

under consideration, and I may hold out a hope that in a few days some recommendation may be made.

Mr. O'SULLIVAN : Will the hon. member fix a date ?

Mr. GOULD : I will not. I now come to the question of the Tamworth prisoners. I do not offer any excuse whatever for what I have done in reference to them. I am perfectly satisfied that the course which I have taken is the correct one. I can give hon. members no further assurance than I have given already, namely, that they will know what has been decided in the course of a few days. The hon. member for The Macleay, Mr. O. O. Dangar, has brought under notice the opinion held by the police magistrate in regard to the issue of an hotel license in the village of Arakoon. It is no part of my duty to interfere with the discretion exercised by the magistrate in regard to the issue of publicans' licenses. A license has been applied for for an hotel close to the gaol, and I think that the magistrate acted wisely in refusing to grant it. We are dealing with a number of prisoners there to some extent on the ticket-of-leave system, and I think it is desirable that warders and others should not have ready access to places where they can indulge in intoxicating liquors.

Mr. O. O. DANGAR : They have it now without any license !

Mr. GOULD : If the hon. member will give information of any warder being in an unfit condition to perform his duties, the case will be dealt with. This Trial Bay system appears to work well. It would be a matter to be deplored if we destroyed the good effects of the system, by enabling the prisoners to have access to places where strong liquors are sold. To show what unreasonable objections are taken to the action of departments, I may mention that there was an occasion once when an hon. member complained of a certain department not having replied to some of his letters. But if that hon. member sees fit to ask a question with regard to the date of the letters and the replies, he will find that the replies were sent in nearly every case in a day or two after the receipt of the letters.

Question resolved in the affirmative.

House adjourned at 11:40 p.m.

Legislative Council.

Thursday, 16 May, 1889.

Improvements on Darling and Murrumbidgee Rivers—
Leconfield Coal Mine Railway Bill—First Readings
—Oakey Park Coal-mining Company's Bill (second reading)—Bills of Sale Act Amending Bill (second reading)—Married Women's Property Bill (second reading).

The PRESIDENT took the chair.

IMPROVEMENTS ON DARLING AND MURRUMBIDGEE RIVERS.

Resolved (on motion by Mr. HOSKINS).

That there be laid upon the table of this House a return showing the amount of public money, whether derived from the consolidated revenue, or from money authorised to be raised by loan, which has been expended, since the initiation of responsible government in this colony, in improving the navigation of the Darling and Murrumbidgee Rivers.

LECONFIELD COAL MINE RAILWAY BILL.

Bill presented by Mr. Humphery, and read the first time.

FIRST READINGS.

The following bills were received from the Legislative Assembly, and read the first time :—

Public Works Act Amendment Bill.

Sydney Central Police Court Bill.

OAKEY PARK COAL-MINING COMPANY'S BILL.

SECOND READING.

Mr. TRICKETT rose to move :

That this bill be now read the second time.

He said : This bill is similar in character to a number of measures now on the statute-book for the purpose of enabling a mining company to connect by a line of railway their pits with the Government railway near to which they are situated. This particular company carries on its operations near Lithgow, close to the Great Western Railway, and a short portion of the property through which it is sought to bring this private line happens to be private property, not belonging to the owners of the Oakey Park Coal-mining Company, Limited. It is, therefore, necessary in this

case, as in others of a like character, to seek legislative sanction for the connection with the Government railway, and also for making the necessary entrance into the main railway line which is owned by the Government. I may say that in this particular instance, the length of railway is very short, and the line will be easily connected. With regard to connecting it with the Great Western Railway, the evidence given before the committee was obtained from the Government Railway Department. The officers of that department came before the committee, and gave evidence that they themselves had made a survey from the coal-mine in question to the Great Western Railway, that the line was in every way practicable, and that the department approved of its construction, and of its junction with the Great Western Railway. The company has also been proved by the evidence adduced before the committee to be a going concern, to be a company properly registered under the provisions of the Companies Act, to have the necessary registered offices, and as far as at present can be ascertained to be a venture which will in every way prove profitable to the owners. The coal is of a character which is now being largely used. The object of this connection with the Great Western Railway is, of course, to facilitate the operations of the company, to enable the railway trucks to be brought to the pit's mouth, and there loaded, instead of the coal having to be carted to the railway, and then put into the trucks. The bill has had very careful consideration by a select committee. It was not at all well drawn when first presented to the committee; but through the kind consideration of the gentlemen who sat upon the committee, especially the hon. member, Mr. Jacob, a great many useful and necessary amendments have been made, giving, I think, every protection that is necessary with a measure of this kind. Clauses have been introduced, giving the present commissioners for railways proper jurisdiction and supervision as to the connection with the railway, and over other matters over which they ought to have control. I think hon. members will see that these matters have been carefully looked into, and the bill now is upon the lines of a very recent measure of the same character—I think the Wallsend Com-

[*Mr. Trickett.*

pany's Act—which contains the clauses here inserted. At present, I do not anticipate any objection to the measure, seeing that it is one of a character frequently granted by the Parliament of New South Wales.

Question resolved in the affirmative

Bill read the second time, and reported without amendment; report adopted.

BILLS OF SALE ACT AMENDING BILL.

SECOND READING.

Mr. DAY rose to move :

That this bill be now read the second time.

He said : As the bill has been before the House for a long time, I have no doubt that hon. members have carefully read its provisions, and know as much about its objects as I do. It passed the other House on one occasion, and was sent up here; but owing to the sudden prorogation of Parliament it was impossible for the Council to deal with it. It was reintroduced in the Assembly in the following session; but the business was so great, and the session so short, that it was impossible to get beyond the second reading. I am quite satisfied that the other House is in favour of the bill. It is intended to prevent those who are inclined to be dishonest from being dishonest. Any one who is in business knows perfectly well that it very often happens that a man gets into debt, and borrows another man's money, and then another's, and then gives a lien over his personal property to get money from a third person. The whole intention of the bill is to stop this downright robbery. It provides that any person who gets money from another, and wishes to give a bill of sale over his property, shall give fourteen days' notice before the bill can be registered at the Prothonotary's Office. I have heard some objections made to the measure; but I think they cannot be sustained. It is said that it is hardly fair to ask a poor man to give publicity to his need, and to the fact that he has to register and mortgage his personal property. There is no desire to give any publicity if a man owes no money. But why should a man be allowed to go behind the back of a creditor, and give a bill of sale over his personal property, in order to get money from one person when he owes a sum of money to another? It sometimes happens that people

