THE PREMIER: I indicated that some boards adopted that rough-and-ready method, and that others had valuations made by proper valuators, whose valuations varied in some instances from £10 to 3s. 6d. per acre. The Government will have discretion to utilise the values when they are fair and equitable, and when they are ridiculous to leave them alone.

MR. DAGLISH: The Government will have to pay for its experience; and if it deals with a few districts only where unduly low valuations are made, it will be paying somewhat more dearly for its experience than it would be if it employed its own officers straight away to deal with all the districts. But beyond question the simpler and the cheaper plan is to make the owner state his own valuation.

THE PREMIER: That is, provided there is no compulsory purchase provision.

MR. DAGLISH: But the principle of self-valuation is no good unless it be accompanied by some penalty for a misleading valuation. Undoubtedly the owner, if asked to value his own property, will not value it a halfpenny over the price at which he would wish to sell. Probably in some cases he will value about 50 per cent. below that figure. But if there should be, as there is in New Zealand, the contingent power to purchase compulsorily at the owner's valuation, that power makes the owner a very clever, capable, and reliable valuator in the great bulk of cases. The principle has worked well in New Zealand; and it is the cheapest form of valuation that we can have. If the Government have any suspicion, there is power to make a check assessment; but that power need not often be used; and perhaps after one or two repurchases were made it would not be needed at all. In any event, this very cheap system should be given a trial, because of the fact that it has proved efficient in the only part of Australasia in which it has been tried, that is in New Zealand, which I think has had about 13 years' experience of it. In connection with this Bill there are no other points on which I think it necessary to touch to-night; but I very earnestly hope that the Government will give due consideration to the question I raised at the outset—the necessity for making their taxation fall equitably on all sections of the community; and they can do that only by applying the same principles of taxation to incomes as are in this Bill applied to land values.

On motion by MR. LAYMAN, debate adjourned.

ADJOURNMENT.

The House adjourned at three minutes to 10 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 21st August, 1906.

THE PRESIDENT (Hon. H. Briggs) took the Chair at 4·30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, First Annual Report of the Public Service Commissioner for the fourteen months ended 30th June, 1906. 2, Fourth Annual Report of the proceedings of the Registrar of Friendly Societies in connection with Trade Unions. 3, Mining Development Act, 1902—Return of Expenditure for year ended 30th June, 1906. 4, Coal Mines Regulation Act, 1902—New Rule No. 56. 5, Goldfields Water Supply Administration—Annual Report for year ended 30th June, 1906. 6, Public Works Department—Specification for the Katanning-Kojonup Railway. 7, Copy of Agreement between the Honourable Walter Kingsmill, Colonial

Secretary, and Alfred Drakard, dated the 10th of February, 1906.

QUESTION—IMMIGRANTS, FEDERAL OFFICE IN LONDON.

HON. J. M. DREW asked the Colonial Secretary: 1, Is it a fact that in reply to a letter from the Prime Minister of the Commonwealth indicating the intention of the Federal authorities to establish an office in London for the purpose of making known the facilities for settlement in Australia, the Premier of Western Australia stated that a considerable area of land had been subdivided in Western Australia for the purpose of accommodating immigrants, and that as soon as the necessary amending legislation could be passed it was proposed to reserve this land for British immigrants exclusively? 2, And, if so, will the Hon. the Colonial Secretary give this House some information as to the aggregate area and the localities of such subdivisions? 3, Has any application made by a resident of Western Australia for land within the area so subdivided been refused on the ground that the said land was required for British immigrants exclusively?

THE COLONIAL SECRETARY replied: 1, Certain areas have been subdivided in pursuance of the policy of survey before selection, but no land has yet been set apart for any exclusive class of settler. 2, Areas have been reserved for subdivision in the following localities:—Wahkinup (between Kojonup and Bridgetown); Towerlup (about 15 miles South-West of Kojonup); Woolkabin (South of Dumbleyung Lake); Kwollyinn (near Mt. Stirling, South of Kellerberrin); Jimberong (25 miles South from Cunderdin); Kunyinn (about 50 miles East of Brookton); Balbarrup (about 18 miles South of Bridgetown); Gordon (South of Wahkinup and adjoining Dumbleyung Lake, East); South and West of Cowcowing, East of Dowerin; Darkan, six miles West, and Coolakin, about nine miles West of Williamsburgh; the aggregate area at present surveyed being 108,129 acres, 35,228 acres of which have already been thrown open for selection. 3, While the land is being subdivided it is reserved from selection, and all applications must, of necessity, be refused.

