Audit Bill last Session, he (Mr. Venn) had no opportunity of voting upon the question, as he was absent from the House at the time. Had he been present and exercised his right to vote, he was free to admit that he would have voted against the measure then introduced, though he certainly preferred it to the present one. While fully appreciating the efforts and the object which the hon. member for the Swan and his followers had in view, he felt bound to say that the present Bill, if it became law, would tend more than anything to defeat the attainment of that object.

MR. RANDELL said, when he first saw the Bill, he had not much liking for it, but when he came to regard it more attentively, he thought there were features about it which commended the Bill to his fancy, as containing elements of a very useful character. As to the responsibility which would attach to the board of advice proposed to be established, he thought there were other considerations which weighed with right-minded persons besides the expectation of preferment or official promotion, or even loss of office. The good fame and the public reputation and honor of the members constituting the board would, to a great extent, be at stake, as well as their status in that House—a consideration which would weigh very heavily with them in dealing with questions of unauthorised expenditure. Though he was not altogether enamoured of the clause even yet, still he regarded it as a valuable concession, an honest and generous concession, on the part of the Governor, to the wishes of the majority of the members of the House who supported the Audit Bill of last Session; therefore, he thought any opposition to it would, under the circumstances, come with very bad grace from that House, especially in its amended form, which he considered a great improvement upon the clause as it originally stood.

The Committee then divided upon the question of retaining the clause, when there appeared

Ayes	...	...	11
Noes	...	...	5
Majority for		...	6

AYES.	NOES.
The Hon. A. C. Onslow	Mr. Hamersley
The Hon. M. Fraser	Mr. Higham
Mr. Burges	Mr. Marmion
Mr. Grant	Mr. Venn
Sir L. S. Leake	Mr. Brown (*Teller.*)
Mr. S. H. Parker	
Mr. S. S. Parker	
Mr. Randell	
Mr. Steere	
Mr. Stone	
Lord Gifford (*Teller.*)	

The motion was therefore carried, and the clause was ordered to stand part of the Bill.

The remaining clauses were agreed to, and some new clauses and amendments introduced, without discussion, and the third reading of the Bill was fixed for Monday, September 12.

The House adjourned at a quarter past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 9th September, 1881.

School House at Northampton—Municipal Institutions Act, Amendment Bill: third reading—Oyster Fisheries Bill, 1881: correction—Perth International Exhibition—Reply to Message (No. 24): Retransfer of Loan Moneys temporarily used; adjourned debate—Estimates: recommitted—Married Women's Property Bill: second reading—Adjournment.

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

PRAYERS.

SCHOOL HOUSE AT NORTHAMPTON.

MR. BROWN, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether any arrangements "have been made to build a School-"house at Northampton?"

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—"The Gov-"ernment have not made any arrange-"ment, but the Central Board have the "matter under their consideration, and "they intend to erect one out of their "own funds."

MUNICIPAL INSTITUTIONS ACT, AMENDMENT BILL.

MR. SHENTON moved the third reading of this Bill.

MR. RANDELL said he felt it his duty to follow up the opposition which he had already offered to the Bill, and he would therefore move, as an amendment, That it be read a third time that day six months.

SIR T. COCKBURN-CAMPBELL said he seconded the amendment as a matter of form, and in doing so he wished to state that it was not because he thought that, in regard to the particular matter which had caused the Bill to be brought forward, the Municipality of Perth had been in any way to blame; on the contrary, he considered that, under the circumstances, they had acted in a very fair and proper manner, in what they conceived to be the best interests of the ratepayers. He opposed the Bill, because, in his opinion, it would not be advisable to place more power in the hands of these Municipal Councils than they already possessed.

MR. S. H. PARKER said, if the Bill was considered necessary at all in order to indemnify the City Council in respect of the gratuity voted to their late clerk, it was a measure in which he himself was pecuniarily interested, as he was Chairman of the Council when the gratuity was agreed upon, and for that reason he had not intended to take any part in any discussion that might take place upon the Bill. He had refrained from doing so hitherto, and also from voting; but he thought it was only due to the City Council that he should state to the House the circumstances which had led to this gratuity being granted. The late clerk (Mr. Lazenby), who had served the Municipality in that capacity for a great number of years, had, by reason of old age and infirmity, and the great increase of work devolving upon him in connection with the expenditure of the loan money which the corporation had raised, become incapacitated from performing the multifarious duties attached to the office, and the Council saw that it would be necessary to make some other arrangement for carrying out the clerical work of the corporation, and also to perform certain duties connected with the surveys rendered necessary by reason of the public works undertaken by the Council out of the loan. It was found that the combined duties of clerk and surveyor could be carried out for £125, which was only £25 more than they were paying the clerk, and the Council, deeming this a most economical arrangement, thought the best thing they could do, in the interests of the ratepayers, was to do what they did—give the retiring clerk a small gratuity, in recognition of his long and faithful services, and employ another officer who would perform the dual duties for the trifling addition of £25 a year. Had this not been done, it would have been necessary to have employed a clerk and a surveyor, and he did not suppose the salary of the latter alone would be much, if anything, less than they were now paying the officer who discharged the combined duties. Under these circumstances, he did not think it could be denied that the Municipal Council had acted in the best interests of the ratepayers, and that they were not asking a great deal when they asked the House to agree to this Bill. As to the principle of the Bill—the proposal to empower Municipal Councils generally to grant a gratuity to retiring officers, he did not think it was likely that the Bill would, in its operation, make any very serious encroachments upon Municipal funds. Who, after all, were the officers employed by these bodies, as a rule? Merely secretaries or clerks, who—with the exception of the Perth and Fremantle Municipalities—were in receipt of the magnificent sum of about £12 per annum. This Bill empowered the Councils to grant a retiring allowance not exceeding the amount of one month's salary for each year of service; so that a clerk who had served a Municipal Council for a period of twelve years, might, if the corporation, in its collective wisdom and the exuberance of its generosity, felt so inclined, receive on his retirement into private life the stupendous sum of £12—provided, always, that the ratepayers approved of such extravagance. Under this Bill, the Municipal Councils could no more grant a pension or retiring allowance to any of their officers, without the consent and authority of the ratepayers, than they could at present, so that virtually the whole matter rested with those who

provided the funds out of which the gratuity would have to be paid.