obtain furniture and goods from storekeepers, and then give a bill of sale over what they have not paid for. An act similar in its provisions to this bill has been in operation in Victoria to my certain knowledge for the last twelve or fourteen years, and I believe such an act is also in full operation in South Australia. I believe that the working of this act in Victoria has given full satisfaction to every one in that colony, and that those who have been forced to comply with its provisions are quite satisfied that it is just and honest. Under this bill, if I intend to give a bill of sale to any one, I have to go to the Prothonotary and give fourteen days' notice of my intention. If I have another creditor, he will then have an opportunity to go to the Prothonotary's Office, and inspect a book which will be kept there containing a record of the bills of sale that are to be registered within fourteen days. Then, if I owe that creditor money, he will object at once and lodge a caveat; but he must take care to see that his claim is a good one or else he will be mulcted in costs. It is only fair that publicity should be given to bills of sale more quickly than is done now. We know that publicity is given through trade circulars to bills of sale now within a week after they have been given, and all I ask is that this publicity may be given a little sooner, so that creditors may obtain their rights. I do not think I need detain the House longer, because I think hon. members are thoroughly seized of this bill. There is but one principle in it, and the other clauses are simply details. That principle is simply this: that a creditor shall have an opportunity of preventing bills of sale from being given, when the person who desires to give such bills owes him money. I do not see why this provision should not be made, in order to protect the poorer tradesmen, and people generally throughout the country. I have no more interest in the bill, one way or another, than has any hon. member present, and I hope the House will consider the matter fairly before they vote against the second reading. I hope to be able to carry the second reading. If any hon. member wishes to propose an amendment, I shall be quite willing to do what is necessary to effect his object. It is almost impossible to embody in a bill of this kind everything one might desire, because we should never

be able to get it through Parliament. The bill has simply one object, and that, I think, is a good one.

Question proposed.

Mr. PIGOTT: I hope hon. members have carefully read this bill, and that before voting on it they will carefully consider its provisions, and see how far they are just to debtors and creditors. The hon. member who moved the second reading has stated that it is his desire to prevent dishonest debtors from giving bills of sale; but if he will carefully consider the provisions of the bill he will find that he is doing a gross injustice to the mercantile community, who may advance money or sell goods to a trader on the understanding that they are to get security. The hon. member has dealt with the matter on the assumption that any bill of sale given by a debtor to a creditor must be an injustice to all the other creditors; but that really has no foundation whatever. The law is perfectly clear that a bill of sale given by a debtor to a creditor for a past consideration can be at any moment rendered void as against a creditor or official assignee in case of the insolvency of the debtor. But when a bill of sale is given by a debtor to a person who at the time advances him money or goods, for the purpose of securing payment for these goods, or repayment of the money advanced, and also, if desired to enable the debtor to obtain further credit from the person in whose favour the bill of sale has been given—that bill of sale will be perfectly good; and why should it not? There are a large number of mercantile men in the House, and no doubt they understand that in many cases storekeepers desire to obtain credit from warehousemen and others in business, and to be supplied with a certain quantity of goods. The storekeeper not being able to pay cash, the warehouseman or merchant says, "Yes, I will let you have the goods," £1,000 worth or £2,000 worth, as the case may be, "but as you have not the money with which to pay for them, you must give me a bill of sale to secure the payment; and if you want to get money from me to enable you to carry on your business, the bill of sale must be made to cover the advances which I shall make to you from time to time." What is there wrong in that to either the debtor or the creditor?

The persons obtaining the credit would, in many cases, be utterly unable to carry on business without these advances; yet the effect of the bill will be to prevent them from obtaining credit. If hon. members will look at the 2nd clause of the bill they will see that what I say is correct. If the hon. member's intention is to abolish bills of sale, let him say so, and bring in a bill to provide that no bills of sale shall be given; but if his desire is that bills of sale shall still be given, and that debtors requiring advances of money or goods shall be able to give a valid security, this bill will do an amount of injustice that he does not anticipate. The 2nd clause says:

(1) No bill of sale executed after the coming into operation of this act shall be filed or recorded in the office of the Supreme Court unless notice of the intention to file the same be lodged at the office of the Prothonotary fourteen days before the filing thereof.

That clause means that the storekeeper having got his advance of money, or got his goods and having executed to the merchant a bill of sale as security for the repayment of the money, or for the payment for the goods, the merchant has, after all, no security; because fourteen days' notice has to be given to the Prothonotary before the bill can be filed; and in the meantime any creditor of the storekeeper can lodge a caveat against the bill of sale, and, notwithstanding the fact that the storekeeper has got his money or goods, the moment that caveat is lodged the filing of the bill of sale is prevented. The result is that the merchant who has advanced the money or supplied the goods has no security at all. I do not think that this House wishes anything of that kind to be done. Now we will go further, and see how this provision might be made to operate.

MR. BUCHANAN: A storekeeper would not deliver his goods until the bill of sale was registered!

MR. PIGOTT: The hon. and learned member must remember that the bill of sale is to be executed. The bill of sale will not be executed until the goods are delivered or the money advanced. Very well. Then the merchant must have parted with his goods or his money upon the understanding that he should get a bill of sale; and when the hon. and learned member says that the merchant does not part with his

money or goods until the fourteen days have elapsed, he forgets that the bill of sale would be void as against the creditor or the official assignee. If a bill of sale is not to have effect until fourteen days after it is executed, the debtor, having obtained the goods or the advance in the meantime, the bill of sale would be for a past debt, and would be absolutely void at the instance of any creditor or official assignee. Now, see what an opening the bill would give to fraud. A storekeeper receives goods or an advance of money from a merchant. He gives a bill of sale which cannot be executed for fourteen days. In the meantime, all he has to do in order to prevent the merchant from getting the bill of sale completed and registered, and so obtaining security, is to inform another creditor that he has executed the bill of sale; and that creditor can go and lodge a caveat under the provisions of clause 4, and, according to clause 8, the caveat must stand, and the bill of sale cannot be withdrawn, because the mere fact that the caveator is a creditor of the grantor is sufficient to prevent the bill of sale from being filed. Sub-clause 11 of clause 6 is as follows:—

If on the hearing of such summons, it shall appear that the caveator is a creditor of the grantor, the judge may make an order, directing that no bill of sale shall be filed in pursuance of the notice mentioned in the caveat until the debt as aforesaid be satisfied; but if it shall not appear that the caveator is a creditor of the grantor the judge may order that the caveat be removed, and upon service of the order upon the Prothonotary, he shall remove the caveat.

