

LANDLORD AND TENANT BILL.

Colonel **HAROLD COHEN** (Honorary Minister) moved for leave to bring in a Bill to amend the law relating to distress for rent in the case of goods and chattels comprised in hire-purchase agreements.

The motion was agreed to.

The Bill was brought in, and read a first time.

DEATHS.

THE LATE HONS. W. P. CROCKETT, H. HITCHCOCK, H. BEARDMORE, AND SIR WILLIAM MCPHERSON.

The Hon. J. P. JONES (Minister of Public Works).—I move—

That this House place on record its sorrow at the deaths of the Honorables William Paul Crockett and Howard Hitchcock, C.M.G., O.B.E., formerly members of this House, and of the Honorable Sir William Murray McPherson, K.B.E., formerly a member of the Legislative Assembly and Premier and Treasurer of the State, and the Honorable Henry Beardmore, a member of the Legislative Assembly, and its appreciation of the services rendered by them to the Parliament and people of Victoria.

It is with considerable regret that I submit this motion, because since we last met, death has claimed the gentlemen whose names I have read, and their passing means a very deep loss to this State.

Referring first of all to the late Mr. Crockett, honorable members will have very pleasant recollections of his associations with them in this House. He represented the North-Western Province from the 19th of November, 1919, to the 1st of June, 1928. He was an Honorary Minister in the second Lawson Ministry from the 12th of September, 1923, to the 19th of March, 1924, and in the Allan Ministry from the 10th of November, 1924, to the 1st of July, 1925. Honorable members know that Mr. Crockett represented wheat-growing areas and always took a close interest in the people engaged in agricultural pursuits. He was a faithful member, and was ever alert when problems affecting the wheat-growing industry came before this Chamber.

The late Mr. Hitchcock represented the South-Western Province from the 4th of June, 1925, to the 3rd of June, 1931. He was a councillor of the City of Geelong

from 1915 until 1920, and was an alderman from 1920 to 1924. He was mayor for five years in succession, being elected to that position in 1917. Mr. Hitchcock was largely responsible for the beautification of Geelong by the laying out of parks and gardens and the erection of memorials. He originated the idea of constructing the Great Ocean Road as a memorial to the Western District soldiers who died on active service. The making of that road is almost completed. Mr. Hitchcock was also one of the founders of the War Funds Board, which raised £150,000 for patriotic purposes, and he was the organizer of the Melba concert, by means of which £7,000 was raised for the new Geelong Hospital. It does not need any words of mine to indicate the great services that Mr. Hitchcock rendered to the State, and particularly to Geelong and the Western District. He was deservedly popular in Geelong. I am sure that his death caused a very serious loss to the people of that city. Honorable members will recall him with great esteem on account of his kindly disposition and the just attitude that he adopted concerning every problem that confronted this House. On all occasions he endeavoured to do the right thing, and he was never moved by any other consideration than that which he thought was the best for the State. My esteem for Mr. Hitchcock prompted me some months ago to discuss with the Country Roads Board the question of completing the last link of the Great Ocean Road, with which his name is so prominently associated. I referred to the fact that he was very ill, and said I felt that it would be a happy circumstance if we could inform him that the Board had decided to finish that portion of the road. The Board resolved to undertake the work, and I accordingly sent Mr. Hitchcock a letter telling him of the decision, and congratulating him upon the success of his wonderful efforts in connexion with the road. I regret that I have not with me the reply that Mr. Hitchcock wrote to me, because it discloses the real man. He was exceedingly pleased to know that the work was to be completed, and he thanked me sincerely for my appreciation of his services. Mr. Hitchcock was the type of man that the community can ill afford to lose.

Though the late Sir William McPherson was not a member of this Chamber, he was well known because of the leading public positions that he occupied for a great number of years in this State. He was Treasurer, and afterwards Premier, but he will be remembered more for his wonderful charitable benefactions, for which his name will always be revered in this State. I used to think that Sir William was frequently unfairly criticized. He was a man of high character, and exceedingly generous, and he would never pass by anybody who really was entitled to assistance. Unfortunately, politicians who take a definite step in political matters are subject to personal criticism. Often that criticism is based on incorrect statements, and is likely to leave a pang in the heart of an honest man who is endeavouring to do his best for the State. Unfair criticism levelled at Sir William McPherson upset him during the latter part of his lifetime. As ages go, he was a comparatively young man, and should have had another ten years of active life. Though he is dead, his deeds will live, notwithstanding the opinions expressed by some people concerning his political views. Provided a public man is honestly doing his best to serve the State, no aspersions of a personal nature should be passed on him, and nothing should be said that is likely to do him an injury or make it more difficult for him to plough his already difficult furrow.