MR. SHENTON pointed out that the Bill, in one sense, did not confer any more power upon Municipal Councils than they had at present, for they were now empowered—without reference to the ratepayers—to appoint their own officers and to fix the scale of remuneration for such officers. Under these circumstances, he did not think it was asking too much that they should have the same right as regards granting them a retiring allowance.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it might be true that some little hardship would be inflicted upon the Municipal Council of Perth, if this Bill did not pass, but he would ask the House, in its sympathy with these conscript fathers, not to rush into the danger of passing an Act which might involve, and possibly would be sure to involve, far greater hardship upon the other Municipalities of the Colony, as well as upon the ratepayers.

The motion for the third reading of the Bill was, upon a division, carried, the numbers being—

Ayes	...	...	8
Noes	...	...	6
Majority for		...	2

AYES.	NOES.
Lord Gifford	The Hon. A. C. Onslow
The Hon. M. Fraser	Mr. Burt
Mr. Brown	Sir T. C. Campbell
Mr. Burges	Mr. Steere
Mr. Hamersley	Mr. Venn
Mr. S. S. Parker	Mr. Randell (*Teller.*)
Mr. Stone	
Mr. Shenton (*Teller.*)	

The Bill was therefore read a third time and passed.

OYSTER FISHERIES BILL, 1881.

The House went into Committee to consider the verbal amendment referred to in His Excellency's Message (No. 25) —to substitute "twenty-eighth" in lieu of "eighteenth," in the 20th clause.

The amendment was adopted.

PERTH INTERNATIONAL EXHIBITION.

THE COLONIAL SECRETARY (Lord Gifford) brought under the consideration of the House His Excellency's Message relative to the proposal made by Messrs. Joubert and Twopeny in connection with holding an Exhibition at Perth, in November next, on the basis of that held in South Australia. Hon. members had doubtless read of the success which had attended the enterprise of the promoters at Adelaide, and he could not but think that the Exhibition would be attended with satisfactory results here. It would certainly prove a great stimulus to trade, and lead to an extension of our commercial relations; while, as an educational medium, more especially as regards machinery and manufactures, such an exhibition could not fail to prove very instructive, interesting, and beneficial.

MR. SHENTON was glad that the Government had agreed on the terms of the promoters, as regards remission of duties upon the exhibits, etc., and that it was proposed to treat them in a liberal spirit. The Exhibition promoted by these two gentlemen appeared to have given universal satisfaction to our neighbors in South Australia, and its influence upon the commerce of the colony had been very marked. He thought the inhabitants of Western Australia were to be congratulated upon the prospect of having the picked exhibits of the late Melbourne Exhibition brought to their very doors, and that, too, at no expense to the Colony. He was sure everybody would do all within their power to promote the success of the undertaking. The projectors, he might say, had communicated with the municipal council of Perth, as well as with the local Government, and the council had expressed its readiness to do all it could in furtherance of the object in view.

The matter then dropped.

REPLY TO MESSAGE (No. 24): *RE* TRANSFER OF LOAN MONEYS TEMPORARILY USED.

ADJOURNED DEBATE.

IN COMMITTEE.

MR. STEERE said when this question was before the House before, a resolution was proposed by the hon. member for Perth, asking the Governor to place a sum of £500 on the Estimates for a goods shed at the City Railway Station, and the debate was adjourned. From information which he had since received, as well as from the statement already

made to the House by the noble lord opposite, the Government, with the estimated means at their disposal next year, would not be justified in placing any additional sum on the Estimates, as a charge upon the revenue during the ensuing year. Under these circumstances, it appeared to him, as this goods shed was an acknowledged necessity, the best and most constitutional course to adopt would be to request His Excellency to make temporary use of the sum required for this building (not exceeding £500), taking it out of the unexpended portion of the loan raised in 1878, the Council pledging itself that, when the money is required for the completion of the public offices, it will be prepared to refund the amount expended on the goods shed, if placed upon the Estimates for the year when it may be required. Possibly, when the House met next year, they might have to ask His Excellency to proceed with another loan for railway extension; but unless the deficit on current account were paid off, and the financial equilibrium restored—and they could not hope to see this if they made any further charges upon the revenue, and did not economise expenditure as much as possible—it would be no use their asking the Secretary of State to sanction another loan. For this reason, he thought it would be impolitic to place this £500 on the Estimates for next year, and thus swell the expenditure out of current revenue; and it was on this account that he did not feel justified in including the other two sheds in the resolution which he was about to propose as an amendment upon that submitted the other day by the hon. member for Perth. His amendment was as follows: "This Council is of opinion "that, without contravening those sound "principles of finance which it has "determined to adhere to, it could not "by resolution authorise the Governor to "re-transfer any amount from General "Revenue to Loan, as that would involve "an expenditure of public money with-"out any adequate provision being made "to meet it. The Council, however, is of "opinion that Your Excellency should "make use of such sum as may be re-"quired, not exceeding £500, for the "erection of a goods shed at the Perth "Railway Station out of the £10,000 "raised under the Loan Act, 1878, for "public works, including cost of steam "tug; which amount, when it shall be "required for the completion of the pub-"lic buildings, this Council will be pre-"pared, if placed upon the Estimates, to "appropriate for the said purpose."