That means simply that if the bill passes, no storekeeper will ever be able to get an advance of money on goods in order to enable him to carry on his business, because no solicitor would advise a merchant to accept a bill of sale under such circumstances. The hon. member who moved the second reading said that a creditor would be exceedingly careful about filing a caveat, because an action might be maintained against him for so doing. The hon. member makes a mistake. Under clause 8,

Upon the hearing of any summons under this act the judge may make such order as to costs as he may think fit, and any person not a creditor of the grantor entering a caveat without reasonable cause for considering himself to be a creditor, and any caveator refusing without reasonable cause to sign an application for withdrawal of his caveat after satisfaction of his

[*Mr. Pigott.*]

debt, shall be liable to pay the grantor such sum by way of compensation as the judge upon the hearing of any such summons may deem just and may order.

One can scarcely imagine a case of that kind occurring. If a creditor who files a caveat has been paid his debt, he has no right to keep the caveat on the file, and if he wrongfully refuses to take it off, one would imagine that a person sustaining damage from his action would be entitled to compensation. The ground on which I base my opposition to the bill is simply that it opens the way to fraud and collusion between the debtor and another creditor, who is opposed to the creditor to whom the bill of sale has been given.

Mr. W. WALKER: It seems to me that the hon. member, Mr. Pigott, has put an extreme case. He has simply put the case of a merchant advancing goods to a man who is about to start in business on his own account. But those are not the only cases in which bills of sale are given. My experience is that bills of sale lead to an immense amount of fraud. For instance, take the case of a man who is over head and ears in debt, and who borrows some money. He gives a bill of sale to the person from whom he has borrowed the money, and he excludes the rest of his creditors from coming in and claiming any portion of his property. I take it that a mercantile business is a speculative business, and if merchants choose to give credit, they must take the same risks as other persons do who give credit. Why should they not be content with a man's promissory-note, if they have any confidence in him? Why should they require a bill of sale over his effects to secure the amount of their claim? They have no consideration for the other creditors of the man; they take a bill of sale over the whole of his property to secure their own claim. The case which the hon. member put is not applicable to the general circumstances under which bills of sale are given; it is a Sydney merchant's view of the matter. But Sydney merchants are not the whole of the colony. Bills of sale are given all over the colony, and I know that they lead to a great deal of fraud, for I have seen it. Some check is necessary to prevent these fraudulent bills of sale from being given, and I think that a measure of this kind is required. I have not read

the bill very carefully; but I believe it is capable of improvement, and perhaps the hon. member, Mr. Day, will now postpone the debate, so that we may have an opportunity of hearing the Attorney-General's opinion on the subject.

Mr. DAY: We have had Mr. Attorney-General Wise's opinion in the other House!

Mr. W. WALKER: I am speaking of the present Attorney-General. I think that before we pass a bill of this kind we should hear the views of the Attorney-General, and I therefore move:

That the debate be adjourned until Thursday next.

Mr. JACOB: Although it may be in accordance with our standing orders, yet I do not think it is fair to the House for an hon. member to address himself to the main question, and then quietly try to shut out other hon. members who desire to speak by moving the adjournment of the debate. I think that a motion for the adjournment of the debate should only be made by an hon. member who is not prepared to speak, and who is prepared to resume the debate on a future occasion; but I believe there is nothing to prevent its being done.

Mr. W. WALKER: I do not wish to stop the discussion. With the concurrence of the House I will withdraw the motion.

Motion, by leave, withdrawn.

Mr. JACOB: I do not profess to understand the subject-matter of the bill very clearly. I have never given or accepted a bill of sale. Although the bill may be very short, and although its features may be very simple, still, judging from what has been said by the hon. member, Mr. Pigott, and what has been said on a previous occasion by hon. and learned members, I think the matter is not quite so simple as it might appear to laymen. The hon. member, Mr. Day, has not said whether the bill is exactly a copy of a similar bill which was sent up here.

Mr. DAY: It is an exact copy of that bill!

Mr. JACOB: Hon. members will recollect that a great deal was said in regard to that bill and in opposition to some of its features; and, although it was read the second time, yet in Committee hon. members had so much to say, so many

amendments were made, and, if I recollect aright, some amendments given notice of were so important and so lengthy, that the bill, as it were, fell through. The hon. and learned member, Sir William Manning, spoke on the second reading, and as what he said must have had a very important effect upon the judgment of the House, and as, apparently, he is not likely to speak on the present occasion, I will take the liberty of quoting what he said to show that the bill before the House requires a great deal more consideration than what the hon. member, Mr. Day, seems to think :

I would call attention to one defect in the bill. It provides that no bill of sale can have any force until fourteen days' notice has been given. No doubt that may prevent frauds; but may it not prevent a great deal of help being given to persons who are in difficulties? Under the bill no one could get prompt assistance, when, perhaps, it might be of vital importance to him, because nobody would advance money until fifteen days after the notice to the registrar. And there would hardly be a real execution of any bill of sale except by way of escrow, as it is called; that is to say, the exception would be to this effect: the execution is to stand if there should be no caveat within the fourteen days, and the money should be thereupon advanced; but if there should be a caveat or no advance, after waiting for the fourteen days, then the execution is to be a nullity. Under the bill no bank could make an advance to a customer upon any bill of sale, except subject to the notice and delay; and, in the meantime, great mischief might be done which might have been averted by timely help—help possibly intended to be used in favour of creditors fairly, but lost through the caveat, and the consequent trouble. I look upon this class of legislation as one-sided, all on the side of the merchant, or others of the creditor class, with very little consideration for the debtor class, or any one who in his need wants assistance on security.

Another very able and learned authority, the Vice-President of the Executive Council, Mr. Salomons, spoke as follows :—

The bill, as it is drawn, will include a bill of sale, however small; but it ought not to apply to bills for small sums granted by persons in a small way of business. The bill should be so altered as to prevent it from applying to bills of sale for amounts of less than £100, and no creditor should be allowed to lodge a caveat unless the amount of his debt is over £20. Suppose that some bootmaker is in distress, and he grants a bill of sale, somebody to whom he owes 10s. lodges a caveat, and another lodges a caveat for 12s., the price of a bonnet. It must be borne in mind that the bill does not ensure registration. If the registration of all bills of sale is made compulsory, thus including the small as well as the large ones, the expenses in connection with bills of sale may be enormously increased by the

lodging of innumerable caveats for small sums, and the expenses would probably be altogether out of proportion to the amount involved.

