the hands of the House. In all other respects the Bill sought to make the captain answerable for his own acts.

The Hon Captain HALL seconded the motion for the second reading of the Bill which, he remarked, had been under the consideration of the Chamber of Commerce, and it would be in the recollection of the House, that on the previous day he presented a petition in reference to it, objecting to that portion of the third clause which had been alluded to by the Hon Mr Forster, and which, he was glad to hear, it was not the intention of the hon gentleman to insist upon. He was satisfied that all who were conversant with commercial matters would see the necessity for the Bill. Great injustice had hitherto frequently been suffered by consignees. He would

suppose cases in which disputes arose, and the parties in consequence appealed to the Supreme Court. The Court decided that it was necessary the plaintiff should prove the captain's handwriting to the bill of lading, and failing to do that he would be nonsuited. In many cases it was almost impossible to prove the captain's signature to the bill of lading. The bills of lading were signed in England, and very frequently not by the same captain who commanded the ship. The Bill did not contain any provision in reference to the proof of signature, but it was his intention to move one in lieu of the provision which had been alluded to by the Hon Mr Forster, and which he should move be struck out.

The Hon Capt SCOTT also objected to the provision contained in the third clause, by which the captain would be exonerated under certain circumstances. The captain had it in his power to prevent fraud, because, before he signed bills of lading, he could refer to the mate's receipt to ascertain whether the goods were actually on board. A circumstance came to his knowledge about two years ago, when a vessel from Liverpool arrived at this port, and the captain had been induced to sign bills of lading for goods which were not on board, in consequence of which he was a considerable loser. The captain had employed a most respectable broker in London to procure cargo for his vessel, and the broker's shipping clerk was, it appeared, an league with another scoundrel, and produced an invoice and bills of lading for goods which he stated had been shipped by the vessel, the invoice amounting, he believed, to 176l. The captain asked the clerk if he was sure the goods were on board (and he might mention that captains were in the habit of trusting a good deal to the shipping clerks). The clerk assured him that they were, as he had examined the cargo-book and the mate's receipts. The captain then signed the bills of lading, upon which an advance was immediately obtained. Upon the arrival of the vessel here the goods were not on board, nor were they in the cargo-book. The captain had evidently been duped, and eventually had to pay the money. By the provision contained in the third clause of the Bill before the House the captain would have been able to exonerate himself, as the non-shipment did not arise from any default on his part, but from fraud on the part of the supposed shipper. But in dealing with this question he would go a little further and suppose a case in which the captain himself was a dishonest man. There would be no end to the fraud which might be committed in such a case and no one would think of advancing anything on bills of lading under such circumstances. To prove the signature to bills of lading, would in many instances be absolutely impossible. He had known numerous instances in which bills of lading had been signed by captains who never intended to take command of the vessel in which the goods were shipped, the fact being that in extensive establishments there was generally an old sea captain who looked after the others, and if there happened to be no captain appointed to the vessel in which the goods were shipped, this party signed the bills of lading, and the captain who actually commanded the vessel was relieved from responsibility, and in fact did not know what goods were on board. He thought that the amendment which had been suggested by the Hon Captain Hall was very necessary, and would prevent a good deal of litigation. Serious loss frequently resulted from being unable to prove the signature of a captain and he would remind the House that many foreign vessels came here, and who could prove the signature of the captain in such cases? He thought that where the bill of lading was acted upon, that should be sufficient evidence.

The Bill was then read a second time, and the House went into Committee upon it.

Upon the first clause, which provided that the rights of the shipper should vest in the consignee, being read,

The Hon Captain HALL pointed out that the clause vested all the rights of the shipper in the consignee, but it struck him that great hardships might result from the consignee being subject to the same liabilities as the shipper. A case recently occurred in which a cargo of potatoes from New Zealand or Van Diemen's Land was consigned to a mercantile firm here, and the freight came to considerably more than the cargo realized. If a consignee did not accept the consignment, he certainly should not be liable for freight, but to make the matter more distinct, he moved the insertion of the words "should he have taken action upon it."

The Hon H AYERS thought there might be some danger in introducing such a provision. When the holder of a bill of lading obtained all the rights of the shipper, it occurred to him that he should be subject to the same liabilities.

The Hon J MORPETH said it was always considered that the ship earned freight. If the goods were perishable, that rested with the shipper. The object he apprehended was simply to make the holder take all the liabilities which attached to the shipper.

The Hon A FORSTER said he was, as he had previously stated, completely in the hands of the House, for though he had taken charge of the Bill, he did not altogether approve of it. The House would observe the clause said that every consignee named should be subject to the same liabilities as if the contract had been made with himself. If the consignee accepted the position of the shipper, he thought he should be liable.

The Hon H AYERS said that bills of lading were generally to order. No name was mentioned in the body of the

bill of lading. He thought the object would be met by striking out the words "named in the bill of lading" and then every holder of a bill of lading would become the consignee the moment he took action.

The Hon J MORPHELF pointed out that if such were the case solvent parties might get rid of their liabilities by endorsing over bills of lading to men of straw.

The Hon Captain HALL agreed with the remarks of the Hon Mr Morpheit, that freight was earned by the ship on the delivery of the goods. The party to whom a cargo of potatoes for instance, were consigned, might really have no beneficial interest in them, and yet he might be rendered liable to a very heavy amount. He was satisfied that as the law at present stood a consignee could abandon that position, otherwise any respectable firm in the colony might be ruined by holders of rotten potatoes in the neighboring colonies consigning to them. No prudent captain would take perishable goods such as oranges or potatoes, without the freight being paid in advance, knowing that from the chance of decay there was a probability of the goods being thrown on his hands, and not realising sufficient to pay the freight.

The Hon H AYERS said that if a party were to be liable for freight, he would be at the mercy of any one. He did not think a party could be rendered liable unless he called upon the captain to deliver. That would constitute him a consignee. He moved that the words "named in the bill of lading" be struck out and the clause would then read "every consignee of goods."

The Hon ABRAHAM SCOTT supported the views of the Hon Capt Hall, in reference to consignees taking action upon bills of lading before they could be rendered liable.

The clause was passed as amended.
The second clause preserved the right of stoppage *in transitu*.

The third clause provided that the bill of lading in the hands of the consignee should be conclusive evidence of shipment as against the master except in cases in which the captain could show that the shipment or non-shipment had not arisen from any default on his part, but from fraud on the part of the shipper.

The Hon Capt HALL moved "That the proviso exonerating the captain under certain circumstances be struck out."

The Hon J MORPHELF supported the proposition. If the proviso remained the bill of lading would amount to nothing, for the captain might say "it's very true I signed the bill of lading, but I'm not bound by it in any way, as I was deceived."

The proviso was struck out.
The Hon Capt HALL had intended to move a clause in lieu of the proviso which had been struck out, but as it had a strictly legal bearing he would like it to be well considered by the House, and trusted the Bill would not be taken out of Committee.

The Hon A FORSTER would assent to the proposition, but trusted the clause would be printed immediately, in order that hon members might make themselves acquainted with its provisions before the Bill was again brought under consideration.

The Hon Captain HALL would take the necessary steps.
The CHAIRMAN then reported progress, and obtained leave to sit again on the following Tuesday.

The Council adjourned at 4 o'clock, till 2 o'clock on the following Tuesday.

TUESDAY, AUGUST 23

The PRESIDENT took the chair at 2 o'clock.

REGISTRATION OF PATENT BILL

This Bill was read a third time and passed.

THE LUNATIC ASYLUM

The Hon S DAVENPORT, pursuant to notice, asked the Hon the Chief Secretary if it were the intention of the Government in enlarging the present Lunatic Asylum, to intrude on the 40 acres of land dedicated to the public as a Botanical Garden. If so his intrusion has received the consent of the Botanic Garden Committee. And contingent on such intrusion being contemplated, I will move—That in the opinion of this Council it would be far more conducive to the wellbeing of the tenants of the Asylum more in accordance with the enlightened system of treatment of lunatics obtaining in the present day, and more consistent with public economy and convenience, were the increased accommodation sought to be provided on the suburban site at the foot of the hills, which was long since purchased for that purpose, or on some other ample and suitable country site neighboring to Adelaide.

He had undertaken to ask this question at the suggestion of the Botanic Garden Committee and other persons. It appeared that a portion of the Botanic Garden was already marked off and he (Mr Davenport) had been informed that it had been intended to enlarge the premises of the Lunatic Asylum by trenching on the 40 acres set apart for the purposes of a Botanic Garden.

The Hon the CHIEF SECRETARY replied that the accommodation in the Lunatic Asylum was inadequate to the present number of inmates, and this remark applied par-

ticularly to that portion of the building occupied by the female patients, which was a wing nearest to the Botanic Garden. It happened that the creek which passed through the Park Lands prevented an extension of the building in any other direction than the one proposed, and it was intended to give the Asylum the crown of the hill for this purpose. The Government, commiserating the condition of that unhappy class of persons, were of opinion that provision for their welfare and comfort was a more important matter than the preservation of the Botanic Gardens.

The Hon S DAVENPORT thought that the hon the Chief Secretary had not shown that the building could not be extended without encroaching on the Botanic Garden, which was intended to conduce to the health, instruction, and recreation of the public. He would read evidence taken on the subject before a Select Committee of the House to prove that the site was unsuitable and that one particular portion of the building, occupied by the females, was objectionable on account of its exposure to the sun, and being too contracted in extent to permit of the necessary amount of exercise which the patients required. Medical authorities on the subject of insanity were unanimous in saying that a large space of ground for exercise, light employment, and cheerful recreation, were necessary, and the practice in England was to have those institutions removed away from the noise and excitement of a city to a healthy and pleasant locality, where the patients had a chance of recovery, and where there was such an amount of space as would permit one class of patients being detached from another. His plan could not be carried out in the present Asylum, which was very unsuitable for the purpose, and would become even more inconvenient as the population increased and the demands for accommodation were more numerous. Besides, it was bad economy to spend money upon a building which was acknowledged to be unsuitable. It had frequently been said that it was not proper to place patients within sight of the busy life of a city, as they might be painfully reminded of happier times, when they were in the enjoyment of health and reason. Was it not possible to make use of that portion of the building at present occupied by the children of the Destitute Asylum, with a view of relieving the temporary pressure caused by over-crowding at the Lunatic Asylum, which was alleged to exist at the time the money was asked for. Mr Davenport read from the "Hansard" statements made by members of the Government on the treatment of lunatics, which supported his view that the present site was unsuitable, and he hoped that the proposed expenditure in the enlargement of the Asylum would be postponed.

The Hon Dr DAVIES spoke in support of the motion. He endorsed all the opinions expressed by Mr Davenport. The female department of the Asylum was not sufficiently large, and the yard intended for the recreation of the patients was a miserable place, both in point of size, and on account of its exposure to the hot rays of the sun in summer. The building was evidently on the wrong site and the establishment should be removed to a more suitable locality. The Government should not vote more money to be expended on an unsuitable situation, as there were many suburban sites more appropriate. Besides, if the proposed 1,000 or 2,000 were spent now, more money would soon have to be expended. So unsuitable were the present accommodations that he (Dr Davies) believed that, except in cases of *délium tremens*, a patient sent there stood a very small chance of being cured. If the institution were returned at its present site, the Government should give an additional eight or ten acres, and the dormitories might be easily extended without encroaching upon the space of the Botanic Garden. The question was more important than it seemed at first, for it was clear that if a proper situation were employed, many patients would be enabled to recover who never could be restored to health and reason at the present building, and who would, in all probability, be doomed to drag out a miserable existence within that building, at the expense of the Government and the country.

The Hon the CHIEF SECRETARY replied that the object of the vote was misunderstood. It was merely proposed to appropriate the sum of £1,250 for the extension of the present building, and the increased area of land required would be scarcely appreciable. The Government had likewise contemplated removal of the Asylum to a more suitable position, but at present the increased room was required to provide for the accommodation of from 300 to 400 people, which was the number at present in the building.

The Hon J MORPHELF was indisposed to let the question remain as it had been left by the Chief Secretary. Mr Davenport had truly said that the present building was unsuitable, and it would have been much more desirable to have it placed at a greater distance from the city. He considered that the practice in the mother-country might be adopted with great advantage here, that the old-fashioned and barbarous notions about the treatment of lunatics should be discarded, and that situations should be chosen away from the heart of a city, and in some retired and cheerful locality. In reality there had been some land purchased near Adelaide which was more eligible than the present location, and where patients would have a chance of recovery. He supported the motion.

CARRIED

COMMISSIONERS FOR TAKING AFFIDAVITS BILL

This Bill was received by message from the House of Assembly, read a first time, and the second reading made an Order of the Day for Thursday next

SCAB IN SHEEP ACT

The Hon the CHIEF SECRETARY observed that the law relating to scab in sheep had been comprised in three Acts which it was now proposed to consolidate in one, with a clause giving additional power to the Inspector. In travelling with sheep which had been dressed over a county it was very common for some weak ones to drop behind, mingle with other flocks, and so communicate the disease, and the Bill proposed that all sheep should be dressed for six months before the Inspector should be empowered to issue a pass for their travelling through the runs of settlers. In the insertion of this clause the Government had availed themselves of the experience of their Inspectors.

The Bill was then read a second time, and the third reading made an Order of the Day for Wednesday

APPROPRIATION BILL

On the motion of the CHIEF SECRETARY this Bill was read a second time, and the third reading made an Order of the Day for Wednesday

INTERPRETATION OF ACTS BILL

This Bill was considered in Committee, and amended to the effect that the endorsement of Acts should be made by the Clerk of the Legislative Council, at the time of such Acts being assented to by the Governor, and that they should take effect from the date of endorsement. The amendments were agreed to, and the third reading made an Order of the Day for Wednesday

BILLS OF LADING BILL

In Committee

The Hon A FORSTER said that he had retained this Bill in Committee, for the purpose of permitting the introduction of a clause proposed by Captain Hall

The Hon Captain HALL remarked that he had prepared the clause in accordance with the requirements of the Chamber of Commerce, and the object of the clause was to give greater powers to consignees of goods, in order to claim against owners, agents or masters of ships, without being obliged to receive the signature of the captain to the voucher. The clause which he proposed to introduce had been drawn up with the advice of the Chamber of Commerce, and it would enable the commercial community to go into any Court of law, and sue upon the evidence of a bill of lading or a charter party. He suggested that it should form clause No 4 of the Act.

The Hon H AYERS was of opinion that the word's *prima facie* should be substituted for the word "conclusive"

The Hon Captain HALL considered that such an alteration would render it necessary to reconstruct the whole clause. As it then stood, a bill of lading or charter party bearing the signature of the master, purser, or agent, could be produced in Court as a conclusive proof that forgery had not been committed

The Hon H AYERS proposed that all the words from the first to the fifth line, inclusive, should be struck out, the words "*prima facie*" inserted in the eighth and ninth lines, and the remainder of the clause amended with some verbal alterations. The clause would then read as follows — "The production of a bill of lading or charter party purporting to be signed or executed by the owner, master, purser, or agent, shall, in and by itself, be deemed and taken by every Court as *prima facie* evidence of the same bill of lading or charter party having been signed and executed by the said owner, master, purser, or agent by whom the bill of lading or charter party purports on the face thereof respectively to have been so signed or executed, as between the said owner, master, purser, or agent, and any person or persons from whom or from whose agent or consignee any claim shall be made under such bill of lading or charter party"

The Hon A FORSTER remarked that the adoption of the clause would have the effect, in case of forged bills of lading, of throwing the onus of proof as to genuineness of signature to the document upon the master, agent, or purser of the vessel. If the bulk of a vessel's freight was to be collected at her port of destination, this clause would put the master or agent of the ship in a false position

The Hon H AYERS replied that a great proportion of freights were paid at the time of shipment of the goods, and a case of forgery was not very likely to be successful, for bills of lading were always made out in sets, and the captain invariably kept a copy

The Hon A FORSTER suggested that an entire set of bills of lading might be forged, when the remarks of Mr Ayers would not apply

The Hon H AYERS was of opinion that a declaration before a magistrate of the forged character of one of these documents would be sufficient to invalidate it

The Hon Captain HALL observed that there would be a quantity of circumstantial evidence in the ship's manifest which would lead to the discovery of the forgery, and the stringent Custom-house laws now in force would be almost a sufficient protection

The clause was then passed as amended, and the third reading of the Bill was made an Order of the Day for Wednesday

The Council then adjourned to the following day at 2 o'clock

HOUSE OF ASSEMBLY

TUESDAY, AUGUST 23

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

MR JOHN HART

The SPEAKER stated that he had been informed by the Clerk of the Assembly that Mr John Hart had been absent from the Assembly without leave, for two consecutive months, and that in accordance with the terms of the Constitution Act his seat had in consequence become vacant

DISILLATION ACT AMENDMENT BILL

The ATTORNEY-GENERAL moved that the report of the Committee of the whole House be agreed to

Mr GLYDE pointed out that there was a schedule mentioned in the Bill which was not annexed to it. He referred to the second clause in the Bill

The ATTORNEY-GENERAL said it was merely a formal matter, and he would not ask the House to recommitt the Bill, but the same result could be attained in the other branch of the Legislature, and he would take care that the attention of the Chief Secretary was drawn to the circumstance

The report of the Committee was agreed to, and the third reading made an Order of the Day for the following day

The ATTORNEY GENERAL would take that opportunity of stating, that if before the House broke up there were a sufficient number of members present to justify him in taking such a course, he should move the suspension of the Standing Orders for the purpose of enabling him to move that the Bill be read a third time. He should not have taken that course had any opposition been offered to the Bill, but as it had been agreed to *sub silentio*, he presumed there would be no objection to assent to the third reading

ADMINISTRATION OF OATHS AND AFFIDAVITS BILL

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

ELECTORAL ACT AMENDMENT BILL

The ATTORNEY-GENERAL moved that the report of the Committee of the whole House upon this Bill be agreed to

Mr GLYDE wished, before the question was put, to state that he had been credibly informed in the outlying districts there were a considerable number of the aboriginal inhabitants upon the electoral roll and he wished to know if such were the case, whether the returning officer would be justified in receiving their votes

The ATTORNEY-GENERAL said he should be prepared to answer the question on the following day. His impression was that the aborigines were excluded by the Constitution Act, but if that were not the case he should be disposed to say that the returning officer would be bound to take the votes of any parties who appeared upon the roll. He should prefer, however, deferring his answer till the following day

Mr GLYDE said that if the Constitution Act did not prevent such parties from voting, it would be thought desirable to alter one of the schedules of the Act having reference to the notices of claim, for if Germans who were not naturalised were prevented from voting he certainly thought aborigines should be. He was desirous of preventing squatters from putting a number of aborigines on the roll in order to turn elections a particular way

Mr REYNOLDS hoped that the Bill would not be postponed merely for the purpose of enabling the hon member for East Forrens to introduce a clause prohibiting the aborigines from voting, for if the condition of the aborigines could be so improved by education as to enable them to exercise a proper discrimination, he could not see why they should be prevented from voting. There was one at West Forrens a very intelligent fellow, who was upon the roll, though he voted against him (Mr Reynolds), and he could not see why they should be prohibited. He trusted the recommendation of the hon member for East Forrens would not be carried out

The ATTORNEY-GENERAL would say one word upon this subject. The hon member for East Forrens was asking the House to postpone this Bill for the purpose of doing what they had no power whatever to do. He understood the hon member wanted to create an exclusiveness by this Act to prevent the voting of those who by the Constitution Act had power to vote. Apart from the justice or injustice of preventing the aborigines from voting, it was quite clear that the House had no power to make such a provision

The report was agreed to, and the third reading made an Order of the Day for the following day

CROSSING THE CONTINENT

The House having gone into Committee, the ATTORNEY-GENERAL moved —

That an address be presented to His Excellency the Governor in-Chief, praying His Excellency to cause a sum not exceeding 2,000*l* to be placed on the Estimates for the

purpose of defraying the expense of despatching a vessel to the north-west coast of New Holland, to meet any party who may have left this province for the purpose of reaching that coast, under such circumstances as may appear to afford a reasonable prospect of successful termination of the expedition."

The hon. gentleman remarked that he hardly thought it necessary to add anything to the remarks which he made when he obtained leave of the House to bring this motion forward as a question for consideration in Committee, and after the cordial recognition on the part of the House of the important object which this resolution sought to further, and the expediency of some such course as that indicated being taken by the Government, he would content himself with adding to what he had stated before, that the money the House authorised the Government to expend would be only expended under circumstances which would afford the Government reasonable grounds for believing that the service of a vessel would be needed. Unless the Government were satisfied that an expedition left here so organised and equipped as to afford reasonable anticipations that it would be successful, the Government would not feel justified in incurring the expenditure. The reason they would feel compelled to adopt such a course was, that if under any circumstances a vessel were to be despatched, it might afford encouragement to parties to make an attempt which would only end in results disastrous to themselves without any benefit to the country. Though it would be the duty of the Government not to expend the money, unless circumstances afforded a reasonable probability of the expedition being successful, and the services of the vessel being required, it was the duty of the Legislature to take care that whatever assistance could be furnished by despatching a vessel should be given under the circumstances. He hoped therefore that the House would assent to the resolution in its present form.

Mr MILDRED wished to ask the Attorney-General whether it was the intention of the Government to render any other assistance to any other party, or whether it was intended to limit the assistance to despatching this vessel. He was induced to ask the question because it was rumored that the Government were about to render assistance to a party. It appeared that he had misunderstood the intentions of the Government, as he distinctly understood when the offer made by Mr Stuart was abandoned, that gentleman had determined to prosecute the expedition without the assistance of the Government. He regretted that the offer made by Mr Stuart had not been accepted, as from the arrangements which had been made in reference to depots, that expedition, or proposed expedition, appeared to him to offer the fairest prospect of success. It would be remembered that the offer was for 6000*l.*, and if the Government were now going to expend 2000*l.* in addition to rendering further assistance, it appeared to him the probability was that a much larger amount would ultimately be swallowed up than that originally asked for. He wished to know from the Government whether it was intended to afford any other assistance than by sending a vessel round to the north-west coast.

Mr SIRANGWAYS hoped that the Attorney-General, in his reply, would afford the House all the information of which he was in possession. He could not agree with the remarks of the hon. member for Noarlunga, which really amounted to this, that Mr Stuart was the only man in the colony who could conduct such an expedition. Now, without at all wishing to disparage Mr Stuart, he (Mr Sirangways) certainly did not entertain the idea that Mr Stuart was the only man capable of conducting such an expedition, he believed that Mr Stuart would be an exceedingly good man to take command of such an expedition, but he did not think he was the only man capable of doing so. He had heard out of doors that there was a probability, if this amount were voted, of a private party starting to cross the continent, in fact two private parties, and there was every probability of a race between the two rival parties. He presumed the Government had obtained some information upon the subject, which had induced them to apply to the House to authorise this expenditure, and he wished the Attorney-General would in his reply afford the House all the information upon the subject of which the Government were in possession.

Mr MILDRED did not wish it to be understood that he thought Mr Stuart the only person capable of conducting the expedition. The hon. member for Encounter Bay was really the Ishmael of the House for his voice was raised against every subject. What he had said was, that from the arrangements which had been made in reference to depots, and the large amount with which Mr Stuart's expedition was backed, there was a fairer prospect of the expedition in charge of that gentleman being successful than of any other which he had heard of.

Mr SOLOMON should support the motion before the House. The proposition which had been made to the Government by Mr Stuart and Messrs Chambers was so clogged with conditions that the Government would not have been justified in following it out, and he now believed there was every probability that a party without assistance from the Government would make the attempt, in fact he believed that two rival parties would start, and that there would be a race between them which

should get first across the continent. There could be no doubt that whatever party made the attempt, serious difficulties would be encountered in the interior, and he thought it would be admitted that these difficulties would be lightened by the fact of a vessel being in waiting for the party at the north-west coast. He considered the House had a public duty to perform in connection with the expedition, and that they would not be discharging that duty unless they took measures to place at the north-west coast that assistance which would in all probability be so urgently required in the event of the party reaching there. He did not consider the House were called upon to express an opinion as to which party was the best, or was most likely to be successful, whether Mr Tolmer's or Mr Stuart's, no doubt there was a good deal of pluck on both sides, and both he believed were fully determined to take the party across. He repeated it was a duty which the Government owed, and that House, and the public, to the brave men who made the attempt to cross the continent, to despatch a vessel to the north-west coast to render such assistance as would be needful upon the arrival of the party there. He hoped the House would accede to the proposition of the Attorney-General, as he considered that the proposed provision was not only necessary, but wise and just to any exploring party who might undertake the expedition. The House were not called upon to vote the money at once, but it would be left to the good sense of the Executive to take the necessary steps during the recess, but in the interim it would be highly essential, as he had previously urged that the signals to be used between the parties should be determined upon.

The ATTORNEY-GENERAL had only one or two words to say in reply. In the first place, he could hardly answer the question of the hon. member for Noarlunga, but he would say that the Government had no intention at present of rendering any other assistance to any party than that which he had previously intimated to the House when the subject was last under discussion, that is, by giving them the benefit of any stores or other things remaining from the expedition which had been fitted out by the Government on fair and liberal terms. He should be sorry that the House should think the Government were pledged not to give any other assistance than the sending round of this vessel, if it were thought advisable. The position of the Government was this—the House had shewn great interest in the solution of the great problem of the interior of the country, and the House entertained an opinion, in which the Government concurred, that recent discoveries had shewn far more favorable circumstances existed for the solution of that problem than were previously supposed. The House and the Government thinking there was reasonable hope of success for a well-organized expedition, the Government would not feel disposed to withhold that assistance which they believed would be useful, and without which it was believed that a successful effort could not be made. The Government would do nothing however but what they believed the House would approve and afterwards recognise. If such circumstances should arise, the Government would feel justified in giving assistance to a party, but at present the Government did not anticipate more than had been stated. As to pledging the future conduct of the Government, he was sure the hon. member himself would be sorry to so fetter the Government as to prevent the accomplishment of the object in view. He had stated before that a communication had been opened with the Government in connection with Mr Tolmer, and he (the Attorney-General) was ignorant of the circumstances connected with the formation of that party, but knowing Mr Tolmer, he referred to his connection with the party as an inducement to the Government and to the country to hope for a successful result to the expedition. He believed that was one reason which had led to a temporary disorganization of the party, and he was not aware that the Government were in communication with any party prepared to start, but there were hopes that the party to which he had referred would be organised, though constituted differently from what had been first proposed, and would be able to make a start. He should be glad to hear that Mr Stuart was one of those who intended to contend for the honor and emolument, because, having accomplished all that he had hitherto attempted, there were great hopes that he would be successful should he make the attempt. Still, the Government would feel compelled to deal with Mr Stuart as with any other person, the same facilities would be offered to him as to any other person, but beyond that the Government had no power and no intention to afford facilities. There was only one step which the Government would take, and that was to move the Governments of other colonies to recognise the importance of the object by putting sums on the Estimates for the persons who should be successful, and from a communication which had taken place with one of the colonies, there was reason to believe that the Government and the Legislature of that colony would look favorably on the suggestion, so that the sum voted by this Legislature would be only a portion of the reward, which would be received by the party who was successful. He was not aware of any point which had been adverted to which he had not answered, but if there were he should be happy to do so in future remarks.

Mr NLALLS suggested there would be great unfairness as to obtaining the reward, providing that in one case assistance was rendered by the Government and not to the other. It was quite possible that the party to whom assistance was

rendered might be first by a very short period and if so, it would secure not only the reward offered by this colony, but the rewards which this colony had been instrumental in inducing other colonies to offer. He hoped the equity of the case would be looked to, for it certainly would not be placing the parties in an equal position if assistance were rendered to the one and not to the other. It would be an extraordinary position, for instance, assuming that Mr Stuart should arrive at his destination the day after the party assisted by the Government. He believed that if there were sufficient spirit in the place to have a second expedition it must be left altogether to the public, but it was quite clear that if the Government assisted only in one case, the two parties would be placed in an unequal position.

Mr HAY had understood that the only assistance which the Government contemplated rendering was to let the party have any old stores or materials connected with the former expedition at a reasonable rate, and he did not see any objection to such a course, particularly when it was known that a gentleman who was an excellent bushman was doing all that he could with his limited means to organise a party. It was perfectly well known that the means of Mr Tolmer were very limited, in fact he believed that the 100^l recently voted that gentleman had all been absorbed in attempts to fit out an expedition. If by handing him over some of the old stores or materials connected with the former expedition, Mr Tolmer would be enabled to make a start, by all means let him have them. No doubt if such a circumstance should arise as one party reaching its destination a few days before the other, that House and the colony would be so pleased, that neither one nor the other party would go without a sufficient reward. Those who had been successfully engaged in exploring expeditions had never gone unrewarded.

Mr McLELLISTER supported the motion, and sincerely hoped that the Government would encourage Mr Tolmer, for there was no man in the country who was more persevering in anything which he undertook. Mr Tolmer came from the Murray for the purpose of taking the position of second in command of a party, but he had since determined upon fitting out a party himself, and he believed there were many who were providing him with horses and funds, in the hope of enabling him to make a start, convinced that if he did and the party were properly equipped, there was every probability of their being successful.

Mr NEALLS had no objection to the Ministry, or the head of the department, giving up all the materials connected with the late expedition as he believed they were worth very little, but if one expedition were to be a Government expedition, assisted by the Government and no assistance were rendered to the private expedition, he still stated the two would not be on an equality. He hoped that Mr Tolmer would proceed on an expedition, though not as the head of a Government exploration party, as opposed to an independent party.

Mr BAGOT said that, if he thought Mr Tolmer's party were going as a Government party, he should oppose any reward being offered, but he understood that the only assistance which would be rendered would be in the shape of a few old stores from the late expedition. He thought the Government would be fully justified in giving such stores to any one in whom they had confidence as being likely to penetrate the continent. He believed that Mr Tolmer would probably penetrate the interior as far as any other man. He warmly supported the motion before the House, and hoped that if a still further sum were required the Government would not hesitate to expend it, as the vessel might have to wait longer than was expected, and the object in view was a most humane one.

The ATTORNEY-GENERAL was sorry to have occasion again to rise. He had stated that the only assistance which the Government contemplated rendering was that which he had already stated to the House, and he was happy to find that in that respect the Government had the concurrence of the House. He felt assured, from what had fallen from hon. members that if the Government gave any other assistance which they believed was wanted they would have the sanction of the House. There was no intention on the part of the Government to form a Government party nor was it their intention to take any course which could possibly be construed into favoritism, but the Government concurred with the House in taking a deep interest in such an expedition, and concurred also in believing there was a probability of a party well equipped accomplishing the object in view. Believing this, if the Government thought that some assistance which they could offer would secure what would not otherwise be secured, they would afford such assistance as they felt they could fairly ask the Legislature to sanction, without any favoritism to one party or hostility to another. No one would rejoice more than the Government if Mr Stuart were successful, and no one would be more reluctant than the Government to create anything like a spirit of rivalry towards Mr Stuart. There was no wish on the part of the Government to unfairly encourage the one party, or discourage the other. Though the Government were delighted to see emulation in the matter they would not give the one party any assistance over the other. The only assistance which the Government would give beyond that which was asked for by the motion before the House, would

be in the event of their believing that, without that assistance, a successful effort would not be made.

The motion was carried.

LEASES TO STUCKEY AND ANDERSON

Mr REYNOLDS brought forward the notice in his name—
“That he will ask the Hon. the Commissioner of Crown Lands and Immigration (Mr Milne)—

i. When the mineral lease granted to Messrs Stuckey and Anderson in July, 1852, and rent upon which had been paid for six years, fell into the hands of the Government, under what circumstances it so reverted, and why the Government relieved the lessees?

ii. When the land was sold, how it was described, the name or names of the purchasers?

iii. Whether the Government had informed themselves of the state of the mineral section, as to its value and the quantity of ore (if any) at grass?

iv. The amount realized from such sale?”

The COMMISSIONER OF CROWN LANDS said that no lease was ever executed. On 17th July, Mr Stuckey applied to give up his claim, on the ground that there were no returns, no water during the summer months, and a difficulty in obtaining labor. The land was sold on 16th Sept., 1858, being described as Section 900, 80 acres, Hundred not named, County of Flinders, and was purchased by Robert Stuckey. The Government did not examine the land beyond the survey. The amount realized was 80^l 5s. The claim was made by Mr Stuckey and Mr Anderson, but the land was bought by Robert Stuckey.

WRECK OF THE ADMELLA

Mr REYNOLDS asked the Attorney-General whether the Government had determined upon the action they would take in reference to the wreck of the Admella. The hon. gentleman had stated on Friday that the Government were considering whether the matter should be investigated by the Inquiry Board or whether a commission should be appointed.

