

authorises the Governor to incur the expense. But we have voted nothing for it on the Estimates. How is it proposed to defray the expenses of this delegate?

THE COLONIAL SECRETARY (Lord Gifford) said he could see his way perfectly clear to do that, without a special vote for the purpose. He had this expenditure in view when framing the Estimates, and it would come out of the vote for "Incidental Expenses." Moreover, he did not suppose they would be in a position to send a delegate home before next Session.

MR. S. H. PARKER: Then what is the use of asking the House to pass this resolution?

The question was then put—that the report of the Committee be adopted—when another division took place, and the motion was negatived, the numbers being,—

Ayes	8
Noes	10
Majority against...			2

AYES.
The Hon. A. C. Onslow
The Hon. M. Fraser
Mr. Burges
Mr. Hamersley
Mr. S. S. Parker
Mr. Shenton
Mr. Stone
Lord Gifford (Teller.)

NOES.
Mr. Brown
Mr. Burt
Sir T. C. Campbell
Mr. Grant
Mr. Higham
Mr. Marmion
Mr. S. H. Parker
Mr. Randell
Mr. Venn
Mr. Steere (Teller.)

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

LEGISLATIVE COUNCIL,

Tuesday, 13th September, 1881.

Appropriation Bill, 1882: second reading; in committee—Audit Bill, 1881: recommitted—Railway to King George's Sound—Message (No. 28): Forwarding Correspondence—Message (No. 29): Law and Parliamentary Library Act, Amendment Bill—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

APPROPRIATION BILL, 1882.

THE COLONIAL SECRETARY (Lord Gifford), in moving the second reading of this Bill, said the text of the Bill was very much the same as had been used for some years past, but hon. members would observe that there was a verbal alteration in the title and preamble. This change, though but a verbal one, involved an important principle, for, whereas in the Appropriation Bills passed heretofore the title and preamble, as also the appropriation clause, recited that the sum appropriated was to be issued and applied "for the service of the year," the present Bill enacted that the money was authorised to be expended "for such services as shall come in course of payment during the year." This alteration was made in order to secure a simplification of the public accounts, and to afford a greater check upon the expenditure made in the course of the year.

Bill read a second time, and committed.

IN COMMITTEE.

Clause 1.—"Out of the General Public Revenue not otherwise by law specially appropriated there shall or may be issued and applied, for the service of the year one thousand eight hundred and eighty-two, any sum or sums not exceeding the sum of one hundred and fifty-eight thousand nine hundred and eleven pounds, four shillings, and sevenpence, for defraying the charge of the Colonial Government for the year ending the thirty-first day of December, one thousand eight hundred and eighty-two."

THE COLONIAL SECRETARY (Lord Gifford) moved, That the words "the service of," in the fourth line, be struck out, and the words "such services as shall come in course of payment during," be inserted in lieu thereof.

Amendment agreed to, and clause adopted.

Clause 2.—Treasurer to pay on Governor's warrant:

Agreed to.

Preamble and title agreed to, and Bill reported.

AUDIT BILL, 1881.

On the Order of the Day for the third reading of this Bill,

THE COLONIAL SECRETARY (Lord Gifford) moved, That the Order be discharged, and the Bill recommitted.

Agreed to.

IN COMMITTEE.

Clause 13 reverted to:

THE COLONIAL SECRETARY (Lord Gifford) moved a verbal amendment in this clause, which was agreed to.

Clause 16 reverted to:

THE ATTORNEY GENERAL (Hon. A. C. Onslow), without comment, moved, That all the words down to the word "four," in the first and second lines, be struck out, and the following words be inserted in lieu thereof: "The Legislative Council shall, within fourteen days after the commencement of each Session of the Council, elect by ballot."

MR. STEERE moved, as an amendment, the introduction of the following words:—"The Legislative Council shall at each Session of the said Council elect by ballot." The hon. member said it might appear somewhat strange that, in view of the fact that the Attorney General and himself were both members of the Select Committee who had been appointed to report upon this Bill, he should, after agreeing to that report, propose an amendment upon the hon. and learned gentleman's proposition, but he would point out that, in the event of the Bill becoming law this Session, it would be impossible for the House to elect a Committee of advice, if the Attorney General's motion were carried, inasmuch as over "fourteen days" had already elapsed since the commencement of the Session, and, should the Bill be assented to, without reference to the Secretary of State, it might be desirable to elect this Committee at once, instead of having to wait until next Session. The amendment he proposed provided for this being done.

The amendment was agreed to.

