Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 10 JUNE 1874

LEGISLATIVE COUNCIL.

Wednesday, 10 *June*, 1874.

Presentation of Petitions.—Assent to Bills.—Order.—The Library Committee.—Additional Sitting Day.—Supreme Court Bill.—Shipping Law Amendment Bill.—Navigation Bill.—Insolvency Bill.

PRESENTATION OF PETITIONS.

Two petitions from certain merchants, traders, and citizens of North and South Brisbane, respectively, praying that the Insolvency Bill be referred to a Select Committee, were presented by the Hon. G. HARRIS.

A petition of similar import, from certain merchants and traders of Ipswich, was presented by the Hon. H. B. FITZ.

Upon the reading of the petitions by the Clerk at the Table,

The Hon. A. H. BROWN rose to question whether the petitions were not couched in language which it was not consonant with the dignity of the Council to entertain. It appeared to him that the petitions suggested, almost dictated, to the House what course they should adopt with reference to the Bill—that they should place it in the hands of a Select Committee. It was the province of the House to decide what they should do with the Bill. He did not approve of the tone of the petitions, which should be presented in ordinary form, and, if the Council had reason to consider the desirableness of referring the Bill to a committee, they would decide for themselves.

The Hon. J. TAYLOR referred to the proceedings of the House with reference to the Bill, the restoration of which to the paper, he said, was the cause of alarm to the persons now petitioning the Council. The people

feared that if the Bill should pass in its present shape, it would not be for the good of the country, and they desired that the House would take such measures as should ensure the passing of a beneficial law. The petitions were addressed in a respectful manner to the Council, and he could not see that because one portion of the House did not desire the Bill to go to a second reading without due consideration, the right of presenting petitions was to be denied to them and the people who had signed the petitions. This was an important matter, and he was sure the House would not refuse to receive petitions. He had a petition to present; and he was astonished at the Honorable Mr. Brown making such objections.

The Hon. H. B. FITZ said the Council would not endorse the views of the Honorable Mr. Brown, and deny "the right of petition."

The Hon. J. TAYLOR presented a petition from two hundred of the residents of Toowoomba, praying for the committal of the Bill. He was addressing the House with reference to the subject; when,

The PRESIDENT stated that the honorable member must not make a speech on presenting a petition.

Petitions received.

ASSENT TO BILLS.

A message was received from His Excellency the Governor, informing the Council that the following Bills had received the royal assent:—

Australian Joint Stock Bank Act.
Evidence Further Amendment Act.

ORDER.

The PRESIDENT said that, before proceeding to the business on the paper, he begged to apologise to the honorable and gallant member, Captain Simpson, for having interrupted him, in error, on the last occasion of the Council meeting, in proposing an amendment for the consideration of the Insolvency Bill. He was under the impression, at the time, that the honorable gentleman had spoken; but, on inquiry from the Short-hand Writer, and, after looking at "Hansard," which had since been issued, he found that the honorable gentleman had not spoken, and that he was himself in error.

The Hon. H. G. SIMPSON: He need hardly say that he considered an apology unnecessary, under the circumstances. An error of that sort might occur at any moment. Although he accepted with great pleasure the President's apology, he thought it was hardly necessary that the honorable gentleman should have made it.

THE LIBRARY COMMITTEE.

A message was received from the Legislative Assembly, informing the Council that the Honorable W. Hemmant had been appointed a member of the Joint Library Committee, in the room of Mr. Nind.

The Hon. J. TAYLOR: Would it be in order, the President being a member of that committee, to ask him, whether a Librarian had been appointed?

The PRESIDENT: I think it would be out of order, at the present moment. There is no question before the House.

At a subsequent stage of the proceedings,

The Hon. H. G. SIMPSON moved the adjournment of the House, with a view to ask a question of the President. The Honorable Mr. Taylor had put a question in a way that it could not be entertained; but he (Captain Simpson) should like to put it to the President, leaving it to him to answer, if he thought proper, or to rule that he could not answer. It was within the knowledge of honorable members for some time past, and it was expected by them, that, to-day, some arrangement would be made with regard to the future holder of the position of Parliamentary Librarian. Certain rumors had been flying about—as they always would fly in such circumstances—and he had conferred with a good many honorable members with regard to them, and all he had spoken to were of opinion that if the President would give the information which he was about to ask for, it would be very satisfactory to the House.

HONORABLE MEMBERS: Hear, hear.