MR. BROWN said he had listened very attentively to the course proposed to be followed in this matter, and he feared that the object which the House had in view would not be met if they passed the resolution submitted by the hon. member for Swan, which stated that the House had determined to adhere to those "sound principles of finance," which condemned the expenditure of public money when no provision had been made to meet such expenditure. But he was very much mistaken if the House, in dealing with this very question of the erection of the proposed goods sheds, had not already departed from those "sound principles of finance," for it was only a few days ago that a resolution had been affirmed involving an expenditure of £2,000, to be borrowed, in the first instance, out of loan money, but to be hereafter refunded out of general revenue, without, however, placing such sum on the Estimates, and thus involving "an expenditure of public "money without any adequate provision "being made to meet it,"—the very course condemned in the resolution now before the Committee. His Excellency, however, informed the House by message that he was not satisfied with a general authority such as that given in the resolution adopted by the House, and that he must have a distinct pledge from the Legislature that the money would be available, out of general revenue, when required to be refunded to loan account. The House, then, was in this position,—either it must give the Governor this pledge, and this authority to transfer the amount out of general revenue to loan, or they must forego these works. He thought the wiser course—he did not know whether it was constitutional or not—would be to authorise His Excellency to take £2,000 out of the Loan of 1878, and to further authorise him to return the amount out of general revenue whenever His Excellency deemed it expedient to do so, and as the revenue admitted of it. Before

the money would have to be refunded, doubtless they would have before them another Loan Bill, and he thought it would be exceedingly desirable to include in that Loan Bill this very sum of £2,000, and thus enable them to refund the money without encroaching upon the revenue, and thus relieve the revenue of charges which, in his opinion, were not, justly speaking, chargeable to it. It appeared to him that this was one of those cases in which it would not be advisable to adhere too strictly to the letter of the law, so long as they did not violate its spirit. He would therefore move, as an amendment upon the resolution before the Committee, "That the "figures '£500' be struck out, and the "figures '£2,000' be inserted in lieu "thereof, and that, after the words "'Perth Railway Station,' the words 'a "'carriage shed at Fremantle Railway "'Station, and a goods shed at Gerald-"'ton'" be inserted.

MR. STEERE said he had no objection to the amendment, which was agreed to.

The resolution, as amended, was then adopted.

ESTIMATES: RECOMMITTED.

On the motion of the COLONIAL SECRETARY (Lord Gifford), the Estimates were recommitted.

Medical Department:

THE COLONIAL SECRETARY (Lord Gifford) moved, That after the item "Champion Bay, Hospital Orderly, £30," the item "Hospital Cook, £30," be inserted. Since the Estimates were passed, he had discovered that the cook's pay had heretofore been charged under the head of "provisions," the man occupying the position being a prisoner.

MR. STEERE: Why do they want a cook at the Geraldton Hospital any more than any other district hospital?

THE COLONIAL SECRETARY (Lord Gifford): Because of the greater number of patients.

The vote was agreed to.

Judicial Department:

THE COLONIAL SECRETARY (Lord Gifford) moved, That after the item "Murray, £155," the item "Blackwood, without any allowances, £75," be inserted. This, as had already been pointed out, would be a great boon, in the way of magisterial and medical assistance to the Blackwood residents, the intention being that the medical officer at Bunbury, who was also a Justice of the Peace, should continue to visit the settlers periodically.

MR. STEERE asked if it was proposed that the officer in question should visit the Blackwood twice a month, as heretofore?

THE COLONIAL SECRETARY (Lord Gifford): No, he will only visit once a month, unless the Government can induce him to do so more frequently. The House is aware that the travelling expenses of this officer will in future come out of this vote, and I hardly think we could expect him to pay two visits a month for £75 a year.

MR. STEERE said if it was only intended to cover the cost of one visit a month, he would move that the vote be reduced from £75 to £50.

MR. VENN thought the sum asked for was very moderate indeed—so moderate that he did not think they could fairly ask the officer in question to pay two visits a month—a distance of sixty miles—and pay his own expenses. He thought, however, arrangements ought to be made for more than twelve visits in the year, and he had no doubt the Government would do the best they could in the matter.

MR. SHENTON failed to see what special claim the Blackwood had upon the sympathies of the House. When he brought forward a similar proposal, two or three years ago, in favor of Dandaragan, Yatheroo, and the neighboring districts, which were much more thickly populated than the Blackwood, and quite as awkwardly situated as regards obtaining medical assistance, the proposal was rejected by the House, on the ground that the Colony could not afford it. If that was the case, he failed to see how the Colony could afford it now in the case of the Blackwood.

MR. S. H. PARKER asked if the House was going to subsidize doctors here, and doctors there, for the convenience of the general public of the Colony? If they were, they should deal equal justice to every district, not excepting his own much neglected constituency,—

Wanneroo, which was as much entitled to a doctor any day as the Blackwood. He supposed these doctors did not give professional advice gratis, when they visited the outlying districts; why, then, should they be paid out of public funds as well as out of people's private pockets? Why not subsidize lawyers as well as doctors? Surely the former were as useful and necessary as the latter, in any community. He would move that the whole item be struck out.

MR. BROWN said the hon. member seemed to forget that the House had already recognised the principle of subsidizing doctors in this Colony, and the principle had been acted upon for many years past. Whether it was a good one or a bad one, was another question; personally, he might say, he did not think it was a principle which had much to recommend it. But the House having already recognised it, and voted salaries every year for the medical officers stationed in the various districts of the Colony, they must look to some other excuse for striking out this particular vote. The sum asked for was certainly a very moderate one, bearing in mind the long distance to be travelled—120 miles there and back. Twelve visits for £75 a year was certainly not extravagant. They could not get an ordinary light mail carried at the same rate. He noticed that the vote was placed under the head of "Judicial," so that it was evidently in contemplation that the officer in question should discharge magisterial duties.

