

## LEGISLATIVE COUNCIL,

*Wednesday, 6th April, 1881.*

Rules under Supreme Court Act, 1880—Loan Bill:  
Reply to Governor's Message (No. 16): Bill com-  
mitted—Adjournment.

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

PRAYERS.

## RULES UNDER SUPREME COURT ACT, 1880.

MR. STONE, in accordance with notice, asked the Attorney General, "Whether the Rules required to be prepared under 'The Supreme Court Act, 1880,' had been so prepared; and if not, when they were likely to be so?" In asking the question, he simply wished to remind the hon. gentleman that the Act referred to would come into operation on the 1st August, 1881, and that it was very desirable that the members of the legal profession should be placed in possession of the Rules, which in reality formed the most important part of the Act, in order that they might make themselves acquainted with the mode of procedure under the Act before it came into operation.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in reply, said: "Now that His Honor the Chief Justice has returned from the other Colonies, these Rules will be proceeded with at once. They are not ready yet."

## LOAN BILL, 1881: REPLY TO GOVERNOR'S MESSAGE (No. 16).

MR. STEERE, without comment, moved, That the following Address be presented to His Excellency the Governor:—

"In reply to Your Excellency's Message No. 16, the Council would observe that it never contemplated any repudiation on the part of the Legislature of contracts entered into by the Government. Your Excellency rightly presumes that the Council intended, by means of the new clause introduced into the Loan Bill, to provide that no contracts should be entered into for the construction of any of the buildings connected with the railway, or in fact

"for anything other than the permanent way, until plans and estimates had been laid before the Legislature and a vote for the proposed expenditure had been taken.

"The Council does not anticipate that this limited control of the House over the expenditure of Loan monies would be accompanied by any of the inconvenient results which Your Excellency forecasts, and sees no reason to fear either that the action of the Government would be paralysed or that any public delay and inconvenience would be caused by a provision introduced into the Loan Bills of every other Colony of the group.

"On reference to the Statute Books of South Australia, Victoria, New South Wales, and Queensland, Your Excellency will find that estimates for the expenditure of Loan monies are annually submitted to the respective Legislatures of those Colonies for approval and confirmation; and the Council believes that their Works Departments have not suffered, consequently, from any other inconvenience than that which a wholesome check upon possible extravagance may very properly cause.

"The Council would respectfully submit that the proposed extension of the Eastern Railway is a work of a very simple character, and that estimates of whatever expenditure may be required other than for permanent way might be readily prepared at an early date, so that the necessary confirmation could be obtained long before actual disbursements had become necessary, while to meet small unforeseen requirements a vote for contingencies could be taken in the usual way.

"The Council, however, is most anxious to meet Your Excellency's views so far as it can do so consistently with the duty which it owes to those whom it represents, and, in view of Your Excellency's assurance that you will be prepared to co-operate with this Council for the purpose of securing to it, if possible, that control over Loan expenditure which it desires, begs to state that it is willing to amend the Loan Bill by omitting Clause 3, with a view to considering it hereafter in a separate measure.

"The Council would however observe, that in adding the section to the Loan Bill, it has merely followed the practice which it has ascertained is generally adopted elsewhere, of giving the Representatives of the People the same control over the expenditure of Loan monies as they have over ordinary revenue."

The resolution was adopted without discussion.

THE COLONIAL SECRETARY (Lord Gifford) then moved, That the House do now resolve itself into a Committee of the whole, to strike out the third section of the Bill, as agreed upon in the resolution.

This was carried, and the clause was expunged.

The House adjourned at a quarter to eight o'clock, p.m.

## LEGISLATIVE COUNCIL.

*Thursday, 7th April, 1881.*

### Prorogation.

THE SPEAKER took the Chair at noon.

PRAYERS.

### PROROGATION.

HIS EXCELLENCY THE GOVERNOR entered the Council Chamber shortly afterwards, and delivered the following Speech:—

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

"The business of the Session being now concluded, I am able to relieve you from further attendance in Council, and beg at the same time to inform you that I have assented, in Her Majesty's name, to the undermentioned Bills:—

"*An Act to make it lawful to close up a certain Street in the Town of Guildford.*

"*An Act to amend 'The Jury Act, 1871,' and 'The Jury Act (Amendment) 1880.'*

"*An Act to make further provision for the Management and Working of Railways.*

"*An Act to authorise the Extension of the Eastern Railway.*

"*An Act to amend 'The Auctioneers' Act, 1873.'*

"*An Act to impose certain Stamp Duties.*

"*An Act to enable the Police or Resident Magistrate of a District to issue a Certificate for a License to the Keeper of a Railway Refreshment Room in the District of such Police or Resident Magistrate at any time between any two Quarterly Licensing Meetings.*

"*An Act for raising the sum of One Hundred and Fifty Thousand Pounds by Loan for the construction of certain Public Works and for the repayment to the General Revenue of the Colony of the cost of constructing the Eucla Telegraph Line.*

"I have noticed with satisfaction the attention which you have bestowed on these important measures, and beg to assure you that no time shall be lost in continuing the important work of which you have authorised the extension.

"I am much obliged to you for removing from the Loan Bill the section which I felt a difficulty in assenting to without further inquiry and consideration. While the question of further legislation on the point alluded to is pending, I will take care that Your Honorable Council is consulted on all questions of Loan expenditure, so far as it may be possible to do so without delaying the works.

"I am rather afraid that the remarks in my opening speech, on the financial position of the Colony, have given rise in some quarters to the impression that the public accounts are in confusion, and that the deficit as shown by the statement which I have recently laid before you differs materially from the result which would have been disclosed had the accounts been made up for publication according to the method adopted on certain former occasions. Such impressions, if they exist, are erroneous. The discrepancy between the two statements, which is only about £142, is no proof that the new statement, based on the figures disclosed by the actual state of the accounts on the