

Legislative Assembly.

Friday, 9 August, 1889.

Official Assignees' Accounts—Stipendiary Magistrates—
Private Business—Applications for Mineral Land—Ann
Rouse's Conditional Purchase—Net-fishing in Port
Hacking Prohibition Act Amendment Bill—Parliamentary
Representatives Allowance Bill—Divorce Extension
Bill—Inland Water Conservation Bill (second
reading)—Fuel Bill (second reading).

Mr. SPEAKER took the chair.

OFFICIAL ASSIGNEES' ACCOUNTS.

Mr. FRANK SMITH asked the MINISTER OF JUSTICE,—Will he take steps to have proper monthly audits made of official assignees' books, to see if the accounts submitted by them to the court agree with such books?

Mr. GOULD answered,—The Bankruptcy Act provides in section 93, that the Judge in Bankruptcy may at any time direct an investigation to be made, by the Colonial Treasurer or registrar, of the books and vouchers of assignees or trustees; and I am informed that the accounts in question are now being audited by the registrar.

Mr. FRANK SMITH: My reason for asking the question is this: The accounts submitted by the official assignees to the court are in no way confirmed or checked by the Government. All that the officers of the Treasury have to do under the act is to inspect the books; they have nothing to do in the way of comparing the accounts submitted to the court with the books kept by the official assignees. That is the point upon which I desire to elicit information.

Mr. GOULD: I promise the hon. member that I will give the matter my attention, and see how far it is possible to fall in with his suggestion.

STIPENDIARY MAGISTRATES.

Mr. McCOURT: I desire, without notice, to ask the head of the Government if any of the Supreme Court judges have directed his attention to the action of any of the stipendiary magistrates in writing letters to the press? I understand that the judges are endeavouring to stifle the action of the stipendiary magistrates of Sydney in that respect.

Sir HENRY PARKES: I am inclined to think that it would be better to give

notice of a question of this kind. As far as I can gather from the hon. gentleman's question, he alludes to a circumstance of which he has a very imperfect knowledge; and I can give no information of a satisfactory character upon the precise question asked. If the hon. member will put his question in writing, I will give him the fullest answer I can.

PRIVATE BUSINESS.

Mr. MELVILLE: The Premier has promised to say what night he will be prepared to set apart for dealing with private business. It would be convenient to hon. members if they could have that information now, so that they may fix their business accordingly.

Sir HENRY PARKES: I will give some intimation on the subject at a later hour—perhaps after the refreshment hour. I am hardly in a position, without consultation with my colleagues, to make a definite statement now. I can only repeat that I shall be glad to afford hon. members the fullest opportunity of getting to any business which they may deem of pressing importance.

APPLICATIONS FOR MINERAL LAND.

Ordered (motion by Mr. J. P. ABBOTT):

That there be laid upon the table of this House, copies of all applications, either for mineral conditional purchase or for mineral lease, by Walter Sully, or any other persons, of portions Nos. 9 and 10, parish of Albert, Thackaringa, together with all correspondence, reports, and other documents relating to the same.

ANN ROUSE'S CONDITIONAL PURCHASE.

Ordered (on motion by Mr. CREER):

That there be laid upon the table of this House, copies of all papers, letters, minutes, evidence, and other correspondence in connection with Mrs. Ann Rouse's conditional purchase, parish of Kahibah, in the county of Northumberland.

NET-FISHING IN PORT HACKING PROHIBITION ACT AMENDMENT BILL.

Motion (Mr. FRANK FARNELL) agreed to:

That leave be given to bring in a bill to amend the 'Net-fishing in Port Hacking Prohibition Act of 1886' in certain respects.

PARLIAMENTARY REPRESENTATIVES' ALLOWANCE BILL.

Mr. MELVILLE: I see that the Colonial Secretary is not in his place; but I should like to ask a question which, in

that hon. gentleman's absence, perhaps the Colonial Treasurer will answer. I wish to ask when the Payment of Members Bill will be brought before the Legislative Council? I do not desire to hurry the matter; but I see that the bill has been postponed. It is only right that the Assembly should know when it will be considered.

Mr. McMILLAN: The Government are quite ready to have the matter dealt with at the earliest possible moment; but we cannot dictate to the other House as to the way in which they shall deal with the business that is brought before them. I believe that they want to get to a certain stage with the Land Bill before dealing with any other business.

Mr. MELVILLE: Will the Government give the House an assurance that when the Land Bill reaches a more advanced stage, they will have the Payment of Members Bill dealt with?

Mr. McMILLAN: Certainly, we will do all that we can.

DIVORCE EXTENSION BILL.

Motion (by Mr. LAKEMAN) proposed:

That the report be now adopted.

Mr. O'SULLIVAN: I am not disposed to stonewall a measure of this kind. I have done my duty in protesting against it. I look upon it as a dangerous measure, and I think that the results of it will be lamentable to the people of this country. I shall offer no further opposition to the bill. We must bow to the majority, and respect the will of the people.

Question resolved in the affirmative.

INLAND WATER CONSERVATION BILL.

SECOND READING.

Mr. LAKEMAN rose to move:

That this bill be now read the second time.

He said: I do not think that I need occupy time in telling the Committee what an important matter the conservation of water is. What I aim at is to protect dams across streams. I am not attempting to define what are called riparian rights. That is a matter which I leave the Government to deal with. I do not think that any private member should attempt to legislate upon such a large question. I merely want to protect dams across rivers

and creeks from being cut, as they often have been in the past, to the serious loss of those by whom they were constructed. Not only has great loss been caused by the construction of dams, but in some cases blood has almost been shed in the disputes which have taken place respecting the stoppage of the waters of rivers and creeks. According to the law of England, nobody has any right to interfere with a stream so as to prevent the flow of the water to his neighbours, and, as the English law is in force here, it is not safe for any one to erect dams, however beneficial they might be. The bill, if passed, would have the effect of protecting a large amount of property. On the Lachlan, three years ago, there was almost bloodshed in a dispute in reference to the cutting of a dam. I have received a letter signed by nearly every individual living on the river below Hillston, stating that they are all in favour of a measure of this kind being passed. The present Government and previous governments have always put us off with a promise that they were about to bring in a comprehensive measure. Last Parliament Mr. Secretary Abigail distinctly promised that if I would withdraw my bill, he would bring in a comprehensive measure covering exactly the same ground. I acceded to his request; but I need hardly say that we have not seen a comprehensive government measure yet. The present Minister asked me the other night at 11 o'clock to withdraw my bill as he was going to bring in a comprehensive measure; but we have not seen his measure yet. They say they have not time to deal with these comprehensive subjects; but because a panic has taken place they brought in a most important measure last night to be discussed, though not a fiftieth part so important as the Water Conservation Bill he proposes to bring in. My bill contains nothing to which exception can be taken, and if the Minister brings in a comprehensive measure after it is passed it can easily be repealed. It will not take long to put my bill through the House, as it is short, and I think hon. members will agree with me it is time that it was passed. I will now read the letter which was sent to me by nearly every holder of land on the Lachlan River and Manna Creek, which are particularly affected by the bill, which, however, may be applied

at any time by the Governor-in-Council to any river or stream in the colony :

We, the undersigned residents and land-owners on the Lachlan River (or interested therein), beg to urge upon you the very great importance of getting a bill passed through Parliament to enable us to legally construct dams on that river to conserve the water. We consider it would be of inestimable value to every one residing on or near the river, its bed being of such a nature, and so level, that if the water be not conserved by dams, immediately the river ceases to run the whole of the water runs away to waste ; but if we are allowed to put up dams there would always be a large enough supply for all stock, as well as converting the river into a secure natural boundary between the various runs which would prevent a lot of confusion by keeping the stock from mixing.

Trusting you will not lose sight of this, and use every effort to have such a bill passed.

I have also received the following letter from a landowner who did not sign the other letter, which I may mention contains fifteen or twenty signatures :

Having to depend on the Lachlan River for my supply of water, and taking into consideration the fact that in any ordinary season the river gets very low and boggy, and water very scarce, necessitating a large expenditure in constructing dams to conserve the water ; and as these dams, although actually of great advantage to settlers lower down—inasmuch as they block the water for miles in the river bed, preventing it from running away into the Murrumbidgee and being lost, and consequently causing the river to rise and run on the very smallest flood that comes down. Notwithstanding this, these dams are frequently cut and the water allowed to run away and waste and benefit no one.

In this drought stricken region where our existence depends on a supply of water, this is a state of things that urgently requires attention, and I write to request you to use your best endeavours to have the making of dams—constructed for the conservation of water—legalised, it being made a misdemeanour for any one to cut them.

If this can be done it will help greatly to diminish the severity of the frequent droughts we experience in these parts, and I feel sure in this action you will have the hearty support of all settlers on the Lachlan as well as that of the general public.

I think that the letters will demonstrate to hon. members the absolute necessity of preventing these large and expensive works from being cut away. I will not say any more on the general subject, because I feel sure that they will agree with my views. I will now proceed to explain the provisions of the bill. Clause 3 provides that any one or more proprietors or lessees of land having frontage to any river may construct and maintain a dam or dams,

And further, that

the same shall be registered with the Minister.

[*Mr. Lakeman.*]

So that the dam will have to have the approval of the Minister.

Mr. S. SMITH : It says nothing about approval there !

Mr. LAKEMAN : The Minister will have power to make regulations, and therefore the person who has to register the dam will have to get it approved by the Minister.

Mr. GOULD : Not at all. His approval is not required at all !

Mr. LAKEMAN : The bill was framed by the Parliamentary Draftsman, and in framing it care was taken to give the Minister entire control of these dams. It also requires that the Minister shall give his approval before a dam is erected, and gives him the power to condemn a dam if it is not erected in accordance with the legal requirements. Clause 9 gives the Governor power to make regulations, so that the whole administration of the measure will be in the hands of the Minister. I have not attempted to insert anything in it which will take the control out of his hands. Although this is a private bill, it deals with a matter which ought to be taken up by the Government. I have not attempted to define a water right. The measure simply provides that if a dam be erected, or is already erected, and has the approval of the Minister, it shall not be ruthlessly cut, as is very frequently done at the present time.

Question proposed.

Mr. WRIGHT : I hope the hon. member in charge of the bill will withdraw it. The measure is inherently bad, and would allow two or three squatters, by a succession of dams, to monopolise the whole of the water in the river in dry seasons. Any hon. member who reads this bill must see its dangerous character, and the very imperfect way in which it is drafted. A very much more comprehensive measure than this is required, and if the bill passes in this shape, it will be most disastrous.