I think I need quote no more. Bills of sale, as far as I understand, are given for accommodation. We are not to assume that they are all given for objectionable purposes. The hon. member, Mr. W. Walker, spoke as if his experience was that bills of sale were given for fraudulent purposes; but I know that bills of sale often are given in order to obtain accommodation for commercial purposes. I think we ought to pause, at any rate, before we go into Committee upon the bill. All these matters ought to be taken into consideration, and hon. members who have the ability to do so ought to be prepared to amend the bill in such a way that it shall not act harshly. The measure which the hon. gentleman has introduced to remedy one difficulty acts injuriously and harshly in another direction, and, therefore, unless he is prepared to make a compromise, I do not know that hon. members will not vote against the bill. If I am to understand that the bill will be put through Committee at once I shall be disposed to vote against the second reading.

Sir WILLIAM MANNING: What I appear to have said on a former occasion upon this subject was when the bill was in Committee. I do not recollect exactly; but I think I must have been out of the House when the second reading of the bill was under discussion; but what I did say was against the principle of the measure altogether. I am of the same opinion now. I think it will be far better if this measure is not passed into law. I will not repeat what I have said before; but I will add this: that these bills seem to be always framed for the protection of the strong against the weak. That is really the sum and substance of these measures. They proceed on the assumption that bills of sale are in their nature fraudulent, and should therefore be hedged about with all sorts of difficulties, so that it may be almost impossible that they shall be given; whereas, I take it that in all probability for one fraudulent bill of sale that is given there are fifty honest bills given. There are a vast number of bills of sale of different kinds given. The securities given by squatters for advances on their wool are all in the nature of bills of sale; and is every

[*Mr. Jacob.*

case of that sort to be made the subject of a notice to the Prothonotary of fourteen days? These bills of sale are perfectly honest, so let them take their course in an honest, straightforward way. Why should such transactions be hampered with all sorts of difficulties? It seems to me that it is much better to leave this matter alone. A person may want an advance of money upon a bill of sale, and under this bill give fourteen days' notice of his intention at the Prothonotary's Office; but at the end of the time he may find that the person who was willing to lend him the money has changed his mind, and the whole thing would then fall to the ground. Why should it be assumed that in all probability these cases are fraudulent? The proper course to be taken is to strengthen the hands of the judges, if they need strengthening, to enable them to detect fraud and suppress it, and when there is evidence of fraud, let the courts of justice upset the bill of sale on that ground. I do not know what has led the originator of this measure to bring it forward, or who has done it; but I am sure that he is some one belonging to the moneyed class, who is always afraid that some one will obtain an advantage over him. He exaggerates his difficulties, and wishes to hamper his debtor with all sorts of hindrances. I do not see why we should give this great protection to people who are creditors. Let them look out for themselves. I have some doubt whether it should not be left to the honor of those to whom credit is given to pay back what has been lent, and that the law should not protect the creditor. At all events, I think we should take care not to hedge round every transaction which may be as honest as the day with difficulties which will make it almost impossible.

Mr. TRICKETT: I would also like to point out that, although the intention of this bill is possibly very good, yet if hon. members will look at some of its clauses carefully, they will see that great injustice might be done by it. For instance, clauses 5 and 6 provide certain remedies for the creditor against the grantor of the bill of sale. If those clauses were passed as they are now, I might advance £1,000 to a man, believing him to be perfectly solvent, on the security of a bill of sale over his personal property. I may give

notice to the court that I intend at the end of fourteen days to register my bill of sale, and a week after I have taken this security, in good faith, my debtor may go to some one else and borrow £1,000 more without any security, as an open debt. His second creditor then has the right to lodge a caveat against my bill of sale being registered. The case comes before a judge, and he has to say that my security is no good. I do not know why we should pass a law to bring about such a state of things as that. This bill does not go into the question of a man's solvency, or anything of that kind, and we might as well say, if we pass this measure, that no bill of sale is of any good. That is what it all means. Another hardship in the proposed bill is this, that the second creditor may lodge his caveat with the Prothonotary, but the Prothonotary has not to summon the person who lent the money on the bill of sale; he is out in the cold altogether, and does not receive any consideration. In this way, the grantor of a bill of sale may, by collusion with a second creditor, cut away the security of his first creditor from beneath his feet. I really cannot see any justice in such a provision. We are dealing with a question of contract. Suppose I have a certain amount of furniture, or stock, and am hard up. I want to borrow money from some person. I say to him, "I do not owe a penny to anybody else, and if you will lend me £5,000, I will give you a security in the shape of a bill of sale over my furniture." The next day, having borrowed the money on this security, I might borrow money from somebody else, and entirely deprive my first creditor of his money. The bill does not say whether the debt is to be incurred before the mortgage or not, and that I say is the unjust part of it. It especially provides that the caveator shall be summoned. During the hearing of the case, the mortgagee is not consulted in any way, and it is left to the judge to determine the matter entirely behind his back, and to say that the bill of sale cannot prevail, as the mortgagor has contracted a debt since. If the hon. member, Mr. Day, will look at the matter in a fair and reasonable light, he will see that if the bill is to be read a second time, a provision must be inserted in it to prevent it from affecting *bond fide* mortgages, as I think is

provided in the Victorian act. This bill is, to a great extent, founded on the Victorian Securities Act. I think it would be well to postpone the second reading of the bill. Hon. members would then have an opportunity to examine it, and they would find that it is somewhat different from the Victorian act. Whether it is or not, the provisions to which I have referred seem very unfair, and I could not vote for the second reading of the bill.

Mr. R. E. O'CONNOR: When a measure similar to this was before the House two or three sessions ago, I did not oppose its second reading, because it was not until the matter came to be discussed in Committee that I really saw the full effect of a measure of this kind. I think that that was the case with a large number of members who were present on the occasion of the second reading of that bill. I, with other members, when the bill was in Committee, suggested so many amendments of a radical character that time had to be taken to consider them; and the result was that the bill lapsed while the amendments were being prepared. Since that time I have considered the bill, and I have made up my mind that it is a measure which ought not to be passed. I should have liked to hear the opinions of the commercial members of the House on the subject. I think that they would have been able to throw a great deal of light on a practical matter of this kind. The strongest argument which has been adduced by the hon. member, Mr. Day, in favour of the passing of the bill is that a measure of this kind has been passed, and is in force in Victoria. If that measure has worked satisfactorily in Victoria, that may be a reason for passing a similar bill here, because the measure has stood the test of practical working. But it seems to me that the principle of the bill is of so noxious a character that we may without hesitation decide that the bill shall not become law. It seems to me to be one of those bills of a class that is becoming a great deal too common. We are over-legislating. Instead of people being allowed to look after themselves, and taking care with whom they deal, the law steps in in too many instances to hedge round transactions with all sorts of measures which are intended to be measures of protection, but which operate in a harsh way, hampering

