

THE HON. M. GRANT: I have much pleasure in supporting the second reading of this bill, because I think there is a vast future before this railway, inasmuch as it will not only serve the goldfields, but will also open up a large extent of pastoral country. I quite applaud the efforts of the Government for bringing this matter before us, and I hope they will endeavor to commence the work at the earliest possible date. What with the grand pastoral country beyond and the rich goldfields there, the line should be one of the best paying in the colony, and I venture to prophesy that it will be.

THE HON. T. BURGESS: I, too, have much pleasure in supporting this bill. Since we met last year the discovery of gold in this district, to my mind, shows a far greater necessity for this line than even there was before, and I hope the Government will have it constructed as soon as possible. We have the assurance of experts that there are large and extensive reefs of payable gold on the Murchison, and these must be developed. Hitherto the great drawback to them has been the great difficulty in getting machinery up to them. There is machinery now on the way which has been in the district for the last two months, and which is only now being carted to the fields, and it will be some time before it reaches its destination. The mines cannot be worked without plant, and therefore if the Government will get on with the railway as soon as possible they will be conferring a great boon, not only on the district, but on the colony generally. In fact, I think I might almost say that it would be in the interests of the colony if this railway were taken in hand before the Yilgarn line, owing to the extremely rich prospects that are before us in this locality.

Question—put and passed.

ADJOURNMENT.

The Council, at 8:25 o'clock p.m., adjourned until Friday, January 29th, at 3 o'clock p.m.

Legislative Assembly,

Wednesday, 27th January, 1892.

Petition: John Slattery—Petition: Wesleyan Church, re certain provisions of the Police Bill—Motion for adjournment: Commission on Technical Education—Bankruptcy Bill: further consideration in committee—Municipal Institutions Act, 1876, Amendment Bill: consideration of Legislative Council's amendment—W.A. Turf Club Bill: second reading—Married Women's Property Bill: second reading—First readings—Return of all moneys paid to Roads Boards during 1891—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

PETITION (JOHN SLATTERY): REWARD FOR DISCOVERY OF KIMBERLEY GOLDFIELDS.

MR. BAKER presented a petition from John Slattery (with reference to the reward offered by the Government for the discovery of a payable goldfield), and moved that it be printed and referred to a select committee.

THE PREMIER (Hon. Sir J. Forrest): I do not know what the object is; I should be very sorry to interfere in any way with the wishes of the hon. member for East Kimberley, but I would remind him that the printing of this petition will cost something, and referring it to a select committee will give a great deal of trouble; and I would ask him to tell the House whether he thinks there is anything in it that would justify us in sending it to a select committee. I also thought that, under the rules of Parliament, nothing is to be sprung upon the House without due notice; and I think if the hon. member intended to move to refer this petition to a select committee he should have given notice of it.

THE SPEAKER: We have no such rule at present, but I think it would be a very good thing if there were such a rule.

THE PREMIER (Hon. Sir J. Forrest): I know the facts of this case pretty well, and I can assure the House that there is nothing in it,—that even on the facts they do not prove their case. I do not know that I am in order in speaking to this subject now.

THE SPEAKER: Yes.

THE PREMIER (Hon. Sir J. Forrest): I may inform the House that there was

a *Gazette* notice published, offering a reward for the discovery of a payable goldfield, within a certain distance from a declared port, and under certain conditions which were specified, one of the conditions being that no less than 10,000 ounces of gold were to be sent through the Customs and forwarded to Great Britain within a given time. I know as a matter of fact that the quantity mentioned in the *Gazette* notice never did pass through the Customs, and never was forwarded to Great Britain, within the time specified; and how these petitioners can expect the Government to recognise their claim, they not having fulfilled the conditions named in the notice, I do not know. At the same time I know that these persons have tried every move to get this matter into the Supreme Court, but they have not been successful. The Government did grant them a reward to the extent to which the Government thought they were entitled, and, according to the *Gazette* notice, the reward was to be paid according to the decision of the Governor in Executive Council. That decision was arrived at by the Governor in Executive Council, and it seems to me there is nothing more to be said about the matter. I do not know what the House may be prepared to do if this petition is sent to a select committee. The select committee, perhaps, might recommend that the Government should take the matter into their favorable consideration and place a sum on the Estimates for this purpose; but I do not know whether even that would be within their province. At any rate, in my opinion, it is only wasting the time of the House, when I know that there is nothing in this case at all. I am sorry for these men; they seem to me to have spent more than they received from the Government, in litigation, or in trying to obtain from the Government what they are not entitled to. That is my opinion. Whether the House may think otherwise or whether it may agree to refer this petition to a select committee, I cannot say; the Government have no objection to its going to a select committee, if the House desires.

MR. CANNING: On the present occasion the hon. gentleman at the head of the Government has taken this matter completely out of the hands of the

House. The hon. gentleman gets up and makes an *ex-parte* statement in reference to a petition, and prejudices the whole question. Any person in the community who thinks fit to do so may come to this House and petition it for redress for any grievance he may have, whether a real or imaginary grievance, and I take it it is the duty of the House to judge of the merits of the case. But if the hon. gentleman at the head of the Government gets up and gives his opinion upon the matter in this way, and disposes of the whole case, before the House has any opportunity of judging the matter, I think the right of petitioning this House is simply a ghastly farce.

THE PREMIER (Hon. Sir J. Forrest): No, no!

MR. CANNING: It is, in my opinion. Why should the hon. gentleman at the head of the Government be allowed to dispose of every question at his own good will and pleasure? If this is to be the case, if the hon. gentleman is to get up in this House and make *ex-parte* statements, and dictate to the House whether this petition or that petition is worthy of the consideration of the House, before we have an opportunity of even hearing the petition read,—if that is to be the case, then there is an end of our Parliamentary institutions; there is an end of all responsibility so far as this House is concerned, and this House may as well not sit at all. We may just as well do away with the right of petitioning altogether. I take it that this House ought to be the judge of the merits of a petition, and that so long as a petition is in order and in conformity with the rules of the House, that petition ought to be received, and, if so desired, ought to be referred to a select committee, who will report whether there is anything in the petition or not. If there is nothing in it, if it is shown that the House has simply been trifled with, let the member who took upon himself the responsibility of presenting the petition be severely censured, if necessary. But let not the people of the colony be deprived of the right that every British subject possesses of petitioning Parliament in any case in which they consider they have a grievance. I do not think it is competent for the hon. gentleman at the head of the Government, or for any member of this House, to take upon

himself to dispose of a question of this kind in this off-hand manner. I know nothing of the merits of this particular petition. It is for the Speaker to say whether the rules and regulations relating to petitions have been complied with; if they have, I take it that the petition ought to be received, and that it is for the House and not for the gentleman at the head of the Government to judge of the merits of the case submitted by these petitioners.