Mr. HURLEY : I am prepared to give the hon. member for Balranald support to carry out the object he has in view. But it seems to me that in his speech he damned the bill from start to finish. However, if he attains his object in urging upon the Government the desirability of passing such a measure, he should feel satisfied. The Government should intro-

duce the comprehensive measure which has been promised so long. Piecemeal legislation of the character now before us cannot be of any benefit to the community. The hon. member admits himself that he knows nothing of the main principles of the bill, and that it has been drafted by some novice in the Parliamentary Draftsman's office. I understand that the Government have already prepared a comprehensive measure on this subject, and I do not see why it should not be introduced next week, so that we may consider its provisions during the recess. It is not the province of hon. members, in their private capacity, to introduce measures of a national character, such as this is. I believe thoroughly in the conservation of water, and the locking of the various rivers.

Mr. CRICK : I wish to submit as a question of order that this bill is outside the order of leave, which specifies that it is a measure for the conservation and storage of water in river channels. Section 6 imposes a penalty of £500 for the destruction of property. That is clearly outside the order of leave.

Mr. R. B. WILKINSON : It appears to me that if a bill is brought in to provide for the conservation of water and irrigation means must be provided for the protection of dams, and the only way to do so is to inflict a penalty. Therefore I contend that this provision is not outside the order of leave.

Mr. WALL : I think the point which the hon. member has taken must be fatal to the bill. It is quite true that it might be necessary to impose penalties, and it is also true that it might be necessary to appoint officers, making a charge upon the consolidated revenue fund ; but these provisions would not be justifiable unless covered by the order of leave which in this case does not contain the usual saving clause "and for other purposes."

Mr. SPEAKER : I think I must rule that the point taken is fatal to the bill inasmuch as there is no saving clause in the order of leave. It is not clear that in order to provide for the conservation of water there must be some system of penalties, and that being so, there must be a general saving clause to enable a bill to contain such provisions. That saving clause being

absent in this instance I must rule that the bill goes beyond the scope of the order of leave.

Order of the day discharged ; bill withdrawn.

FUEL BILL.

SECOND READING.

Mr. A. ALLEN rose to move :

That this bill be now read the second time.

He said : I think hon. members are by this time thoroughly acquainted with the provisions of the bill, which is introduced in the interests of honest vendors of wood and coal, as well as in the interests of the public. The wood and coal merchants of Sydney are asking for this measure. Two-thirds of them, in association, passed a resolution in favour of this bill. They found that as the law stands it is utterly impossible for an honest tradesman to compete with his dishonest fellows, and they ask for protection from the dishonest acts of wood and coal merchants in under-selling by means of light weight, or by selling that which does not represent the contract made with the purchaser. Hon. members are perhaps aware that in Sydney at the present time carts are going about loaded with wood, and having false bottoms, representing a very much smaller quantity to be a full ton. These and other devices are resorted to in order to delude the public, and to cheat the consumers of this material. They ask in this little measure for an extension of the law at present relating to the sale of coal. The promoters, the wood and coal merchants of Sydney, ask that the law may be extended to the sale of wood, and in asking this they are surely not asking too much ? I am so satisfied that every hon. member thoroughly understands the clauses of the bill that I feel it will not be necessary for me to occupy much time in pressing it upon the House. Its provisions are entirely in the interests of honest tradesmen.

Mr. CRICK : I rise to order. I observe that clause 6 of this bill provides for a penalty of £20, and that a penalty is also provided for in clause 4. Now, the order of leave is very specific. It restricts the provisions of the bill to the regulation of the sale and delivery of fuel. There is no saving clause, and I submit that the point which was fatal to the bill before the House just now must be also fatal to this bill.

Mr. SPEAKER: This bill stands in quite a different position from the last one. I have always considered that a bill should be ruled out of order as being beyond the order of leave when it took the House by surprise. The title of the bill which was last before the House was "A Bill for the Conservation and Storage of Water in River Channels," and it was quite possible to have a bill for that purpose which would not impose penalties at all. A bill might be passed simply to enable people to conserve and store water. The bill before the House now is an essentially different one, its title being "A Bill to Regulate the Sale and Delivery of Fuel." It is impossible that any one can be taken by surprise by a bill of that kind, having some clauses which would impose a penalty. I therefore cannot rule the bill out of order.

Mr. A. ALLEN: I hope that hon. members will carefully examine the bill, and endeavour to deal with it. I cannot see why it should be made a subject of ridicule. If the bill is not deserving of support let hon. members throw it out. I have brought it forward in good faith, and I ask hon. members to treat it fairly and make it as good a measure as possible. If we get into Committee on it perhaps hon. members will be able so to improve it as to make it of some service to the community.

Question resolved in the affirmative.

Bill read the second time.

In Committee:

Clause 3. This act shall, on its passing, be in force throughout the county of Cumberland. Provided that the Governor may, by proclamation in the *Gazette*, declare this act to be in force in any police district or portion thereof, or in any borough or municipal district in the colony. And upon the publication of any such proclamation the said act shall be in force accordingly pursuant to such proclamation.

Mr. CRICK said it was proposed that the act should be put into force in any police district by proclamation; but he thought it would be quite sufficient to put it in force in boroughs and municipal districts in the county of Cumberland. He moved:

That the words "in any police district or portion thereof," line 5, be omitted.

The amendment, if made, would restrict the operation of the provisions to municipalities and boroughs, and to the county of

[Mr. A. Allen.

Cumberland; but otherwise it would apply to an out-of-the-way place in the bush; and a person selling wood or coal 30 or 40 miles away from a township in a police district, which was often a large electoral district, would have to comply with the letter of the law.

Amendment agreed to.

Amendment (by Mr. GOULD) agreed to:

That the words "pursuant to such proclamation," line 9, be omitted.

Clause, as amended, agreed to.

Clause 4. All fuel sold from any vessel, vehicle, wharf, or place shall be sold by weight, and not by measure or count. And every person who shall sell any fuel contrary to this section shall be liable to a penalty not less than *forty* shillings nor exceeding *ten* pounds. Provided always that nothing in this section contained shall apply to any sale of fuel otherwise than by weight, if such sale shall have been mutually agreed upon by buyer and seller prior to the delivery thereof.

Mr. McRAE said that if the word "not" were retained in the phrase, "and not by measure or count," it would destroy the livelihood of several hundred persons who were engaged in carting bundle-wood into the city.

Mr. MOLESWORTH: The proviso makes it optional for a person to buy fuel by weight or bulk!

Mr. McRAE said that could only be done when there was a mutual agreement between the buyer and seller. He moved:

That the word "not," line 2, be omitted.

Mr. T. WALKER said that the hon. member in charge of the bill would do well to accept the amendment, and get rid of a knotty difficulty.

Mr. McRAE was confident that there was not so much dishonesty in the matter of short weight as the hon. member in charge of the bill had stated, because there was too much competition in the wood and coal trade to admit of anything of the kind. It was a reflection on honest tradesmen to make such a statement. He strongly objected to this legislation, because it increased the cost of government; it was retrogressive legislation. A good deal had been said about the question of short weight; but had not the corporations provided weighbridges for the convenience of any persons who imagined that they had a grievance in this respect? It was a preposterous bill; it caused the waste of valuable time. The curse of the country had been too much legislation;

and if this bill were passed it would create billets for loafers who were going about the town. He would adhere to his amendment, as he did not wish to see the livelihood of several hundred persons done away with.

Mr. J. P. ABBOTT thought the Committee would do well to negative the clause altogether. It appeared to him that if it were passed into law, it would entail extreme hardship upon many men who sold wood in the suburbs, as well as upon those who sold fuel in country towns. There was not simply a regulation making them sell wood by weight, and not by measure or count, but another clause provided that the vendors should carry about with them a weighing-machine.

Mr. A. ALLEN : They do at present !

Mr. J. P. ABBOTT : Not for wood.

Mr. A. ALLEN : For coal !

Mr. J. P. ABBOTT said that they were supposed to do so, but they never did it. If they had to carry a weighing-machine for wood, they would require two carts, one to carry the fuel, and the other to carry the weighing-machine.

Mr. TRAILL said that there were modern inventions for weighing only a few pounds which would weigh up to a ton—spring weighing-machines, and these would not require a special cart to carry them.

Mr. T. WALKER could not see how a spring weighing-machine only a few pounds in weight would weigh a ton of wood. To his mind, the clause as it stood was in infringement upon the liberty of the subject. It prevented fuel being sold except by weight.

Mr. A. ALLEN : The law does that now !

Mr. T. WALKER asked what was the good of another law ?

Mr. A. ALLEN : The present law is for coal ; we want to apply it to wood !

Mr. T. WALKER said that the hon. member for Paddington was suffering from that dangerous disease which Herbert Spencer called a desire for over-legislation. He advised him to omit the clause.

Mr. LEES said that it seemed to him that the weakness of the clause was the contradictoriness of its provisions. Who was to say what was a mutual agreement ? The clause provided in one place that all fuel should be sold by weight, and in another place that this was to be a question of mutual agreement.

The CHAIRMAN : The question under the consideration of the Committee is the omission of the word "not." Will the hon. member kindly address himself to the question ?

Mr. LEES said that his arguments led up to the amendment. If the amendment were carried the clause was useless, and might just as well be left out of the bill. How would the hon. member deal with men who sold wood by the forest, by the truck load, or by the cargo ? It seemed to him that if we carried the bill as it was it would cause a good deal of trouble to those who sold wood.

Mr. COPLAND considered the bill as nothing more nor less than a restriction of trade ; and he held that, instead of restricting people in this respect, we should assist them. If people who sold wood had to carry a weighing-machine with them, they would be unable to carry on their trade. The clause would also prevent people from buying timber in such a way as would suit their own convenience.

Mr. CRICK thought that it would be very pleasant after a hard week's work to have a little relaxation ; but he considered this a very important measure. He had been robbed more in this way than in any other. Let hon. members go to Redfern and buy a truckload of coal, properly weighed according to the freight paid to the Government, and then buy a similar quantity from a wood and coal merchant, and they would find that the truckload would be double the quantity supplied by the wood and coal merchant. The coal merchant's weight was generally 12 cwt. to the ton. If ever a bill was wanted it was this ; and although it provided that weighing-machines were to be carried to weigh the coal, that would not inflict the hardships mentioned by the hon. member for Wentworth. He thought men should be imprisoned for selling short weight, because if a man guaranteed to sell you a ton of coal, and sent only 12 cwt., he was guilty of obtaining money under false pretences. He thought the hon. member for Morpeth was serious when he moved his amendment ; but the hon. member evidently did not understand what it meant. In the most ingenious way he was killing the bill ; and if the Committee accepted the amendment suggested by the hon. member for posterity —

Mr. J. P. ABBOTT rose to order. Had the hon. member for West Macquarie any right to address the hon. member for Morpeth as the hon. member for posterity? He had no doubt that the hon. member would make a name for himself which would be handed down to posterity; but had the hon. member for West Macquarie any right to bestow that epithet upon him?