The Hon. H. G. SIMPSON: Without for a moment presuming to question the undoubted right of the President of the Council and the Speaker of the Assembly, jointly, to recommend such person as they might think proper for the approval of His Excellency the Governor, the question he would ask, was—If the President felt himself at liberty to inform the House, for their satisfaction, as to whether any steps, and, if any, what steps, had been taken in the matter of the appointment of the Parliamentary Librarian; and what steps were proposed to be taken further? There was no end to the different rumors that were flying about with reference to the subject, and the House would, therefore, like to get the information if they could. It would be for the President, of course, to rule whether it would be regular or irregular to give the information.

The PRESIDENT: I must inform the House that I am asked to commit what would be a breach of the Standing Orders——

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: That is, to divulge the decision of any committee before it has agreed finally to its report on its action. The Library Committee has not agreed. I have as yet taken no step, and I am not prepared to take any, or to give information, further than that the matter is still under consideration.

Motion for adjournment withdrawn.

ADDITIONAL SITTING DAY.

The POSTMASTER-GENERAL moved—

That this House will meet for the despatch of business on Tuesday, Wednesday, and Thursday in each week, unless otherwise ordered.

He stated that, owing to the amount of business now before the Council, and to the fact of there being so many Bills before the other House almost ready to come up, it was necessary, with the view of expediting the business of the country, that the Council should sit another day in the week. In order to avoid the pressing upon the House of several measures simultaneously, and the passing of Bills through their several stages in the same day, as was often done towards the close of the session, it was necessary to have an extra sitting day. Some honorable members might oppose the motion on the ground that by sitting late at night, the business might be done. But late sittings would not meet the case. Another day was wanted, because, according to the Standing Orders, it took three weeks to get a Bill, even an unimportant one, through all its stages to its passing. For his own part, he did not think that three sitting days a-week would be sufficient, but that the Council would require to sit four days, the same as the Assembly. There would be more important Bills, besides those on the paper, before the House in a few days; and he asked honorable members to consent to the motion, in order that the business of the country could be proceeded with promptly.

The Hon. H. B. FITZ said he thought the Postmaster-General should have some consideration for country members. No doubt Friday would be a more convenient day for honorable members to attend than Tuesday; and he moved, by way of amendment—

That the word "Tuesday" be omitted, and the word "Friday" be added to the question.

The Hon. J. TAYLOR opposed the motion, for which he could not see the slightest cause. From a return furnished to him, he found that this session the Council had sat thirty-one hours fifty-two minutes. By sitting late on two days the Council would get on fast enough with the public business; and there would be no need to appoint another sitting day.

The Hon. A. H. BROWN said the argument of the Honorable Mr. Taylor was in favor of the motion, as indicating what a great deal of business the House could get through; and as there was still a great deal to do, he should support the amendment.

The Hon. T. L. MURRAY-PRIOR said he thought it would be as well to add Friday to the motion, and to have four sitting days instead of two. He should prefer to sit on Tuesday. If the Honorable Mr. Taylor would examine the paper, he would see that what the Postmaster-General had said was right, that the House required an extra day to pass Bills.

The Hon. J. F. MCDOUGALL, as a country member, agreed with the Honorable Mr. Fitz, that Friday was the best day. It did not make much difference to town members; but country members would have a chance of getting home at the end of the week, if they had not to return to the House until Wednesday.

The Hon. F. T. GREGORY said, the Postmaster-General had shown the necessity of an extra day, by pointing out that Bills could not be carried beyond one stage in the same day. If that was really the case, the House ought to grant an extra day, for the sake of getting through the public business. He agreed that Friday was the best day for country members.

The Hon. H. G. SIMPSON confessed that there was reason for the motion of the Postmaster-General for an extra day, as there was in what other honorable gentlemen had said, that the convenience of country members should be consulted in this matter. It was of little concern to town members, whether the House should meet on Tuesday or Friday, and he was quite indifferent as to which day was appointed.

The POSTMASTER-GENERAL: It was immaterial to himself; but, in asking for Tuesday, he thought he was consulting the convenience of honorable gentlemen from the country. It was, heretofore, the practice of the House to sit on Tuesday, not on Friday; and one reason was, that the Assembly sat on Tuesday, and used not to sit on Friday, except occasionally in the morning; and if honorable gentlemen did not think it likely that business would be done in the other Chamber on Friday, they did not care to meet either. On Tuesday he thought the House were most likely to get through business.

The Hon. F. H. HART said the Postmaster-General might accept the amendment, if it was a matter of convenience for the country members.