The ATTORNEY-GENERAL stated that the Government had instructed the Inquiry Board to institute the necessary enquiry, and under the Merchant Shipping Act the Collector of Customs being the President of that Board, it was believed the Board would have all the necessary powers to institute a legal enquiry into all the circumstances of the case, that is to call witnesses and to compel the attendance of witnesses. But being the case, unless anything should occur to alter the views of the Government, they would be satisfied with the existing power of the Board without asking for further power.

LIGHTHOUSE AT CAPE NORFOLK

Mr REYNOLDS said there was another matter which he was desirous of bringing under the attention of the Government, he alluded to the site of the lighthouse at Cape Norfolk. The light, though a very excellent one, could not be seen beyond a certain distance. A point called, he believed, Point Douglas, obstructed the light. He was on board the ill-fated Admella in April last, and the captain drew his attention to the light at Cape Norfolk. When abreast of the lighthouse he should think they were not more than six or eight miles from the coast, the vessel went her usual course to Melbourne, and in an hour or an hour and ten minutes the light, which was really a splendid light was invisible. It struck him the light was not high enough, and it was a pity that the full advantages should not be derived from it.

The ATTORNEY-GENERAL said the Government had not taken action in the matter, because the Government thought this was one of the matters necessarily included in the enquiry about to be instituted by the Inquiry Board. Pending that enquiry, the Government were not in a position to take action in the matter which had been referred to by the hon. member for the Sturt, but he could assure the House that the Government were anxious to obtain the best information as to the best situation in which to place the lighthouse, and any alleged or real defects in reference to the position of the lighthouse, and the means by which the defects might be remedied. The necessary information having been obtained, he was quite sure that the sanction of the Legislature would be obtained to any expenditure necessary to guard, so far as the means at their command would permit, against any calamity such as the hon. member for the Sturt had alluded to. The matter had not been overlooked, but was considered one to which the attention of the Inquiry Board must necessarily be directed.

THE AGENT-GENERAL

Mr DUFFIELD wished to ask the Treasurer whether the Government intended to take any steps to obtain sufficient security for the large amount of money at the disposal of the Agent-General.

The TREASURER said it might be satisfactory to the hon. member and the House to know what arrangements had been made for the purpose of securing the colony against loss. In the first place, the Agent-General gave large securities both in London and the colony. The securities in London were executed in June last, and those in the colony were ready, and only

waiting the execution of the bond. It was true the Agent-General had large securities in his possession, but there were other means of protecting the public besides the amount of the bond into which the Agent-General and his sureties entered. For instance, the Agent-General had to render monthly accounts of his exact position, and immediately on the receipt of any securities, he had to deposit them in the Bank of England, by such means a statement was obtained of the exact cash balance, and the amount of the securities held by the Agent-General. These were compared with the amount which should be in the hands of the Agent-General. He believed these precautions, with the character of the gentleman who conducted the business for the colony, were as good as could be adopted.

PROROGATION

Mr REYNOLDS was desirous of knowing when the Government intended to prorogue Parliament, as most hon members no doubt were anxious to know when there was a probability of getting a holiday.

The ATTORNEY-GENERAL said, had the hon member asked him at the commencement of the proceedings, he should have given him a different answer from that which he should now be obliged to give, as he had hoped to have been able to suspend the Standing Orders, and then they would probably have been able to prorogue on Friday. The Government desired to prorogue on Friday because it would be more convenient for the country members than Tuesday, as they would be enabled to leave town without the necessity of returning, but at present the Government hoped to prorogue on the following Tuesday. At present he did not think there was a probability of proroguing at an earlier period, but the state of business afforded reasonable grounds for hoping that Parliament would be prorogued on that day.

Mr STRANGWAYS expressed a hope that the Government would so arrange the business that members would not be called together on Wednesday or Thursday merely for a quarter or half an hour.

The ATTORNEY-GENERAL would give notice on the following day, that he would move the suspension of the Standing Orders on Friday, to admit of the House entertaining any business which might come down from the other House, and by that course he hoped the House would be enabled to adjourn over Thursday.

THE TRINITY BOARD

Mr STRANGWAYS said the Attorney-General had intimated that the Government intended to leave the enquiry in reference to the Admella to the Trinity Board, and the hon gentleman had stated that the Board had power to conduct the enquiry, but he (Mr Strangways) had referred, and could not find that the Trinity Board possessed any power whatever.

The ATTORNEY GENERAL said he should be prepared with an answer on the following day.

THE AGENT-GENERAL

Mr STRANGWAYS had understood the Treasurer to state that the Agent-General entered into a personal surety for 20,000*l*, and found two sureties of 10,000*l* each. He should like to ask the Treasurer whether he considered the personal security of the Agent-General worth anything, and whether security was substantially given for more than 20,000*l*. He would ask the Treasurer further, whether he considered this security sufficient, considering that the Agent-General frequently had 100,000*l* of the public money in his possession at one time.

The TREASURER said that the Agent-General had not at any time 100,000*l* in his possession. Perhaps at the utmost the Agent-General might have 50,000*l* in his possession, and that only for a short time prior to payments falling due. It was only just prior to payment that there was a large cash balance. With respect to the sureties, the Agent-General found two sureties in England who were bound jointly and severally for 10,000*l*, and there was a bond for a similar amount in the colony, one of the sureties having signed that very day, and the other had expressed his willingness to.

MILITARY FORCE ACT AMENDMENT BILL

A message was received from the Legislative Council intimating that they had agreed to this Bill with amendments, which were ordered to be taken into consideration on the following day.

MILITIA ACT AMENDMENT BILL

A message was received from the Legislative Council intimating that they had agreed to this Bill without amendment.

REGISTRATION OF PATENTS BILL

A message was received from the Legislative Council intimating that they had agreed to this Bill with amendments, which were ordered to be taken into consideration on the following day.

The House adjourned at twenty minutes past 2 o'clock till 1 o'clock on the following day.

LEGISLATIVE COUNCIL

WEDNESDAY, AUGUST 24

The PRESIDENT took the chair at 2 o'clock.

KAPUNDA EXTENSION LINE OF RAILWAY

The Hon A FORSTER presented a petition, signed by 1,040 residents and owners of property in Kapunda, praying the House to pass the Railway Terminus Bill, as approved in the House of Assembly, with as little delay as possible. The petition stated that not less than 200,000*l* had been expended on buildings in Kapunda and the suburbs, and strongly recommended the construction of the extension line to the favourable consideration of the House.

Received, read, and ordered to be printed.

THE TRUCK SYSTEM

The Hon the CHIEF SECRETARY laid on the table a report from the Commissioner of Public Works on the subject of the truck system.

SCAB IN SHEEP BILL

This Bill was read a third time and passed.

APPROPRIATION BILL

Read a third time and passed.

INTERPRETATION OF ACTS BILL

Read a third time and passed.

BILLS OF LADING BILL

The Hon A FORSTLER moved the recommitment of the Bill for the purpose of introducing a verbal alteration.

The amendment was adopted, the Bill read a third time, and passed.

PROCEEDINGS AGAINST INCORPORATED COMPANIES

This Bill was received by message from the House of Assembly, announcing certain proposed amendments, to which the concurrence of the Legislative Council was invited.

Adopted.

VOLUNTEER FORCE

The Hon Major O'HALLORAN, pursuant to notice, asked the Hon the Chief Secretary "whether the officers gazetted in 1854, to local rank in the Volunteer Force then raised, will retain such rank should they offer their services as unpaid Volunteers, or whether the Government propose cancelling the Commissions then issued, in the name and on behalf of Her Majesty, to those officers?"

He had been requested by officers in the late volunteer force to ask this question, as a number of those gentlemen were under the impression that, having received their commissions from the Governor they would hold their rank permanently. They were of opinion that it was desirable to ascertain the exact position in which they stood with regard to military rank, for the information of several districts in which new companies were now forming.

The Hon the CHIEF SECRETARY replied that the service of paid volunteers under the Act of 1854 had been discontinued, and the honors and commissions belonging to the force had consequently lapsed. He also stated that the Government had no intention of proposing any new commissions.

KAPUNDA EXTENSION BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, would draw the attention of the Council to one of the printed proceedings of the House numbered 109. The Bill proposed an extension of the line to a terminus nearer to Kapunda by two-and-a-half miles, and upon Sections 1403 and 1404, which would be in close proximity to the names. The deviation proposed was only a slight one, and it was intended that the Main Great Trunk Line should be joined four and a half miles further up. The cost of the deviation was estimated at 6,500*l*, and the result of the extension would be that the railway would be brought within a convenient distance of Kapunda. The construction of the line would do away with the necessity of making a macadamized road, consequently a great saving of expenditure would be effected, and it was patent to every one that the measure was one of justice and sound policy, which proved that the Legislature were not disposed to ignore the just claims of an important community like the population of Kapunda (Hear, hear). In order to defray the cost of this deviation it was proposed to raise two-thirds of the amount by issuing bonds, and the remainder to be taken from the general revenue. There was then an unappropriated balance arising from the assessment on stock, which the Government proposed to use for this purpose. He moved the second reading of the Bill.

The Hon Capt BAGO seconded the motion. He hoped that the Council would see the propriety of passing the Bill, the absolute necessity for which had been proved by evidence, and placed before the Parliament. It surprised every person who was acquainted with the country round Kapunda that the line had been intended to stop at Section 1411, which was not only too far distant from the terminus, but required the construction of an expensive road and bridge in order to cross the Light. In addition to which, the line of road which it would be necessary to construct would be a tortuous one, and more costly than a railway, in consequence

of certain cuttings which were required in a steep bank which overhung the river, besides some costly approaches. From the evidence before the House it was clear that a railway to the proposed station at Kapunda would be a cheaper undertaking than the construction of an ordinary road over the existing natural obstacles. The expense of a station at Section 1411 was very unwise, for any station there could only be temporary, and another station would have to be built elsewhere. He (Captain Bagot) was not a purely interested person. Although his connection with the mines gave him a certain amount of interest in the prosperity of Kapunda, yet the locality of the stations would not make a difference to him of more than 1s or 1s 6d a ton in cartage, yet he had a considerable interest in some land in the immediate neighborhood of Section 1411, so that he would be a great gainer, in a pecuniary sense, if the terminus were to be fixed there. He mentioned this circumstance to show that he was not actuated solely by motives of self-interest.

The Hon H AYERS opposed the second reading of the Bill, because he could not discover any advantage to be derived corresponding with the large outlay proposed. The amount of the extension was estimated at 20,000*l*, and there had been no evidence produced of an increased traffic to justify this expenditure. The Hon Captain Bagot said he did not know why the terminus had been fixed at Section 1411. The evidence given before the House of Assembly was sufficient to show that the proposed terminus was inappropriate, and, indeed, all the evidence adduced was hostile to the extension of the line. Because the inhabitants of Kapunda were in favor of the Bill, it was no reason why the Council should legislate for a particular locality—inasmuch as this line had gone as near Kapunda as the interests of the northern line required, and the making of a branch to Kapunda was a departure from the principle of a grand trunk line to the far north. Two years ago, a Select Committee had been sitting to discuss a petition from the inhabitants of Gawler, with reference to the locality of their terminal station, in which the importance of vested interests was pleaded as a reason for the removal of the station. The Committee, of which the Hon Capt Bagot was one, reported against the petition. If the argument of vested interests were to be considered now, they should have had weight then, for the vested interests of Gawler were far more important than those of Kapunda. It was pleasant to hear from the Chief Secretary that the Government funds were in a flourishing condition, for he (Mr Ayers) had previously been of a contrary opinion, and he still thought that Government would find difficulty in meeting the payments already sanctioned for this line.

The Hon the SURVEYOR-GENERAL supported the second reading of the Bill. He approved of extending the line to the proposed point. Section 1411 was unsuitable, both on account of its distance from the population which it was proposed to benefit, and also on account of certain physical obstructions, such as an impassable river and a steep bank, which would require a deep cutting and expensive approaches. If the terminus had been fixed at Section 1411, it would have been three miles below the township, in the immediate neighborhood of the Miners' Arms, and a terminus distant three miles from the centre of a population so important as Kapunda was objectionable. The extra cost of the proposed extension was only a sum of about 6,000*l*, and not 20,000*l* as stated by the Hon H Ayers, and this 6,000*l* would otherwise have to be incurred in the construction of a common road, which would be rendered more than usually expensive in consequence of the deep cuttings required and steep gradients to be overcome. The ordinary road would also require an expensive bridge to be built, and would reach Kapunda by a more circuitous route than that proposed by the railway, and the line could be made with perfect safety in regard to gradients and level crossings. The case of the Gawler line, referred to by the Hon H Ayers, although in some respects similar, was not a perfectly parallel case. He would support the second reading of the Bill.

The Hon H AYERS explained. He had stated that the House had voted the sum of 20,000*l*, but he had not said that the works would cost that sum.

The Hon S DAVENPORT opposed the second reading of the Bill. He regretted that it had come before the House on so short a notice that he himself had not had sufficient time to give it due consideration. A difference of opinion existed on the subject of the evidence laid before the House. There was no doubt that it was very desirable to approach the township of Kapunda as nearly as possible, and vested interests in that place had to be consulted, but the evidence produced had been rather hostile to the extension than otherwise, as it had disclosed the facts that the gradients were difficult, and the traffic would be dangerous. At the time the Select Committee were collecting information on the subject, with reference to an extension to the Murray on the one hand and to the Burra on the other, they had no doubt spent an agreeable time; the leisure, fresh air, and exercise being likely to conduce to their enjoyment—(laughter)—but he (Mr Davenport) was anxious that the Bill should be held over until the next session in order that additional evidence might be produced to shew which was the more desirable site for a terminus. So far as the present Bill was concerned, the report

of the engineer was not positively favorable. It was unadvisable in a new country like this to break out in a lavish expenditure of public moneys, particularly in the construction of parallel lines of railway, and he himself was firmly of the opinion that the terminus should not go beyond Section 1411.

The Hon Mr MORPHETT coincided with the preceding speaker as to the inadvisability of extravagant expenditure in deviations such as that proposed, nor should any debts be contracted unless the Government were prepared to pay one-third of the entire cost. A very strong objection was that this extension was a deviation from the grand trunk line which had been sanctioned as far as Section 1411. All the evidence produced before the House of Assembly was to the effect that the railway should be extended to the northward by the Valley of the Gilbert. The Hon Captain Bagot had said everyone was surprised that the railway should be made to stop at Section 1411. The reason for this step was, that even the carrying of the line to that locality was a concession to the inhabitants of Kapunda, and because that station would be a good point from which to start to the northward. The evidence of Mr Hanson was to the effect that Section 1411 was the best site for a station, and that a saving of 15,000*l* would be effected by its adoption. The station had originally been placed at Section 1411 to accommodate the inhabitants of Kapunda, and this present demand for an extension was in addition to the concession already made. By reference to minutes of evidence before the House, and from the statements of men of high standing in their own particular professions, the site previously fixed on was proved to be the best. He (Mr Morphett) was at a loss to know why the Committee had not called for the evidence of the hon the Surveyor-General, who, from his position and general knowledge, was perhaps best qualified to express an opinion on the subject. It was clearly evident that for the purposes of a grand trunk line, Section 1411 was the best locality. The Hon Captain Bagot needed not to inform the House that he was unflinched by personal motives in supporting the present extension, as the House knew the hon gentleman sufficiently to be convinced that his advocacy had been employed on no other than public grounds. (Hear, hear.) Mr Hanson had described the gradients on the north line by the Valley of the Gilbert as 1 in 40, while the gradients in the proposed extension were something like 1 in 300. It was therefore not desirable that deviations should be made from the line by the Valley of the Gilbert, so as to neglect the traffic to the Burra. 6,000*l* would not be badly spent if the township of Kapunda were to be reached by the measure, but when Kapunda had been arrived at, it was desirable to know how they were to get away from that place. ("Hear, hear," from Mr Ayers.) The money was not forthcoming to construct the works, according to the statement of the hon the Chief Secretary, who had said only that he expected to get it. It was therefore only looming in the distance. (Laughter.) The tax should be collected first, and the Bill applied for afterwards. He would vote against the second reading of the Bill.

The Hon the CHIEF SECRETARY replied that the necessary money was already in hand, inasmuch as there was an unappropriated sum arising from the assessment on stock, which could be so applied. Mr Morphett had mixed up the terminus at Section 1411 with the line by way of the Gilbert, whereas the two had no connection. By a reference to Council Paper 109 it would be perceived that it was impossible to adopt the line by Forresters. It was merely proposed to make a loop in the line so as to reach Kapunda, and join the line again four and a-half miles beyond.

The second reading of the Bill was then carried, and the third reading made an Order of the Day for Friday following.

INSOLVENT LAW AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, observed that amongst the amendments proposed, the third clause was entirely new, and proposed that insolvents contracting debts without reasonable prospect of payment, should be liable to six months' imprisonment. Clause 4, repealing the 153rd clause of the previous Act, required that insolvents petitioning under the arrangement clauses, should obtain the consent of one-third of their creditors. There was also a clause providing that a creditor absent from the colony should have the power of proving by his agent. As the law at present stood any creditor holding security, however small, was debared from proving on the estate, but Clause 6 of the proposed Act would enable him to have his security valued, and to prove for the difference. There was also another clause which placed the Commissioner of Insolvency in the same position as a Judge of the Supreme Court.

The Hon H AYERS seconded the second reading of the Bill.

The Hon A FORSTER felt it his duty to vote against the first clause, which provided that the Commissioner should hold office during good behaviour. He (Mr Forster) had always been opposed to the principle contained in the clause. If there were any individual in whose favor he would be disposed to make an exception it would be the present Commissioner. But the principle proposed was a dangerous one, for persons holding office during good behaviour

had a freehold tenure of office which would prove to be an ultimate burden on the colony. It was no reason because the Judges of the Supreme Court held office during good behaviour that an officer lower in rank should hold the same position. As far as he was concerned, he hoped the present Commissioner would hold office as long as he liked, but it was certainly wrong that the tenure of his office should become a freehold. The 7th clause, providing that the Act should be construed as a remedial one, was objectionable, in so far that it was unnecessary, because it required that the Bill should be construed to be different from what it really was. A bill was evidently imperfect which required a separate clause to explain other clauses. It appeared like an act of bungling legislation. But there was a stronger objection than this. The best legal authorities had stated that the effect of this clause would be to render the Act more strictly penal than it would otherwise be. The present Insolvency Law was sufficiently penal without being made more stringent. He hoped that the whole Insolvency Law would be thoroughly and carefully revised. The Commissioner should not be invested with the power of imprisoning for a lengthened period. He had power to withdraw a certificate, and that was enough. A brand like that affixed on Cain attached to every uncertified bankrupt. It was perfectly just that the Commissioner should have power to suspend a certificate, but he (Mr Forster) would vote against a clause which rendered the Act more penal than it otherwise would be. He hoped the time was not far distant when the power of the Commissioner to imprison would be abolished, he looked with distrust upon the repeal of the 8th clause of the existing Act, but trusted the Government would endeavour to render it innocuous.

On the 1st clause being put by the PRESIDENT, the Hon A FORSTER called for a division, which resulted in a majority for the clause as printed —

AYES, 5—The Hons Major O'Halloran, Capt Scott, H Ayers, the Surveyor-General, the Chief Secretary (teller)

NOES, 4—The Hons A Scott, Captain Hall, Captain Bagot, A Forster (teller)

The Hon A FORSTER appealed to the sense of the Council, on the ground of common humanity, that clause 7 was objectionable and cruel, besides being useless, as it only gave the Judges a power which the Act itself did not confer. It was also opposed to the interest of creditors, and the penal clauses contained in the Act were sufficiently stringent without the addition of a clause which would render them even more severe.

The Hon H AYERS would vote for the expunging of the clause, which he considered was a useless one.

The Hon the CHIEF SECRETARY remarked that the adjective "remedial" was the superlative of "penal" (Laughter)

The Hon Captain HALL did not see the use of the clause. The Act should speak for itself. The necessity for such a clause reminded him of a bungling artist who drew an animal which his friends could not recognise, and he was obliged to write a description at the foot to state that it was intended to represent a cow (Laughter). It was surely not necessary to insert a clause in any Act in order to describe what the Act was. He would vote for expunging the clause.

The clause was expunged.

On the motion of the Hon J MORPHETT, clause 8 was also expunged.

The schedule and preamble being agreed to, the Bill passed the second reading, and the third reading was made an Order of the Day for the following Friday.

ELECTORAL LAW AMENDMENT ACT

This Bill was received by message from the House of Assembly, read a first time, and the second reading made an Order of the Day for Friday.

DISTILLATION ACT

Read a first time

The Hon J MORPHETT observed that this was a question in which the community took a great interest, and it was desirable that it should not be hurried through the Council without sufficient time for consideration.

The Hon Capt HALL was of a similar opinion, and moved the second reading for the following Tuesday.

The Hon A FORSTER supported the proposition.

The second reading of the Bill was made an Order of the Day for Tuesday.

VOLUNTEER AND MILITIA ACTS

A message was received from the House of Assembly stating that these Acts had been agreed to, with the amendments proposed by the Legislative Council.

REGISTRATION OF PATENTS BILL

A message was received from the House of Assembly intimating that this Bill had been agreed to without amendment.

PROCEDURE AGAINST INCORPORATED COMPANIES BILL

On the motion of the Hon H AYERS, this Bill was read a first time, and the second reading made an Order of the Day for Tuesday.

The Council then adjourned till the following Friday, at 2 o'clock.

HOUSE OF ASSEMBLY

WEDNESDAY, AUGUST 24

The SPEAKER took the chair at 7 minutes past 1 o'clock

MR WILLIAM COXALL

Mr REYNOLDS presented a petition from Mr Coxall, near Glenelg, praying for compensation for deficiency in land selected by him in 1841 a road having been taken from his land, though no road appeared upon the map at the time the selection was made.

The petition was received and read.

GRAND TRUNK LINES

A message was received from His Excellency the Governor intimating that he had caused a sum to be placed on the Estimates for surveys in connection with grand trunk lines, and had issued directions to carry out the wish of the House in reference thereto.

ADJOURNMENT, EMIGRATION AGENT, &c

The ATTORNEY-GENERAL moved that the House, at its rising, adjourn till the following Wednesday. He had been requested on the previous day to take some such step for the purpose of saving hon members the inconvenience of coming down day by day for a short time to deal with any business which might arise, and he had then stated that he proposed to move an adjournment till Friday, expecting that the House would be enabled to prorogue on Tuesday. From the state of business, however, in the other branch of the Legislature, and the indisposition of that branch to proceed to the consideration of measures until they had had full opportunity of considering not only the principles, but the details of measures, it was not probable the Government would be enabled to carry out the proposed arrangements to prorogue on Tuesday. The business during the week would not be of such a nature as would require the attendance of members for more than a short time, and under the circumstances he proposed an adjournment till Wednesday. With regard to the notices of motion which appeared upon the paper, they might also, he thought, stand over till the following Wednesday, but with regard to the following notice of motion, in the name of the hon member for the Sturt—"That the Immigration Agent at Port Adelaide be instructed to ascertain how many of the immigrants to arrive in the next three immigrant vessels were personally inspected by the Emigration Agent in England before they received instructions to join the ship," he might perhaps relieve the hon member from the necessity of bringing it forward by stating that the Commissioner of Crown Lands had already forwarded to the Emigration Agent in England a form of the returns of all ships, in fact requiring all the information alluded to in the motion of the hon member. Under such circumstances probably the hon member would not deem it necessary to bring the motion forward. At all events he was not aware of any inconvenience which could arise from a postponement of the discussion upon any subject before the House till Wednesday next, such being in accordance with a wish expressed by the House on the previous day, and in accordance with the convenience of the majority of hon members. He wished it however to be distinctly understood there was no indisposition on the part of the Government to proceed with the business, but they would come down to the House day by day if hon members believed that the public business would be promoted by such a course. He had promised on the previous day to take the step which he now did, but still he should not press the motion if any considerable portion of the House objected to it, and thought it desirable that the House should meet day by day to despatch such business as might arise.

The TREASURER seconded the motion.

Mr REYNOLDS did not rise for the purpose of opposing the motion, but he wished that the business which appeared upon the notice paper for that day should be disposed of before any adjournment took place. He also hoped that the business would be disposed of before His Excellency was called upon to prorogue Parliament, so that His Excellency might not enter, as on the last occasion, before several matters were disposed of. He was pleased to find that the Government had taken action in reference to the matter which appeared in his name on the notice paper for the following day. He would draw attention to the considerable sums which were placed on the Estimates for travelling expenses for the Emigration Agent, and he thought the House would agree with him that they had a right to expect the Emigration Agent should inspect the emigrants before they left. By the last vessel which arrived there were some who had never been inspected, and he was sure the Commissioner of Crown Lands would take the necessary steps to prevent a recurrence of such a system. It was a very serious matter, after paying a high salary and heavy travelling expenses for the performance of this duty, to find that it had been neglected.

The ATTORNEY-GENERAL would ask to amend the motion in order to meet the views of the hon member for the Sturt, that after the business upon the notice paper had been disposed of, the House adjourn till the following Wednesday.

Mr HAY said that he had given notice of a question in reference to the Lunatic Asylum. He found that a sum of

2,500/ appeared on the Estimates for additions to the Lunatic Asylum, but the other branch had carried a resolution to the effect that a new lunatic asylum should be erected, and that no more money should be expended upon the present building. He wished to know whether the Attorney General would state that the Government had no objection to acquiesce in the resolution of the Council upon the subject, and that they would spend no more money upon the present building, but select a new site.

The ATTORNEY-GENERAL said that although the Government had always regarded favorably the proposition to transfer the Lunatic Asylum to some other site, and although a former Government had placed a large sum on the Estimates for the purpose of accomplishing that object, it would be impossible that the Government could give any such pledge as that which had been referred to by the hon member for Gumeracha. Supposing the Legislature were to sanction the requisite expenditure for a new Lunatic Asylum, upon a suitable site, that purchased by the Government or some other, two or three years must elapse before the building would be completed, and the lunatics could be transferred to it. At the present time they had the report of the Colonial Surgeon upon the subject, and that report, which was corroborated by the visitors, was to the effect that the accommodation for female patients was inadequate for their proper care and separation, according to the character of their cases, and air and exercise requisite for their physical health, and to justify a reasonable expectation of their restoration to sanity. The Government could not allow a matter affecting the health of the patients and their restoration to sanity to stand over for the chance of a future Legislature granting a sufficient sum for a new building. Whilst the subject of a new site for the Lunatic Asylum was a matter which would receive the attention of the Government and they would be prepared to bring it under the notice of the Legislature, matters could not be permitted to remain as at present. The new building would cost a very large sum, and the selection of a site at a distance from Adelaide would involve a large additional annual expenditure, as there must be a special staff throughout for the supervision of the building and the patients. Those were matters which the House would have carefully to consider, and it was a question whether the Government would be justified in proposing an expenditure of 40,000/ or 50,000/ upon a building, and an addition of 1,000/ or 2,000/ annually for the supervision. Admitting the importance of removing the present site, still it was of more pressing and immediate importance to remove the existing defects in the present building, particularly as the Legislature had sanctioned an expenditure for that purpose.

The motion for an adjournment till the following Wednesday was carried.

STANDING ORDERS

The ATTORNEY GENERAL gave notice that on the following Wednesday he should move a suspension of the Standing Orders, for the purpose of taking into consideration the amendments made by the other branch of the Legislature in any Bills forwarded to it by the Assembly.

INSOLVENT LAW

Mr STRANGWAYS, as Chairman of the Select Committee appointed to enquire into the insolvent law, brought up the report of that Committee, with minutes of evidence.

Ordered to be printed.

INCORPORATED COMPANIES' SUITS BILL

The House having gone into Committee, the report of the Committee of the whole House upon this Bill was, upon the motion of Mr BAKEWELL agreed to, and the hon member then moved that the Standing Orders be suspended, in order that the Bill might be read a third time.

The SPEAKER said the hon member must show there was urgent necessity before the Standing Orders could be suspended.

Mr BAKEWELL said if the course which he suggested were not adopted the Bill would not in all probability be brought into operation for nine months, and that he thought was sufficient to justify a suspension of the Standing Orders.

Mr DUTTON seconded the motion for the suspension of the Standing Orders, on the ground that he had been given to understand, upon very good authority, this was a matter of great urgency.

Mr STRANGWAYS would not oppose the motion, but, at the same time, thought the hon member for Barossa should have given some reason for not proceeding with the Bill at an earlier period.

Mr BAKEWELL said there had been no undue delay in the matter. The adjournments which had taken place from time to time without the whole of the business on the notice paper being disposed of, had caused the delay.

The motion for the suspension of the Standing Orders was put, and there being some dissent, the Speaker ruled that there must be a division, and the motion was carried amidst considerable laughter, by a majority of 20, the votes—Ayes, 21, Noes, 1, being as follow—

AYES, 21—Mr Andrews, the Attorney-General, Messrs Barrow, Cole, Collinson, the Commissioner of Crown Lands, the Commissioner of Public Works, Messrs Dutton, Hallett, Hawker, Lindsay, McElisther, Mildred, Neales, Owen, Rey-

nolds, Solomon, Strangways, Townsend, Wark, and Bakewell (teller).

No. 1—Mr Glyde (teller).

Mr GLYDE said he did not take the course which he had from any opposition to the hon member for Barossa, or to the Bill, but as the Bill had lapsed some half-dozen times in consequence of the absence of the hon member, he did not think it right that the hon member at the last moment should ask for the Standing Orders to be suspended merely for the purpose of making up for his want of attention.

The ATTORNEY-GENERAL said he had been induced to vote for the suspension of the Standing Orders, in consequence of the action which the House had taken in adjourning till the following Wednesday, as if the Standing Orders had not been suspended, it would have been too late to take action during the present session. He did not think that the circumstances under which the Bill had been delayed up to the present time were such as to justify the suspension of the Standing Orders, but for the determination of the House to adjourn till the following Wednesday. When he was first asked to accede to a suspension of the Standing Orders he declined, and should have continued to do so but for the action taken by the House, which would have rendered it impossible for the hon member to proceed with the Bill during the present session had the Standing Orders not been suspended.

Mr BAKEWELL said in reference to the remarks of the hon member for East Torrens (Mr Glyde), it was a very gross exaggeration to say that the Bill had been postponed half a dozen times in consequence of his (Mr Bakewell's) absence. He did not believe that the Bill had been postponed on more than two occasions, and the delay which had taken place arose from the House adjourning prior to the business on the notice paper being disposed of. There had been no delay on his part. The statement of the hon member (Mr Glyde) was a positive and absolute exaggeration, whatever the hon member might say to the contrary.

The report of the Committee having been agreed to,

Mr BAKEWELL moved that the Bill be read a third time.

Mr REYNOLDS, in seconding the motion, said that he certainly thought the hon member for East Torrens had made a mistake in stating that the Bill had been delayed so frequently in consequence of the inattention of the hon member for Barossa who had charge of the Bill. He had watched the conduct of that hon member in reference to this Bill, and was enabled to state that the hon member had watched the Bill as a cat would watch a mouse. The hon member had paid a great deal of attention to the Bill, and he thought the hon member for East Torrens was at fault in making the charge which he had, as he did not remember more than one occasion upon which the Bill had been postponed in consequence of the hon member for Barossa not being in his place.

Mr GLYDE said the hon member for Barossa had charged him with making a grossly exaggerated statement, but he believed he should be perfectly in order in asking the Clerk of the House to refer to the records for the purpose of seeing how often this Bill had been postponed in consequence of the absence of the hon member for Barossa and such reference would, he thought, corroborate the statement which he (Mr Glyde) had made.

Mr BACOT, *in Divide, divide.*

The ATTORNEY-GENERAL said as this was a question affecting the veracity of an hon member of that House, he thought that reference should be made to the records for the purpose of ascertaining the actual state of the case.

The SPEAKER said it would take some time to refer to the records. His own impression was that the Bill had been postponed twice or perhaps three times, in consequence of the absence of the hon member for Barossa, but certainly not six times.

The Bill was then read a third time and passed.

