

colossal—it was monstrous such a remark should be made from the bench. Instead of the publicans being shamed, he thought the Legislative Council would be worse if it imposed any additional tax on them at the present time. Such a course would have the effect of closing the house of many a respectable man engaged in that line of business, while many, perhaps, would be turned into sly grog shops, and it was well known the sly grog seller was quite as vigilant as the policeman, and in many cases much more so; and in some instances a kind of partisanship might be entered into between the two. An instance of evasion was seen in the case of the eating-house in Pitt-street, in which a conviction justly took place. No doubt some of the landlords of the large hotels would not object to pay the increased rate, because they knew by doing so they would be the means of closing three or four other houses of smaller pretensions. He did not think there could be any objection to the tax imposed on the spirit merchant; but he did think the provisions of the bill ought to extend to the importers, and those who sold spirits by auction. He was informed that auctioneers were in the habit of selling spirits of all kinds assorted, so as to make in the aggregate two gallons. Such a system ought to be prevented if it was really in existence. He thought the title of the bill ought to have been more comprehensive and read as follows:—A bill to increase the fees payable for publicans' licenses, to impose a fee upon the registration of spirit merchants, and upon other persons importers and dealers in spirits. It ought to have included the bonded storekeepers, a return in reference to which had now been laid before the House. He did not see the force of the objection which had been raised on a former occasion, to the effect that the revenue derived from the taxation of the bonded storekeepers would be insignificant in amount. The Custom House agents, who were also dealers in spirits, ought to be included too. They carried on their business in the Custom House—they had accommodation at the public expense, and they did not pay half what they ought to pay to the taxation of the country. He thought the Bill might be read a second time without the House pledging itself to the measure, and when in committee a remedy might be provided for the deficiencies he had pointed out. If, however, the hon. member opposite pressed the measure without amendment, and insisted that the general license fees of general publicans should be increased to £60 in the city, he should vote against it. By imposing such a rate, although perhaps the last blood would not be taken, the last penny would.

Mr. PARKES said it was his intention to vote in direct opposition to the bill. He believed, on very different grounds from those taken by his hon. friend who had just sat down, that it would have a very pernicious effect upon the best interests of the colony. He did not think it would tend to decrease the vice of intemperance, because he was of opinion the only cure for the misuse of ardent spirits was to throw open as wide as possible the traffic in intoxicating drinks. He was therefore opposed to the bill, because it would tend to an injurious monopoly. The employment of capital in those houses of accommodation would also be influenced; and every one knew that with capital large and unseen influences, impossible to trace in their action, would go to work throughout society. We had a vested interest created in the sale of strong drinks, which it would be more difficult to cope with than the evil as it at present exists. He believed it would be a far wiser piece of legislation to make the sale of intoxicating drinks an entirely open traffic, and to put whatever restriction might be thought desirable upon the accommodation for their consumption. Any man should be allowed to sell these drinks. Persons who chose to consume them by their own firesides would do so under the corrective influences of their friends and domestic life. This would tend, in connection with other collateral advantages, to diminish the vice of excess in the use of ardent spirits to a far greater degree than other modes proposed for that purpose, and with the necessary provision for rational and wholesome recreation, and as large a system of education as possible; he believed the evil would entirely die out in the course of the next generation. He looked upon the Bill before the House as a species of device to obtain additional revenue, and he certainly should oppose it, and after what had fallen from his hon. friend who had just sat down, after the radical injustice he had pointed out—he thought others, although differing on certain points from himself, would also feel it their duty to oppose it strenuously. He was not quite sure whether the House ought to grant any additional means to taxation whatever during the present session of the existing Government. The course which had been taken by his Excellency, since his arrival in the colony, was, he thought, sufficient to destroy or to greatly impair the confidence of most persons in the soundness of his judgment, and the qualities he possessed for ruling a British population. He spoke most sincerely when he said the opinion he formed some twelve months ago of the administrative ability of his present Excellency had not been strengthened by any act performed by him in the colony, and for his own part, looking at the circumstances of the country—the peculiar position in which we find ourselves—we ought not to give our sanction to the raising of a single penny more in the shape of taxation. If the Government found any difficulty in their way in a pecuniary point of view, they ought to contract their expenditure until such time as the new Parliament met, which was to have the whole power of taxation and control over the public expenditure in its hands. He trusted the House would give the bill that consideration which the important principles involved in it demanded, and then he felt assured it would not be read a second time.