The Hon. H. B. FITZ, in explanation, pointed out that no trains ran on Sunday; and that an honorable member, situated as the Honorable Mr. M'Dougall was, would have to drive twelve miles in the dark, on Sunday night, to reach the morning train to get to Brisbane by Monday night, so as to be able to attend the House on Tuesday.

The POSTMASTER-GENERAL: It made no difference. The honorable gentleman would have to travel to, instead of from, his home on Sunday, if Friday was made the extra sitting day. He (the Postmaster-General) was willing to accept the amendment.

Question put on the amendment, and agreed to.

SUPREME COURT BILL.

On the Order of the Day being called, for the third reading of the Supreme Court Bill,

The POSTMASTER-GENERAL moved—

That this order be discharged from the paper, and the House be put into committee for the further consideration of clauses 5, 15, and 22 of this Bill.

The object of his motion was, that clause 5 of the Bill should be restored to its original shape, with the exception of the amendment

of "fifteen" instead of "twenty" years' service to entitle a judge to demand his pension. He wished to amend clause 15, in order that the position of the Northern Judge should be defined as that of the junior puisne judge; and he had it in contemplation to restore clause 22, which would give solicitors and attorneys right of audience in the higher courts in every place, with the exception of Brisbane.

The Hon. E. I. C. BROWNE: Everywhere.

The Hon. H. B. FITZ moved, by way of amendment—

That this House be put into committee, for the further consideration of the whole Bill.

The Hon. H. G. SIMPSON said he could not agree to the amendment of the Honorable Mr. Fitz. The Council had already spent a great deal of time and trouble over the Bill; and he did not see the use of going through it all again. He could understand why it should be recommitted for the reconsideration of clauses 5 and 22; but, unless he heard from the Postmaster-General some reason for the re-committal of clause 15, he should object to it. He intended to oppose the amendment of clause 5, and also the restoration of clause 22, without the reservation as to Brisbane.

The POSTMASTER-GENERAL explained that his desire, as to clause 15, was to amend it so that it should require the junior puisne judge of the Supreme Court, for the time being, unless otherwise arranged, with the consent of the other judges, to reside at Bowen. It was to determine the status of the Northern Judge.

The Hon. A. B. BUCHANAN said he should support the amendment of the Honorable Mr. Fitz, as he thought it was likely that such alterations would be made in restoring clause 22 as might necessitate the reconsideration of clauses 23 and 24, which had also been struck out.

HONORABLE MEMBERS: Hear, hear.

The Hon. J. F. MCDOUGALL supported the amendment.

The Hon. E. I. C. BROWNE said that before the House adopted the amendment they ought to have some reason why they should go into the whole Bill again. They spent a long time over the Bill last week; and he feared that if they should go into it again, it would never pass this session. They should only go into those clauses upon which an understanding had been come to.

The Hon. H. B. FITZ, in explanation, and by permission, said he was opposed to the amalgamation of the legal profession. He found that his honorable friend, Mr. Browne, was now giving way on clause 22, which was one of the most important clauses in the Bill as it originally stood. If those who opposed it were in a minority, perhaps clauses 23 and 24 would be restored. If it was passed, he should propose the insertion of the words, "or judges;" so that attorneys should have right of audience everywhere. Though opposed to the amalgamation of the profession, if it were begun, he would go in for it fully. Several honorable gentlemen were present—the Honorable Mr. Taylor and the Honorable Mr. Harris—who were not in the House when the Bill was last before them, and he should like to hear them give their opinions on the whole Bill.

The POSTMASTER-GENERAL: They ought to have been present.

The Hon. E. I. C. BROWNE, in explanation, said strong reasons had been urged upon him as to the difficulty of getting a bar in distant parts of the colony, and that suitors in the courts were likely to be put to very great inconvenience in the absence of some such provision as was made in clause 22, for giving them legal assistance. The Honorable Mr. Browne and the Honorable Mr. Lambert had urged this upon him, and he thought it reasonable that the clause should be restored. But he did not see why the whole Bill should be re-committed, that the House might have an opportunity of hearing the Honorable Mr. Taylor and Mr. Harris. Those honorable gentlemen had the opportunity of being in the House when the Bill was in committee.

The Hon. H. B. FITZ rose.

The PRESIDENT: The honorable member has spoken.

The Hon. H. B. FITZ: It would be inconsistent to restore only clause 22. That clause would give right of audience to attorneys; and if clause 23 was not also restored, to give barristers a right to act as attorneys, it would be an injustice to the barristers. Why should the attorneys have privileges which were denied to barristers?

