

LEGISLATIVE COUNCIL,

Wednesday, 18th April, 1888.

Mr. Parker's Resignation—The Contracts for the erection of the Fremantle Post Office—Advances of public money to heads of Departments—Reappropriation Bill, 1888: third reading—Mining Bill: recommitted—Loan Estimates, 1888—Adjournment.

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

PRAYERS.

RESIGNATION OF MR. S. H. PARKER:
PERSONAL EXPLANATION.

MR. PARKER, rising, said: I desire, sir, before the business of the House proceeds, to say a few words by way of personal explanation. I have to inform the House that I have tendered my resignation as a member of this Council to His Excellency the Governor; but having for some time past occupied the position of leader of what is called the Opposition, I feel that my position entitles hon. members to some explanation of the reason for the step I have taken. It is no doubt generally known that I am connected with a firm that has recently failed, and in consequence of that firm's liabilities being unlimited all the members of it are jointly and severally liable for its debts. Having found it absolutely impossible to arrange for liquidation of their liabilities, I felt that the honest course was to submit my estate for the benefit of the creditors, and accordingly I have taken the step of filing my petition for liquidation in bankruptcy. Such being so, I can no longer occupy a seat in the House, and I am only present this evening to afford this explanation. I desire to express to those elected members who have placed me in the position I have occupied for so long, my thanks for the kindness and courtesy they have treated me with. I may say that I have never attempted to force my own personal views upon them, and I have always done my best to promote the harmonious working of the present constitution, and while nominally leader of what is called the "Opposition" I have felt that it was absolutely impossible that this constitution could be carried on if we had opposition in fact, and that it was essentially necessary that the Opposition should work in harmony with the

Government of the day. I felt that while I occupied the position, it was my duty, by temperate words and moderation, to do all I could to bring about harmony of action, so that, while the elected members might have their proper weight, the Government of the country might satisfactorily be carried on. I hope that while I have occupied this position I have given satisfaction to those hon. members who placed me in it. One can well understand, that having taken such an active part in endeavoring to bring about those freer institutions in this colony that prevail elsewhere, I should regret being compelled to leave this House just as our efforts are about to be crowned with success, and after so many years of labor; and I regret it also, because I shall not be able to take part in the framing of the new constitution, not that I doubt that others will be found who are able and willing to do all that is necessary, but I feel that, after so many years having moved in the cause of Responsible Government, I should have been glad if I could have retained my seat to see my efforts successful. Perhaps, however, under the new constitution, I may again find a seat. I need not say anything further, except to thank hon. members for having kindly listened to this explanation.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I am sure I most sincerely regret that circumstances, over which I feel certain the hon. member had no control, have forced him to take the step which he has, and I feel that the step the hon. member has taken is only in accordance with that honorable and upright course of conduct which he has ever evinced since I have known him, and that is for a considerable portion of his life—at any rate, for 18 years. I can say that since the hon. member has entered political life he has been thoroughly consistent. When he first came into this House, he advocated those freer institutions we are soon likely to enter on. The hon. member has labored assiduously, perseveringly and consistently for the number of years he has been in the House in forwarding the object he had in view, and I recollect when he first brought the matter forward he had the support of only three or four members, and he has kept on until, as he states, there is every

probability of the change he so ably advocated being effected. I may say I thank the hon. member, and I think my colleagues will agree with me, that since the hon. gentleman has been the leader of the elected members—I will not say Opposition, for I object to the word being used, because I consider we are only here for one purpose, and that is, as I have stated many times, that the Government should bring forward measures to have them fully discussed, and then, if they do not meet with the approval of the majority of the House, to so amend them that we may all agree to them—he has shown every consideration to the Government besides doing his duty to his constituents and to the country. As leader of the elected members it has been his duty with his colleagues to closely scrutinise the actions and measures of the Government, but at the same time it was done not in any factious spirit, but for a good purpose, and I may say that I have never known Mr. Parker to go one step from the course I have already referred to. Circumstances over which the hon. member has had no control have forced him to take the action he has, and I trust sincerely that the cloud may soon pass away, and I hope that if the hon. gentleman will not be in the House again under this constitution, he may in the future hold a seat, so that the colony may have the benefit of his advice and assistance in the future, as it has had in the past. I feel sure in conclusion, sir, that there is no hon. member in this House who does not join with me in regretting the course the hon. gentleman has been bound to take.