MEMBERS OF PARLIAMENT

Mr HAY moved—

"That, in the opinion of this House, it would be highly inexpedient and impolitic to appoint any person who has had a seat in Parliament to any place of profit or emolument under the Government, until at least one session has intervened after he has sat in Parliament. That not only would the votes and conduct of any Member accepting office under Government previous to the lapse of such time be liable to misconstruction and the imputation of corrupt motives, whether he had been a general supporter of Government measures or opposed the same—if the first, it might be looked upon as a reward for services rendered to the Ministry, and, in the latter case, the Ministers might be said to buy off a troublesome opponent. That any such appointment of a Member of Parliament to a situation under Government after the close of a session would be highly injurious to the working of Responsible Government, and tend to weaken the faith of the public in the integrity and independence of their representatives."

The hon member obtained leave to amend his motion by inserting after the word Parliament, in the early portion of the motion, "except in cases of great emergency." He had been induced to place the notice upon the paper, thinking that every hon member must agree with the necessity

of carefully guarding responsible Government in a small community like this. It would be in the collection of the House that a motion was introduced by the hon. member for East Torrens, to the effect that it was incompatible that an individual holding a situation under Government, and receiving a salary, should also hold a seat in that House. If the number of members was some 650, as in the House of Commons, there might not be the same necessity for the precautions in carrying out responsible Government as in South Australia or the adjacent colonies, but here the number of members of Assembly was limited to 36, and if the Government were disposed to tamper with any of those members they might influence the carrying of measures which were of the highest importance to the community. Representatives should be thoroughly independent in principle and action, and nothing should be brought to bear to influence them in any way. It was well known that many measures which were introduced by the Government into that House were carried by a very small majority, and though he did not say that any suspicion whatever attached, or was likely to attach, to the present Government, still they would not, probably, always hold the reins of Government, and he was merely desirous of laying down a general principle. Others who might take the position of the present Government might not be so tight-laced or so upright in their conduct, and might adopt means to influence votes for the purpose of carrying measures to the detriment of the great interests of the country. Nothing could be more despicable or more detrimental to the interests of the country than that any person arriving here and apparently taking an interest in political matters, gaining a seat in that House, should sell himself to the Government, and thus injure the public interests. If any Government wanted to influence members, they would, of course, look out for those whom they thought could be bought, and they would probably select the class of adventurers to whom he had alluded. Without any knowledge of his own that any particular member of that House expected an appointment, he might mention that he could not go upon Exchange, or walk about the streets, without hearing that the moment Parliament broke up certain individuals expected to receive an appointment. If that were the working of responsible government in a small community, he was sure hon. members would agree with him that the sooner it was modified the better. It would be far better than that such a state of things should exist, that there should be paid members of that House, and that the pay should be so high as to place hon. members above any permanent appointment which could be offered to them by the Government. It would be far better to adopt such a course than to place it in the power of the Government to make an offer to a member to sell his constituency. He had always opposed the payment of members of the Legislature, but he would far sooner that they should be paid than that they should be brought under such an influence as might be exerted over them by a corrupt Government. He believed that the motion, if carried, could hamper the Government but to a very small extent, for though it might have the effect of cancelling certain appointments, it would still place the Government in the advantageous position of being enabled to pick from the whole community, instead of merely from members of that House, in filling lucrative appointments. There might be instances no doubt in which it would be desirable that gentlemen who had occupied the position of members of that House should be appointed to certain offices, and no doubt the case of the present Registrar-General would be relied upon by those who were opposed to the motion before the House, but he would point out that the present Registrar-General had been appointed by the recommendation of that House, and that gentlemen were selected for the office because he was the author of a measure of a novel description which had been passed by the House, and which it was believed he was more competent to carry out than any other person who could be found. But even in that case, if one session had been permitted to elapse before the appointment had been made, as was proposed by the motion before the House, he could not see that any harm could have resulted. He had looked through the whole of the offices at the disposal of the Government, and must confess he had been unable to find one which he did not believe could be as efficiently filled by persons out of that House as by any member in it. There appeared to him really to be something degrading in offering an appointment to a member of that House, in a country where there were such boundless fields for enterprise it was quite unnecessary that any man should fall back on the Government. A man with any energy would be enabled to strike out a field for himself which would soon place him in a position in which he would be enabled to act as an independent member of that House. For himself he could only say that he would much rather trust to his own enterprise than accept any offer which could be made to him by the Government. He thought the House would see the great advantages which would result from the adoption of his motion, for if one session intervened it was quite possible that the Ministry might be out before that time came round, or when they came before the House, and it became known that they had made such and such appointments, they might stand a chance of losing their seats. Believing that his motion could be productive

of no inconvenience, and that it would place members in a more independent position than under the present law, he begged to submit it to the House.

Dr. WARRICK seconded the motion.

Mr. GLYDE fully agreed with almost every word which had fallen from the hon. member for Gumeracha in introducing this motion, although he could not agree with all the words of the resolution itself. He was about to suggest an amendment, which he trusted would receive the favorable notice of the House, it was, that all the words be struck out after "emergency" in the first sentence. This was an extremely important question, though a very difficult one no doubt for hon. members to make up their minds upon, and he trusted that no member of that House would give a silent vote upon it. He had never experienced greater difficulty in making up his mind as to how he should vote, but he had at last made up his mind to support it. He was aware that a good deal might be said on both sides of the question. It might be said that it would interfere with the proper prerogative of the Governor, and hamper the Government in the proper patronage which they should possess. Probably the opponents of the proposition would quote the case of Mr. Torrens, but that was an isolated case, and the most fitting man for a certain position happened to be found in that House. He fully agreed with the hon. member for Gumeracha, that generally as fitting men could be found out of that House to fill appointments which might be vacant, as in it. He was sure that hon. members would effect upon the subject, they would feel that the balance of argument was in favor of the hon. member for Gumeracha. He was sure they would feel it was not safe to give to the Government the power of rewarding the support or buying off the opposition of any hon. member of that House. He believed it would be detrimental to the character of that House if some such proposition were not carried.

The amendment was not seconded.

Mr. NEALES was desirous of moving an amendment, which he believed would meet the views of a majority of the House. He proposed after the word "Parliament," at the end of the first sentence to add "except in cases of great public emergency, or upon the special approval of a majority of two-thirds of the members of this House." If some such motion were not carried the Government might after the session make appointments in direct opposition to public opinion, and there would be no power on the part of the members of that House or the public to do anything till the House again met. In the case of Mr. Torrens, which had been alluded to, he believed that the appointment was recommended by five-eighths of the members of that House. At home there was an instance in which Admiral Napier left his seat in the House of Commons one day, and the next took command of the fleet, but that was a case of emergency, and he believed it would only be a proper safeguard to have the recommendation of at least a majority of two-thirds of the members of the Assembly, otherwise there might be an immense deal of jobbing, particularly at the end of a Parliament and a Parliamentary session combined. Measures were frequently passed by a majority of only one or two, and it was impossible to say what influence might be exerted in order to secure that majority.

The COMMISSIONER OF CROWN LANDS should oppose the motion and all the amendments which had been proposed. Any Government attempting to do away with opposition by buying it off would, he was sure, find it very bad policy indeed, for it, in fact, would amount to offering a premium for opposition. He thought there was no fear of any Government adopting any such course. It was true the hon. member for Gumeracha had made an exception in favor of the present Government, and had stated that he had no fear of the present Government doing that which was shadowed forth in the resolution which he had submitted to the House, but the hon. member had said that future Governments might act corruptly. He would point out to the House, however, that the resolution could only have reference to the present Government. It could not affect any future Government. A far more constitutional course would be to challenge the appointments which were made by the Government and bring forward a vote of want of confidence in them. That would be the proper course. He had thought a good deal upon the subject, and could not help expressing his surprise that such a resolution had been tabled by the hon. member for Gumeracha. The argument of the hon. member that such a course, as that proposed would operate as a safeguard to responsible government did not apply, and he must oppose any interference with the action of responsible Ministers.

Mr. REYNOLDS seconded the amendment of the hon. member for the City (Mr. Neales). He should regret with the hon. member for East Torrens (Mr. Glyde) if a question involving such an important principle should be allowed to pass almost *sub silentio*, and only one member of the Government address the House upon the subject. It was quite possible, however, that the Government might be waiting to see what were the views of hon. members upon this subject and when one or two more hon. members had spoken upon the subject, the Government would then probably be prepared to come forward and express their opinion. The hon. member for Gumeracha had given the present Government credit for

straightforward and honorable conduct, and they might be entitled to all that, but he thought it better to say nothing about it. Let the actions of the Government tell their own tale, though he was sure he should be sorry to say they were anything but an honest and straightforward Government. He exceedingly regretted if a matter of such importance were allowed to pass without full discussion. It was a matter affecting the honor of the Government and the honor of that House, and he sincerely hoped that no hon member would give a silent vote upon it, but fearlessly express his opinions. He regretted that two hon members were absent, whom he had observed very attentive of late to their Parliamentary duties, particularly in matters affecting Government measures. He regretted to find the hon member for Flinders was absent, as he should like to have heard the opinion of that hon member upon the question, and he should also like to have heard the opinion of another hon member who usually sat not far from his (Mr Reynolds's) left hand. He did not single out those hon members more than others, though he had been informed that one of those hon members was to receive an appointment as soon as the House prorogued. It had been said that if this resolution were carried, it would hamper the Executive, and unquestionably it might hamper the Executive for it might prevent them from saying to members of that House, "Would you like such-and-such an appointment?" The object of asking the question being of course to influence the vote of the member to whom the interrogatory was addressed. Or it might even be put closer than that, and the party informed that he might have the appointment when the House prorogued. If the parties upon whom appointments were to be conferred were so suitable, why not confer those appointments upon them before the House prorogued? Why, because the Government wanted their votes. If the appointments were conferred at once the Government would be prevented from receiving the votes of the hon members whom they had bought, and in that respect the resolution would hamper the Government. It was quite possible there might be in that House men who were very suitable for certain appointments, but he believed with the hon member for Gumeracha that as good men were to be found outside of the House as in it, so that the Government were not bound to make their selection from members of that House. The resolution spoke of buying off a troublesome opponent, and he had been rather puzzled to determine what troublesome opponent it was—whether it was his hon friend to the right or the left, but it would be unfair to speculate, of course it could not be himself—(laughter)—for he had never been a troublesome opponent to the Government. (Renewed laughter.) At all events, if the resolution really referred to him, he could only say that the Government had never offered him anything, and if they had he questioned whether it would have much effect in buying off his opposition. He thought the proposition of the hon member for the city (Mr Neales) was an improvement upon that of the hon member for Gumeracha. It would be a sufficient safeguard that appointments should receive the sanction of two-thirds of the members of the Assembly, and there would be no fear of the Ministry losing their strength if that provision were agreed to. The Commissioner of Crown Lands had stated that the acts of the Government could be challenged, and undoubtedly they could be, and had been pretty frequently during the present session, but it appeared that so much confidence was felt in the gentlemen occupying the Ministerial benches, that they obtained the approval of the House to all they did, and he supposed the House would approve of their further action. He was rather surprised to hear the hon member for Gumeracha say the Government so high a compliment, but supposed he meant it in a Pickwickian sense, for the motion itself shewed that the hon member had not much confidence in the Government. He felt that the question was so important a one that he must support the amendment proposed by the hon member for the city, Mr Neales. There was another matter to which he would allude, to show that there were other ways than by appointments in which the Government might influence the votes of members of that House. He would suppose an hon member interested in runs or mineral leases, the Government might do many things which would be advantageous to that hon member for the purpose of securing his support. No doubt hon members would readily see that this could be done, and he therefore felt bound to support the motion.

Mr BARROW hoped it would not devolve upon members of that House to have to nominate persons for Government appointments, as would be the case if the proposition of the hon member for the City Mr Neales, were carried out. (Hear.) He should be very sorry, whatever difficulty he might have in arriving at a decision, that his name should be prevented from appearing in a division, but if he knew when the House would be called upon to recommend parties for Government patronage, he should undoubtedly not be present. (Hear.) Hon members were not sent to that House to do the business of the Executive, they were not sent there to recommend parties for situations under the Government. Some good, it was true might arise from the adoption of such a course, but they must not look to exceptional results, but to the general working of the rule, and

whatever good might sometimes result from such a rule, he felt assured the general tendency would be exceedingly injurious. (Hear.) During the concluding weeks of a session, hon members, if such a rule were to come into operation, would be deluged with applications from parties desirous of making interest to obtain the office of letter-carrier or policeman, or some other appointment, and he trusted the duty would not be thrown upon the House of having to nominate parties for situations under the Government. (Hear.) He felt some little difficulty in dealing with the question, because the grounds which the hon member for Gumeracha urged for adopting the resolution were somewhat different from the terms of the resolution itself. As the notice appeared upon the paper it was a general resolution, but circumstances rendered it a special and particular one, for it should be remembered that this was the last session of the present Parliament, and consequently the resolution would have effect, if carried, during the recess and during the recess only. (Hear.) The Parliament which was expiring would be unaffected by it, the Parliament to be elected would be unaffected by it, and it could have reference only to the recess. As the hon member for Gumeracha had stated that he had not tabled the resolution in reference to the present Ministry—as the hon member had expressed his confidence in that Ministry—and as there was no chance of the present Ministry being turned out during the present session, he could not see what the resolution of the hon member aimed at. (Hear.) It could only refer to the recess, and to those of whom the hon member had stated he had no suspicion whatever. That it was which placed him in the difficulty in which he felt himself. The hon member for Gumeracha had stated that he knew of no one who would be affected by this resolution, and he had understood the hon member to state that he had tabled it upon general and broad principles, not in reference to anyone whom he expected to be appointed, yet the House were afterwards given to understand by very intelligible gestures and observations—it was not distinctly stated it was true, but it amounted to the same thing—that the hon member for Flinders, and the hon member for the Burra, Mr Peake, expected to receive appointments. How it was that the hon member for Gumeracha was not aware of this, or that being aware of it, the hon member did not allude to it in his address he could not understand. For some time past he (Mr Barrow) had heard the names of the two hon members mentioned in connection with appointments, which they were no doubt well qualified to fill, and it was well known that the resolution before the House did point to those two hon members, though if the hon member for Gumeracha disclaimed any intention of alluding to those hon members, he was bound to accept his disclaimer. Such, however, was notoriously the fact of the case that this resolution did aim at those two hon gentlemen. It was, however, only upon the resolution which they were called upon to vote, and he must say he thought the principle it contained a sound and useful one, and he did not see that it was necessarily hostile to the present Government. It was true that the Commissioner of Crown Lands had spoken against it, but whether in his individual capacity or not, he could not say. He could not see that the resolution would have the hampering effect which it had been stated it would have by the hon member for the Sturt, because, as had been stated by the Commissioner of Crown Lands, a vote of censure might be passed upon the Government for making appointments of which the House did not approve, and would it not be far better that the matter should be discussed, and that the Government should learn the wishes and feelings of the House before it was too late, and when it was impossible they could retrace their steps. He did not think it unfriendly to the Government to express an opinion upon the general question. If objectionable appointments were publicly rumored, it would be better that the House should express an opinion upon them than that they should be allowed to pass without any expression of opinion, and in the next Parliament a censure passed upon the Government for doing that which might have been obviated by an honest expression of opinion, on the part of the House. He thought the representatives of the people should be exonerated from all suspicion of betraying the trust reposed in them by accepting an appointment excepting as a member of the Ministry. (Hear.) If the question were pressed to a division he should feel compelled to support the resolution, but it was the way in which the resolution had been argued by the hon mover that placed him in a difficulty. He agreed with the general principle, but differed with the arguments of the hon mover, and he would point out that it was perfectly consistent on his part to support the general principle of the proposition, and yet to disagree with the arguments. If it were proposed to place certain gentlemen in certain positions, and the House generally disapproved of such appointments, it would be better the Government should find that out in time than after they had done something which involved the forfeiture of the confidence of the Legislature. (Hear.)

The ATTORNEY GENERAL was not at all surprised, when there was a probability of the question being put without more than one or two hon members having addressed the House, because he did not think it would be easy to find a question having less practical bearing at the present moment than this. The resolution expressed the opinion of hon members at present within the walls of that House,

but he would ask how many of those hon. members would be present when the new Parliament assembled, and looking at the question in that view, how could any Government tell whether the course taken in reference to a resolution of this kind, if carried, would or would not coincide with the views of the body of the representatives of the people. The resolution could have no binding effect. All that it could do would be to inform the Government what were the opinions of a certain number of individuals, and from that the Government would be left to form an opinion what would be the opinion of that branch of the Legislature. The resolution was, he believed, one which either went too far or not far enough. Either it was a resolution which would exclude from the public employment those who by the expressed opinion of the people themselves, were suitable for public employment, or if it were said that though the people expressed confidence in those sent here, yet the House must distrust where the people confided, the House must exercise a check where the people thought none was necessary, then he said the resolution did not go far enough. The Constitution dealt with all these matters upon the principle that those the people had confidence in by sending them to that House, the Legislature should have confidence in also. The check which had been referred to being to defend appointments before the Legislature. Since the present Government had existed it had made three or four appointments of members of the Legislature. First, there was Mr. Torrens, the Registrar-General, respecting which appointment he might remark there appeared to be a good deal of misapprehension for it had been spoken of as though it had been made in consequence of the recommendation of that House, but the fact was that the Government in making it had no intimation from the House, and, with the exception of one individual member who spoke upon the subject no opinion was expressed. The Government made the appointment because they felt they would be giving effect to the object which the House contemplated in passing a law, and Mr. Torrens having introduced that law was deemed the most suitable person who could be selected to carry it out. Another appointment was that of Mr. Waterhouse, who formerly held a seat in that House, who was nominated to an appointment in connection with the Waterworks, with which he had been previously connected, but in that instance the appointment was also made because it was believed Mr. Waterhouse was the most suitable person who could be selected. The third instance was one in which the action of the Government had not been so fortunate, although it was in accordance with the wishes of the House. He alluded to the appointment of Mr. Babbage to the command of the northern expedition. He believed that a great majority of that House recognised Mr. Babbage as the most suitable person to take charge of the expedition which had been organized, and the Government, without any idea in this or any other instance of rewarding a supporter or buying off an opponent, appointed Mr. Babbage. Another instance had reference to a gentleman who formerly held a seat in the other branch of the Legislature. He alluded to Mr. Justice Gwynne, and he thought it would be admitted it would have been impossible to find a person in the colony more suited to discharge the functions of the high office to which he was appointed than was that gentleman, but in that case the Government in making the appointment had no idea of rewarding a supporter or buying off an opponent, but appointed the fittest person. In reference to that appointment he did not believe there was any one in or outside of that House who would attribute corrupt motives to the Government, or say that it was an injudicious appointment. When it was found then that in all matters in which the Government made appointments of this kind, the appointments were such as commended themselves to the approval of the Legislature, he would ask was there anything founded upon the past conduct of the Government which should lead the House to affirm the resolution of the hon. member for Gumeracha? The hon. member for the Sturt had ventured to insinuate that the hon. member for Gumeracha was insincere in expressing confidence in the present Government, and the hon. member for the Sturt gave the House to understand that he could not acquiesce in the confidence which had been expressed by the hon. member for Gumeracha. If so, it was certainly a matter of regret to the Government that they had not the confidence of the hon. member, but they must console themselves with the reflection that though they lacked the confidence of the hon. member for the Sturt, they possessed the confidence of the House and the country. The hon. member for Gumeracha would be justified from the past conduct of the Government in the opinion which he had expressed in reference to their future conduct. Appointments were made upon the distinct understanding that unless it could be shown the parties appointed were thoroughly efficient and unobjectionable, the Government would be subject to the censure of the House. If the Government corruptly exercised patronage for the purpose of rewarding a supporter, or buying off an opponent, they would then deserve what they would be sure to receive, the censure of the Legislature. One hon. member had been referred to as being about to receive an appointment—he alluded to the hon. member for Flinders, but that appointment would have been previously

made had it not been impossible that another election could have been held, and the successor of the hon. member have taken his seat during the present session. It was considered better to delay making the appointment than to involve a fresh election for the district of Flinders. With regard to any other hon. member, nothing had taken place which would prevent the Government appointing whoever they deemed the most suitable, and the Government would feel they were shirking their responsibility if they did not appoint the persons whom they deemed most competent, as vacancies arose. There would be as much truth in the suggestion that the hon. member for the Sturt could be bought off, as that the hon. member for Encounter Bay, on the hon. member's right, or the hon. member for Noarlunga on his left, had received promises of appointments. He should oppose the motion.

Mr. SFRANGWAYS pointed out that if the motion were carried as tabled, or as amended by the hon. member for the City, or the hon. member for East Torrens, it could have no effect whatever. If a resolution of this kind were passed the Government would have the same power of appointing any member of the Legislature as at present, the only way in which it could have any effect whatever would be in affording a facile means of censuring the Government. If the resolution were passed it would not bind any future Legislature. He should like to know why it was desired that one session should elapse before any appointment was conferred? He could not see why such a provision should remove all suspicion of parties supporting the Government for a pecuniary reward or to obtain a Government office. The amendment of the hon. member, Mr. Neales, merely included the members of the Assembly, not of the Legislature, and a constitutional question might arise, how far that House should attempt to exercise the power of legislating by a resolution which had passed that House, and that House only. Reference had been made during the discussion to certain members of that House who were about to receive Government appointments, and he must confess his surprise that the hon. member for Gumeracha, who tabled this resolution, was apparently in perfect ignorance of the rumours which were afloat. He thought this was a question upon which the House should come to a decision, and say either that they would tie up the hands of the Government, or that they would not. He would remind the House, however, that they had the remedy in their own hands, even in the event of objectionable appointments being made, as they were called upon to vote the salaries, and although he admitted the salaries should be voted to the office, and not to the occupant, still, if parties who were incompetent were appointed to offices purely upon political grounds, the House would be quite justified in refusing to vote the salary. The Attorney-General had stated that the hon. member for Flinders would have previously received an appointment, but that there was not sufficient time for an election for Flinders to take place, and the newly elected member take his seat during the present session. There had, however, been abundant time since it was first rumored that the hon. member for Flinders was to have an appointment. He should oppose the motion and amendments, as neither would be of the slightest effect if passed, and ample opportunity was afforded of expressing an opinion upon the appointments which had been made when the Estimates were under consideration.

Mr. COLLE considered it imperative that hon. members should give their reasons for the vote which they gave upon this question. He intended to oppose this motion. If a Ministry were not worthy of the confidence of that House steps should be taken to turn them out. Either the Ministry had the confidence of the House or it had not, and if hon. members deemed the Ministry in power unworthy of their confidence they should take means to oust them. The resolution, if worth anything, did not go far enough, for if a Ministry were base enough to tamper with hon. members, they would frequently be afforded opportunities also of tampering with parties who were candidates for seats in the Legislature as occasions arose. If a Ministry were base enough they might make overtures to such parties, and say that they should have lucrative appointments if they would not oppose the Government. He gave the hon. member for Gumeracha every credit for sincerity in bringing forward this motion, but he thought hon. members would see that it would be quite impetative. He looked upon the motion as degrading to the House, as it implied that hon. members had no confidence in each other, and were prepared to betray the confidence reposed in them for the sake of place. He felt bound as an honest man to oppose the motion, and he hoped the House would give him credit for unselfish motives, as he believed it would be found he had more frequently opposed the Government than supported them.

Mr. TOWNSEND should not have said a word upon this question but for the repeated appeals to hon. members not to give a silent vote. He was one of those who did not like generally to speak unless prepared to introduce something new into the debate. It was absurd to talk of a Government systematically buying off opposition, as no sooner had they bought off one set of opponents than another set would present themselves. He believed that the hon. member for Gumeracha had been induced to table this motion

in consequence of rumours, which no doubt were perfectly well-known to all hon members. He had heard of eight or ten hon members who were to have appointments the moment Parliament was prorogued. He had heard that one gentleman was to be Commissioner of Railways, and then it was said "Don't you see how silent he's been lately, that's how he's got it?" He heard that the hon member for the Sturt was so formidable an opponent to the Government, and was so energetic, that he was to have any appointment he liked. (Laughter.) The hon member for the Burra Mr Peake, was, he heard, to be Stipendiary Magistrate (No. the Stockade.) He was surprised to hear that, as he thought they had got the right man in the right place, and was sorry to hear that the hon member for the Burra was to be sent to the Stockade. (Laughter.) If any such system as that rumored were going on, all he could say was, that it was as humiliating to the Government as to individual members who availed themselves of it. He was most anxious that responsible government should have a fair trial, but he must say that hitherto he had been disappointed with its operations. For instance, just before divisions took place, he had seen one member of the Government with a list on which all the names of hon members were ticked off, and when he had heard it said—"They're all right, but so and so," he had seen one of the members of the Government leave his place and have a chat with members who they knew were opposed to them, but whose votes were suddenly singularly altered, so much so that he believed the Government must have mesmerised them. (Laughter.) He believed the present Government to be influenced by honorable intentions, but such might not be the case with future Governments.

Mr DUFFIELD was most anxious, with the last speaker, that responsible government should have a fair trial, and he was sorry to see those who made the most noise about responsible government before it was obtained, the first to aim what he considered would be a deathblow to responsible government. If the motion or amendment were carried, it would clearly shew the House had no confidence in the present Government, nor any confidence in the people of South Australia electing as their representatives men who would be above such influences as those alluded to in the motion of the hon member for Gumeracha. He should oppose the motion, satisfied that if a Government were disposed to be corrupt, this motion would not prevent them, and that the people of South Australia would very soon settle any Government supposed to be corrupt.

Mr McELLISTER opposed the motion, which he considered cast a slur upon the members of that House. He wanted no place, no Government patronage, and considered that it cast a slur upon that House when any member of it sought either the one or the other. Still, he was sorry that such a feeling should have been manifested towards the two hon members who were absent, as he could not see why any hon member should be pointed at because he chose to accept an appointment for which he felt himself competent. Why he said, it was calculated to cast a slur upon members of that House was, that it opened the question whether the parties had not become representatives merely for the purpose of securing a certain amount of Government patronage.

Mr SOLOMON would not have spoken upon this subject but for the challenge of the hon member for the Sturt to every member to express his opinion, a challenge which had been so cheerfully responded to. He had at one time made up his mind partially to support the motion, but since he had been in the House he had heard as good arguments against it as he had previously heard for it. He had neither been bought nor mesmerised by the Government, but claimed the liberty of exercising a fair and impartial judgment on all occasions. He believed that if they were to carry this motion it would imply suspicion of the present Ministry and if the Ministry were really suspected, why did not the hon member for Gumeracha at once move a want of confidence in them? So far from this, however, the hon member had expressed his full confidence in the present Ministry. He should oppose the motion, believing that if the Government did not strictly carry out the duties of responsible government, the House had power to stop and dismiss them before they could do any large amount of damage. He trusted that both the motion and amendment, as they implied suspicion where none should exist, would be negatived, although he had certainly heard that an appointment had been promised to a certain gentleman when Parliament was prorogued. He had only heard this, however, in reference to the hon member for Finders.

Mr MILDRED should oppose the motion, which he considered cast a reflection on the present Legislature. He had ever given independent votes in that House, and hoped he ever should frequently opposing the Government, but never offering factious opposition.

Mr BAGOT opposed the motion, which he looked upon as riding responsible government to death. The Government was or ought to be a reflection of the majority of the representatives of that House or the country. If the Government did not carry out the wishes of a majority of that House, let them be turned out. It appeared to be forgotten that we were living under responsible government. Hon members appeared to think that the Government had eight nominees at their back. He con-

sidered the motion was a blow at the principle involved in responsible government, and he believed the hon member for Gumeracha wished to see that principle carried out.

Mr HAY was really surprised at the arguments which had been brought forward during the debate. The argument that the new Parliament could annul the resolution when it met would apply to every law which had ever been passed by the House. He did not wish this resolution to go further than any other, that is, he merely wished it to have effect till it was rescinded. He believed that the resolution would have a most salutary effect, and that it would prevent hon members from being tampered with. He had not mentioned the names of any of those who it was rumored were to receive appointments, as he had wished to avoid reference to rumors. It had been said by some hon members that this motion would be a reflection upon the House, but the same course had been taken in Victoria, and there, it was not considered a reflection upon the House. The appointment of members of that House to high situations, merely for political reasons, would be contended by unjust to many in the Government service, who had far greater claims than members of that House. It was not right that promotion in the public service should be stopped by political influence. It was unfair that any man should occupy a seat in that house after he knew that he was to have a situation. The proper and manly course would be for him at once to intimate to his constituency that he had accepted a Government appointment, and not again take his seat in the House, lest he should be suspected of corrupt motives.

The amendment was lost, and the original motion was also lost by a majority of 11, the votes on a division (ayes 8, noes 19) being as follows—

AYES, 8—Messrs Barrow, Glyde, Neales, Owen, Reynolds, Townsend, Wark, Hay (teller)

NOES, 19—The Commissioner of Public Works, the Commissioner of Crown Lands, the Treasurer, Messrs Andrews, Bakewell, Cole, Collinson, Duffield, Dutton, Hallett, Hawker, Lindsay, McEllister, Mildred, Rogers, Scammell, Solomon, Strangways, Attorney-General (teller)

NORTHERN EXPLORATION

A message was received from His Excellency the Governor intimating that 2,000l had been placed on the Supplementary Estimates to defray the cost of dispatching a vessel to the north west coast.

VALLEY OF THE GILBERT

The COMMISSIONER OF PUBLIC WORKS laid upon the table progress report relative to the survey by the Valley of the Gilbert.

Ordered to be printed.

MESSAGES FROM LEGISLATIVE COUNCIL

Messages from the Legislative Council intimated that they had agreed to the Appropriation Bill, Scab in Sheep Bill, Bills of Lading Bill, and Interpretation of Acts Bill, with certain amendments which were ordered to be taken into consideration on the following Wednesday.

THE SHERIFF

Mr BAGOT moved that the following Order of the Day be discharged, remarking that he did so in consequence of a communication which he had had with the Attorney-General—

"That the House resolve itself into a Committee of the whole for the purpose of considering the petition of the Sheriff and the motion that an Address be presented to His Excellency the Governor-in-Chief, praying His Excellency to cause a sum of 3000l to be placed on the Estimates for the purpose of relieving the Sheriff from the loss sustained in the execution of his duty."

The ATTORNEY-GENERAL, in seconding the motion, stated that the case of the Sheriff had been brought under the consideration of the Government, and if the Government had felt that they could ask the House to agree to a motion of this kind they would have brought it forward, but the fact was that the salary of the Sheriff had very frequently been objected to in that House, and had always been supported on the ground that the Sheriff was exposed to great responsibilities, and the House had recognised that as a claim for a liberal salary. That being the case, the Government felt that the Sheriff having been receiving what was in the nature of a premium of assurance against responsibilities when a loss actually occurred, was not justified in asking for compensation. He sympathised with the Sheriff in his present position, but felt that the case was one in which the Government could not interfere.

Mr NEALE intimated that he had also been requested to withdraw the motion upon the same subject in his name. The order of the day was discharged.

ELECTORAL ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL, this Bill was read a third time and passed.

DISILLUATION ACT AMENDMENT BILL

The ATTORNEY-GENERAL moved this Bill be read a third time.

Dr WARK moved that it be read that day six months, considering it a retrograde measure and a sham. At the last

moment, not having previously had an opportunity of expressing his opinions, he entered his thorough dissent to the Bill.