MR. SHENTON could not see why the Resident Magistrate at Bunbury should not be required to visit the Blackwood district, in the same way as the Resident at Newcastle had to visit Victoria Plains, and the Resident at York had to visit Beverley, once a month? The distance was not greater.

THE COLONIAL SECRETARY (Lord Gifford) pointed out that the gentleman in question would be able to give his medical services as well as magisterial to the people. The magisterial duties had never before been performed for the sum now proposed to be paid, to say nothing of medical services. They might almost save the amount in vaccination fees.

The proposal to strike out the vote was negatived, on a division, the numbers being—

Ayes	... ...	4
Noes	... ...	11
Majority against...		7

AYES.	NOES.
Mr. Burt	The Hon. A. C. Onslow
Mr. Shenton	The Hon. M. Fraser
Mr. Steere	Mr. Brown
Mr. S. H. Parker (*Teller.*)	Mr. Burges
	Mr. Hamersley
	Mr. Marmion
	Mr. S. S. Parker
	Mr. Randell
	Mr. Stone
	Mr. Venn
	Lord Gifford (*Teller.*)

The amendment on the amendment was therefore negatived.

Question—That the item be reduced by £25—put.

Committee divided, as follows—

Ayes	... ...	7
Noes	... ...	8
Majority against...		1

AYES.	NOES.
Mr. Burt	The Hon. A. C. Onslow
Mr. S. S. Parker	The Hon. M. Fraser
Mr. Randell	Mr. Brown
Mr. Shenton	Mr. Burges
Mr. Steere	Mr. Hamersley
Mr. Stone	Mr. Marmion
Mr. S. H. Parker (*Teller.*)	Mr. Venn
	Lord Gifford (*Teller.*)

The amendment was therefore negatived.

Question—That the item be inserted—put and passed.

Question—That the total, as amended to £9,375, be granted to Judicial Department—put and passed.

Works and Buildings:

THE COLONIAL SECRETARY (Lord Gifford) moved, That item "Carriage Shed, Fremantle, £1,000," be struck out,—the amount being included in the £2,000 proposed to be temporarily borrowed out of Loan, in accordance with the resolution just passed by the House.

Question—put and passed.

Estimates reported.

MARRIED WOMEN'S PROPERTY BILL.

MR. S. H. PARKER moved the second reading of a Bill to amend the law relating to the Property of Married Women. The hon. member said it might be considered somewhat late in the Session to bring in a Bill of this importance, but he thought that, when he came to explain the object and scope of the Bill,

hon. members would not find there were any features in it which would not recommend themselves to the favorable consideration of the House, especially when it was borne in mind that the principle of the Bill had been affirmed by the British Parliament ten years ago, and was now in operation in the mother country. Hon. members would observe that it was not a Bill of any great length, but some of its provisions materially affected the present law in this Colony as regards the property of married women. Hon. members were aware that, as the law now stood, no married woman could sue for any of her own earnings or wages. However industrious she might be, however skilful, she was not in the position to recover the fruits of her earnings by an action at law, and those earnings passed directly to her husband. Again, if a woman is possessed of any money when she marries, that immediately also passes to her husband. In fact, he thought it had been well pointed out that, although marriage is regarded as an honorable estate, yet, so far as it affects the personal property of the woman entering this holy bond, it operates very much with her in the same manner as a conviction for felony does with a man. All her property is forfeited to her husband, in like manner as a felon's property is forfeited to the Crown. That husband may be an idle and dissolute man, neglectful of his home and of his family, and he may squander his wife's property upon his own sottish self, and the woman who had brought him the means of thus gratifying his vices, or whose hard earnings were thus squandered away, had no legal remedy or protection. Her children, who, if she had her own way, and the right to her own earnings, would be brought up in decency and respectability, were trained up in poverty and misery. The present Bill proposed to alter all this, and aimed at doing what he conceived to be a simple act of justice towards the married women of the Colony. The Imperial Act was passed in 1872, by the House of Commons, after being subjected to considerable amendments in the Lords; previous to that a measure of the same character had been under the consideration of the Commons for two years, so that it could not be said that the legislation on the subject as adopted by the Imperial Parliament, and upon which the present Bill was based, was a hastily conceived or ill-considered measure. The first clause of the Bill provided that the wages and earnings of any married woman, acquired by her after the passing of this Act, shall be deemed to be her own property absolutely; and further provision was made in a subsequent clause of the Bill under which she would be in a position to maintain an action, in her own name, independently of her husband, for the recovery, for her own use, of any such earnings or wages. The same right was given her as to maintaining an action for the recovery of any property which may have belonged to her before her marriage. The Bill also provided that any deposit which a married woman may hereafter make in the Savings Bank, or which she may have made in her maiden name before marriage, shall henceforth be deemed to be her own separate property, and shall be paid to her, for her own absolute use, as if she were not married at all. Provision was however made, in the interest of the husband, that, in the event of any deposit being made by the woman in her own name by means of her husband's money, and without his consent, the Supreme Court might be appealed to, and an order obtained by the husband for the payment to himself of the money so deposited. The third clause of the Bill dealt with investments made by married women in any friendly or providential society, building society, or loan society. Any investments made by a married woman in such societies would be entered in the books in her own name, or (if not yet married) in her intended name, and she would be entitled to it for her own separate use, as well as all dividends and profits accruing from such investment. A similar proviso was however made in respect of these investments as was made with regard to Savings Bank deposits: if a woman invested her husband's money, without his consent, the husband, upon proof of the fact, could obtain an order for the recovery of the same. Special provision was also made against any collusion between husband and wife for the purpose of defrauding the husband's creditors, and any money deposited by the woman in her own name, in any bank or