Mr. SHENTON said that as the senior elected member present he desired to join with the Colonial Secretary in regretting that circumstances over which the hon. gentleman had no control had compelled him to send in his resignation. Speaking for himself and the other elected members he hoped that the difficulty which had now met the hon. member would be speedily overcome, and that they would again have the pleasure of seeing him in the House. It must, no doubt, be a great disappointment to the hon. gentleman, that after working so hard for the object he had in view—that of a change of Government—he had unfortunately been obliged to leave the House; but although he might not be in the House during the

completion of the change, he hoped to see the hon. gentleman one of the first members to take a seat under the new constitution. During the time Mr. Parker had held the position of leader of the elected members, they all had to thank him for his courtesy and kindness. The hon. member had in every way endeavored to carry out their wishes and do all he could to make the business of the House work smoothly and as expeditiously as possible. He again regretted that the hon. member was leaving them, and he hoped he might speedily be again among them.

Mr. A. FORREST said he could not let this opportunity pass without saying a few words. He knew the circumstances of the case fully, and he regretted that the hon. member had not seen his way to have waited a little longer to see if things would take a slight turn. He had to thank the hon. member as leader on his side of the House for his courtesy and attention, and to give expression to the confidence they had always placed in him. They had followed him through the whole of the resolutions with reference to the change of Government, and, as far as he was concerned, he still retained confidence in him. He thought, however, that if the hon. member had looked ahead this action might have been averted. He hardly saw how they were going to fill up the position the hon. gentleman occupied in the House, for in looking round he failed to see where they would get an hon. member who would give the time and take the trouble the hon. gentleman had. As a representative of a Northern constituency he wished to thank the hon. gentleman for the manner in which he had supported the wants of that district, and he could assure him that no one regretted the action he had had to take more than he did.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it would be almost a piece of impertinence for him to speak but for the consideration he would mention later on. He could not pretend to the knowledge of the senior member for Perth that other hon. members could. He could only say that, as far as he had known him, he was quite prepared to agree with all that had been said. He rose for the purpose of asking His Honor the Speaker whether the same rule prevailed in that House as in the House of Commons. Under the 53rd George III.,

every member of Parliament who committed an act of bankruptcy—to put it plainly—did not vacate his seat, but was allowed a period of one year's absence to arrange his affairs.

THE SPEAKER said there was no such provision in our Constitution Act.

THE ATTORNEY GENERAL (Hon. C. N. Warton) was sorry to hear it.

The hon. member then withdrew.

THE CONTRACTS FOR THE ERECTION OF THE FREMANTLE POST OFFICE.

MR. SHENTON, in accordance with notice, moved, "That in view of the unsatisfactory explanation given in reference to the over-payment to Clifton and Fraser, on account of the contract for the Fremantle Post Office, the whole matter be referred to a select committee; such committee to consist of the Colonial Secretary, Mr. Venn, Mr. Sholl, Mr. Marmion, and the mover." The reason why he had taken this step was because of what he considered the unsatisfactory explanation which had been given of the over-payment to the contractors, by the Public Works Department. Hon. members were aware that he had moved for several returns in connection with this contract, and finally he ascertained that an additional sum of £475 was required to complete the building, notwithstanding an over-advance to the original contractors. The explanation given as to that over-payment was that the amount of a certificate was paid to the order of a creditor of the contractors, instead of to the advance account of the Director of Public Works. In this way the colony had lost a sum of £350, owing to somebody's mistake; and his object in referring the matter to a select committee was to ascertain whether steps could not be taken in future to prevent a recurrence of errors of this kind.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) thought the hon. member, in moving for a select committee to inquire into this matter, was certainly using very powerful machinery to do very small work, and introducing a practice which he did not think it was desirable to introduce in that House. If an hon. member was not satisfied with the information which he elicited from any member of the Government, it was

competent for the hon. member to ask for further information, or put himself in communication with the official from whom he required his information. In this case the hon. member for Toodyay had put certain questions to the Director of Public Works, and it seemed to him that those questions had been answered categorically. It was not for him to say whether the hon. member was satisfied with those answers; if he was not, it was quite competent for him to put further questions on the subject, but he did not think it was at all a desirable course to follow to move for a select committee whenever an hon. member had not received what he considered an entirely satisfactory reply. Therefore, taking the view which he did of the present motion, he felt that he should have to oppose it, and, if necessary, divide the House upon it.