The amendment was not seconded, and the third reading was carried by a majority of one, the votes on a division—Ayes 7, Noes 6—being as follow—

AYES, 7—Commissioner of Crown Lands, Commissioners of Public Works, Messrs Duffield, Mildred, Solomon, the Treasurer, Attorney-General (teller)
 NOES, 6—Messrs Bagot, Bakewell, Hay, Lindsay, McEllister, Waik (teller)

VOLUNTEER MILITARY FORCE ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL, the amendments made by the Legislative Council in this Bill were agreed to, and intimation of acquiescence directed to be sent to the Council

REGISTRATION OF PATENTS BILL

On the motion of the ATTORNEY-GENERAL, the amendments made by the Legislative Council in this Bill were agreed to, the hon gentleman remarking that they were all verbal with the exception of two, which he regarded as improvements, and which related to the enrolment of specifications in a particular way

INCORPORATED COMPANIES SUITS BILL

Mr BAKEWELL said, in reference to the statement made by the hon member for East Torrens (Mr Glyde) that he (Mr Bakewell) had been absent half a dozen times when the Incorporated Companies Suits Bill was called on, he had, with Mr Beresford, the Clerk of the House, searched the records, and found that he had only been absent once during the progress of the Bill. The assertion of the hon member for East Torrens was consequently most unjust

The ATTORNEY-GENERAL said, however right it would be to listen to the hon member's explanation of his own conduct, it would be very wrong to listen to an attack on another hon member

The House adjourned at 10 minutes past, 4 o'clock, till 1 o'clock the following Wednesday

LEGISLATIVE COUNCIL

FRIDAY, AUGUST 26

The Hon the PRESIDENT took the chair at 2 o'clock

MR JUSTICE GWYNNE

The Hon the PRESIDENT drew the attention of the Council to the fact that Mr Justice Gwynne had been absent from his seat in the Council for two consecutive months

THE HON MAJOR FREELING

The Hon the PRESIDENT read a communication which he had received from the Hon Major Freeling, intimating that his numerous avocations prevented him from devoting that time to the discharge of Parliamentary duties which was desirable, and begging, in consequence, to place his resignation of his seat as a member of the Legislative Council in the hands of the Hon the President

The Hon the CHIEF SECRETARY said he would with the consent of the Council, defer taking action in reference to these matters until the following Tuesday

THE HARBOR TRUST

The Hon A FORSTER gave notice that, on the following Tuesday, he would move an address be presented to His Excellency the Governor-in-Chief, praying that Mr Collinson, M.P., might be appointed a member of the Harbor Trust, in the room of the Hon William Younghusband, resigned

THE LUNATIC ASYLUM

The Hon S DAVENPORT moved—

That an address be presented to His Excellency the Governor-in-Chief, requesting that effect may be given to the resolution passed by this Council, on the 23rd instant, affecting additions to the Lunatic Asylum

The hon gentleman stated he had been induced to adopt this course at the suggestion of several members of the Council, for the purpose of placing the resolution in that position which its merits deserved. It would have the effect of constitutionally placing the matter before the Executive Council, at which His Excellency the Governor presided, thus it would put a resolution which had been adopted by one of the three powers of the realm before another of those powers. The advocates of the resolution were he considered entitled to take steps likely to be most effectual in leading to a recognition of that resolution. His own impression was, not only in reference to what had taken place in that House but elsewhere, that there had not been manifested an inclination to give the subject that amount of consideration which was due to it. In that House, for instance, it had been stated that to accede to the resolution would involve an expenditure of 60,000, or 70,000, but that was a mistake, for the resolution simply asked that the money which had been voted should not be expended upon the present site, but upon that site in the country to which public opinion had long since pointed. The results of science, and the calls of humanity demanded

that this step should be taken it having been shewn that the unfortunate objects affected by the resolution could not receive that accommodation, nor could the same hopes of recovery be entertained at the present site as elsewhere. On other grounds it was desirable that the resolution should be dealt with as he proposed. The whole question, he thought, notwithstanding the obligation of the Government of the present day to expend the money on the present site, should be reconsidered. The obligation of the Government was such that the question might with propriety be reconsidered not only by them, but by those from whom they derived their authority to expend the money. He would ask the hon the Chief Secretary as the representative of the Government in that House, to look at all the circumstances under which the money was voted. It was stated at the time to be a most pressing case, and the vote was agreed to purely on the grounds of humanity. No plan of the proposed building or addition to the building had been made, it was asked for at the time the vote was under discussion, but was not forthcoming, and the vote was allowed to pass, purely upon the ground that it was a great pressing emergency. Since the grounds upon which the money had been voted had not been shown in truth and in fact to exist, the relationship between the Government and those who voted the money was such that he was sure the House would agree with him, the matter might with great propriety again be brought under their consideration. He did not think it right that land should be granted at one time for a public purpose, and that subsequently it or any portion of it should be taken away without asking the permission of those who had charge of it. It could not be said that such a course was altogether justifiable. He was quite sure that the hon gentleman who represented the Government in that House would not have done so in his private capacity, and what members of the Government would not do in their private capacity they should not do as a Government, although the Government sometimes, like individuals, did what was not intended, but in this instance the hon gentleman who represented the Government was so well acquainted with all the circumstances of the case—for it was the hon gentleman who, in 1855, applied for the grant, and in consequence of that application 40 acres were granted to the Botanical Gardens. From first to last the circumstances were such as to claim the reconsideration of the Government, and in an economical point of view relating to the expenditure of public money, he believed the subject would be found well worthy of reconsideration. He might urge also the grounds of humanity for it was admitted on all hands that the present institution and site were unfavorable to the patients, whose recovery was in consequence retarded. The mere fact of position, and the confined nature of the grounds, operated against that restoration to health which might be attained elsewhere. He felt that all these grounds established a sufficient claim for a reconsideration of the subject, and to place it in a proper light before the Government and the country. He begged therefore to move that an address be presented to His Excellency the Governor-in-Chief, requesting that effect may be given to the resolution passed by the Council on the 23rd instant, affecting additions to the Lunatic Asylum

The Hon H AYERS seconded the motion

The Hon Dr DAVIES in supporting the motion, remarked that as so long a time had elapsed since the money had been voted without any action having been taken, he thought they might well wait a little longer, as if there were no great accession to the number of female patients, they would be enabled to go on very well a little longer. It would be a pity that the Government should persist in carrying out the expenditure of money voted twelve months ago, as if the proposed plan were adopted, it certainly would not tend to the improvement of the moral and physical condition of the patients. In the treatment of lunatics, it was not the mere housing which was to be considered, and therefore it was that he did not approve of the plan proposed, but he would recommend that endeavors should be made to obtain a few acres at the back of the Lunatic Asylum for recreation and other employments. If the plan of increasing the present building were persisted in, he thought the plan should be submitted to the Botanic Gardens Committee, and that their opinion should be consulted. He was quite convinced, not only from his own impressions, but from conversations which he had had with others, that a far better plan might be adopted than that which the Government proposed to carry out

The Hon Dr EVERARD, in supporting the motion, said that when this matter was first brought under the notice of the Council he really was not aware of its importance. He was unacquainted with the character of the present building appropriated to lunatics, but since that time he had taken an opportunity of visiting it, and he must say that he considered it totally unsuited to the purposes for which it was intended. Any individual placed there, instead of being afforded opportunities of recovery, would in all probability have fewer lucid intervals than ever, and would become a confirmed maniac in such a place. It was a perfect prison and there were no means whatever of recreation for the unfortunate inmates. Instead of enlarging the present building it would be far better that the Govern-

ment should take advantage of the 60 acres which they had purchased, he believed at 40l per acre, at the foot of the hills, and erect a new building there, for it was a beautiful situation for such a building, and a building could be erected there at comparatively little expense, for limestone, sand, water, and, in fact, everything that was required but timber, was to be found in the immediate neighborhood. Under all the circumstances he thought the Government would be justified in laying out a considerable sum at the spot which he had indicated. It had been said that the present building required enlargement, but he would suggest, instead of enlarging such a building, if there were really not room for the unfortunate inmates, that a portion of the money which had been voted should be devoted to renting a suitable building. He presumed it would be competent to do so, and, perhaps, some of the unfortunate sufferers might be located at the German hospital, which was at present far from full. He was not aware whether it would be competent to adopt such a course, but he considered it would be very desirable to do so, in preference to making additions to the present building.

The Hon Capt BAGOT, before the question was put, would venture to make a remark or two in reference to the language which had been used by some hon members in supporting this resolution. Perhaps it would not be courteous to say that there had been a good deal of exaggeration, but there had been high coloring. It had been stated that an encroachment had been committed or attempted by the Government, acting on the part of the Lunatic Asylum, upon the Botanic Gardens, but the encroachment had, in fact, been committed, and most unwarrantably, by the Botanic Gardens upon the Lunatic Asylum. He was a good deal acquainted with the Lunatic Asylum many years ago as one of the visitors, and knew it was contemplated that the whole hill which was the matter in dispute should be eventually enclosed by the Lunatic Asylum, so that the wall might be made perfectly secure without presenting the appearance of a prison. The encroachment had been by the Botanic Gardens, which had actually taken every inch of the land. The case stood thus—The Government said there was a necessity for an addition to the present building, and the money having been voted for that purpose, the Government merely sought to take, for the purpose of making the necessary addition—a quarter of an acre of the land encroached upon by the Botanic Gardens. A good deal had been said about the badness of the situation of the present building, which it was contended was in too close proximity to the public, but that he contended was one of the greatest benefits which could be afforded, as it gave the unfortunate lunatics an opportunity of frequent intercourse with their friends and visitors. If hon members had visited the Lunatic Asylum a sufficient number of times to have become known to the inmates, they would know the appearance of delight manifested by the unfortunate lunatics upon the appearance of parties who were known to them. Immense benefits were conferred by talking quietly to the poor creatures, enquiring into their wants, and indulging in a laugh or joke with them. The most beneficial results that could be possibly imagined would be produced by such a course. But if the Asylum were removed to a distant part, it was quite clear that advantage would be lost. At present a great many philanthropic ladies visited the Asylum, and were always well received by the unfortunate inmates, but if the site were removed to the country a great many of these would be unable to continue their visits. He was borne out in the views which he had expressed by the medical men in charge of the Institution, who agreed that great evils would result if the site were changed. Independently of this the removal would entail a very large expenditure, for there would not only be the cost of constructing a new building but there would also be a great increase in the expense of maintaining and supporting the institution, for it would be essential that all the officers connected with it should be resident on the spot. On the whole he considered it would be much better that no further action should be taken in the matter, but that the Government should be left to follow the course which they had laid down for themselves, and take a small portion of the ground for the purpose of erecting the necessary additions to the present building.

The Hon H AYERS thought the matter should be dealt with upon a broader basis than having reference merely to a small piece of land. He thought it had been satisfactorily shown that the present building was utterly unsuited to the purposes for which it was required. He resided in the neighborhood, and had consequently been afforded some opportunities of judging of the suitability of the building, and believed that the accommodations which it afforded were not such as lunatics should receive. He had frequently observed on warm summer mornings a number of the unfortunate sufferers, enclosed by high walls, walking about with the sun shining down upon them, sufficiently almost to produce madness in a sane person. Contrasting the building and accommodation afforded here with those of other colonies, the difference was certainly very striking. He had had an opportunity of seeing the arrangements in Victoria, where the Lunatic Asylum was in a beautiful secluded spot, surrounded with shrubs and flowers, and in fact the whole arrangements were such that the lunatics never knew they were under restraint

How different were the arrangements here, whether the dormitory or the yard was looked at, there was the prison arrangement throughout. If it were a mere matter of taking a small piece of land, it would not be a matter of much consequence, but the question assumed a broader basis, and the present building not being suited to the purposes for which it was required it would be an utter waste of public money to attempt to enlarge it. He fully agreed with the proposition that any further expenditure should take place upon the site which had been purchased by the Government, and which the Government had throughout admitted was the proper place. The present Government said that it was simply a question of money, and had never denied that the site which they had purchased was the best place. If it were a question of money, let the Government make a beginning by an instalment, having plans drawn up for the hospital, capable of extension.

The Hon the CHIEF SECRETARY said the Government had no wish or intention to oppose the motion—in fact the Executive Government would be glad to give the subject their consideration, and that it should receive the recommendation of the Legislature. He would point out, however, that the £2,500 had been specially voted by both branches of the Legislature for a particular object, namely to enlarge the present building, and it would be unconstitutional, therefore, the money having been voted by both branches of the Legislature for a particular purpose, that it should be devoted to any other. Plans for the addition had been prepared many months ago, and it was only in consequence of the obstructions which had been thrown in the way by the Botanic Gardens Committee that the work had not been gone on with. The Hon Dr Davies had suggested that the plans should be submitted to the Botanic Gardens Committee, but he would remind the hon gentleman that the Botanic Gardens Committee had not been appointed for any objects in connection with the Lunatic Asylum.

The Hon S DAVENPORT said the Hon the Chief Secretary had remarked that in this instance money had been voted for a particular object by both branches of the Legislature, and that it would consequently be unconstitutional to devote it to any other. It was not doubted that the amount, having been included in the Appropriation Act, had, in fact, been voted by both branches of the Legislature, but he was persuaded that when the hon gentleman looked into all the circumstances connected with the vote, he would arrive at the conclusion that it was a vote which might very properly be brought before the Legislature for reconsideration. The Government, indeed, acknowledged that some such course would be right, as the Hon the Chief Secretary had said that he was very willing the matter should receive the consideration of the Executive Council and the reconsideration of the Legislature. All that he asked was that before Parliament was prorogued, the question should again be submitted for its consideration. He thought His Excellency might in a constitutional way again bring the matter under the consideration of the other House. The course of argument which had been adopted by the Hon Captain Bagot had, he thought, tended to confirm what had been stated by the Hon Mr Ayers and the Hon Dr Everard, that the present Asylum and site were utterly unsuited to the purposes for which they were intended as regarded the recovery of patients. It did not propose, as had been stated by the Hon Captain Bagot, to remove the Asylum to the country, but to the suburbs. The hon gentleman had said that the appearance of visitors had a most beneficial effect upon those who had such strong claims upon our humanity, but if the site were changed, no doubt there would still be many, who from benevolent motives, would periodically visit those who were suffering from one of the heaviest afflictions to which human beings were liable. If the Colonial Surgeon approved of the present site, he could only say that he did not consider the opinion of the Colonial Surgeon entitled to confidence, and it should be remembered that all the medical gentlemen in that House had stated that if the Colonial Surgeon were of that opinion he could not understand the science in connection with the treatment of lunatics. He believed that great advantages might with confidence be anticipated from medical men residing on the spot, and that the devotion even of one medical man to this class of sickness would be one of the greatest boons to the community.

The motion was carried.

KAPUNDA RAILWAY TERMINUS BILL

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time and passed, and ordered to be forwarded 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.

INSOLVENT LAW AMENDMENT BILL

On the motion of the Hon the CHIEF SECRETARY, this Bill was read a third time and passed, and ordered to be forwarded 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.

ELECTIONAL LAW AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that in the working of the existing

law several defects presented themselves, which the Bill before the House proposed to amend. Under the existing Act new electoral rolls were furnished every year, but this had been found unnecessary and very expensive, it was, therefore, proposed by the Bill before the House, that five years should be substituted for annual and the Bill gave power to every individual to register himself as an elector, by giving an intimation to the Returning Officer of the district to which he belonged. It also provided that lists for the various electoral districts should be made out twice every year, and that they should be revised twice a year by the Returning Officer instead of once as hitherto. The Bill before the House proposed to remedy other difficulties which had been felt under the existing Act. For instance, under the Constitution Act a residence of six months entitled parties to the franchise, but as Revision Courts were only held every twelve months although a party might from residence be entitled to the franchise, still his name might not appear upon the roll in consequence of no Revision Court having been held. Further provision was made by the Bill to enable parties who had once been on the roll for a particular district, but who had removed to another district, to vote for the district to which they had removed by getting a certificate from the Returning Officer for that district, for which a fee of half a crown would be charged. This had been found necessary, as under the existing law, if a person removed from one district to another he lost the franchise, as he could not vote for the district in reference to which his name appeared upon the register roll, as he had ceased to reside there, and he could not vote for the district to which he had removed, as his name was not upon the roll. The existing law prohibited candidates from addressing the electors within three days of the election, but the Bill before the House substituted twenty-four hours for three days. It also provided that the Returning Officer might receive the names of candidates until noon on the day of nomination, instead of as at present until the previous day. He thought it would be admitted that the alterations contemplated by this Bill were good in principle, and had no doubt they would meet with the concurrence of the House. He therefore moved it be read a second time.

The Hon H AYERS seconded the motion. The Bill was then read a second time, and passed through Committee with merely verbal amendments. The report was agreed to, and the third reading made an Order of the Day for the following Tuesday.

ADMINISTRATION OF OATHS AND AFFIDAVITS BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, said that its object and effect were shown in the preamble. The bill only consisted of two clauses. In reference to the first he would remark that the Supreme Court had power to appoint Commissioners generally within the province, but they had no power to make any general appointments beyond the bounds of the colony, consequently special appointments were made in connection with particular cases, involving great expense and loss of time. The Bill before the House provided that the Supreme Court should have power to make appointments without as well as within the colony, and the second clause provided for the appointment of persons before whom parties who had been appointed Justices of the Peace could be sworn in, instead of being compelled to come to the Supreme Court to take the oath of allegiance. He moved that the Bill be read a second time.

The Hon S DAVENPORT seconded the motion. The Bill was then read a second time, and passed through Committee, a recital contained in the second clause being, on the motion of the Hon H AYERS, struck out, and transferred to the preamble of the Bill. The report was agreed to, and the third reading made an Order of the Day for the following Tuesday.

The Council adjourned at a quarter past 3 o'clock till 2 o'clock on the following Tuesday.

TUESDAY, AUGUST 30

The PRESIDENT took the Chair at 2 o'clock

THE LUNATIC ASYLUM

The Hon the PRESIDENT announced that he had presented to His Excellency the Governor the address adopted by the Council in reference to proposed additions to the Lunatic Asylum, and that His Excellency had been pleased to receive the same.

MR JUSTICE GWYNNE

The Hon the PRESIDENT announced that he had received a letter from His Honor Mr Justice Gwynne, resigning his seat in the Legislative Council, and intimating that the intention was the receipt of the letter by the Hon the President should have the effect of vacating the said seat.

ASSESSMENT ON STOCK

The Hon S DAVENPORT presented a petition from 16 lessees of waste lands of the Crown, complaining of the assessment to which they had been subjected under the Assessment on Stock Act passed last session. The petitioners stated it was clearly the intention of the Legislature

that the assessment should be 2d per head on the carrying capabilities of the runs, but that a most erroneous classification had been made, and the petitioners in consequence applied for a reclassification, which they were informed should be made, and in the interim two-thirds of the assessment to be received. Since then there had been a revised classification, but without any reference to a fresh survey, or to the representations of the petitioners in reference to the carrying capabilities of their runs, and the revised classification made by the Surveyor-General was represented as being nearly as erroneous and unjust as the first valuation. The runs were represented as being so far assessed beyond their carrying capabilities that instead of the assessment being only 2d per head, it ranged from 3d to 7d, and in some instances more. The prayer of the petition was, that before the prorogation, the Council would present an address to His Excellency the Governor, praying for the appointment of a commission to ascertain the carrying capabilities of the runs, pending which the Executive Government be requested to suspend any further action in the matter.

The petition was received, read, and ordered to be printed.

THE COLONIAL AGENT

The Hon Captain BAGOT gave notice that on the next day of meeting, he should ask the Hon the Chief Secretary who was the Colonial Agent in London? On what authority was the appointment made? Whether the Colonial Agent found any security? If so to what amount? Who were the sureties, and for what amount each was bound? Whether the proper bonds had been executed by the sureties, and where they were?

PARLIAMENTARY PAPERS

The Hon S DAVENPORT gave notice that, on the following day, he should move that all papers and other documents ordered during the session, but not furnished prior to the prorogation, be forwarded as soon as possible to the Hon the President, and bound up with the Votes and Proceedings, as though they had been laid on the table during the session.

THE HARBOR TRUST

The Hon A FORSTER moved—
"That an Address be presented to His Excellency the Governor-in-Chief, requesting him to appoint E G Collinson, Esq., as a member of the Harbor Trust in the place of the Hon Wm Youngusband, resigned."

The hon gentleman remarked he thought the House would come to the conclusion that Mr Collinson was a very fit and proper person to succeed the Hon the Chief Secretary in his office as a member of the Harbor Trust. He felt satisfied that Mr Collinson was thoroughly qualified for the post, and moved the address more freely and with more pleasure because he was now in a position to state that there was no profit or emolument connected with the office, there were no fees connected with it. He therefore moved the address with great pleasure, although Mr Collinson happened yet to be a member of the other House.

The Hon Captain SCOTT felt much pleasure in seconding the motion. It would be in the recollection of the Council that Mr Collinson was formerly a member of the Harbor Trust, in fact he believed that gentleman was appointed a member when the Harbor Trust was first formed, but when he became a member of the other branch of the Legislature he resigned his connection with the Harbor Trust, because there were at that time fees connected with the office. At present, however, there were no fees, members serving gratuitously, and considering Mr Collinson in every way qualified, he had much pleasure in seconding the motion.

The motion was carried.

DISTILLATION ACT AMENDMENT BILL

The Hon the CHIEF SECRETARY, in moving the second reading of this Bill, remarked that it proposed to consolidate and amalgamate two Acts relative to distillation at present in existence. One of those Acts was passed in 1851 and the other in 1857. The former Act, whilst it gave power to parties to enter upon the business of distillers, and to manufacture spirits from any description of article, whether colonial or imported, appeared to contemplate operations being conducted on a very extensive scale, and placed such restrictions upon parties engaged in distillation, and required such a very large amount of capital, as, in fact, amounted to a prohibition. Under that Act, any one wishing to enter upon the business of distillation had to enter into recognizances to the extent of £2,500, and must, before he commenced, expend a large sum in the erection of buildings for the purpose of containing the spirit when manufactured and other purposes. The Act of 1857 professed to be an Act to encourage the culture of the vine in South Australia by permitting distillation from the fermented juice of the grape and the grape only. Distillation to a considerable extent had been carried on under that Act, 21 licences having been issued under the Act, but at the same time it was so loosely framed that although, as he had stated, 21 licences had been issued up to the present time, the duty which had been collected on the manufactured spirit was insignificant. The objects of the present Bill were to ensure the better collection of the revenue, whilst it permitted parties to distil from various products from which they had been restricted by previous Acts.

The Hon Dr EVERARD seconded the motion.

The Hon A FORSTER said that if this Bill were to improve the powers possessed by the Government in reference to the revenue derived from distillation, he had no objection to it particularly, although he did not think it was any great improvement upon the existing law, but still it the Government would be benefited by it with regard to the revenue, he did not object to it. On looking over the Bill, however, he found that as it stood it could not by any possibility confer the smallest advantage upon any class of persons in the colony. He thought this would be perfectly clear upon reference to the Bill. It had been said out of doors that the Council had been in the habit of considering, not merely the principle, but the details of measures, to such an extent as to interfere with the action of the other House, and that in consequence of the Council the other House had been prevented from being prorogued. He understood that the Attorney-General had said so, though of course he could not refer to that in that House. He might remark, however, he had understood the Council had been charged with interfering so much with details as to prevent the proper action of the other House. If hon gentlemen would refer to the second clause they would find it provided that it would not be lawful for any person to distil without having first obtained a licence from the Treasurer, in the form mentioned in a schedule annexed to the Bill, under a penalty of not less than 100*l*, nor more than 500*l*. The clause was sufficiently involved not to be very intelligible to a person reading it in a cursory manner, but it would be observed it required as a condition conferring a right to distil, that a licence should be obtained from the Treasurer in the form of schedule annexed. He had looked carefully, but had failed to discover any schedule, the very condition on which parties were allowed to distil was not given, and consequently it would be impossible to pass the Bill, which could not possibly be of any use in any shape or form. However willing he might be to assist the Hon the Chief Secretary in passing the Bill, if it would be advantageous to the Government, it appeared to him it would be mere waste of time to attempt to pass it, as it conferred no privileges whatever upon the vinegrowers or any other class. He did not know whether the House would go so far into details as to attempt to rectify the error which he had pointed out, but if they did not, they certainly could not pass the Bill. He really thought the thing had been sent to them in such an extraordinary manner that the best thing which could be done would be to allow it to lie over till next session.

The Hon J MORPHELT rose to a point of order. The hon member had been speaking to a motion which had not been seconded.

The Hon the PRESIDENT said the motion for the second reading of the Bill was seconded by the Hon Dr Everard.

The Hon Capt BAGOT had no wish to embarrass the Government in any measure which was for the benefit of the country or the Government. He had hoped that the Bill before the House would have been one which might have been conducive of some benefit to both, for he did not consider that the Government alone should be the object to be benefited, the great object should be to meet the wishes of the country upon this question. They were all aware there had been a great deal of clamour upon the subject of distillation, and whether free distillation was or was not a desirable object, there was certainly nothing in the Bill before the House which would forward the wishes or views of the community upon the subject. From what he could gather from the Bill, it appeared to him merely to provide means for enforcing very stringent regulations. It appeared to him to be for the purpose of establishing what he trusted they would never see established—a numerous army of excise officers. Almost every clause shewed the necessity, wherever there was a still, of there being an excise officer upon the spot. The second clause, as had been remarked, provided for the granting of licences, and there was no limit to the size of the still. The Hon the Chief Secretary had said that the Act of 1851 was inoperative, because it required that the stills should be of large dimensions, and why so? Why, because it was necessary there should be an excise officer to attend, but under the provisions of the Bill before the House, a man might take out a licence for a five-gallon still, there was nothing to prevent him, such an application could not be refused, and having commenced to distil a bottle of spirits a day, there must be an excise officer upon the spot to receive the spirit, gauge it, and place it in a place of safety. Then, again when it was required to remove the spirit, there must be an excise officer to open the store, in fact there must be an army of excise officers to carry out the provisions of the Bill. The Hon the Chief Secretary had said there was evidence of shortcoming in the small returns from the stills for which licences had been granted. The hon gentleman had stated that 21 stills had been at work in the province. [The Hon the Chief Secretary said what he had stated was that 21 licences had been granted.] Well then, 21 licences had been granted, but he (Capt Bagot) had a right to suppose that if licences were taken out persons were making use of them, and if 21 stills were in operation under the proposed Bill, 21 revenue officers would be required, and taking the cost of such officers at a moderate valuation at 200*l* a year each, there

would be a sum of upwards of 4,000*l*, equivalent to the amount of duty on 800 or 9,000 gallons of spirits. Such being the case, he would ask whether it would not be better that the country should suffer a trifling loss of revenue by illicit distillation, if some persons were engaged in such, of which there was no proof, than that the Government should not only be armed with power to appoint, but actually be under the necessity of appointing 21 revenue officers? Throughout the Bill he found nothing which was likely to prove useful, and it would be much better to follow the recommendation of the Hon Mr Forster, and defer the measure for a future session. He therefore moved "That the Bill be read again that day six months."

The Hon J MORPHELT seconded the proposition of the Hon Capt Bagot, and in doing so would frankly confess that he could not understand the object of the Government in introducing such a measure as that before the House. He was aware that there had been for some time past a demand on the part of a section of the community for a law to allow free distillation, and that he could understand and comprehend, though at the same time he might state he should oppose a Bill for any such purpose, because he believed in the present state of the colony it would be impossible for any Ministry to supply the loss to the revenue arising from the loss of the duty on spirits. The question of free distillation was no doubt an important one, and the time would come when it would be necessary to adopt it in consequence of the grain producing power and the horticultural capabilities of the colony. No doubt from those circumstances the same would come when free distillation would be the law of the land, but the time had not yet arrived, and he should, therefore, oppose a Bill introduced by any Ministry to give free distillation. That, however, was a substantive proposition, but what this Bill was he could not say. Another proposition was also advanced by a certain section of the community, that greater facilities should be given to the vine-growers to enable them to use the lees of grapes after making wine and convert them into spirits. That, he thought, was a reasonable proposition, and endeavors had been made to meet it by the Bill of 1858. If the Bill before the House were simply to amend some defects in that law he should fully support it, but it had not to his mind any such object. It did not improve the law as regarded the facilities to be granted to winemakers for distilling spirits, but the Bill appeared to him to be simply for the purpose of consolidating all penalties enacted under previous laws. Under the Act of 1856 the penalties for an infraction of the law amounted in the aggregate to 900*l*, but under the Bill before the House the penalties amounted to 2,325*l*, and that certainly did not seem to give much encouragement to the vinegrowers. With respect to vinegrowers, he thought the Hon the Chief Secretary and his brother Ministers would find no difficulty in granting facilities to the vinegrowers without affecting the revenue. He agreed with the Hon Captain Bagot that to create an army of excise officers, which would be necessitated by the present Bill, would be very objectionable. The vinegrowers, if he understood rightly, wanted this. The climate and soil were admirably adapted for the growth of the vine, and in the manufacture of wine there was a certain product which was of no use except for the purpose of distillation, and they wanted the privilege of distilling from it, otherwise nothing would be obtained from the product to which he had alluded, and there would be a consequent loss to the country. In making wine he believed it perfectly possible to manufacture such an article as would suit the palate of the most fastidious, but the majority of parties here manufactured such wine as required a good deal of fortification to enable it either to be used or to go to a market. The vinegrowers wished to have the privilege of increasing the wealth of the colony by turning all their produce into an exportable article. The consumption here of the particular class of wines which would not require fortification to any extent would be very small, and even in England the consumption of high-flavoured and delicate wines was very small, but the demand for coarse strong wine to form the basis of any wine which parties might choose to call it, was enormous. Progressing as the colony was, there would soon be thousands of acres of vines which would produce strong, rich-bodied, full-flavoured wine such as formed the basis of half the sherry drunk in England. The vinegrower wanted power to put the wine in a cask to send it to the best market in the world—England, and to do so he wanted to distil the refuse. He thought it would be admitted it was desirable to encourage the increase of the wealth of the province, that was what all in the present state of the colony must feel disposed to support, but he did not in the Bill before the House see any further facilities than those which were afforded by the Bill of 1858. He rather thought, indeed, that the Bill before the House increased the penalties, and consequently it would be of no advantage to the vinegrowers. With respect to the general question of distillation he would remark that if the Ministry introduced a measure to meet the views of those who called for free distillation, he did not think they would succeed in carrying it, nor did he think it would be wise on their part to make the attempt. He could not see what had induced the Government to introduce the present Bill, and feeling

strongly on the subject, should second the proposition that it be read again that day six months, which he believed was the best fate they could give the Bill.

The Hon the CHIEF SECRETARY would, as no other hon member appeared disposed to address the House, make a few remarks. The arguments which had been used against the Bill by the Hon Captain Bagot were purely imaginary. The hon members who had opposed the Bill could not have read it, or if they had, they would have seen there was not a single stringent provision in the Bill which was not in the existing law. He defied hon members to shew the contrary. Then, again with respect to the army of Excise officers referred to by the Hon Captain Bagot, if the hon gentleman had examined the Bill, he would have seen that the whole of the duties would be performed by a single inspector of distilleries (The Hon Captain Bagot begged to refer the hon gentleman to the 27th clause.) He (the Chief Secretary) was perfectly aware of the provisions of that clause, and the person there indicated was the Inspector of Distilleries. With regard to the objection which had been raised by the Hon Mr Forster, in reference to the second clause, that was a difficulty easily got over, as it was not at all necessary that the words which had been referred to, should be in the clause, and he had intended to move that they be struck out, it being quite competent for the Treasurer to use any form he might think proper.

The PRESIDENT then put the formal motion, "That the words proposed to be struck out stand part of the question," or in other words, "That the Bill be read a second time," which was negatived on a division by a majority of three, the votes, Ayes 5, Noes 3, being as follow—

Ayes, 5—Messrs Everard, Forster, Hall, Stirling, Chief Secretary (teller).

Noes, 3—Messrs Ayers, Davenport, Davies, Morphett, O'Halloran, A Scott, Captain Scott, Bagot (teller).

The PRESIDENT then put the question, that the Bill be read that day six months, and declared it to be negatived, but upon a division being called for, it was carried by a majority of 4, the votes—Ayes, 8, Noes, 4, being as follows—

Ayes, 8—Messrs Ayers, Davenport, Davies, Morphett, O'Halloran, A. Scott, Captain Scott, Bagot (teller).

Noes, 4—Messrs Everard, Forster, Chief Secretary, Hall, (teller.)

INCORPORATED COMPANIES SUITS BILL

The Hon H AYERS, in moving the second reading of this Bill, said that he had only to state, as the title indicated, that the object of the Bill was to facilitate proceedings by and against Incorporated Companies, more particularly Incorporated Companies acting under a special Act of Parliament, whose principal places of business, though in the British dominions, were without the province of South Australia. The Bill would enable duplicate seals of such companies to be used, and the privileges which corporations and companies sought by this Bill would also be afforded to the public, that is, on the one part companies sought the power of suing, and on the other hand the public received facilities for suing the companies. The Bill, in fact, would be mutually advantageous to the companies and the public. The clauses were all of a formal character, and it was unnecessary for him to do more than move that the Bill be read a second time.

The Hon J MORPHEIT seconded the motion, which was carried, and the House went into Committee upon the Bill, when the various clauses having been agreed to with amendments the report was adopted, and the third reading made an Order of the Day for the following day.

ELECTORAL LAW 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 House of Assembly, with a message intimating that the Council had agreed to the Bill, with amendments, in which they desired the concurrence of the Assembly.

ADMINISTRATION OF OATHS AND AFFIDAVITS 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 a message intimating that the Council had agreed to the Bill with amendments, in which they desired the concurrence of the Assembly.

MR JUSTICE GWYNNE

The Hon the CHIEF SECRETARY in consequence of an intimation given by the Hon the President on the previous Friday, begged to move that a vacancy having occurred in the Legislative Council by the failure of Mr Justice Gwynne to give his attendance therein, the President be instructed to forthwith cause a writ to be issued to supply such vacancy. Carried.