MR. STONE pointed out that no provision was made, in the event of the number of members serving on the Committee being reduced, by any unforeseen circumstance, to one, two, or three, instead of four.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said that at the next Session of Council the House would be in a position to fill up any vacancy or

vacancies caused during the recess. It would, however, be necessary to make some provision, in the event of a dissolution of the Council, so that the Committee should continue to exist, as a board of advice. He would, therefore, move, To insert after the word "business" the following words:—"In the event of the dissolution of the Legislative Council, or of its expiring by effluxion of time, such Committee so elected shall continue to exist for the purposes of this section until the newly-elected Council shall elect a fresh Committee in accordance with the provisions thereof."

MR. STEERE thought this a very necessary provision indeed, for it was more likely that unauthorised expenditure would take place when there was no Council in existence than at any other time, the obvious excuse for such expenditure being that there was no Council to consult. For this reason he thought it was highly desirable that this Committee should continue to exist, although the Council had ceased to be, either by reason of a dissolution or effluxion of time.

The amendment was agreed to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) also moved, To insert after the word "same," in the 4th line, the following words:—"And the said Committee, on being invited to give their opinion, shall without delay give the same in writing, signed by all the members of the Committee as aforesaid, or by as many thereof as shall be present and agree therewith; and if any member or members of such Committee should not agree with the majority, such member or members shall record their dissent in writing."

Amendment—put and passed.

Clause 16, as amended, agreed to.

Bill reported.

RAILWAY TO KING GEORGE'S SOUND.

THE COLONIAL SECRETARY (Lord Gifford) with leave, without notice, submitted the following resolution, in reply to His Excellency's Message on the subject of the construction of a railway to Albany on the land grant system—the House on the previous day having refused to adopt the report of the

Committee which had agreed to the original resolution submitted on the subject: "That this House desires to support the views of His Excellency the Governor regarding the construction of a Railway to King George's Sound, on the Land Grant System; and, with a view to further this most important work, suggests that His Excellency should expend, from Incidental Vote, a sum not exceeding £600 for the purpose of obtaining full information regarding the country through which the proposed Railway will pass; and requests that His Excellency will then take such steps as he may find necessary to bring the scheme to the notice of Capitalists in England, who should be invited to cause an examination of the country to be made by professional men of their own selection."

SIR T. COCKBURN-CAMPBELL thanked the noble lord for having brought forward his resolution in an amended form. He had regretted very much the other evening being unable to support the other resolution put forward by the right hon. gentleman, in the form in which it was worded, for it contemplated an expenditure of public funds for which no provision had been made on the Estimates. It might be said that his own amendment also contemplated the same thing, but he had not looked upon it in that light, as he understood that the only expenditure which he proposed should be incurred could have been met out of means already placed at the disposal of the Government. The present resolution, however, was one which he hoped would meet with the approval of the House.

THE COLONIAL SECRETARY (Lord Gifford), in moving the resolution in Committee, was free to confess that, as regards that provision to be made for meeting the contemplated expenditure, the resolution now under consideration was more tangible and explicit than the previous one—although he informed hon. members at the time that it was proposed to defray the expenditure out of the incidental vote, where provision had been made for meeting unforeseen expenditure. He did not think, regard being had to the great extent of country to be traversed and surveyed in order to obtain the

information necessary before entering upon any negotiation, it would be considered that the sum was a very large one; indeed, hon. members might consider it improbable that the work could be done for the money. But the Government had every confidence that it could—so far as could be seen at present. By next Session, he hoped to be in a position to lay this information before the House, and, if found necessary, to ask the House for another vote, to enable them to take further steps in the matter.

MR. STEERE hoped the noble lord would understand that the House agreed to this resolution on the understanding that no more expenditure shall be incurred beyond what is here provided, until the Legislature is again consulted—though, from the wording of the resolution itself, he thought, if His Excellency chose to do so, he might fairly regard the latter part of it as empowering him to take any further steps he may deem necessary, in order to bring the scheme under the notice of capitalists at home, without further reference to the House.

MR. BROWN said it appeared to him they could only bind His Excellency by the wording of the resolutions as adopted by that House, and if this resolution was susceptible of the interpretation put upon it by the hon. member for the Swan,—as he (Mr. Brown) believed it was—the House, if it agreed to it, must be bound by it. For his own part, he was quite prepared to adopt it, for he did not object in any way to place in His Excellency's hands the power here contemplated, being satisfied that any expenditure incurred would be incurred in furtherance of the scheme and in the interests of the Colony.