MR. SHOLL said he quite understood the reason why the hon. member for Toodyay had adopted this course. For some days past the hon. member had been endeavoring to elicit certain information from the Works Department, and, although the Government knew perfectly well what the hon. member wanted, they had not given him the information which he wanted. Instead of attempting any more to drag this information from the Government, the hon. member now moved for a select committee to inquire into the whole matter; and he thought, if the hon. member was not satisfied, he ought to have this committee.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said he was exceedingly sorry that all the information which the hon. member required had not been given. He could only say that to the best of his power he had answered the hon. member's questions; but, the other evening, for a reason which was known to the hon. member, he had been unable to give him the exact information he required. He thought, however, he was now able to supply the hon. member with all the information which he wanted, which would probably save him the trouble of moving for this select committee. The contract for the erection of the Fremantle Post Office was originally let to Messrs. Clifton and Fraser for £3,000, the amount provided

on the Estimates. Their tender was considerably below any other tender, and being the lowest it was accepted. The specifications provided that the stone used for the building should be of a certain quality, and that the stone required for the coigns and other portions should be from White Peak. It was subsequently found impossible to obtain this stone, and a certain portion of the order had to go to Sydney. While waiting for this stone the contractors were idle, and the department allowed them to go on with the joinery work that would be required for the building. Having done that work, 75 per cent. of its value was certified as being due to them; but, unfortunately, the material which was so certified had not been actually delivered at the building but remained in the contractors' workshop, on the understanding that it would be sent down to the building when required. In the meantime a cheque for £350, the amount of the certificate, was paid to the order of a creditor of the contractors instead of—as was intended—to the advance account of the Director of Public Works, he not having signed it—and, so far as he recollected, he had never signed one of these advance accounts. Had the money been paid, as intended and directed, to his advance account, it would not have been paid over to the contractors until it became actually due in the course of events. There was an error made there. In the meantime, the contractors having failed, their creditors seized the works, and not only the works but also all the material in their shops including the joinery-doors, windows, etc.—intended for the building. Even had it been delivered at the building, it appeared from the opinion of the law officers of the Crown that the Government would not have had a prior claim upon it over the creditors, and they could have seized it. He regretted exceedingly that there should have been an error made as regards the payment of the £350 to the contractors instead of to his advance account. Had they not been paid this cheque, they would not have received more than £6 5s. over and above the 75 per cent. they were entitled to. That was the clearest statement he could make. If after that explanation the House considered it necessary to appoint a select committee to inquire further into the

matter, of course he could only bow to the decision of the House.

MR. A. FORREST said the hon. member for Toodyay had certainly been most persistent in this matter, and no doubt the hon. member was anxious that the whole matter should be cleared up. He thought the explanation now given by the Director of Public Works was a satisfactory explanation. The hon. gentleman candidly admitted that the payment of £350 to the contractors was an error, and he thought the House might be satisfied with that admission. Mistakes occasionally occurred in every office—both in private establishments and in Government departments; and no doubt the hon. member for Toodyay himself sometimes made a mistake in the course of his business. He saw no good in pressing this matter any further, after the explanation they had received from the head of the department.