The late Mr. Beardmore was a member of the Legislative Assembly for a great number of years. He will be remembered as a kindly soul. About three years ago he was stricken with a serious illness, and it was not expected that he would get better. He made a remarkable recovery, and honorable members were pleased to see him once again in Parliament House. He had a year or two more of legislative activity, when unhappily he again became seriously indisposed, and now he has passed away. In moving this motion I can only add that I think the least we can do is to recall the good work done by a member of Parliament before his death.

The Hon. Dr. HARRIS (*North-Eastern Province*).—In seconding the motion, I wish to say that the Minister of Public Works has done justice to his subject.

The two gentlemen who were members of this House were well known to us, and they were kindly, genial, honest men, who endeavoured to carry out their duties as legislators in a thoroughly straight way. The late Mr. Beardmore was one of my colleagues in the North-Eastern Province, and represented Benambra for about nineteen years. I can honestly say that he had the affection of his constituents. He was regarded as a wonderful representative, and although he was called upon to face election contests on more than one occasion, he never had any difficulty in retaining his seat. The fact that he was included in two Ministries indicates that his party considered him to be a man of ability and entitled to recognition. I am exceedingly sorry that his death has occurred, and I feel that his constituents will never get a better man to serve them.

The late Sir William McPherson had a State-wide reputation. The opportunity to do great service for the State frequently comes to a man who is well equipped to do it. Sir William McPherson was successful enough in his business to be in a position to confer great favour on his country, and he performed that service. The Emily McPherson School of Domestic Economy and the Jessie McPherson Community Hospital connected with the Queen Victoria Hospital for Women and Children are both indebted to the deceased statesman. His benefactions were truly useful to the people of Victoria, and especially to the mothers and daughters. The maternity portion of the Queen Victoria Hospital for Women and Children gives relief to the mothers, and the School of Domestic Economy is teaching the young women of the community the best way in which to discharge domestic duties that are so necessary to the happiness of homes. Sir William McPherson showed great wisdom in providing for these institutions.

Mr. William Crockett was a member of the political party to which I adhere. Whether inside or outside the party room, he was always the genial fellow one expects to meet when a man is white. I do not wish to labour the subject. We all feel it extremely when we make references to a legislator who has passed away, because most of us in this Chamber have reached the time of life when death may

come at any moment. I hope that honorable members will endeavour to continue to carry out their duties faithfully, so that when we get the call similar kindly remarks will be sincerely expressed concerning us.

The Hon. H. F. RICHARDSON (*South-Western Province*).—The late Mr. Hitchcock was my colleague during the six years he was a member of this House. I can say that no man who has lived in Geelong has done more for that place than Mr. Hitchcock did. He was a son of the late Mr. G. M. Hitchcock, to whom most of us refer as the father of Geelong; and the son took after the father, for he was a God-fearing public spirited citizen. His death is a great loss to our city and to the district. I could refer to a number of movements in which Mr. Howard Hitchcock took deep interest, but there is one, which has been mentioned already, which I desire to emphasize, namely, the construction of the Great Ocean Road. That was a work which Mr. Hitchcock took in hand after the Great War, and thereby a large number of returned soldiers found employment. I may add that it cost Mr. Hitchcock thousands of pounds in contributing towards that work. It is a matter for deep regret that he should have passed away before the Great Ocean Road could be officially opened. At the end of November, the Great Ocean Road Trust proposes to have that splendid scenic ocean highway officially opened right through from Geelong to Warrnambool. The last section, near the Wye River, proved to be a difficult and expensive one, but the work is now nearly completed. It is most unfortunate that Mr. Hitchcock did not live to be present at the opening ceremony. He has passed away, having done his duty to his fellow citizens and to the State. Another interest in which the late Mr. Howard Hitchcock was very deeply concerned was his church and Sunday school work. I do not suppose that any man who has lived in Geelong has ever done more for Sunday school and church activities.