The CHAIRMAN: The hon. member for West Macquarie was certainly disorderly in applying such a term to the hon. member for Morpeth.

Mr. CRICK withdrew the term. He was so used to hearing the hon. member for Morpeth spoken of as the hon. member for posterity that the words slipped out without his intending that they should.

Mr. McRAE said the statement of the hon. member for West Macquarie was not founded on fact. He was not usually called "posterity," and he considered it presumption on the part of the hon. member for West Macquarie to endeavour to appear as an authority—a mere stripling, an adventurer.

The CHAIRMAN: The hon. member must withdraw the term "adventurer." The words used by him are as offensive to the hon. member for West Macquarie as the words used by the hon. member for West Macquarie were to the hon. member.

Mr. McRAE: I withdraw the word "adventurer," but I wished —

The CHAIRMAN: The hon. member must also apologise.

Mr. HURLEY said that the hon. member should have said "sapling" instead of "stripling!"

Mr. CRICK asked that the hon. member for Hartley should be called upon to withdraw his remark, as it was offensive to him.

Mr. HURLEY withdrew the word "sapling." There was no sap in the hon. member!

The CHAIRMAN: The hon. member for Morpeth has not yet apologised.

Mr. McRAE said he had withdrawn the words. For what was he to apologise?

The CHAIRMAN: I appeal to the hon. member's good sense, and ask him to withdraw the word. As a gentleman I need not tell him how to apologise!

Mr. McRAE said "adventurous." If the Chair would inform him that it was

his duty to apologise for making use of that expression, he would do so; but he wanted the Chairman's ruling on that point first.

The CHAIRMAN: The hon. member has already been adjudged by the Chair guilty of using an offensive term, which was stated at the time, and was not denied. The Chairman cannot now accept a statement that that was not the term used, as the time for making that statement was when the Chair took exception. I hope the hon. member will pursue the proper course, and allow matters to proceed.

Mr. McRAE would apologise to the House.

Mr. CRICK said when he was interrupted by the hon. member for Morpeth, he was pointing out —

Mr. DIBBS pointed out that the hon. member for West Macquarie, who had made the first offensive remark to the hon. member for Morpeth, had not apologised, whereas the hon. member for Morpeth had been made to apologise.

The CHAIRMAN: If my memory serves me correctly, the hon. member for West Macquarie has withdrawn the expression. If he has not done so, I appeal to him as a gentleman to do so at once. I do not think that hon. members come here for the purpose of making the proceedings what they are now beginning to assume the appearance of—a farce.

Mr. CRICK certainly had withdrawn the expression; but would do so again, and apologise to the House. He was pointing out that ample provision existed in the law for dealing with large quantities, and no hardship could arise with regard to that. People did not suffer so much from fraud with regard to large quantities as in the case of small quantities. That was what this bill was brought in to deal with.

Mr. JOSEPH ABBOTT said that an important point had not been touched, and that was with respect to wood sold in bundles, which was generally brought to town by poor men who could not afford to buy scales to carry about with them. It would be a great hardship if they were compelled to carry scales, and, as a matter of fact, they did not sell their wood by weight, but by measure. If clause 6 were struck out, all the protection that the public needed would be got in clause 7,

[Mr. Crick.

where it was made compulsory to weigh coal. Most of the fraud pointed out by the hon. member for West Macquarie occurred in connection with the cribbing of coal, and in connection with wood cut by machinery, and the clause might be altered to apply to such wood. He had a great objection to putting all those restrictions on trade.

Mr. BRUCE SMITH thought the clause would be absolutely useless for this reason: It provided that if a sale was made it must be by weight, and not by measure or count. It then went on to provide a penalty in the event of any sale except by weight. Then there was a proviso that if the parties had mutually agreed they could do just what they liked. In order to obtain a conviction under the first part of the clause it would be necessary to prove that a sale had been effected. Hon. members knew that in order to prove a sale it was necessary to prove that there was mutuality, as lawyers said, of terms. That was to say, it was not a sale unless the buyer and seller had agreed upon the terms. But directly a sale was proved—that was mutuality—the terms of the proviso came in, and said that the parties could do what they liked; so that the case would fall to the ground at once. The whole clause was a farce, as framed. What he apprehended the hon. member meant was this: Dealers in coal in the suburbs got an order for a ton of coal, and instead of weighing it they measured it out in buckets or something of that kind in accordance with the custom of the trade. What the hon. member desired was to compel those people to weigh the ton of coal and deliver a ton.

Mr. DIBBS: That is the law now!

Mr. BRUCE SMITH: That was true; when a man undertook to sell a ton of coal he must sell a ton, and if he did not do so he could be sued directly for breach of contract, or if he took the money he could, if very carefully prosecuted, be shown to have obtained money by false pretences. The object of the hon. member could be effected by altering the clause in this way: "That all fuel delivered from any vessel, vehicle, wharf, or place, in pursuance of any sale shall be measured by weight upon scales." He would leave it to the hon. member to determine what he would do with the clause.

Mr. DIBBS said that the object seemed to be to get the seller of coal to weigh it at the door of the buyer—that was really the law at present; but the hon. member for Paddington wanted to apply the same thing for wood. If the hon. member wished to do any public good he should introduce a bill of one clause, making the law which applied to coal also applicable to wood. The first part of the clause said that fuel should be weighed, and the second part said that parties might do as they pleased. If the consumers were too lazy to demand the exercise of the present law, they were hardly likely to pay attention to the provisions of this bill. There was an enormous coal traffic direct from the vessels. For instance, a man might desire to purchase a couple of tons for a steam launch. How was that to be weighed? A collier with 1,000 tons of coal would have to have a pair of scales at her gangway. The handling coal added about 2s. a ton to its cost. Coal was at present sold to the satisfaction of all parties. Two or three baskets were weighed, and their weight was taken as the average of the lot. Every time coal was handled, so much was put on to its cost per ton. We were over-legislating—interfering too much with the liberty of the subject; and if persons were too careless to demand their rights under the present law, they should be allowed to suffer injustice. If the hon. member for Paddington, Mr. A. Allen, wanted a monument erected to his memory in wood and coal, he would cause a placard to be published, informing the old women of Paddington that if they desired it they could, under the present law, demand that their coal should be weighed at their doors. Nine-tenths of the coal in consumption was sold by basket, and its weight was so nicely calculated, that in 500 tons there would not be more than 2 or 3 tons out. The weighing of wood would be attended with considerable difficulty, and would add to its cost to the consumer. The amendment of the hon. member for Morpeth was a very necessary one; but he thought the Committee would do well to omit the whole clause.

Mr. A. ALLEN said that although the last speaker might know a great deal about coal, the wood and coal merchants knew a great deal more about it than he did, by reason of their enormous trade

with small consumers. There was no greater interference with the liberty of the subject in this bill than existed in regard to the sale of bread and other commodities. All that was asked was that the honest tradesman might be compelled to give the consumer honest weight. Hon. members seemed to overlook the fact that at the present time scales had to be carried in the carts delivering coal. There could be no harm in asking the vendor to send out scales with wood. The only hardship to the consumer would be that he would receive the quantity of wood for which he paid. With regard to the class of vendors of wood referred to by the hon. member for Newtown (Mr. Joseph Abbott), there would be nothing to prevent persons from purchasing wood other than by weight if they desired to do so. As to the mutuality of terms referred to by the Secretary for Public Works, there could be an agreement to purchase either by weight or by measurement. If a purchaser asked that the fuel might be supplied to him by the ton weight the vendor would be compelled to supply a ton, and if he failed to supply it he would be liable to a fine. Very much more ambiguous clauses had been recently passed in another bill, and there was no need for the Committee to stick at a clause of this nature.

Mr. GOULD presumed the hon. member in charge of the bill did not want to see passed a clause which could not possibly have any effect. It would be in its present terms absolutely nugatory. As the Secretary for Public Works had pointed out, while the clause provided that fuel should be sold by weight, it contained in its latter portion a provision which would completely defeat the intention of the bill. He had conferred with the hon. and learned gentleman and had drawn up amendments which he thought would meet the case, and which he would move if the amendment now before the Committee were withdrawn.

Mr. McRAE thought the whole bill an absurdity, and should refuse to withdraw his amendment.

The CHAIRMAN: Do I understand that the hon. member refuses to withdraw his amendment?

Mr. McRAE: Yes.

The CHAIRMAN: Under the circumstances the Chair will exercise its right to

[Mr. A. Allen.

lay aside the amendment of the hon. member, and accept the amendment of the hon. member for Singleton.

Mr. GOULD wished to move an amendment the effect of which would be to cause the fuel to be sold by weight, and at the same time to allow any agreement to be made for the delivery of fuel by measure or by counting. He moved:

That the word "sold," lines 1 and 2, be omitted with the view to insert in lieu thereof the word "delivered" and the word "measured."

Mr. T. WALKER said that the terms of the clause were contradictory, and they would not be improved by the amendment which the Minister of Justice had proposed. If a person had power to make his own arrangements as to how he should buy coal, what was the use of providing that it should be compulsory on every dealer in fuel to sell by weight? The proviso nullified the first part of the clause.

Mr. O'SULLIVAN said that the amendment would not make the matter very clear. How were people to know by what weight fuel was to be sold? There was troy weight and avoirdupois weight. It was not possible to weigh fuel in all cases. Gas was fuel, and how could that be weighed?

Mr. ABIGAIL was surprised at the opposition that was offered to this bill, which was brought in for the protection of the poorer classes of the community. It had been pointed out in the public press for some time past that there was great necessity for the passing of a bill of this kind. He was certain that it was a common thing to sell 12 cwt. and 15 cwt. of wood for a ton. That was afterwards distributed in quarters of tons, and the poorer classes did not get what they paid for. He hoped that hon. members would endeavour to pass the bill.

Mr. McRAE did not agree with the remarks of the last speaker, because wealthy people bought coal by the ton, and half-ton, while poor people bought their fuel by the bundle or billet. It would ruin those persons who sold wood by the bundle if they were compelled to weigh it, and, notwithstanding the statement of the hon. member for West Sydney about the robbery which was going on, he contended that there were as honorable persons in the wood and coal business as in any other business. The bill had been a laughing-

stock in the country for several years, and in his opinion the clause was not required.

Mr. T. WALKER was afraid that the insertion of the word "delivered" after the word "fuel" would give rise to some difficulty.