THE SPEAKER: Standing Order 100 provides that "no member shall move that a petition be printed, unless he intends to take action upon it and informs the House thereof." My opinion is that a member when he moves that a petition be printed should not then take immediate action upon it, but that he should suggest a date on which he will ask the House to take some action in the matter. It appears to me that the moment a petition is received, and before it is printed, it is impossible for members to say whether the petition should be referred to a select committee, or what action should be taken with regard to it, until they have had an opportunity of seeing the petition; and how can they see it until it is in print? Therefore I think that when a member is entrusted with a petition, and has satisfied himself that it is in conformity with the rules of the House, he should first move, if the petition is received, that the petition be printed, and that when the petition is printed, and in the hands of members, he should move to take some action upon it, if he intends to do so, and inform the House what action he proposes to take, whether he wishes to refer it to a select committee or what. The House will then be in a position to deal with the question. I do not think any action should be taken on a petition until it is printed. That is my opinion as to the way this Standing Order should be interpreted. The question now is that this petition be printed.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): It is not my desire to make any lengthy remarks upon this subject; but I think if we are to accept the dictum of the hon. member for East Perth it would simply mean this, that the Government at any time were liable to be attacked, by

petition or otherwise, and that they were not in a position to say anything in their defence, and that the time of the House and of members should be wasted by the consideration of petitions which really had nothing in them. Whether there is anything in this petition or not, I do not pretend to say; but I believe it has been considered by a previous Government, who gave their decision upon the matter. I believe it has also been considered by the existing Government, and been before the Supreme Court, and that in all these cases an adverse decision was given. I am also under the impression that a similar petition from these persons was presented to this House not many days ago, but for some reason or other it was ruled out of order, and all reference to it expunged from the records of the House. I have every desire that Messrs. Hall and Slattery should be treated liberally and treated justly. I believe every member of the Government has that desire also. I can assure the hon. member that the present Government have as much desire that these men should be treated liberally and justly as he himself has. Still the fact remains that certain conditions were laid down when this reward was offered, and I can certainly say that those conditions were not carried into effect: and for the hon. member to come here now and ask the Government to pay a reward amounting to £5,000, offered under conditions which were never complied with, is, I think, unreasonable. The late Government, I believe, gave these persons some recognition of their services, but decided that they were not entitled to this reward, the conditions laid down not having been fulfilled; and I do not think that the existing Government have any right to controvert the decision of the previous Government in the matter, though we have every wish to deal liberally with those who discover gold in any part of the country.

Question—That the petition be printed—put and passed.

PETITION: WESLEYAN CHURCH *RE* CERTAIN PROVISIONS OF THE POLICE BILL.

Mr. TRAYLEN presented a petition from the Chairman of the Wesleyan Church, protesting against certain clauses

in the Police Bill, relating to Sunday recreation and bazaar raffles for church purposes.

Petition received and read.

TECHNICAL EDUCATION: REPORT OF THE COMMISSION.

MOTION FOR ADJOURNMENT.

MR. CANNING: I beg to move the adjournment of the House. I desire to call attention to a matter of some little importance. I believe that during the last session of the late Legislative Council that sat in this chamber a committee or commission was appointed to report upon technical education. That committee consisted of Mr. J. C. H. James, the Very Rev. Dean Goldsmith, the Rev. Mr. Shearer, Mr. George Randell, and Mr. Henry Briggs. The committee, it appears, sat on several occasions, and finally agreed upon a report, which was printed and presented to the House. The report appears to be very precise and sensible, and therefore a valuable one; but no further notice appears to have been taken of the matter, or no steps taken with the view of giving effect to the recommendations of the committee. I should like to ask the hon. gentleman at the head of the Government—no doubt this matter has come under his cognisance—whether it is intended in any way to take any steps to give effect to this report. It is a very important question. All members will agree with me that education is one of the most important questions that can occupy the attention of any Legislative Assembly in Australia. Anything that can lead to a solution of a problem which, after all, yet remains unsolved—the problem of what is really the best education for the youth of such a country as Australia, taking it as a whole—anything that will help to solve that problem or lead to any useful conclusions with regard to the question, certainly deserves the consideration of this Legislature and of every rational member of the community.

THE PREMIER (Hon. Sir J. Forrest): If the hon. member wishes to have the matter discussed, he had better give notice.

The motion, not finding a seconder, lapsed.

BANKRUPTCY BILL.

On the Order of the Day for the consideration of the committee's report,—

THE ATTORNEY GENERAL (Hon. S. Burt)—reverting to clause 71—said the observations that were addressed to the Committee when this clause was under consideration the other day had been considered by him. He referred more particularly to the sub-section that was added to the clause, providing that, upon the application of the official receiver, the manager of a bank was required to furnish a copy of the trustee's account, failing which he was liable to be committed for contempt of court. He had considered the objections that had been raised to this sub-section at the time, and he had also been interviewed by one of the bankers on the subject. It was not that they objected to furnish these accounts, if asked to do so, but they objected rather to the penalties; and he was inclined to agree that perhaps the penalty did look rather severer than it actually amounted to, and he proposed to re-word the sub-section in this way: "The official receiver shall be entitled, from time to time, to inspect the trustee's account at any bank where such account may be kept, during banking hours, and the manager of such bank shall furnish to the official receiver a copy of such account whenever demanded by him." This would be an easier process for obtaining what was wanted, and appeared less harsh, than to render bankers liable to be had up for contempt of court.

Amendment put and passed.

Bill, as amended, reported.

MUNICIPAL INSTITUTIONS ACT, 1876, AMENDMENT BILL (LEGISLATIVE COUNCIL'S AMENDMENT).

The House went into committee for the consideration of the Legislative Council's amendment in this bill, the amendment being to strike out the words "private school" from sub-section *f*, clause 3 (exempting certain buildings from being rated).

THE ATTORNEY GENERAL (Hon. S. Burt) said the Council proposed to omit private schools from the operation of the Act, but he thought they had done so under a misapprehension. A private school building would not be

exempt from being rated if it was used for any other purpose than a private school, or some of the other purposes, religious or charitable, that came within the list of exemptions. A private school kept in a dwelling-house would not be exempt, but a private school kept during week days, in a building used as a Sunday school, or a church, or a convent, would be exempt, because under another section a building used as a Sunday school, or as a convent, or a church, was exempted. In order to encourage education, the Government had included private school buildings from being assessed for rates, so long as the buildings were not used for any other purpose than one of those purposes which the other sections of the bill exempted. He mentioned at the time the clause was under discussion that the only building he knew of at present that would be exempt under this definition was the Fremantle Grammar School, and he simply mentioned that as a case in point. The object was simply to encourage education. A private house would not be exempted from being rated because a school was held in it; the building must be used exclusively for some of the purposes mentioned in the Act, religious, charitable, or educational. For these reasons, he moved that this House is unable to acquiesce in the suggestion of the Legislative Council.

MR. RICHARDSON was inclined to agree with the Attorney General that it would be well to exempt these private schools; he thought the view taken of it by the Assembly was best in the interests of education. The State paid very large sums of money in promoting education, for no special object, except to get the rising generation trained and educated; and if the youth of the colony were in some cases educated—not at the public expense, but by private efforts, denominational or otherwise—surely we might give these institutions some little aid in this way, by a sort of side-wind.

MR. TRAYLEN had much pleasure in supporting the motion made by the Attorney General. In addition to the reasons so forcibly put by the hon. and learned gentleman, he begged to point out that both the Assembly and the Council had already agreed to certain educational institutions being free from being rated, and it would bear somewhat hardly upon

other churches in the colony if buildings used for Sunday-school purposes and other religious purposes should, if used on other days as a private school, be liable to be taxed. He thought if they exempted one class of educational establishments, they should exempt others.