I am pleased that the unofficial Leader has seen fit to refer to-day to the passing of these four notable men, whose names have been mentioned, and who gave so

generously of their time and abilities to the highest services of the State. Their public works can only be spoken of in terms of deep appreciation, and there is the consolation that what they did for the benefit of this State will live after them.

The Hon. G. L. GOUDIE (*Minister of Water Supply*).—I wish to express my regret at the death of the two former members of this House, Mr. Howard Hitchcock and Mr. Crockett, and also of Sir William McPherson and Mr. Beardmore, who were members of the Legislative Assembly. I desire to make particular mention of the late Mr. Crockett, who was a colleague of mine in this Chamber for a number of years. He came into this House very shortly after I had been elected to represent the North-Western Province, and we were close colleagues for a long while. I always found him a man on whom one could rely, not only for his sincerity, but for his judgment. He was one who, by hard work and strict honesty, made his way in the world, and made an impression on his fellow-men. As a pioneer of Mildura, he was one of the few who achieved success in the early days of the undertakings there. Mr. Crockett carried into this House a great many qualities. He was a man of high business instincts; he was capable of discerning the best directions which our legislative efforts should take, and he always gave his vote with a view to the greatest benefit and best interests of the State as a whole. We all regret that these public men have passed away, whilst at the same time paying to their memory the tribute that they performed very important duties to the State. Perhaps during a man's lifetime, those who are associated with him do not altogether realize the value of his works, and it is not until after his death that they fully appreciate the worth of his services. All of us must now realize what these four men did for their State, and I know that I am only expressing the feelings of honorable members generally when I say that we very deeply regret their decease.

The Hon. W. H. EDGAR (*East Yarra Province*).—As one of his colleagues, I was associated with the late Sir William McPherson, in the course of his political

life, and I was also brought into association with him in his private life. He had one ideal, and that was to do his duty to his God and his country. He was a man of simple faith, and he was anxious to distribute what he possessed in the very best way. He lived well, and he ended his days well. Indeed, he set his fellow citizens a wonderful example. The memorials associated with him, and to which reference has been made, will remain in this State to do him honour for all time; and, with his name, that of the late Lady McPherson will be closely associated, in connexion with all his good works.

Since last we met, three former members of this Parliament, and one of its sitting members, has passed away. Members of this Chamber remember the late Mr. Crockett as a man of very kindly disposition, as one who stood at all times to support every piece of legislation designed to assist the people of the north of the State, and, in fact, all the farming areas. He had a very keen sympathy for the man on the land, and was ever anxious to do all he could to make the farmer's lot easy.

The late Mr. Howard Hitchcock was one of the outstanding personalities of the State. He was a man of remarkable artistic tastes, and a lover of flowers. In connexion with his public services, reference has been made already to his association with the Great Ocean Road project. I happened to be with him one evening when it was suggested by Mr. Fricke, of the Country Roads Board, that it would be a good idea to link up the coast by a scenic route. Immediately Mr. Hitchcock caught hold of that proposition, because it was a big one. Through many trials and difficulties he fought his way, and saw that scheme practically to its fruition. At one stage, when it seemed that the project was collapsing, he put in liberally his own money, and he never faltered in his objective of bringing that work to a successful conclusion, whilst at the same time doing much to aid returned soldiers. A few hours before he died, I had the sacred privilege of spending a brief while with him. He was lying in his bed in a very weak state. When I conveyed to him that His Excellency the Lieutenant-

Hon. W. H. Edgar.

Governor had consented to open the Great Ocean Road in November next, he took me with both hands, and shook my hand affectionately as though he realized that his life's work was done. It seemed too much for him when I expressed the hope that God might spare him to be present at the opening ceremony. As I left him, he said with great feeling and affection, "Good-bye; I shall never forget." I must refer to the loving care displayed by Mrs. Hitchcock during her husband's long illness. Throughout that period, she was a wife indeed. During the long months of weakness and weariness she tenderly watched and nursed him, and it must be an abiding comfort to her to know that her love was given in the fullest way, and that in his last hours she was with him to comfort and strengthen.