Mr. BRUCE SMITH said that the hon. member was anxious to provide for cases in which the public bought coal or wood by weight, but was not weighed to them. If the clause were amended as the Minister of Justice suggested, it would read as follows :—

All fuel delivered from any vessel, vehicle, wharf, or place in pursuance of any sale shall be measured by weight. And every person who shall deliver any fuel contrary to this section shall be liable to a penalty not less than *forty* shillings, nor exceeding *ten* pounds. Provided always that nothing in this section contained shall apply to any delivery of fuel otherwise than by weight, if such mode of delivery shall have been expressly or impliedly agreed upon by buyer and seller prior to such delivery.

There was an act which provided that a man selling coal should carry a scales under his cart; but there was no such provision in respect to wood; and the hon. member desired to remedy that defect in the law. The proviso which his colleague suggested was absolutely necessary, as he knew from experience that millions of tons of coal were sold by the whole cargo. Every mine, when it had loaded a ship, handed to the captain a pit certificate, in which was guaranteed the quantity of coal which had been put into the ship out of the trucks. The pit certificate was passed on to the importer, who saw that the coal corresponded in weight with that on the certificate. The coal, however, was not taken out of the ship and weighed by the basket; but the first five baskets of the cargo were weighed to see what they averaged, and the baskets were counted by a tallyman who stood at the bulwark, and in this way a general check was taken on the tonnage set forth in the pit certificate. It would be utterly impossible to check the discharge of a cargo of coal if every basket had to be weighed. The proviso would cover cases of that kind. He would explain the object of using the words "expressly or impliedly" in the proviso. Suppose he had dealings with a man for six months or twelve months, and that man had been in the habit of delivering fuel to him on a certain principle—either by the basket or the scuttle, or the barrow-load—if he went

to him for a ton, and no mention were made of any departure from the ordinary practice, there was what the law called an implied agreement that it should be delivered in the old way. The clause did not provide that you could deliver how you liked, so long as there was an implied or express contract between the buyer and seller; but it would cover cases where a man bought a ton of coal and failed to weigh it, as he was bound to do now, with a scale.

Mr. McRAE: He can weigh it on a weighbridge!

Mr. BRUCE SMITH said that the hon. member was too old a soldier to suppose that a weighbridge ticket was a conclusive guarantee of the weight. He had known hundreds of cases where a carter, after getting his weighbridge ticket, had gone home and delivered a quarter of a ton at his own house, and then delivered the remainder to the customer, handing him the weighbridge ticket. He had known cases too in which nearly a hundred weight of a load of hay consisted of stones thrown into the trusses. He was not in favour of the bill as a whole, because he thought it was goody-goody legislation. He thought it was protecting the 30,000,000 of persons whom Carlyle said were mostly fools. If the public were not alive to their own interests in the details of life, he thought that the sooner they were taught by experience the better. We all had to learn those things, and it was better that we should learn them by experience than be coddled up by legislation. However, if a similar bill had been passed with regard to coal, the principle might be extended to wood.

Mr. CRICK: It is the law of England!

Mr. BRUCE SMITH said that England had a great deal of paternal legislation. If the bill were to pass, the amendment proposed by the Minister of Justice would have the effect of making the clause water-tight.

Mr. McRAE was opposed to the amendment because he did not think that it was the function of the House to interfere with people in business. Any person buying a ton of coal at the present time could protect his interest by engaging an honest drayman, and having the load weighed on a weighbridge. He had never done anything in the wood and coal trade;

but he had heard it said that wood and coal merchants were in the habit of giving only 13 or 15 cwt. to the ton.

Mr. ABIGAIL : Give us your experience in dealing with hay !

Mr. McRAE said that hay was an article that diminished in weight —

Mr. CRICK asked if the hon. member were now discussing the amendment before the Committee ?

The CHAIRMAN : I must appeal to the hon. member to discuss the amendment before the Chair. Explanation has been offered by courtesy as to what effect the amendment will have. The hon. member will have an opportunity to discuss the whole clause after the amendment has been dealt with.

Mr. McRAE said that he was entirely opposed to the amendment proposed by the Minister of Justice and to the whole clause. He thought it preposterous for the Committee to interfere with the relations between buyer and seller.

The CHAIRMAN : I must appeal to the hon. member to discuss the amendment before the Committee.

Mr. McRAE said that he was discussing the amendment.

The CHAIRMAN : That may be the impression of the hon. member ; but the Chair fails to see that his arguments have anything to do with it.

Mr. McRAE said that the clause dealt with the way in which fuel should be bought and sold, and that was exactly —

The CHAIRMAN : The amendment before the Committee is the omission of the word "sold" in the first line of the clause with a view to the insertion of the word "delivered," and the discussion must be confined to the omission and insertion of those words, and the words preceding them. A discussion upon the clause as a whole is not in order at the present stage.

Mr. McRAE objected to the insertion of the word "delivered." He thought the vendors of fuel should be allowed to deliver it as they thought proper, without any interference by the law. He gave the statements which had been made, especially by the mover of the bill, in reference to the practice of delivering a short weight of fuel when it was sold by the ton, a flat contradiction. In all communities you would find dishonest tradesmen ; but that was no reason —

[Mr. McRae.

The CHAIRMAN : I am very much afraid that if the hon. member persists in disregarding the repeated warnings of the Chair, I shall have to perform a very unpleasant duty which I do not wish to perform.

Amendment agreed to.

Amendment (by Mr. GOULD) agreed to :

That after the word "place," in line 2, the following words be inserted :—"in pursuance of any sale."

Amendment (by Mr. GOULD) proposed :

That the word "sold," line 2, be omitted with a view to the insertion of the word "measured."

Mr. LEES asked if the word "measured" would include every method of disposing of fuel ?

Mr. GOULD : Measured by weight !

Mr. LEES asked what was to be done with coke ? Was that to be measured by weight ? If so, it was another step in the way of making the measure impracticable.

Mr. GOULD wished to remind the hon. member that the interpretation clause said

the expression "fuel" includes coal, coke, breeze, and firewood,

so that undoubtedly, as the clause stood, coke would have to be sold by weight, unless there was an agreement between the parties to sell it by measurement.

Mr. WADDELL suggested that the word "computed" should be substituted for "measured."

Mr. GOULD said that "compute" implied calculation. He thought "measured" the proper word.

Amendment agreed to.

Amendment (by Mr. GOULD) proposed :

That the following words, line 2 :—"and not by measure or count" be omitted.

Mr. T. WALKER submitted that if these words were omitted a great injustice would be done to those very people for whom the bill was intended, namely, the small buyers. Hon. members knew that wood-carters went round and sold wood by the piece and by count.

Mr. BRUCE SMITH pointed out that would be provided for by the amendment which was to be made in the proviso.

Amendment agreed to.

Amendments (by Mr. GOULD) agreed to :

That the word "sell," line 4, be omitted with a view to insert "delivery."

That the word "sale," line 8, be omitted with the view to insert the word "delivery."

That the words "such sale shall have been mutually," line 9, be omitted with the view to insert the words "the buyer and seller shall have expressly or impliedly otherwise."

That the following words, line 9, be omitted :—"upon by buyer or seller."

Mr. McRAE thought this clause might be the means of inflicting a great hardship upon the vendor of coal, who might have a dishonest drayman in his employ. Suppose a drayman appropriated a portion of the coal in his charge and delivered the balance to the purchaser, that purchaser would have a ground of action against the vendor. [*Committee counted.*]

Clause, as amended, agreed to.

Clause 5. Every person who, with intent to defraud, shall sell any kind or description of coal as and for coal of a superior kind or description (the kind or description being in 5 such case one commonly known with the trade); and every person who, in the like intent, shall sell, or offer for sale, wet coal of any kind or description whatsoever, shall for every such offence incur a penalty of *ten* pounds per ton 10 for every ton of coal so offered or sold, and a proportionate penalty for any smaller quantity than a ton. And in any proceedings under this section, the fact that any coal so offered or sold was wet, at the time of offering or 15 selling, shall be *prima facie* proof of an intent to defraud.

Mr. JOSEPH ABBOTT thought the clause would read more intelligibly if the word "inferior" were inserted after the word "any," line 2.

Mr. CREER thought this was a most absurd clause upon the face of it. Any one who had any knowledge of the way in which coal was shipped would know that there was frequently a mixed cargo. Vessels could not always get a full cargo of one class of coal, and they therefore filled up with other coal, which might be of a superior or of an inferior kind to that already in the hold. Besides, many persons would not be able to distinguish between Newcastle and Bulli coal. He took it that the main object of the bill was to protect poor persons who purchased small quantities of fuel—to ensure their getting 1 cwt. instead of, say, 80 lb., and if this were really the hon. member's object he could not see any necessity for this clause.

Mr. McRAE considered the clause a most pernicious one. It was a clause which would enable designing men to injure honest men of business. He thought that the best course for him would be to

spoil the clause, and then we might get rid of it. He moved :

That the following words be omitted from the clause :—"and every person who, with the like intent, shall sell, or offer for sale, wet coal of any kind or description whatsoever, shall for every such offence incur a penalty of *ten* pounds per ton for every ton of coal so offered or sold, and a proportionate penalty for any smaller quantity than a ton. And in any proceedings under this section, the fact that any coal so offered or sold was wet, at the time of offering or selling, shall be *prima facie* proof of an intent to defraud."

Mr. GOULD did not think that an hon. member who moved an amendment for the avowed object of "spoiling" a clause, was deserving of much support. He was afraid that if the amendment were put it would prevent him from moving an amendment which he thought necessary. He desired to omit some of the words which the hon. member for Morpeth proposed to omit; but if the hon. member's amendment was negatived, he would be precluded from doing so. He wished to omit the words :

And in any proceedings under this section, the fact that any coal so offered, or sold, was wet at the time of offering or selling, shall be *prima facie* proof of an intent to defraud.

The CHAIRMAN : I shall put the amendment of the hon. member for Morpeth in such a way that it will not prevent the hon. member for Patrick's Plains from proposing his amendment. It is proposed: That all the words, from the word "and," line 6, to the word "ton," line 12, be omitted.

Mr. T. WALKER thought that the hon. member for Morpeth had been unfairly censured by the Minister of Justice.

The CHAIRMAN : I must ask the hon. member to confine his remarks to the question before the Committee, and not to discuss whether an hon. member has been fairly or unfairly treated.

Mr. T. WALKER imagined that he was entitled to take notice of any arguments which had been used in regard to the clause.

The CHAIRMAN : The hon. member is not entitled to make such remarks as he was making, inasmuch as the Chair has expressed an opinion that it is not in order.

Mr. T. WALKER took it that the opinion of the Chair could not overrule his rights to refer to what had already

been said. The Minister of Justice, in moving the amendment, accused the hon. member for Morpeth with endeavouring to spoil the clause.

Mr. BRUCE SMITH: No, the hon. member for Morpeth said so himself!