MR. MOLLOY, while agreeing with the motion of the Attorney General, wished to point out that the Government should not take credit for any generosity in this matter of exempting certain buildings from being rated, for it cost the Government nothing; it was not the Government that would suffer if no rates were paid, but the municipalities in which these school buildings were situated.

MR. RANDELL could not help thinking that the word "private" had to some extent misled the Legislative Council. It was probably thought that a school kept in a private house would exempt the premises from being rated; but he understood that was not the intention. He thought with the Attorney General and the hon. member for the DeGrey that their desire should be to encourage all educational efforts, so long as the education provided was of the right sort. He hoped that upon a reconsideration of the question the other House would see that it would be undesirable to insist upon this amendment. He most sincerely gave the Government credit for inserting such a provision in the bill.

THE PREMIER (Hon. Sir J. Forrest) said it seemed to him the Council's amendment in this instance should not be complied with for these reasons: nearly all religious bodies—all in Perth and the larger towns at any rate—had Sunday-school buildings, which on Sunday were used for that purpose, but which during the week were used for day schools in connection with the church they belonged to. These buildings, which in some cases had cost a lot of money, were exempted from rates if used for Sunday-school purposes, but the Council proposed to tax them if used for educational purposes during the week. The rent, if any, charged for these school buildings would probably not cover the amount of the rate, and very likely they would not be used any longer for educational purposes. This would be a blow at education, and he hoped that in the interest of the edu-

cation of our youths these words would not be struck out. No doubt when this was pointed out to the other House they would not press for the excision of the words referred to.

Motion—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that a committee be appointed to draw up the reasons to be given by the Assembly for its inability to accept the suggestion of the Council.

Question—put and passed.

A ballot having been taken, the following members, in addition to the mover, were elected to serve upon the Committee:—Mr. Randell and Mr. Richardson.

The Committee withdrew, and, having returned, handed the reasons to the Clerk, which were read, and which were as follows:—

- "1. Your Committee think that, in the interests of Education, 'private schools' should be exempted from municipal rates.
- "2. That many buildings used as Sunday schools by various religious denominations would become rateable were this proposed amendment to become law, inasmuch as they are often used during the week as private schools.
- "3. The probability is that the proposed amendment would have the effect of closing private schools now open, as the assessment would in some cases equal, if not exceed, the rent obtainable."

Ordered—That a Message be transmitted to the Legislative Council, returning the Bill and forwarding the reasons drawn up by the Committee for the inability of the Assembly to accept the suggestion of the Council.

W. A. TURF CLUB BILL.

MR. PARKER: I have much pleasure, sir, in rising to move the second reading of this bill. This bill, as members are no doubt aware, has been introduced, on petition, as a private bill. It is introduced in the interests of racing and of the committee of the W. A. Turf Club. The bill, in pursuance of the Standing Orders of the House, has passed the ordeal of a select committee of the House, who have reported that the preamble of the bill has been duly proved, and that

they have agreed to the various clauses of the bill, with certain amendments, which are suggested. The bill recites that the Government some few years ago leased to certain gentlemen, in trust for the Club, the present Perth racecourse. This lease was for nine hundred and ninety-nine years. I am under the impression that not one of these three gentlemen—I am one of them myself—will see the termination of this nine hundred and ninety-nine years; but we are perfectly willing, nevertheless, to vest this lease in the chairman of the committee of this Club for the time being, and, that being done, the chairman and his successors in that office will hold this lease in lieu of the three gentlemen named in the lease itself. The chairman will hold the lease, under this bill, in trust for the purposes of the Club. The bill further provides that all actions, suits, and proceedings at law or in equity to be carried on by or on behalf of the Club, and all actions, suits, and proceedings against the Club, shall be instituted for or against the Club (as the case may be), in the name of the chairman of the Club for the time being. This, of course, will facilitate all legal proceedings for or against the Club. At present, as the Club is not a body corporate, it would be necessary, in order to sue the Club, to sue every member of the committee; or, if any proceedings were instituted by the Club, those proceedings would have to be taken in the name of all the members of the committee. The bill also provides that a memorial of the names of the chairman and of each of the members of the committee shall be filed in the Supreme Court within one calendar month from the passing of this Act. It is also provided that this memorial shall be received in all courts of justice as sufficient and conclusive evidence of the names of those who constitute the committee. Every judgment or decree obtained against the chairman, on behalf of the Club, may be enforced against the property and effects of the Club, save and except the land vested by this Act in the chairman, and any land hereafter demised to him, under or by virtue of this Act. I may say that the Club at present owns in fee simple other lands which have been purchased from the neighboring proprietor, and on which part of the buildings appertaining to the race-

course are now erected. This bill will vest this land, and all other land that may come into the possession of the club, in the chairman for the time being. These lands will be held by the chairman and his successors only for the purpose of being maintained and used as a public racecourse; and power is given to the committee of the Club to make by-laws to regulate the affairs of the Club, the election or admission of members, the rates or charges to be paid for admission to the course to all race meetings, and generally to regulate all matters connected with the Club. These by-laws, it will be observed, may be disallowed by the Governor in Council at any time within a month of their being presented for his approval, and, if they are not disallowed, they have to be published in the *Government Gazette*. It is further provided that even after their publication in the *Gazette*, the Governor in Council may disallow any by-law, and that any by-law so disallowed shall be repealed within a certain time after the order for disallowance is made. Then there is a provision made for the due publication of all by-laws in force; they have to be hung up in some conspicuous places about the course for the information of the public, and also published in the *Government Gazette*. The bill also provides certain penalties for any infraction or non-observance of these by-laws, by people trespassing on the course, or misbehaving themselves, or becoming a source of danger or annoyance to the public or to the committee. The committee will have power to eject such persons from the racecourse, and also to proceed against them for a breach of the by-laws. This, I think it will be allowed, is a very proper provision to enable the committee to maintain order, and to conduct their meetings successfully. The committee will also have power to fix the scale of tolls and charges to be levied in connection with admission to the racecourse, the grandstand, etc., and also power to let the tolls and charges, by tender or otherwise. Then there is power given to the club to borrow to the extent of £10,000 for the purpose of improving their grounds. I may say that at present the committee have borrowed to a considerable extent, for the purpose of improving the course and

erecting buildings. A great deal of that has been paid off, but there is some debt still standing; and it is considered advisable by the committee to have this power of borrowing further, with the view of effecting additional improvements in the running ground and providing better accommodation for the public. In order to enable them to borrow, power is given to the committee to mortgage any of the rents and tolls or charges, and other revenues of the Club. The rights of mortgagees are defined in the bill. If the interest upon the money advanced be not paid within thirty days after it becomes due, the mortgagee may require the appointment of a receiver; and if the principal money is not paid within six months after it is due, the mortgagee in that case, too, may have a receiver appointed, to whom all rents and other revenue of the Club shall be paid, until the principal money and interest have been paid off. I may say, further, that my hon. friend the Commissioner of Crown Lands, under this bill, is placed in a position of considerable power and responsibility as regards this Club. He is empowered, at any time, to authorise any person he thinks proper to inspect not only the running ground, but also any buildings thereon; and, if my hon. friend thinks that the racecourse or the buildings are not kept in a proper state of repair, he can call upon the committee of the Club to improve or repair them as he may desire, and thereupon the committee of the Club must obey the wishes of the hon. gentleman. I think this is only right and proper too. This ground having been leased or given by the Government to the Club, and these buildings being public buildings, it is only right and proper there should be some inspection, and that this power should be conferred upon my hon. friend or someone. It will also be observed that the committee must keep proper accounts, and these accounts may be audited at any time by an auditor appointed by the Commissioner of Crown Lands. The books of the club have to be balanced every year, and a statement of the annual receipts and expenditure has to be sent to the Auditor General (it says here), but we propose to alter it from Auditor General to Registrar General. This balance sheet will also be open