MR. BURT said the resolution undoubtedly empowered the Governor, in addition to obtaining the necessary information as to the character of the country, also to send home a delegate and to take any other steps he may consider necessary to bring the scheme to the notice of capitalists in England, and, if he liked, to pay the passages of the professional men who are to be invited to examine the country, for the satisfaction of intending speculators. All this, it appeared to him, the resolution empowered His Excellency to do; but, in the

absence of a better arrangement, he should not oppose it, and would leave the matter in the hands of the Government. Of course, if they expended any money in a manner which the House did not approve of, they must be prepared to be hauled over the coals.

THE COLONIAL SECRETARY (Lord Gifford) assured the hon. member it was the intention of the Government at the present time not to exceed in any way this sum of £600, until the Council met again, when, provided more money should be required, they would feel justified in asking for a further vote. If they should be really forced to spend more than the amount now proposed to expend, namely, £600, they would of course, as the hon. member said, expect to be "hauled over the coals."

The resolution was then agreed to.

MESSAGE (No. 28): FORWARDING CORRESPONDENCE.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

"In reply to Your Address No. 26, the Governor forwards, herewith, correspondence on the subject of the road between Cockman's and Victoria Plains.

"As these papers are forwarded in original the Governor requests that Your Honorable House will cause them to be returned when finished with to the Colonial Secretary's Office.

"Government House, Perth, 13th September, 1881."

MESSAGE (No. 29): LAW AND PARLIAMENTARY LIBRARY ACT, AMENDMENT BILL.

MR. SPEAKER also announced the receipt of the following Message:—

"The Governor has had under consideration the Bill passed by Your Honorable Council intitled 'An Act to amend the Law and Parliamentary Library Act, 1873.'

"The Law and Parliamentary Library is an Institution over which it would be in accordance with precedent that the Government should exercise a control, and, following the usual rule where the expenditure of public money is concerned, the Governor thinks that the proportion of two official members to one unofficial member, established by

"the Act now in force, might with great propriety be preserved; and as the Chief Justice is not disposed to continue a member of the Committee, the Governor suggests to Your Honorable Council that the second section of the new Bill should read thus:—

"The Chief Justice and the Attorney General for the time being, or such two other officers as the Governor may appoint, shall, together with one unofficial member of the Legislative Council, to be appointed in that behalf by the said Council from time to time, form the Law and Parliamentary Library Committee.

"Government House, Perth, 9th September, 1881."

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That His Excellency's Message be then taken into consideration.

Agreed to.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the second clause of the Bill be expunged, and the following inserted in lieu thereof: "The Chief Justice and the Attorney General for the time being, or such two other officers as the Governor may appoint, shall, together with one unofficial member of the Legislative Council, to be appointed in that behalf by the said Council from time to time, form the Law and Parliamentary Library Committee."

MR. STEERE felt bound to say that the reason assigned by His Excellency for asking the House to make this amendment was such as ought not to carry much weight with hon. members, namely, that where the expenditure of public money is concerned the Executive Government should be more largely represented than the Legislative Council. In this instance the expenditure involved was only £50 per annum, and His Excellency gravely contended that to ensure the proper control of this expenditure it was desirable that there should be two official members representing the Government, in addition to an unofficial member of that House. He must say, it was almost laughable to think that such a Message should be sent down for their serious consideration. This Library was,

in the first instance, established out of unclaimed funds, which had accumulated in the Supreme Court, and was kept up by a grant of £50 a year, out of public funds, voted by the Legislature. Under these circumstances, he certainly failed to see why the Executive Government should claim to be represented on the Committee of management, in the proportion of two to one. He had always much regretted that the House had consented to amalgamate the Parliamentary with the Law Library; it would have been far better if the money had been appropriated in forming the nucleus of a Parliamentary Library, situated more conveniently for purposes of reference, as regards the members of that House. Probably there would be some difficulty at present to separate the two branches, but he had always felt that the Legislature ought to be more largely represented on the Committee than it had been. He felt very much inclined to move, as an amendment upon the proposition before the House, that the Council did not consider that the control of an expenditure of £50 per annum, in connection with this Library, did not justify the Legislature in adopting the alteration suggested in His Excellency's Message.