The CHAIRMAN: I must appeal to the hon. member to cease that line of argument, or else I shall have to appeal to the Committee to sustain my opinion.

Mr. T. WALKER said that he should be very sorry to enter into any disputation with the Chair on the subject; but at the same time he was bound to defend an hon. member who, he believed, had no other intention but to improve the bill. The hon. member's idea, he understood, was that the whole of the clause ought to be omitted.

The CHAIRMAN: I must appeal to the Committee to support the Chair in confining the debate to the effect of the clause, and not to the effect of an hon. member's action.

Mr. T. WALKER said that, though it was a matter of small moment, he was not going to lose his liberties for either the Chairman or any other hon. member—he would uphold his rights as a member.

The CHAIRMAN: I must ask the hon. member to discuss the question before the Committee, in which there is nothing which affects his rights.

Mr. T. WALKER did not see how he could discuss that matter if he were not permitted to take any notice of previous arguments.

Mr. ABIGAIL submitted that if the hon. member decided to appeal against the opinion of the Chair—and about the correctness of the decision there could be no doubt—he should take the ordinary course.

Mr. T. WALKER submitted that in discussing the omission of the words it was in order to show that they would not invalidate the clause. He could not see why the clause should be passed, and as a further amendment he would move that the clause be omitted.

The CHAIRMAN: The hon. member can vote against the clause and secure its omission in that way, but according to rule of Parliament no such amendment can be put from the Chair.

Mr. McRAE said that his object in discussing the measure was to benefit the country. He desired to eliminate the whole of the clause for the benefit of the

persons who were engaged in this particular trade, and he presumed that he had a perfect right to speak in that direction. He held that the clause would prove a great hardship to those persons. It was not right to put it in the power of the purchaser of $\frac{1}{4}$ or $\frac{1}{2}$ ton of coal to fine a tradesman £10, because the coal was delivered wet, for it might become wet immediately after it was delivered.

Mr. A. ALLEN desired to explain that he intended to accept an amendment which the Minister of Justice was going to move with reference to the delivery of wet coal.

Mr. McRAE hoped that the Minister of Justice would withdraw the reference he had made, because his intention in proposing the omission of the words was to protect the persons engaged in this particular trade.

Mr. A. ALLEN: The hon. member's own words were, "My object is to spoil the clause."

Mr. McRAE said that he did not intend to convey that meaning; but that his object was to protect *bonâ fide* tradesmen.

Mr. A. ALLEN: That is the object of the bill!

Mr. McRAE said the effect of the clause would be to place it within the power of designing persons to oppress honest tradesmen, and he did not think that ought to be allowed. He hoped the hon. member would support him in his endeavour to eliminate that portion of the clause, which, if it were passed, would be a disgrace to the Committee. The Committee should read the clause carefully, and view the matter in all its aspects. He was certain that if the clause were passed it would not be to the interest of the consumers of fuel, or those who were legitimately engaged in the fuel trade.

Mr. WHEELER hoped the Committee would pause before passing the clause. He spoke as one who had had experience of the coal trade for a period of twenty-two or twenty-three years, when he said that the clause could serve no useful purpose. It made it possible to bring a criminal charge against a retail dealer in fuel if he attempted to sell a description of coal other than that mentioned in the bill. The coal companies had among them a system of exchange, and various kinds of coal, such as Stockton, Wallsend, and Australian Agricultural coal were all sold under

[Mr. T. Walker.]

the same pit certificate. A person might, under this system, buy coal believing it to be of a particular description—perhaps Wallsend, and place it in his yard to be retailed as Wallsend coal, and for doing that he could be prosecuted, supposing that the clause were passed.

AN HON. MEMBER: The bill only deals with cases where there is an intention to defraud!

MR. WHEELER asked what there was to protect the dealer, when only an expert could tell the difference between the various descriptions of coal?

MR. BRUCE SMITH: And not always an expert!

MR. WHEELER said that an expert was not always able to tell the difference between the various descriptions of northern coal, although it was possible to distinguish between northern and southern coal. The best gas producing coal, Stockton coal, was always sold wet, and no process could dry it. It was also necessary to sell slack coal wet, as otherwise it would be of no use to the blacksmith who bought it. Again, coal was stacked in open yards, and exposed to the weather; but the bill would compel every coal merchant to keep his coal under cover, and that would increase the cost to the consumer. He intended to vote for the amendment, and afterwards for the elimination of the clause, because he thought it would not serve any good purpose.

MR. CRICK said that there seemed an apprehension that a great deal of danger and difficulty would arise if the clause were passed; but a similar provision had been the law of the land ever since the year 1845, and he did not think hon. members could mention an instance in which a person had been unfairly convicted under that act.

MR. BRUCE SMITH: The act is so ungrammatical that no one can prosecute under it!

MR. CRICK undertook to say that the hon. member was not aware of the existence of the act before this evening.

MR. BRUCE SMITH: The hon. member had never heard of it until it was shown to him by the hon. member in charge of the bill!

MR. CRICK thought he knew as much about it as the Secretary for Public Works

did. The act he referred to was the act 9 Victoria, No. 8, and it provided

that if any seller or sellers of or dealer or dealers in coal shall knowingly sell one sort of coal for and as a sort which they really are not or knowingly sell wet coal with the view of fraudulently increasing its weight within the said port of Sydney or at any place —

The clause in the bill before the Committee was better worded than that which he had read, but it was in other respects similar; yet there had been no complaint about the act of 1845. Perhaps the persons who were opposing the clause were interested in fraudulently selling coal. As the same principle had been the law since 1845, he saw no harm in allowing it to remain so, and he would vote for the clause.

MR. BRUCE SMITH, with the very best intentions towards the bill, for which he was sure the hon. member for Paddington would give him credit, thought that the clause was a very dangerous one, and he thought that any one who had a knowledge of the coal business would say, that no matter how long the provision had been law it would be very dangerous to perpetuate it. The clause before the Committee dealt first with the quality of the coal and, secondly, with its being wet. With regard to the quality of coal, it was sought to provide that if a man undertook to sell one quality of coal and delivered another, and perhaps inferior, quality, he would be liable to prosecution. He ventured to say, after a great deal of experience, that it was impossible to keep the various qualities of coal separated. A ship might go to Newcastle wishing to fill up with 1,000 tons of coal. She might go to one crane, but the captain finding that he could only get 200 or 300 tons of coal there might take that and then move on to another crane. There he might get 150 tons and then move on again, so that when the ship arrived at her port of destination she might have four or five different qualities of coal; Wallsend, Co-operative, Australian Agricultural, Greta, and some other kind, on board. This coal would be sold to the different coal merchants, and under the bill they would be liable to prosecution if they sold it as coming from any one of these collieries.

AN HON. MEMBER: Only if there was an attempt to defraud!

Mr. BRUCE SMITH said that the hon. member knew that if he were trying to sell coal of which he had to give the history of every hundredweight he would either have to give it no name or else not sell it at all. The clause would impose upon every coal dealer the obligation of learning the history of every hundredweight of coal which he sold when it might have passed through half a dozen hands before it came to him. Although the clause was framed with the best intentions it was impracticable. With regard to wet coal, it often happened that a shower of rain while a train was running from the pit mouth to the ship at Newcastle would add 20 or 30 tons to the weight of the whole cargo of the ship. When it reached its destination it was sold by the coal merchant to the retailer in a wet condition, and unless the dealer stated that it was wet coal he would be liable to be prosecuted by people who would take the risk of showing an intention to defraud.

AN HON. MEMBER : That is the law at present !

Mr. BRUCE SMITH admitted that that was the case ; but the section was so badly worded that it would not be possible to carry on a prosecution under it. The hon. member had done some good in calling attention to that section, which ought to be repealed. He would be glad to assist the hon. member for Paddington in his good intentions with regard to this bill, but the clause was absolutely impracticable. The public ought to look after the quality of the coal they bought in the same way as they looked after the quality of their tea and sugar.

Mr. A. ALLEN said that the difficulty raised with regard to the different qualities of coal sold could be met by the vendor saying that he was selling mixed coal. Where the fraud occurred was that inferior coal was sold on the representation that it was superior coal. He was quite prepared to omit the word "wet" in the clause ; but he would like to see sellers of coal compelled to sell the quality of coal which they professed to sell.

Mr. McRAE said that the introducer of the bill desired to criminally prosecute people who sold coal which did not come from the pit which it professed to come from. In many cases the persons who

[Mr. Bruce Smith.]

bought coal at the railway-station for the purpose of retailing it, were themselves misled as to the particular pit from which it came. It was then passed on to the persons who bought it in retail quantities, who might discover that it was not the coal that it was represented to be, and under this clause the trader, who was himself deceived, would be subject to a penalty of £10. He thought the remarks of the Secretary for Public Works were quite correct, and that the Committee would do well to reject the whole clause.

Mr. A. LAMB thought that this bill reduced legislation to a perfect farce. As clause by clause of this bill was considered, it was made quite evident that the measure was simply an attempt at over-legislation. The hon. member in charge of the bill would do well to allow this clause to be eliminated altogether. If this clause were passed, great hardship might fall on people who were actuated by the most honest intentions. In stormy weather coal was certain to get wet in shipping it.

Mr. A. ALLEN was prepared to accept an amendment now being drafted which would put that matter right. He hoped the hon. member for West Sydney would not talk any more about absurd legislation. He did not think the hon. member was justified in making such a remark. If the hon. gentleman was interested in coal-mines it was, perhaps, only natural that he should be opposed to this measure.

Mr. A. LAMB had not the slightest interest in coal-mines. He came to the House to pass legislation which would be beneficial to the country, and not to take up the time of the House with such legislation as this. We might as well go to the length of bringing in legislation to inflict a penalty upon persons who might sell a dozen of hen's eggs for duck's eggs. Coal might easily get wet in transit, and any person having a grudge against the seller might put him in a very awkward position by prosecuting him for an attempt to defraud.

Mr. A. ALLEN : That is the law now !

Mr. A. LAMB did not think it was often availed of, and it was a very good thing that its existence was not very generally known. When vessels were loading in a great hurry it was often a very great convenience, both to buyer and seller, to allow 100 tons or more of another quality.

of coal to be put into the ship to make up the quantity. Would it be any great fraud if that coal were sold as being all of one description? The arguments of the Secretary for Public Works clearly showed that the effect of the clause would be to hamper trade, and any provision having that effect should certainly be eliminated from the bill.

