

**THE PRESIDENT:** There is no question before the House. Mr. Colonial Secretary: What date do you name for taking this Message into consideration? The rule is that when a Message comes from the other House disagreeing with a Message of ours, a day is named for it to be considered in Committee.

**THE HON. G. W. LEAKE:** I move that the Message be considered now.

**THE PRESIDENT:** The rule is that a day is to be named—that is, a future day, I take it.

**THE COLONIAL SECRETARY (Hon. G. Shenton):** If it be the wish of the House, I am ready to go on at once.

**THE HON. G. W. LEAKE:** Then say now.

**THE HON. T. BURGESS:** It is hardly possible to take such an important reply into consideration this evening. We sent to the other House last night, and we have only just received a reply. It is due to the country at large that we should give this Message due consideration. It appears to me that we are being brought into a serious position with regard to the Assembly, and from what I have just seen of this Message, it is very necessary we should postpone its consideration until the next sitting of this House. We are certainly not in a position to speak on it to-night.

**THE PRESIDENT:** I do not think we can go on with it to-night, except by the suspension of the Standing Orders.

**THE HON. G. W. LEAKE:** Then I move that the Message be considered to-morrow.

**THE COLONIAL SECRETARY (Hon. G. Shenton):** We have had several Messages from the Assembly which we have dealt with at once.

**THE PRESIDENT:** I mentioned that it was Messages disagreeing with Messages of this House that must be taken into consideration at a future date, and not other Messages.

**THE HON. J. A. WRIGHT:** I beg to second the motion of the Hon. Mr. Leake, that the consideration of this Message be postponed until to-morrow.

**THE HON. J. MORRISON:** I know there is nothing in the shape of ill-feeling or friction, and it might save time if we go on with it to-night. The other House sits in the afternoon to-morrow; and if we do not get our reply before them,

then the matter will probably have to stand over until next week, and we all know time is important.

**THE COLONIAL SECRETARY (Hon. G. Shenton):** We shall have to meet on Monday.

Question—that the Message be considered in Committee on Friday, 20th February—put and passed.

#### ADJOURNMENT.

The House, at 10-15 p.m., adjourned until Friday, 20th February, at 3 o'clock p.m.

### Legislative Assembly,

Thursday, 19th February, 1891.

Official Certificates re Timber Exports—Loan Bill: £1,346,000; Message from the Legislative Council—Reply to Message—Alleged Intemperance, Locomotive Department, Fremantle—Sale of Liquors in Unlicensed Houses under the guise of Clubs—Excess Bill, 1889: third reading—Excess Bill, 1890: third reading—Lunatic Asylum, Fremantle; Report of Select Committee; consideration of—Adjournment.

**THE SPEAKER** took the chair at 7-30 p.m.

#### PRAYERS.

#### OFFICIAL CERTIFICATES RE TIMBER EXPORTS.

**MR. PATERSON,** in accordance with notice, moved, "That in the opinion of this House it is desirable, in the interest of the timber trade of this colony—more especially with regard to the export thereof—that some means should be devised by which all timber (the growth of this colony and exported therefrom) should be accompanied by an official statement made by some duly constituted authority, certifying to the proper name and character of such timber." The hon. member said it would be necessary for his purpose to refer to a question he

asked the late Director of Public Works, professionally, in that House some time ago—the same question as he had asked the present Director of Public Works, unprofessionally, this session—and the answer which the late Director of Public Works gave to his question. What he asked him was, whether he had caused any inspection to be made of the karri piles used in the construction of the South Jetty, at Fremantle, with a view of ascertaining whether such piles had suffered from the ravages of the *teredo navalis*; and, if so, what had been the result of such inspection? The reply he received was that a periodical examination was made of all the piles used in the jetties at Fremantle, and that there were no signs reported of their having suffered from the ravages of the *teredo navalis*. He was sorry to say that answer was not correct. He was not going to insinuate for a moment that the Director of Public Works then told him a deliberate falsehood; but he (Mr. Paterson) knew that there was a karri pile in the Engineer's office at Fremantle that had been riddled right through by the *teredo navalis*. Since then he had instituted inquiries in different parts of the colony; and he might state, for the information of the members of the Government, that he had also written to almost every part of Australia where he knew that karri had been used in the building of jetties or piers; and that, with the exception of one instance, it had been found that the karri piles had been riddled by this *teredo navalis*. The only instance where that had not occurred, according to his information, was at Albany, in this colony. Having recently had occasion to visit the other colonies, he availed himself of the opportunity of finding out all he could with reference to this question. In Victoria, he met the Chairman of the Harbor Trust, and asked him if they had used any karri for marine works there; the answer he received was that they never used it in contact with water, they only used it for superstructures, and that for that particular purpose it could not be beaten. Of course he had to accept the information he received, but his own opinion was that karri had been sold for jarrah. In South Australia also he found that karri had been sold for jarrah. In reading over the report of a Commission

appointed here in 1887, to examine and report on the relative value of karri and jarrah timbers, he came upon some interesting statements made on the subject by Mr. Mais, the then Engineer-in-Chief and Engineer of Harbors and Jetties in South Australia. After mentioning three cases where karri had been used in that colony in marine works, and been found to have been riddled by sea worms, Mr. Mais said: "The three instances above cited are the only cases where karri has been exclusively used for marine work, but" (he added) "it is quite possible that this timber may have been imported here as jarrah and used where the latter has been specified." There was a case in point. Mr. Mais, in concluding his statement to the Commission, said: "I regret that the time at my disposal does not admit of an exhaustive reply to your request, but until I have had a much longer experience in the use of karri for marine works, I shall prefer to use jarrah." That did not fit very well with the report and also the action of our late Director of Public Works. On that Commission were gentlemen who did not know jarrah from karri. But they seemed to have said everything they could in favor of jarrah. He had intended to have referred to the way in which they conducted their inquiry, but the hon. member for the Vasse had done that better than he could the other evening. For superstructure work over sea-water, he believed that karri was a very good timber, but for superstructure work over fresh water he believed it was of no use. Having brought forward the present motion, it would be necessary for him to show how what he proposed to be done could be carried out, as regards giving these certificates. At every timber station there was always a policeman, who, in the absence of any other Government official, could sign these certificates. At other ports of shipment there were Customs officers or Customs agents, and he saw no difficulty about the matter. If it were endorsed on the bill of lading whether the timber was jarrah or karri that would be a great protection against one timber being substituted for the other. All he wanted to do was to protect the fair fame of our jarrah, and not to have another timber, not possessing the same qualities,

palmed off for it. He begged to move the resolution standing in his name.

MR. RICHARDSON presumed that the object of the mover of the resolution was not in any way to condemn karri for all purposes, for there could be no doubt that for certain purposes karri was a very valuable timber. The object was to prevent it from being exported and used under the name of jarrah, for purposes for which it was not adapted, and thus giving jarrah a bad name. There could be no possible doubt that in the two timbers we had most valuable timbers, if used in their proper places.

MR. CLARKSON thought this was a very important matter,—perhaps more so than some hon. members at first might consider it. Speaking from experience on this question of karri timber, he might say that, if after being cut, it was put in the ground it was perfectly useless; it would not last more than a year or two, whereas jarrah was a very good durable timber for such purposes. He believed with the hon. member for Murray that karri had been exported under the name of jarrah, and he thought this was a matter that ought to be brought prominently before the public, not only here but also outside the colony, otherwise it was very likely to prove a serious injury to the jarrah trade of this colony.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) felt he ought to say a few words on this question. He was afraid that if the debates that had taken place in that House from time to time with regard to the relative merits and demerits of these two timbers went abroad they would do our timber trade a great deal of harm. Whatever might be said about the suitability of these timbers for particular purposes, there could be no doubt that in each of them we possessed a very good timber, a splendid timber. The last hon. member who spoke said that karri, after being cut, was perfectly useless when put in the ground. [MR. CLARKSON: So it is.] No doubt the hon. member had complete data for that assertion, or he would not have put it forward; but he (Mr. Venn) believed that data would also be forthcoming that would prove very much to the contrary. Without, however, involving themselves in any controversy as to the relative merits of the

two timbers, he thought he might fairly say this, that in jarrah we possessed a most valuable timber for various purposes including marine works, and that in karri we possessed also a very valuable timber for superstructures. Whether the hon. member's remarks with regard to the Commission that reported on this subject were merited or not, he did not attempt to say; but he certainly did not think it was well that we should make any very sweeping assertions about an indigenous timber that was so valuable as karri. The hon. member told them he believed it would be a very easy matter to carry out what he proposed, and to prevent one timber being sold for the other. But he would point out that this resolution did not refer to jarrah and karri only; it referred to every timber grown in the colony and exported from it; so that it would be necessary to have a certificate, from some duly constituted authority, certifying the proper name and character of every log of timber sent out of the colony. The hon. member told them this would be a very easy matter; he seemed to think that a policeman was all that was necessary, and that a certificate from a policeman would be a guarantee of good faith on the part of the exporter, and put an end to all controversy. He could hardly agree with the hon. member. Nor did he agree with him that there was a large amount of timber shipped under a false name, for karri had merits of its own. But even allowing that there were some people unscrupulous enough to do so, might not this occur,—might not the two timbers be shipped from the colony, in good faith, and become mixed at their destination, and karri be mistaken for jarrah, or *vice versa*? He could conceive that happening, even if you had a policeman's certificate. We might have some safeguard as regards its leaving the colony under its proper name, but we had no safeguard when it arrived at its destination. He could suggest no complete safeguard except branding every kind of timber, in order that everybody might recognise it. That, of course, would involve us in a very considerable amount of expense indeed. In fact, he did not see any practical solution of the difficulty, unless a sum of money were placed on the Estimates. Of course

if this resolution passed, the onus would fall upon the Government of adopting such steps as in their opinion would be necessary to carry out the object in view. The Government had no desire to oppose it, but he should have liked something more practical, something more rational.

Mr. A. FORREST said, whether the motion was advisable or not was a matter he did not intend to argue, but it appeared that what the hon. member wanted was to have bills of lading of timber endorsed, saying whether the timber is karri or some other timber. He thought they might do it in another way. It was well known that though karri grew in most of the Southern portions of the colony, there were only two or three mills that shipped karri entirely, and, if the Government were to communicate with the owners of these mills and require them to make a declaration whether they were shipping karri or jarrah, the object which the hon. member had in view might be met. Whether there was the difference between the two timbers which the hon. member said there was, he could not say from his own knowledge; therefore he did not mean to say anything about it.