QUESTION—IMMIGRATION LECTURER IN ENGLAND.

HON. J. W. LANGSFORD (for Hon. J. A. Thomson) asked the Colonial Secretary: 1, When did Mr. Drakard receive his appointment as Government Lecturer in England? 2, What is his exact position, and what are his duties? 3, By whom was he appointed? 4, For what period? 5, At what salary and what travelling allowance per diem? 6, What date did he leave Albany for England? 7, What amount did he draw before leaving? 8, Was he paid salary and allowance while in Victoria? 9, Did the Government pay his steamer fare to Melbourne? 10, How long had he lived in Western Australia? 11, Where has he lectured?

THE COLONIAL SECRETARY replied: 1, On 10th February, 1906, as from 1st January, 1906. 2, See copy of agreement laid upon the table of the House this day. 3, The Honourable Colonial Secretary. 4, Ten months. 5, For £600 for the period, to cover all his expenses, including printing and distribution of pamphlets, and his passage to England, and payable monthly as shown in agreement, paragraphs 3 and 4. 6, 12th March, 1906. 7, £72 10s. (including £25 for passage). 8, Answered by 5. 9, No. 10, About five months. 11, All over England.

BILL—STAMP ACT AMENDMENT.

MESSAGE INFORMAL.

THE PRESIDENT: I regret to inform the Council that the Message to the Legislative Assembly on the Stamp Act Amendment Bill was not in order, and at my request the Colonial Secretary will move that certain votes be rescinded, in order to follow the right procedure, so that the Message may be transmitted in proper form in accordance with Section 46 of the Constitution Acts Amendment Act 1899.

THE COLONIAL SECRETARY moved—

That the vote on the adoption of the report of the Committee and the vote on the third reading of the Stamp Act Amendment Bill be rescinded, in accordance with Standing Order No. 111, so that the message to the Legislative Assembly may be transmitted in order.

Question put and passed.

THE PRESIDENT: The motion has been passed by the concurrence of an absolute majority of the whole Council.

IN COMMITTEE.

THE COLONIAL SECRETARY moved—

That the Chairman report that the Committee recommend that the Bill be returned to the Legislative Assembly, requesting them to make the amendments agreed on by the Committee, and that the Committee have leave to sit again on receipt of a message from the Legislative Assembly.

MEMBER: What does it all mean?

THE PRESIDENT: Section 66 of the Constitution Act sets apart certain Bills which have to originate in the Legislative Assembly. Section 46 of the Constitution Acts Amendment Act shows how amendments are to be made by the Council in such Bills. This Stamp Act Amendment is a Bill that had to originate in the Legislative Assembly. If members will turn to page 33 of the Minutes (Votes and Proceedings), they will find that the Committee made two amendments, one being by the Hon. J. W. Hackett and the other by the Hon. M. L. Moss. The Committee dealt with the former amendment and adopted it; and as to the second amendment the Council, on motion by Mr. Moss, requested the Assembly to make it; and a message was sent down by the Clerk in that form to the Assembly. The Assembly, on considering the message in Committee, objected to the wording of the message. On my looking into the matter, I found we had done wrong. I then thought the proper course would be to start again at the point where we were wrong; and so we start now with a message to the Legislative Assembly. I may say it is rather a peculiar thing that the amendment moved by Dr. Hackett had already been agreed to by the Assembly in Committee, not by our request, and they stopped at the point where the Council, on motion by Mr. Moss, had requested the amendment to be made by the Assembly; so it is now proposed to send a message to the Assembly in proper form, requesting the Assembly to make the two amendments.

HON. J. W. HACKETT: I think my amendment was merely a machinery amendment, and that the other amendment did deal with the tax.

THE PRESIDENT: It is exactly as Dr. Hackett says, and it was an idea in my mind, as it may have been in that of some members, that only those amendments which deal with money need to be made by request; but if members will look at the Constitution Acts Amendment Act they will find that in all amendments desired by the Council to be made in a Bill which has had to originate in the Legislative Assembly must be made by the Assembly on request from the Council. I may say farther that they were willing in the Assembly to regard the wording of the message as a slip, or to take it that we did not presume on our privileges. But as the error originated here, it should be rectified here, and then we shall be able to deal with the Assembly's reply to our request when it comes before us.