THE HON MAJOR FREELING

The Hon the CHIEF SECRETARY moved "That a vacancy in the Legislative Council having been caused by the resignation of the Hon Major Freeling, the President be instructed forthwith to cause a writ to be issued to supply such vacancy." Carried.

ELECTION OF MEMBERS

The Hon J MORPHEIT (contingent upon the two motions which had just been carried), moved that an address be presented to His Excellency upon the subject of those two resolutions. According to the forms of the Constitution Act, it would be necessary that the President should immediately notify to the Governor that two vacancies had occurred in the Legislative Council, in consequence of the retirement of Mr Justice Gwynne and Major Freeling, and also, perhaps, according to the general terms or spirit of the Constitution Act, His Excellency might feel called upon to issue writs to supply the vacancies, but he thought the Council would agree with him, it was very desirable the country should be saved, if possible, the expense of a special election, seeing that in all probability after the prorogation on Thursday, the House would not be called together until after the new elections for the House of Assembly, which must take place in April, 1860, as, by effluxion of time, the House would then cease to exist, as it would then have existed three years, the time allowed by the Constitution Act. As there was great expense involved in an election for the Upper House, it was very desirable that should be saved, and that the elections should be postponed until the machinery had been put in motion for the general elections for the House of Assembly. He hoped the Council would agree to an address to His Excellency urging the advisability of saving that expense. He did not presume to offer any suggestions to His Excellency as to the course which should be pursued, as he did not think it would be respectful or becoming to do so, but he was quite sure His Excellency would be as desirous as the Council could be to save the expense, the turmoil, and the disturbance of business which the elections would cause, and he trusted His Excellency would receive the address in the spirit in which it was intended, not interfering with His Excellency's prerogative, nor in the sense of dictation, but if expense could be saved he was sure His Excellency would be happy to do it. He, therefore, moved that an address be presented to His Excellency, respectfully submitting that the elections to supply the vacancies in the Legislative Council should be postponed till the next general election for the House of Assembly.

The Hon Major O'HALLORAN seconded the motion, which was carried.

SESSIONAL ORDERS

The Hon the CHIEF SECRETARY said that, as the only business on the paper for the following day, was the third reading of a Bill, he proposed to facilitate business by setting aside the sessional order, to enable the House to meet at 1 instead of 2 o'clock.

The Hon Captain HALL could not see why the Council should meet an hour earlier than usual because there was so little business to dispose of. Had there been a great amount of business he could have understood it. Members of Council generally made their arrangements to meet at 2 o'clock, and he must say he thought the Chief Secretary had made a very lame excuse for meeting at 1 o'clock.

The Hon the CHIEF SECRETARY said the business before the other House was of a formal character, and it was quite possible it might not be sitting at 2 o'clock.

The Hon S DAVENPORT said there was a large amount of business on the notice paper.

The Hon J MORPHEIT seconded the motion of the Hon the Chief Secretary, remarking that, although only one Bill was to be read a third time, it was possible when it went up to the Assembly it might be returned with amendments, and it was desirable there should be as much time as possible to complete the business of the session on the following day.

The motion was carried, and the Council adjourned till 1 o'clock on the following day.

WEDNESDAY, AUGUST 31

The PRESIDENT took the Chair at 1 o'clock.

THE COLONIAL AGENT

The Hon Mr FORSIER, in the absence of Captain Bagot, asked leave to put the questions involved in his notice of motion respecting the Colonial Agent in England.

The Hon the CHIEF SECRETARY having intimated that he had no objection to the questions being put,

- The Hon Mr FORSIER asked—
- 1 Who is the Colonial Agent in London?
 - 2 Upon what authority was the appointment made?
 - 3 Was any security required from the person so appointed?
 - 4 What amount of security was required?
 - 5 Who are the sureties, and for what amount is each bound?
 - 6 Have proper bonds been executed by the sureties, and where are they?

The Hon the CHIEF SECRETARY replied as follows—

- 1 Gregory Seal Walters
- 2 The Governor-in-Chief in Executive Council
- 3 Yes
- 4 20,000*l*, namely 10,000*l* in England and 10,000*l* in the colony

5 Frederick Huth and Louis Huth in England, bound for 10,000 jointly and severally William Withers Ewbank, and Edward Gascogne Colinson, in the colony, bound for 10,000 jointly and severally

6 Yes, they are lodged in the office of the Crown Solicitor

The Hon Captain BAGOT, having entered the Council during the reading of the answers, for further information as to the sixth question, asked the Chief Secretary if all the bonds were in the hands of the Crown Solicitor, or only those executed in the province

The Hon the CHIEF SECRETARY replied that they were not all in the hands of the Crown Solicitor, but those not with him were most likely in the hands of the Secretary of State

PARLIAMENTARY PAPERS

The Hon Mr DAVENPORT asked permission to substitute for the motion standing in his name the following words—

“That all accounts and papers ordered by this Council during the present session to be laid on the table, if not laid on the table prior to the prorogation of Parliament, be forwarded, in print, as soon as practicable, to the Clerk of the Council, who shall cause the same to be distributed in the same manner as if they had been laid on the table during the session”

The motion as amended was agreed to

INCORPORATED COMPANIES' SUITS BILL

This Bill was read a third time and passed

ADJOURNMENT

The Hon, the CHIEF SECRETARY said there was no more business before the House, but as it was possible some Bills would be sent up from the House of Assembly during the afternoon, he would move that the Council adjourn till half-past 2

CALENDAR

On reassembling, messages were brought up from the House of Assembly, accompanying the Railway Extension Bill, the Insolvent Bill, the Electoral Amendment Bill, and the Bill for Appointment of Commissioners for taking Affidavits

FURTHER ADJOURNMENT

Upon the motion of the Hon the CHIEF SECRETARY, the Council again adjourned till half-past 3, in anticipation of the House of Assembly having more Bills to send up

At half-past 3 o'clock the Council again reassembled, and remained sitting without any business before it for about half-an-hour, when

The Hon Capt HALL addressed the President, and complained that they had met an hour before their usual time that day without, as he imagined, any reason for it He objected the previous day to the arrangement because he was employed upon important public business and he was also employed upon public business that day He would ask the Chief Secretary what was the reason they were sitting there doing nothing It appeared they were waiting for the business of the other House, but he could not see why they should be called together to suit the convenience of other persons He did not think they were in their proper position to adjourn from hour to hour to suit the convenience of the other House

The Hon the CHIEF SECRETARY replied, that although the business they were waiting for was not of vast importance, it was essential that they should wait the conclusion of the business of the other House, because if they adjourned to the following day, it would prevent the Parliament being prorogued as was intended

Shortly afterwards two Bills were brought up—the Scab in Sheep Bill and the Bills of Lading Bill The last was accompanied by a message explaining the objections of the House of Assembly to two of the amendments made by the Council, but on the President looking for them found they were omitted to be written He then sent the Clerk back with the Bill for correction

After an interval the Hon Capt HALL again rose, and, addressing the President, asked how it was that the Clerk of the Council should be despatched for the purpose of bringing down messages from the other House?

The PRESIDENT replied that he was not despatched to bring messages The President said he hoped the House would absolve him from any irregular conduct There had been an omission in marking a bill, and he took it upon himself to send the Clerk back with it He knew if it had been an error of importance he could not have taken it upon himself to have sent the Clerk back without the consent of the House, but in that instance he had only done so to facilitate the correction of an oversight

The Hon Mr MORPHEIT must say a word or two in reference to the remarks of the Hon Captain Hall upon the interregnum that had happened in the business of that day He could sympathise with the hon gentleman to some extent especially as he had expressed his feelings in such alachrymose manner, but he thought that by their sitting there and waiting for the business they were only doing their duty and they were suffering the delay so that the House might be prorogued He thought the members who had been attending for four months should have an opportunity of returning to their homes after the business of the country

was disposed of, and he believed that to-morrow, when His Excellency prorogued the Parliament, it would be seen that they had done a fair amount of business He thought any little inconvenience they incurred in waiting till the business of the country was in a fit state should be borne with

The Hon Captain HALL said he thought they were sitting there in an inglorious state of inaction When he took a seat in that Council he did not anticipate having to sit there with nothing to do, like an automaton He (Captain Hall) would second the Hon Mr Morpheit's motion, “that the House at its rising adjourn till the following day”

BILLS OF LADING BILL

On the motion of the Hon Mr AYERS this Bill was re-committed to consider the objections of the House of Assembly

Clause 3—Amendment in reference to liabilities of consignees

The Hon Mr FORSTER stated that as he had charge of the Bill he would say that he would not insist upon the amendment Under any circumstances the consignees could not be affected unless by some overt act of their own

The Hon Captain HALL said although he was sure the amendment was a useful one, he would not insist upon it to endanger the passing of the Bill, as he considered half a loaf better than none at all He considered the amendment of the Council made the law more explicit, which was the reason for his supporting it, but he would not insist upon it

The clause was passed without the amendment being insisted on

Clause 4—The amendment to this clause was, that “a bill of lading or charter-party should be taken in any Court as *prima facie* evidence that such bill of lading or charter had been signed by any master, agent, &c, by whom it purported to be signed” This amendment was objected to by the House of Assembly

The Hon Mr FORSTER said the clause had been introduced by the Hon Captain Hall, and some other hon member, on the ground of the difficulty there was in some cases to prove the signature, and that the amendment was proposed as a remedy, but he thought if it were allowed to stand it would be remedying one evil and substituting another for it And seeing that other parts of the Bill were important, irrespective of that clause, he did not think it desirable to press the amendment against the express opinion of the House of Assembly

The Hon Captain HALL said the clause as amended, to non legal minds would recommend itself, and they all knew that through the absence of that clause, in one case there had been an illegal decision He took it to be the duty of the Legislature to make the laws so simple that they could be understood, and it was for that reason that the Chamber of Commerce had recommended such a clause

The Hon J MORPHEIT said he rose under peculiar circumstances He should feel disposed to go with the proposer of the Bill and the Hon Captain Hall, and bow to the opinion of the House of Assembly, but that House had not advanced any grounds why the Council should give up its opinion The hon gentleman then read the law now in force, that the onus of proof was upon those who disputed its authenticity, the Bill itself should be *prima facie* evidence that it was signed by the master, &c That was the commercial practice, it was commercial law too, and also according to common sense and reason It was said that it deprived the parties from issuing process, but it had no such operation, for if the Bill was taken as *prima facie* evidence that it contained a genuine signature, it did not deprive the other party of the power to prove that the handwriting to the Bill was a forgery He never heard of a bill of lading ever being objected to except when it got into a court of law, where the signature was required to be proved

The Hon Mr AYERS said that, although there was some difference between the clauses, the 4th clause saying that the bill itself was *prima facie* evidence, that that clause, taken in connection with the 3rd, was conclusive evidence of the genuineness of the Bill

The Hon Captain HALL said, according to the present law, a person would pay his money into Court, and then the first thing to do was to prove the captain's signature, and, if not he was nonsuited It was to remedy such sharp practice, which was only worthy of “Dodson and Fogg,” that the amendment had been proposed It was most desirable that the present law should be altered, but at this late period of the session it would be better not to insist upon it, and it could be corrected next session When they found that there was such a difference of opinion amongst the Magistrates upon the law, and even amongst the Judges themselves, the clause should be so simple that it could not be misinterpreted

The Hon Captain BAGOT remarked that he thought one point had been overlooked, it had not been explained how far it was in accordance with the law of Great Britain They should remember that all bills of lading affected a large number of people out of the colony, as well as those in it

The Hon Mr FORSIER replied that it was understood a similar law existed in England, and also in the other colonies

The Hon Captain BAGOT asked where was the necessity of making a law to improve the law of England?

The Hon Mr FORSTER believed the amended law had been made after the foundation of the colony. Those passed before the foundation of the colony would be applicable here but they could not be compelled to accept those made subsequent to its establishment.

It was then moved and carried, that this amendment should not be insisted upon.

The Bill then passed without the amendments.

ADJOURNMENT OF THE COUNCIL

The Hon the CHIEF SECRETARY moved the suspension of the Standing Order, that the House sit at 2 o'clock, and moved that the House adjourn to half-past 2 o'clock on the following day.

The Hon Captain HALL said that, one day they met half an hour earlier than their proper time, and now it was proposed to meet on the morrow half an hour later. He could not see any use or reason for it, and thought it was making a mountain of a molehill.

The Hon the CHIEF SECRETARY understood the hon member objected to sitting and doing nothing.

The House then adjourned to the following day at half-past 2 o'clock.

HOUSE OF ASSEMBLY.

WEDNESDAY, AUGUST 31

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

ASSESSMENT ON STOCK

Mr HAWKER presented a petition from 40 stockholders, praying the House not to consent to a prorogation of Parliament till an address had been presented to His Excellency the Governor praying him to appoint a Commission to ascertain the carrying capabilities of waste lands of the Crown. The petition was a transcript of that presented on the previous day to the Legislative Council. It was received and read.

IMMIGRANTS

Mr BARROW asked the Commissioner of Crown Lands if he was aware whether any of the recently arrived immigrants had immediately left the colony by the City of Sydney for Melbourne or Sydney? The reason of asking the question was, that he had received a letter from the Port, in which it was absolutely affirmed that such had been the case, and if the Commissioner of Crown Lands were in a position to give the statement a denial, he should be happy to hear it.

The COMMISSIONER OF CROWN LANDS was not aware whether it was a fact or not, but he would make enquiries.

GOVERNMENT CONTRACTS

Mr SOLOMON asked the Commissioner of Public Works how it was that the Government had not accepted the tender of Walter Smith for the erection of the Custom-House, &c., at the Port, for 6,298*l*, but had accepted another tender for 6,639*l*. He also wished to ask whether Mr Smith had not other tenders, and whether he had not performed the work satisfactorily. He also wished to ask how it was that the tender of Mr C Farr for works at the Government Farm for 642*l* had been accepted, whilst that of Mr Dickens, for 599*l*, had been rejected.

The COMMISSIONER OF PUBLIC WORKS would be happy to lay on the table the whole of the papers if it were desired that he should do so after the letter which had reached him, and which he would read to the House. The letter was from Mr Smith, and was to the effect that having been to the Colonial Architect's office, the reasons which had been assigned for not accepting his tender were fully satisfactory to him. If the House wished for any further explanation he should be happy to afford it.

Mr SOLOMON said that Mr W Smith might be satisfied, but the country had a right to be satisfied also, and he must call upon the Commissioner of Public Works to afford the explanation.

The COMMISSIONER OF PUBLIC WORKS read the remark of the Colonial Architect in reference to Mr Smith's tender, which was to the effect that Mr Smith contracted for the erection of the powder magazine, but that the contract was not satisfactorily carried out, and in fact, Mr Smith's conduct was altogether unsatisfactory, he having furnished a false schedule of prices, and not being a person to be depended upon to carry out the work with integrity or in a workmanlike manner. The Colonial Architect recommended Messrs English & Brown, who had always carried out their contracts satisfactorily. Having received this report, the Commissioner of Public Works said he felt bound carefully to examine into the matter, and from the result of that examination the Government felt themselves perfectly justified in accepting the next lowest tender, which was within the estimate of the Colonial Architect.

Mr REYNOLDS asked if Mr Smith was not the contractor for the goods-shed at the railway, and whether he was carrying out that contract to the satisfaction of the Chief Engineer of Railways.

The COMMISSIONER OF PUBLIC WORKS said Mr Smith was the contractor for the work referred to, but he was

unable to say whether it was being carried out to the satisfaction of the Chief Engineer of Railways.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

The SPEAKER announced the receipt of messages from the Legislative Council, intimating that they had agreed to the following Bills with amendments—The Kapunda Terminus Railway Bill, the Insolvent Act Amendment Bill, the Electoral Act Amendment Bill, the Administration of Oaths and Affidavits Bill, the Incorporated Companies Suits Bill.

FIRE

Mr GLYDE wished to ask a question relative to the conduct of police at fires. He was informed that the police did not consider it any part of their duty to inform the keepers of the various fire engines in the event of fires breaking out within the city. He wished to know whether the Government had any objection to issue instructions to the police to warn the various parties in charge of the engines, in the event of fires breaking out.

The ATTORNEY-GENERAL said there would be no objection on the part of the Government to issue such instructions, and he was much obliged to the hon member for calling his attention to the subject.

THE GOVERNMENT FARM

The COMMISSIONER OF PUBLIC WORKS said, in reference to a question which had been put by the hon member for the city, Mr SOLOMON, relative to the acceptance of a tender for the completion of certain works at Government Farm, he recollected that the tender of Mr Dickens was somewhat lower than that of Mr Farr, but a quantity of seasoned timber being required, which was in Mr Farr's possession, it was thought desirable to accept his tender.

THE WATERWORKS

Mr REYNOLDS understood that a tender had been accepted for laying pipes in connection with the Waterworks, which was 300*l* higher than another tender. He wished to know why the higher tender had been accepted.

Mr TOWNSEND said the lowest tender was Mr MacNamee, who, he believed, had satisfactorily performed various works for the Corporation. He believed that Mr MacNamee had tendered for 1,400*l*, but that the tender which was accepted was for 1,700*l*.

The COMMISSIONER OF PUBLIC WORKS said that two tenders had been accepted, and in one case the lowest tender was accepted, but in the other such was not the case. The Engineer of the Waterworks was some time ago City Surveyor, and he reported that several works which had been entrusted to the party alluded to by the City Council, had not been satisfactorily performed. Laying down the waterpipes was a most important work, and it was necessary in connection with such an undertaking to employ only persons of character, position, and capital, as a single defect in a joint might necessitate the taking up of a mile of pipes. From the experience which the Engineer had had of the manner in which this party completed his contracts, he recommended that his tender should not be accepted, and he (the Commissioner of Public Works) in consequence felt justified in accepting another and higher tender.

Mr SOLOMON asked whether it was not customary for the Government to take proper securities for the fulfilment of the various contracts.

The ATTORNEY-GENERAL said the Government were in the habit of taking securities for the performance of all works, but no bond could guard against the difference between the work being performed by persons of the requisite means and skill, and who desired to perform the work satisfactorily, and persons who did not possess the requisite skill and means, nor desire to perform the work satisfactorily. It was impossible that any security could guard against the difference in the two works, and any hon member who in his private capacity had had to deal with contractors must be perfectly well aware of this.

THE REAL PROPERTY ACT

Mr HAY wished to know whether the Judges had yet made out a scale of charges under the Real Property Act. If not, he wished to know when they would be made out. The 95th clause of the Act had been passed on the distinct understanding that the Judges should make out the scale of charges.

The ATTORNEY-GENERAL said, so far as he was aware, the Judges had not yet settled any scale, but the matter had for a considerable time been under their consideration. He was not able precisely or at all to say when the scale would be prepared.

Mr STRANGWAYS wished to know when the returns in connection with the Real Property Act ordered on 27th May last, would be laid on the table of the House. Some of the returns had been furnished, but there were others which had been ordered which had not yet been furnished.

The ATTORNEY-GENERAL was under the impression that all which had been asked for had been laid upon the table, but if it had not been, he would immediately place himself in communication with the Registrar-General upon the subject. If he had not been under the impression that all the returns which had been asked for had been furnished, he would have communicated with the Registrar-General before, but would immediately do so upon the subject.

IRON-MOULDERS

Mr TOWNSEND asked the Commissioner of Crown Lands whether he was aware that the Emigration Agent (Lieut Dashwood) advertised for, as directed, 12 iron-moulders, but was only enabled to obtain seven, and that two of these were advised by Dr Duncan upon their arrival here to proceed to Melbourne, and had done so

The COMMISSIONER OF CROWN LANDS did not know whether the Emigration Agent at home advertised for men of this class, but he was specially instructed to send them out, and he believed that none of them had gone to Melbourne, but that they had all found employment here

THE WATERWORKS

Mr BARROW asked whether it was true, as reported, that the Government had commenced an action against Messrs Frost & Watson for a breach of contract in connection with the Waterworks

The ATTORNEY-GENERAL believed it was true

Mr REYNOLDS asked when the returns which had been ordered in connection with the Waterworks would be laid on the table

The COMMISSIONER OF PUBLIC WORKS laid the returns alluded to on the table, remarking that they had only reached him that morning, and were not yet complete

VALLEY OF THE GILBERT

The COMMISSIONER OF PUBLIC WORKS laid on the table a map connected with the survey of the Gilbert Valley, in connection with the progress report already laid on the table of the House.

Ordered to be printed and lithographed

VOTES AND PROCEEDINGS

Mr STRANGWAYS asked how long after the prorogation the publication of the Votes and Proceedings would be delayed, in order that the returns which had been ordered, but not yet furnished, might be bound up with them. Was it the intention of the Speaker to fix any time till which the Votes and Proceedings would be kept open

The SPEAKER had already stated that one volume would be published immediately, and that the remainder would be printed and published as soon as they were before the House

ADJOURNMENT AND EXPLANATION

Mr GLYDE, in order to enable him to enter upon an explanation, moved that the House at its rising adjourn till half past 1 o'clock on the following day. He wished to say a few words in explanation of something which occurred on the previous Wednesday, between himself and the hon member Mr Bakewell, in reference to the Incorporated Companies Suits Bill. He was glad to see that hon member in his place, considering it much better that such explanations should be made in the presence of those interested. He would state at once that he regretted having taken up the time of the House by adopting the course which he did on the previous Wednesday, particularly as he felt that by doing so he trenchanted a little on that kindly and courteous feeling which should exist amongst members of that House, and which he trusted he had always been happy to extend to others. He was, however, very much taken by surprise, when he heard the hon member, Mr Bakewell, declare that it was a matter of emergency that the Incorporated Companies Suits Bill should be considered, and that the Standing Orders should be suspended for its consideration. He was surprised also to hear the hon member hold himself up on that occasion as a model of punctuality, and when it was proposed to suspend the Standing Orders, he, Mr Glyde, said, no when perhaps he had better have held his tongue. He apologised for having wasted the time of the House, and having said that much, he must say one or two words in reference to what had fallen from the hon member, Mr Bakewell, which he charged him, Mr Glyde, with gross exaggeration, and, as appeared by the public newspapers, with great injustice. He should be sorry to be unjust to any one, and in order to convince himself of how the matter really stood, he had searched the records of the House, from which he had made an extract which he was prepared to lay upon the table. He found that the Incorporated Companies Suits Bill, of which the hon member had charge, was read a first time on 6th July, and the second reading was made an Order of the Day for 8th July, but the second reading lapsed on that day, and on the 12th July it lapsed again. On the 13th July notice was given for the second reading of the Bill on the 20th. Thus it would be seen the hon member deliberately postponed the second reading for a week, although there was little or no business on the paper for the intervening Friday. On 19th July the House adjourned for a week, and the Bill was consequently not read a second time till the 27th. The consideration of the report was fixed for August 3, the hon member again deliberately postponing the consideration of the Bill for a week, though the 29th July was an open day. On August 3 the hon member again postponed the consideration of the report, stating that he wanted to recommitt the Bill, and some clauses having been inserted, the 5th August was fixed for the consideration of the report, but it lapsed again. On the 6th August it again appeared upon the paper, but it lapsed again. One would have thought, after so many mishaps, the hon member would have given

notice again immediately, but it would be found he did not. The House adjourned for a week in consequence of the loss of the Admella, and met on the 16th of August, but no notice in reference to the Bill was given on that day. On the 17th of August notice was given for the consideration of the report on the 19th, but it lapsed again, and eventually the consideration of the report came on upon the 24th, when the Standing Orders were suspended, and the Bill was read a third time. He thought this would be sufficient to show that he had not been guilty of gross exaggeration or injustice.

Mr BAKEWELL rose to second the motion. (Laughter) He could only say that if the statement which the hon member had read were correct, he had nearly made out the charge against him. The hon member had taken him completely by surprise in making those allegations, because he searched the records of the House with one of the recognised officers of the House, and he found that during the whole progress of the Bill it had only lapsed once by any act of his. He denied the statement which the hon member had made, and called upon the hon the Speaker to decide between him and the hon member. Before going any further into the matter, he should like the statement which had been made by the hon member to be confirmed or otherwise by the hon the Speaker.

The SPEAKER said that the Clerk could only be called upon to search the records by a vote of the House. He had no knowledge of the matter except from what he had heard from the hon member, and from general memory.

Mr REYNOLDS would like to know why the House should not meet at the usual hour. He did not understand an hon member jumping up and moving that the House meet later than usual, merely, he presumed, because the Government wished it. There were many important matters on the notice paper, and he could see no reason that the House should not meet at the usual hour. He should move as an amendment "That the House meet at 1 o'clock."

The ATTORNEY-GENERAL said that the reason half an hour later had been proposed, was that it was proposed to prorogue on the following day, as he had stated when he asked the House to adjourn till that day, and to suspend the Standing Orders to enable the House to go on with the business. The following day being a Government day, he thought the Government might be allowed to fix the hour of meeting, but if it were desired the House should meet at 1 o'clock, individually he had no objection.

Mr STRANGWAYS seconded the amendment, remarking that unless the business which appeared upon the notice paper were altogether set aside, he had very great doubt about being enabled to prorogue on the following day. Unless a full and satisfactory explanation were given upon various questions, he doubted whether the Standing Orders would be suspended, and if the Standing Orders were not suspended, there would be very little chance of the House being prorogued on the following day. With reference to the question touched upon by the hon members for East Torrens and Barossa, the statement of the hon member for East Torrens was that the Incorporated Companies Suits Bill had lapsed half a dozen times, in consequence of the absence of the hon member for Barossa, and the statement of the hon member for East Torrens read that day, shewed that such had been the case, but whether from the conduct of the hon member for Barossa there were no means of ascertaining. If the Bill appeared upon the paper as a lapsed motion, he believed there were no means of ascertaining whether the member who had charge of the Bill was present or not. It appeared to him to be a personal matter between two hon members, but his own impression was that the hon member for Barossa had not proceeded with the Bill in such a manner as justified him in asking for the suspension of the Standing Orders, to enable him to proceed with it on the last occasion.

Mr BAKEWELL said this was a matter which, as had been remarked by the Attorney-General on a former occasion, affected the veracity of two hon members, and he trusted he should be allowed—

The SPEAKER said the hon member was out of order, before he could proceed he must move the suspension of the Standing Orders.

Mr NEALIS said it was not a matter of veracity, but a mere matter of quotation. What the hon member for East Torrens had read was merely an extract from the Votes and Proceedings.

The ATTORNEY-GENERAL said the hon member was quite wrong in supposing that he (the Attorney-General) had said it was a question of veracity. It was the hon member himself who had said it was a question of veracity, upon which he (the Attorney-General) said it was a question of accuracy.

Mr BAKEWELL said it was not so.

The SPEAKER—(Mr Bakewell still standing) Will the hon member take his seat.

Mr BAKEWELL—This is a monstrous oppression. The hon member subsequently, at the suggestion of the SPEAKER, moved that on the following day the Speaker report how often the Incorporated Companies Suits Bill had lapsed in consequence of his (Mr Bakewell's) absence. The amendment for an adjournment till 1 o'clock on the following day was carried.

THE AGENT GENERAL

The TREASURER laid on the table a return to a resolution of the House of 17th of August, relative to the securities given by the Agent-General, and moved that it be printed.

On the motion of Mr. GLYDE, the return was read, and stated, on 12th of June, 1858, Messrs Huth, in England, became sureties for the Agent-General, jointly and severally, to the extent of 10,000*l.*, and on 28th of August, 1859, Messrs E. G. Collinson and W. W. Ewbank became securities in the colony, jointly and severally, to the extent of 10,000*l.*

GEOLOGICAL SURVEY

Mr. DUFFON asked the Commissioner of Crown Lands whether he had received any communication from Mr. Selwyn.

The COMMISSIONER OF CROWN LANDS said nothing beyond the preliminary report, which had been laid on the table of the House.

STANDING ORDERS

The ATTORNEY-GENERAL moved—

“That Standing Order No. 277 be suspended, to enable the House at once to take into consideration the amendments in any Bills returned by the Legislative Council.”

The hon. gentleman remarked that in accordance with the wish of some hon. members he had moved the adjournment of the House till that day, in order that members might not be called together day after day, whilst but little business appeared upon the Notice Paper to occupy their attention. He had, when moving the adjournment till that day, at the same time stated that he trusted they would be enabled to prorogue on the following day, and in order to enable them to proceed with business which might come from the other branch of the Legislature, he now moved the motion in his name. Three Bills had been assented to by the Legislative Council with amendments, which did not appear in the Orders of the Day, others had been returned with amendments purely of a formal character involving no principle, and not requiring discussion. It was for the purpose of considering these amendments that he proposed the suspension of the Standing Orders.

The COMMISSIONER OF PUBLIC WORKS seconded the motion.

Mr. STRANGWAYS thought the Government should state what course they intended to pursue. It had been stated, and was believed, that the Parliament would be prorogued on the following day, but many notices, some of an important nature had been given that day, and he should object to the consideration of amendments made in Bills by the Legislative Council until the Bills themselves were before the House, for it was impossible, hon. members having only received the schedule of amendments half an hour ago, that they could determine what would be the effect of those amendments. He wanted time to consider them. Notices had been given that day relative to assessment on stock and the Agent-General, and these were questions which should be fully considered, even though the prorogation should be delayed for a day or two. The Attorney-General might say that the prorogation would not take place till late in the day, and that the questions of importance, in reference to which notices had been given, could be considered prior to the prorogation, but he would remind the House that, last session, a sudden shower of rain caused the House to be prorogued with extreme punctuality, and a similar cause might again produce a similar effect. If it were thought that consideration should be given to the important matters to which he had alluded, he could see no necessity to suspend the Standing Orders. The House had been told that day by a document which had been laid upon the table, that the Government for a long time had no security from the Agent-General, the security having been in fact, only signed on the preceding Wednesday by one of the parties, and the other two securities were given in the preceding November, but up to that time it appeared that the Agent-General had given no securities. He should oppose the suspension of the Standing Orders.

Mr. REYNOLDS hoped the House would consider well before they supported the motion before it. If they suspended the Standing Orders, and agreed to all the amendments which had been made by the Legislative Council, they might anticipate a similar result to last session for it looked very like rain. (Laughter.) They would probably find the Governor come down to prorogue the House sooner than they expected. There were two questions the one relating to the Agent-General, and the other to the Assessment on Stock, which required the fullest consideration, and though he was as desirous as any member could be that the House should be prorogued—in fact, he should like it to be prorogued that very day, if possible—still he felt that these two matters were too serious to be passed over without the fullest consideration, and he trusted, therefore, that the House would hesitate before affirming the motion.

Mr. BARROW should support the motion for the suspension of the Standing Orders, upon the understanding that the Government would not cause the House to be prorogued till the two important questions which had been referred to had been discussed. (“Oh,” from Mr. Strangways.) The hon. member for Encounter Bay might call “Oh, but there was very little argument in that monosyllable, and he (Mr.

Barrow) was not to be deterred from stating what course he should pursue by the “Oh” of the hon. member. If the Government gave an assurance that the two questions to which he had referred should be discussed before the prorogation, whatever might be the feeling of the hon. member for Encounter Bay, he (Mr. Barrow) should be perfectly satisfied to take that assurance, but if that assurance were not given, and the suspension of the Standing Orders would have the effect of shelving those questions he could not then agree to the suspension of the Standing Orders. (Hear.) Those questions were of great public importance, and, prior to breaking up for the session, they should be discussed. He repeated he should vote for the suspension of the Standing Orders if there were an assurance from the Government that they would not allow the session to close till these two questions had been considered.

Mr. BAGOI should support the suspension of the Standing Orders, if the House received the assurance which had been spoken of by the hon. member for East Torrens. He was perfectly willing that the House should meet at 12 o'clock, in order that these questions might be discussed.

Mr. HAWKLER had not any wish to offer opposition to the Government or the Attorney-General, but must oppose a suspension of the Standing Orders, unless the Attorney-General gave a positive assurance that the House should not be prorogued until these two questions had been settled. The Attorney-General might say that His Excellency would not come down till late in the day, but before a vote could be arrived at upon these two questions, His Excellency might make his appearance in the other House. He could not support the motion for the suspension of the Standing Orders until assured that the House would not be prorogued until it had come to a vote upon these two questions.