to the inspection of the public on payment of a shilling fee. It is further provided that nothing contained in this Act shall be taken to incorporate the Club, or to relieve the members of any of their duties or obligations as members of the Club. There is another very proper provision, which, I am sure, will tend very much to remove any opposition to this bill, and that is: if the Club do not use this racecourse for the purposes for which it was intended by the Government when the land was originally granted, that is as a public racecourse, then the land and the buildings will revert to the Crown. There is the usual saving of the rights and prerogatives of Her Majesty, and then we come to the schedules, which simply contain certain forms for the guidance of the committee in carrying out the bill, if it becomes law. I do not think I need say anything more in asking the House to pass this bill. It must be obvious that if we expect to develop racing in this colony, and that our races are to be conducted in an orderly and proper manner, we must have some legislation on the subject, so as to give the managing committee of the Turf Club certain powers to make and enforce their by-laws, and to prevent their proceedings being obstructed, and to ensure proper order and proper behavior on the part of the public, and to enable them to carry out all necessary improvements. I may add, further, that this bill is almost an exact copy of the Victorian Racing Club Act. I understand from the secretary, Mr. Hare, that it is taken from that statute, and is almost a *verbatim* copy of it, so that so far as the law is concerned we are simply following in the wake of the great racing colony of Victoria, as our Turf Club has already done in the matter of its by-laws. Sir, I move the second reading.

Motion—put and passed.

Bill read a second time.

MARRIED WOMEN'S PROPERTY BILL.

MR. PARKER: Sir,—The last bill, that I have just had the honor of introducing to this House, and which the House has just been pleased to read a second time without opposition, was introduced by me as a matter of duty. I was asked to do so by the W. A. Turf

Club. But the bill that I am now asking members to pass I bring forward as a matter of justice towards one-half, and the gentler and nobler half, of the human race. This bill, sir, deals with the rights of married women. I have no doubt that most members are acquainted with their own privileges and with the rights and powers which they exercise over property. They also know that under the common law in force here, the law which regulates the rights of married women so far as property is concerned, married women have virtually no rights of property at all. The effect of marriage upon a woman is somewhat similar to the effect of a conviction in the case of a felon. In the latter case, until recently, the whole of a felon's property was forfeited to the Crown, and, under the law as it now stands in this colony, the whole of a woman's property, immediately she marries, is forfeited to her husband. As soon as the marriage ceremony is over she loses every article of property she possesses.—[MR. CLARKSON: Quite right, too.]—The hon. member says "quite right too." I am astonished that any member should be bold enough, audacious enough, to give expression to such a sentiment in this House, and more so that it should come from the hon. member for Toodyay. I should have thought that the conspicuous gallantry for which he is noted would have prompted him at once to stand forward as the champion of the weaker, though the nobler, sex. To show the injustice of the law as it now stands, and the justice of the case which I am now advocating, I may say that not only under the common law which operates in this colony is a woman denuded of everything she possesses as soon as she marries, but whatever property she may inherit or acquire after her marriage is also taken from her. Almost the entire benefits of that property devolve upon her husband, and he can do pretty much what he pleases with it. True, if it is real estate, he cannot dispose of it without her consent, but as he can enjoy it during her life and, after her death, during the term of his own life, it seems to me there is very little left for the wife. With regard to personal property, every single penny that she possesses goes to the husband. If she joined her husband after the

marriage ceremony with only twenty shillings in her pocket, she must hand it all over to her husband.

MR. A. FORREST: Don't talk nonsense.

MR. PARKER: It may be very polite to use this word "nonsense"; it is a favorite word in this House with some hon. members, but I fancy if the hon. member were to read and study Lord Chesterfield's letters it might improve him considerably. He would find that it is usual in polite society to be civil at any rate, even although it may not be in your nature, especially in public. He would find that, in an assembly of gentlemen, even if you are not in accord with the person who is speaking, and even although he may be boring you, it is not polite to interrupt a man rudely. You may ejaculate if you like, but you should do so politely. The hon. member says it is nonsense. I am only stating the law, and what, I feel sure, the Attorney General will not deny is the law. The hon. member may call it nonsense, but it is the law of the land, that every penny which a woman possesses at her marriage becomes her husband's, and, also, what she acquires after her marriage. If some kind old aunt or benevolent old uncle leaves her £100 or £500 after she marries, the whole of that money also goes to the husband, who may spend it as he thinks proper. He may gamble with it, or drink it, or do what he likes with it. That is the state of our marriage laws in this colony at the present moment. It is a state of the law which, in most European countries, has been long looked upon as not in accord with Christian principles. I think that one of the noblest triumphs of Christianity is the way it has raised the standard with which women were regarded even among civilised nations before the Christian era. For years past, in European countries, the state of the law with regard to the rights of married women, as regards their property, has been regarded as intolerant, and repugnant to those Christian principles I have referred to, and I am happy to say that in most European countries the laws have been altered so that women as well as men should have certain rights of property, both as regards real and personal estate, notwithstanding coverture. In 1870, a law somewhat similar to this, but not going so far as this bill, was

introduced into the Imperial Parliament and became the law of the land. A great many persons even then exclaimed against this concession, declaring that it would result in breaking up the marriage tie and put an end for ever to that feeling of joint trust and confidence which ought to exist between man and wife. It was prophesied that it would revolutionise married life, and lead to untold wrongs and misery. I do not think anyone will be bold enough to say that the result verified these forebodings. The Act passed in England in 1870 remained the law until 1874, when the Imperial Parliament still further liberalised and extended its provisions, and that law of 1874 remained in operation until the 1st January, 1883, when the bill that I am now introducing in this House became the law of Great Britain, and it has remained the law of Great Britain ever since that time. I have never heard one single word of complaint about the operation of that law. I have never heard of its having had the effect of breaking up the marriage tie. I have never heard of its having destroyed that feeling of mutual confidence and esteem that should exist between man and wife. I have never heard—as I have heard it stated here it will do—I have never heard that it has reduced man to the level of a beast. Nor have I heard of any undue advantage taken of it by married women. On the contrary, I do believe, from the fact of this law having been from time to time extended as it has been so as to give women still larger rights, that it must have been found to work admirably at home. Instead of destroying the feeling of trust and confidence between husband and wife which its opponents prophesied, it has apparently conducted to still greater trust and confidence and to more satisfactory relations between married people, when it was found that all the trust and confidence was not to be on one side. It has been said that the wife should trust entirely to her husband, and that it is only right, if she acquires any money or land, that she should give it to her husband, and place implicit trust and confidence in her lord and master. But why should women be called upon to give all the trust and all the confidence? Why should it not be reciprocal? Why should