[*Mr. Trickett.*

trade, and pressing down poor persons who are in difficulties. I cannot see that there would be any other result from the passing of this bill than the hampering in a very objectionable way of transactions between persons who want money and their creditors. If the hon. member had introduced a bill to provide for the registering of all bills of sale, a great deal might have been said in favour of it. All bills of sale ought to be registered, so that any one could go to the Supreme Court, inspect the register, and find out whether a person with whom he is about to deal is solvent or not. I understand that the Victorian act provides for that. That is one thing which might be done; but it is quite another thing to put it in the power of any creditor to levy blackmail on the debtor who wants money; to put it in the creditor's power to say, "You want money, you will be ruined if you do not get it; but I want this money paid, and you must pay me or you shall not budge one step." When a man cannot pay the whole of his debts at one time it is then that he wants money, and very likely for a debtor to prevent him from getting it would ruin him, and bring about his insolvency to the detriment of the other creditors. The whole principle of bankruptcy is that when a man gets into difficulties the court steps in and distributes his property for the benefit of all the creditors. This bill would enable a creditor to grab the payment of his debt in disregard of that principle. A creditor who happened to see the notice of the bill of sale might get the payment of the money owing to himself without regard to the debts owing to a large number of other creditors. I am of opinion that there can be no possible good in placing such a power in the hands of a single creditor. I am opposed altogether to the principle of the bill. Is there not sufficient protection for creditors in the law as it at present stands? The law puts the risk on the bill of sale holder. He has to inquire as to the solvency of the man to whom he is about to lend money; and if a bill of sale is not registered it is worthless as against an insolvency or an execution. It seems to me that that is a proper principle. Let every man look after his own business. Let the man who wants to lend money see that his security is good. If this bill be passed, when a

man wants to borrow money he may be harassed by a creditor wishing to levy blackmail, and although the man may have assets amounting in value to twice the amount of his liabilities he may be unable to obtain money, and that creditor may ruin him and destroy the chance of the other creditors being paid.

Sir ALFRED STEPHEN: Any persons who has been connected with proceedings in bankruptcy will be aware that there has been a great number of cases in which fraud has been perpetrated on creditors by the giving of bills of sale; but according to my impression of what the bankruptcy law is, fraud is now sufficiently guarded against. It strikes me that this bill is really a measure the effect of which would be to put an end to the giving of bills of sale under any circumstances whatever. After the passing of this bill no bill of sale could be given safely by anybody, or in fact at all. The measure provides that the bill of sale shall not be filed if a single creditor lodges a caveat against it. A man's credit, perhaps, is destroyed, the contract he has entered into is effectually put an end to, and injury is done to one who honestly wants to borrow money perhaps for the benefit of his creditors at large. He may be ruined at the instance of one creditor, although no fraud may have been proved or even suggested, or any injury done to anybody. That is a very undesirable state of things to bring about. No doubt every bill of sale should be recorded as soon as possible after it is given, so that persons interested may have an opportunity of seeing whether it has been executed for a fraudulent purpose, or will have a fraudulent or injurious effect upon the general body of creditors, in which case it may be set aside. The bill is of a dangerous character, and we ought not to give it our sanction.

Mr. H. C. DANGAR: It is abundantly clear from the discussion which has taken place both that some alteration of the law is necessary and also that the bill is not likely to afford the protection which it is desirable to afford to unfortunate creditors. Although I do not feel sufficiently interested in the question to assume the responsibility of resuming the debate on another occasion, I think it is absolutely necessary that one suggestion which has been made should be carried out, that is, that the

opinion of the Attorney-General should be had before we come to a vote upon the measure. On that ground alone I move:

That the debate be adjourned, and stand an order of the day for this day fortnight.

Sir WILLIAM MANNING hoped that the House would not consent to an adjournment of the debate. The question was before the House two sessions ago, it had been fully discussed to-night, and hon. members were quite ready to come to a decision upon it.

Mr. DAY said that he was quite willing that the debate should be adjourned.

Mr. R. E. O'CONNOR could see no reason why we should wait to hear the opinion of the Attorney-General. We should, no doubt, be glad to hear it; but how could it affect the question whether the bill should or should not be passed into law? There were too many bills appearing on the paper and then disappearing for a week or a fortnight. The measure had been fully discussed, and the opinion of hon. members seemed to be nearly all one way; consequently we might dispose of the bill at once.

Mr. PIGOTT wished to add one reason why the debate should not be adjourned. The House had had the views of two of the best authorities on the subject, the hon. and learned and distinguished members, Sir William Manning and Sir Alfred Stephen, both of whom were unmistakably opposed to the bill.

Question—That the debate be now adjourned—put. The House divided:

Ayes, 12; noes, 23; majority, 11.

AYES.

Buchanan, D.	Macintosh, J.
Charles, S.	Stewart, J.
Dangar, H. C.	Suttor, W. H.
Day, G.	
Halliday, W.	<i>Tellers,</i>
Hoskins, J.	Walker, W.
Humphery, F. T.	White, R. H. D.

NOES.

Bowker, Dr. R. R. S.	Norton, J.
Campbell, A.	O'Connor, R. E.
Creed, J. M.	Pigott, W. H.
Dodds, A.	Roberts, R. H.
Garran, Dr. A.	Rundle, J. B.
Hill, R.	Shepherd, P. L. C.
Jacob, A. H.	Smith, J.
Kerr, A. T.	Stephen, Sir Alfred
Knox, E.	Trickett, W. J.
Lucas, J.	<i>Tellers,</i>
Manning, Sir William	Cox, G. H.
Moses, H.	Kater, H. E.

Question so resolved in the negative.