Mr. CAMPBELL rose to reiterate the argument of previous speakers in opposition to the bill. He did not think penal law would reduce the habit of intemperance. He also objected to the passing of the bill on the ground of the advent of the New Constitutions, when probably it would be found the increased taxation would not be necessary, in consequence of the reduction in the various departments which it was very likely would be made. He thought the petitions presented ought to induce the Government to pause before passing such a measure. Mr. HOLDEN said if he could believe the passing of the bill before the House would in any measure tend to diminish the vice of intemperance in the colony, he would give it his cordial support; but he did not think it would have any such effect. He was of opinion the bill was too strenuous a measure, and was moreover a species of class legislation, against which he should always set his face. He, therefore, opposed the measure. However the case might have stood some twelve months ago, he did not think this was the time for increasing any charge upon the publicans in general throughout the colony, because they could not afford to pay one farthing more than they did now. If the bill was carried into effect it would prove very injurious in its operation, inasmuch as many of the publicans would be under the necessity of giving up, and the country would soon be overspread with sly grog shops. He had looked upon the measure from the first as a piece of class legislation, and that would never meet with any support from the House. He should oppose the second reading of the bill. Mr. WILSHIRE opposed the bill on the ground that by the increase of the duty on spirits the profits of the publicans had been decreased in the lower class of houses—£50 per annum. That fact alone ought to be sufficient to deter the Government from any attempt to impose increased taxation upon the inkeepers of the city. The CHAIRMAN OF COMMITTEES remarked, that the opposition to the bill did not proceed entirely from members who represented constituencies. It was generally understood that the publicans exercised very considerable influence in such proceedings, as are likely to take place shortly. (Cries of oh! oh! and laughter.) He supported the bill, not so much in consequence of the proposed increase of taxation which would be imposed upon the publicans, as on account of the provisions of different descriptions, making that reference to the fees and registration of spirit merchants. He had considered the first clause concerning the increase of the license fees of publicans in general, and also in reference to the distinction between those residing in and near the city and those in the country districts, and he thought some difference might be made between the two classes, although he wished clearly to state that in supporting the bill he would by no means pledge himself to the scale of license fees proposed. He saw no reason why the price of a license should not be the same to the wholesale dealer as to the retail publican, so long as the practice alluded to by the hon. member for the Northumberland Boroughs was carried on, and they sold for two gallons of spirits small quantities of different descriptions, making that quantity in the aggregate. He thought, with the hon. member opposite, it was intended their sales should be confined to two gallons of any particular description of spirit as the minimum. In dealing with the present measure, it was necessary for the House to know the amount of revenue required by the Government. Perhaps the hon. member would inform the House upon that subject. Although the present might not be the proper time to enter into the question of finance, he did think it was not at all de-