MR. SHENTON said the explanation which they had now received from the Director of Public Works put a different light upon the matter; but he must say that he had felt all through that there had been rather an attempt to block the matter. [The DIRECTOR OF PUBLIC WORKS: Not at all.] He asked for this information so long ago as last December, and on several occasions he had directed attention to the fact that he had received no reply; and as he was unable to get the information required, notwithstanding frequent applications, it did appear to him that there was a desire on the part of the Works Department to withhold it. [The DIRECTOR OF PUBLIC WORKS: Not at all.] A matter of this kind was a matter of public importance. Through this mistake being made the country had lost £350. He should like to know what right the department had, under the Audit Act, to ask that this amount should have been paid to advance account? He thought, himself, it was clearly a breach of the Act, and that even if the Treasurer had paid the money to the Director's advance account it would have been illegal payment. He did not understand how the Treasurer could have paid it to anybody but to the party to whom the contractors authorised it to be paid. The hon. member for Kimberley said they were all liable to make mistakes. That might be, but he thought

it was very seldom that they made mistakes of this kind, in the shape of overpayment. However, after the explanation now given, he did not see what good would be gained by referring the matter to a select committee. He thought the next motion standing in his name would prevent any similar mistakes in future.

Mr. HENSMAN said, before the motion was withdrawn, he desired to say a word or two. It seemed that whenever in that House a member of the Government said that he had made a mistake, the admission was considered such an excellent reason, coming from the Government, that it condoned any mistake, and that nothing more ought to be said about it. He did not take that view of the matter, though he had no objection to other members doing so. He could not understand the suggestion which had been thrown out, by a member of the Government, that when property was bought and paid for, *bonâ fide*, by the Government, it could be seized by a contractor's creditors. That seemed to him a very strange position—that the Government should pay for materials and that these materials should be seized by the creditors of somebody else. He did not know who managed it, but it seemed a strange thing to him to hear such a suggestion made. He agreed we could not now get this money back, any more than other money which, for aught they knew, may have been wasted in the same way. But he could not agree that a mere acknowledgment of the error altered the position of affairs. There were some errors which the most cautious might fall into; there were other errors that were avoidable, and it appeared to him that the excuse for the present error was anything but satisfactory.

Mr. SHENTON said that in withdrawing his motion he must say that he considered the Works Department was responsible for this loss to the colony, and he did not see where the money was to come from to make it up.

Motion, by leave, withdrawn.

ADVANCES OF PUBLIC MONEY TO HEADS OF DEPARTMENTS.

Mr. SHENTON, in accordance with notice, moved: "That an humble address be presented to His Excellency the Gover-

nor, praying that he will be pleased to give instructions to the Colonial Treasurer that no advances of public moneys should be made to any heads of departments, except in accordance with Section 46 of the Schedule to the Audit Act." The section referred to was as follows: "In those cases in which heads of departments find it necessary to make payments, daily or weekly, for hire or wages, they are to represent the circumstances to the Governor, who will from time to time decide upon the sum which it may be proper to advance." If that section had been acted upon strictly, the mistake they had just been discussing in connection with the contract for the Fremantle Post Office would not have occurred. The Public Works Department would have had no right to go down and ask the Treasury to pay this large sum of £350 to the advance account of the head of the department, to pay a contractor. The section provided that these advances should only be made in cases where daily or weekly payments had to be made for hire or wages. When the Audit Act was under discussion there was considerable doubt whether even this power should be given to heads of departments, and whether all payments should not be made through the Treasury, so that a check might be kept on all expenditure. He was informed that in certain departments very large amounts were paid over in the shape of these advance accounts—he did not know whether he was wrong—but if these advances were made they were made in violation of the Act. He was afraid that the £1,200 paid by the Government in respect of the loss of the *Cingalee*, at Bunbury, had been paid out of advance account, and not through the regular channel. He thought it was the duty of the Treasurer and the Auditor General to see that all payments were made through the regular channel, so that a proper check might be kept upon them. The City Council, he might say, worked pretty much under the same system as that provided for in the Audit Act. All accounts against the corporation were sent in to the Town Clerk before the usual monthly meeting, and brought before the meeting to be passed. The Mayor then gave a warrant to the Council's treasurer to pay each account, and it was only upon this warrant that the treasurer was authorised to pay, even

wages. He thought a similar principle should be followed by the Government, and he believed such was the intention of the Act. He hoped, if the House agreed to this address, the Governor would see that this provision of the Act was strictly carried out in future.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the hon. member had correctly stated the provisions of the Act. Accounts were paid monthly, but in certain departments there were laborers and other employés who were paid weekly; and these advances were made to heads of departments to enable them to pay these men. If, in the opinion of the House, there had been any expenditure outside the conditions of this regulation, there could be no objection that he was aware of to the address being presented. He was perfectly satisfied himself that instructions had been given by His Excellency that all these matters of account should be carried out strictly in accordance with statute law. He would undertake that His Excellency's attention should be drawn to the matter, and, if the hon. member would be satisfied with that assurance, perhaps he would withdraw his motion.