The TREASURER rose for the purpose of correcting a misstatement which had been made by the hon. member for Encounter Bay in reference to the Agent-General. It was right that erroneous statements should not go forward to prejudice questions which it was to be presumed would arise. The hon. member had stated that large sums had been entrusted to the Agent-General before any securities had been taken, but he would remark that the Agent-General had been appointed by a commission signed by the Governor, and sent home to the Secretary of State to be handed over to Mr. Walters when the Secretary of State was satisfied with the nature of the securities. The commission was not given to the Agent-General till the securities had been signed, and it was not till then that Mr. Walters took over any of the business from the former Agent-General.

Mr. TOWNSEND understood the hon. member for Victoria to say that he would not support the motion until he had an assurance from the Attorney-General that the House should not be prorogued until the two questions which had been alluded to had been discussed, but it would be in the recollection of the House the Attorney-General had stated that he could not control His Excellency, and no doubt, now that the Appropriation Act had been passed, the Government were exceedingly anxious to prorogue. He thought the notice of motion which had been that day given by the hon. member for Bassoza (Mr. Duffield) most important. There was the less excuse in consequence of the guarantee societies which were in operation at home, and it was certainly desirable that the securities of the Agent-General should be complete in every form.

The ATTORNEY-GENERAL said that he was taken by surprise to a certain extent by this opposition, because what he had done was not upon his own suggestion but upon the suggestion he believed of the hon. member for Encounter Bay, who had expressed a hope that the House would not be called together day after day to dispose of very little business. If it had not been for the adjournment which had taken place at the hon. member's suggestion, there would have been no necessity for a suspension of the Standing Orders, as every one of the matters which the House was now called upon to consider might have been considered in the ordinary form. He could not think of giving such a pledge as that which had been asked by the hon. member for Victoria as it would, in fact, be a pledge postponing the prorogation to an indefinite period, as it would be impossible to say when the House would arrive at a vote upon the questions which had been referred to. He could give no pledge of that kind, but if hon. members would say what time they thought would be required for a discussion of the questions His Excellency would be advised not to come down till that time, and no doubt the advice of his responsible Ministers would be attended to. If the House thought the discussion upon these questions would not be brought to a close till 2 or 3 o'clock, he was quite prepared to say that His Excellency would be advised not to come down till that time. There was one matter in connection with the Agent-General, in which there was an appearance of blame to the Government, and that was in reference to the securities here. In reference to the securities in England the Government could do no more than refer to Her Majesty's advisers to satisfy themselves of the adequacy and respectability of the securities, and when satisfied allow the commission to be given. But in reference to the securities here he must say what he was unwilling to say, because it

referred to a late member of that House who was not now in the colony. When it was proposed that Mr Walters should receive the appointment of Agent-General, Captain Hart offered to become one of his sureties, and referred to Mr Ewbank as the other surety, as being possessed of property here to a considerable extent. The Government entertained no doubt as to the solvency of Captain Hart, and were willing to receive his assurance as to the solvency of the other gentleman. A written promise was obtained from Captain Hart and Mr Ewbank that they would become sureties, and a bond was prepared, but Captain Hart put off the signing on one pretence or the other till he was about to leave the colony, and then refused to sign the bond, but said that some one else would do so. To that extent the Government were to blame, but as they were informed that the guarantee which they had taken was the same as a security as if the bond were signed, and as they believed there was no unwillingness on the part of the gentlemen named as sureties, they were so far excusable, though Capt Hart eventually evaded the promise which he had given. Thus it was that the matter was allowed to stand over. The hon member for Oukapunga had spoken in a way which he was sure he would feel, upon reflection, was not warranted. The hon member had said that the Government having got the Appropriation Act passed would no doubt desire to prorogue as soon as possible, but if the Government wanted to prorogue they might do so that very day. The Appropriation Act had been assented to by the other House, and there was nothing to prevent them. But there was no desire on the part of the Government to prorogue in order to prevent discussion upon any important matter, he had, however, a right to say that those important matters might have been brought forward at a much earlier period, hon members having had an opportunity of bringing them forward during the whole of the session. The question in reference to the Agent-General might have been raised long before, for the answers in reference to the sureties had been given on the 17th August. He had a right to complain that upon the very day preceding that upon which he had previously intimated the House would be prorogued, these notices were given, and that then having been given should be alleged as a reason that the House should not be prorogued. If, however, hon members would say that they believed the discussion upon these questions would not be terminated till 2, 3, or 4 o'clock, he had no desire to prevent the fullest discussion, and a resolution upon that point having been arrived at His Excellency would be advised accordingly. He would suggest 3 o'clock, and if the House consented to a suspension of the Standing Orders, the Governor would be advised not to come to the House till that hour. Having, however, placed the notice upon the paper for the suspension of the Standing Orders, he must request that it be put to the House.

The motion was carried by a majority of three, the votes on a division being (Ayes, 13, Noes 10), as follow—

AYES, 13—The Commissioner of Crown Lands, the Commissioner Public Works the Treasurer, Messrs Bagot, Barrow, Cole, Dutton, Glyde, Harvey, Hay, McEllister, Solomon, Attorney-General (teller).

NOES 10—Messrs Bakewell, Duffield, Hallett, Hawker, Neales, Reynolds, Lowmsend, Wark, Young, and Strangways (teller).

Mr STRANGWAYS asked whether it was not essential, in order to suspend the Standing Orders, that the consent of a majority of the whole House should be obtained.

The SPEAKER said not where notice of motion had been given.

The House then resolved itself into a Committee of the whole, for the consideration of amendments made by the Legislative Council in various Bills.

KAPUNDA RAILWAY TERMINUS BILL

The COMMISSIONER OF PUBLIC WORKS moved that the various amendments in this Bill be agreed to, as they were purely verbal, and did not in the slightest degree affect the principle of the Bill.

Mr REYNOLDS understood the hon gentleman to say that the amendments were purely verbal, and did not at all affect the principle of the Bill, but he was sorry to find so many pages of these verbal amendments, as a large sum was placed upon the Estimates for preparing Bills, and he was sorry to see that they were apparently prepared in so slovenly a manner as to require so many alterations and amendments. If the amendments were merely verbal, why did not the Government take a little more care in preparing the Bills. It was the more unreasonable that so many amendments should be required, considering the large sum placed on the Estimates for preparing Bills. Hitherto the House had relied upon the statement of the Attorney General, that the Bills which were laid upon the table did not require amendment, but still it appeared from the number of sheets of amendments sent down from the other branch of the Legislature, that branch at all events considered amendments necessary.

The various amendments were agreed to.

INSOLVENT LAW AMENDMENT BILL

The ATTORNEY GENERAL moved that the various amendments in this Bill be agreed to. The hon member

for the Sturt had said it was not creditable to that House that so many amendments were required, and that Bills which required so many should not be sent up to the other branch of the Legislature, but it was really not worth while to contend with the other House upon such trifling matters as the majority of these were. Some of the amendments substituted "shall" for "may," and though he thought may expressed the meaning better still, as the alterations did not affect the substantial meaning, it was not worth while to trouble the House with any detailed reasoning on the subject. He had selected these as samples and should be sorry that the number of amendments should imply any real defects in the Bills. In another instance he should be compelled to show that the proposed alteration did not improve but deteriorate, and that alteration he should ask the House not to agree to.

Mr REYNOLDS understood the Attorney-General to say that these were trifling amendments. He was sorry to hear that the other branch of the Legislature dealt in trifles, it was certainly no compliment to the other House to say so.

Mr DUFFIELD said that in one instance a whole clause was struck out, and that was certainly something more than a mere verbal amendment, as it altered, as it appeared to him, the spirit of the Act.

The ATTORNEY GENERAL had stated the impression produced on him by these amendments, and in reference to the clause referred to, he had not alluded to it, considering it immaterial. The clause alluded to was an amendment which had been suggested by the hon member for Encounter Bay.

Mr REYNOLDS found that the clause which had been struck out was to the effect that the Act of 1857 should be construed as remedial and not as penal. The Attorney-General thought that clause very important at the time it was passed.

The ATTORNEY-GENERAL said the clause had been suggested by the hon member for Encounter Bay. He stated at the time it was introduced it was immaterial, but as it was recommended by the Committee upon the Insolvent Law, he did not think it worth while at the time to recommend the bill.

Mr STRANGWAYS protested against the statement that the clause was in accordance with the recommendation of the Committee. The recommendation of the Committee was, that an Insolvent Act should be remedial upon the face of it, and the Attorney-General having a penal Act before him, made it remedial by inserting this clause. He considered the clause directly opposed to the recommendation of the Committee, and wished it struck out. He was very glad that it had been by the other branch.

The various amendments were then agreed to.

OATHS AND AFFIDAVITS BILL

On the motion of the ATTORNEY-GENERAL, the various amendments in this Bill were agreed to, the hon gentleman remarking that they were purely verbal, and did not at all alter the meaning of the Act or in any way affect its operations.

ELECTORAL ACT AMENDMENT BILL

On the motion of the ATTORNEY-GENERAL, the amendments in this Bill, which were of an exceedingly trifling character, were agreed to, and the House resumed, the reports were agreed to, and messages sent to the Council intimating that the House had agreed to the various amendments.

CEMETERY IN WEST-TERRACE

Dr WARK moved—

"That interments in the present Cemetery, West-terrace, should be discontinued."

The hon member remarked that the motion had been before the House previously, and he much regretted it had not been brought forward on this occasion by some member for the city. He had waited till the end of the session in the hope that it would be brought forward by some one more deeply interested than himself, but as it had not been he considered it so important a duty to bring the subject forward that he would not have been present during the latter part of the session but for this motion. In Great Britain, burying places which had existed as such for thousands of years had ceased to receive the dead, and burial places were uniformly chosen at a distance from cities and villages. On the Continent a similar practice prevailed in fact, England had taken a lesson from the Continental States in this respect. He was satisfied that it would be highly injurious if interments in the present Cemetery were continued. The spot had been most injudiciously selected, and he felt satisfied that no one in the present day would dream of selecting such a spot. In England, cities had not infrequently been visited with fevers, in consequence of the proximity of burying places, but when the burying places were removed, the fevers became far less frequent, and of the less typhoid character. The same remark would apply to the cholera, which though exceedingly erratic in its character, its chief ravages were in the slums of crowded cities, amongst filth and poverty. Of late, there had been a new and terrible disease, diphtheria, which made its first appearance in Staffordshire when a burial place was disturbed. Here the burial ground, which as well be in the centre of the city, as in its present position, the emanations from the putrid bodies being wafted by the sea breeze over

the city, and the soil being well adapted to permit those emanations, being loose and broken soil, and the smell at certain periods was intolerable. It was necessary to take steps in time to remove the evil. He believed that the position of the burial ground was, in fact, the worst that could possibly be. It was all very well to say, let the citizens take up the question, but if a disease broke out in the city, it would in all probability soon spread over other portions of the country. There could be no doubt that since the city had been better drained by the Corporation, it had become more healthy, and it would become still more so, if the burial place were removed.

Mr REYNOLDS, in seconding the motion, said that the matter had been brought under the notice of a Committee several years since, and so far back as 1854, the Committee recommended that interments should cease at the cemetery referred to, and that another site should be chosen. Every session the matter had been brought under the notice of the Government, and he thought it was time that they took action upon it. If the cemetery were to be removed, the sooner the better.

The ATTORNEY-GENERAL said he thought the hon member for the Murray must feel, and that the House must feel, from the manner in which the motion was tabled, it was one which it would be impossible for the Government to act upon, even if the House assented to it as a necessary preliminary to the discontinuance of interments in the present cemetery must be that another should be provided. The position of the matter, he believed, was this—Some years since a Committee was appointed to take evidence upon the subject, that evidence was taken, and a report made by the Committee. The Government would have been prepared to carry out the recommendations of the Committee entirely, but a partial adoption of their recommendations led to such an apparent improvement in the cemetery as to render a removal unnecessary. No intimation had since reached the Government that it would be desirable to change the site. He would not enter upon the various topics touched upon by the hon mover, but neither the Government nor the Legislature had had any representations during the last three or four years of inconveniences resulting from the present site and the Government would not have been justified in taking steps in the matter until some such representations had been made. He thought the course which should have been taken would have been that the Government should take steps to ascertain where a fresh site could be obtained, and make arrangements to secure the land, the Legislature pledging itself to supply funds for that purpose. If that course were adopted the Government would consider what steps should be taken, and introduce a Bill authorising the purchase of the land and to devote it to that particular purpose, providing also for management and control. That would be the proper course to take, but without any provision having been made for interments, it would be impossible for the Government to accede to the present motion even if the House agreed to it.

Mr McELLISTER should oppose the motion, which he thought would be exceedingly unfair to those who had gone to considerable expense in the erection of vaults. If the motion did not include those parties, he should feel disposed to go with the motion, but he for one should be sorry to be separated from his family by the removal of the family vault, and no doubt that was the feeling of many others.

Mr BAGOT supported the resolution, and regretted the Government had not taken steps in the matter before. It was one of those large questions which he considered the Government bound to grapple with, even before getting the consent of the House. It was a great evil and a growing one. If some alterations were not made, he feared, from the evidence which had been given before the Sanitary Committee here, and similar Committees at home, that great evils would result. He did not think the argument of the hon member for the Burra should have any great weight with the House, because, although parties had built vaults, that was no reason that the city should be subject to infectious diseases, merely because parties wished to be buried with their families. There was no reason that the living should suffer on account of the dead. He hoped that the Government would take immediate steps in the matter, so that when the next Parliament assembled they would be enabled to grapple with the subject.

Mr SOLOMON, though favorable to the substance of the motion, could not support it in its present form. The motion proposed that all interments in this cemetery should cease from the present time, but it had been fairly argued what was to be done in the meantime? He should support the motion if it were so altered as to request the Government to take steps in the matter as speedily as possible.

Mr BARKOW was about to suggest the same thing, and would move as an amendment, after the word "discontinued," "so soon as a more suitable site can be obtained," and in the opinion of this House the Government should take such steps as would lead to the attainment of this object. They ought undoubtedly to make provision for the cessation of interments in the present cemetery, but to say merely that they should be discontinued implied either immediately, or there was no period whatever fixed. If the hon mover would adopt the amendment, the House would be able to come to a vote upon the subject.

Mr DUTTON was about to propose a similar amendment, and would therefore second the amendment of the hon member for East Forrens. He felt strongly the absolute necessity of removing the cemetery, and thought the object in view would be gained by the amendment.

Mr NEALES supported the recommendation of the hon member for East Forrens. He had hoped the question would have been settled before. He might remark, in reference to the remarks of the hon member for the Burra, that when the churchyard near St Katherine's Docks was removed, the whole of the vaults were removed to Regent's Park, at the expense of the parish, and he did not see why a similar course should not be pursued here. Not only were the vaults removed to the new burying-ground, but the expense of erecting them was also defrayed by the parish. The sooner there was a removal the better, and he could not help thinking there had been a sad waste of public time in the matter ever since 1854.

Dr WARK adopted the amendment.

The ATTORNEY GENERAL said in that form there would be no objection to the motion. The Government would be prepared to take steps to carry out the recommendations of the Committee if there were a resolution of the House to that effect. The Government would take steps to ascertain where a suitable site could be obtained, and introduce a Bill to change the site and for the management of the cemetery.

The motion as amended was carried.

IMMIGRANTS

Mr REYNOLDS moved—

"That the Immigration Agent at Port Adelaide be instructed to ascertain how many of the immigrants to arrive in the next three immigrant vessels were personally inspected by the Emigration Agent in England before they received instructions to join the ship." He had been induced to bring the motion forward in consequence of having seen a report from Dr Duncan to the effect that a number of emigrants had not been inspected by the Emigration Agent in England. Large sums were paid to the Emigration Agent in England for travelling expenses, in order that the emigrants might be inspected, but it appeared this was not done in some instances.

Dr WARK seconded the motion.

The ATTORNEY-GENERAL trusted the hon member would alter the motion, because the Emigration Agent at Port Adelaide could not communicate with the Emigration Agent in London. If "Commissioner of Crown Lands" were substituted for Emigration Agent at Port Adelaide, he should have no objection to the motion.

Mr REYNOLDS said it was from the immigrants themselves that he was desirous of obtaining the information.

The motion was carried.

INCORPORATED COMPANIES SUITS BILL

On the motion of Mr BAKEWELL the amendments made by the Legislative Council in this Bill, which were purely verbal, were agreed to.

SCAB IN SHEEP BILL

On the motion of the ATTORNEY-GENERAL the amendments made by the Legislative Council in this Bill, which were also merely verbal, were agreed to.

THE BILLS OF LADING BILL

The ATTORNEY-GENERAL said he was unable to ask the House to agree to all the amendments which had been made by the Legislative Council in this Bill. He would not ask the House to dissent from the first, though he certainly did not consider it an improvement, because it struck out of the preamble that which related to the third clause of the Bill, and he thought it desirable that the preamble should contain the full scope of the Bill. The second amendment he could not ask the House to agree to, because it introduced after consignee or endorsee the words, "mentioned in the bill of lading," which might give rise to a question very embarrassing. The next related to a proviso which had been debated very warmly in that House, and he did not propose to dissent from it being struck out when he found so large a minority in that House opposed to the proviso, and the opinion of members of the other House being also opposed to it. The Council had, however, introduced a new clause, which he considered very objectionable, and not warranted by the preamble of the Bill. The clause provided that the production of a bill of lading or charter-party should be evidence of execution. The charter party might be signed in Russia, France, or Sweden, signed by parties having no defined duties, and yet it was proposed that the production should be *prima facie* evidence of the liability of individuals who might never have heard of any suit having been commenced against them. He proposed, therefore, that the first and third amendments be agreed to, but not the second and fourth.

Mr SOLOMON believed that if the clause alluded to by the Attorney-General were struck out it would be a serious injury to the mercantile community of South Australia. The object of the clause was to make the bill of lading *prima facie* evidence that the party in charge of the vessel when the bill of lading was signed was accountable. He did not say as regarded the charter-party, but as regarded bills of lading all over the world, they should be evidence of the goods being on board. If the clause were struck out he be-

leved the Bill would be perfectly useless, except for the purposes of litigation. It had been decided a short time ago that the production of bill of lading was no evidence of the signature of the captain, and how was the signature to be proved? He trusted the House would consider well before they struck out the clause, or great injury must result to the mercantile community of South Australia.

The ATTORNEY-GENERAL said the hon member had stated what might be the effect in one aspect of the case, but suppose an action were brought against the master of a vessel who gave bail and left the colony, three or four months afterwards something purporting to be a bill of lading, which had never been seen before, might be produced as *prima facie* evidence. The captain might never have seen the document, or it might have been altered, the captain would be out of the colony and judgment would be given against him. When parties sought to be fixed were in the colony there would be no difficulty, but to say that an individual who came here only for a short time and then went away was to be rendered liable, or that the owners of a vessel were to be rendered liable, by importing into the law of this colony what was at variance with the law of every community, was what he was sure the House could not assent to. It was worthy of the consideration of the House, whether they could give additional security to those in the colony without affecting those out of it, out he could not agree to such a clause as that which had been introduced by the Council.

Mr BAKWELL said if it were intended that a bill of lading should prove itself, he could not see why all other documents should not prove themselves. He thought that would be a great improvement if it embraced all documents, but it was a provision which should not appear in the present Bill but in the law of evidence.

Mr SOLOMON said that a bill of lading was a receipt for goods, and its production should be considered as evidence against the captain whose signature was attached to it.

Mr STRANGWAYS did not see any objection to the clause as regarded bills of lading, but it was certainly going too far as regarded charter-parties. If the clause were agreed to taken in connection with the previous clause, shippers might perpetrate any frauds on the captains of vessels, and the latter would have no redress whatever.

The House agreed to the first and third amendments, but dissented from the second and fourth, and upon the motion of the ATTORNEY-GENERAL, a Committee, consisting of himself, and Messrs Bakewell and Strangways, was appointed to draw up reasons for dissenting from the second and fourth amendments.

The report was to the effect that the House dissented from the amendments referred to because they would imply that there were other consignees than those mentioned in the bill of lading, and because the new clause would deprive the captain or owner of any defence.

The report was agreed to, and a message to that effect sent to the Legislative Council.

THE LUNATIC ASYLUM

Mr HAY moved—

"That, in the opinion of this House, it would be more conducive to the well-being of the tenants of the Lunatic Asylum, and more consistent with public economy and convenience, were all future expenditure to be incurred and increased accommodation required, provided on the suburban site at the foot of the hills, long since purchased for that purpose, or on some other ample and suitable country site, in the neighborhood of Adelaide."

The hon member remarked that the Colonial Surgeon, and in fact all parties capable of forming an opinion, admitted that the present site was unsuited for the purpose for which it was required, and it would only be an act of humanity to select a new site. There were no grounds, nor means of taking out-door exercise, without bringing the patient in contact with the public. The unfortunate sufferers were all huddled together in a yard, and, in fact, the building was altogether unsuited. To justify any hope of recovery there must be means afforded for out-door exercise, without bringing the patients in contact with the public. Objections had been raised to a site distant five or six miles from the city, but he believed that those who had friends suffering from the most dreadful malady to which human nature was subject, would cheerfully submit to the inconvenience of going that distance, knowing that a better chance would be afforded the sufferers of recovery. He would remind the House that £2,500 had been voted for additions to the present building, but he was desirous of preventing that from being expended upon an utterly unsuitable building, and as £20,000 had been set aside for the Strathalbyn Railway, but would not be required, he thought the Government would be justified in at once calling for plans, and devoting that money to the erection of a suitable building. No better time could be selected, as labor was cheaper than it had been for many years, and at the site which had been purchased there were all the necessary materials, with the exception of timber. If immediate increased accommodation were required, it could easily be provided, but he was strongly opposed to any further expenditure upon the present site.

Dr WARK seconded the motion. Humanity demanded there should be a change of site. There had been great want of judgment in selecting it, for from the constant noise and

excitement to which the patients were subjected, their malady was more likely to be aggravated than removed. He was not prepared to say that the site which had been purchased was the best which should be selected, as, in his opinion the Lunatic Asylum should be in the Tiers, where the unfortunate patients could be employed in gardening and other pursuits affording them occupation whilst their brain was kept perfectly cool.

The ATTORNEY-GENERAL said the general objects sought to be attained by the motion had the assent of the Government. He would remind the House that the reason the resolution had not been carried out was not from any act of the Government, but from a resolution having been come to by a former Legislature, when their attention was called to the subject by the Government. The Legislature came to the conclusion that some land, the property of Captain Duff, was as suitable a site as could be found, and a considerable sum was expended in the purchase, but when the Government came before the Legislature and asked for the amount necessary for the erection of a suitable building, the Legislature refused to sanction it, and voted money for a lunatic asylum in its present position. Fixing the present position was not the act of the Government but of a former Legislature. The blame must fall upon that Legislature and upon them alone. At the present time the question assumed a different aspect, the House having voted money for additions to the present lunatic asylum, which the report of the Colonial Surgeon stated were requisite. That appropriation had been sanctioned by the other branch of the Legislature. The Appropriation Act which had been passed directed the expenditure upon that particular building and not upon any other, but if the amount voted were such as to justify the Government in commencing a building upon another site, the Government would not be indisposed to take the responsibility if it were sanctioned by that House because it would be in accordance with the impressions of the Government, but they would not be justified in commencing a building which would be useless unless completed, and no one he was sure contemplated lunatics being kept at two distinct places. All the Government could do would be to take care that no more was expended than was absolutely necessary upon the present site, to make those additions which were requisite for the comfort and health of the patients, and when they came before the next Parliament they would place on the Estimates a sufficient sum to commence a building upon a fresh site. Further than that the Government could not go as they would not be justified in expending upon a new building the 2,500l which had been voted for additions to the present building, when a sum of not less than 25,000l would be required for a new building.

Mr STRANGWAYS supported the motion, and protested against the doctrine that the Appropriation Act directed the expenditure. It merely authorized the expenditure, and there was a wide difference between authorising and directing. He would ask the Government to take into consideration whether the site which had been purchased was the best, and whether it would not be better to select a situation in the Tiers, or upon the sea coast. He would also ask the Commissioner of Public Works to procure plans and specifications of the most approved lunatic asylums in England, as he believed that plans might be acted upon, which whilst they provided for the existing wants of the colony, were capable of extension. The erection of a lunatic asylum would be most expensive, and the Government were not in a position to expend money upon any fancy buildings.

Mr HAWKER supported the motion, thinking it a step in the right direction. No doubt the number of lunatics would increase as the population increased, and the present building could not afford the requisite accommodation. He supported the motion as a member of the Botanic Garden Committee, finding that the Government intended to take part of the Botanic Gardens for the purpose of making the proposed addition to the Lunatic Asylum. It was proposed to take one of the most prominent and ornamental portions of the Gardens for that purpose. After the Gardens had been granted to the public he contended they should not be included upon for any purpose whatever, and he believed that any money which was expended upon the present building would be thrown away.

Mr NEALES supported the motion. The Botanic Gardens were bounded on one side by the Hospital, and on the other by the Lunatic Asylum so that soon there would very little of the original gardens left. If the Upper House could have struck the 2,500l out of the Appropriation Act they would have done so, and he hoped that a far smaller sum would suffice for temporary accommodation, because whatever was expended upon the present site would be thrown away. The Government should consider whether the purchased site was the best that could be selected, as if it were not it would be better to sell it, even at half what it had cost, and select a site upon the Tiers or the sea-coast.

The COMMISSIONER OF PUBLIC WORKS thought if the resolution were carried, it fixed the site at the purchased site. It was certainly essential that the females should be separated from the other inmates, and it was for that purpose that the 2,500l had been voted. The only way in which the additional accommodation for the females could be pro-

vided would be by a slight intrusion on the Botanic Garden. It would require fully 25,000*l* to erect a new building, as he believed the number of inmates was about 120. He had already taken action in reference to providing the necessary additions to the present building by having drawings prepared, and the design for a new building would require careful consideration before the new Parliament assembled. It would be for the House to say whether so large an expenditure should be incurred as would be requisite for a new building, but he felt quite sure they would not wish the Government to enter upon it without further discussion. If the motion were carried it would prevent additions to the present building, which were declared absolutely essential by every visitor.

Mr DU'ION warmly supported the proposition, and notwithstanding all that had been stated, he was not satisfied that additions were required at that particular spot, he could not believe it was utterly impossible to find accommodation in another direction. There were many inmates of the Lunatic Asylum who were perfectly quiet, and could safely be removed to another place. He thought the time had arrived when they should set their faces against any additions to the present building, and he was sure the next Parliament would not be behindhand in voting sufficient for a large and permanent building. He hoped the effect of the resolution would be, that not an inch of the Botanic Garden would be taken away, the Garden having been dedicated to the public, and being regarded as a great boon, as was shewn by the large number of visitors. It would be unjust to the public first to give a site for a garden and then take away the most ornamental portion. No portion of the garden could be compared with the knoll which it was proposed to take away. When he was Commissioner of Crown Lands he was not consulted about the appropriation of this land, and the first he knew of an intention to take it was, very much to his astonishment, seeing it marked out as an addition to the Lunatic Asylum.

Mr BARROW concurred in the spirit of the motion, and yet he felt some little difficulty in voting for it, because if additional accommodations were absolutely and imperatively required, and there was immediate urgency for such accommodation, the Government would be precluded from affording it if the motion were passed. If there were no necessity he should at once and without any reservation go for the motion, but as he could not say personally whether additional accommodation was required or not, he could only listen to what was said by competent individuals, and it would be very wrong to say, if further accommodations were wanted at the present time, that these should be none until there was a new Lunatic Asylum. He should like to see an addition to the motion—"except in the event of additional temporary accommodation being necessary." This would enable the Government, if it were imperatively necessary, to increase the accommodations of the present building, and still shew the determination of the House that the site should be somewhere else. He did not want to commit himself to the site under the hills, and perhaps the Government Farm might be a good site, he was not aware whether it was devoted to any valuable purpose, or perhaps some site on the sea shore might be desirable. One thing had been shewn, and that was, that if they had the money they were not in a position to say where the new Lunatic Asylum should be. It would evidently be a work of some time, as first they must select a suitable site, and then they must obtain plans and specifications, giving the full benefit of the experience of the mother country in reference to such institutions. The resolution should be so worded as would not preclude the Government from making additions imperatively necessary to the present building. The hon. member for Encounter Bay had said that an amount appearing in the Appropriation Act for a particular purpose did not amount to a direction, but merely to an authority to expend, but would the hon. member say it was optional with the Government to expend any amount which appeared in the Appropriation Act or not? (Hear.) He thought the House would find great fault with the Government if the Government refused to spend the amounts named in the Appropriation Act, and were to come down and say, "It is true you passed the Appropriation Act, but we don't look upon it as a direction, but merely an authority to expend money if we like" (Hear.) He believed that would be carrying out responsible Government very loosely, and that the hon. member for Encounter Bay in such a case would be the first to move a vote of want of confidence in the Government for so far forgetting the first principles of constitutionalism. He considered when that House voted money the Government must expend it in the direction indicated, and that the Appropriation Act was not merely an authority but an order to expend it. He begged to move the following addition to the motion—"except in the event of additional temporary accommodation being absolutely necessary"—which, if really necessary, would not preclude the Government from affording the increased accommodation imperatively necessary. (Hear.)

Mr REYNOLDS did not see the absolute necessity of taking the precise spot which it was intended to, from the Botanic Gardens, for the purpose of making the proposed additions. The land was already small enough for the garden, and if he could, instead of taking from it he would give a little more. A Committee on the management of the

Lunatic Asylum had recommended that the old hospital should be appropriated for lunatics, and he could not see why that could not be carried out. He believed the present building was never intended for a lunatic asylum, or if it were intended, it was impossible that a more miserable failure could have been planned. No one could enter the building without being impressed with the idea that it was a prison, and instead of relieving, it was calculated to increase the morbidity of feeling. The hon. member for East Torrens had referred to a site which he considered very eligible, he referred to the Government Farm. There was a large block of land, and he believed for a lunatic asylum the site could not be surpassed. The Commissioner of Public Works said he had already taken action in the matter, and that the Colonial Architect had already prepared plans, but in connection with a new building he trusted advantage would be taken of all the talent which the colony afforded, and that plans of the most approved lunatic asylums in England would also be procured. He trusted the Government would not encroach upon the Botanic Garden, but would avail themselves of the Old Hospital for temporary purposes, and husband their resources till they were prepared to come before Parliament with plans and estimates for a new Lunatic Asylum.

Mr COLE thought some hon. members were losing sight of the resolution. It appeared to be a contest between the Botanic Garden and the positive wants of the Lunatic Asylum. A few days ago he went over the Asylum, and was to a certain extent prejudiced from what he had heard of that horrible place, but he was most agreeably disappointed. He admitted that, as a lunatic asylum, the buildings did not come up to similar buildings in the mother country, but he was much delighted with the order, cleanliness, and healthy appearance of the inmates. Instead of meeting with objects horrible to contemplate or fearful to look upon, the poor creatures were excessively cleanly and apparently happy. His visit was not preconcerted, and the inmates being at meals when he arrived, he went round to each table and found the food of the most excellent quality. He had visited similar institutions in England, and there was a marked difference in the conduct of the unfortunate creatures towards the keepers. Instead of involuntarily shuddering at the approach of the keepers, as in England, the inmates of the Asylum here met their keepers with cheerfulness and frankness—almost with a welcome, but he felt ashamed upon visiting the female department, to find eight or nine beds in one room, and the rooms were comparatively small. He was sure no hon. member with the slightest feeling could object to increased accommodation being afforded in that respect, cost what it would. Give the poor creatures the full benefit of the extent of the vote. He had that morning seen the plans which were in course of preparation, and he must say he thought the proposed buildings would be a great ornament to the place. They would be so constructed that at any future time by removing the subdivisions they could be thrown into two large rooms, the one for a museum and the other for an exhibition. He trusted those hon. members who urged that the money which had been voted should be expended upon a new site, would consider the sufferings of the unfortunate creatures in the interim. Humanity demanded that the accommodations for female patients should be increased. He admitted there might be a preferable site, but this was a matter of emergency, and he trusted the proposed additions would be made.

Mr HAY had never heard any complaints as to the manner in which the Institution was conducted. He did not wish to deprive the female inmates of such accommodation as was requisite, and had no objection to the amendment of the hon. member for East Torrens, if it were understood that the additions were only to be temporary.

Upon the motion of Mr HAWKES, the following addition was also made, but in no case shall such temporary addition be provided by an encroachment on the Botanic Garden," and the motion as amended was carried.

BILLS OF LADING BILL

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that they did not insist upon the amendments in the above Bill which had been disapproved by the Assembly.

MR W CROXALL

Mr REYNOLDS moved—

"That the petition of W Croxall be printed."