Mr. RANDELL said that unless each piece of timber exported out of the colony were branded he did not see how it would be practicable to carry out the object in view. He did not think that an endorsement by a policeman on a bill of lading would answer the purpose, for it could be torn up by the person exporting as soon as he obtained it. Altogether it seemed to him an impracticable motion, and he thought the Government should not be asked to commit themselves to it. It would necessarily entail a considerable expenditure. He agreed with what had fallen from the Director of Public Works that it was inadvisable for members in that House to be continually making statements calculated to damage the character of what after all was a very valuable indigenous timber for some purposes. By so doing, they not only damaged the trade in that particular timber, but the trade in both timbers. At present we had the markets of the world open to us, and he did not think we should have much difficulty in disposing of all the timber we were able to export. What he should like to see

would be some steps taken to prevent the present wasteful and wanton destruction of our timber forests, and that some attention should be given to forest conservation. Although it was sometimes stated that our timber forests were practically inexhaustible, such was not the case; and, unless we did something to conserve them, we should find in course of time our timber supply becoming scarcer and scarcer, to the serious loss and detriment of the colony. The hon. member having called the attention of the House to the matter of his resolution, he (Mr. Randell) did not see what practical good was likely to accrue from pressing it. As a rule, people who dealt in timber had some knowledge of the character of the various timbers they dealt in, and he could not but think that the practice of fraud or deceit referred to had been very much magnified. He hoped the hon. member would not press his motion; if carried, it would commit the Government to an expenditure where the counterbalancing results would not be at all equal.

THE PREMIER (Hon. J. Forrest) said that so far as he was concerned he sympathised, as must most members, with the hon. member for Murray in his desire that karri should not be sold as jarrah, nor jarrah as karri, and that each timber should stand on its own merits. But it seemed to him that the hon. member's resolution was impracticable. He did not suppose there was any deception as to the timber when it was shipped from the various timber stations in the colony; it was when the cargo was landed at its destination, in the other colonies, or India, or wherever it might be, that the opportunity occurred for those who wished to palm off karri for jarrah. He did not see how any steps we might take here would prevent this. He had had considerable experience with jarrah—all his life, in fact; yet he found considerable difficulty in telling one timber from the other, and he did not believe that the ordinary railway or jetty contractor in other countries would be able to discern the difference. The question appeared to him surrounded with difficulties, and he did not see what practical good would be derived if the resolution were passed.

Mr. PATERSON asked where the objection was to having bills of lading

endorsed, as he had suggested? If we did that, he thought we would be doing our duty fairly well to protect people against being imposed upon, and to protect the timber trade of the colony from being ruined, as we might find it to be in a few years, should it be found that, under the name of jarrah, karri was being extensively used in marine works. As to branding the timber—which was a very good suggestion—what was the objection to asking the exporters to do this? He felt very strongly on this subject, and he should bring the matter as often as he could before the House, until he could get something done to protect the jarrah trade of the colony from injury.

MR. CANNING agreed with the hon. member that a great injury might be done to the character of our timber by false representations such as had been referred to; but it appeared to him that the hon. member's suggestion would scarcely obviate it. The difficulty was not so much here, as with the buyer abroad. It was quite possible to export unwashed wool for combed wool, but then came in the well-known maxim of commercial law, *caveat emptor*,—let the buyer beware. If the hon. member would reflect, he would see it would be really impracticable to carry out his views. This was a matter in which we must conform to the general laws of commerce. If an exporter sent to a consignee karri instead of jarrah, the consignee would have ground of action against him; or if a seller sold a purchaser karri for jarrah, the purchaser would have ground of action against the vendor for false representation.

MR. COOKWORTHY said that being a representative of a district that produced both karri and jarrah, he thought he ought to have something to say on this subject. There was no doubt that karri was more largely exported than jarrah, for the simple reason that it could be done cheaper; the percentage of marketable timber out of each log of karri was much larger than was the case with jarrah. But he did not think, so far as the district he represented was concerned, that karri was ever sent out of the colony as jarrah. He thought that it was a mistaken notion. After all, as the hon. member for East Perth had just said, it was a matter in which the

buyer must protect himself. If karri was sold as jarrah, the purchaser had his remedy at law. If Mr. M. C. Davies, for instance, were to send a large consignment of karri timber to the Melbourne Harbor Trust for jarrah, they would have a good cause of action against him; and, putting the matter on no higher principle than that of self-protection, he did not think any man would be such a fool as to lay himself open to such an action. He did not oppose the resolution, but he did not see what good was likely to come out of it.

Motion put, and passed.

#### LOAN BILL (£1,336,000): MESSAGE FROM THE LEGISLATIVE COUNCIL.

A Message was received from the Legislative Council, which was read by Mr. Speaker, and was as follows:—

Message No. 5.

"Mr. Speaker.

"The Legislative Council returns, herewith, the Bill intituled 'An Act to authorise the raising of a sum of One million three hundred and thirty-six thousand pounds by Loan, for the construction of certain Public Works and for other purposes,' and suggests to the Legislative Assembly that each item of the Schedule to the Bill be made the subject of a separate Loan Estimate, and the Council desires the acquiescence of the Legislative Assembly in its suggestion.

"T. COCKBURN-CAMPBELL,

"President.

"Legislative Council Chamber, 18th February, 1891."

THE TREASURER (Hon. J. Forrest) moved the suspension of the Standing Orders, in order that the above Message might be taken into consideration.

Agreed to.

THE TREASURER (Hon. J. Forrest): Sir—the Message we have just received from the Legislative Council deserves at the hands of the members of this Assembly the most careful and most serious consideration. On the one hand, we do not wish by any act of ours that we should interfere with, or in any way waive, any rights or privileges that appertain to this House; at the same time I feel sure that every member of this House is desirous in no way to infringe

upon or interfere with the rights and privileges of the other branch of the Legislature. I feel sure that the action of the Council in this matter is prompted by only one desire, and that is a wish to protect its own privileges. That is the only object they have in view, and that is the only object we have in view. We, on our part, desire to protect our rights and privileges; they, on their part, feel that we are infringing upon their rights and privileges, I presume. In the resolution that I will presently move, and which has been placed in the hands of members, it will be noticed that it is contended that the Council has no power to amend a money bill; and I think that the reasons that are given in that resolution are very concise and to the point, and I think they should—at any rate to most persons—be conclusive. In our action in this matter, I take it, we are not justified in any way, as the representatives of the people, in waiving or in giving up any rights and privileges that belong to this branch of the Legislature, and it seems to me that we are asked in this case to surrender to the Council a right which does not constitutionally appertain to it. We are asked that each particular item of the Schedule of the Loan Bill be made the subject for a separate Loan Estimate. It seems to me that the Council might with equal right ask that each item of the Appropriation Act should be separately sent up to them. We know—in fact, it is not denied by anyone—that the Upper House has no right or power to interfere with the Schedule of an Appropriation Act, beyond refusing to pass it; they cannot interfere with any of the items. They cannot cut down this item or reject that item; they must either accept the Schedule as it is sent to them, or they must take the responsibility of declining to accept it, *in toto*. If it were admitted that the Upper House has the power to reject any particular item included in the Schedule of this Loan Bill, or if it were admitted that the Upper House had the power to reduce the amount of any item in this Schedule, then, I take it, they would have equal power to reject or to cut down any particular item in the Schedule of the Appropriation Act for the year. It would be competent for them to say, "We refuse to pass this Appropria-

tion Act until you take from it such and such an officer's salary, or such and such a vote; if you do that, we shall be prepared to consider it, but not otherwise." That, I submit, is an altogether untenable position. That is a claim that has never been exercised for many a long year by the Imperial House of Lords, nor by any Legislature in any British colony founded upon the pattern of the British Constitution. Therefore, sir, it seems to me that if we were to allow the Legislative Council here to amend our Loan Bills, we could not refuse them an equal right to amend our annual Appropriation Acts. I would point out to members that in my opinion a Loan Bill is not in any way different from an ordinary Appropriation Act. Supposing the Government had a large sum of money to its credit at the Bank—say £1,336,000—and it was proposed to appropriate that amount for various works, we would not submit that expenditure, item by item, for the approval of the Upper House; we would simply place the various amounts on the ordinary Estimates, in the same way as we now place £20,000 for immigration, or £10,000 for roads and bridges, or any other item. We have often, in the past, when we have had an available surplus, placed large sums in this way on the ordinary Estimates of Expenditure; and I do not think anyone would contend that the Upper House in that case would have a right to strike out any of these items. Why then should they have the right to do so with regard to borrowed money? If by force of circumstances the colony has to enter the money market in order to procure the necessary funds for carrying out certain public works, having no surplus funds on hand for that purpose, why should the Legislative Council in that case seek to exercise a right which no one for a moment claims for it in the other case? Sir, I do not intend to labor this point, or to quote from constitutional authorities on the subject; but I believe I am right in saying that such a right has not been exercised by the Imperial House of Lords for the last two hundred years. Since the year 1678 the British House of Commons has always maintained its right to a complete control over the finances of the country. I could quote

from the highest constitutional authorities in support of this position, but, as I have said, I do not think it is necessary. I feel certain that the resolution which I shall presently move will be received by the Council in the same spirit in which it is proposed and in which this House offers it to them. In that resolution we point out to them our reasons for the position we have taken up in this matter, and for the action which we consider we are entitled to take; and it will be for that House to carefully weigh these reasons, as I feel certain they will. I do not believe that the Upper House, or any member of it, is actuated by anything in this matter beyond what he feels due to his position as a member of that branch of the Colonial Legislature; and we, on our part, are only similarly animated. Neither House, I feel sure, will allow any factious spirit to enter into this matter, or desire to see any friction between the two branches of the Legislature at this early stage of our new Constitution. If we view this question calmly and dispassionately, if we view it in the light of the constitutional history of other countries, if we regard it as simply a desire on the part of this House to carry on the business of the country within our constitutional rights and privileges, then I feel sure this little difference of opinion between the two Houses will disappear. I have sufficient confidence in the loyalty and good sense of the members of both Houses to feel that it is quite possible for us to come to an amicable understanding on this question that will be satisfactory to both branches of the Legislature. Sir, without further words, I now move the resolution which is already in print.

THE SPEAKER pointed out that the proper course, under the circumstances, would be to move for a committee to draw up the reasons why the Assembly was unable to acquiesce in the proposals of the Council. Those reasons would form the resolution which would be forwarded to the Upper House.

THE TREASURER (Hon. J. Forrest): I will presently move for a committee, as suggested by your Honor. I now move, "That this House is unable to acquiesce in the suggestion of the Legislative Council, transmitted in Message No. 5."