Mr. DAY, in reply : I have heard very little argument against the bill ; but hon. members have raised all sorts of side issues for the purpose of defeating it. Although I admit that it is not a good thing to have patchwork legislation, still it is often necessary to propose small amendments in our laws in order to make them as perfect as possible. The argument that seems most worthy of consideration is this : that if a person gives a bill of sale fourteen days must elapse before it can be registered, and in the meantime the grantor can go and get £500 or £1,000 from another creditor, who could then put in a caveat against the bill of sale. I cannot understand how reasonable men can urge such an objection. No one in his senses would advance money upon property without satisfying himself that there was no lien upon it, and no one would advance £1,000 without knowing the person to whom he advanced it, and if he had any doubts on that point he would send to the Prothonotary's Office to see whether there was any bill of sale to be registered there. One hon. and learned member said that the bill was brought forward in the interests of the moneyed class ; but I deny that ; it is to protect the interests of sterling honesty. Whether a man is worth a million pounds, or only a pound, he gets the same benefit under the bill. It is also argued that it gives publicity—that if a man who owes £200 wanted to give a bill of sale over his property it would expose his hand. Is it not right that his hand should be exposed ? Why should he not go to his creditors, and say, “I owe £200, will you allow me to give a bill of sale to so-and-so over my property ?” and if they say “Yes” it can be done ; but if they say “No” it cannot be done ? The bill is brought in for one purpose, and that is to bring about as far as we possibly can common honesty between man and man. Hon. members will not allow the debate to be postponed, or the bill to be read the second time. It affects every hon. member just as much as it does myself. I do not care one solitary straw about the bill. I submit the bill for the consideration of hon. members, and if they can see anything wrong in it, by all means let it go by the board. After giving great consideration to the question, and seeing the results of its operations in other parts of the world,

my opinion is that the bill would do a great deal of good to all traders in the country, and make people more safe in their dealings with one another. I have no ambition that it should be passed, and therefore I shall not be annoyed if it is thrown out.

Question resolved in the negative.

MARRIED WOMEN'S PROPERTY BILL.

SECOND READING.

Debate resumed (from 9th May, *vide* page 1154) on motion by Mr. Pigott :

That the bill be now read a second time.

Mr. W. H. SUTTON : Hon. members will recollect that the debate was postponed last week on my motion, in order to suit the convenience of the Attorney-General ; but unfortunately he has not been enabled to leave his home. I may inform the House that my hon. and learned colleague is in favour of the bill, and has expressed a hope that it may be passed without any material alterations being made. I have looked up the history of the bill in the old country ; and it appears that it was passed by both houses of the Imperial Parliament with very little discussion, especially in the House of Commons, where it was passed at a very late hour of the day. I do not feel myself capable of expressing an opinion as to the necessity for a bill of this kind ; but as a man who has been married some years, I must confess that I cannot help thinking that it will, to some extent, revolutionise the conditions of married life. I am not quite sure that it will have very happy effects in marital relations, especially where the wife has a certain amount of property.

Mr. BUCHANAN : I think that the hon. member who introduced the bill should have given some evidence of its being required. He never gave us a single proof, or any demand that it was in any way wanted in the country. He did not, in fact prove its necessity. He said not one solitary word about that, but simply spoke as to the clauses of the bill ; and the only justification that he seemed to put forward for the bill was that it was the law of England. I hold that there is no analogy at all between the circumstances of this country and those of England. England has 40,000,000 of people, whereas here there are only 1,000,000, and the

number of married women having property at all is so very small that it seems to be an extraordinary thing to set in motion all this cumbrous and complicated machinery for the sake of a very few people. I suppose that for every married woman here with property, there are a hundred thousand women in England with property. Is it in the least degree necessary that this bill—a most complicated one, and a most, I might almost say, metaphysical bill in the difficulty and abstrusiveness of its character—should be passed for the very few people it will affect. In England there are a large aristocracy and nobility, and an enormous landed gentry, and there are women there who have immense properties in their possession before marriage, and it may be that a bill of this character may be in some measure a necessity in that country, so that the property of such women may be secured to its right destination. That may be so in England; but is there any proof, even if I admit that, that there is any necessity for such a bill here? It seems to me absolutely supererogatory to bring in a bill to deal with the few married women who are possessed of property to any extent. That is one small ground for objecting to the bill; but there are several very serious grounds. The whole marriage system will be, as I think, plunged into absolute chaos, turmoil, disputation, and very likely contentious litigation. It is calculated to increase the business of lawyers tremendously. If there were any number of married women here possessed of property to any great extent, the only good that it could do would be to increase the business of lawyers. It would increase litigation to an enormous degree, and, furthermore, it would introduce an element of dissension into the married life of the country that I think should on all hands be avoided. Is it a right thing that man and wife should be divided? This bill separates them as much as it is possible to do so. In fact, it makes a man of the woman in everything but sex. It allows her to enter into contracts, and to carry on a trade; it brings her under the laws relating to bankruptcy; and, in fact, so separates her from her husband, that there can be nothing but domestic dissension, quarrelling, and litigation. But the worst feature of all is that the bill puts the for-

midable weapon of the criminal law into the hands of husband and wife. If the husband takes 2s. 6d. that is lying on his wife's table, she can lay a criminal information against him. Furthermore, it would enable a dishonest husband to perpetrate some extraordinary tricks. It would enable him to secrete what money he had previous to his insolvency, and hand it over to his wife, so that it could not be touched, because she would have a separate and independent status. Then a man might be subject to this trouble: His wife might come home after some litigation in which she had become involved in the course of trade, soured and ill-tempered by the loss of her action, and the heavy costs which she had to pay, and thus the bill will be the means of introducing domestic disquiet and dissension of no ordinary character. The bill will continually create domestic quarrelling. Any one who reads through the bill will see that the occasions for this bristle in every page and clause of it. The main object of the bill is to enable the woman to be the sole owner of her property, and the law as it now stands will effect that to all intents and purposes.

Sir WILLIAM MANNING: How?

Mr. BUCHANAN: If a woman has property and is about to marry she can settle her property on herself. To introduce a bill to secure their property to the very few women in this country who will be affected by it is like using a steam-hammer to break an egg. This bill is not necessary, and that is my principal argument against it. It will be the cause of domestic misery; and under it litigation may be carried on between the husband and wife, or between the wife and those people with whom she is trading or does business. It will be a very sad spectacle if a man's wife has to go hurrying and bustling through the business parts of the city engaged in all sorts of commercial transactions. That is not what we contemplate in married life; but it is what this bill makes provision for. These domestic quarrels and dissensions would at last culminate in one of the parties bringing a criminal action against the other. What a fine spectacle it would be for us to contemplate—that of a man and wife prosecuting one another criminally. Then the bill is not necessary because we have

hardly any married women in this country who own property at all, and even if we had the bill would be an absurdity and would not be required. As I have said before, at the present time a woman can secure her property to herself before marriage by deed, and thus one of the objects of the bill can now be effected; but the bill also proposes to do a great many other things, and will disenchant the peaceful calm and happiness which now pervades the matrimonial state, or should pervade it, and transform it to a state of litigation and of inconceivable distress. I demand of those hon. gentlemen who will follow me in this debate that they will prove that there has been any hardship suffered under the present state of the law by a married woman who has had property settled upon herself. I do not think that because there is an English act of this character we should seek to introduce such an act here. We have repudiated many of the English acts, and England herself has repudiated many of her own acts, and the statement that they have such an act as this in England ought not to induce hon. members to vote for the bill. I think we are going on very well under the law as it is at the present time. No case has been cited where a married woman having property has suffered through the absence of such a measure as this, and no proof can be given that such a woman is unable before marriage to have her property settled on herself in such a way that her husband cannot touch it. For the reasons given I shall vote against the second reading of the bill.