HON. J. W. HACKETT: Will both amendments need to be asked for by way of request?

THE PRESIDENT: That is so.

Question put and passed.

Progress reported, and leave given to sit again.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

IN COMMITTEE.

Resumed from the 15th August.

Clause 2—Qualification of managing clerks for admission as practitioners:

HON. M. L. MOSS had moved at the previous sitting an amendment, to insert at the end of Subclause (*c*) the words "or is a barrister and solicitor of the Supreme Court of New Zealand, and has practised there as such for upwards of ten years."

HON. R. F. SHOLL: We had already objected to legislating for three or four managing clerks; and now we were asked to legislate for the benefit of one individual. It might be a hard case, but it did not appear to be one calling for special legislation. Mr. Moss had read the opinions of two or three Judges on the point, but none of them were now on the bench. The opinion of the Barristers' Board should be obtained as to the advisability of passing this amendment.

HON. C. SOMMERS: In the absence of Mr. Moss, progress should be reported.

Progress reported, and leave given to sit again.

BILL—GOVERNMENT SAVINGS BANK. CONSOLIDATION AND AMENDMENT.

IN COMMITTEE.

Resumed from the 14th August.

New Clause—Deposits may be attached by garnishee order:

THE COLONIAL SECRETARY moved that the following be inserted as Clause 36:—

Money at the credit of a depositor may be attached by garnishee proceedings in the Supreme Court or a Local Court.

The Treasurer shall be the garnishee, but the order or summons shall be served on the Manager.

Provided that no order of attachment made on an *ex parte* application shall be binding on the garnishee unless and until the Manager is satisfied of the identity of the judgment debtor with the depositor, nor until the expiration of such time after the Manager is satisfied as to such identity as will enable him to communicate by telegraph with each branch at which the depositor may operate under subsection four of section seventeen.

The cost of transmitting such telegrams shall be a charge upon the deposit, and may be deducted therefrom in priority to the judgment debt.

In Local Court proceedings any garnishee summons or order shall, if the Magistrate so directs, be deemed duly served on the garnishee if the substance thereof is transmitted by telegraph by the Clerk of the Court to the Manager, and the charges therefor shall be allowed as part of the costs of the proceedings.

No property of the Crown could now be garnisheed, nor could the deposits in the Savings Bank entrusted to the care of the Government be garnisheed at present. Mr. Moss had suggested a clause providing that deposits could be garnisheed; but the Government considered that the proposal was not specific enough; and since the Bill had been previously discussed the clause that he (the Minister) now moved had been drafted, being fuller than the clause he had submitted before progress had been reported. A garnishee order might be made against a depositor at Roebourne, and money might be paid out of the bank in Perth without the manager at Roebourne knowing anything about it, and the Government would still be liable to the creditor issuing the garnishee order; but the clause now provided that money could only be garnisheed after due notice being given. It was a difficult matter to identify depositors. There were hundreds of Browns with deposits in the Savings Bank, and the manager would have to satisfy himself as to the identity of the particular Brown against whom a garnishee order was issued. The clause also provided that the cost of telegrams should be a charge against a deposit in the Bank. In view of the Government having brought forward a more elaborate clause, he believed Mr. Moss would withdraw his proposal.

Question passed, the clause added.

THE COLONIAL SECRETARY, in moving that progress be reported, said the Treasurer desired that another clause be added to provide that school teachers might become officers of the Bank to receive pennies from children, it being considered desirable that thrift should be encouraged amongst school children. The clause would be drafted before the next sitting of this House.

Progress reported, and leave given to sit again.

BILL—PERMANENT RESERVES REDEDICATION.

RECOMMITTAL.

Resumed from the 14th August.

Clause 3—By-laws:

THE COLONIAL SECRETARY had previously moved that Clause 3 be struck out and the following inserted in lieu:—

Notwithstanding any vesting order, lease, or grant of the said Reserve A10250, the Council of the Municipality of South Perth may make and enforce, and it shall be their duty to make and enforce by-laws under "The Municipal Institutions Act, 1900," for the management, conservation, and use of the said reserve, and such by-laws shall provide for the free admission of the public to all parts of the said reserve. Every such by-law shall be subject to confirmation by the Governor, and when so confirmed and published in the *Government Gazette* shall have the force of law.