The POSTMASTER-GENERAL: Clauses 23 and 24 had reference to matters altogether foreign to the Bill. Clause 22 was absolutely needed, if the ramifications of the Supreme Court were to be extended to the distant northern and western districts of the colony. At present there was but a small bar in Queensland, owing to the bar being a close corporation. If clause 22 should not be restored, he did not see what use there would be in appointing the Northern Judge.

The question on the amendment was then put, and the House divided:—

Contents, 12.	Not-Contents, 10.
Hon. G. Sandeman	Hon. W. D. White
„ W. Wilson	„ W. Hobbs
„ J. F. McDougall	„ J. Gibbon
„ F. T. Gregory	„ J. Mullen
„ A. B. Buchanan	„ W. D. Box
„ G. Harris	„ T. L. Murray-Prior
„ D. F. Roberts	„ H. G. Simpson
„ H. B. Fitz	„ G. Thorn
„ J. Taylor	„ E. I. C. Browne
„ W Thornton	„ F. H. Hart.
„ W. F. Lambert	
„ A. H. Brown.	

The House then resolved into committee for the reconsideration of the Bill.

Clause 1, repealing certain sections of existing Acts, was postponed.

Clause 5—Pensions—as amended in committee. [*Vde* pp. 626 and 629, *ante*.]

The POSTMASTER-GENERAL moved that the clause be expunged, with the view of restoring the original clause, with the substitution of the word "fifteen" instead of "twenty" in the second line of the clause.

The Hon. A. H. BROWN observed that, as he had been instrumental in amending the clause, he wished to give his reasons for acceding to the motion now made. At the time he moved the amendments, it appeared to him desirable that the judges should receive a *pro rata* allowance upon retirement from office; but he had since been led to consider how desirable it was that this colony should invite men of high ability and high character to take positions on the bench of the Supreme Court. As far as he was personally concerned, he should like to see every inducement held out, in additions to both the salaries and the pensions, to induce such men to come here. When he looked around he could scarcely see any barrister in the colony whom he should consider perfect as a judge. Therefore, if the clause was restored to its original shape, with the exception of the reduced period of service to which the House had agreed, it would possibly attract the attention of able barristers in other colonies, and incite them to offer their services to this colony in the dignified capacity of judges.

The clause was omitted.

The POSTMASTER-GENERAL then moved the insertion of the original clause of the Bill, with the amendment before indicated—"fifteen" instead of "twenty," in the second line.

Agreed to.

Clause 15—Northern Judge. [*Vide* p. 636, *ante*.]

The POSTMASTER-GENERAL moved, that words in the first line be struck out to make room for the following:—

"The junior puisne judge of the Supreme Court for the time being."

Thus to provide that the junior puisne judge should reside at Bowen and be the Northern Judge. He thought honorable members could not object to that.

The Hon. A. H. BROWN said the honorable gentleman representing the Government should give some explanation why he wished the amendment to be made. There were one or two objections to it. In the first place, it might be assumed that the junior judge was a man of not so much ability, at any rate, as the other judges; and he did not see why the North should have laid upon it necessarily the presence of an inexperienced judge. Again, one of the judges might be in some way incapacitated from going, whilst another would prefer going, to the North; and, under such circumstances, he did not see what could be gained by the enactment compelling the junior judge to go thither. He should prefer that the clause remained unaltered.

The Hon. H. B. FITZ: Nobody desired to see the colony broken up into a number of small states, and it would be unfair to treat the North in a way that might make the colonists there feel that they were regarded as in any way inferior to those in other parts. It was not necessary to particularise that the junior puisne judge should be the Northern Judge. Everything should be done to promote oneness of feeling amongst all classes of colonists in all parts of Queensland. Let one judge be appointed, and let him be in the position to do all the good he could to raise himself in the estimation of the people amongst whom he lived. It might be the case that, if a change took place on the bench, the Government would bring down the Northern Judge and send up the junior judge, when such a change would not be agreeable or advantageous in any way. As the amendment was first suggested by the Postmaster-General, the judges would be able to induce the Government to appoint one of their number who might be objectionable to them to the North. He (Mr. Fitz) intended, however, at the proper time, to move the substitution of Rockhampton for Bowen in the clause. Rockhampton had a population of seven thousand, a fact that should not be lost sight of. Otherwise, he should leave the clause as it stood in the Bill.