Mr. HAYNES said that the clause, like the rest of the bill, ought to be negatived. It was decidedly an interference with trade. The hon. member was trying to do what others had tried and had failed to do—to make people honest by act of Parliament. Now, it would be utterly impossible to make a coal dealer honest. The hon. member proposed to legislate in regard to the retail branch of the coal trade. He should like to know how many hundredweight the hon. gentleman would propose should go to the ton in the wholesale trade? Then, again, what did the hon. member propose to do in regard to charcoal? Did he propose to interfere with the “nigger business”? In the Newcastle district there were six different qualities of coal, and a person might quite innocently sell one quality of coal believing it be another quality. He would then be, under the provisions of this bill, a criminal. The bill had often excited the ridicule of the House, and it ought to be ridiculed out of the Chamber.

Mr. A. ALLEN : The hon. member promised to support the bill!

Mr. HAYNES was fulfilling his promise; he was supporting the bill to its grave. If the hon. member wanted to reform the coal trade, let him bring in a bill to reduce the price of coal.

Mr. LEES said that if the hon. member in charge of the bill proposed to withdraw the clause he would not speak upon the question.

Mr. A. ALLEN : I am quite willing to withdraw it.

Amendment, by leave, withdrawn; clause negatived.

Clause 7. All coal, coke, or breeze, sold from any vessel, vehicle, wharf, or place in any quantity exceeding one hundred and twelve pounds (except coal carried and delivered in bulk as hereinafter mentioned) shall be carried and delivered to the respective buyers thereof in sacks containing each either one hundred and twelve pounds or two hundred and twenty-four pounds net. Provided always

that nothing in this section contained shall be applicable to coal, coke, or breeze sold in quantities exceeding one hundred and twelve pounds which the buyer has directed to be delivered in bulk or otherwise than by sacks.

Mr. HAWKEN said this clause was quite as ridiculous as other clauses of the bill. It was provided that the bags should hold a cwt., but a cwt. of coal and a cwt. of coke were two very different things. Coke was as light as the wisdom of the hon. member in charge of this bill. He was astonished that in view of the hints which the hon. member had received from his friends he did not withdraw the bill.

Mr. JOSEPH ABBOTT said that a bag might contain a lb. more or less than 112 lb.; and he thought some amendment should be moved to prevent persons from getting into trouble innocently. All that the hon. member intended to do, he took it, was to punish those who intentionally committed a fraud.

Mr. A. ALLEN : This provision is in the present law!

Mr. JOSEPH ABBOTT said that if that were the case there would be no need to re-enact it.

Mr. A. LAMB thought the Committee were galloping through this bill at too furious a pace. A matter of so much importance deserved greater consideration. He hoped the hon. member in charge of the bill would consent to recommit clause 6, which the Committee had just passed. He hoped that before the third reading of the bill took place, the hon. member would allow the 6th clause to be recommitted. The 7th clause seemed to him to be hardly necessary. It was a clause which might certainly cause much inconvenience to coal vendors. It would be very awkward for a man delivering coal to carry a bag containing 112 lb. of coal down a set of narrow stairs, into a coal cellar. It would be better to provide that the bags should contain only 56 lb. of coal, than to make the quantity 112 lb.

Mr. TRAILL said it had been shown that it would be impracticable to fix the weight which the coal sacks should contain; but we might provide that the coal should be delivered in weighable parcels. He moved :

That the following words be omitted :—“containing each either 112 lb. or 224 lb net.”

Mr. A. ALLEN said he would accept the amendment.

Mr. T. WALKER pointed out that the amendment would make the clause utterly absurd, because if it was carried all fuel would have to be delivered in sacks.

Mr. McRAE said he must oppose the amendment. The clause was not wanted. A previous clause provided that no one should sell fuel otherwise than by weight; now we were going to compel every fuel vendor to deliver his fuel in sacks. How could wood be delivered in sacks? The thing was monstrous.

Mr. BRUCE SMITH said that no penalty was provided for in this clause, so that its provisions could be infringed with impunity.

Amendment withdrawn.

Mr. HAYNES moved :

That the words "coke or breeze," line 1, be omitted.

It was the first attempt, he should think, to confine a breeze in a sack, and with such a law in operation, there would not be a man in the country who could raise the wind. It was a ridiculous attempt at legislation.

Mr. O'SULLIVAN thought the hon. member in charge of the bill was not getting fair play, and he hoped that he would be firm in the matter. It seemed to him that we had a number of interests at work against the bill—we had men representing the wood and coal deal dealers, we had a gentleman representing the shipping interest—

Mr. HAYNES submitted that the hon. member was not in order in casting a serious imputation against the honor of hon. members who were opposed to the bill. He had an interest in the wood business; but his interest lay in the forest; while other hon. gentlemen had an interest in the coal business. It was too bad to charge hon. members with acting from self-interest, when they were trying to pass a law beneficial to the general community.

Mr. ABIGAIL thought that the hon. member for Queanbeyan was very much in order. The proceedings of this afternoon did not reflect credit on the legislature, and it had occurred to him that it would be a very fitting thing to advertise every Thursday that the menagerie in Macquarie-street would frolic on Friday.

Mr. McRAE desired to draw the Chairman's attention to the fact that the hon. member was not confining his remarks to the point of order.

The CHAIRMAN: Will the hon. member for Morpeth kindly point out in what respect the hon. member for West Sydney is not referring to the point of order? Does he take the hon. member's remark to apply to himself?

Mr. McRAE: The hon. member made a general reference to me and other hon. members.

The CHAIRMAN: As the hon. member has distinctly stated that he is part of a menagerie—

Mr. McRAE: I said nothing of the kind.

The CHAIRMAN: The hon. member distinctly stated, in reply to a question from the Chair, that he took the remarks of the hon. member to apply to himself. The remark is disorderly, and should be withdrawn.

Mr. ABIGAIL said that if the hon. member for Morpeth applied the remark to himself as one of the animals in the menagerie, of course he would withdraw it.

Mr. McRAE: I rise to order.

The CHAIRMAN: The hon. member for West Sydney will see the seriousness of the implication. I must ask him to withdraw the remark and apologise to the Committee.

Mr. ABIGAIL saw the seriousness of the implication, and therefore he withdrew the remark and apologised to the Committee.

The CHAIRMAN: The hon. member for Queanbeyan was out of order in imputing that certain hon. members represent certain interests here this evening, and I ask him to withdraw the expression.

Mr. O'SULLIVAN withdrew the expression. He meant to say that certain hon. gentlemen who were connected with the shipping interest and other interests with which the bill would conflict had spoken against the enactments of its provisions, of course disinterestedly, and from a purely patriotic standpoint. The bill was crudely drawn; but the legislation was necessary. It had been said that it was over-legislation; but that remark would apply to many other measures. We made other tradesmen responsible for their dealings, and in like manner we should protect the public in the matter of selling wood and coal. The bill could not possibly affect honest tradesmen; but it might prevent considerable imposition on the public by dishonest tradesmen. For that reason he desired to see a bill of this character passed,

and he was quite prepared to sit here and endeavour to make it workable. Even if the bill should not achieve the object for which it was designed, the mere fact that it was on the statute-book he believed would tend to prevent these impositions on the public. Even though the law might never be applied, it would act as a deterrent to dishonest tradesmen who had been in the habit of giving short weight in coal and wood. Our aim should, therefore, be to properly amend the bill in order to make it workable. He thought we should take each clause as it came, and if we found any ambiguous phrase or anything that might be misinterpreted, we should amend it. The measure had now been before, he thought, three parliaments, certainly before two, and as there was a necessity for it let us either amend it properly or reject it as unsuitable. Those hon. members who were opposed to the bill would have an opportunity of rejecting it upon the third reading if they still thought it unworkable. He trusted that the Committee would pass the measure.

Mr. A. ALLEN was obliged to the hon. member who had just spoken for what he had said with regard to the measure. He wished that the Committee would treat it with a little more seriousness. He could assure hon. members that he had had nothing to do with the drawing up of the bill; it had been drawn up by the Parliamentary Draftsman, who, he thought, was a very good authority, and knew what he was doing. One hon. member had said to-night that the measure would be a hardship to the sellers of wood and coal; but he might tell the Committee that it was these very people who were asking for it, and who had, in their own association, carried a resolution in favour of it. They were asking for it in the interest of honest trade. He failed to see why the bill should cause so much amusement, and he was sorry hon. members should be so hilarious over a matter about which there was nothing laughable. He met the hon. member for Mudgee, Mr. Haynes, last week, and the hon. member expressed himself as delighted to support the bill; yet he had come here to-night to ridicule it. The bill had been brought forward in all sincerity in the public interest, and if it were not in accordance with the wishes of hon. gentlemen they could reject it.

He was satisfied that there was enough in the measure to commend it to the favourable consideration of hon. members.

Mr. ABIGAIL asked the hon. member in charge of the bill to consent to the omission of the clause.

Mr. A. ALLEN said that he would do so. During the recess for tea, he had considered the clause, and he was prepared, if hon. members thought it desirable, to consent to its omission.

Mr. GARRARD did not see why the amendment should be negatived. That part dealing with vehicles was all very well; but there were the small manufacturers, who took 50 tons of coal at a time, to be considered. Small vessels brought the coal down from Newcastle, and it was delivered to manufacturers in different parts of the harbour in quantities of from 20 to 50 tons.

Mr. ABIGAIL: It is not delivered in bags!

Amendment agreed to; clause negatived.

Clause 8. (i) Every person offering or having fuel for sale in any vehicle or delivering any fuel to the buyer thereof from any vessel or vehicle, shall carry in some convenient place in such vehicle or vessel a good and lawful weighing-machine, with proper weights. And every such person failing to comply with the requirements of this section shall incur for every such offence a penalty not exceeding *twenty* pounds.

(ii) Every such person who shall use any light weight, or an unjust weighing-machine, when weighing any fuel, shall incur a penalty for every such offence not exceeding *ten* pounds; and the employer of such person, if any, shall also incur a penalty not exceeding *fifty* pounds; and every such light weight and weighing-machine may be examined, seized, and forfeited if found defective, in manner directed by any act in force for the time-being relating to weights and measures.

(iii) Nothing in this section shall apply to fuel carried in bulk in any vehicle or vessel belonging to the buyer of 25 such fuel or to any person in charge of any such vehicle or vessel.

Mr. JOSEPH ABBOTT said that the objection to the bill in regard to its inflicting a hardship upon small merchants, which he mentioned earlier in the evening, applied here, because the clause compelled them to carry a scale and weights.

Mr. A. ALLEN thought he could get rid of that objection. He therefore moved:

That after the word "sale," line 2, the words "by weight" should be inserted.

Amendment agreed to.

Mr. GOULD said that we had made provision in the earlier part of the bill to allow people to sell otherwise than by weight, and it would be absurd to require a man who was merely delivering fuel which had not been purchased by weight to carry a steelyard. He, therefore, thought it would be wise to insert after the word "vehicle," in line 4, the words, "unless the buyer has agreed to accept the delivery thereof otherwise than by weight."