not the husband also repose some trust and confidence in his wife? Why marry her at all if he is not prepared to place trust and confidence in the woman of his choice? As I have said, the law which I am now seeking to introduce here has been the law of England since 1883, and the result has been an enlargement of the rights of married women until virtually they are placed almost on a par with their single sisters. That is, under this law I am referring to, a married woman may acquire, and hold, and dispose of by will or otherwise any real or personal property as her separate property, as if she were a single woman or a *feme sole*, without the intervention of any trustee. We know that amongst the wealthy classes, as a rule, when a young lady possessed of money or property marries, her friends or her guardians take very good care to settle that property upon her by marriage settlements. They give her this disposing power. The property is settled upon her and her children, and she has it to her own separate use, her husband having no power to interfere with it. He cannot touch it. It is not liable to his debts or his obligations in any way. He cannot gamble it away, or drink it, and leave the woman a pauper. Her friends take good care to tie it up safely, so that whatever happens she may have the benefit of it, and be able to live in comfortable circumstances, whatever vicissitudes may happen to her husband's finances. This bill simply proposes to make the law of the land what this law of custom is now amongst the wealthy or propertied classes; that is, it proposes to do, by one stroke of the pen, for all married women what is done by these marriage settlements in the case of their more fortunate sisters. So it does not introduce anything novel or revolutionary. It is only extending the law or custom as it stands in the case of marriage settlements. The effect of this law will be that in future no marriage settlements will be required; and, so far as my own personal interests as a lawyer are concerned, I am rather dealing a blow at the legal profession in asking the House to pass this bill, because, if it becomes law, it will wipe away at one stroke all necessity for marriage settlements. Every woman's marriage settlements will

be contained in this Act itself. She will be able to hold any property for her own separate use, and to dispose of it as she pleases, without the intervention of any trustee; so that every woman who marries, whether she is blessed with friends or guardians to protect her interests or not, will be placed on one footing. The comparatively poor woman who has no friend to look after her interests and to see that her property is tied up by marriage settlements will be guarded by the law of the land, and placed in an equally secure position as her more fortunate sister. That will be the effect of the first clause of this bill. This clause further empowers a married woman to enter into contracts, so far as her own separate property is concerned. She will be capable of suing, or of being sued, either in contract or in tort, or otherwise, in all respects as if she were a single woman,—in the same way in fact as her husband; that is, to the extent of her own separate property. Her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or contract. It is further provided that every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the bankruptcy laws in the same way as if she were a *feme sole*. It is obvious that if we allow a married woman to hold and enjoy separate property, and to enter into contracts on her own account, and to trade separately from her husband, we must make them subject to the bankruptcy laws, to prevent creditors being defrauded. One strong objection to the bill of 1874, when introduced into the Legislative Council here, was the fact that while it proposed to allow married women to trade and to enter into contracts, it provided no means for making them subject to the bankruptcy laws. But the present bill makes them subject to the bankruptcy laws, as much so as their husbands. That is, in cases where they trade separately from their husbands in respect of their own separate property. In that case a married woman carrying on business in Perth or anywhere else, and whose husband may be out of the colony—or in the colony, it does not matter—may, if she has property of her own, contract debts and business liabilities, and if she fails to

meet her engagements, or tries to defraud her creditors, she will be subject to the same laws and the same jurisdiction as if she had no husband. This, I think, is a very proper provision. This bill further provides that every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property, not only any real or personal property she had when she married, or which she may have acquired after marriage, but also "any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill." That is one of the most important provisions of this bill. It means this, that if a married woman has a drunken or gambling husband who wastes his substance in riotous living, and the wife is a thrifty and industrious woman capable of earning her own living and of maintaining herself and her children in decency, this bill will protect her in her efforts in that direction, protect her from her drunken or thriftless husband, and enable her to support herself and her children, and bring them up as respectable citizens, instead of allowing a drunken husband to come in and waste her earnings, and leave her and her children to starve. It may be said there are not many such cases in this colony, but I know myself of some; and, if there were only one such case, it seems to me it is only right and proper to pass this law and do justice even in that particular case. But we are not passing this law for the benefit of married women of the present day only. We all hope this colony is going to progress, and that our population will increase largely, and we are passing this law for the protection of married women, now and in the future. We know from the latest census returns that at the present time there are about 32,000 males and only 21,000 females in the colony; and it strikes me that we may possibly discover some cause for this disparity in the fact that we have not yet given women in this colony the same rights and privileges that have been bestowed upon them in other countries, and even in the neighboring colonies, where married women

have the protection which this bill seeks to provide for our own women. Even if we do get an increase of female population, from countries where this law is in force, we may find that women will refuse to enter the matrimonial state here, unless we are prepared to do them this simple act of justice, and the result may be that the natural increase of population in this colony will be considerably retarded. It will be observed by another clause—clause 5—that the same power of holding and disposing of her property and her earnings is given to a woman married before this Act comes into force as to the woman who marries after the bill becomes law, provided this property or these earnings accrue to her after marriage. That has been the law in England ever since 1870, and it has been the law in the neighboring colonies for a number of years, and been the law, I think, in every English-speaking community, including America and Canada. I believe it became law in America and Canada some years prior to its becoming law in the mother country, and I myself know of no British community that has refused what this bill aims at, which is simply nothing more than doing bare justice to married women. Proceeding with the bill it will be seen that, carrying out the general scope of the bill, provision is made to enable a married woman to deposit her money in any savings bank or other bank, and any money she may invest in shares, stock, or debentures is similarly protected. But the bill specially provides against any fraudulent investment of the husband's money; and if a married woman—though I feel sure no married woman would defraud her husband—but if she did invest any money belonging to her husband, without his consent, that money can be followed up and restored to her husband, on application to the Supreme Court. It is also specially provided that if any fraud is attempted to be committed upon creditors of the husband, by any deed of gift from the husband to the wife, the matter can be followed up, and the creditors may apply to the Court to have the money reinstated in the name of the husband, or in the hands of the trustee if the estate is in bankruptcy. There is power given also for a married woman to effect

a policy of insurance upon her own life or the life of her husband for her own separate use. It is further provided that a policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife or his children, or any of them, shall not be available to the creditors; nor any policy effected by the wife on her own life, and expressed to be for the benefit of her husband or her children. These policies cannot be touched by the creditors; and, if the premiums are duly paid, they must eventually go to the benefit of the *cestui que trust*. Then there is also power given by this Act to enable a married woman to take legal proceedings for the protection and security of her property; these proceedings may be civil or criminal. In fact, she is to have the same remedies, the same power of redress, so far as her own property is concerned, as the husband has, even to the extent of instituting criminal proceedings. There is one very important and proper provision made in the bill, which I have not yet alluded to. It is one that may tend greatly to the advantage of intending husbands in the future. Under the common law of England, which is the law of Western Australia, if a man now marries a lady who has unfortunately contracted debts or liabilities, or committed any wrongs which render her amenable to the law for damages, before her marriage, her husband, when he marries her, becomes saddled with all these debts and liabilities. The law says you have denuded her of everything she possessed when you married her, and, therefore, you must take upon yourself her debts and engagements. That was only fair. But now, as we propose to protect the woman's property, and to debar the husband from taking it away from her, it is only fair that he should no longer be held liable for debts contracted by her before he married her. Marriage will not rid her of her ante-nuptial liabilities. She may be sued for any debt or damages, to the extent of her separate property. That is a very important provision of this bill, and I trust it will have the effect of inducing some hon. members who might not otherwise do so to enlist themselves in the noble cause of married women's rights. I do not know that I need go through all the clauses of the bill, but I may say that it further provides a mode