The Hon. H. G. SIMPSON: It was very well that the Northern Judge should be, as a new institution, looked upon for the time being, perhaps, as the junior puisne judge. But it would be very hard upon a man appointed to that position, if he had made his home in the North, to be disturbed against his will. He (Captain Simpson) was prepared to say, from his knowledge of many parts of the north of this colony, on the sea coast—he could not speak of the interior—that they were very superior to the intermediate, or half-north parts, as places of residence. Speaking of the climatic conditions, he was aware, from personal experience, that there were, within the influence of the steady trade winds, better places of residence for Europeans than could be found in the debateable districts outside the influence of the trades, though they were nearer to the sun than those districts. It was quite possible that a gentleman might make his home there, and it would be very hard that in consequence of another gentleman being appointed, and he thereby stood third instead of fourth judge, he should be forced to give up his home and come down to Brisbane. He (Captain Simpson) did not object to defining the status of the judge at first; but there might be a proviso added to the clause, that a gentleman having been appointed northern judge, should have the option of continuing in his position.

The Hon. E. I. C. BROWNE: Leave the clause as it stood.

HONORABLE MEMBERS: Hear, hear

The POSTMASTER-GENERAL said he should withdraw his amendment.

Amendment, by leave, withdrawn.

The Hon. H. B. FITZ moved that the word "Bowen" be struck out of the clause with a view to the substitution of the word "Rockhampton."

The Hon. A. H. BROWN supported the amendment, believing that the town of Rockhampton was a more suitable place for the residence of a judge of the Supreme Court than the township of Bowen. The latter was described as a healthy place, but it was not a populous place; it would be almost impossible to obtain a jury there; and it was difficult of access compared with Rockhampton. There were all the appliances requisite for the court to be established there; gaols, court house, and all the needful buildings. Equal facilities must be provided anywhere else in the North.

The Hon. A. B. BUCHANAN said it would be a disgraceful neglect of Rockhampton, the second city of the colony, to pass it over without granting it one of the four judges of the Supreme Court, when a judge was sent to a little place, such as Bowen, with four hundred inhabitants.

The Hon. H. G. SIMPSON said he trusted that the clause would stand as it was. He was convinced that, so far as the geographical position was concerned, Bowen was the most central and the most accessible place for the North. It must be borne in mind that the judge was for the northern, not for the central, districts. He could only say that if the population was so small that a jury could not be got there, let Townsville be substituted for Bowen; but certainly not Rockhampton. He was informed that the customs receipts, which ought to be an index of the commercial and mercantile importance of a district, were greater actually at Townsville than at Rockhampton, and they were increasing every day. However, he did not agree in the paucity of the inhabitants at Bowen standing in the way of the arrangement proposed for the Northern Judge. If some other place than Bowen must be appointed, it should be Townsville, which had a large population; but there were the objections of its unfortunate position, bad harbor, bad landing place, difficulty of access and anchorage. If the amendment should be carried, and Bowen struck out, he should move an amendment in favor of Townsville; but he should prefer that the clause stood as it was.

The Hon. W. THORNTON agreed with what had been said by the Honorable Captain Simpson, and should prefer that the clause was left unaltered. Bowen was the proper place for the Northern Judge, for many reasons—the first of which was, that it was more in the centre of the population of the North than any other place.

HONORABLE MEMBER: No, no.

The Hon. W. THORNTON: In every other way it was most convenient; it had regular and frequent communication with every other part of the North, and it possessed a good climate. In a business point of view, Townsville was a more important place; for that town had become as important as Rockhampton. If the customs revenue were any index of the commerce of a place, then Townsville exceeded Rockhampton. As to there being no gaol at Bowen, that was a matter which would soon be settled; and the cost of the necessary public buildings, was a matter of small consideration. There must be something peculiar behind the opposition to Bowen; it must be that the residence of the northern judge had something to do with separation.

The Hon. A. B. BUCHANAN: No one knew better than the Honorable Mr. Thornton that the customs revenue was no index to the commercial importance of a place. Goods went direct from Sydney to Townsville, and paid duty; to Rockhampton, a large proportion of its imports were from Maryborough and Brisbane, which, of course, paid no duty.

The Hon. W. THORNTON: A good deal of the trade of Rockhampton was direct with Sydney, as well as a good deal of the Townsville trade was with Brisbane.

The Hon. W. F. LAMBERT: Nothing had been said about exports. He knew that a very large quantity of goods was sent from Rockhampton to Brisbane, for which the latter had credit as exports. The shipping of the port of Rockhampton was so extensive that no doubt there must be a great deal of litigation. As to the population of the North, there could be no doubt that it was greatly increased by the Palmer diggings. But Rockhampton was the outlet of the Port Curtis, the Leichhardt, the Mitchell, the Warrego, and part of the South Kennedy districts. As to expect to get a jury at Bowen, the thing was ridiculous; the adult male population was away, and there were only about three hundred women and children there.