MR. CANNING: This seems to me such a very grave question that I think any member of this House who thinks he can say anything with regard to it should do so. This is the first matter, the first question, which has arisen as to which anything approaching to a conflict of opinion between the two branches of the Legislature has arisen. I may say, in the first place, that during the course of the debate on the Loan Bill it was repeatedly stated that this House would have the opportunity hereafter of dealing with each separate item of the Schedule. My own impression—and I think it was the impression of other members—was that, when the Government came down to this House with a Loan Bill, they might have presented that Loan Bill without a Schedule at all; they might have asked the House to have assented to the raising of a loan, for a certain amount, for public works generally, without specifying each particular work. But the Government added to their bill a Schedule, and that Schedule was taken by myself, and I think by other members of the House, to be an indication of the general loan policy, with regard to public works, which the Government intended to follow, rather than that it should irrevocably bind this House to assent to each and all of the works enumerated in that Schedule. That was repeatedly said, and implied also—that this House accepted the Schedule of the Loan Bill rather as a general indication of the policy which the Government intended to pursue with regard to public works than as binding the House to carry out each one of these works. Over and over again, we were told that separate bills and separate estimates dealing with each item would be hereafter submitted to the House for its confirmation, the natural inference being that the mere passing of the Schedule did not irrevocably bind the House to any one of these items. Well, sir, I find that in consequence of many members having supported certain items that were enumerated in the Schedule in the belief that the works were necessary, and having refrained at all events from opposing other items under the impression that they were not committing themselves irrevocably to any certain line of policy,—I find that, in consequence of this, the Loan Bill was passed, and passed without very much

delay; so much so, in fact, that there is an impression abroad—an erroneous impression, I am quite sure—that this House acted with a certain degree of confiding simplicity, not to say recklessness, in passing that Loan Bill as it did. This, I say, is an erroneous impression. At the same time it appears to me that, in the course the Legislative Council has taken in making the suggestion that is now under consideration, the Council has simply given expression to the views held by, I think, the majority of the members of this House. ["Hear, hear," and "No, no."] I think I am right in saying that the majority of the members of this House did not consider that in voting for this Loan Bill they were irrevocably binding themselves to every item included in the Schedule, for, over and over again, we had an assurance from the leader of the Government that all these items would come before us again in the shape of special Acts or separate Loan Estimates. That was the impression left on my mind, and I believe on the minds of the majority of members. I should be the first to resist any encroachment upon the privileges of this House by the other Chamber; but I feel constrained to say that in the mode the Council has entered upon this question it has shown a great amount of moderation and reasonableness. Of course I speak under correction, and it may be that in assenting to this suggestion of the Legislative Council this House would be abandoning some of its constitutional rights; but, if the suggestion can be accepted simply as a suggestion, and not as conceding in any degree the undoubted right of this House to control the public expenditure and to deal with questions of finance,—I say, sir, if this can be done I think there is no room for opposition on our part. I notice that in the resolution which is in print it is said, in the first paragraph, that this principle—that is, the constitutional right of the Lower House to deal with money bills and all financial measures, independent of the Upper House—is "so clear and so binding that the merits of it need not now be discussed." I hope, at any rate, we may be allowed to do so. Again, it is said—

THE SPEAKER: I think the proper time to deal with the resolution will be

when the committee brings it up. At present it is not before the House.

MR. CANNING: Then I will confine myself simply to the general question, and I may say that in view of the opinion expressed so generally in this House, when the Loan Bill was under discussion, and, in order to remove a false impression that exists as to the course that has been taken by this House with regard to the Schedule of that bill, I think this House, so far as it can do so without conceding any of its own rights and privileges, may concur in, or accept, this suggestion of the Legislative Council.

MR. PARKER: I will not now refer, sir, to the resolution which is in print but not before us formally, but I must say that in my opinion it is very regrettable that at this early period of our constitutional history we should have any divergence of opinion with the Legislative Council. We must bear in mind that the Legislative Council has co-ordinate jurisdiction with ourselves. It is a separate legislative body, possessing certain rights and privileges; and we must not be too anxious to find fault with it if it expresses opinions which are adverse to the opinions held by ourselves. We must respect those opinions, and do all in our power to work in harmony with that body. Certainly it should be our earnest endeavor to prevent anything occurring in this House which might tend to induce the Legislative Council to think that we are desirous of making that branch of the Legislature subordinate to our own. That being my view, I am sorry that the course is apparently forced upon us of either assenting to the suggestion made by the Council, or disagreeing with that suggestion in the terms of the motion now before us, which certainly appear to me harsh and curt. The words of the Premier's motion are simply "that this House is unable to acquiesce in the suggestion of the Legislative Council." That does seem to me rather harsh. I do not complain of his using these words; apparently they are the terms of ordinary usage when this House declines or refuses to agree to any suggestion offered by the other House.

THE TREASURER (Hon. J. Forrest): They are not my words; they are



the words suggested by His Honor the Speaker.

MR. PARKER: I do not say they are the hon. gentleman's words, but I do say they have the appearance of being harsh words, and I fear they are likely to arouse the Legislative Council to perhaps further disagreement with ourselves, which would be still more regrettable. [THE TREASURER: I hope not.] Taking the suggestion itself as made by the Council it appears to me almost a harmless one. They simply suggest that each item of the Schedule should be made the subject of a separate Loan Estimate. It does not ask us to embody that in the bill,—though, possibly, if we were to acquiesce in this suggestion, there would be a further message from the Council asking us to embody the suggested proposal in the Loan Bill itself. In making this suggestion, I do not know that they are going far beyond what is provided by the Audit Bill itself, which has passed this Assembly this session, and which has been transmitted to the Council for its approval. The 17th clause of that bill provides that "Annual Estimates shall be submitted to Parliament "of the proposed expenditure from the "moneys standing to credit of any Loan "Account, in which Estimates the nature "of the proposed work or other objects of "the proposed expenditure, and the "amount of the proposed expenditure in "each case shall be specified, and such "Estimates shall include all salaries and "allowances to be paid out of such "moneys in like manner as in the Estimates of ordinary expenditure." According to that clause, whether we accept this suggestion or not, or embody it in the Loan Bill or not, it will be necessary for the Government every year to submit to Parliament—not to this House alone, but to both Houses—annual Estimates of the proposed expenditure of any moneys standing to the credit of any Loan Account. The only distinction, I take it, between that provision of the Audit Bill and the suggestion of the Council is that the Council asks that each item shall be made the subject of a separate Loan Estimate. I presume the Government, in framing their Estimates under this Audit Act, will place all the items on those Estimates, and not have a separate Estimate for each particular

work. That is the only difference that I can see. Of course, in that case, the Council would not have an opportunity of accepting or rejecting any particular item; whereas, I take it, the object which the Council has in view in asking for a separate Estimate for each item is that they may have an opportunity, if they deem it desirable, to reject any particular work, without rejecting every other work on the general Estimates. Strangely enough, in the Audit Act there is apparently no provision requiring the approval of the annual Loan Estimates by Parliament, or even by the Legislative Assembly. So far as I can see, although annual Estimates of Loan Expenditure are to be submitted to Parliament, there is no provision limiting the expenditure to such sums as may be approved of by Parliament. There is a distinction in that respect between Loan Estimates and the ordinary annual Estimates of Expenditure. The Government is not authorised to incur any expenditure included in the ordinary annual Estimates except such sums as are included in the Appropriation Act. That is clearly the law. It has been laid down distinctly on several occasions by judicial authorities—I do not know that it has been laid down by any Court, but it has been laid down by high legal authorities—that a Government has no right to expend money simply on a vote of the House; there must be an Appropriation Act. The distinction between ordinary Estimates and Loan Estimates, therefore, appears to be this: that when a Loan Act is passed authorising the raising of money to be spent on certain public works, that is sufficient authority for the Government to expend the money—the Loan Act is their Appropriation Act; whereas with the ordinary Estimates of Expenditure the mere passing of the Estimates is no legal authority for the Government to spend the money, without an Appropriation Act being also passed. Therefore, it seems to me that even if we accepted this suggestion of the Council, and even embodied it in the Loan Act, to the effect that a separate estimate for each item should be submitted to Parliament, still the Government having their Appropriation Act in the Loan Act itself would have full power to spend this loan money, independent even of this Assembly. I believe that

in asking us to assent to this suggestion the Council never dreamt of encroaching on what are called our prerogatives. I believe they desire most earnestly to work in perfect harmony with us; and I do not think that if the Council had refused to pass the second reading of this Loan Bill, unless this House agreed to insert a clause in it having the same effect as this suggestion, there would have been anything unconstitutional in their action, nor would it have been regarded as any encroachment upon the rights and privileges of this House. I think they would have been perfectly within their rights in doing so. I know it is said that there is a great distinction between a nominated Upper House and an elected Upper House; but I know that in South Australia and in Tasmania, the Upper House has adopted the course I have mentioned, and sent back money bills to the Assembly with suggestions; and that the right of the Upper House to do this has become established by usage (as I may call it). I know there is a distinction, as I say, between a nominated and an elected Upper House; but, even although it may be said that a nominated Upper House does not represent the people, in the sense that an elected Upper House does, still a nominated Upper House is quite as independent and equally as powerful a legislative body, and possesses equally co-ordinate jurisdiction, as if it were an elected Upper House; and we must not attempt for a moment to think that we are to claim greater privileges than we are strictly entitled to, simply because our Upper House is a nominated House. We must treat it with all due respect, with equal respect as if it were a representative body. In fact, so far as my recollection serves me, the majority of members who now occupy seats on the Government benches advocated a nominated Upper House in preference to an elected Upper House; and one of the reasons given for doing so was that there was not likely to be as much friction between a nominated Upper House and the Lower House as there would be if both Houses were elected,—that a nominated Chamber would be more likely to give way to the representatives of the people. I hope and trust, however our Upper House may be constituted, we shall always treat that

body with the greatest amount of respect, and bear in mind that they have an equal right to express an opinion, and to take independent action, as we have ourselves. I trust we shall never for a moment consider that our rights and our privileges are being interfered with, because that body adopts an independent course of its own. Unless it is at liberty to adopt an independent course, when it deems it right to do so, it appears to me it is a useless body altogether. If it is simply to register the edicts of the Assembly, it strikes me that the sooner it ceases to exist, and we have but one House only, the better will it be for the colony. Such, sir, being my views, I should have much preferred that we should suggest to the Upper House on this occasion that they should meet us in conference. I cannot but think they would be only too glad to adopt that course; and that if representatives of both Houses met together in conference, this difficulty would be amicably settled in a very short time, to the mutual satisfaction of all parties. Therefore, if you will permit me, sir, I will move, as an amendment upon the motion of the Premier: "That, with respect to Message No 5 of the Legislative Council, this House requests a conference with that honorable body; and that the Hon. J. Forrest, Hon. S. Burt, Messrs. Canning, Richardson, Loton, deHamel, and the mover be the managers."