Mr. JACOB: In discussing a bill of this nature, a layman labours under very great disadvantages as compared with members of the legal profession. A layman can only deal with the bill from what he learns by hearsay, and what appears in the public press; but members of the legal profession have practical experience in the courts of matters to which this measure relates. I am not going into any very complicated line of argument in discussing the bill before us. I believe, from my knowledge of the existing law, and the nature of the bill, and judging from what has been advanced by the hon. member who has moved the second reading, that a measure of this kind is very much required. My general sympathies are with the bill, and I shall vote for its second

[*Mr. Buchanan.*

reading, although there are some things in it, which I intend to point out, that I do not like. If those objectionable features still remain in the bill when it comes out of Committee, I may vote against its third reading. In Committee my hands are tied, and I shall not be in a position there to point out the defects of the measure in detail. There are some material defects in the bill, and some language which ought not to be left in it. We have been told by the hon. member who introduced the bill that it is almost an exact copy of an English act. I have very great respect for all that is British; but still if I see defects in any English law I am not inclined to blindly copy it for our guidance here. We were told by the Vice-President of the Executive Council that he has compared the bill with the existing law in England, and he seems satisfied that it is an almost exact copy of the English act, which he says was passed by the House of Lords and the House of Commons with very little discussion. The hon. member who moved the second reading of the bill did not tell us which clauses have been copied from the English act, and which are interpolations. I am afraid that whoever drew the bill has, to a certain extent, made a mess of it. I think that the hon. and learned member, Mr. Buchanan, was labouring under a very great misapprehension with regard to the bill. He seemed to think that it was for the protection of wealthy women; and he said that where there was one married woman in this country possessed of wealth, there are 100,000 in England. I understand that the bill is for the protection of women of limited means. If hon. members will refer to the 2nd clause they will see what the bill is intended to protect. It says:

Any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

The bill is evidently one for the protection of women of limited means; not for the protection of women of great wealth. I think that the hon. and learned member, Mr. Buchanan, was very wrong in the comparison that he made. I believe that we have in this colony proportionately more wealthy married women than they have in England. The hon. and learned

member seems to have scarcely read the bill very closely, judging from his reference to its criminal provisions. He says that if a wife left 2s. 6d. on the table, and the husband took it, she could prosecute him under this measure; but that is not so. I should be in favour of an alteration of the bill by the insertion of a provision to that effect. This is one of the English provisions of the bill, and it shows how carefully we ought to examine English acts which it is proposed to adopt here, and eliminate from them what appears objectionable. After providing for the protection of the property of a married woman, the bill goes on to say in effect that the husband may do as he likes, and pilfer his wife's property so long as they are living together. Does the hon. member who introduced the bill mean to say that he is in favour of that?

Mr. PICOTT: No. Under the bill no prosecution could be instituted!

Mr. JACOB: The bill provides that if a woman has by her own earnings, by her literary and artistic skill, acquired £200 or £300 and put it in the savings bank, as long as she lives with her husband he may take her bank-book, forge her name, and get the money, and he could not be prosecuted. Why is that so?

Mr. BUCHANAN: If she thinks that the husband is going to desert her, she can prosecute him. Therefore the criminal law can be set in motion if he takes 2s. 6d.!

Mr. JACOB: The hon. and learned member cannot have read the bill carefully, or he would have seen that that could not be done unless the parties were living separately.

Mr. BUCHANAN: Will the hon. member allow me to explain? If a husband or a wife take half-a-crown from each other, they can, under this bill, set the criminal law in motion against each other. They cannot do that at present, because the wife's property is the husband's property. But the bill, instead of saying that the husband must have left his wife before she can take such proceeding against him, says, "if he has deserted, or is about to desert her," so that he might be about to desert her, but still be living with her and take the half-crown.

Mr. JACOB: I do not understand the hon. and learned member's explanation. He seems to me to contradict himself.

Now, to show how carelessly in certain respects the bill has been framed. The preamble begins in this way:

Whereas it is desirous to assimilate as far as practicable the statute law of this colony relating to property and contract, so far as relates to married women, to the statute law of England, and to amend the Married Women's Property Act.

But that act is repealed by one of the clauses of the bill.

Mr. PICOTT: The preamble is word for word the same as the preamble to the English act!

Mr. JACOB: That may be; but the hon. member's interjection seems to show that the copying has been done in a very parrot-like way. The English act may simply have amended the Married Women's Property Act; but here the 22nd clause repeals the act. Another instance of careless drafting is that the Married Women's Property Act is mis-called in the 22nd clause. It is described as the "Married Women's Property, 1879," the word "act" having evidently been left out, whereas the title of the act is the "Married Women's Property Act" simply, not "of 1879." There are many other defects of the same kind in the bill, but I shall not trouble the House with them. I now come to what I consider the main feature of the bill, namely, the 1st clause. That clause shows how carelessly the bill has been framed. If the portions to which I am going to draw attention are in the English act, it shows how careful we ought to be not to blindly follow English legislation. If there have been any interpolations in the clause, it shows how careful we ought to be when attempting to engraft amendments upon an English act, to do so in such a way as to suit the circumstances of the colony. Clause 12 is simply for the purpose of giving married women protection for their separate property, either civilly or criminally, and yet the language of the clause is such that it deals with the question as if this part of the bill meant to give to the husband the same protection as to the wife. In the 57th line of the clause, we find these words:

No husband or wife shall be entitled to sue the other for a tort.

In the early part of the clause power is given to the wife only to sue criminally or civilly. There is a great innovation in

this clause, and also in another to which I shall call attention—an innovation which will materially alter the Criminal Law Amendment Act by giving the husband or the wife the opportunity as defendants or as prisoners of giving evidence on oath. The hon. member, Mr. Pigott, is the author of a very useful act, which was greatly amended at my instance in the other House, enabling defendants in all summary cases to give evidence on oath. I am also in favour of enabling defendants or prisoners in the superior courts to give evidence on their own behalf; but such is not the law, and there ought not to be the exception which is made in this bill. By this bill, if either the husband or the wife prosecutes the other, and a bill is found for larceny or forgery, or any serious offence of that kind, the defendant will be enabled to go into the witness-box before a judge of the superior court and give evidence on his or her own behalf. We ought not to make that material alteration in the law unless it is made generally. Then what is the meaning of these words in the same clause?