MR. SHENTON said there could be no harm in having a record of the opinion of the House.

The motion was then put and passed.

RE-APPROPRIATION BILL, 1888.

Read a third time and passed.

MINING BILL.

On the order of the day for the third reading of this bill,

MR. SCOTT moved that the order be discharged and the bill recommitted. He had some amendments to propose, substituting the Local Court for the Supreme Court as the tribunal for dealing with mining disputes, and also altering the time of notice required in certain cases, where the scene of operations might be in a district a long distance from Perth, such as the Kimberley district. They did not know but that in a few months hence that district might be an important mining centre, and several companies formed there; and he thought it would be most lamentable if any difficulties were thrown in the way of the

auriferous resources of the district being developed. If there should be any difficulties the result would simply be that those engaged in the industry would register themselves in Melbourne instead of Perth, and all their operations would be carried on through Melbourne instead of through Perth. He did not understand that there was any objection on the part of the Attorney General to any of the proposed amendments; therefore it was not necessary for him to labor the question.

The order of the day for the third reading was discharged, and the bill recommitted.

Clause 3—Application and interpretation of Act:

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that all the words after "Act," in the nineteenth line, down to and including "Court," in the twenty-third line, be struck out, and the following inserted in lieu thereof:—"and the word 'court' shall mean the Local Court in and for the district in which the registered office of the Company is situated, or such Local Court as may be appointed by the Governor in Council for the purposes of this Act; and the word 'district' shall mean such district as aforesaid, or such district as may be created or extended by the Governor in Council for the purposes of this Act; and the word 'judge' shall signify the judge or magistrate of such court; and the word 'clerk' shall signify the clerk of such court." It would be observed, the hon. gentleman said, that the court to which it was now proposed to give jurisdiction was the Local Court for the district in which the registered office of a company was situated, or such Local Court as might be appointed for the purposes of this Act by the Governor in Council. Considering that these companies—although they would be bound to be registered as companies in Perth—would carry on their operations and have their registered office at some distance afield from Perth, he proposed that the Local Court having power to adjudicate should be the court in the district where the company's registered office was, and where their operations would be actively carried on. It might, however, happen that there were districts which might become the scene of mining operations in

which there was no Local Court at present established; therefore he proposed to give the Governor in Council power to appoint a Local Court, for the purposes of this Act, in such districts—for the purposes of this Act only. He understood it was the general wish of the committee that recourse should not be had more than was absolutely necessary to the Supreme Court, with its more cumbrous and expensive procedure, the object of the Act being to promote mining enterprise by making the law as cheap and effective as possible. He begged to submit these amendments for the consideration of the hon. member for Perth (Mr. Scott), and to apologise for having taken the matter (as it were) out of the hands of the hon. member, who had taken great interest in this matter.

MR. SCOTT said he had no objection whatever to offer to the amendment, which was very much in accord with what he had himself intended to move.

MR. HENSMAN presumed this bill had been brought forward by the Government after some consideration. [The ATTORNEY GENERAL: Great consideration.] Then he did not know what had happened since yesterday to induce the Government to strike out the Supreme Court and to substitute the Local Court to-day, and to make out now that the Supreme Court was a very terrible place to go to. This was a remarkable change of front on the part of an Attorney General. He did not object to it himself, for he thought it would be more convenient to have these mining affairs settled in the courts on the spot. But he would point out that the establishment of a fresh court in any district where there was no court, and the appointment of a magistrate to preside in such court must involve expense, and could not be done without a vote of that House. He did not know that any provision had been made on the Estimates to meet any expenditure that might have been incurred in this way. He merely threw out the suggestion whether this might not give rise to a difficulty.