irable, to raise a larger amount of money than was required for the necessary expenditure of the country. Leaving an easy margin between the proposed expenditure and the expected revenue. Unless his hon. friend made some statement as to the expectations of the Government, it was almost impossible for the House to come to any satisfactory conclusion; for instance, if his opinion was correct, that the publican in the country ought not to be called upon to pay as much as the publican in Sydney, it would be necessary to ascertain what revenue the Government expected to derive, in order to properly fix the different rates. He believed it was pretty well known by those who had public-house property in Sydney that increased taxes of the nature proposed would not in the course of twelve months fall upon the publican in one case out of twenty. The landlords would bear it. Supposing the license should be raised to such a degree as to discourage the opening of public houses, in so far that would be a great public benefit; but, on the other hand, if the license fee was raised so high as to excite an improper sale of spirits, a bad effect would be produced. Altogether, the matter was surrounded with difficulties. He certainly did think a distinction ought to be made between town and country houses. The SOLICITOR-GENERAL said he did not wish to give a silent vote on this important question. The parties who would be taxed by this bill might be divided into two classes, namely, wholesale spirit dealers and publicans. When the bill was brought under discussion on a former occasion he had stated in his opinion that he did not think it was fair that the large fry doing business should go free, and the small fry be taxed. That principle he still considered would be very unreasonable. He did not believe that the objection which had been made by hon. members, that this tax would lead to sly grog selling, would meet the class of wholesale spirit dealers. They would certainly not attempt to evade this duty. Whatever the duty was that had to be collected, he believed it would be collected in all its integrity. With reference to the publicans, he had stated on a former occasion why they ought to pay an increased duty. He thought the publicans ought to pay increased taxation—something in the same ratio with the decreased value of money. They were generally told that this additional £30 would lead to sly grog selling. The publicans were to pay £40 for a license in the country, and £60 in cities and towns. Now, it was very discouraging if this additional taxation would lead to sly grog selling, because he considered that the £20 which they paid for a license before the gold discovery would have led to the same result. He did not know whether that had been found to be the fact. He did not think that the £40 or £60 which was now imposed was not equal to the amount of £30 which was imposed before the discovery of gold fields in the colony. There was no doubt that the publicans whose they made use of ardent spirits had occasioned a great amount of crime in this country. It was on that ground he thought before the gold discovery that a large imposition should be placed on ardent spirits, both on the importer and the seller of it. A large proportion of the police expenses was borne by the license fees, but it was not borne now. The expenses of the police were more than double what they were then, but the publicans' license fees were the same. Supposing the police force was only doubled, the maintenance of the police by the publicans' license fees would give now a proportion of only one-half. He thought the reason why they should pay increased fees was that they ought to bear a ratio something in proportion to the increase of the police expenses and the decrease of the value of money in this country. There was no doubt that they could bear a higher rate than this. To say they cannot bear the additional £10 or £30 was absurd. How did they bear the addition of £300 a year to their rent? (Oh, oh!) Hon. members might say "oh!" but could any honorable member oppose point out a single instance in which the increase of rent had not been greater than the additional £10 or £30 which was now proposed? There was no doubt that giving a license to a public-house gave it additional value, for it would consequently command a much higher rent. He was engaged, as in a case in the Supreme Court, where the landlord of a house considered that he was injured, because when he applied for a license he had been opposed through malicious motives. If he had got his license, he would have got an additional value in the shape of rent. It was not right that the landlord should absorb all the advantages. If they took off all the fees as had been proposed by the hon. member for Sydney (Mr. Parkes) the landlord would ask for an additional rent of £20, so that the public would derive no benefit, nor would the publican, for the money would go into the hands of the capitalist. He had heard a great deal this session about their having taxed the poor and not the rich. The tax that was now proposed would tax the rich and not the poor. He felt bound to say a few words with regard to the difference between the tax on houses in the country and those in towns. The higher rate of license fees would be paid by those houses where spirits were sold wholesale. The retail would benefit by this, for it was not worth while to carry on the wholesale trade, the retail would be relieved from part of the compensation. This did not apply to those places which were far away from the town. It was certainly difficult to draw the distinction of which places should pay a higher or lower rate, but he considered the plan proposed by this bill was the most satisfactory line of distinction that could be made. It was certainly desirable that roadside inns should pay a lower rate than those in towns. The hon. member for Sydney (Mr. Parkes) believes that if there was free trade in spirits that it would reduce intemperance. Anxious as he was to reduce intemperance, he could not agree that this benevolent but unwise chimera of the hon. member would have this effect. He had a strong opinion in favour of the Maine Liquor Law; he believed the use of ardent spirits was the root of the greatest evil in modern society; he considered that distillation was the most perfect work of the Devil, and ought not to be encouraged. He hoped the day would come when they would have a law to that effect. Whenever public opinion has gone so far as to give hopes of it, he would join hand in hand in carrying out what he believed would be a great boon to society. He felt that it was not for the Legislature to propose a law of this sort against the opinion of the great majority of the people. The Government ought not to propose a measure of this sort without they found that the views of the representative members, and those they represented, were in favour of the measure. It was wrong on principle for the Government to propose any measure of that sort unless the people were of that opinion. It was not only wrong, but futile. If the opinion of the public was decidedly against intemperance, then they might hope that sly grog-selling would be done away with, for the sellers would have spies in their own camp. It appeared to him that there was no better subject for taxation than these spirit dealers. At the same time it might also have the effect of reducing the crying evil, intemperance. For the reasons he had stated he thought the large fry as well as the small fry ought to contribute their portion to the revenue. There was no doubt that the publicans could bear something in the same ratio to the value of money as they did before the gold discovery.

Dr. DOUGLASS said, with regard to this question, it was merely a question of taxation for finance. As to the effect it would have on increasing or decreasing intemperance—that had really nothing to do with this question. It must be known to every gentleman in and out of the House that whatever tax you put on the dealers in spirits, they immediately put on in the prices of spirits which they sell to the consumer. That was so plain a matter of fact, that he believed it could not be denied. With regard to the bill before the House, he thought the House ought to consider well before they passed a bill as a measure of financial taxation. They must ascertain from the Government what were the different measures of taxation that were contemplated by the Government. If rumour spoke true, they were an assessment on stock and stamp tax, and sundry other measures. He did not say whether he assented or dissented to these measures, but he believed they ought to ask the Government whether if they gave their assent to bills of this kind, forming an item in the taxation, how far they meant to go in introducing bills to tax the country. Will the Government say whether they intend to propose the assessment on stock and the Stamp Act? If they did state how far they intended to go, he thought they might very well pass this bill with the others. Whether it was desirable to tax the publicans was not the question, nor did he agree with what had been stated by the learned Solicitor-General, that the large fry should be taxed as well as the small fry. He considered that that had nothing to do with the question, for it must be known practically that the consumer pays for it whether he pay one halfpenny a glass or more, so as to cover this amount of taxation. Mr. MARTIN agreed with the remarks that had fallen from the hon. member for Northumberland, although it was not often that he was of the same opinion as the hon. member, but he supposed they were now near the close of the session, that the hon. member would act more in harmony with the representative members of the House. He did not quite gather from the hon. Colonial Treasurer, who made this motion, whether

LEGISLATIVE COUNCIL.