Mr. HAROLD STEPHEN said that the simplest way to get over the difficulty would be to insert after the word "fuel" the words "purchased by weight." He, therefore, moved :

That after the word "fuel," line 3, the words "purchased by weight" be inserted.

Mr. JOSEPH ABBOTT did not think that the proposed amendment would meet the case which he had pointed out, where a small carter might be compelled to carry scales, although he might only be selling wood by the bundle.

Mr. GOULD thought it would be better if the hon. member in charge of the bill omitted all reference in this clause to wood, and simply allowed it to deal with coal, coke, and breeze.

Mr. A. ALLEN thought the clause was a reasonable one. As it only provided for the sale of fuel by weight, people selling wood by the bundle would be exempted.

Amendment agreed to.

Mr. TRAILL thought it would be desirable to omit the words "machine with proper weights." Many weighing-machines had no weights but worked by means of springs. He had weighed bales of wool, weighing 4 cwt., with an apparatus which would go into a coat pocket. He proposed :

That the words "machine with proper weights," line 6, be omitted with a view to insert the words "apparatus complete."

Mr. TOOHEY would like to have a definition of "a machine with proper weights," or an "apparatus complete." He should like to hear from the hon. member for South Sydney an explanation of the difference between a machine and an apparatus.

Mr. TRAILL said that a weighing-machine was recognised to be a mechanism for balancing, upon one side of which was placed an equipoise, and on the other the

material to be weighed, whereas a weighing apparatus might be of a mechanical construction, not needing to have on one side of it a weight corresponding with the material to be weighed. It might, perhaps, be a spring with a dial-plate, requiring no weights at all. This word "apparatus" would cover any description of mechanical appliance for weighing.

Mr. HAROLD STEPHEN thought the only amendment required was the omission of the words "with proper weights."

Mr. JOSEPH ABBOTT thought it a defect in the clause that it did not contain a definition of the weighing power of the machine.

Mr. HAROLD STEPHEN said that having regard to the provisions of the other clauses of the bill, it was not at all likely that a person delivering coal would take with him an inefficient weighing-machine.

Mr. GARRARD thought the only amendment required was the striking out of the words, "with proper weights," because "a good and lawful machine" would come under the supervision of the Inspector of Weights and Measures.

Mr. GOULD suggested that the words "of a design approved of by the Inspector of Weights and Measures, Sydney," might be inserted after the word "machine."

Mr. T. WALKER thought no amendment of the clause was necessary, because even a spring-balance was provided with the measure of weights.

Amendment withdrawn.

Amendment (by Mr. T. WALKER) proposed :

That the words "good and," line 5, be omitted.

Mr. FLETCHER said it would cause great inconvenience if people when fetching coal from vessels were compelled to weigh it in the manner prescribed by the bill. The loads of coal as they came from the vessel were usually weighed on a weighbridge.

Mr. LEES thought that the hon. member's objection was met by sub-section III.

Mr. GOULD did not think it was desirable that the words "good and" should be omitted from the clause. Any machine that was held to be a lawful machine might be out of order ; but if the words referred to were retained it would have to

be in proper order, as well as being a machine of which the Inspector of Weights and Measures had approved.

Mr. TOOHEY thought it undesirable to retain the words the omission of which had been proposed. If they were left in it would be in the power of any busybody to cause trouble and annoyance by saying that a machine, although a lawful machine, was not a good one.

Amendment agreed to.

Amendment (by Mr. GOULD) proposed :

That the words "with proper weights," line 6, be omitted with the view to insert in lieu thereof the words "of a design approved of by the Inspector of Weights and Measures."

Mr. FLETCHER said that sub-section III did not get rid of his objection to the provision with regard to the weighing of fuel. The clause would impose a hardship on those who purchased coal from ships. Five or six individuals might purchase 300 or 400 tons of coal in a ship, and each load as it was fetched away would have to be weighed on a weighbridge. It was not desirable that those people should be compelled to carry weighing-machines. All that it was necessary to say was that any person selling coal should weigh the coal in the presence of the buyer on a legal machine. It was not necessary to trouble about whether the coal was carried in a vehicle, a barrow, or a bag ; but it was necessary to insist that the man who proposed to sell a ton of coal should give the proper weight to the buyer.

Mr. TOOHEY said it was a very ill considered clause. In the case of a cargo of coals, for instance, it would be necessary for the ship to carry a weighbridge in order to comply with the law. All that was necessary was to provide that the citizens should have some means of ascertaining if they got the quantity of coal for which they paid.

Mr. A. ALLEN said that perhaps the clause might be improved by inserting the words "and cause the weight to be adjusted" after the word vehicle.

Mr. GOULD thought that we might get over the difficulty by making a provision to the effect that the clause should not apply to coal that was delivered in quantities exceeding 5 tons in weight. It would only apply to a place where coal was sold in quantities less than 5 tons. [*Committee counted.*]

Mr. T. WALKER submitted that if we omitted the words, "with proper weights," we should entirely defeat the object of the bill, because any one found carrying a lawful weighing-machine, whether with or without weights, would be acting perfectly legally, and would not be liable to any penalty.

Mr. FLETCHER said that all we had to do was to insert the words, "stamped weights."

Mr. GOULD : It might be a machine without stamped weights ; it might be a spring balance !

Mr. FLETCHER said it was illegal at the present time for a tradesman to give short weight. Our object was to see that a person had an opportunity of seeing an article weighed which he was buying. He fancied that any man professing to sell fuel by weight would be liable to punishment who dared to travel about with a weighing-machine and did not carry weights with him.

Mr. T. WALKER contended that if we passed the clause as was proposed we should enable persons to evade the law, as it would not be necessary to carry weights with a weighing-machine.

Mr. GOULD desired to be permitted to refer to clause 9 to show clearly what was meant by a weighing-machine. It required the vendor to weigh the fuel ; and he could not do this unless he carried weights. He would therefore carry weights for his own protection.

Amendment agreed to.

Amendment (Mr. HAWKEN) proposed :

That the blank in line 10 be filled by the insertion of the word "five."

Mr. A. ALLEN said that the penalty imposed by the existing law was £10, and he did not think we could make it much less. The maximum, at all events, ought to be £10. There were many serious cases to be dealt with, and the magistrate could exercise discretion in cases not requiring a heavy penalty.

Mr. FLETCHER would point out that the persons who purchased coal in small quantities were the poorest class in the community ; and a penalty of £20 was not too great for a scoundrel who would cheat them.

Mr. TOOHEY said it must be remembered that the vendors of coal in a small way also belonged to the poorer class, and

through no fault of their own they might become liable to this penalty. It should also be borne in mind that they would be put to additional expense in providing weighing-machines. The maximum penalty should not exceed £5.

Mr. A. ALLEN said that the wood and coal vendors and merchants of Sydney asked that the penalty should be £50. They did this as a protection against dishonest traders.

Mr. DAWSON suggested that the maximum penalty for a first offence should be £5, and £10 for any subsequent offence.

Mr. GARRARD hoped the hon. gentleman in charge of the bill would adhere to the penalty of £20, as proposed. There was a great deal in what the hon. member for Newcastle had said. The extra expense entailed upon small vendors would not amount to more than 15s. for a pair of steelyards. This clause dealt also with people who sold coal by the shipload, and who might defraud their customers on a large scale. In such a case a maximum penalty of £5 would be ridiculous. There was sufficient protection for the innocent offender in the discretion which was left to the magistrate, who could inflict a penalty as low as 1s.

Mr. LEES pointed out that the penalty imposed in this clause was only for the offence of not carrying scales. The next clause imposed a very heavy penalty for giving fraudulent weight.

Mr. T. WALKER said it would be rather anomalous to impose the same penalty upon the retail as upon the whole-sale vendor.

Mr. D. O'CONNOR: Strike a middle course, and make the maximum £10!

Mr. T. WALKER said that was what he was about to suggest.

Mr. HAWKEN thought it was ridiculous to propose such a Draconian penalty merely for not carrying scales in a cart. No injury was done to customers through scales not being carried, and no one in his senses would think of having fuel weighed at his door. He would have sufficient confidence in the dealer, otherwise he would not deal with him. He thought a penalty of £2 quite sufficient for what might be mere neglect or an oversight. Of course if false weights were used a higher penalty ought to be imposed.

[Mr. Toohey.

Mr. A. ALLEN: I accept the amendment!

Amendment agreed to.

Mr. GOULD said that sub-clause II, as it now stood, provided that any person who should use any light weight or unjust weighing-machine should incur a penalty. He proposed that it should also apply to any person who carried unjust weights with him for use, or had them in his possession for use. He moved in the first instance:

That the following words be inserted after the word "who," line 11, sub-clause II:—"when offering or having fuel for sale, or delivering fuel purchased by weight."

Mr. HAWKEN thought that the amendment would only confuse the clause. If the word "knowingly" were inserted before "use" that would accomplish all that was necessary.

Amendment agreed to.

Amendment (by Mr. GOULD) proposed:

That the clause be further amended by inserting after the word "use," line 12, sub-clause II, the following:—"or have in his possession for use."

Mr. TOOHEY pointed out that weights became useless after a time, and any dealer having any disused weights on his premises would be liable to prosecution. All that was necessary was to provide against false weights being used.

Mr. GARRARD: The fact of its being in his possession is *prima facie* evidence that he is going to use it!

Mr. JOSEPH ABBOTT thought we might pass the clause as it stood, because at the end of sub-section II it said:

every such light weight and weighing machine may be examined, seized, and forfeited if found defective, in manner directed by any act in force for the time being relating to weights and measures.

The clause appeared to him as clear as a good many of the clauses which we had already passed, and would carry out the intention of the Committee. We wished to get the bill through to-night, and if we took as long over every clause as we had over this it would be impossible to do so.

Mr. GOULD thought we should get over the difficulty if after the words which we had inserted the words "any vehicle" were inserted.

Mr. TOOHEY would point out that the object of the bill was simply to prevent people using light weights.

Mr. GOULD would not move the amendment.

Mr. MOLESWORTH wished to point out that there were still several blanks to be filled in. He thought that £10 would be an excessive penalty in the first case, and he therefore intended to move :

That the blank in line 15 of sub-section II be filled up with the words "two pounds."

Mr. A. ALLEN could not accept the amendment. Hon. members must remember that £10 was the maximum penalty. A magistrate would have power to inflict a lesser fine if he thought fit. He thought that it was a very serious offence to carry light weights.

Mr. MOLESWORTH : Compromise, and make it £5 !

Mr. A. ALLEN said that if the penalty were only a light one people would not be deterred from committing the offence. If the penalty were made a light one in this case the penalty for selling light bread should also be lessened.