And in any proceeding under this section a husband or wife shall be competent to give evidence against each other.

The object of the clause is simply to enable a wife to sue or prosecute a husband, and what is meant by the husband and wife being able to give evidence against each other? Are they not to be able to give evidence for themselves? Then I disapprove entirely of the proviso to the 12th clause, and would almost be disposed to vote against the second reading of the bill on account of it. If a woman is to be empowered to prosecute her husband for stealing her property or forging her name when they are living separately, why should she not have power to prosecute him while they are living together? Here is the proviso, and it is a most objectionable one:

Provided always that no criminal proceeding shall be taken by any wife against her husband by virtue of this act while they are living together.

Fancy such a provision as that! The wife discovers that her husband has committed a gross criminal act while they are living together. They separate; but she is not to be entitled to resort to the law in order to get him punished. Hon. members will see that the 16th clause empowers

the husband to do the same thing as regards the wife. By this clause if a man's wife is having improper intercourse with another man, and supplying her paramour with her husband's money for two or three years, the husband cannot prosecute her for defrauding him of his money. She may have taken his money and supplied it to her paramour for years; and because they have lived together he is to be debarred from prosecuting her. I do not see why that should be, or *vice versa*. I do not know whether I have made myself clear; but I think so strongly on these provisions that if they are allowed to remain in the bill I shall feel it my duty to vote against the third reading. So again under the 17th clause:

In any such criminal proceeding against a husband or a wife as is authorised by this act, the husband and wife respectively shall be competent and admissible witnesses, and, except when defendant, compellable to give evidence.

Here is careless drafting. If a witness is competent he is admissible. Lawyers seem more inclined to use unnecessary and confusing words than laymen. I believe that many a layman would draft a bill far better than many of the lawyers do.

Sir WILLIAM MANNING: They would make it much more technical!

Mr. JACOB: Judging from the specimens we have seen of the drafting of some of the lawyers, I believe that laymen can draft bills more simply and less technically than lawyers do. Lawyers could not live if it were not for this unnecessary and confusing language. They delight in a technical measure because they can pull it to pieces before a judge who may be technical too, and very often the law is defeated by the technical peculiarity of a judge on the bench. I do not think that laymen are so prone to this peculiarity as are lawyers. By this clause there would be very serious innovations upon the present criminal law. Is that intended? When a husband prosecuted his wife for a particular crime he would be able to give evidence in his own behalf, and *vice versa*. If that is to be done in regard to a husband and wife, why ought it not also to be done in regard to other criminals? Why not allow every criminal to go into the witness-box and give his views? I hope that hon. members will watch the bill very closely in respect to all these matters. It

[Mr. Jacob.]

contains other defects in minor matters ; but there are two things I would like to point out to the hon. member, Mr. Pigott, before I sit down. I am sure that he would like to have his bill made as perfect as possible. By the 22nd clause the Married Women's Property Act, 1879, is repealed. Of course the hon. member is aware that there is an amending act. He says nothing at all about 50 Victoria, No. 9. What is to become of it? If he repeals the existing act he leaves the amending act, and he gives a wrong title to the existing act. I should like to know whether it is a layman or a lawyer who put in these unnecessary words?

This act shall come into operation immediately on the passing thereof.

If the Acts Shortening Act and the Acts Shortening Act Amendment Act were borne in mind by lawyers and laymen in framing bills or clauses of bills, whether technically disposed or not, they would save considerable trouble and avoid putting in unnecessary language. Here is a clause inserted which is quite unnecessary under the Acts Shortening Act. Under that act every bill comes into force upon its passing, unless it contains certain words which says otherwise. These are some specimens of the imperfections of the bill. To two or three principles of the bill I strongly object ; but I am in favour of giving a married woman greater protection as to her property, both criminally and civilly, and I think it is a very fair thing to give the same protection to a husband. In these respects I am in favour of the bill ; but I am opposed to the proposed innovation upon the criminal law in the direction I have pointed out. I shall vote for the second reading in the hope that the bill may be materially amended in Committee, and in the belief that it will be of very great advantage. And I have been led to that frame of thought by the fact that there is such a law in England. But if all these defects are in the English act it shows, at any rate, that in future we should never be carried away by the appeals which have been made to us from time to time not to alter the wording of a bill, because it is an exact copy of the English act, and because if it is altered it may create some difficulties. I think we ought to deal with measures as we find them. If we find them good let us adopt them, and if we

find anything objectionable let us alter them, regardless of whether the provisions are in the English law or not.

Dr. GARRAN : The bill is an exceedingly important one. Some of the remarks which have been delivered are deserving of very serious consideration at the hands of hon. members. The Attorney-General is not here, and I know it is his wish to speak on the measure if he possibly can, and therefore I move :

That the debate be adjourned until this day fortnight.

Motion agreed to ; debate adjourned.

House adjourned at 7.38 p.m.

Legislative Assembly.

Thursday, 16 May, 1889.

Iron and Steel Manufactures—Casual Labour Board—Royal Commission : Mines Department—Amendment of the Dog Act—Standing Orders Committee—Responsible Government in Western Australia—Discovery of Fossil Remains—Chinese Gambling Dens—Payment of Workmen's Wages—The Works at Shea's Creek—Publication of Obscene Evidence Prevention Bill—Assurance Fund under the Real Property Act—Bathurst Cattle Sale-yards Bill—Committee of Elections and Qualifications (The Hastings and Manning Election)—Adjournment (Purchase of Darling Island)—Crown Lands Bill (second reading).

Mr. SPEAKER took the chair.

IRON AND STEEL MANUFACTURES.

Mr. CHANTER (for Mr. DIBBS) asked the COLONIAL SECRETARY,—(1.) Has he received a letter from Mr. Albert Leahy, C.E., dated 31st October, 1888, relative to the establishment of the iron and steel manufacturing industries in this colony? (2.) If such a letter has been received, will he lay a copy of the same upon the table of this House, together with any other letters which Mr. Leahy has addressed either to him, the Under Colonial Secretary, or to the Colonial Secretary's Department, on or subsequent to the 31st October, 1888?

Sir HENRY PARKES answered,—In relation to this matter, the letters alluded to have been received. The question is one of very considerable importance ; and it is engaging the attention of the Government, not only in relation to the letters