MR. RANDELL seconded the amendment.

THE ATTORNEY GENERAL (Hon. S. Burt): I do not think, myself, that in a question of this sort it is well to remind us for a moment that we must treat the Upper House with respect; for I am not aware that any member here has shown the slightest inclination to do anything otherwise than treat the Upper House with respect. But I think that, on this occasion, we are brought face to face with an attempt, on the part of the Upper House, to assert a right which this House considers of some importance, and a right which that House, in our opinion, does not possess. It cannot be denied that it is the undoubted right of this House to initiate and to control public expenditure. I think even the Upper House will not deny that. It is simply because, being a young Parliament as we are, that we

are brought face to face with this fact; and, to my mind, this suggestion sent down to us from the Council would appear to be an attempt to get round that position. It is found that, having no right to control the public expenditure, they seek in an indirect manner to obtain that control. They say, in effect, "Here we have a bill before us appropriating certain moneys to certain definite objects, and we are told that we must deal with it as a whole,—either accept it or reject it; but if we can get the Legislative Assembly to send up these items separately, instead of in a lump sum, we shall be within our rights in dealing with each separate item, and either accept it or reject it." It must be apparent that, if this suggestion were acquiesced in by this Assembly, the Upper House here would get out of the constitutional difficulty in which all Upper Houses must always be in, to my mind, whether elective or nominated—that they must either accept all financial measures coming from the Assembly, or reject them, as a whole. This Loan Bill has passed its second reading in the Council, but it has not been passed through its remaining stages; it has been read a second time only, and sent back to this House with this suggestion. Well, what does that mean? It means this: the Upper House say in effect, "Before we pass this measure, you (the Lower House) must tell us what you intend to do; we will endeavor, at any rate, to obtain this power, in this indirect manner if we can,—if we cannot, get it otherwise." That is all it means. They want us to agree to send them separate estimates for each of these items, so that they may be at liberty, and within their rights, in rejecting any particular item they object to without rejecting the rest of the Schedule. That is what they mean, and that is what they want. The bill is not passed yet, and I would ask what concern have we at present with any estimates, until the bill is passed? Does the Upper House consider we should send up these Estimates to-day or to-morrow? Are they to defer the further consideration of this bill until we send up a separate estimate for each of these items, and then throw out certain items and leave others in? There is no suggestion that if we agree to this pro-

posal the Loan Bill will be passed through all its stages. Had the bill gone through all its stages and been passed as an Act, and this suggestion of theirs had come to us when we were about to submit our estimates of these works, asking us to send them up separately, it would have been a different thing. But it is not so; and it appears to me that whatever the effect of it may be (with regard to which I desire to reserve my opinion), the object which the Council has in view—that stands out to my mind clear—is to obtain in an indirect way a power under the Constitution which as an Upper House they do not possess. For my part, I think it is the duty of this House to reject this suggestion, and I counsel this House to do so. I do not think the Legislative Council will consider we are using harsh words at all. It strikes me we must necessarily use the words suggested by His Honor the Speaker, when the Council does not agree with this House, and suggests to this House a certain course in which this House cannot acquiesce. We say we cannot do so. They are few words certainly, but they are to the point. I do not think a body of men like the Upper House will consider that, because we have worded our reply in that manner, we are treating them with any disrespect, or that they are harsh words. I am not aware that there are any other words that would answer the purpose. It is suggested in the amendment that we should have a conference. To my mind that is a premature action on the part of this House to suggest a conference. The Upper House has sent down a suggestion, and we are now dealing with it; and for aught we know they will be perfectly satisfied when they see those reasons which, under our Standing Orders, we are bound to submit to them. We do not for a moment propose to simply say, "We cannot accept your suggestion;" that is merely the technical form of negating this suggestion; it will be followed, as our Standing Orders provide, with a statement of the reasons why we cannot accept it,—reasons which the committee to be appointed will draw up. The Upper House will then see and consider these reasons, and judge whether they are good or bad reasons for declining this suggestion they have made. Then

the operation, to my mind, is complete. I suppose they have no more feeling in this matter than we have. They may acknowledge the force of these reasons at once, and there will be an end of it. At present I do not see what we have to confer about. If we hold the opinion that this suggestion is one which we cannot agree to, and give them our reasons, they may make some other suggestion which we can agree to. If they do so, I think this House ought even to strain a point to meet the wishes of the Upper House; and, for my part, I think it would be most deplorable if, after working under the present Constitution for five weeks, we should find ourselves within a measurable distance of a deadlock. I put all such considerations out of my mind. I cannot believe it. I do not believe it is the wish of any member of either House. I think the Council have made this suggestion under a misapprehension, and that when they see the reasons given by the Assembly for this disagreement they will recognise that they have been under a misapprehension, and there will be an end of the whole matter. If they have any further suggestion to make, let us wait until they make it. It would be rather for them, I should say, to suggest a conference, if they desire it, after receiving our reply. If they do so, I am sure we should only be too delighted to meet them in conference, and talk over with them what may be in their mind on this or any other point they may desire to confer about. I think I may say confidently that every member of this House desires to work in harmony with the Upper House, especially on the initiation of this form of Government, and that we should not find the business of the country delayed for a single day. We should all, in each House, strain every nerve to avoid any such contingency as that. It is well known that, at the present moment, time is of very great importance to this colony—a consideration that ought to draw us into harmony as much as possible. The amendment that we should meet in conference now, coming from us, is one I cannot agree to, and I trust that, after consideration, the majority of members will be found on the same side as myself.

MR. RICHARDSON: What has fallen from the Attorney General pretty well foreshadowed what I had to say,—that this is not the proper time for us to suggest a conference. A certain suggestion (as it is called) has come down to us from the Upper House, which we rightly or wrongly do not consider we can entertain without surrendering certain rights and privileges which under the Constitution appertain to the Legislative Assembly as regards money bills. It appears to me that if we assert this right, and give them our reasons for doing so, there ought to be an end of this matter. It will then be for the Upper House to consider on their part the next step to be pursued, if they are not satisfied with our reasons. If they think that any good would come out of a conference between the two Houses they have a perfect right to suggest it, and I think this House would be prepared to strain a point to meet them in conference, and try to arrive at some amicable decision in the matter. I feel sure that every member of this House will show that desire, if such is the wish of the Upper House after they have read our reasons for declining to acquiesce in their present suggestion. I also hope and believe that every member of this House will disabuse his mind of any idea of the two Houses coming into anything like a conflict on this question. I hope no one entertains that idea for a moment. As the Attorney General has said, it would be deplorable if, at this early stage in the working of our new Constitution, we should find ourselves within measurable distance of a deadlock. I feel convinced that this suggestion was sent down without due reflection as to the rights and privileges of the Assembly as regards financial measures, and also without thinking exactly what the purport of it was. It seems to me that the wording of the Message proves that the Council did not give the subject sufficient consideration. They ask that separate estimates be sent up to them of each of these works on the Loan Schedule, forgetting that under the law as it now stands the Government is bound, as regards railways at any rate, to bring in special bills dealing with each separate line, and that they have promised that Loan Estimates will also be submitted to Parliament. As regards some of these

items it would be perfectly ridiculous to seek to have separate estimates provided,—immigration, for instance; so that I think the wording of the resolution itself shows that the Council did not give the matter much reflection, for they ask for separate estimates of all these items. I am sure that every member of this House, and I may also say of the other House, has an earnest desire to come to a friendly and sensible understanding upon this question. We may not be deeply versed in constitutional history, but I hope we have all some little practical common sense to guide us. If the Council, after considering the reasons advanced in the resolution which we have before us in print, do not admit the force of those reasons, let them make some other suggestion, or if they like let them ask for a conference, and I am sure they will find the members of this House ready to meet them in every possible way within reason, so that the business of this country may be proceeded with.

MR. R. F. SHOLL: I intend on this occasion to support the hon. member for York. In doing so I may remark that the action of the Council in this matter will, I hope, open the eyes of some members as to the gross way in which we have been misled by the Government in this matter.

THE TREASURER (HON. J. FORREST): I rise to order. The hon. member says he was grossly misled by this bench.

MR. R. F. SHOLL: I am going to show in what way. We were given to understand, not only by the members of the Ministry in their speeches on the Loan Bill, but also by the Governor himself in the Speech with which he opened the session, that separate bills would be brought down and Loan Estimates dealing with these works. On several occasions the Premier himself led members to believe so, and distinctly stated, when passing that Loan Schedule, that separate bills would be brought in.

THE TREASURER (HON. J. FORREST): For each railway.

MR. R. F. SHOLL: Not for railways alone, as I understood him, but for other works.

THE TREASURER (HON. J. FORREST): Only for railways.

MR. R. F. SHOLL: What does His Excellency himself say? "Furthermore, the specific sanction of Parliament will be sought for each separate railway as soon as the Government is prepared to undertake it, and in all other items Loan Estimates will be submitted to you before the works are undertaken." Who was that Speech addressed to? Not to this House alone, but to "Mr. President and honorable gentlemen of the Legislative Council, and Mr. Speaker and gentlemen of the Legislative Assembly." It was addressed as much to the Upper House as it was to this House. Therefore I say that the action of the Council in this matter only amounts to this: they simply ask this House to do what the Governor in his Speech to both Houses promised should be done, and that is, submit separate bills and separate estimates for each of these works. In this resolution, which is to be moved presently, and which I believe was concocted in secret conclave by a section of this House to-day, it is stated that the rights and privileges of this House are infringed (or something to that effect); but, so far as we here are concerned, we have heard no arguments to show that any rights and privileges of this House would be infringed or interfered with in any way. I think the Upper House have taken a very proper course, and I think it is just as well that we have a Legislative Council that will endeavor to check hasty legislation like we had over this Loan Bill. It has been stated it is for the Council to suggest a conference; I say it is for us to suggest a conference. If this House does not accept the suggestion of the Upper House, it is quite competent for them to throw it out altogether, and the responsibility of that would rest with this House.

THE TREASURER (HON. J. FORREST): The hon. member would like it, I think.