THE COLONIAL SECRETARY: The clause was to ensure that the public should at all times have free access to the reserve. Several members had thought it desirable that provision should be made in the Bill that the public should at all times have free access to the reserve. There was no desire to exclude the public, but it was not desirable that people should have free access at all times.

It was better to give into the hands of the board or municipality controlling a park the power to make regulations as to the times at which the public should have free access to the grounds, always providing that the Government retained sufficient power to compel the board or municipality to make these regulations. If the words—

"The public shall at all times have free access to the reserve"

were put into the Bill without any reservation, people could go into the park at all hours of the night and doss or commit nuisances. We could not call the hours of night reasonable hours. He desired to still farther amend the clause by adding in the second line, after "South Perth," the words—

May expend money derived from the ordinary income of the municipality or raised under the provisions of Part XX. of the Municipal Institutions Act 1900 in improving the said reserve, and—

Amendment as on Notice Paper by leave withdrawn.

New clause in the amended form put and passed.

Schedules (2), Title—agreed to.

Bill reported with farther amendment, and the report adopted.

BILL—MONEY-LENDERS.

SECOND READING.

HON. M. L. MOSS (West): In rising to move the second reading of this Bill, I may inform the House that the Bill is a copy of legislation which has existed in England for the last six years. The Act in force in Great Britain was the outcome of a select committee appointed by the Imperial Parliament, which sat for a period of two years in England and collected evidence which bore upon the necessity for legislation of this kind being introduced. A similar Bill was introduced in the Legislative Assembly of Victoria some years ago, and passed that body; but I believe it went to the Legislative Council at the end of the session and was slaughtered amongst the innocents of the session. Hon. members will see by a perusal of the clauses that this Bill is designed to meet those transactions in which undue advantage is taken by the lenders of money against people in impecunious circumstances, and enables courts of law and equity, notwithstanding that the money may have been paid under conditions which I will presently refer to, to order the reopening of an account and the disallowance of interest or fees which may have been exacted in circumstances which the court may consider to have been excessive, and the transaction to have been of a harsh and unconscionable character. To give members an idea of the kind of transaction which the law permits to take place at the present time, I propose quoting two instances referred to in the Imperial *Hansard* between the 14th and 28th June, 1900, when the Bill was being discussed in the House of Commons; and while probably there may not have been many transactions of as serious a character in this State, still it is possible under the present law for such transactions to take place and to be fully recognised by the law. The Secretary of the Local Government Board (Mr. T. W. Russell), in moving the second reading of the Bill, gave these two instances:—

An unfortunate Irish land-owner named Finlay borrowed a sum of £300 from a money-lender, for which he gave a promissory note for £456, the money being repayable in monthly instalments. Mr. Finlay paid several instalments regularly, and then for a subsequent instalment the cheque was sent a single day late. The cheque was returned and the whole amount claimed. Default interest was charged, and when Mr. Finlay came before the court he had been compelled to pay, besides £114 in instalments, a sum of £600—£714 in all—for the loan of £300 from the 13th November, 1890, to 20th February, 1892. All that was done within the four corners of the law. This was not one of the Gordon cases, but the second case was. In the other case an English farmer named Adams borrowed £50 from Isaac Gordon in November, 1892, and signed a promissory note for £200. Farther advances were made of £50 in February 1893, of £20 in June, and £50 in November 1893. Between November 1892 and September 1894, Mr. Adams paid £461, and in October 1894 Mr. Gordon claimed that £500 was still owing in respect to an advance of £220. This shows what is possible under the present law.

This select committee, as I told the House, was appointed by the Imperial Parliament; and the conclusion which the committee came to was as follows:—

After carefully considering the evidence which has been given in regard to particular

transactions, and the general expressions of opinion of persons so well qualified to form a judgment as Sir Henry Hawkins, Sir James Charles Mathew, Sir George Lewis, the Inspector General in Bankruptcy, and the County Court Judges, your committee have unhesitatingly come to the conclusion that the system of money-lending by professional money-lenders at high rates of interest is productive of crime, bankruptcy, unfair advantage over other creditors of the borrower, extortion from the borrower's family and friends, and other serious injuries to the community. And although your committee are satisfied that the system is sometimes honestly conducted, they are of the opinion that only in rare cases is a person benefited by a loan obtained from a professional money-lender, and that the evil attendant upon the system far outweighs the good. They therefore consider that there is urgent need for the interposition of the Legislature with a view to removing the evil.