society, with the object of depriving her husband's lawful creditors of such money, would have no validity, and could be recovered for the benefit of the creditors. It would thus be seen that the Bill, while affording every reasonable protection to married women, did not offer any inducement to fraud. The fifth clause of the Bill provided that where any married woman, after the passing of the Act, became entitled to any personal property not exceeding £200, such property shall belong to the woman, for her own separate use. While on this clause, he might point out that the Bill was brought in for the benefit and protection of women of the poorer classes rather than of the rich, and it provided the same security for the former as regards inherited property as a marriage settlement did for the latter. As the law stood at present, unless such a settlement had been executed, if a woman became entitled, as next of kin, or one of the next of kin of an intestate, to any small sum of money, it immediately passed to the husband, in the same way as her earnings, and she might never derive any benefit whatever from it; but, under the present Bill, any money left to her would become her own property, and her husband could not touch it. With regard to land or freehold property coming to a married woman, the Bill provided that where any such property shall descend to a woman, after the passing of this Act, as heiress, or co-heiress, of an intestate, all the rents and profits of the property shall belong to the legatee for her separate use. She would not be empowered to do away with the property herself, without the consent of her husband, but she would be entitled to all the rents, which her husband could not touch. The seventh clause of the Bill provided that any questions of dispute as to ownership between husband and wife shall be decided by the Supreme Court. In the English statute, provision was made for hearing such applications by County Court Judges, but he had provided that all disputes under the Bill here shall be decided by the Supreme Court only, and for this reason: he did not himself think it would be expedient to give the right to hear such applications to any lower court, for he failed to see how to provide for an appeal from the decision of such court to the Supreme Court, on any question of fact that might arise under the application to the local court Magistrate. He had therefore considered it advisable to give the Supreme Court alone the power to settle any questions of dispute arising under the provisions of the Bill, between a married woman and her husband. The second portion of the Bill dealt with the extent to which a husband should be liable for his wife's debts. In the first Bill brought into the House of Commons dealing with this subject, it was provided that a husband shall not be liable for any debts whatever contracted by his wife prior to their marriage, or subsequent thereto, but it was found that this provision did not work well, and opened the way to fraud, and the Act was amended in this respect. The present Bill was framed on the lines of the amended statute. Under the law at present in force in this Colony, as regards the liability of husbands in respect of a wife's debts, the husband is held liable for all debts which his wife may have contracted before marriage, as well as after the marriage. The present Bill limited the husband's liability to the extent of the value of the property which his wife may have brought with her, and no further. These were the main provisions of the Bill, which he now asked the House to affirm. The Imperial statute upon which the Bill was based had received the cordial support of some of the most enlightened and philanthropic statesmen of the mother country, one of whom, Lord Shaftesbury, in speaking of the measure, characterised it as "a Bill which he believed would "prove one of the greatest social blessings ever brought about by legislation."

MR. VENN said he had listened patiently to the speech of the hon. member who had brought forward the Bill—a speech marked by considerable ability and considerable ingenuity, and one which entitled the hon. member to rank himself as a most enthusiastic advocate of "woman's rights." But, notwithstanding all that had been said by the hon. member in support of the Bill, he (Mr. Venn) felt bound to say that he looked upon it as a most unholy measure—one that opened the door to much domestic dissension, and to a division of interests

between man and wife; and, whenever a division of interests entered a house, there would be an end to all domestic peace, and to that domestic harmony which ought to exist between a husband and his wife. Whatever the hon. member in charge of the Bill might say as to its being intended for the poorer classes of society rather than for the rich and well-to-do, it could not be denied that its provisions would be equally applicable to all classes of the community. Apart from the rooted objection which he entertained to the principle of the Bill, the measure was one of too great importance to be rushed through the House at the fag end of the Session. That the principles of the Bill were important ones, was shown by the fact that it was before the Imperial Parliament for two or three years before it became law, and yet they were now asked to affirm these principles and to pass the Bill within two or three days of the Session being brought to a close. The hon. member who brought it forward said that a similar measure having received the assent of the Imperial Parliament, and been in operation in the mother country for several years past, they might take it for granted that the principles underlying the measure were such as we might adopt here without hesitation. Well, possibly it might be presumption on our part not to accept a measure which had, after full consideration, received the approval of the Imperial Parliament, but, for his own part, he preferred to exercise his own right of judgment in these matters, for a Bill that might be admirably adapted for a state of society existing in England might be very ill-adapted indeed for the requirements of a Colony like this. No one had a more exalted idea than he had of the sex in whose interests the Bill was introduced, or who was more jealous of their rights; and it was for that very reason that he was prepared to offer the most strenuous opposition to a Bill which aimed at the destruction of that pure and holy bond of sympathy which ought to exist between man and wife. There might be individual cases of hardship in which deserving women became the victims of unprincipled husbands, and no doubt the hon. member had such cases before his eyes when he brought in the Bill; but if the House was going to be asked to legislate for every individual case of hardship, for every individual case in which the law as it now stood operated harshly, they would have some very queer Bills brought before them, and their labors would never cease. They had attempted to legislate on that principle on former occasions, and had done so this very Session; but the principle was a mischievous one for all that, and one which he would be sorry to see recognised by that House. One would almost imagine from what had fallen from the hon. member in moving the second reading of the Bill that the lords of the creation, as represented in this Colony, had altogether fallen from their high estate—that they had degenerated into domestic tyrants and monsters from whom their wives could expect no consideration or sympathy. No such thing. The marriage tie in this Colony was held as sacred as it was in any other country, but this Bill sought to degrade it, and to place it on a level with any ordinary commercial transaction of everyday life. The Bill might be a good one or it might be a bad one, the principle underlying it might be right or it might be wrong, so far as it applied to a country like England, but it was not a measure that commended itself either to his sympathy or to his instincts, and he hoped he should never be found among those who voted for its becoming the law of the land.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) did not mean to say for one moment that, under the law as it at present stood, great hardship was not inflicted upon married women under certain circumstances. These hardships in England became so notorious that it was deemed necessary for the Legislature to interfere, for the purpose of protecting ill-used women from their ill-using husbands; and he thought they ought to have some evidence that such evils existed here, and existed to such an extent as to require the active intervention of Parliament, before they could fairly be asked to rush a Bill of this importance through the Council, at this late period of the Session. He confessed there were some things in the Bill with which he himself cordially agreed, so far as the general principle was concerned, and he