MR. R. F. SHOLL: I only hope, myself, that the Council will show sufficient backbone to assert their own rights and privileges. They are fighting for a principle, and I think a right principle. If they are simply put there as mere ornaments, I think the sooner we have a Single Chamber Constitution the better. It is ridiculous to think that gentlemen are to come up from their homes to

assist in the legislation of the country, if they are to have no voice in controlling legislation in any way. I think they have a perfect right to stick up for their rights, and to insist upon them; and, though it has been stated that the rights of this House would be encroached upon if we agreed to this suggestion, no argument or authority has been quoted to show that the Upper House are not strictly within their rights.

MR. SCOTT: It seems to me an extraordinary thing to hear the hon. member for the Gascoyne talking as he does. I do not understand what the Council really wants, beyond what has been promised by the Government, and provided for in the Loan Bill itself. What does the 2nd clause of the Loan Bill say? "All sums by this Act authorised to be raised shall be paid to the Colonial Treasurer, and shall be by him placed to the credit of an account to be called 'The 1891 Loan Account,' and shall be applied by the Colonial Treasurer to the purposes set forth in the Schedule hereto in such amounts and manner as the Governor by any warrants under his hand may from time to time authorise and direct in conformity with the annual Estimates of the expenditure of Loan moneys sanctioned by Parliament." What does that mean? Does the Council imagine for one moment that they will not get these Estimates sent up to them, as one of the two Houses of Parliament? Of course they will be sent to them. When you come to look at the action of the Council in this matter, it does seem to me to amount to exactly what the Attorney General has said; that is, that they are trying, by a side-wind, to obtain a power which no Upper House possesses. If that is not their object, I do not see what their object is. I have listened very patiently and attentively to the speech of the hon. member for York, but I did not hear a word from him to combat the assertion that the Council in this matter are seeking to obtain a power they do not actually possess. As to what fell from the hon. member for the Gascoyne, I think the hon. member threw rather a slur upon the intelligence of the representatives of the people in this House than upon the Government when he said that we had been "grossly misled" by the

Government in this matter. They have not misled me at any rate, nor do I think they have misled anyone else, or attempted to do so. I think we knew what we were doing all the time. I believe, myself, that when the Council come to discuss this Schedule they will do exactly as we did—pass every item of it. And why? Because the Schedule commends itself to every individual in the community, I believe. What possible item can they have any objection to? One would imagine, from what one hears, that it must be the item of Harbor Works. But how are the Government to bring down estimates for those works at this early stage? The country demands a loan for public works, and the Government have committed us to a loan, and made certain promises; and are we to suppose for one moment that the Government are going to "grossly mislead" this House by not fulfilling their promises to bring down these estimates? I believe with the Attorney General that a conference at this stage would be out of place, and that the reasons to be drawn up by the committee will meet all the requirements of the case.

MR. RANDELL: A feeling seems to be abroad that the Upper House has exceeded its power in this matter, and is seeking to take away some of the privileges belonging to this House. With that opinion I am unable to agree, and for that reason I desire to support the amendment of the hon. member for York. The course which the Upper House has adopted in this instance seems to me a reasonable one, a moderate one, and one quite within their province. We find that the practice of the Legislatures in the other colonies as regards the powers of the Upper House in dealing with financial measures is, that although the Upper House cannot amend a money bill yet it can return it to the Assembly with a suggestion; but it seems to me to be contended by the members of the Government here that the Upper House in this colony has no right to do that.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Nothing of the kind; no one ever said so.

MR. RANDELL: I gathered it from the tone of the debate, and I think the Attorney General said so distinctly.

THE ATTORNEY GENERAL (Hon. S. Burt): I said nothing of the sort. The hon. member had better read the suggestion first.

MR. RANDELL: I thought the hon. and learned gentleman said, in plain and distinct words, that the Upper House, by this suggestion, was seeking to obtain a power which it did not possess.

THE ATTORNEY GENERAL (Hon. S. Burt): Hear, hear.

MR. RANDELL: I submit they are doing nothing of the kind; I think they acted quite within their rights; and I hope members will disabuse their minds if they are possessed of that idea. If my contention is right, it only remains in the interests of peace—and I am only speaking in the interests of peace; there is no desire on this side of the House to act otherwise, or to bring the Government at this early stage of its existence into a position that will cause any friction between it and the Upper House—I say it only remains in the interests of peace, that we should endeavor to meet the reasonable request of the other Chamber in this matter, either by having a conference with them, or in some other way that will avoid all unnecessary friction between the two Houses. No matter what its constitution may be, whether a nominated Upper House or an elected Upper House, I take it, it possesses equal privileges. An elected Upper House has no more power than a nominated Upper House, unless it should be conceded to it under the Constitution Act. That being the case it seems to me—and I think the arguments of the hon. member for York on this point deserve attention—that this is one of those cases in which we may at once proceed to a conference. The hon. member for the De Grey said he did not think the Upper House had carefully considered their suggestion, when they asked for separate estimates for each item, because (he said) there are a number of items in the Schedule with respect to which it would be inconvenient and impracticable to bring in separate estimates. If so—if they have not fully considered the effect of their resolution—it seems to me that a conference between the two Houses would tend more than anything else—more than a dozen of the resolutions proposed by the Government—to solve the difficulty.

I am quite certain, if such be the case, that if half a dozen members were appointed to represent this House and to confer with an equal number of members representing the Upper House, they would not take more than half an hour before they arrived at a mutual understanding. It is my opinion, after careful consideration, that this would be the best way to deal with the difficulty. It would save time; and it has been pointed out, on more than one occasion this session, that time is of importance. It appears to me that the motion now before the House is somewhat curt, though perhaps it is the correct technical form. But I think it would be more in the interests of peace, and more in the interests of the colony, and more in the best interests of the two Houses of Parliament, if a conference were to precede this resolution. I hope members will carefully consider the matter. I am only speaking now to the question immediately before the House, and it appears to me that it would be better in every way that, instead of sending this curt resolution to the other branch of the Legislature we should meet them in amicable conference. I have no desire in any way to hamper or oppose the wishes of the Government in this matter; I am quite sure all members on this side of the House are desirous of supporting them to the utmost of their power. But we must all admit that the Council has co-ordinate powers with ourselves, and has a perfect right to approach us in a constitutional way; and, I say without fear of contradiction, that they have approached this House in a constitutional way in this instance; and I think that in the best interests of the colony, and as a matter of expediency, we should meet them in conference as suggested by the hon. member for York.

MR. CANNING: The speech of the Attorney General was a very forcible one, but I cannot see that he has shown any substantial objection to the amendment proposed by the hon. member for York. The hon. and learned gentleman, and the hon. member for De Grey also, suggested that a conference might be held, not now, but after our reply has been transmitted to the Council. I cannot see that anything is to be gained by that. If we have in view a conference at all, I think it should be held forthwith. There

is a disposition on both sides of the House to meet the Council in a fair and friendly spirit, and I do not think that anything can be gained by delaying a conference, if a conference is agreed to. We are dealing with one of the most important matters that can possibly engage the attention of the Legislature; and when the members of the Council show a moderate and reasonable spirit, I think we ought to respond to it heartily and without any reservation. What other course was open to them? Knowing the feeling that is abroad, that there has been somewhat undue haste—[AN HON. MEMBER: Question.] I am speaking of the feeling abroad. I know it exists. I do not say it is well grounded, but it is indisputable that there is a feeling outside that this Loan Bill has been dealt with in this House with something like undue haste; and I think that the members of the Legislative Council, knowing it—they could not shut their ears to common report—would have failed in their duty if they had simply passed this Schedule without any consideration whatever. I do not think they could have dealt with the matter in a more reasonable spirit than they have. Their proposal comes to us in the form of a suggestion; but it is said that it is only an endeavor, by a side-wind, to do what is contrary to constitutional practice. I think we could guard against that by a conference between the two Houses. I do not think this is a question that should be dealt with, hastily and off-hand, by a simple resolution. We are dealing here with a question that must affect the welfare of this colony, for many years to come at all events. In entering upon this loan we are taking upon ourselves a very heavy burden; and, in doing so, we are forcing upon the Government of the colony a very serious responsibility. They will have to find the means to meet that burden. No doubt we are hopeful as to the future; but our hopes are sometimes falsified by the event; and no prudent man will trust entirely to his expectations, however hopeful. He will take some precautions at all events; and I think this is a measure which should enjoin upon the Ministry the very greatest thoughtfulness and consideration for the future—for the future as affecting

the welfare of the present inhabitants of the colony, and also of those who may make it their homes in the near future.

MR. HARPER: It appears to me that the real question at issue is, whether the suggestion which the Upper House have sent down to us implies that they desire to take from us some power that we claim as belonging to this House, and to this House only. If that is the case—and that is a point not thoroughly argued yet, though many of us, I think, hold that it is an attempt (whether intentional or not) to obtain a power which belongs to this House alone; if that is the case, and the result of our adopting this suggestion would be that we should be parting with a power conferred upon us by the Constitution, it appears to me that for this House to propose a conference on this subject with the Upper House would be virtually admitting that we were not certain as to our position, that we were not sure of the ground we had taken up in this matter.

MR. PARKER: No, no.

THE ATTORNEY GENERAL (HON. S. BURT): Hear, hear.

MR. HARPER: It would be an admission on the part of this House that what the Upper House sought to obtain was justifiable; or, at any rate, that we had some doubt about it, and for that reason I shall oppose the amendment.

MR. DE HAMEL: I cannot, myself, see why we should waste any time in arguing whether we are parting with any powers given to us by the Constitution or not, as suggested by the hon. member for Beverley. It seems to me that the suggestion sent down to us by the Upper House provides a means of escape which many members even of this House would like to avail themselves of, in spite of the passage of the Loan Bill as it stands.

THE ATTORNEY GENERAL (HON. S. BURT): A few; not many.

MR. DE HAMEL: I know at any rate that some members in this House have voted on this Loan Bill believing that a separate bill would hereafter be introduced for each separate work.

THE COMMISSIONER OF CROWN LANDS (HON. W. E. MARMION): No.

MR. R. F. SHOLL: Hear, hear.