THE ATTORNEY GENERAL (Hon. C. N. Warton) was much obliged to the hon. member for Greenough for his suggestion, and he quite appreciated the hon. member's remark. There was much force in what the hon. member had said

with regard to the necessity for paying the magistrate of any new court that might be established for the purposes of the Act, and that it would be impossible to work a court or anything else without money. But they could not do everything at once. They had passed the Estimates for this year, and this was a contingency which had not been anticipated. After all, it was a somewhat remote contingency. There must, first of all, be a mining company started, and it must be started in a district where there was no Local Court already established, before there would be any necessity for any fresh appointment, or additional expense. Such a double contingency was, perhaps, not likely to happen for some time; and he did not think that the House would be unwilling, after giving power to His Excellency in Council to declare any fresh district a Local Court district, for the purposes of this Act only,—he did not think the House would be unwilling afterwards to provide ways and means. It would be regrettable, if the necessity for establishing such a court during the recess should arise, that the Governor should be debarred from doing so, simply because the House had not on this year's Estimates made provision for the necessary expenditure of carrying on the work of that court. That House being a reasonable House, he ventured to think that, should it be found next year that some trifling expense had been incurred under such pressure of circumstances, the House would vote the necessary funds.

The amendment was then agreed to, and the clause, as amended, put and passed.

Clause 4—Mode of obtaining a company's registration; certain notices required:

MR. SCOTT moved that the word "seven" in the 13th line, be struck out, and the word "fourteen" inserted in lieu thereof. The clause provided that within seven days after a certain statutory declaration had been made a copy of such declaration should be published in some newspaper and also in the *Gazette*. It might happen that the scene of the company's operations might be a long distance away, and he thought seven days' grace was too short a time to allow for the publication of this notice. He

was not sure that fourteen days was long enough, in a scattered colony like this.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said if the hon. member's object was to meet all cases and all distances, neither fourteen nor twenty-one days would be enough. But it did not always follow that the same person should make the declaration and also insert the advertisement. These companies would probably have agents at Perth, or some other part of the colony.

The amendment was then put and passed, and the clause adopted.

Clause 43—Notice of increase of capital; declaration of manager to be lodged with Registrar of Joint Stock Companies within fourteen days:

MR. SCOTT moved that "twenty-eight" be substituted for "fourteen," in order to meet the exigencies of companies a long distance from Perth.

Amendment agreed to, and clause put and passed.

Clause 50—"The amount of any call which for the time being may be unpaid upon any share in a company shall from and after the day when it shall be payable be deemed to be a debt due from the holder of such share to the company, and shall, provided the amount of such call shall not exceed £100, and provided proceedings for the purpose be commenced within fourteen days from that day, be recoverable, with interest thereon, and costs of suit, by the manager, describing himself in any proceeding therefor as manager of the company to whom the call shall be due, in any small debts court; or provided the amount of such call shall not exceed £20, payment thereof with such interest and costs may be enforced against the shareholder on the complaint of the manager, describing himself as aforesaid, before any two justices."

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that all the words between "shall," in the seventh line, and "provided," in the ninth line, be struck out. These words were superfluous now, as all proceedings for the recovery of calls were to be taken in the Local Court.

MR. HENSMAN thought this was a most dangerous way of legislation, to move amendments like these in this haphazard manner, if the Act was intended to hold water for any time. They had al-

ready altered the constitution of the courts and other important matters, and, for his own part, he must decline taking any part of the responsibility of adopting important amendments like this at a moment's notice. He thought they should find this Act giving rise to a heavy crop of litigation.

MR. CONGDON: What about calls not exceeding £100? If we strike out the proposed words, how are calls the amount of which do not exceed £100, but amounting to that sum, to be recovered?

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the jurisdiction of Local Courts was, last session, extended to that amount.

MR. MARMION suggested that the words "within fourteen days" be struck out, so that proceedings for the recovery of calls might be taken at any time.

MR. SCOTT thought the clause would be better as it stood.