WEDNESDAY.

The SPEAKER took the chair at half-past three o'clock.

MESSAGE.

The following Message in reference to the improvement of the navigation of the Hunter River and the harbour of Newcastle was received:—

NAVIGATION OF THE HUNTER RIVER.—The Governor-General was in hopes of being able to submit to the Council a detailed plan of the works which it would be necessary to construct for the improvement of the navigation of the Hunter River and the harbour of Newcastle. It is with regret that his Excellency informs the Council that the survey of the river and harbour is not in such a state of forwardness as to permit the hope that the necessary plans and estimates could be completed in time to be submitted to the Council during the present session.

As, however, it is a matter of importance that a little delay as possible should take place, in carrying into execution such works as may be considered necessary, the Governor-General has directed a sum of £20,000 to be inserted in the Estimates, to cover the cost of these works; and a detailed estimate of the money which it is proposed to expend this amount will be, of course, submitted as soon as it can be prepared.

This amount is proposed to raise by loan; the tonnage duty to be imposed on vessels entering the harbour will be a sufficient security for the interest and capital of the debt thus created.

ASSENT TO BILL.

The SPEAKER reported to the House that his Excellency, on behalf of her Majesty, had assented to the Australian Joint Stock Bank Bill.

COUNCIL PAPER.

The COLONIAL SECRETARY laid upon the table certain returns in reference to the Colonial Storekeeper's Department, asked for some time ago by the honorable member for the Sydney Hamlets, at the same time apologising for the delay which had occurred in consequence of other inquiries.

ORDERED TO BE PRINTED.

BYEMONT BRIDGE.

Mr. NICHOLS brought up the report of the select committee appointed in July to take into consideration the subject in reference to incorporating a Byemont Bridge Company.

Report and evidence ordered to be printed, and notice given for the second reading of the Byemont Bridge Company's Bill on Tuesday next.

PETITION.

Mr. DARVALL presented a petition from the inhabitants of Ashfield, praying the establishment of a Post there.

COLONIAL NAVAL SERVICE BILL.

On the motion of the hon. and learned SOLICITOR-GENERAL, the further consideration in Committee of the Colonial Naval Service Bill was postponed to the next day.

INCREASED FEES ON SALE OF SPIRITS BILL.

The COLONIAL TREASURER moved that the Increased Fees on the Sale of Spirits Bill be read a second time. Considering this bill, which clearly set forth the objects contemplated, had now been for some time before the House, he did not consider it necessary to enter into any explanation. It was true petitions had been presented, but they merely prayed protection from undue interference with the business of the petitioners; and many objections might be raised to the course suggested. Provision was made in the bill for the payment of a fee of £30 by spirit-merchants on registration. This would satisfy those who complained that the spirit-merchants to a certain extent carried on a trade without a license for the prosecution of which they (the publicans) were taxed. The publicans' general license fees would be increased to £60 in and near certain cities and towns, and elsewhere to £40. He apprehended there would be no opposition to the second reading of the bill.

Mr. NICHOLS said, although it might be desirable a portion of the bill should be carried, there were many reasons why objections should be raised. He thought importers as well as wholesale dealers in spirits should be included in the bill. The publicans had just cause to complain that, instead of the wholesale dealers confining themselves to the sale of two gallons of any particular kind of spirit, they sold quantities of various kinds of spirits, making in the aggregate two gallons. It was very doubtful, however, if such a mode of doing business was lawful. He thought the publicans were taxed quite sufficiently already. He had to pay £30 for an annual license, and to obtain that it was incumbent upon him to go cap in hand like a "publican and a sinner" before a bench of magistrates to be tried. He did hope the committee appointed last session to consider the subject would have done something to create an amendment in the mode of granting licenses. If publicans, no matter whether he has kept a respectable house for twenty years or no, happened to lose his wife, he even had to answer the question whether he intended to marry again. Even during the last month a respectable young man asked for a license; there was no objection to the house, but an objection was started by one on the bench—Mr. Ross—who asked him if he was married, and expressed his determination not to give a license to any unmarried man. He suggested to the gentleman on the bench that the applicant would have no objection to marry if he would find him a pretty young woman with £5000 a year. (Laughter.) It was worse than