MR. DE HAMEL: There are other members who voted for that bill because they were led to believe that the sums



mentioned in the Schedule would cover the cost of the works specified. But since we have passed that bill we find that what we were led to believe would happen is not likely to happen. We find now, from the Government themselves, that they do not intend to introduce a separate bill for each of these works, and we find also that the sum of £150,000 set down for harbor works at Fremantle is not intended to complete the proposed scheme of Harbor Works, but is simply the thin end of the wedge which will involve this colony in a possible expenditure of millions. We know, in spite of anything the Premier may say—in fact we know it from his own lips now—that this amount is simply the first instalment of what will be required to carry out Sir John Coode's scheme; and it is this knowledge, coming upon us now, that is leading some members to support the suggestion of the Upper House, as a means of escape from an embarrassing position. I feel sure it is the wish of the members of the Upper House to help us in this matter, knowing as they do that our votes have been given without sufficient thought and deliberation. As to privileges, I maintain we are parting with no privileges of any kind, by adopting this suggestion of the Upper House. I consider we ought to support the Upper House in the very kindly and conciliatory way in which they have approached us in this matter. It was open to them to reject this Loan Bill *in toto*. They have not done that. They have read it a second time; they have affirmed the principle of a loan; and what more the Government can require, I am at a loss to understand. If the Government are perfectly satisfied as to the wisdom of the works they propose, and as to their being able to complete them for the sums mentioned, I cannot see why there should be any objection to the adoption of this suggestion. But if there be any constitutional objection in their minds to our yielding to the Upper House on this point, I think that a remark that fell from the Attorney General proves very conclusively that we should do wisely and well to accept the amendment of the hon. member for York, and seek a conference with the Upper House without delay. The words of the Attorney General were, that time was of very

great importance on this occasion. Yet, instead of seeking a conference with the other House without delay, it is proposed to create delay by first sending them this curt message, which, it is said, may possibly bring a suggestion for a conference from the Upper House. But that means delay, and it may mean irritation and friction—the very thing that we ourselves wish to avoid. I cannot see any reason why the Government should be opposed to meet the members of the Upper House in conference at once, so that we may ascertain what they really desire, and in half an hour settle the whole difficulty, and so dispose of this Loan Bill. I, for myself, shall certainly force this to a division, and I shall vote for the amendment of the hon. member for York. If the Government oppose that amendment, and by opposing it bring about a deadlock in the passage of this bill, then it will be the Government, and the Government only, that will be to blame for any loss or trouble that may occur in the affairs of the colony.

The amendment (in favor of a conference) was then put, and a division being called for, the numbers were—

Ayes	...	...	8
Noes	...	...	20

Majority against ... 12

AYES.	NOES.
Mr. Canning	Mr. Baker
Mr. Darlot	Mr. Burt
Mr. Loton	Mr. Clarkson
Mr. Parker	Mr. Cookworthy
Mr. Randell	Mr. A. Forrest
Mr. R. F. Sholl	Mr. Harper
Mr. H. W. Sholl	Mr. Hassell
Mr. De Hamel (Teller.)	Mr. Keane
	Mr. Marmion
	Mr. Paterson
	Mr. Pearse
	Mr. Phillips
	Mr. Quinlan
	Mr. Richardson
	Mr. Scott
	Mr. Symon
	Mr. Throssell
	Mr. Traylen
	Mr. Venn
	Mr. Forrest (Teller.)

The amendment was therefore negatived.

THE SPEAKER: Before I put the original motion I may point out that the wording of this motion is of no importance whatever, as some members seem to think it is; because the Message that will be sent back by this House to the Council will be the written reasons drawn up by the committee to be presently appointed. The formal motion now be-

fore the House will not be communicated at all to the Upper House.

Original motion put and passed.

THE TREASURER (Hon. J. Forrest) moved that a committee, composed of the Attorney General, Mr. Scott, and the mover, be appointed to draw up the reasons given by the Assembly for its inability to accept the suggestion of the Council.

Agreed to.

The committee withdrew, and, having returned, handed the reasons to the Clerk, which were read, and were as follows:

"The House of Assembly has had under careful consideration the suggestion of the Legislative Council, that each item of the Schedule of the Loan Bill be made the subject for 'a separate Loan Estimate.' The Legislative Council is aware that the highest Constitutional authorities are agreed that in dealing with Money Bills, General or Special Estimates, and Appropriation Acts, the Upper House is not at liberty to amend, and that all such financial measures sent up from the Lower House must be accepted or rejected as a whole. This principle is so clear and so binding that the merits of it need not now be discussed. It is sufficient for present purposes to weigh the effect of the Resolution of the Legislative Council, and to consider whether it may be possible for this House to assent to that Resolution without abandoning its undoubted right to initiate and control public expenditure. The practical effect of the Resolution, if made law, would be that whereas the Council is required to accept or reject Appropriation Acts as a whole, the policy of the Government and the decisions of the House of Assembly might nevertheless be subsequently defeated by the rejection of each separate item approved by the Assembly, and thus the Council would practically obtain a control over the details of Money Bills which the Constitution does not contemplate that it should possess—a greater control in fact than is claimed or exercised as regards the Estimates of annual expenditure, which in principle stand on precisely the same footing as special Estimates in connection with Loan

"Bills, and financial measures generally. Moreover, it should be remembered that items of Loan Expenditure subsequently rejected by the Council would nevertheless remain part of the Loan Bill, and that moneys provided for such items could not, without special legislation, be diverted to other use.

"The House of Assembly will at all times endeavor to meet the views of the Legislative Council wherever circumstances permit; but this House is convinced that the Legislative Council will recognise that it would be impossible for the representatives of the people to abandon their constitutional right to group such public undertakings in one set of Estimates as the interests of the country, and the convenience of Parliament, may require, or to concede to the Upper House of this colony a legal right as regards Money Bills which is neither possessed nor exercised by similar bodies in any part of Her Majesty's dominions."

THE TREASURER (Hon. J. Forrest), without further comment, moved that the foregoing resolution be adopted.

Agreed to.

Ordered—That a Message be transmitted to the Legislative Council, returning the Loan Bill, and forwarding the reasons drawn up by the committee for inability of the Assembly to accept the suggestion of the Council.

#### ALLEGED INTemperance IN THE LOCOMOTIVE DEPARTMENT, FREMANTLE.

MR. TRAYLEN—who had given notice of his intention to move that a select committee be appointed to inquire into the allegations of intemperance made against persons connected with the Locomotive Department, and the conduct of the officers during office hours, and any other irregularity in the department which might be brought to the notice of the committee—said: Since I gave notice of this motion we have had before us the very important matter that has just been decided in this House. The discussion of that matter has occupied considerable time, but not more so than its grave importance demanded; and I feel I would be taking up, improperly, perhaps, time required for other matters if I were to press this motion upon the con-

sideration of the House. I beg, therefore, to ask leave to withdraw it until a more opportune time—if indeed the reasons for it should continue. In doing so, I may say that I have very strong confidence in the Minister at the head of the Works and Railways Department; and I believe that, in bringing forward this matter, I have greatly strengthened his hands, and helped him in the somewhat difficult task devolving upon him. I should not have brought the matter forward but for the very strong representations made to me of the evils which I am told are still existent—existent even so late as yesterday; and I only hope my action may help the Commissioner materially in taking such steps as may remedy the evils complained of. I hope I may be allowed to add that any remarks which have passed from my lips on this subject are not intended to embrace all the men employed in the Locomotive Department. There are some very excellent men amongst them, and it is not intended in any way to cast any reflection upon these men.

Notice, by leave, withdrawn.

#### SALE OF LIQUORS IN SO-CALLED "CLUBS."

MR. DARLOT, in accordance with notice, moved, That in the opinion of this House steps should be at once taken by the Government to prevent the sale of liquors in unlicensed houses, under the name of clubs. The hon. member said that in bringing forward this motion he did so with a desire that some legislation might be introduced to deal with a growing evil. These so-called clubs were a decided evil, and they had existed for some time, and he was sorry to say they were on the increase. Under the guise of a club they were nothing else but simply means for an evasion of the law with regard to licensed public houses. A man perhaps applied for a license from the licensing bench, and if it was not given to him, he immediately went round, got a few people together, and they formed themselves into a club, which, in the majority of cases, was nothing more nor less than a drinking place. What had brought this matter more particularly to his notice was what he had witnessed in connection with one of these

clubs in Champion Bay. Right opposite to it, within a chain or so, was a public house, which had to pay a heavy license; and he did not see why the man who ran this club should not also pay a license. But it was not in the towns so much as in the country that the evils connected with these so-called clubs arose, for in the towns there was always a certain amount of police supervision. But, in country places, where there was no police surveillance, the scenes that were to be witnessed in the neighborhood of these drinking shanties (for they were nothing else) were simply disgraceful. The drunken scenes enacted at Mullewa where there was one of these "clubs," within the last six months, were a disgrace to any civilised community. To his own knowledge, such a thing as 60 or 70 valuable draught horses had been running loose about the place, while the men who were supposed to be looking after them were lying dead drunk at this so-called club. He thought this was a deplorable state of things. Many of these men were trusted by their employers with property of the value of hundreds of pounds, and when they went down to this place they got themselves made members of this so-called club, and there they stopped, drinking and boozing as long as they liked. He had known during this season's wool-carting of one man, a teamster, who stopped at this place at Mullewa for three weeks, drinking; he knew of another man who stopped there six weeks, although the manager of the station where he was employed had begged of him to hurry back as quickly as he possibly could, as they were short of rations; instead of which he stopped drinking at this beautiful club for about six weeks. From what he could hear, the police were powerless to interfere with these clubs. There was a case tried in Perth only the other day, and he was sorry to say the person in charge of the club got the best of it before the magistrate—though he understood it was the intention of the Attorney General to appeal against that decision. At any rate, the fact remained that the evil he complained of existed nearer Perth than Mullewa. In fact it was a growing evil, and the sooner some steps were taken to check it the better would it be in the interests of morality and of all parties. He believed there

were other members in the House who could speak of their own knowledge of other abuses in connection with these working men's clubs, and he hoped the Government would take some steps to put them down, or at any rate to check the disgraceful scenes that were now allowed to take place. He begged to move the motion standing in his name.

MR. KEANE said that in seconding the motion of the hon. member for the Murchison he did so with great pleasure. He thought the Government should take this matter in hand immediately, and, if necessary, introduce a bill to do away with these so-called clubs. If that could not be done, then they ought to be placed under police supervision. At the Midland Junction, near Guildford, one of these clubs was established there because the promoters knew very well they could not get a public house license; so they went round and got a lot of the navvies to put down their names as members to form a club if you please; and he was almost certain he was right in stating that the promoters even paid the men's subscriptions. In this way they succeeded in establishing a club; and what was the consequence? They had now at this place drunken scenes that really would be a disgrace, not only to any civilised beings but to savages. You would see men lying about drunk, and the manager of the club inciting them to fight, so as to keep them there drinking. A man could go into that club and take away a case of beer, or whiskey, or any other liquor, and take it up the line to the men's camp, and dispose of it there; and nobody could interfere with them. He thought it was high time such things were put a stop to, not only for the sake of decent people in the immediate neighborhood, but also for the sake of the men themselves; for, so long as there were places like these open, you could not keep these navvies and men like that out of them. But, if there was no such temptation in their way, these men would keep sober, and at their work. He hoped the Attorney General would see his way—without waiting for the result of the appeal from the decision of the magistrate, referred to by the hon. member for the Murchison, which might take some months—but would see his way to introduce a bill at once either to

suppress these so-called clubs altogether or to place them under police supervision.