The hon. member intimated that he intended taking action upon the petition next session.

Mr STRANGWAYS seconded the motion, which was carried.

MAGISTRATES AT PORT ELLIOT

Mr STRANGWAYS moved—

"That there be laid on the table copies of any letters and documents sent from Y B Hutchinson to the Attorney-General, respecting the conduct of the Stipendiary Magistrate at Port Elliot, and the Attorney-General's replies to the same."

The hon. member remarked that there had been a litigation between the parties relative to a right of road, and that Mr Hutchinson had been fined on one occasion 20*l*, on another

1s. on another 10/, and on another 5/ Great complaints had been made relative to the admission and rejection of evidence

Mr REYNOLDS seconded the motion

The ATTORNEY-GENERAL believed there were no letters or documents, but a statement of the case had by the desire of Mr Hutchinson been forwarded to his office In justification of the magistrates of Encounter Bay he must say that Mr Hutchinson had not appealed against the decision against him, and still had refused to open the road It was simply a question between the District Council and Mr Hutchinson whether the road was a public one or not

Mr STRANGWAYS, after that explanation, would withdraw the motion

RAILWAYS

Mr REYNOLDS moved—

"That, in the opinion of this House, it is desirable that the Government should take the necessary steps to obtain public tenders for the leasing of the Railways and Goolwa Tramway, in order, if practicable, to relieve the Government of the management of these undertakings before the commencement of the year 1860" He presumed there would be no objection on the part of the Government to exercise the power given them in various Bills

Mr DUFFIELD seconded the motion the more readily as he had heard the contractor on the Gawler line was carrying goods in opposition to the railway at a cheaper rate than was charged

The ATTORNEY-GENERAL should not oppose the motion It was the intention of the Government as soon as the line was completed to Kapunda to take steps to ascertain if the railway could be let, but as the property at stake would be upwards of 400 000 in value, the first care of the Government must be to have ample security for the preservation of that very valuable property, and its restoration

The COMMISSIONER OF PUBLIC WORKS said if what had been alluded to by the hon member for Barossa were true, the contractor had rendered himself liable to a very heavy penalty, and he should enquire into the matter

Mr REYNOLDS really could not see the use of waiting till the line to Kapunda had been completed He hoped if the railway were let, the Government would be a little more careful in reference to surties than they had been with regard to the Agent General

The House adjourned shortly after 5 o'clock till 1 o'clock on the following day

THURSDAY, SEPTEMBER 1

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

THE SESSIONAL STATEMENT

The SPEAKER reported to the House that during the session there had been twenty-eight public Bills originated in the House of Assembly, of which twenty had been passed by both Houses, and laid before the Governor by the Speaker, three had been forwarded to the Legislative Council and not returned, two had been allowed by the movers to lapse after the first reading, two had been thrown out at the second reading, and one had been returned by the Legislative Council, with amendments, which had not been considered. There had been two private Bills originated in the House of Assembly, of which one had been passed by both Houses and laid before the Governor by the Speaker, and one had been postponed at the second reading for which there had been no subsequent motion There had been five public Bills brought down from the Legislative Council, all of which had been finally passed by both Houses The number of Bills passed through the Legislature was twenty eight public and one private

INCORPORATED COMPANIES SUITS BILL

Mr BAKEWELL, with the permission of the House, brought forward the motion in his name—

"That the Clerk of the House be requested to lay on the table of the House a return showing the number of times the consideration of the Incorporated Companies Bill lapsed, in consequence of the absence of Mr Bakewell, member for Barossa"

The hon member remarked he had been induced to table the motion in consequence of the statement of the hon member for East Torrens (Mr Glyde) that the Bill had lapsed more than half a dozen times, in consequence of his (Mr Bakewell's) absence He had endeavoured to set the hon member right, and so had the hon member for the Sturt, but as he still persisted in the statement, and on the previous day made an elaborate statement which appeared to confirm that which he had originally made, there was no alternative but to move that the return be laid upon the table

The CLERK of the House read a statement compiled from the records of the House by which it appeared that Mr Bakewell had never been wholly absent upon any day on which the Bill had been called on, although absent upon three occasions at the particular moment when the Order of the Day for its consideration was called on The delay in the progress of the Bill appeared to have arisen from the adjournment of the House before the whole of the business had been disposed of

MR MACNAMEE

The COMMISSIONER OF PUBLIC WORKS wished to make a statement in reference to what had fallen from him on the previous day He had since seen the Chairman of the Public Works Committee of the City Council and had ascertained that Mr Macnamee was a very good contractor He should make enquiry relative to the information which he had previously received and which had induced him to make the statement which he had

THE TRINITY BOARD

Mr STRANGWAYS wished to ask the Treasurer a question in reference to the Trinity Board, who, as the hon gentleman was aware, had the control of the boats at the Semaphore He wished to know whether the Trinity Board had made any arrangements to convey representatives of the Press gratuitously to vessels which they might wish to board He was informed that the reporters were now conveyed gratuitously by the pilot-boats, and that the mail contractor in consequence sustained considerable loss, being deprived of the gratuity which he formerly received for the conveyance of the representatives of the Press

The TREASURER said the hon member would find he was laboring under a mistake in reference to reporters The fact was that the contractor for the mail service had received notice that his contract would terminate and the business of carrying the mails and visiting the ships would be carried into effect by the Trinity Board, who had been authorised to obtain another boat for that purpose The subsidy which had hitherto been paid by the press to the mail contractor would in future be paid to the Trinity Board instead of to the contractor The representatives of the press would not be conveyed gratuitously, as the same subsidy would be exacted as that which was formerly exacted by the contractor

THE ADMELLA

Mr STRANGWAYS wished to ask the Attorney-General whether the Government had yet decided what course they would take in reference to the Admella, and whether the enquiry in reference to the wreck of that vessel should be conducted by the Trinity Board, or by a Commission appointed by His Excellency

The ATTORNEY-GENERAL said the course which the Government intended to pursue was to issue a Commission to five persons three being members of the Trinity Board, one the Immigration Agent, and the other had not yet been definitely fixed upon, but whose name would recommend itself to the House when mentioned

THE REPORTERS

Mr BARROW would like to ask the Treasurer whether the conductors of the newspapers had entered into any arrangement for the reporters to go on board vessels, as had been intimated by the hon gentleman, as he was perfectly ignorant of any such arrangement

The TREASURER was not aware that any such arrangement had actually been entered into, but he was enabled to state that the Trinity Board had placed themselves in communication with the conductors of the newspapers, with the view of perfecting such an arrangement

EMIGRATION AGENT AT THE PORT

Mr DUFFIELD wished to know whether the Government had made any enquiry of the Emigration Agent at the Port as to how it was that so many passengers got on board vessels leaving the colony without their names appearing in the clearance, or there being any record of their departure He believed it was a portion of the duty of the Emigration Agent at the Port to keep a record of such departures but it was found, in connection, for instance, with the ill-fated Admella, that a large number of passengers went by her whose names were not entered at Port Adelaide He believed, also, that there was an Act preventing stock from being carried, but it appeared that regulation was not carried out

The ATTORNEY-GENERAL understood the enquiry of the hon member to be whether enquiries had been made of the Emigration Agent why parties were on board the Admella whose names were not in the clearance, and in answer to that question, he would state that enquiry had been made, but no answer had yet been received He was not aware it was part of the duty of the Emigration Agent to go on board vessels for the purpose of ascertaining the names of those on board, though he was in the habit of doing so as far as such information could be obtained, but he was not aware it was part of the duty of the Emigration Agent

PUBLIC WORKS

The COMMISSIONER OF PUBLIC WORKS laid on the table the usual half yearly report of the Commissioner of Public Works upon Public Works

Ordered to be printed

THE HARBOR TRUST

The COMMISSIONER OF PUBLIC WORKS laid on the table a map relative to the Harbor Trust

Ordered to be lithographed

THE WATERWORKS

Mr REYNOLDS said, perhaps the Commissioner of Public Works would inform the House whether the Govern-

ment intended taking action in reference to the late Engineer of the Waterworks. He alluded to the great mismanagement of that officer in reference to the river weir. Was it intended to make the engineer responsible as well as the contractor?

The COMMISSIONER OF PUBLIC WORKS was hardly prepared to answer the question. At present the Government had no such intention, but it was possible that further discoveries might be taken into consideration and alter their determination.

Mr RLYNOLDS complained that the returns which had been asked for relative to the river weir had only been laid on the table on the previous day, and it was impossible to take action in reference to them, as he was perfectly in the dark as to their contents.

The COMMISSIONER OF PUBLIC WORKS said he laid them on the table at the earliest possible moment, as they only reached him as he was coming down to the House on the previous day, and he had not time to peruse them himself before he laid them on the table.

THE AGENT GENERAL

Mr DUFFIELD moved—

"That the repes of the Government to questions respecting the securities given by, and the checks imposed upon, the Agent-General—from which replies it appears that some of the securities promised by the Agent-General have only been given during the last few days, and that, in consequence the Agent-General has been intrusted with large sums of the public moneys before he (the Agent-General) had given the proper securities—are unsatisfactory to this House, and require a full and proper explanation."

The hon gentleman remarked that after what had appeared in the public prints, and knowing the session was drawing to a close, he should not go into the matter so fully as he should have otherwise been disposed to. It might be said indeed, what had been said, that the motion might have been brought forward at an earlier date, but there were reasons for not having taken action at an earlier period. He did not know whether he should be in order in referring to what had fallen from the Ministry on a previous occasion, knowing that he would not be in order in referring to a previous debate, but he would point out to the House that this motion had arisen solely from an answer which had been given during the last few days, and until that answer had been obtained it was impossible to go into the question. It would be remembered that he asked a question of the hon the Treasurer as to whether the Government intended to adopt any more efficient mode of protecting the funds of South Australia at the disposal of the Agent-General. At the time he asked that question he was under the full impression that the securities required by the Government had long since been given, and he was justified in that opinion from the answer which was given in December last by the Attorney-General to the hon member for Encounter Bay, wherein the Attorney-General stated that the Agent-General had entered into a bond of 20,000*l.* independently of giving two sureties of 10,000*l.* each, who were of high respectability, and had been approved by Her Majesty's Secretary of State for the Colonies. He was under the full impression from that answer that the securities had been then given. From the very large amount at the disposal of the Agent-General, he (Mr Duffield) thought that larger security should be given by that gentleman than two sureties for 10,000*l.* each, and it was that impression which induced him to ask whether the Government intended to take steps for the better protection of the funds of the colony at the disposal of the Agent-General. It was then that for the first time it was ascertained that the securities had not been given. The Attorney-General might have been under a misapprehension at the time he answered the question, but certain it was that up to the 25th August, the securities had not been signed. Till that had been ascertained, the present motion could not be brought before the House, so that it was a sufficient answer to the statement that it might have been brought forward at an earlier date. He felt it his duty to table this motion upon learning that the securities had not been given, and having tabled it, he trusted the Government would be enabled to afford such explanation as would satisfy the House it was not from any neglect on the part of the Government, or any want of attention to their duties, that the securities had not been given. He felt that the Government must admit he had given a sufficient reason for not bringing the motion forward at an earlier period. All that he asked was a full and proper explanation of the matter. He had previously stated that when he asked the question he was under the full impression that the securities which had been previously named by the hon gentleman were signed, but he considered them insufficient. On reference to a Council Paper before hon members, it would be seen that the business of the Agent-General was to manage all the financial business of the colony, and on referring to the last balance-sheet it would be seen that the amount in the hands of the Agent-General at the date to which that was made up, was 86,411*l.* 3*s.* 6*d.* In talking those figures as the actual balance, however, he would remark that he believed there were some sums which should be in the hands of the Agent-General which were not included, for instance, though the House were not in possession of the facts, he presumed the railway funds were at the

disposal of the Agent-General. He did not know whether the plan for the Gawler line was bought by the Agent-General, but it was evidently his duty to do so, according to his instructions, if he were appointed at the time, so that it would be very far to assume the amount frequently at the disposal of the Agent-General could not be less than £100,000. He did not wish to say one word against the gentleman holding the important office of Agent-General, but he wished to speak of the principle involved in taking such inadequate security, where such large sums were placed at the disposal of an individual. In the event of there being a change in the appointment, he presumed the successor would not be called upon to find greater security than the present occupant. He thought the House would agree with him, that a gentleman who was entrusted with £100,000 of the public money, and who resided at such a distance from the colony that it would take four months to communicate with him, should find a little better security than that which had been exacted from him. The House had heard the other day from the Treasurer of the checks which were imposed upon the Agent-General, but suppose that something should arise which should induce parties at home to suspect something was wrong, and that they should give information to that effect, it was quite clear that in order to explain it communications to and fro would be required, so that a period of six or eight months must elapse before steps could be taken to remedy the default, should any have arisen. With these facts before them, he thought the House must admit that the securities were not such as they should have. He could not see why the Government should ask from parties resident in South Australia taking contracts something like 50 times the security in proportion which they exacted from the Agent-General, though that gentleman lived 16,000 miles away from the colony. He would remark, also, in reference to contractors here, that the security was not a mere bond, but bona fide security in the shape of title deeds. He found that the parties who contracted for the railway, although they could never have in their hands more than 6,000*l.* or 7,000*l.* were called upon to give bona fide security by the deposit of title deeds to the extent of upwards of 3,000*l.*, although those parties were so situated that they could be got at any moment,—but could the Agent-General? Yet the Agent-General, who, as he had shewn, frequently had in his possession, belonging to the colony, property to the extent of 100,000*l.*, gave no real security, but merely bonds to the extent of 20,000*l.* He hoped the Government would be enabled to give such an explanation as would be satisfactory to the House, and promise that the matter should be fully considered before the next Parliament assembled. It was possible that might be his last appearance in that House, and he hoped he would have the assurance of the Government that this matter would be fully considered.

Mr BAKWELL seconded the motion.

The TREASURER rose at that early period of the debate to reply to the hon member for Barossa, by making a clear statement of facts which would probably prevent some hon members from taking such part in the debate as would induce them to vote for the motion. He thought the best explanation which he could give, would be to read notes which were in his possession, shewing the course of events as regarded himself, representing the Government, and the Agent-General. He would take that course before replying to the specific allegation of the hon member of this resolution. In March, 1858, his predecessor in office (Captain Wait) recommended the Government to appoint Mr Walters as Agent-General for South Australia, and with the assent of the Government communicated to that gentleman that the appointment was to be offered to him. The Government took the precaution of communicating to Mr Walters that the appointment would be conveyed to him by a commission through the Colonial Office, and that it would not be handed to him until he had provided two sureties in the penal sum of 10,000*l.* each, secured by bond to the satisfaction of the Colonial Office. This arrangement was made, for security, in England and the business was not to be handed over from Mr Barnard, nor the commission handed to Mr Walters, until the securities had been entered into. On the 15th October following, he being then Treasurer, received a report to the effect that the Secretary of State had taken the necessary security, and had intimated to Mr Walters that the security was satisfactory, that he might enter on the duties of his office, and his commission was handed over to him. Mr Walters did not commence to carry on the business of the colony until 12th September, though the necessary security was signed on the 12th June previously. ("Hear, hear," from Mr Duffield.) There might be some significance in the "Hear, hear" of the hon member, who he believed was under the impression that the necessary securities had not been signed until 12th June last, and he believed that impression was derived from a belief that he (the Treasurer) had made such a statement. But he had no reason to make such an incorrect statement, and if he had not been incorrectly reported, and had really stated June last, what he should have stated was June last year. It was possible that he had made the mistake, and he would not say that he had been incorrectly reported, but he believed, had the House thoroughly understood what he intended to say, the probability was that the present motion would never have been tabled. He regretted that the motion had been brought

forward so late in the session, because he had not before him those documents which he should like to place before the House in corroboration of his statements. He had been unable to look up from the Council proceedings the various replies which he had given in reference to the Agent-General, and his duties when the Estimates were under consideration, but his impression was that the nature of the securities which had been given had been explained to the House not only during the present, but the previous year. He wished the House to bear in view that before Mr Walters took charge of any funds or business in connection with the colony, which was in September last, he had in the previous June entered into a bond or rather two sureties had signed a penal bond for him, to the extent of 10,000*l*. It was by the the October mail that intelligence was received, and upon receipt of that intelligence he (the Treasurer) communicated with his predecessor, and asked him who the parties were whom he had named to the Government as securities in the colony for the other 10,000*l*, which Mr Walters was instructed to provide. Until it was known that Mr Walters had fulfilled the necessary conditions in England, and had accepted office—for the office was only offered to him conditionally—no steps could be taken in reference to the colonial securities. The moment it was known that Mr Walters had accepted office, and had provided the necessary security in England, he (the Treasurer) communicated with Captain Hart, who informed him that Mr Ewbank and himself would become sureties. As he could not communicate thus verbally to the proper quarter, he wrote officially to Captain Hart and Mr Ewbank, requesting them to state whether they would enter into the necessary bond, and on the 30th November he received a note from Captain Hart, expressing his willingness to become security for Mr Walters to the extent of 5,000*l*, and expressing a belief that Mr Ewbank would become bound for a similar sum. On the 3rd December, a letter was received from Mr Ewbank expressing his willingness to become bound for 5,000*l*. The next step in the order of business was for him to lay these sureties before the Government, and ascertain whether they were approved. That was done, and on 13th December it was decided that the sureties were satisfactory. The next step was to inform the law officers of the Crown in order that proper bonds might be prepared, and this was done. The proper bonds were prepared, and on receiving intimation that they were ready, he again communicated with Captain Hart and Mr Ewbank, stating that the bonds were ready, and requesting them to call at the Crown Office for the purpose of executing them. He got no answer to that intimation, and believed the reason was that Captain Hart was absent for some weeks in Melbourne. He in consequence waited till Captain Hart came back, when he again addressed a letter to him upon the subject, informing him that if it would be more convenient to him a clerk should wait upon him at any time and place he might think proper to appoint, for the purpose of getting the bond executed. Still he got no answer from Captain Hart, and incidentally heard that Captain Hart was desirous of avoiding signing the bond. He, in consequence, again wrote to Captain Hart, but still got no answer till shortly before his departure for England, when Captain Hart stated he must decline signing the bond, as he was about to go to England, but he recommended another party as surety, whom the Government did not think suitable, and consequently declined to accept. In the meantime the question of the securities given by the Agent-General was mooted in that House, and it was then found that the Agent-General had friends in the colony who came forward, their security was deemed satisfactory, and very recently the bonds had been signed. He did not see that in this matter any neglect or omission could be charged to the Government. It would have been very harsh to take immediate steps to enforce the execution of the bond when Captain Hart voluntarily offered himself as security, and the Government had in their possession a letter from him, offering to become security. It was reasonable for the Government to suppose that the only reasons for the delay in the execution of the bond by Captain Hart were press of business, and absence from the colony. If Captain Hart had never intended to sign the bond there was no reason he should offer in the first instance. The Government might have taken steps to compel the execution of the bond, but it should be remembered that both Captain Hart and Mr Ewbank were liable under the letters which they had given, undertaking to sign the bond, and there was no reason to apprehend there was any insecurity. He would say a few words in reference to the remarks of the hon. mover, that by the last balance sheet which had been laid before the House the amount in the hands of the Agent-General appeared to be 86,000*l*. It was quite true that by the balance sheet that appeared to be the amount in the hands of the Agent-General, but those published returns did not give the actual balance in the hands of the Agent-General at any particular time. Those returns were prepared by the Auditor-General with a particular object, and, though made up to a particular day, they did not correspond with the state of accounts in the colony. It was possible the Agent-General might, at the date of that balance-sheet, have had in his possession property belonging to the colony not far short of 86,000*l*, but not in cash, the amount being composed of 33,000*l* in Exchequer

Bills, and 30,000*l* or 40,000*l* in Bonds. The amount of cash in the hands of the Agent-General was always small, not exceeding 10,000*l* or 12,000*l*, except for a few days prior to paying the dividends upon colonial bonds, when the balance was probably 30,000*l* or 32,000*l*. At other times the Agent-General might receive bonds, but he had to deposit them in the Bank of England, and the Bank furnished him (the Treasurer) every month with a statement showing the cash balance, the amount of Bonds and Exchequer Bills. Those were the checks which the Government had upon the Agent-General, and hitherto they had been deemed satisfactory, and he believed they were. The hon. mover had referred to the reply of the Attorney-General in December last, in reference to the Agent-General, and the amount of security which had been given. The hon. member impugned that statement of the Attorney-General, stating that it now appeared the securities had not been given at that time, but the statement of the Attorney-General was strictly correct, for two securities had been given in England, a bond having been signed for 10,000*l*, and that was the statement of the Attorney-General. The allegation was, that two gentlemen had entered into a bond for 10,000*l*, and he had shown that such was the case, although it was true, as had been stated by the hon. member, that the securities in the colony had not been signed up to the 25th of August last. The securities to which the Attorney-General referred were signed in June last year, but he admitted the securities in the colony were not signed. From the way however, in which the matter had been put by the hon. member for Barossa, the House would be led to infer there were no securities at all. He wished the House to observe that there was nothing incorrect in the statement which had been made by the Attorney-General in December last. The securities alluded to by his hon. colleague were signed in London before the Agent-General took office, and as soon as intimation was received in the colony that he had accepted office attempts were made to get the securities in the colony signed. When there were such numerous delays, and eventually one of the parties refused to sign the bond, then attempts were made to procure other sureties. The explanation which he had given was not so full as he could have desired, as he had been afforded no opportunity of looking over the records.

Mr DUFFIELD remarked that what he had read from "Hansard" showed the Attorney-General had stated that the Agent-General had given security for 20,000*l*, and up to the other day he (Mr Duffield) thought that the Agent-General had done so, but it now appeared that his security was only to the extent of 10,000*l*.

Mr STRANGWAYS would ask the Treasurer to state the name of the party recommended by Captain Hart as his substitute ("No, no"). It remained with the House to say whether that question should be answered or not, but he would remark that if all reports were true in reference to that matter, they tended rather to shake the belief that the non-signature of the bond by Captain Hart arose entirely from press of business or that gentlemen's absence from the colony. As the Treasurer had not stated the name of the party named by Captain Hart as a substitute, he, Mr Strangways, would not state who he had heard it was. It now appeared that the Messrs Huth had entered into a joint and several security for 10,000*l*, but the Attorney-General stated in December last, as would be seen by the Votes and Proceedings, that the amount was 20,000*l*, Messrs L and H Huth being each bound in the sum of 10,000*l*. It appeared that statement was not founded on fact, but that in substance it was a gross misrepresentation, whether it was to be attributed to ignorance or design, he was not prepared to say, but it was quite clear it was a gross misrepresentation of the facts of the case. There had been an unwarrantable delay in taking action in reference to the security to be furnished by the Agent-General, for he would ask what security did the colony now possess? There were the two Huths in London extensively engaged in trade, there was an hon. member of that House also engaged in trade, and Mr Ewbank also engaged in trade in a mill at Port Adelaide. However high the position of those engaged in mercantile pursuits might be at the present moment, they might, by circumstances over which they could exercise no control, very quickly be reduced to a position in which their security would be worth nothing. That was what all merchants were liable to, and he did not say it offensively, as, of course, the parties would be equally liable to such reverses, whether security for the Agent-General or not. The colony substantially had no security whatever from the Agent-General, and he would suggest that the Government should call upon the Agent-General to find securities through the guarantee societies, or that the parties who became bound for him should invest the amount in real property and deposit it, he paying them the interest. It was quite possible that the parties might object to such a course, but if the Government were to have security he did not see how they were to obtain tangible security in any other way. The course which he had suggested was one which was frequently adopted in England, and, indeed, it appeared from the statement of the hon. member for Barossa that such a course was adopted by the Government here in reference to contractors, and he could not see why the Government should adopt a stringent course in reference to a humble class which they should not adopt with the great Agent-General. If the

Government would undertake to obtain tangible security from the Agent-General, he should be content that the motion should be withdrawn, but if the security were to be merely nominal he should certainly support it. He thought the Government by the misrepresentations which they had made at various times, and the slips of the tongue which had occurred once or twice when quoting dates, had greatly misled the House, and the consequence had been that a motion had been tabled at the last day, which had the House been acquainted with the real facts, would have been brought forward at a much earlier period.

Mr SOLOMON, whilst agreeing with some of the remarks of the previous speaker, must disagree with others. He could not agree with the proposition of the hon member that the parties who became surety for the Agent-General should be called upon to deposit tangible security for the amount, because he did not believe it would be possible to find any person to do so. There was one point, however, to which he must refer. The House had been told by the Treasurer that Capt Hart, when Treasurer, recommended Mr Walters to the Government as a fit and proper person to fill the office of Agent-General, and, since there had been no explanation to the contrary, the House were perfectly justified in assuming that at the time Capt Hart recommended Mr Walters as a fit and proper person, he was perfectly willing to become security for him. What was it then that altered his views upon the point? After that recommendation, when the Government found Capt Hart unwilling to become surety, it should have made them doubly careful. He had always been under the impression, from statements which had been made in that House, that Mr Walters had entered into a personal recognisance for 20,000*l*, that he had two sureties of 10,000*l* each in England, and that there was a bond to the extent of 10,000*l* in the colony. The Treasurer had stated that he did not think the Government would have been justified in attempting to enforce the execution of the promise given by Captain Hart to become security for Mr Walters, but he considered the Government had been guilty of gross neglect in not enforcing security from Captain Hart. There might be some circumstances under which the Government might have been excused for not enforcing a promise of the kind, but there were none in connection with this case, for it was by the recommendation of Captain Hart that the Agent-General was appointed, and probably Captain Hart undertaking to become one of the sureties, had something to do with the appointment, yet when the bond was prepared he refused to sign it. He believed that this refusal should have suggested to the Government some doubts as to the appointment of Mr Walters. It appeared that when Captain Hart held the high position of Treasurer he recommended Mr Walters to the Government, and undertook to become his surety, the Government appointed Mr Walters, and after keeping aloof for seven or eight months from signing the bond, at last positively refused to do so, because, as he said, he was going to England. He had hoped, when the Treasurer rose for the purpose of offering some explanation to the House, that the statement of the hon gentleman would have been more satisfactory, but he, for one, must confess he was not satisfied, and he still under the impression that the Government were chargeable with gross negligence in this matter. The hon member had stated that at a particular date shown by a balance-sheet before the House, the balance in the hands of the Agent-General was 86,400*l*, and in addition to this, that there were large sums in connection with railways also at the disposal of the Agent-General. How had the Treasurer met this statement? Why, merely by stating that the greater portion of the amount was in bonds and exchequer bills, and that there was a control over the operations of the Agent-General, which the Government considered sufficient security, but he would ask, what control had the Government over the Bank of England? How could Mr Walters be prevented from converting the bonds and exchequer bills into cash, at any moment he pleased? He believed Mr Walters to be as honorable a man as ever breathed, but he was merely arguing in reference to the office, not to the individual. Although the office might be held at the present moment by a gentleman of the highest respectability and honor, such might not always be the case, and it was in the power of the Agent-General to convert all the securities held by him for the colony into cash, and in ten or twelve days to be in the States of America. What control could this Government exercise? Could it be said that the security of Messrs Huth for 5,000*l* was sufficient, when it had been shown that the Agent-General frequently had property in his possession to the amount of 80,000*l* or 100,000*l* belonging to the colony, and could readily convert all into cash, and leave England for America. The proposition was smiled at by some hon members, but need he remind them of Messrs Dean, Paul, and Co's house, or many others which for hundreds of years he might say had been above suspicion, yet the members of which were now convicts in consequence of converting to their own use the property of others. Far be it from him to say one word against the Agent-General, he was acquainted with that gentleman, and believed him to be as honorable a man as ever breathed, but the office might not always be held by such a man. He considered if the explanation of the Treasurer were to be regarded as the explanation of the Government, there had been gross carelessness on their part

Such an explanation had not been afforded by the Government as the House were entitled to expect. The House had always been under the impression that the securities in London were to the extent of £20,000, independently of a personal security to the extent of £20,000, and security in the colony to the extent of £10,000, but it appeared that the Agent-General had been permitted to handle the public money without giving that security which common prudence should have demanded, and he considered the Government had been guilty of a gross dereliction of duty. No explanation he had heard from the Treasurer induced him to think otherwise. It was impossible not to feel that Captain Hart, whilst Treasurer, exerted the influence he possessed by virtue of that office to secure the appointment for his friend Mr Walters, and after promising to become security for him, at the last moment refused. That fact alone should have created suspicion in the minds of the Government, who could not have been charged with entertaining suspicions without good grounds, when the gentleman who recommended the Agent-General for his office refused to become security for him. For that reason he charged the Government with neglect of duty, and he was sorry to say that he believed the Government had been guilty of gross neglect.

Mr TOWNSEND said the appointment of Mr Walters to the office of Agent-General had never afforded him any great satisfaction. He was not a member of the House at the time, but remembered reading in the public press, that a Committee had been appointed upon the subject of the Agent-General, and had recommended Mr A. L. Elder for that appointment. Had that recommendation been carried out, a gentleman would have been appointed whose character was altogether above suspicion, but in the face of the recommendation of that Committee the Government appointed Mr Walters, not because that gentleman had been recommended by the Committee to which he had alluded, not because he was recommended by the mercantile community, but for mere political purposes. Captain Hart, being Treasurer, his friend Mr Walters was appointed Agent-General. He had no notion of approaching this subject in any other way than he would of discussing it before the Chamber of Commerce, or any other body. The fact was, that Captain Hart, the then Treasurer, Mr Walters, and Mr Dutton, then Commissioner of Crown Lands, were on the most familiar terms, there was a perfectly good understanding between them, and it was distinctly understood that Captain Hart and Mr Walters knew a thing or two (laughter). Captain Hart left the Ministry, and he stated distinctly his opinion, that it was merely in consequence of Capt Hart's political influence that the Government did not press the completion of his undertaking to become security for Mr Walters, any closer than they did. If Captain Hart had not held a seat in that House, and had not been capable of exercising what he might term the balance of power, he had no hesitation in saying the Government would have pressed him. There could be no doubt in the mind of any one who looked at the question dispassionately, that there had been gross neglect on the part of the Government. He would ask the Commissioner of Public Works, or the Commissioner of Crown Lands, whether they would in their private capacity have rested contentedly if a person who had undertaken to become guarantee for another delayed the execution of his bond, and ultimately refused, and surely what a man would not do in his private capacity he was not justified in doing as a member of the Government. If either of the hon gentlemen whom he had named had undertaken to advance 10,000 upon certain security being afforded, would he have advanced a single penny till that security had been forthcoming? He wished this question had been raised before Captain Hart left the colony, and certainly thought that the Government should have given some intimation before he left that this security had not been given, but they did nothing of the kind—they kept it all to themselves. Taking the answer of the Attorney-General, whether Hansard or the records of the House were consulted, it would be found that in December last the hon gentleman distinctly stated that the Agent-General had given security to the extent of 20,000*l*. Was that a fact? Let the Attorney-General reply. With regard to Captain Hart not signing the bond he thought the case had been well put by the hon member for the City, Mr Solomon. It was well known that Mr Walters owed his appointment to Captain Hart, that they were most intimately connected. It had been said, why should he refuse to sign? But he might reply, was it not possible that Captain Hart was in possession of information of which others were not? The whole proceeding to his mind reflected discredit upon the whole of the parties concerned. He should ever remember the words of the Attorney-General in reference to this matter, and perhaps on a future occasion should have to refer to them. The hon gentleman said the bond was prepared, but, on one pretence or other, Capt Hart put off signing it, and absolutely refused to do so when he was about to leave for England. He would leave the Attorney-General and Capt Hart to settle the matter, but felt quite certain the House would agree with him that gross neglect was chargeable to the Government. He believed that the appointment of Mr Walters had been made for political reasons, and political reasons only. Mr Walters had not been recommended by the Committee of that

House, the securities which he was bound to find were not forthcoming, and the Government had taken no action in the matter till urged by that House to do so. As an elector for the city, he should have something to say upon the subject to his representatives at a future time.

Mr NEALES could not allow Capt Hart to be so roughly handled without saying a few words in that gentleman's behalf. He believed that no such attack as that which had been made would have been made had Capt Hart been present. He believed that the Treasurer had reserved this attack until Capt Hart was absent. He believed if Capt Hart were present the answer to the charge which had been made would have been, "I agreed to enter into a bond for 5,000*l*, but the bond which you have placed before me is not in accordance with that undertaking, and, therefore, I decline to sign it." It was most unfair to wait quietly till Capt Hart was absent, and then attack him. He believed that Capt Hart had never refused to give the security which he first proposed. He considered that Capt Hart had been shamefully treated by being made the subject of such an attack in his absence. He believed it to be true that Captain Hart did use his influence to procure the appointment of Mr Walters to the office of Agent-General, but not individually, his influence was exerted in conjunction with that of the Chief Secretary, Captain Hart was only the helper. He felt perfectly assured that Captain Hart would not refuse to sign any bond which he had engaged to sign, and had Captain Hart been present the Treasurer would not have dared to make such a statement as he had regarding him.