was quite ready to admit that in large communities such as England, where the state of society was such that various and conflicting feelings and passions were at work, one against the other, a Bill of this character might be useful. But he was unable to consider that the state of society in this Colony was such as to call for legislation of this sort. He had seen nothing or heard nothing to justify him in coming to the conclusion that the intervention of the Legislature was immediately required in this direction. So much as to the general principle of the Bill. Let them next look at it for a moment in its detail. The hon. member in charge of it came forward as the champion of ill-used women. Probably, every right-minded man would wish to appear in the same light. He ventured to say there was not an hon. member in the House who was not prepared to stand up in that character; but, whether the championship of ill-used women would be properly provided for by the means proposed to be taken for their protection by the hon. member in charge of this Bill, was another question altogether. It was quite true that the hon. member came forward and offered what appeared to be very great benefits to married women, but did he offer nothing but benefits? Why, the hon. member surely must have been asleep when he was drafting a portion of this Bill. The hon. member came to that House professing to be the friend and champion of ill-used woman, whereas in point of fact there were provisions in the Bill which, if it became law, would do incalculable harm to the very class whom he professed to be anxious to serve. The hon. member, in fact, appeared before them as a ravenous wolf in sheep's clothing. What did they find him doing? Under the law as at present, a woman's property was her husband's, but the husband did not merely take the benefit of her property —he took the woman with all her debts and all her faults, and became responsible for all her liabilities, so that in the event of any debts being contracted by the wife the husband was made responsible. In other words, he took all, and became responsible for all. But what did the 11th section of this Bill provide—a Bill professedly brought in to benefit ill-used women? It provided that, when a husband and wife were sued jointly, if it appeared that the husband was liable for the debt, or any part of it, the judgment to the extent of the amount for which the husband was liable would be a judgment against the husband and wife; but as to the residue of the debt or damages, the judgment would be a separate judgment against the wife. (Mr. PARKER: Quite right too.) The hon. member said quite right too; on the contrary he (the Attorney General) thought it was quite wrong. It certainly was a strange way of conferring a benefit upon ill-used women. Under the law as at present, as he had already pointed out, a woman's property became her husband's, and so did her debts; he took her in fact "for "better and for worse." He obtained certain benefits, with countervailing drawbacks, the one balancing the other. They merged their fortunes and their hopes, and the two became one, united and indivisible; but this Bill sought to upset this state of things entirely, and to destroy that state of harmony which ought to exist between husband and wife. A measure aiming at so radical a change in the relations of matrimonial life ought to be very carefully considered indeed, before they added it to the statute book, and he hoped the House would pause before it even affirmed the principle of the Bill.

MR. BURT said it was well known that, when a similar Bill was passed in England, it was a very remarkable year in the history of English legislation. A Liberal Government was then in power, and some of the most sweeping measures ever introduced in the House of Commons were passed by that Administration —measures which subsequently created such a revulsion of public feeling that, three years afterwards, the Ministry was voted out of place and power. He certainly was not at all prepared to say with regard to this Bill, as they were told Lord Shaftesbury said with reference to the English Act upon which it was framed—that it was one of the greatest social blessings ever introduced by means of legislation. For aught he knew, it may have worked well at home, though he certainly should not have anticipated that it would. He had not had time to devote much attention to the

provisions of the present Bill, but, so far as he had looked at them, he did not think he had ever read a Bill that he disagreed with so much in his life. The whole gist of it was this: whereas, hitherto, husband and wife were regarded as one, they would hereafter, if this Bill became law, be regarded as two different people altogether, having no interests in common. They would have wives pulling up their husbands before the Judge, and husbands bringing vexatious actions against their wives, simply because they could not agree between themselves as to which of the two a portion of the property belonged. Every line of the Bill contained dangerous elements of discord, which it would only require a slight matrimonial squabble to set in motion. Women would be putting their husband's money in the Savings Bank, or in the Building Society, or the husband would be paying the household bills with his wife's money, and then a domestic squabble would take place, and the blessed pair would have to fight the matter out before the Chief Justice. Such an idea was absurd,—preposterous. The Bill provided that all disputes between husband and wife as to property were to be settled in the Supreme Court, before the Chief Justice, and in no other way. That being the case, he should like to know what benefit the Bill would confer upon any married woman residing out of Perth, or its vicinity. Suppose a husband and wife, say at Albany or Geraldton, had a row over some trifling sum paid by the wife into the Savings Bank in her own name, but which sum the husband claimed to be his own—how were they going to settle their dispute? Were they going to come all the way to Perth to fight out such wretched squabbles as these, before His Honor the Chief Justice? The eighth clause provided that a married woman may maintain an action in her own name, and the result of this clause, in actual life, would be this: a husband might get up in the morning, in the expectation of finding his wife, as usual, busy in the preparation of his breakfast, when, instead of that, she had marched off to the Judge for an application to bring an action against the poor man himself, or for the purpose of instituting proceedings, in her own name, against the greengrocer for not bringing her potatoes or her cabbage when she wanted them. The whole Bill, in fact, opened up a charming vista of domestic felicity and matrimonial harmony. It might be very beneficial sometimes to frame our legislation on the lines of Imperial statutes, but, whenever we had done so hitherto, it was chiefly in respect of legislation of a purely legal character, rather than as regards questions of policy, and it was obvious, that, as a rule, it would be impossible and absurd for us to attempt to follow the policy of Great Britain in a Colony like this, where our local requirements and associations are totally different. For that reason, it was no argument at all in favor of this Bill that a similar measure had been passed by the Imperial Parliament. Nothing had been advanced in proof of the necessity for legislating in this direction. No complaints, that he was aware of, had been heard from women in any class of society as to the existing state of the law, and until some much stronger grounds than had been urged for passing the Bill were put forward, he should remain of opinion that it would be very injudicious on the part of the House to agree to it. He would therefore move, as an amendment, That the Bill be read a second time that day six months.