Mr. TOOHEY said that the magistrates in administering the laws in cases of this kind were guided by what they considered to be the intentions of Parliament. If we inserted an excessive penalty here the magistrates would assume that we desired a heavy penalty to be inflicted, and they would probably fine the full amount. He suggested that the hon. member should make the penalty as low as possible.

Mr. T. WALKER thought £2 was quite enough for the first blank. The fuel vendors had to purchase lawful machines, and afterwards had to submit them to the Inspector of Weights and Measures for his approval. There were no instructions as to what were lawful machines, and if a machine were rejected, and the owner proceeded against next day, ought he to be fined more than £2? The language of the clause was very obscure.

Mr. A. ALLEN said that hon. gentlemen must bear in mind that the Inspector of Weights and Measures had often to employ counsel to sheet home offences against people who used dishonest weights. If people carried light weights they ought to be compelled to pay heavy penalties. It was so in regard to all other matters, and why should fuel be excepted?

Mr. GOULD thought hon. members would recognise the fact that if a man

knowingly used light weights or unfair weighing-machines he ought to be severely punished.

An HON. MEMBER : It does not say knowingly!

Mr. GOULD said that £10 was the maximum penalty. He would point out to the hon. member in charge of the bill that a magistrate would have power to impose costs of court in addition to the fine, if he thought fit to do so. The hon. member for Newtown had told him that he proposed to insert the word "knowingly" after the word "shall," in line 12.

An HON. MEMBER : Who is to prove that?

Mr. GOULD : That would give a man an opportunity to prove that he was not knowingly using light weights. Otherwise a machine, after it had been tested, might get out of order, and he might be proceeded against for having a wrong weighing-machine.

Mr. HUTCHISON (*Canterbury*) pointed out that there were two fines for the same offence. In the first place the employee was fined an amount of £10, and in the second place the employer was fined for the same offence £50.

Mr. GOULD : He is the worse man of the two !

Mr. HUTCHISON (*Canterbury*) thought the case would be met if £5 were substituted for £10, and the £50 allowed to remain, because the employer was the more guilty person of the two.

Mr. TOOHEY thought that it would be patent to the hon. member in charge of the bill that the employee could not be made to watch the employer. He would stand a chance of losing his place if he did, besides being fined. He did not think the employee should be made responsible for the employer.

Amendment (Mr. HAWKEN) agreed to :

That after the word "shall," line 12, the word "knowingly" be inserted.

Mr. MOLESWORTH said that that altered the position of his amendment. He thought that if a man knowingly used light measures he should suffer the full penalty of £10. He therefore moved :

That the blank in line 15 be filled up with the words "ten pounds."

Amendment (by Mr. JOSEPH ABBOTT) agreed to :

That after the word "fuel," line 14, the following words be inserted :—"sold or intended for sale."

Mr. HAWKEN was not satisfied with the sub-section, as it appeared that the employer would be very much at the mercy of the employee. [*Committee counted.*]

Mr. GOULD said it did not appear that the word "knowingly" in this clause would apply to the employer, and under the provisions of the bill the employer would be liable to a penalty not exceeding £50, although he might not possibly know that an offence had been committed. He moved :

That the following words be inserted after the word "any," line 16 :—"knowingly permitting the use of any such light weight or unjust weighing-machine."

Amendment agreed to.

Amendment (Mr. HAWKEN) proposed :

That the word "also," line 16, be omitted.

Mr. T. WALKER thought it was absolutely necessary to retain this word in order to make the clause grammatical.

Mr. HAWKEN said that his object was to prevent the bracketing together of the employer and employee for the same crime.

Mr. T. WALKER thought that if the employee was guilty, the employer must be guilty, and should be fined heavier because he derived the profit.

Mr. GARRARD said another aspect of the clause was that a maliciously inclined employee might run the risk of a penalty in order to get a greater penalty inflicted upon his master. [*Committee counted.*]

Mr. HAWKEN pointed out that if the word "also" were retained it would be necessary to prosecute the employer and employee together.

Question—That the word proposed to be omitted stand part of the clause—put. The Committee divided :

Ayes, 15 ; noes, 10 ; majority, 5.

AYES.

Abbott, Joseph	Stevenson, R.
Creer, J.	Teece, W.
Garrard, J.	Waddell, T.
Hutchison (<i>Canterbury</i>)	Walker, T.
Molesworth, E. W.	Wilshire, J. T.
Nicoll, B. B.	<i>Tellers,</i>
Perry, J.	Hawthorne, J. S.
Stephen, Harold	Wheeler, J.

NOES.

Allen, A.	Parkes, Sir Henry
Brunker, J. N.	Torpy, J.
Cooke, H. H.	
Dawson, H.	<i>Tellers,</i>
Gould, A. J.	Hawken, N.
O'Connor, D.	Lees, S. E.

Question so resolved in the affirmative.

Mr. GARRARD moved :

That the blank in line 17 be filled with the word "twenty."

He moved this amendment in consequence of a reduction which the hon. member in charge of the bill had moved in a previous penalty.

Amendment agreed to.

Amendment (Mr. HAWKEN) proposed :

That the words "light weight and," line 18, be omitted.

Mr. A. ALLEN said the amendment would make the clause ridiculous. There was no need for the amendment, because the Inspector of Weights and Measures could seize any weights in regard to which he entertained any suspicion. [*Committee counted.*]

Mr. HAWKEN said the amendment he had proposed would strengthen, rather than weaken the clause. As amended, it would give the inspector power to examine any scales, and if he found them defective to institute a prosecution.

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided :

Ayes, 24 ; noes, 2 ; majority, 22.

AYES.

Abbott, Joseph	O'Connor, D.
Allen, A.	O'Sullivan, E. W.
Brunker, J. N.	Parkes, Sir Henry
Cooke, H. H.	Ritchie, R. A.
Creer, J.	Stevenson, R.
Cullen, J. F.	Teece, W.
Garrard, J.	Waddell, T.
Gould, A. J.	Walker, T.
Hawthorne, J. S.	Wheeler, J.
Hutchison (<i>Canterbury</i>)	
Lees, S. E.	<i>Tellers,</i>
Molesworth, E. W.	Cass, G. E.
Nicoll, B. B.	Stephen, Harold

NOES.

Tellers.

Dawson, H.	Hawken, N.
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Question so resolved in the affirmative.

Amendment (by Mr. GOULD) proposed :

That after the word "apply," line 24, the following words be inserted :—"to sales or delivery of fuel in quantities exceeding five tons at one time nor."

Mr. GARRARD was unable to see the necessity for this amendment.

Mr. GOULD said that the amendment was proposed to meet an objection raised by the hon. member for Newcastle, Mr.

Fletcher, who had pointed out that it would be very inconvenient if persons when obtaining large quantities of coal from ships were compelled to weigh the coal with the kind of machine prescribed by the bill.

Notice taken that there was not a quorum present.

The House resumed, and there still being only nineteen members present,

Mr. SPEAKER adjourned the House at 8-58 p.m.

Legislative Council.

Tuesday, 13 August, 1889.

Responsible Government for Western Australia (Address to the Queen).

The PRESIDENT took the chair.

RESPONSIBLE GOVERNMENT FOR WESTERN AUSTRALIA.

ADDRESS TO THE QUEEN.

Debate resumed (from 8th August, *vide* page 3851) on motion by Mr. W. H. Suttor:

(1.) That the address to her Majesty the Queen hereto annexed be adopted by this House, and that Mr. President be authorised to sign the same on behalf of the House.

(2.) That Mr. President be also instructed to request his Excellency the Governor to cause the address to be telegraphed, and at the same time transmitted by post, to the Right Honourable the Secretary of State for the Colonies.

To the Queen's Most Excellent Majesty:

Your Majesty's most loyal and dutiful subjects, the members of the Legislative Council of New South Wales, in Parliament assembled, desire to approach your Most Gracious Majesty, and humbly to make known our views on matters of momentous interest to the whole population of Australia.

A bill is at present before your Majesty's Imperial Parliament to confer the rights and privileges of self-government upon the inhabitants of the colony of Western Australia, numbering about 43,000 of your Majesty's subjects, who hitherto have held possession of nearly one-third of the entire territory of Australia.

The population of the other Australian colonies, occupying a little over two-thirds of the whole territory was, on the 30th June last, 3,987,000 of your Majesty's subjects.

Your Majesty's subjects, the members of the Legislative Council aforesaid, with all dutiful respect, desire to urge the justice and expediency of passing into law, with the least possible delay, the bill introduced by your Majesty's ministers, with such provisions as shall confer upon Western Australia a constitution similar to the constitutions enjoyed by the other self-governing Australian colonies.

The members of the Legislative Council aforesaid respectfully urge that any and every part of the territory of Western Australia not included within the provisions of the new Constitution shall henceforth be reserved for and,

as soon as practicable, brought under a form of government similar to those of the other colonies, and shall be held exclusively for the purposes of Australian settlement and colonisation by persons from the other colonies, and from Great Britain and Ireland.

Your Majesty's loyal and devoted subjects, the members of the Legislative Council aforesaid.
Sydney, August, 1889.

President.

Upon which Mr. Buchanan had moved, by way of amendment:

That paragraph 5 of the proposed address be amended by the omission, after "Australia," of the word "not," with a view to the insertion of the words "should be" in lieu thereof.

Mr. COX: I think the only way in which we can reasonably come to any fair conclusion with regard to this matter is by going into Committee, and if I am in order, with the consent of the hon. member, Mr. Buchanan, who has moved the amendment, I would move that you, sir, leave the chair, and the House resolve itself into a Committee of the Whole for the consideration of the address.

Sir WILLIAM MANNING: I do not think the hon. member means to be discourteous to me, but it looks very like it, when he knows that I moved the adjournment of this debate, and intended to address the House upon the question. I think I shall be able to show that the address would not be of the slightest use in the world.

Mr. COX: I beg to assure the hon. gentleman that I had not the slightest wish to show any discourtesy towards him. I thought that my suggestion would meet his views completely, as he would be able to speak on the question perhaps again and again.

Mr. BUCHANAN: I do not think it is necessary for the purpose of going into Committee that I should withdraw the amendment, because, in that case, it would be necessary to withdraw the address. The address and amendment are altogether one.

The PRESIDENT: The hon. member of course may withdraw the amendment with the consent of the House. But the hon. and learned member, Sir William Manning, is now in possession of the Chair, in accordance with the usual custom, as the hon. member who proposed the adjournment.

Sir WILLIAM MANNING: Since the adjournment of the debate I have used my utmost efforts to get at the facts of the case, but I am sorry to say that I am nearly as much in the dark now as I was then. Such information as I have been