The ATTORNEY-GENERAL would say a few words, though it had not been his intention to speak upon the subject, being desirous of giving as much time as possible to the discussion of the motion of the hon member for Victoria, in reference to assessment on stock. The statements however which had been made compelled him to offer a few remarks upon the subject, but what he had to say should be in the briefest possible manner consistent with a clear exposition of the case. He must say in the first place, for his hon friend the Treasurer, that no person who knew him and had any regard for the opinions which others might form of his accuracy and courtesy, would venture to charge him with not daring to do anything consistent with his duty to the public and that House. Not a single statement had been made by the Treasurer which was not absolutely accurate in point of fact, and he should far rather accept the statement of his hon friend the Treasurer than that of the hon member for the city (Mr Neales) (Laughter). He did not suppose the hon member with stating that which he did not charge to be true, but he thought the hon member spoke without knowing the facts, and had the hon member known the facts he believed he would have expressed himself very differently. He hardly knew what the hon member meant by defending Captain Hart in one view of the case, and joining in the accusation against him in another, for it appeared to him that the hon member wished to shield Captain Hart by saying, "Poor man, he didn't do it from his own inclination, but from being under the control of the Chief Secretary." He did not know whether Captain Hart would be satisfied it should be made to appear that he was the mere subservient creature of the person who happened to be at the time at the head of the Government. He did not think that Captain Hart would shrink from the responsibility which attached to him for recommending Mr Walters to this office. He (the Attorney-General) felt that he was as responsible as Captain Hart. He had known Mr Walters many years in the colony, and had had opportunities of observing his ability, his extensive business habits, and his high principles of honor, and he believed that no person could have been selected who was better suited to the office of Agent-General than Mr Walters. He had every respect for Mr Elder, who was as honorable a man as Mr Walters, but not more honorable, as trustworthy as Mr Walters, but not more trustworthy, but if comparisons were to be instituted between the monetary and mercantile merits of the two gentlemen, Mr Walters had a right to claim very great superiority (Oh, oh). No one who had had an opportunity of observing how the two conducted business could, he thought, venture openly to dissent from that statement. That was the opinion which he had formed, and which he believed every one formed. He heard every one speak of Mr A. J. Elder as a man of probity and a good man in business, but certainly not as possessing monetary and mercantile experience equal to that of Mr Walters. He did not suggest Mr Walters as a fit and proper person to fill the office of Agent-General, but he acquiesced in the suggestion, and concurred in the recommendation to the Government. He did not understand the position which was taken by some hon members in reference to this matter, the hon member for the city (Mr Solomon) for instance, spoke of Mr Walters as a man of the highest honor, a man most unlikely to abuse the trust reposed in him, and stated that as regarded Mr Walters the security which had been taken might be all that was necessary, and yet he blamed the Government because, though the security might be quite ample as regarded Mr Walters, it would not be ample if any one else filled the appointment, but it would be time to blame the Government when any one was appointed to the office who was not entitled to the same con-

fidence as Mr Walters. Hon members concurred in the appointment, admitted that Mr Walters was entirely fitted for it, but nevertheless, they blamed the Government, not because they had not taken securities which were sufficient for him, but which they thought might not be sufficient for some one else. The position of the Government in reference to the appointment of Agent-General was thus when Responsible Government was introduced, it became necessary to provide some means of transacting the business of the colony in England in place of the means which had been provided by the Home Government. There were two courses proposed, the one was that the Agent-General should act as Immigration Agent, and have a high salary, the duties of the two offices being performed by him, but it was found there was an inconsistency in the duties of the two offices, the one requiring the constant presence of the party in London, and the other requiring that he should be prepared at any time to visit different parts of the country. It was found impossible to combine the two offices, and the Government were then compelled to appoint an Agent-General as well as an Immigration Agent, and were only in a position to offer a certain salary—600*l* a year—to each. The gentlemen recommended by Captain Hart, Mr Walters, it was proposed should have 600*l* a year, and he would ask any hon member, seeing that the salary was 600*l* a year, and could not possibly rise beyond that, when no unconsidered trifles were to be drawn in to swell the amount of emolument, whether greater security could be reasonably asked, than two sureties of 10,000*l* each, in addition to the security in England. It was felt, however, that this security would not be sufficient unless there were other checks, and he thought it would be admitted that the checks which had been imposed, and which had been alluded to by the Treasurer, were such as afforded every guarantee that the interests of the colony would not be sacrificed. The instances in which persons who had previously maintained an honorable position ran away with money were rare, and they were all of one class the money which they received on account of others getting mixed with their own, and when deficiencies occurred, which it was found impossible to make up, the parties frequently absconded, taking with them more money which did not belong to them. It was that circumstance which induced the regulation by which the Agent-General never deposited any money belonging to the colony in his own name, but was required to keep an account in the name of the Agent-General, at the Bank of England. By this means the Government had guarded against everything but direct and intentional fraud. The money of the colony not being permitted to be mixed with that of the Agent-General, there could be nothing like unintentional fraud, but it must be intentional and direct. Another check was, that no cheque would be honored by the Bank which merely bore the signature of the Agent-General, it must also bear the signature of the chief clerk in the Agent-General's office, so that, if any fraud were committed, it must be by the co-operation of the chief clerk in the department. He had been charged with misrepresenting the facts of this case either through ignorance or design, but imputations of that kind fell more lightly upon him, perhaps, than other hon members, and he paid little attention to them. He had stated that, according to information he had received, there were two sureties each for 10,000*l*, and in one respect such was the case, the sureties being jointly and severally liable, though not together, to a greater amount than 10,000*l*. To that extent he had misled the House, being misled himself, but the fact was he gave the answer before the bond was deposited in his office, and there was nothing but the letter of the Secretary of State to guide him. He spoke according to the information which he had received. Whenever a question was asked him he endeavored to give the fullest information in his power, and thought he might appeal to hon members to corroborate the statement that the cases were not numerous in which he communicated anything that was not strictly accurate. It had been said that the Government had taken a different position in reference to persons having a contract for the railway, who, it had been said, could not at any one time have more than 6,000*l* in their possession, yet the Government demanded tangible security from them to the extent of 3,000*l*, but he believed it would be found the deposit of deeds was suggested as a more convenient way by the parties having to find the surety, and although it was true that the actual money which they might have at any one time might not amount to more than 6,000*l*, still the loss which the Government might sustain by the misconduct of those parties was not limited to 6,000*l* or 10,000*l*, for those parties were entrusted with all the goods which were conveyed by the railway, and the Government were responsible to every person who sent goods by the railway for any injury or damage which they might sustain by the misconduct or mismanagement of the parties who had the contract for the railway, so that the security which was exacted from them was in fact very considerably less in proportion than that which was exacted from the Agent-General. It was not necessary that he should allude to the remarks relative to the political influence of Captain Hart having had any weight with the Government, he would leave the country to judge upon that point.

Mr REYNOLDS said it was clearly quite true that the

Attorney-General had sadly misrepresented the case, as regarded the securities which had been received from the Agent-General, and it was probably to be attributed to the hon gentleman not having properly informed himself when the motion was tabled. The result was, that the House had been misled, and it was not till the last day of the session that the light had broken in upon their minds, and they found how misrepresented the case had been, and how frightfully mismanaged the department of the Agent-General. He had observed during the debate, a good deal of levity and laughing upon the Treasury benches, and had been exceedingly sorry to observe it. Sometimes there had been a loud laugh, but this was really no laughing matter. Here was the Agent-General in possession of 80,000*l* or 100,000*l*, and little or no security for that very large amount had been exacted from him. The fact was, the Government had got the Appropriation Act passed, and there was a prospect of the Governor coming down, and they were safe in their seats for the next eight or nine months, so they didn't care. There was a prospect of proroguing, and when the gentlemen opposite felt secure of their seats and their pay they might all laugh. He thought it a great mistake to allow the Appropriation Act to pass so readily, for when that had been done the Government said "Good bye, we've got our seats and our salaries till the next general election." He was sorry that this had been made a personal matter to Mr Walters, and that comparisons had been instituted between Mr Walters and Mr Elder. He regretted that such a comparison should have been drawn, particularly by the Attorney-General, who having devoted himself to the law all his life, knew nothing of commercial matters, and was not capable of forming an opinion upon the relative merits of the two gentlemen. No one could say that in any one respect was Mr Walters superior to Mr Elder. He knew nothing of Mr Walters beyond this, that he was Manager of a Copper Company, and he believed there were great complaints in reference to the confusion in which the affairs of that Company got. The comparisons had better have been left out of the question, and he would remark that if the Government had been personal friends of Mr Elder, that gentleman would, no doubt, have been appointed Agent-General, but it so happened that the Treasurer and Commissioner of Crown Lands were personal friends of Mr Walters, and the consequence was Mr Walters was appointed. The Treasurer, on the 11th March, 1858 wrote to Mr Walters, to state that the securities whom he had named in the colony were such as would be approved by the Executive, yet it was not till the 23rd August, 1859, that those securities were furnished, now, if Capt Hart were written to over and over again in reference to his undertaking to become one of the sureties, what an amount of red tapeism there must have been for it to have taken all that time to complete the sureties, and he might remark it was not till the Government saw the feeling of the House, and that they were determined to have satisfaction, that they took steps to complete them. A very lame excuse had been put forward by the Government, but still he dared say they would carry their point (Divide, divide).

The COMMISSIONER OF PUBLIC WORKS thought the subject of the appointment of the Agent-General had been rather unfairly dealt with in the debate, and in a manner which could not be satisfactory to the opponents, if any, of that gentleman, or to his personal friends. From the moment he heard of the appointment of Mr Walters, he expressed himself thoroughly in favor of it, and he believed his first act in connection with the Government was to communicate with the Agent-General. He found amongst those who opposed the appointment of Mr Elder the name of the hon member for Sturt, and he was rather surprised at the remarks of that hon member as no one took stronger action against the appointment of Mr Elder, or more warmly supported the appointment of Mr Walters, than that hon member. He did not know that he had ever had a transaction with Mr Walters, but he thoroughly and cordially agreed with every word which had been said in reference to that gentleman by the Attorney-General. If hon members would refer to the particulars of an entertainment given to Mr Tinline, they would there find a high compliment paid to the monetary and mercantile talent of Mr Walters. In fact, the name of Mr Walters was suggested to the Government as the most able man of business the colony possessed. He had the highest opinion of Mr Elder, and had brought him prominently before a previous Legislature, but still he felt bound to say that gentleman never had the opportunities of becoming acquainted with monetary transactions that Mr Walters had, and many of those transactions which devolved upon the Agent-General being of an intricate character, Mr Walters was peculiarly fitted for that position. Fault had been found with the securities which had been taken, but he would ask hon members if it would not be far easier in many cases for parties to deposit the deeds of property, as had been done for instance by the contractors for the railway, than to furnish security such as had been furnished by Mr Walters. He confessed that he did not think he could find such security as had been required from Mr Walters, and upon looking round he fancied he saw many hon members who were in a similar position. He was not a member of the Government when this appointment was made, but he expressed his hearty approval of it. Experience had shewn

the fitness of Mr Walters, and he believed the colony had derived great advantages from that gentleman's services (Divide, divide).

Mr GLYDE moved the House divide.

Mr HAWKER seconded the motion, which was lost by the casting vote of the Speaker, the votes, Ayes 10, Noes 10, being as follow—

AYES 10—Messrs Bakewell, Duffield, Hawker, Neales, Reynolds, Solomon, Strangways, Townsend, Waik, Glyde (teller).

NOES 10—The Commissioner of Crown Lands, the Commissioner of Public Works, the Treasurer, Messrs Cole, Collinson, Dutton, Harvey, Mildred, Scammell Attorney-General (teller).

Mr DUTTON would occupy the House but a very short time, at the same time he was glad of the result of the division, as it would afford him an opportunity of saying a few words. The discussion had degenerated a good deal from what it originally professed to be, it had degenerated from the question as to sufficiency of security, to the fitness or unfitness of the Agent-General. He would at once state his intention of voting against the motion. So far as the first portion of the security was concerned it appeared to have been completed without the slightest delay. As soon as the appointment was notified in England there was no delay in producing on the part of the Agent-General two sufficient sureties who at once signed the necessary documents. It would be almost insulting, from the eminence of the name of Huth, to say that security was sufficient. The house of Huth was known all over the world and in London was second only to Barings. That portion of the security was perfectly good, and of the other portion hon members could form their own opinion. The point appeared to be the delay in completing that portion of the security which should have been completed in the colony. He regretted that such delay should have taken place, but still he regarded the explanation of the Treasurer as a sufficient justification. From the very first day that the appointment was made it was known that Captain Hart would become security for Mr Walters or had undertaken to do so. He knew that Captain Hart had lodged with the Government a promise to that effect, and no objection could be raised to that security, Captain Hart being known as a man of large means. Captain Hart then holding such a prominent position, he could not think there was that blame attaching to the Government for not pressing at an earlier period for the completion of that security that there would have been had Captain Hart occupied a less prominent position. Having been a party to the appointment of Mr Walters, he (Mr Dutton) would consider it a dereliction of duty did he not stand up and bear testimony to the ability, honor, and high qualifications for office possessed by that gentleman. It was not for him to institute comparisons between Mr Walters and any one else, but, so far as he was concerned, he would trust all the money in the colony in the hands of Mr Walters without any security.

The motion was put and carried.

THE GILBERT VALLEY

Mr HAWKER withdrew the motion of which he had given notice relative to a survey through the Gilbert Valley, remarking that he had seen the progress report, and had the assurance of the Commissioner of Public Works that the survey should be proceeded with.

ASSESSMENT ON STOCK

Mr HAWKER moved—

"That the House resolve itself into a Committee of the whole for the purpose of considering the motion that an Address be presented to His Excellency the Governor-in-Chief, requesting him, in accordance with the prayer of the petition presented to the House on 31st August, to appoint a commission of competent persons for the purpose of taking evidence of the carrying capabilities of the several runs of this province now held under lease, with reference to the assessment imposed by Act No 20 of 1858, and of reporting thereon, and also requesting His Excellency to direct that none of the leases in substitution of those which have been surrendered be issued, until such Commission shall have brought up a report."

The hon member remarked that he should do little more than move the motion in his name, as he saw not the slightest opportunity would be afforded by the Government of having this question fairly discussed. He should have to limit his remarks within a much shorter space than he should if the Attorney-General had kept the assurance which he had given on the preceding day, that he would give him an opportunity of bringing this subject fairly forward. He would go into the matter at once, and take the chance of His Excellency not being quite so punctual in his attendance to prorogue Parliament as he was the previous session. He had tabled the motion in consequence of a petition which he had presented on the previous day, and he might remark that action had not been taken sooner in consequence of the Government not having published a second classification of runs at an earlier period. Hon members were aware that during the previous session an Assessment on Stock Act was passed, and that assessment was limited to twopence per head. The Attorney-

General pledged himself that if he (Mr Hawker), representing the squatters would give way, the Government would state that twopence per head should be the assessment during the present leases. He (Mr Hawker) suggested many alterations in the Bill, and was aware that the means of collecting the assessment originally proposed would prove a perfect failure, he, in consequence, suggested an amendment giving the Government a machinery with which to collect the assessment. The Government made use of that machinery not only to collect 20,000*l* a-year, but a far greater amount than was fixed by the Act. When the classification was published the stockholders found that, instead of the assessment being twopence per head, it was in many instances as much as sevenpence. The stockholders memorialised the Executive, and pointed out the injustice of this classification. That was done three or four months ago, and the Executive, in fact, acknowledged that the classification was incorrect, as they directed a reclassification, but the object of the Act was not that the runs should be classified in an office in town but that they should be classified from actual observation according to their carrying capabilities. No steps whatever had been taken to ascertain what the actual carrying capabilities of the runs were, and in the second classification, although there were some slight modifications, the assessment amounted to very considerably more than was fixed by the Act. (The hon member quoted a number of instances in which the assessment reached 4*d* and 4*d* per head.) As he found the time was very limited, he would at once put the motion to the House.

Dr WARK seconded the motion.

The House having gone into Committee.

The ATTORNEY-GENERAL said he considered the hon member who introduced this motion to imply a charge against the Government of breaking a promise made during the early discussion on the Assessment on Stock Act, but he must say in the first place, that when he suggested, on the introduction of that Bill, that opposition should be waived, and that the Government should take that is the whole sum which should be paid during the tenure of the leases, so far from that proposition being adopted and opposition with drawn, the second reading of the Bill was opposed most vigorously, and the hon member for Victoria made a very effective speech against the Bill. It was not from any yielding on the part of the squatters that the Government were enabled to carry the Bill, and any charge of ill-faith against the Government was utterly without foundation. The Bill as originally introduced provided for an assessment on stock actually departing on land, and the Government said they would be satisfied with that, having made their calculations, and being assured that a certain amount would be realized. That amount was contained in the Estimates which were laid upon the table. The hon member for Victoria introduced a clause which had given rise to the present motion, and he should like to read to the House what was stated by the hon member on that occasion, because it would show that the results which the Government had realized by this mode of assessment were as nearly as possible identical with those which had been anticipated by the hon member when he suggested that course. The hon member said there would be a certain number of first class runs, and he believed the number of first class runs was not in excess of those suggested by the hon member. In one sense it was true the result was different from what it had been supposed it would be, because the hon member for the city Mr. Solomon, raised the minimum rate of assessment, and that proposition was not opposed by the hon member for Victoria, the minimum being raised from 70 to 100 the square mile. The position in which the Government were placed by that alteration was, that the minimum having been fixed, they must take that as the point of departure, and it was now said that although there were some runs which would not carry more than 50 sheep to the square mile, the occupants were obliged to pay as though they would carry 100. The question was, did the House intend to enforce a burden upon those least able to bear it, and a lighter burden upon those in a more advantageous position. When the House fixed 100 sheep per square mile as the lowest, the House gave that as the standard from which departure should be made, and from which the capabilities of other runs should be calculated. On reference to "Hansard" it would be seen that when the Bill was under discussion, the hon member for Victoria expected an annual revenue of 30,000*l*, but the Government had only received 27,000*l*. The hon member had perhaps based his calculation upon the assumption that the minimum would be 70 and the maximum 200, as originally proposed, but the minimum had been raised to 100 and the maximum to 240. [Mr Hawker said that his calculations were based on all the runs in the colony.] The grazing capabilities were not the only consideration, the situation must be taken into consideration, also. He must oppose the motion, as it would not be in accordance with the law if carried, and he should not be in a position to advise His Excellency to act upon it. He could understand errors in the classification of runs, and if any mistakes could be shown the Government would be as willing to correct errors as the hon member for Victoria could be to ask for that correction. (The hon gentleman was proceeding with his address when the Clerk of the Legislative

Council entered the Chamber, and announced that his Excellency the Governor requested the attendance of hon members in the Legislative Council, and hon members preceded by the Speaker, immediately proceeded thither.)

LEGISLATIVE COUNCIL

THURSDAY, SEPTEMBER 1

The PRESIDENT took the Chair at half-past 2 o'clock

ASSESSMENT ON STOCK

The Hon Mr DAVENPORT in rising to ask the questions which stood in his name, simply wished to do an act of justice to the Chief Secretary. He had given notice of his intention to ask the question, in consequence of an impression on his mind (until the last few moments) that the Chief Secretary had stated that if the measure was found to be unsatisfactory, he would be prepared to introduce an amended Bill. The Hon the Chief Secretary, however entertained, it appeared, a contrary opinion as to what he had previously said, and he (Mr Davenport) should be sorry for the House to separate, and for any remarks of his to go forth to the colony which would do injustice to the Hon the Chief Secretary. The hon gentleman then read the following notice—

"To ask the Hon the Chief Secretary—

"1. It—recurring to the promise made by him, on the part of the Government, during last session, on the faith of which the opposition of this House to the second reading of a Bill 'For an Assessment on Stock,' on the ground of 'an excessive minimum rate of assessment,' was quieted—he will, during the recess, consider the question of its reduction by means of an amended Bill, with the view of relieving an important class of producers from an oppressive law and the progress of the colony from a measure which is calculated to impede the stocking of inferior runs.

"2. If, in connection with the same measure, he will introduce a clause providing for a more equitable system of assessing stock."

The Hon the CHIEF SECRETARY, in reply to the questions, denied ever having made such a promise as that referred to by the Hon Mr Davenport, and read extracts from "Hansard" to verify his statement. He had never promised to introduce an amended Bill, although several times during the session, when spoken to by gentlemen who were interested in the question, he had stated that the minimum rate of 100, which had been decided upon was, in his opinion, too high. Hon gentlemen would doubtless recollect that 70, not 100, was fixed by the Government as the minimum rate per square mile. He would further remark that the hon gentleman (Mr Hawker) who represented the parties taxed, never objected to the minimum rate which had been decided upon by the Legislature. The Bill was, therefore, passed in the Assembly, and when it was sent up to the Legislative Council no step was taken to amend the law. Therefore, unless the minimum rate was legally altered the rest must be charged in the same proportion. He might add that if the operation of the present Act was found to be oppressive he should at a future time be glad to support any measure which would reduce the assessment, such measure to have a retrospective effect, so that the amount charged in excess should be remitted.

PROROGATION OF PARLIAMENT

His Excellency the Governor-in-Chief, attended by his suite, was announced at a quarter-past 3 o'clock, and having taken his seat, the Speaker of the House of Assembly, accompanied by most of the members of that branch of the Legislature, presented themselves outside the bar.

The Hon the SPEAKER afterwards advanced to within a few paces of His Excellency, and read the following address—

"MAY IT PLEASE YOUR EXCELLENCY—

"We, Her Majesty's dutiful and loyal subjects representing the inhabitants of the Province of South Australia, in the House of Assembly, attend your Excellency with the Act for the Appropriation of the Revenue for the current year.

"The termination of the third, and probably the last, session of this Parliament, appears to us a fitting time to draw your Excellency's attention to some of the most important legislative enactments of this, the first Parliament of South Australia, in so far as they are amendments of existing laws or the adoption of novel principles in legislation, as well as to the advances made by the colony in material prosperity during the past sessions.

"The novel enterprise of an unguating Responsible Government gave rise during the first session, as might reasonably have been expected, to various difficulties and changes. In the first instance, a difference of opinion arose between the House of Assembly and the Legislative Council as to the right claimed by the latter to deal with the details of the Estimates and Money Bills, in the same manner as the Assembly. After, however, somewhat lengthy discussions in both Houses, the Council, although not directly assenting to the principle laid down by the Assembly, that the Council are precluded from altering or varying in any way the Appropriation Act, or any money clause of a Bill, have practically

assented to this constitutional doctrine of the Assembly, and followed the example of the House of Lords, who have tacitly admitted the analogous privileges claimed by the Commons, without, however, passing any resolution assenting thereto. This judicious conduct on the part of the Council, has placed both Houses in a more favourable position before the country, and given greater facilities for the transaction of public business than could have resulted, had both Houses attempted to exercise co-extensive powers in these matters.

"This difficulty, which at one time seemed likely to make the inauguration of Responsible Government anything but of happy omen, was thus happily disposed of. The other difficulties—arising from the various changes which have occurred in the Ministry—may be regarded as mere party or personal questions, and are not, therefore, appropriate matters for comment on this occasion. We, therefore, proceed to point out some of the most important of the Legislative enactments of this Parliament.

"The first session, which commenced on the 22nd of April, 1857, and terminated on the 27th of January, 1858 added twenty Acts to the Statute Book of the colony. Among those having in view the improvement of the colony may be noticed Act No. 6, providing for the construction and management of Electric Telegraphs, and Act No. 10, for continuing the Railway north of Gawler Town, while Acts Nos. 14 and 15 may be classed among those introducing novel principles into legislation, and were somewhat in advance of the legislation of England, the principle of the former Act placing insolvent debtors and bankrupts in the same category, is, however, likely to be adopted in England—Lord John Russell having expressed himself in favour of a Bill similar in principle to that Act. And as regards No. 15, the Real Property Act, Sir Hugh Cairns has introduced a Bill into Parliament, founded on the principles of the Encumbered Estates Bill of Ireland, with such modifications and amendments as the experience gained in working that measure has shown to be necessary. Act No. 15 was amended in the subsequent session, and a longer experience of its working is necessary before it can be said whether future amendment is necessary, and whether it will be by continuing in the direction of the Act of this Legislature, or whether it will be advisable to remodel it on the principle of the English legislation. Both Bills, in our opinion, possess at least one most important object in common—namely, that of facilitating the sale and transfer of land by lessening the enormous charges hitherto consequent thereon. Act No. 19, to legalize a man's marriage with his deceased wife's sister, was reserved for Her Majesty's assent, but so far as has been made public, has not been noticed in any manner, which is much to be regretted, as great interest is felt throughout the province on the subject.

"The second session commenced on the 27th August, and terminated on the 24th of December, 1858, during this session 23 Public Acts were passed and assented to. The most important of them, No. 18, to amend the Waste Lands Act, and No. 20 to impose an assessment on stock, have most important bearings on the development of the prosperity of the colony, but have not been in operation sufficiently long to enable a fair opinion to be formed of their effects, it is probable that during the next Parliament amendments will be introduced to vary the working details of these measures, but none, however, involving material principles. Act No. 2 provided for a further extension of the railway system, northwards to Kapunda, and Act No. 10 consolidated and amended the laws relating to District Councils. Act No. 21 assimilated our laws with those of England relating to divorce and matrimonial causes. Act No. 23 provided for the execution of criminals in private, being in this case a departure from the principle of English legislation. This Act, happily, has not been called into operation, and we confidently hope that the same absence of crimes requiring capital punishment, hitherto characteristic of the criminal statistics of South Australia, will continue, and that the Act in question may for years be an useless appendage to our Statute Book.

"The third session commenced on the 29th of April last, and has been principally marked by the passing of a series of Acts consolidating the criminal law in accordance with similar Acts lately passed in England. No important advance has, this session, been made for the immediate extension of the railway system, but a vote of the House, asking that a sum may be placed on the Estimates for the survey of a trunk line northwards, points out what the feeling of the country is, and what the probable course to be adopted in the next Parliament will be. Large sums have also been voted during both this and the last session for extending the benefits of the Electric Telegraph throughout the colony.

"The best means of facilitating the progress of the colony, by developing its natural advantages, have at all times met with the most prompt attention of the Parliament during each session. In the first, a sum of money was voted for Government exploration to the north, but during its progress the warm anticipations of the colonists were damped by the result of Mr. Gregory's expedition from Moreton Bay undertaken under the auspices of the Sydney Government, and the confident assertion of that gentleman that anything to the west of his route was utterly worthless and

barren—followed by the subsequent unsatisfactory results of the persons employed by this Government, although aided by a somewhat lavish expenditure. Private enterprise has, however, fortunately stepped in to our rescue, and the discoveries of Mr. Stuart and others have not only added largely to our knowledge of the interior, but, in antagonism to the theories of the Government explorers—Sturt, Eyre, Frome, and Gregory—inform us that we possess valuable tracts of well-watered pastoral country, not only in the centre of what was formerly described as the arid desert bounded on the east, north and west, by Lake Torrens, but more important still, lead us to believe that beyond the western shores of this lake (if indeed its existence as formerly believed in is not altogether a myth), there exists a vast extent of valuable well-watered, well grassed, pastoral country, affording, as far as our knowledge of it thus derived from private exploration extends, reasonable hopes of its continuance across the Island Continent to the north-west shores, and, acting on this conviction, we have this session provided for the reward and assistance of those persons who may be engaged in prosecuting this important discovery.

"Should these anticipated discoveries be realized, it is scarcely possible to estimate at too high a rate their value to this colony and Australia generally.

"In common with all Her Majesty's subjects, and the friends of civilization throughout the world, we have learned with extreme satisfaction that the Indian mutiny is at an end, and that Her Majesty's Government has succeeded in restoring order and good government in Her Indian dominions.

"Having referred to the anticipated discoveries (which, if realised, would add lustre to the throne of Her Majesty), and to the happy termination of the Indian mutiny, we must now express our regret that the late news from Europe is of such a character as greatly to lessen the brightness of that picture which seemed to be about to offer itself to the contemplation of Her Majesty's subjects in all parts of the world. As this news suggests the possibility of Her Majesty's Empire being engaged in an European war, we have thought it incumbent on us to provide, by some of our late votes, for such a contingency, and should, unfortunately, our worst anticipations be realised, and England be unable to continue her position as a neutral Power, the colonists of South Australia will, as hitherto, be found amongst the most loyal of Her Majesty's subjects—ready, as far as in their humble power lies, to support in person Her Majesty's crown and dignity, and by voluntary contributions—as in the Crimean campaign and Indian mutiny—to show their sympathy with their fellow-subjects when engaged in supporting that freedom which has its surest resting-place under the protection of the British flag.

"I have now, on behalf of the Assembly, the honor to present to you the Bill for the Appropriation of the Revenue for the year ending the 30th of June, 1859, and to request that your Excellency will, on Her Majesty's behalf, be graciously pleased to assent to the same.

"G. S. KINGSTON, Speaker."

APPROPRIATION BILL

The Appropriation Bill was then presented, and assented to by His Excellency.

ASSENT TO BILLS

The following Bills passed by both Houses during the session were assented to by the Governor-in-Chief in the name of Her Majesty—

Offences of a Public Nature Statute Law Consolidation Bill

Accessories to Indictable Offences Statute Law Consolidation Bill

Offences against Property by Larceny Statute Law Consolidation Bill

Prosecution by Attorney-General Statute Law Consolidation Bill

Offences by Forgery Statute Law Consolidation Bill

Maucoous Offences against Property Statute Law Consolidation Bill

Offences against the Person Statute Law Consolidation Bill

Wellington Ferry Amendment Bill

Railway Commissioners Bill

Census Bill

Boundaries of Rums Bill

Notaries Public Bill

Customs Act Amendment Bill

Militia Act Amendment Bill

Volunteer Military Force Bill

Registration of Patents Bill

Scab in Sheep Bill

Kapunda Railway Terminus Bill

Insolvent Law Amendment Bill

Electoral Law Amendment Bill

Administration of Oaths and Affidavits Bill

Incorporated Companies Suits Bill

Bills of Lading Bill

HIS EXCELLENCY then read the following speech, and declared the present session of Parliament to be prorogued until the date indicated —

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

1 I am happy that the state of the public business allows me at this time to terminate the present Session of Parliament

GENTLEMEN OF THE HOUSE OF ASSEMBLY —

2 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

3 I have transmitted to Her Majesty your Address on the subject of the war now existing in Europe, and I feel assured that Her Majesty will receive with satisfaction your expression of loyalty and attachment

HONORABLE GENTLEMEN AND GENTLEMEN —

4 I trust that the various Acts which you have matured during the course of the present Session will tend to the advantage of the community, and am glad that I have been able to assent to all of them in the name and on behalf of the Queen

5 It has been a matter of sincere regret to me that, during the last few months, so many industrious members of the laboring classes should have suffered from insufficiency of employment. There is, however, every reason to hope that this depressed condition of some of the laboring class will

soon improve, yet, so long as it may last, my Government is prepared to recognize as one of its duties, the providing such means of employment as may place above actual want all persons who are willing to work until they can maintain themselves by labor independent of the Government

6 My Government will not fail to employ the means which you have placed at its disposal, in providing to the utmost of its power for the defence of the colony, but I still hope that Her Majesty may be enabled to preserve, unimpaired, the existing neutrality of her Empire, and that this Province may be spared the dangers and alarms necessarily incident to a state of warfare, and so be enabled to pursue in peace the progressive development of its various resources

7 In closing this Session, probably the last of the first Parliament elected under the existing Constitution of Responsible Government, I have great pleasure in testifying to the zeal and industry which you have manifested in the discharge of your important and onerous duties, and feel satisfied that, if any unforeseen emergency shall necessitate my re-assembling you for dispatch of business, I may rely on your earnest and cordial co-operation in all matters wherein I may seek your further advice and assistance

8 I now declare this Parliament to be prorogued until the 4th day of October next

RICHARD GRAVES MACDONNELL,

Governor-in-Chief

September 1, 1859

His Excellency, accompanied by his suite, then withdrew, and was immediately followed by the members of both Houses