MR. HENSMAN thought it would be a monstrous thing that a man could be proceeded against for £100, within fourteen days, in any Small Debts Court, without a jury, although the defendant might be hundreds of miles away.

The amendment of the Attorney General was adopted, and the clause, as amended, put and passed.

Clause 52—Forfeiture of shares for non-payment of calls:

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved some verbal amendments, which were accepted (*Vide* "Votes and Proceedings," p. 114.)

MR. SCOTT moved that the word "fourteen," in the eighth and eleventh lines, be struck out, and "twenty-one" inserted in lieu thereof. Fourteen days notice of the forfeiture of shares for non-payment of calls might be a long enough notice in Victoria, where they had greater facilities of communication than we had in this colony; but he thought twenty-one days would be short enough notice here, bearing in mind the long distance there might be between shareholders and the scene of the company's operations.

MR. HENSMAN considered it a very severe provision that shares should be forfeited in so short a time even as twenty-one days, in a colony of long distances like this.

The amendment was put and passed, and the clause adopted.

Clause 53—Forfeited shares to be sold by auction, after fourteen days' notice:

MR. SCOTT thought they ought to make it twenty-one days.

MR. A. FORREST presumed that all these shareholders would have agents to pay up their shares and to look after their interests. Twenty-one days' notice would be of no use to a shareholder in Melbourne for instance.

The clause was adopted.

Verbal amendments were made in other clauses, *sub silentio* ("Votes and Proceedings," pp. 114 and 115).

Clause 92—Who are to be contributors if the assets of a company ordered to be wound up are not sufficient for payment of its debts and liabilities:

MR. HENSMAN said he noticed by the 4th sub-section of the clause that "any married woman in whose name any share in the company shall be registered" was liable to be called upon to contribute. Such a provision might do in Victoria, where they had a Married Women's Property Act, but it would not work here, where we had no such Act in operation.

THE ATTORNEY GENERAL (Hon. C. N. Warton) was much obliged to his hon. friend, and moved that the sub-section be struck out.

Agreed to, and clause, as amended, put and passed.

Clause 97—Contributions due, to be paid within ten days after insertion of newspaper notice:

MR. SCOTT thought "ten" days was too short a time, and moved that "twenty-one" days be substituted.

Agreed to, and clause adopted.

Clause 127—Criminal liability of managers:

MR. HENSMAN said he noticed that according to this clause a manager guilty of certain misdemeanors was liable to imprisonment for twelve months, with or without hard labor. The words "with or without hard labor" did not appear in the Victoria Act, and he did not see why the punishment should be severer here than in that colony. He moved that these words be struck out.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought that a manager who wilfully made a false entry in the company's register or accounts deserved to

suffer hard labor. Crimes of commercial dishonesty were, in his opinion, much worse than offences committed by vulgar and ignorant thieves.

MR. HENSMAN said the false entry might be a very unimportant one, and not done with a fraudulent intent. He failed to see why the offence should be regarded more heinous here than in a colony like Victoria.

MR. RICHARDSON said it would be discretionary with the committing magistrate to say whether the imprisonment should be with or without hard labor.

MR. MORRISON did not think they could be too strict with the managers of these mining companies. The object of the Act was to encourage speculation in mining, and to induce people to subscribe to the formation of these companies, with the view of developing what was believed to be auriferous country.

The amendment to strike out the words was negatived.

Bill reported, with further amendments.

LOAN ESTIMATES, 1888.

These Estimates were agreed to, in committee, without further discussion.

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

LEGISLATIVE COUNCIL,

Thursday, 19th April, 1888.

Committee of Advice under Audit Act—Election of a Governor of the High School—Law and Parliamentary Library Committee—Messrs. C. & E. Millar's submarine cable proposal (Message No. 18): Report of Select Committee—Message (No. 20): Replying to Addresses—Message (No. 21): Replying to Resolution of the House re Messrs. Neil McNeil & Co.'s offer to construct a railway to the Southern Districts—Message (No. 22): Assenting to Bills—Message (No. 23): Disallowing the Victoria Public Library Bill—Message (No. 24): Forwarding proclamation proroguing the Council.

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

PRAYERS.