In this State—and this State is not singular, the same position obtaining throughout Australia—there is no doubt that the loan of money at excessive rates of interest, such as to make those transactions harsh and unconscionable, takes place and is taking place in the city of Perth. I think there is little room for doubt with regard to the civil servants employed in this State, that by a system of utilising orders on the Treasury, money is lent to those officers for one or two months; and if it is nor repaid, the possibility of the lender imposing on those persons by charging an increased rate of interest is, in my opinion, an evil which requires stamping out. That is only one illustration of the way in which the law at the present time permits people to be imposed on. But I am afraid that with regard to other transactions that probably have come within the knowledge of hon. members, and have certainly come under my observation, it is high time there was some legislation on the statute-book to control transactions of this character. I know of one case in which, on a property valued at £200, an unfortunate woman borrowed £20 for three months, and was charged at the rate of 75 per cent. on a property which she was able to sell for £200 after having had the money six months. We must all recognise that there are transactions in respect of which an ordinary rate of interest at five, seven, 10, or even 15 per cent. is insufficient; and without mentioning any specific percentage, we must admit that a money-lender sometimes takes risks for which he must be commensurately compensated. When a man lends money absolutely without security he is entitled to a considerably higher rate of interest than when the security is adequate; and it is not intended by this Bill in any way to interfere or hamper transactions of that kind. But this is the intention. Equity at the present time retains the power of dealing with any unconscionable bargains that may be made by a money-lender with an expectant heir or with regard to a reversion; and this Bill seeks to put the ordinary money-lending transaction on a precisely similar basis, so that when an unfair advantage is taken of an impecunious person, or when the transaction is harsh and unconscionable, the courts of law shall have power to reopen the transaction and to a certain extent modify the bargain made between two parties who were not contracting on equal terms. Some members may say that we must not interfere with these transactions, because by so doing we are to some extent interfering with freedom of contract. But I need hardly remind the House that this is not the first occasion when, I believe with excellent results to the community, we have interfered with freedom of contract. When we passed some years ago the Conciliation and Arbitration Act we attempted to interfere with freedom of contract, in the sense that we prevented any employer from paying his men such a starvation rate of wages that it was impossible for them to live decently. And I believe that the Arbitration Act has certainly been productive of great good to the country; because, with the small exception of the dispute with the timber-hewers, there has been no strike of any consequence since we placed that law on the statute-book. The matter which is the subject of this Bill has not been dealt with in this State; therefore we are on exactly the same footing as were the people of England before the Money-lenders Act passed through the Imperial Parliament, when it was thought expedient in the interests of the general public for Parliament to intervene, and

in cases of extortion, in cases of bargains between two people not contracting on equal terms, to permit the courts of law to deal with such transactions and to put them on a fair footing. When introducing this Bill I do not wish to cast aspersions on any men in particular; because there are numbers of money-lenders who conduct their business perfectly honestly, and these men have no occasion to fear the passing of a measure of this kind. It is only the money-lender who resorts to tricks and sharp practice, and who enters into a transaction that an honourable man would be ashamed to have his name to, who has occasion to fear the placing of this Bill on the statute-book. The Bill is exceedingly short. It is not intended in any way to limit the rate of interest that may be charged on any transaction. That rate of interest will vary according to the risk which a court of law thinks was run by the money-lender, and will be high if the court thinks the risk was so great that the lender was entitled to exceptional compensation. By the Bill, if it passes, the money-lender will be obliged to register himself; and by Clause 5 members will see that certain persons are exempted from its operation. I think that subclause (*a*) however, will have to come out; because while the pawnbroker is exempted from the operation of the English Act, in this State nearly all pawnbrokers are also, in a certain degree, money-lenders; so that every pawnbroker as well as all other persons who come within the definition of money-lender will be obliged to register themselves under the Bill. I understand that in England a person carrying on business as a pawnbroker does not to any great extent carry on the business of an ordinary money-lender. The English Act was not the result of any passing caprice. The necessity for such a law was urged by eminent Judges on the High Court and County Court benches, has been the subject of frequent allusion by the Official Receivers in Bankruptcy, and was the result of the deliberations of a committee which sat for two years and collected evidence from all available quarters. Hence this measure was put on the statute-book, and for the past six years it has remained there without any attempt being made at its amendment. I have taken the trouble to peruse the whole of the debates on the measure both in the House of Commons and the House of Lords, and although the Act has remained in force for six years, during which it must have remedied many abuses referred to in the speeches delivered while it was passing through Parliament, no attempt has been made to amend the measure in Great Britain, and I believe it will be productive of great good to this community if it finds a place on our statute-book. I have much pleasure in moving the second reading.