MR. S. H. PARKER said he would be prepared to support such an amendment. His Excellency claimed the right to exercise control over the expenditure of this £50, "in accordance with precedent." He did not know where this 'precedent' was to be found. Mechanics' Institutes were partly supported by grants out of public funds, but he had never heard of the Government, for that reason, claiming to exercise any control over the expenditure of the grants made to these institutions. The Queen's Plate, again, was voted out of public funds, but he was not aware that the Government claimed the right of controlling the expenditure of that money; but, according to His Excellency's contention, two-thirds of the stewards of the Turf Club ought to be Government officials, or, at any rate, appointed by the Governor. Agricultural societies, all over the Colony, were partly supported by grants out of public funds, but he had never heard of the Executive putting forward a claim to exercise control over the expenditure of

these grants. Where, then, did His Excellency get this "precedent," referred to in his Message, and which was put forward as a ground for the contention that the Government should have the right of appointing two members upon the Law and Parliamentary Library Committee? Where was the "usual rule," which gave the Government a stronger right to control the expenditure of public money than the Legislative Council? He thought, if the House were to give way, in this instance, it would establish a very dangerous precedent, which hereafter might be quoted against Legislative interference with the expenditure of public money.

MR. BURT said he quite agreed with what had fallen from the hon. member for Perth. Had His Excellency simply asked them to amend this clause as he proposed, leaving the management of the Library in the hands of the Chief Justice, the Attorney General, and one of the unofficial members of that House, he (Mr. Burt) would, personally, have had no objection; but as His Excellency had given them his reason for asking them to adopt the proposed amendment, namely, that the Library, being supported out of public funds, the Government ought to be represented on the Committee of management in the proportion of two to one, compared with the Legislature, he could not subscribe to such a doctrine as that.

MR. STONE was surprised at the view taken of His Excellency's Message by the hon. members for Perth and for the Williams. For his own part, he must say he had never so entirely agreed with the principle that His Excellency had laid down in this Message, as he did on the present occasion. The hon. member for Perth had alluded to certain institutions which were in receipt of annual grants from public funds, and asked how it was that the Government did not claim to exercise control over the expenditure of these grants; but the hon. member, in order to render the analogy perfect, should have gone a little further and shown that the institutions which he referred to were, like the Law and Parliamentary Library, supported entirely out of public funds, and had been established by law. The hon. member's argument would then have had some weight.

MR. S. H. PARKER said one of the institutions he had referred to—the Queen's Plate—was entirely supported out of public funds. Another public institution, supported out of public funds, and, moreover, established by law, was the High School, but he had never yet heard that the Government claimed the right to be represented on the governing board of that institution in the proportion of two to one. Where, then, was the “precedent” and the “usual rule,” which His Excellency thought might “with great propriety” be preserved, in the case of the Law and Parliamentary Library?

The motion submitted by the Attorney General was then put, and the Committee divided, with the following result:—

Ayes 9

Noes 4

Majority for ... 5

AYES.

Lord Gifford
The Hon. M. Fraser
Mr. Burges
Mr. Hamersley
Mr. Higham
Mr. S. S. Parker
Mr. Stone
Mr. Venn
The Hon. A. C. Onslow
(Teller.)

NOES.

Mr. Brown
Mr. Burt
Mr. S. H. Parker
Mr. Steere (Teller.)

The Bill, as amended, was then reported.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then moved the following Address in Reply to His Excellency's Message on the subject: “That the House does adopt the amendment suggested by Your Excellency to be made in ‘An Act to amend the Law and Parliamentary Library Act, 1873.’”

The Address was agreed to.

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

LEGISLATIVE COUNCIL,

Wednesday, 14th September, 1881.

Message (No. 30) from His Excellency the Governor—
Kimberley Land Regulations—Sunday Trains—
Closure of Street in Busselton Bill: first reading—
Wines, Beer, and Spirit Sale Act, 1880, Amendment
Bill: motion for introduction—Extension of Tenure
of Pastoral Lands—Audit Bill: third reading—
Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

MESSAGE (No. 30): ESTIMATE OF LOAN EXPENDITURE IN CONNECTION WITH SECOND SECTION OF EASTERN RAILWAY.

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

“With reference to previous correspondence, the Governor forwards to Your Honorable Council a minute from the Director of Public Works, covering an approximate estimate of the expenditure of Loan money in connection with the second section of the Eastern Railway.

“The Governor concurs with the Director of Public Works that it is inexpedient to place before the public detailed estimates of the cost of Works proposed to be undertaken by Contract, and hopes that the Estimate now forwarded will supply the Council with all necessary information with regard to the expenditure on the next section of the line.

“The telegrams which the Governor received from the other Colonies, in reply to the inquiries which he caused to be made on the subject of the control there exercised by the Legislature over Loan expenditure, have already been laid before you.

“Government House, Perth, 14th September, 1881.”

KIMBERLEY LAND REGULATIONS.

MR. MARMION, in accordance with notice, moved, That the House do now resolve itself into a Committee of the whole, for the purpose of considering the following resolution:—

“That in the opinion of this Council it would materially hasten the settlement of the Kimberley District, and promote