MR. RICHARDSON had much pleasure in supporting the motion. He thought the object of the Government should not be to give too many facilities for the multiplication of such places as these, but rather to place them under strict control, and limit the facilities for working men to squander their earnings and at the same time demoralise themselves, and become a nuisance to all decent people in the neighborhood.

MR. QUINLAN said that in supporting the motion before the House he did so with some knowledge of the system of doing business adopted by some of these clubs in Perth. He had no objection to any number of people forming themselves into a club, provided it was conducted in a proper and respectable way; but his experience of certain clubs in Perth satisfied him that they greatly abused their privileges, owing to there being no police control or supervision over them. They were allowed to keep open all night, and every day in the week, Sundays included. Men went there with their earnings, and remained there drinking and gambling until all hours in the morning. The result was that some of these men got ruined. To his knowledge several people in Perth had been ruined simply through these clubs, and the facilities they offered for gambling and drinking at all hours. He thought that, even in fairness to the publican, who had to pay a heavy license and who was under severe restrictions, these clubs ought to be placed under the same supervision as public houses, and also be made to pay a license. He had already spoken to the Attorney General on the subject, and he was glad to hear that the hon. and learned gentleman intended to take immediate action in this matter.

THE ATTORNEY GENERAL (Hon. S. Burt) was glad that this debate had taken place, because it would draw the attention of the police to the subject. It really did seem to him marvellous that such a state of things as had been described had been allowed to exist so long. In his judgment the present law was quite adequate to deal with any of these cases. When the hon. member who had

last spoken referred to certain clubs in Perth, he presumed he referred particularly to Working Men's Clubs. As to those so-called clubs at Mullewa and at the Guildford Junction they were simply monstrosities; and to think that the existing law was not adequate to deal effectually with such places as these was more than he could understand. To think that a lot of drunken teamsters, by calling themselves a club, could get drunk on the slightest pretence and become a nuisance to the neighborhood, without the police interfering, was simply monstrous. It was ridiculous to suppose that a club like that was a *bona fide* club within the meaning of the Act. It seemed to him that in this colony very few people understood what a club really was, or what the law contemplated by a club. According to the current idea of a club, all that was necessary was for a lot of drunken fellows to subscribe a few shillings together, and stick the word "Club" over the door of any shanty in the bush, and forthwith you had a club; and the moment the police came near and saw the mysterious word "Club" over the door, they instantly scattered in all directions. It was really laughable. A case had occurred recently, as mentioned by one hon. member, in which the magistrate gave a decision in favor of one of these clubs, against which decision the Government were appealing; so that, unfortunately, it would not be right for him to speak of that case now as he would have liked to have spoken. But he thought the present law was quite adequate to deal with the matter; and it would seem as if they were acting under a panic if they were to fly immediately to fresh legislation, when there was no necessity for it. How such a state of things as had been described had been allowed to continue at Mullewa without the police laying an information, he could not understand, except, as he had already said, the mere fact of these drunken teamsters calling themselves a club made the police run away. It would be his duty to call the attention of the police to this matter, and put them in the way of laying an information against these people. So far as he was concerned, all these club gentlemen should be prosecuted, one and all of them. It might be said that one of them

had got the better of the Government for the moment; but they might yet see that altered. He understood that the clubs referred to in this motion did not include *bona fide* clubs—[Mr. DARLOT: Certainly not.]—but such clubs as had been described, and such a club as the Working Men's Club in Perth, which he knew well. He must again express his astonishment that such a state of things as had been described had been tolerated by the police. It was a wonder to him they had not a club in every hut in the bush, the *modus operandi* was so very simple. A few drunken navvies or teamsters subscribed a shilling a month, and called themselves a club, and forthwith they had the privilege, not only of getting drunk as often as they liked but of buying and disposing of liquors to the extent of hundreds of pounds. He had yet to learn that that was the law.

Mr. RANDELL thought that what had fallen from the Attorney General would be very reassuring to members and to the country generally. He was very glad to hear there was no necessity for any new enactment on the subject. He thought it was pretty well known that great evils did exist in connection with these clubs; they need not go outside the boundaries of Perth to find that out. He was sorry that he allowed the Estimates to pass without challenging the vote out of which grants were made to Working Men's Associations. There was one of those Associations in this city which was the recipient of a grant from the Government; and this body had let one of its rooms for the purpose of a club, which was the source of great evils in our midst; and he hoped the Government would consider, when allotting the vote for Mechanics' Institutes and Working Men's Associations, whether this institution deserved any portion of the vote. He had reason to believe that that institution was a disgrace to the community at large. He was very sorry to say it; and he thought the Government should have discontinued the grant long ago. These clubs were sources of much greater evils than hotels or public-houses, while at the same time they enjoyed much greater immunities and privileges. They tempted people who would not be seen in the tap-room of a public-house, and their families were

made to suffer. He was very glad indeed that the Attorney General contemplated taking some action with a view to lessen these evils.

MR. TRAYLEN did not know that he could add anything to what had been said; he merely rose so as not to give a silent vote on the subject. It was peculiarly gratifying to him that this matter had been brought under the notice of the House in such a forcible manner. These evils had existed for some time, and he believed they could be expressed even in stronger language than had been used. Reports reached him from time to time of disgraceful conduct on the part of those who were alleged to be members of these so-called clubs. He need hardly say he should give his hearty support to the motion.

Motion put, and passed.

#### EXCESS BILL, 1889.

Read a third time, and transmitted to the Legislative Council.

#### EXCESS BILL, 1890.

Read a third time, and transmitted to the Legislative Council.

#### LUNATIC ASYLUM, FREMANTLE.

##### REPORT OF SELECT COMMITTEE.

The order of the day for the consideration of the Select Committee's Report upon the arrangements in connection with the Fremantle Lunatic Asylum having been read,

MR. SCOTT moved, "That this House having taken the said report into consideration is of opinion that the Government should take such steps as shall place the institution on a satisfactory basis, in accordance with the report." The hon. member said he made some few remarks the other day, based upon his own personal knowledge of this institution and the necessity for placing it on a more satisfactory footing, as regards accommodation for patients and an increased staff. Since then his own observations had been confirmed by the members of the select committee which the House had been good enough to give him, to report on this subject. In nominating that committee he did not name gentlemen who could be regarded as

mere sentimentalists, but men of sound common sense, who could take a practical view of the matter, and whose recommendations would be likely to command the respectful consideration of the House. That committee had made its report, and it was now in the hands of hon. members. As would be seen, the members of the committee personally visited the Asylum, and also took the evidence of the Surgeon Superintendent (Dr. Barnett) and of the Colonial Architect (Mr. Poole). With regard to the accommodation in the building, and the facilities it affords for the essential separation into classes of the unfortunate patients, the visit of the committee to the institution quite convinced them that the reports of the Surgeon Superintendent were not at all overdrawn. They also submitted that the evidence of Mr. Poole went to show that to make the Asylum worthy of the name of a hospital, as opposed to a prison, it was necessary to erect an entirely new and separate building. It would also be observed that the question of the site had been considered by the committee, the conclusion arrived at being that, though the present Asylum was situated in the town, still the surrounding park and cemetery, together with its own grounds, made it easy to sufficiently isolate the building for the purposes of such an institution. The grounds of the Asylum occupied some thirteen acres, and were pleasantly situated. Mr. Poole, it would be seen, estimated that the cost of a complete new structure would be about £30,000, which would include furnishing and fitting an establishment for two hundred beds. It would also be gathered from the evidence that the staff is inadequate to carry out the duties. The committee also ventured to call attention to the small remuneration of the Surgeon Superintendent, which was out of all proportion to the important and very responsible duties devolving upon that officer. The committee, in conclusion, remarked that though to carry out their suggestions would involve considerable outlay to begin with, and greater demands on the revenue of the colony to maintain the institution on an improved footing, still they considered such reform urgently demanded, as well in the public interest as in those of common humanity. Those, briefly, were the conclusions which the

committee arrived at, and he thought the evidence went to support those conclusions. Other members of the committee would probably give their impressions as to the existing state of affairs, and the necessity for improvements. The day was passed when hospitals for the insane were looked upon as mere dungeons for the safe keeping of those who were bereft of their senses. Insanity was no longer regarded as incurable, and hospitals for its treatment were looked upon as entitled to as much consideration as hospitals for the treatment of bodily ailments. In this colony, however, the subject had received very little consideration, and the day had come when this our only institution for the insane should be placed on a more satisfactory basis. He should like here to read a letter he had received a few days ago from a gentleman who was well known to them all, Mr. Walter Padbury, in which he said that "if the good work could be done as recommended by the Government doctor, they might reckon on his support to the extent of £100." He thought that was a very liberal offer; it went to show that the subject was attracting attention outside,—although he did not think that hospitals or asylums for the insane should be kept up, like other hospitals, by voluntary subscriptions. It was necessary, having placed these unfortunate people under a certain amount of restraint, for proper treatment, that they should be kept there under due legal form, and such institutions ought to be under Government control, and therefore supported out of Government funds. It must be remembered that the present building was never intended for an institution of this kind; it was built as a prison, and everything about it presented a prison-like and gloomy appearance. The whole structure looked more like a prison than an asylum, and he did not wonder at the people of Fremantle desiring to see it abolished. Of the two, it was a worse looking edifice than the adjoining one, the convict prison; and anybody visiting both would find greater satisfaction in coming out of the asylum than out of the prison. He did not ask the House to commit the Government in the immediate future to the expenditure of £30,000 (which was Mr. Poole's estimate for a complete new struc-

ture); but he thought a commencement might be made. The committee had done all they could to get the Government to place this £30,000 on the Schedule of the Loan Bill, but they did not succeed; it was thought it would not look very well, and they were not prepared to strike out any other item to make room for this. What he wished was that the Government should pledge themselves to take some steps towards making this institution what it ought to be,—a credit to the colony, instead of a disgrace to it. He did not ask simply for their sympathy and their passive support; he wanted their practical support, and he wanted it to a larger extent than £1,500, the small sum set down on the Estimates for improving the present accommodation, which would only suffice to do a little cobbling. He hoped the Government would meet them in a large hearted and practical spirit, and that this institution would be placed on a basis so urgently demanded, not only in the public interest but also on the grounds of common humanity. He hoped the House would give its unanimous support to the recommendations of the committee, and that their report would be adopted.