MR. S. H. PARKER rose to reply to the arguments put forward in opposition to the Bill, but

MR. SPEAKER ruled him out of order. According to *May* (p. 305), a reply was only allowed, by courtesy, to a member who had proposed a distinct question to the House; it was not conceded to a member who had moved any Order of the Day, such as that a Bill be read a second time.

SIR T. COCKBURN-CAMPBELL said if it was the intention of the hon. member for Perth to push the Bill through all its stages this Session, he should not be prepared to go with him to that extent; but he intended to vote for the second reading of the Bill in order to affirm its principle. He thought, notwithstanding what had been said as to no evidence having been shown in proof of the necessity for such a Bill, there could be no doubt that a measure of this

character was wanted in every community. They all knew there were plenty of bad husbands who oppressed their wives, and wasted their earnings and their property, and that a married woman, under the existing law, had no remedy. The present Bill sought to provide a remedy in such cases. As to the Bill being calculated to cause dissensions and discord between man and wife, no one could imagine for a moment that it would have any such effect in the case of good and dutiful husbands and wives. He was not in a position to express any opinion as to the details of the measure, and for that reason he should not vote to go into Committee on the Bill this Session; but he thought it would be well that the House should, by agreeing to the second reading, affirm the principle of the Bill, and that such a measure was required.

MR. SHENTON was in favor of the principle of the Bill, but he thought that, at this late period of the Session, hon. members would not be inclined to give the details of the Bill that attention which they required. He therefore agreed with the hon. member for Plantagenet that the best course to pursue would be to read the Bill a second time, and go into Committee upon it next Session. Meanwhile, the details of the Bill might be considered during the recess, and possibly some improvements might suggest themselves to hon. members.

MR. MARMION failed to see what real advantage was to be gained by reading the Bill a second time this Session, and leaving the consideration of its details until the House met again next year. If they merely affirmed the principle of the Bill, that would in no way benefit the class of persons in whose interests the Bill had been brought forward—ill-used married women, who would be liable to the same ill-usage for another year, unless they passed the Bill through all its stages this Session. He thought the better course to adopt would be for the hon. member in charge of the Bill to give notice of his intention to bring it in next Session, and drop it for the present. To that end, he would second the amendment proposed by the hon. member for the Murray.

MR. SPEAKER said that ought to have been done before now. Two other members had spoken since the amendment was put, and no one at the time could be found to second it.

MR. BROWN intended to vote for the second reading of the Bill, which he hoped would be considered this Session, by hon. members, on its merits, and that they would either pass it into law or reject it altogether. As to the principle of the Bill, he distinctly remembered the great interest which the measure introduced in the House of Commons, ten years ago, created in England, and the great interest which it evoked even in this Colony, where the principle of the Bill was eagerly discussed on many a platform, and the judgment of Lord Shaftesbury with regard to it was confirmed, namely, that it was one of the greatest social blessings conferred upon human kind. They were told that evening that nothing had been adduced to show the necessity of such a Bill for this Colony. Did they want to be furnished with a list of the women whom the Bill would relieve, before they affirmed its principle, and the necessity for its introduction? He would ask any hon. member, if he did not know of numbers of instances that called for such a Bill? He had known, he was going to say scores, but certainly a very large number of cases in proportion to the population. They were to be met with every day, in every condition of life, in every part of the Colony. He deeply sympathised with the object which the mover of the Bill had in view, and he hoped the House would agree, not only to affirm the principle of the Bill, but also to consider it in detail, and pass it into law. He would move the adjournment of the House in order to enable the hon. member for Perth to reply to the arguments urged against the Bill.

POINT OF ORDER.

MR. BURT rose to a Point of Order. Was he not entitled to have his amendment put to the House? It had been seconded by the hon. member for Fremantle.

MR. SPEAKER did not think the hon. member was entitled to have his amendment put to the House. When it was proposed no one seemed inclined to second

it, although a direct appeal was made to the House; and it was not for half an hour afterwards that an hon. member got up, after two other members had meanwhile spoken on the subject, to second the amendment.

MR. BURT: Is there any rule as to the time that may elapse after a motion or an amendment has been put, before it can be seconded?

MR. SPEAKER: The question before the House is that the House do now adjourn.