in which husband and wife may be sued, jointly or separately, and for distinguishing the extent of their respective liabilities. Both husband and wife are to be rendered liable to the same civil and criminal proceedings for any wrongful act done by either of them against the other's rights. For instance, if a husband were to desert his wife and steal some of her money, she would be able to prosecute him; and quite right too. In the same manner, if a wife thinks proper to run away from her husband with someone whom she regards as a more desirable object, and she walks away with her husband's property, he can prosecute her criminally, in the same way as she can with him, as if they were no more to each other than anybody else. Provision is also made for deciding summarily questions in dispute between husband and wife with regard to property. There is another important provision with regard to marriage settlements. Clause 19 provides that "nothing in this Act contained shall interfere with or affect any settlement, or agreement for a settlement, made or to be made, whether before or after marriage, respecting the property of any married woman." That is to say, any man about to marry, if he thinks this Married Women's Property Act gives too much power to his intended wife with regard to her separate property, may say, "I shall not marry you unless you enter into a marriage settlement, upon terms to be mutually agreed between us. I am not prepared to marry you, and confer upon you all the powers provided under this Act; I want to limit and restrict those powers to the extent agreed upon in the marriage settlement." This bill provides that nothing here contained shall prevail against any marriage settlement agreed upon between the parties. There is another clause which renders a married woman, having separate property of her own, liable for the maintenance of her children and grandchildren, in the same way as the husband is now. But there is nothing in the Act to relieve a husband from any liability imposed upon him by law to maintain the children or grandchildren. I do not think I need say any more to commend this bill to the House. I feel convinced that that feeling of justice which must prevail in the minds

of all honorable men will prevent members from doing anything to retard the passing of this measure at the earliest possible time, a measure which, in my opinion, is one of the most important that has been introduced to this Legislature during the present session. I now, sir, move its second reading.

MR. RANDELL: In rising to support the motion now before the House, I would just say that I am not prepared to make any lengthy remarks upon the subject. I have spoken on it before, in the old Legislative Council, and the bill has my heartiest sympathy and support. I think it is but a bare, though it may be a tardy, act of justice, to a very important section of the population of the country, and that (as the hon. member who introduced it said) the "nobler" part. In that I entirely concur. The hon. member has already mentioned that the bill, perhaps, does not affect a large proportion of the married women of the colony; but I think that can be no argument against doing justice, as he says, if it only affected one. I, however, think there are a considerable number of women who would be beneficially affected by the operation of this Act—a larger number, perhaps, than many of us think at the present moment. Cases have come under my own observation which have made me honestly desire that we had such a law as this for the protection of property acquired or inherited by married women. Members have only to consider the position of a woman, thrifty and industrious herself, at the mercy of a worthless, drunken husband, squandering her property, or her earnings—for the bill will apply to the poorest classes in the community, to women who maintain themselves by their own hard-earned savings, but who are now robbed of those earnings, as I have said, by worthless and drunken husbands. I apprehend none of the evils that have been suggested as likely to arise from the passing of such an Act. Similar legislation in force elsewhere has shown that there is little or no ground for this apprehension, while in numerous cases it has acted most beneficially. I think myself it will have a restraining influence upon men who are inclined to squander their wives' earnings, or to "sponge" upon their labors. Man and woman, I think, should be made equal

in the eyes of the law; and if a wife is necessitated and able to earn for herself and children a living, it should not be within the power of a worthless husband to deprive her of the fruits of her labor. Such cases, we know, do occur. They are known to all of us in this House, and, if for no other reason than to meet such cases as these, I think members will be inclined to do justice to married women. It was only just now that I was asked by the hon. member to second this motion, and I have not at all prepared myself to speak to the question, but I would again repeat that it is a matter that has my earnest and heartiest sympathies, for I know such an Act is needed, and I know it will be beneficial in its operation. I think it will be a graceful act on the part of this Legislature, under our new Constitution, at this early stage of its existence, to do this tardy act of justice towards those who are not directly represented in our Legislature, or able to come before us to make known their wishes and their wants, and to speak for themselves. I think that is a greater reason why members should be inclined to deal liberally with this class of the community; but, in any case, they should deal justly with them. This is an act of justice that is required at our hands. I do not want to particularise any instances; I merely say that there are instances in which it is desirable that this protection should be given, and I trust we shall have this law on our statute book. I am quite sure in my own mind it will be beneficial in its operation. I most heartily support the motion before the House.

MR. CANNING: I rise with very great pleasure to support this bill, though I do not think there can be many instances that will come under its application, if it becomes law. My own impression is that there can be but very few cases which will come under the operation of the law; I do not believe there can be many cases in which women will take advantage of such a measure. At the same time, I believe with the hon. member that if there is only one case that calls for the application of this measure, that fact amply justifies the Legislature in passing the measure. It must be borne in mind that all restraining measures are directed, not against the general community,

but against exceptional cases. All statutes of this class are directed, not against the generality of people but against the exceptional few. The generality of people in any community require no such restraining measures, I am happy to think; and legislation is generally directed against the exceptions who may and do require such restraining measures. And, as I have said, I agree with the hon. member who has said that if there is only one single case that calls for such a measure as this, it is amply justified. I do not believe for one moment that there is the slightest danger of the power being abused by those whom we are seeking to protect. I have not the least apprehension on that score. I believe that women are too trusty, too confiding, to ever take undue advantage of such a measure. All the fault, I believe, will come from the other side; and I therefore give my entire support to the measure.

MR. TRAYLEN: I rise with much pleasure to support the motion of the hon. member for York. We have had but a short time in which to acquaint ourselves with all the details of the bill, though they have been so admirably placed before us by the hon. member. I rise for the most part to indicate to him that there seems to me to be a very important defect, when clause 2 and clause 12 are read in conjunction with each other. Clause 2 alters the present law in the direction indicated by the hon. member, namely that a woman's earnings and gains shall be her own property as against her husband's, but clause 12 precludes her from enforcing her claims except under certain conditions, and unless the property is wrongfully taken by the husband when deserting her, which appears to me to be the very time that a woman most needs protection. I hope it will be found possible—if I have read the clause rightly—to amend that portion of it. I quoted a case last session—but your Honor called me to order at the time, on the ground that I was discussing a question that was not before the House—a case in which a woman's husband, who worked on the railway, left her to earn her own living, and to maintain the house and the children, while he generally kept from home squandering his earnings. But this man occasionally went home, and on one occa-

sion took from his wife £3 of her hard earnings, and went away again immediately to spend it in a public house, returning from time to time to live with her. Under clause 12, as I understand it, this woman could obtain no redress because her husband had not deserted her, or was about to desert her. If my interpretation of that clause is a correct one, I hope that some hon. member will find a way to remedy this defect. In all other respects, I shall be glad to support the bill.