HON. G. RANDELL (Metropolitan): Is it the hon. member's intention to create any special court to deal with the cases?

HON. M. L. MOSS: No.

HON. G. RANDELL: It strikes me it will be very expensive for any man who owes money to contest the bargain he made with the lender. Conditions in this country may be different from those in England, where large sums are probably advanced by money-lenders. Here, the loans are mostly small; and it seems to me it will be extremely difficult to take advantage of the Act, in consequence of the heavy costs incurred in Supreme Court and even in Local Court actions. I mention this for the hon. member's consideration. Another question arises in my mind, whether an auctioneer or an estate agent who advertises money to lend on real property or other security will not come under the Bill.

HON. M. L. MOSS: No; he will not. He is exempted by Subclause (*d*) of Clause 5.

HON. W. T. LOTON (East): Will the hon. member tell the House whether the Bill is fully operative in the old country, or is practically a dead letter?

HON. M. L. MOSS: It is not a dead letter, I assure you.

HON. W. T. LOTON: You are quite sure of that?

HON. M. L. MOSS: There are scores of cases.

HON. W. T. LOTON: It seems to me that the Bill, if it becomes an Act, will at all events give rise to a considerable

number of law suits; and the poor party will in many cases have to pay the expenses. [HON. M. L. MOSS: Not at all.] That is the view I take of it. I think that the machinery of the Bill will prove somewhat expensive to start with. For how many years is the operation of the Bill supposed to go back? For the last 20, 30, or 40 years? I am quite in accord with the mover's view that excessive and exorbitant charges should be reduced or abolished; but I do not know whether the Bill is sufficiently simple to have the effect desired.

HON. M. L. MOSS (in reply as mover): If the hon. member (Mr. Loton) will read Clause 1, he will find that there is no expensive machinery at all provided by the measure; because, when a person is sued by a money-lender, the Bill provides that the court may reopen the transaction, and take an account between the money-lender and the defendant. When a fearfully usurious transaction takes place, and the money-lender comes into court, the court may review the transaction instead of doing what was almost a scandal in England before the English Act passed into law. When people were sued in respect of such transactions, the County Court Judges were so disgusted at the extortion practised that they made orders that the defendants should pay off the debts by instalments of 1s. a month, which, in some cases, meant that the re-payments were to be completed in 100 or 200 years. This became so serious that the Imperial Parliament dealt with the question. When a money-lender sues in respect of a usurious transaction, the person sued may plead that the transaction is harsh and unconscionable; that he has been charged interest at the rate of 200 or 300 per cent.; that undue advantage has been taken of him; or the Judge may say that notwithstanding the fact that the man has given a bill for £100, the court will look into the consideration, which may have been only £20 or £30; and the Judge will thereupon declare the transaction harsh and unconscionable, and will say, "I will not sit here to allow interest at that rate to be paid; I will not give you the judgment you seek to obtain; I will reduce the amount." As one who regularly reads the British law reports, I can assure the hon. member that there are hundreds of cases in which the English Act has had most beneficial results; and it has been administered not so frequently in the superior courts of Great Britain as in the County Courts, which exercise a jurisdiction similar to that of our Local Courts, and where the costs are very low. If the hon. member will carefully read the clause, he will find that the person imposed on does not take the proceedings. It is when he is sued that the court will have an opportunity of declaring whether the transaction is fair, taking into consideration the risk that the lender has undergone, or whether the transaction is not warranted, being of so disgraceful a nature that it shocks the conscience of a reasonable man. It is only to that extent that the Bill is intended to interfere with freedom of contract. I think that after this explanation the hon. member will probably see that so far from the person who borrows the money taking proceedings, the Bill operates in the contrary direction. When the person who lends the money on terms that are fearfully usurious, tries to get a judgment in respect of the transaction, he will know that the transaction is liable to be considered by the court, and is one which the Judge will have power to modify because it comes within the scope of Clause 1 of the Bill.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 5·30 o'clock until the next day.