THE COLONIAL SECRETARY (Lord Gifford) said there was much in the Bill which he would be inclined to support, though he could not admit there was such a crying necessity for it as some hon. members seemed to make out. These ill-used women, of whom they had heard so much, and for whom their sympathies were sought to be enlisted,—could they not obtain relief under a protection order? As to women belonging to the higher classes of society, they were already in a position to have their property secured to them, for their own use, under a marriage settlement, as securely as they could under this Bill. He therefore failed to see what pressing necessity there was for such a measure.

MR. S. H. PARKER said he would be perfectly willing to adopt any course which the majority of hon. members might wish with regard to the Bill. His hon. friend the Attorney General seemed to have totally misunderstood the provisions of the 11th clause, which the hon. and learned gentleman appeared to regard as one pregnant with evil results to married women, rather than as an equitable arrangement as regards husband and wife. The hon. gentleman seemed to overlook the fact that, by virtue of another clause in the Bill, a wife may have a separate estate of her own, which could not be touched, in any proceedings arising out of an indictment or action at law against her husband. Why, then, should she be exempted from being held responsible for her own debts? The object of the Bill was not to enable a married woman to tie up her property and leave her debts unpaid; and he maintained that the principle involved in the 11th clause was a most equitable principle, and that if a married woman, possessed of an estate of her own, contracted debts, she ought to be held liable for them. As to the mischievous effects which some hon. members seemed to apprehend from the passing of the Bill, its tendency to create domestic dissensions, family discord, and all that—the subject had been most carefully considered, in all its bearings, by the Imperial Parliament. The Select Committee of the House of Commons to whom the Bill was referred examined a number of witnesses eminently fitted to pronounce an opinion upon the working of a similar law which had been in operation in the United States for some years previously, and all spoke highly in favor of the measure. A similar measure was in operation in Canada. Mr. Russell Gurney, in the course of the debate upon the Bill in the House of Commons, said that in no civilised country in the world did such a state of law prevail as regards the property of married women as prevailed in England (before the passing of the present Act), and that the law, in that respect, was a disgrace to their boasted civilisation. The law at present admitted the right of women among the higher grades of society to secure their property for their own separate use, by means of a marriage settlement; and why not extend the same principle to married women in all classes of the community? As to matrimonial discords and dissensions, he had yet to learn that, because a woman under a marriage settlement had tied up her property, for her own separate use, this fact caused the husband and wife to live less happily together. As to the relief afforded by protection orders, referred to by the noble lord opposite, these orders afforded a woman no relief until she had been grievously assaulted by her husband; and were they to wait until a man half-murdered his wife before they afforded her any protection? He might mention for the information of the noble lord that it was he (Mr. Parker) who introduced into that House this same Bill, under which these protection orders were granted, and he had the satisfaction of seeing it pass into law. But that measure provided a remedy for a different evil from that which the present Bill sought to remedy. When he found that the Bill, when under consideration in the House of Lords, received

the cordial support of such eminent statesmen and lawyers as Lords Cairns, Shaftesbury, Salisbury, Lyttleton, Selborne, Houghton, Penzance, Brougham, and Romilly—many of whom were among the most prominent and brilliant statesmen in the Conservative ranks—he did not think he need trouble himself much with regard to the opinion of the hon. member for Murray,—that the Bill was a revolutionary one, because it had been introduced at home by a Liberal ministry, which was ousted out of power a few years afterwards, and that its provisions were "absurd and preposterous."

The motion for the adjournment of the House was then put and negatived.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said his sympathies were with the Bill and with those whom it was intended to benefit, but he thought it was too late in the Session to proceed any further with the Bill at present. He would therefore move, as an amendment upon the motion for the second reading, that the debate be now adjourned, *sine die*. This would enable the Bill to be dealt with again next Session, when he hoped to see it become law.

MR. RANDELL thought the sweeping condemnations expressed against those in favor of the Bill were hardly justified. The Bill, he believed, sought to remedy a grave and serious wrong, which was known to exist, not only in our own community, but in almost all other communities. No doubt there was room for difference of opinion as to its details, and for that reason he hoped the hon. member in charge of the Bill would not press it into Committee this Session. He thought the hon. member might safely let it stand over until next year, in the full assurance that it would then become law.

The motion for the adjournment of the debate was then put and carried, on the voices.

The House adjourned at eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 12th September, 1881.

Price of Mineral Lands—Telegraph Extension from Northampton to Roebourne—Appropriation Bill, 1882: first reading—Development of the Eastern Districts: adjourned debate—Closure of Street in Pinjarrah Bill — Reply to Message No. 22: *re* Railway to King George's Sound—Adjournment.

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

PRAYERS.

PRICE OF MINERAL LANDS.

MR. STEERE, in accordance with notice, asked the Commissioner of Crown Lands, "Whether the price of Mineral "Lands in the Colony was ever £10 per "acre, as per paragraph 114 of the Land "Regulations of 1872?" The reason he asked the question was, because there was an idea prevailing in the minds of some people that the Government had raised the price of mineral lands about this time in order to prevent a certain company from taking advantage of their agreement.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) replied "That "the 114th paragraph of the Land "Regulations which were in force from "the 20th March, 1872, until the 22nd "May, 1873, provides that 'At the ter-"'mination of any mining lease the lessee "'may purchase the land contained in "'such lease at the rate of ten pounds "'per acre, or the lease may be renewed "'for a further term of years, on such "'conditions as may be agreed upon.'"

TELEGRAPH EXTENSION TO ROEBOURNE.

SIR T. COCKBURN-CAMPBELL, in moving the adoption of the report of the Select Committee to whom the resolutions relating to the proposed construction of a telegraph line to Roebourne, on the land grant system, had been referred, said the House would observe that the Select Committee did not suggest any alterations in the resolutions committed to them, except in clauses 5 and 6. He would point out, briefly, having spoken upon the matter at length before, the object of the amendments in these clauses. His own scheme was of this