THE PREMIER (Hon. Sir J. Forrest): This bill has been brought forward by the hon. member for York, and therefore is in no way a Government measure. I hardly know what the views of my colleagues are with reference to it, and I may say that in case of its going to a division the members of the Government will vote individually as they please. But the fact of its not being a Government measure is no reason whatever why we should not give it our support, and for my part I am altogether in favor of it. A similar bill was brought in some years ago, and I voted for it on that occasion. If I remember rightly, the bill was read a second time, but it was defeated on its third reading by one vote, the views of somebody having in the meantime changed with regard to it. It has been the law of England for the last eight years, and I think we are justified in considering it here. I dare say it does not work well everywhere, in every particular; it is not likely that any law so closely affecting the relations between man and wife will do so. Such a measure must have some weak points; it cannot meet all requirements and all circumstances. No doubt there will be drawbacks to its successful working here as elsewhere in some cases; but I think with the hon. member for York that the law as to married women's property as it stands in this colony now is too much one-sided altogether. Everything is in favor of the husband. It seems to me manifestly unjust that the husband should not only take all his wife possesses when he marries her, but also all she may inherit or become possessed of afterwards. I think that is altogether so unfair and one-sided, and altogether so un-English that I cannot give my support to it. I cannot agree with the hon. member for York that this bill will do

away altogether with marriage settlements. These settlements will still be useful, and no doubt largely resorted to in some stations of life. Not only is it desirable that women in some cases should be protected from their husbands; they sometimes require to be protected from themselves, and we shall find that those who are guardians or parents of many a young lady about to marry will be careful, by means of settlements, to take away even from herself the power to dissipate her fortune, even under the influence of her husband, and to place her property in the hands of trustees for the benefit of the wife and children. Therefore, I take it, this bill is not likely to do away altogether with the necessity for marriage settlements. These settlements, as the hon. member pointed out, are generally resorted to among propertied classes, and I see no reason why the same principle should not become the law of the land, so that women in all classes of the community may benefit by it, and be protected. I do not mean to say that this measure, if it becomes the law here, will be productive of nothing but unmixed good. No doubt there will be cases where it may open the door to wrongs being done not to the wife perhaps, but to other people. No doubt there will be cases in which some worthless couples will endeavor to evade the law and to evade their liabilities and perhaps commit frauds upon creditors under the cover of this Act. But there are few measures that prove an unmixed blessing all round. We have to look whether a measure of this kind will do more good than harm, and I think everyone must come to the conclusion that the good which this bill is calculated to do will largely preponderate over the harm it will do. I do not know that I need say anything more than that personally I am very much in favor of the bill; I believe that if it passes it will be a great boon to many women in this colony at the present time, and a great boon to many who will be here hereafter.

MR. DE HAMEL: I am very pleased to find that the Premier himself is going to support this bill. To my mind—I have only been here five years—but to my mind one of the greatest blots upon the legislation of the colony is that it has done nothing for the protection of mar-

ried women. I remember perfectly well, when I was in my articles, the Married Women's Property Act passing in England, and I remember how it was predicted that it would bring about an immense social revolution, and a subversion of all social relations, and that England, under such a law, would fall away like Rome did in ancient days. But none of these predictions have been verified. No one has ever ventured to move its repeal, and I believe it has proved one of the greatest blessings ever conferred upon married women in England. Even in this colony the principle that underlies this Act has been recognised for years. We lawyers have abundant evidence of that. If you go to the Land Titles Office you will find scores upon scores, nay hundreds, of conveyances under the Transfer of Land Act drawn in this manner, the certificate of title being to A. B., wife of C. D., for her sole and separate use. Though aware that such a title was absolutely worthless if impugned, still there has been a sort of tacit understanding in this colony that the title should be allowed to go in that way. That shows the necessity that has existed for an Act of this kind. We have been trying, without a Married Women's Property Act, to do what the law would provide in all cases if such an Act were in force, that is, protecting the property of women who are married. But we have been doing it simply on sufferance, not because it is the law of the land, but because it has become a custom, which is liable to be impugned at any moment. There is one point in this Act with which I do not thoroughly concur, and I hope, when the bill is under consideration in committee that the clause I refer to, and any other clause affected by it, will be altered. Clause 2 provides that every woman who marries "after the commencement of this Act" shall be entitled to the benefits of the Act. I want those words "after the commencement of this Act" expunged. Why should we protect only those who marry after this Act comes into force? Why should we protect women who marry in February, 1892, and leave unprotected those who marry in January?

MR. PARKER: See clause 5.

MR. DE HAMEL: That clause will want amending, to carry out what is ap-

parently the hon. member's intention. That clause runs as follows: "Every woman married before the commencement of this Act"—that is all very well—"shall be entitled to have and to hold and to dispose of, in manner aforesaid, as her separate property, all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion or remainder shall accrue"—here comes the point—"after the commencement of this Act." It will be seen that these words do not help us one bit, and we shall have to strike them out, or the whole clause, for it only applies to property acquired after the commencement of the Act. That is the only objection I have to the bill. It seems to me a pity to leave those who are married at the present time powerless to obtain redress, and to exclude them from the benefits of this Act, while we confer these benefits upon women who marry hereafter. What is wanted is to make the Act retrospective, instead of letting it only come into force from the time of our passing it. I am glad to find the House, apparently, almost unanimous in favor of this measure, and I hope that with this one alteration the bill will go through its stages without opposition.

MR. CLARKSON: I cannot help thinking that there are two ways of looking at this matter. I have always been taught to believe that a man and his wife were one. I cannot help thinking that somehow or other this bill will make two of them. It would not be very satisfactory for a man to have his wife sued, or to see her figuring in the bankruptcy court; and it seems to me, from what we have heard of this bill, that these things are quite likely to happen. I think this bill would tend a great deal to do away with that feeling of trust and dependence which is one of the greatest charms that a woman has, and I hope always will have. If there are cases in which the husbands abuse this feeling of trust and dependence, and squander away their wives' property—and we all know there are such cases: too many of them, I am sorry to say—we are hardly called upon, I think, to upset the whole state of things that have existed for generations in order to meet these few cases. This bill aims a blow at the relation that has existed

between husbands and wives for generations past, in order to get at a few drunken and worthless husbands. I think it is a very serious matter. I will not say one word in opposition to the bill beyond that. I can see its force, and no doubt in many ways it would be a very great advantage; but I think we ought to pause, and carefully consider all these matters before we agree to such a sweeping measure as this will be.