MR. TRAYLEN said that a profound impression was made upon the committee when they visited the Asylum in the course of their inquiry, and he thought a similar impression would be made upon the House when they read the evidence attached to their report. He thought it did infinite credit to the kindly feelings of the Surgeon Superintendent and the officials of the institution that they took so deep an interest in the unfortunate inmates. The members of the committee were impressed, beyond any words he could use, with the great necessity for doing something to improve the present accommodation and to ameliorate the condition of the patients, and place the institution on some much better basis than it stood upon at present. To the members of the committee it was indeed a pitiable spectacle to see mingled together all grades of those suffering from the various forms of insanity, with no means of separating them. He could hardly conceive anything more appalling to a patient suffering a recovery and a restoration of his faculties, than to find himself in close association, in such a

dreadful place, with such shocking surroundings, in the presence and company of incurable maniacs, given to the most disgusting habits. The wonder to him was that anyone was ever restored to a sane condition amidst such surroundings and such dreadful associations. Yet, with the present accommodation, there was no means of discriminating and separating the curable from the incurable, the convalescent from the chronic, the gentle from the dangerous. He hoped the Government, even with the means at their command, would be able to make considerable improvements in the internal arrangements of the place, and he also hoped that the Surgeon Superintendent would be able to have a greater number of assistants, without which it would be impossible for him to carry out the desired improvements. He believed that the percentage of cases cured might be largely increased if the accommodation and the surroundings were improved.

THE PREMIER (Hon. J. Forrest) said he had listened with much attention to what had fallen from the hon. member for Perth and the hon. member for Greenough, with reference to this institution. The Government were quite aware that a great many things might be done to improve it, and they had that in view; but it was no use, so far as he could see, to adopt this resolution, for it was impossible for the Government to do the work unless the money was voted and placed at their disposal. All the Government had seen their way clear to ask for on this year's Estimates was £1,500, and, unless a much larger sum than that was voted, they could not spend more, during this year. Having once been a visitor himself, he could well understand the feelings of the hon. member for Greenough, and of the other members of the committee when they visited this asylum the other day. No doubt it was very distressing to witness the position of these unfortunate people. But, so far as the internal management of the institution was concerned, all who visited it spoke in terms of the highest praise of it. All the entries made in the Visitors' Book were very complimentary; everything was stated to be very orderly, everything was found in excellent condition; the Surgeon Superintendent seemed a most worthy officer; the place

was kept beautifully clean; the inmates generally enjoyed very good health—these were the class of entries which were to be found made by the visitors to this institution. In making these remarks he did not mean to say for a moment there was no room for improvement, and many improvements. No doubt we could spend £100,000, if we had it, to advantage in improving this institution, and in placing it on the same basis as similar institutions in other countries; and he should be very pleased if the circumstances of the colony admitted of such an expenditure. But, after all, we must be contented with what we could do with the means at our command. The Government did not feel justified in acceding to the committee's request that a sum of £30,000 should be placed on the Schedule of the Loan Bill for this work; and, whatever could be done, must be done out of current revenue. The Government, as he had already said, had placed £1,500 on the Estimates for this year to meet the more pressing present wants of the establishment; and he believed that with £1,500 they would be able to effect some improvements at any rate. It would give more accommodation, and in this way they would be able to make the place a little more comfortable. At the same time, he quite understood that this would not meet the views of the select committee. Nothing less than £30,000 would suffice to carry out what they recommended; and the Government had not the means to do it. He was unable to provide such a sum out of ordinary revenue, and he could not consent to add it to the Schedule of the Loan Bill, which, in the opinion of many members, was already too large. With these facts staring them in the face, he did not see the use of the present resolution. Of course if the resolution was carried, the Government would be very glad to read it; but, as for doing anything more, he did not see how they could do it. He very much regretted having to say it; but such was the case.

MR. RANDELL was sure they all must agree with the recommendations made by the committee, and the only difficulty in the way was the question of funds. He agreed with the Colonial Treasurer that it would not have looked



well to have included £30,000 in the Loan Bill to provide the colony with a Lunatic Asylum; and, however desirable and however necessary it was that improvements should be effected in the present building, they must all recognise that it would be impossible for the Government at present to carry out all that the committee had recommended, with the means at their disposal. He only hoped that what was proposed to be done would do something towards remedying the existing state of things. It was a question to his mind whether they should spend any very large sum on the present structure. He thought it would be found that if the present building and the grounds were sold, a very large amount of money would be realised towards the erection of another and a more suitable building upon some other site. Although the Surgeon Superintendent seemed somewhat adverse to its removal, he (Mr. Randell) was inclined to think that there would be many advantages in having the institution removed into the country, where the inmates might be employed at some agreeable and healthful and reproductive occupations. He thought if a slight verbal alteration were made in the resolution it might meet with the approval of the Government. He would therefore move, as an amendment, that the word "should" be struck out, and the words "shall at the earliest possible moment" be inserted in lieu thereof. The resolution would then read: "That this House having taken the said Report into consideration is of opinion that the Government shall, at the earliest possible moment, take such steps as shall place the institution on a satisfactory basis, in accordance with the Report." This would not commit the Government to do anything in the matter immediately, but would leave the door open for them to do something in this direction, as soon as they possibly could.

Mr. SCOTT said he had no objection to the amendment. He knew it was not within the range of possibility for the Government to do much at present; but he was sorry to hear the Premier speak as he did. It was simply because the hon. gentleman did not understand or did not appreciate the necessities of the case. As to the complimentary remarks

in the Visitors' Book, those remarks applied to what was being done with the means and accommodation at present available; they did not touch the question of the improvements that might be effected. All they went to show was that, under existing circumstances, the management of his friend Dr. Barnett was worthy of all praise. Of course all this was very complimentary to the Surgeon Superintendent, but he noticed that it had not had the effect of increasing his pay. He could not help thinking that the sooner the better the Government realised the fact that improvements were most urgently required in this institution. If instead of spending £1,500 in cobbling up the present building they were to devote £5,000 or £6,000 towards a new institution, they would be doing some real good. If the Government were not in a position to do that, if they could not afford to put up a new building, it was absolutely necessary that some additions should be made to the present building. The population of the colony was increasing, and the percentage of lunatics must also increase, and an asylum would not expand and stretch like an India-rubber ball. He only hoped the Government would do the very best they could in this matter, and that at the very earliest opportunity they would take into their gravest consideration the question of carrying out the recommendations of the committee in their entirety.

Mr. PEARSE was glad that the hon. member for Perth and his select committee had succeeded in bringing this institution under the attention of the Government. He only hoped, after what he had heard that evening, that some steps would be taken to remedy the existing state of affairs, which were not creditable to the Government nor to the country. The institution was under-manned very considerably; the officers had to do duty for 15 and 16 hours a day, both the warders and the matrons,—a state of things which ought not to be expected from any man or woman. He also thought the Government should take into consideration whether it would not be possible to find a better site for this asylum. The vote of £1,500 might do something to help them along for a short time; but, no doubt, in his mind, the institution

would have to be removed to another site sooner or later.

MR. RICHARDSON said he only rose to repeat a remark made with regard to this institution the other day, by a distinguished visitor from South Australia, who, after going through it, said it was an "awful place."

MR. R. F. SHOLL said as he was one of the members of the select committee he should just like to say a few words. He had often been asked to visit this asylum, but had always avoided doing so, not caring for it; but, as a matter of duty, he felt compelled to do so with the other members of the committee. From what he saw, he could only reiterate that the building was quite unsuited for the purpose; and the sights they witnessed and the sounds they heard within those walls were such as would certainly never induce him to visit the place again out of curiosity. Incurable lunatics, without the slightest sense of decency, were mixed up with the temporary insane, simply because there was no means of separating them. The necessity for some improvement in the present accommodation must impress everyone who visited the place, and inspected the internal arrangements. To his mind it was not a question of pounds, shillings, and pence at all, but a question of common humanity; and it was the duty of the Government and of the Legislature to take immediate steps to place this institution in a more satisfactory condition. Funds might not be available at present to do all that was necessary, but something must be done to improve the existing state of things. He hoped the Government recognised the necessity of this, and that they would do all in their power to remedy what certainly was at present a discredit to the colony.

Amendment put and passed.

Original question, as amended, agreed to.

The House adjourned at ten minutes past 11 o'clock, p.m.

## Legislative Council,

Friday, 20th February, 1891.

Loan Bill (£1,336,000); Message from the Legislative Assembly—Audit Bill; committee—Excess Bill 1889; first reading; Suspension of Standing Orders; second reading; committee; third reading—Excess Bill, 1890; first reading; Suspension of Standing Orders; second reading; committee; third reading—Loan Bill; committee—Audit Bill; Message from the Legislative Assembly; third reading—Adjournment.

THE PRESIDENT (Sir T. C. Campbell, Bart.) took the chair at 3 o'clock.

### PRAYERS.

### LOAN BILL (£1,336,000)—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The Order of the Day for the consideration of Message No. 9 from the Legislative Assembly, (p. 330, *ante*) in a committee of the whole Council, having been read, the President left the chair.

### IN COMMITTEE.

THE HON. G. W. LEAKE: It is with very great satisfaction to me that a *modus vivendi* has been arrived at between this House and the other. Therefore I have to move, That the following Message be sent to the Legislative Assembly in reply to their Message No. 9: "That this House, while not admitting that Message No. 9 of the Legislative Assembly accurately declares the lawful rights of the Legislative Council in regard to controlling and dealing with Money Bills and the Estimates of expenditure, or that the constitutional practice laid down in the said Message is the one rightfully and properly to be pursued, is prepared, nevertheless, not to insist on the suggestion conveyed in its Message No. 5, and will agree to the Loan Bill now before the House, provided that the following clause be added to the Audit Bill now under consideration:—

"Whenever it is proposed to undertake any new works for the improvement of any harbor, the cost whereof is intended to be defrayed out of loan moneys, the plans and sections of the proposed works, or copies thereof, together with a statement showing the nature and extent thereof, shall be laid before both Houses of Parliament for their approval."

Nothing, I think, can be more courteous and considerate, and expressive of our