What I admired very greatly in the late Howard Hitchcock was that he gave considerable help to numbers of young people who were trying to make their way in this world. I understand that Mr. John Brownlee, one of the great singers of the world to-day, was helped and assisted in a wonderful, but quiet, way by Mr. Hitchcock. I met them when I was in London, and I know that whatever door Mr. Hitchcock could open to assist in his profession the young man in whom he was so deeply interested was opened by him, irrespective of what it might cost. Many other young men and women owe their success in life to his inspiring example and to his practical generosity. Throughout his life, Mr. Hitchcock set a standard for the younger generation, an inspiration to them to live up to the best ideals. He set an example in Geelong of the highest citizenship, for he was always imbued with the desire to do his utmost for the development of that city, both in its social and religious aspects, and render the best service.

The late Mr. Beardmore I knew intimately. He served his day and generation, and he has left behind him a fine record. It is gratifying to know that we are in a position to recognize the good works performed by these men, who, during many years, gave of their best to the service of the State, and who always sought to import into the legislation of

this country the very best purposes. They have passed on, and I believe that they are now engaged in a higher service. The work they commenced here and carried out so fittingly is being continued. We all pass from one stage to another, and I feel that the best we have developed here will be still more greatly developed in the great beyond. To the bereaved families go out our heartfelt sympathy. We convey to them these expressions of our sympathy, and we hope that they will be cheered and comforted in their loneliness and sorrow.

The motion was agreed to in silence, honorable members standing in their places.

The Hon. J. P. JONES (Minister of Public Works).—I move—

That the House, out of respect to the memory of the late Honorable William Paul Crockett, the late Howard Hitchcock, the late Honorable Sir William McPherson, and the late Honorable Henry Beardmore do now adjourn until a quarter to 8 o'clock this day.

The motion was agreed to.

The House adjourned at 5.31 p.m.

The **PRESIDENT (Sir Frank Clarke)** took the chair at 7.53 p.m.

LANDLORD AND TENANT BILL.

Colonel HAROLD COHEN (Honorary Minister).—I move—

That this Bill be now read a second time.

In dealing with the provisions of this Bill, it is necessary first to have in mind the provisions of the Landlord and Tenant Act. The legislation relating to the powers of the landlord to recover his rent under the Landlord and Tenant Act is very old, and I noticed in looking at the principal Act to-night, with a view to preparing myself to deal with the measure now before the Chamber, that in the side-notes of one page of the principal Act the references show that the sections on that page came from the laws of Henry VIII., Charles II., Queen Anne, and George II.

The Hon. C. H. A. EAGER.—It is like the Marriage Act.

Colonel HAROLD COHEN.—The relation of the landlord and tenant is nearly as antique as marriage, I think, but the position which exists in respect of hire-purchase documents was not, of course, in existence in those times. The Landlord

and Tenant Act, generally speaking, provides that the landlord may distrain on all chattels on the premises, irrespective, except with certain exceptions, of to whom they belong. There is provision under Division 2 of Part IV. of the principal Act for exempting the goods of certain people—under tenants—but the exemption is limited to certain classes of goods. The goods covered by a hire-purchase agreement are not amongst these. A hire-purchase agreement is an arrangement or a contract whereby the owner delivers the goods to the hirer on the terms that the hirer takes them at a fixed periodic rent or payment, and in addition has the option of taking them over by paying the agreed amount at any time, or returning them before the amount is paid. It should be noted so far as the provisions in relation to landlord and tenant are concerned and the powers of the landlord to distrain for his rent that those powers are almost universally at the disposal of a mortgagee, because the form of mortgage commonly employed contains what is known as an attornment clause, which creates the relation of landlord and tenant between the parties. Hire-purchase agreements are, of course, a very common form of commercial transaction; so common, in fact, that there is a book by a well-known member of the Bar here devoted entirely to that one question, and this Bill has been settled by that gentleman, who is a recognized authority on the subject.

The importance of the hire-purchase agreement is not confined to any particular portion of the community. It is equally important to the people in the country, including the farming community, and the community in the city. For instance, many farm implements are bought on terms of credit, and are covered by hire purchase agreements, and under the existing provisions it is competent for the owner of the property, or the mortgagee, to distrain on the goods covered by the hire purchase agreement. That has two effects; one of them is that the tenant or mortgagor who may have paid for them in part, loses his interest in the goods, and the man who sells them to him may lose his goods, which have been only partly paid for. In many cases, it affects