THE ATTORNEY GENERAL (Hon. S. Burt): I shall vote against the second reading of this bill. I have done so before, on a former occasion, and took rather an active part in opposing a measure of this character when introduced in this House some years ago. I do not propose to say much on this occasion, but perhaps I may give my reason for the vote I intend to give. No doubt there are cases where this Act might produce beneficial results; but my experience is, from what I have learnt of the working of a similar Act elsewhere, that it is simply an instrument of fraud in the hands of a designing husband and wife against a third party. You very seldom have a case in actual life where it has operated as a beneficial measure. On the other hand, there is no denying it, it does split husband and wife into two, as distinct from each other as you possibly can split two people. That it is capable of being worked as an instrument of fraud is a known fact in countries where this law is in operation. You can easily picture to yourself an evil man and an evil woman, one the husband and the other the wife, trading—either one or the other of them, it does not matter which—and playing into each other's hands as this Act will enable them to do. I do not think creditors are likely to derive much benefit from it. When I was in England the other day I was told by one of the officers who had the working of the Bankruptcy Act, in London, that this law in that country is simply an instrument of fraud, in many cases indeed. The husband trades until he gets into difficulties, and hands over to his wife for her separate use as much property as he can before he becomes a bankrupt, and the creditors get little or nothing. It is very difficult to trace these transactions between a designing

man and a designing wife, who put their heads together to defraud other people. The husband goes through the bankruptcy court with little or no assets, and immediately afterwards you find the wife starting to trade on her own account. The husband is a bankrupt, and remains an undischarged bankrupt, so they immediately start some business in the name of the wife, who is found to have a lot of separate property. But where she got it from you cannot tell, though it is not difficult to guess pretty well where it came from. It is simply conveyed to her by the husband in anticipation of his bankruptcy. She carries on the business in her own name, and the husband is employed by her at weekly wages; and away the happy couple go again. This bill is not wanted to effect that purpose. It is a laudable object that is in the minds of those who are bringing in the bill and supporting it—the protection of women from drunken or vicious husbands, who do nothing but prey upon the earnings or the property of their wives. But I say these cases are very few, and if you want a bill to deal with them the proper way to do so is not by passing an Act that will open the door to an immense amount of fraud, but by providing for the protection of the earnings of married women in another way, and dealing with this class of cases by itself. When you find a worthless husband who will not work to support his family and lives on his wife's earnings deal with him in another form, and not with a bill of this kind, which, as the hon. member for Toodyay says, splits them into two. One can steal from the other under this bill, and what she has has nothing to do with the husband, and what he has has nothing to do with the wife. Yet they live in the same house. The result of such a measure must be fraud, and no good can come out of it, no good at all. Those cases where it might do good ought to be dealt with, in my humble judgment, by another measure altogether. We might provide a more ready means for women obtaining judicial separation, and also divorce, from these worthless drunken husbands. That would be a very good thing. If you do not part them in this way, no matter what protection you give the wife, you will always find the vicious husband about,

and he will get at her property in some way or the other, by hook or by crook. These cases, after all, are very few. But a bill like this opens wide the door for deception and fraud. Take clause 6 for instance. All deposits in any post office or other savings bank, or in any other bank, and all shares in any company or any society, standing in the name of the wife, are to be deemed to be her separate property. While things are going on swimmingly there is a little nest egg deposited in the bank in the name of the wife, and when evil days come you have the husband in the bankruptcy court with assets—*nil*. Presently up springs a new man entirely, with his wife's property, but which really is his own, and things go on until it comes the wife's turn to play the same part perhaps.

MR. PARKER: Is it not done now?

THE ATTORNEY GENERAL (Hon. S. Burt): I dare say it is. But this shows them the way to do it. It tells a married woman what she has got to do. She is actually enticed to filch from her husband. My objection to the bill is that it will do more harm than good. I have never yet heard of any good it has done elsewhere. I know it leads to a great deal of swindling in England; I have been told it by those who are in a position to judge. It leads to a lot of rascality; it must do so. Married men and women, split up into two separate entities, cannot be honest long, when the door is wide open to them to become dishonest. Money goes from one hand into the other. One goes bankrupt, and the other flourishes. One is down and the other up; and so the game goes on. Let this colony try it, if members like, and see what the result of this Act to protect the property of married women from their husbands will be. I venture to say that in a few years time we shall want an Act to protect the property of married men from their wives. That is what I think, and I shall vote against it.

MR. RICHARDSON: Only one thing strikes me in reference to the Attorney General's remarks. If this Act in England has caused so much evil and so little good as he says it has, how is it that it has never been repealed? If the whole tendency of the Act is to encourage fraud, and there is no good in it, one would think that some steps would have

been taken long before now to repeal it.

MR. HASSELL: For the reasons given by the Attorney General, I shall vote against this bill.

Question put—That the bill be now read a second time.

The House divided, with the following result:—

Ayes	13
Noes	9

Majority for	...	4
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AYES.

Mr. Canning
Mr. Darlôt
Mr. De Hamel
Sir John Forrest
Mr. Harper
Mr. Loten
Mr. Molloy
Mr. Quinlan
Mr. Randall
Mr. Richardson
Mr. Simpson
Mr. Traylen
Mr. Parker (Teller).

NOES.

Mr. Baker
Mr. Clarkson
Mr. Cookworthy
Mr. A. Forrest
Mr. Hassell
Mr. Marmion
Mr. Phillips
Mr. Venn
Mr. Burt (Teller).

Question—put and passed.

Bill read a second time.

ABORIGINES PROTECTION ACT, 1886, AMENDMENT BILL.

Read a first time.

ABORIGINAL OFFENDERS ACT, 1883, AMENDMENT BILL.

Read a first time.

MASTERS AND SERVANTS AMENDMENT BILL.

Read a first time.

PATENT ACT, 1888, AMENDMENT BILL.

Read a first time.

CUSTOMS CONSOLIDATED BILL.

Read a first time.

GRANTS TO ROAD BOARDS FOR 1891.

MR. PARKER moved for a return of all moneys paid or allotted to the respective Road Boards during the year 1891, out of public funds, including all special votes for roads or bridges out of loan or other moneys.

Agreed to.

ADJOURNMENT.

The House adjourned at ten minutes past 10 p.m.

Legislative Assembly,

Thursday, 28th January, 1892.

Message (No. 4): Transmitting the Estimates for 1892—
Financial Statement by Treasurer—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

PRAYERS.

MESSAGE (No. 4) FROM HIS EXCELLENCY THE ADMINISTRATOR—ESTIMATES.

THE SPEAKER notified the receipt of the following Message from His Excellency the Administrator:—

"The Administrator transmits to the Legislative Assembly the Estimates of Revenue and Expenditure for the year 1892, and recommends an appropriation of the Consolidated Fund accordingly.

"Government House, Perth, 28th January, 1892."

FINANCIAL STATEMENT, ESTIMATES, 1892.

The House having resolved itself into a Committee of Supply for the consideration of the Estimates of Expenditure for the year 1892,—

THE PREMIER AND TREASURER (Hon. Sir J. Forrest) said: Mr. Randall, —I have much pleasure in rising to submit to the committee the estimates prepared by the Government for the year 1892. This year is a most important one in the history of the colony, and in the interests of the constitution which we have begun to work; and it is my very pleasing duty to be able to inform the House that since the introduction of Responsible Government we have progressed at a rate hitherto unknown in the history of this colony.

The Past.

Last year, as hon. members will recollect, I compared the year 1891, which we were just entering upon, with the years 1880 and 1885, and I showed that during the ten years between those wider dates the revenue had increased from £180,049 in 1880 to an estimated revenue of £444,165 in 1891; and that the expenditure had increased from £204,337 in 1880 to an estimated expenditure of