The Hon. F. T. GREGORY contended that, for the residence of the Northern Judge, that locality should be selected where the largest portion of the population would derive the greatest benefit from his presence. No doubt, Bowen was the most central position; but, after the information the House had received from several honorable members as to the population and the accessibility of the localities, the judge should be located at Rockhampton. The time would come when a judge would be necessary at Bowen; but the proposal was premature now. More hardship would be felt by litigants and those persons who required to attend the court, by the judge being stationed at Bowen than by his being at Rockhampton.

The Hon. E. I. C. BROWNE objected that the committee were going over the same ground as they had travelled last week. If the amendment should be carried, he suggested that the judge should be called the central district judge; as most certainly he would not be the northern judge.

The Hon. H. B. FITZ observed that there was no chance of separation for the Rockhampton people which would make their

town the capital of a new colony. He remembered Sir George Bowen, in conversation, saying that he had seen a map in Downing street showing that if separation should be at any time granted to the North, it would be at Cape Palmerston; the idea being to give each colony about five hundred miles of seaboard. Injustice would be done to Rockhampton if the judge should be appointed to Bowen.

The Hon. G. HARRIS agreed with the amendment, because Rockhampton was the principal northern town of Queensland, and was entitled to have a resident judge. As far as exports and imports were concerned, Rockhampton stood as the second town in the colony; and, on that ground alone, the people should receive that consideration which was now sought for them.

The POSTMASTER-GENERAL: Rockhampton was not the second town in the colony, by reason of its imports and exports. Townsville showed both in excess of Rockhampton.

The PRESIDENT said he could agree with the arguments of the Honorable Mr. Fitz; but certainly not to the conclusion at which the honorable member had arrived. The honorable member had told the House that he had received information from Sir George Bowen, that His Excellency had seen a map in the Colonial Office, fixing what was likely to be the limit of this colony, should separation ever take place to the northward, at Cape Palmerston. That would include Rockhampton permanently within the boundary of Queensland; therefore that town would come within the circuit of the Supreme Court of this colony. There was no excuse whatever for the appointment of a fourth judge within the limit of Cape Palmerston —admitting that that was the boundary of this colony. With the small population in the present extensive territory of Queensland, 130,000, it was proposed to have four judges. Four or five judges answered for the colony of New South Wales, with a population four or five times larger than that of Queensland. No argument could be advanced that the increase of judges was on account of population. The only argument admissible was, that the extent of territory was so inconvenient as to warrant Queensland in having four judges. To say that because a town had a large population, therefore it should have a resident judge, seemed to be so absurd that he could not understand honorable mumbers entertaining such a notion. Why should not Birmingham, Manchester, Leeds, and other great centres of population in the manufacturing districts of Great Britain require that the Courts of Queen's Bench and Exchequer should sit in their midst? Such a demand would be scouted at home. There was one Supreme Court of Queensland; and it was only on account of the extreme distances to which the population was dispersed, that any part of that court was separated from the capital. It was not that he agreed with the provision; but it had been carried in another place, and he should be very sorry, now, to interfere with it. If the colony was limited, permanently, to the boundary of Cape Palmerston, he thought the Legislature would insist on the Supreme Court being settled in the capital, and that it should not be interfered with by sending one of the judges away.

The Hon. H. B. FITZ: The northern judge would go from Rockhampton to administer justice in every town in the North.

The Hon. T. L. MURRAY-PRIOR: Though the judge would reside at Bowen, Rockhampton would still have its assize courts and other machinery for the administration of justice. The population was tailing out rapidly to the North, and Bowen would be a central point for its increasing numbers in the distant districts.

Question—That the word "Bowen" be omitted—put, and the committee divided:—

Contents, 8.	Not-Contents, 13.
Hon. J. F. McDougall	Hon. Sir M. C. O'Connell
„ W. F. Lambert	„ H. G. Simpson
„ F. T. Gregory	„ W. Thornton
„ A. B. Buchanan	„ W. Wilson
„ G. Harris	„ W. D. Box
„ J. Taylor	„ W. Hobbs
„ H. B. Fitz	„ E. I. C. Browne
„ A. H. Brown.	„ J. Gibbon
	„ W. D. White
	„ F. H. Hart
	„ J. Mullen
	„ G. Thorn
	„ T. L. Murray Prior.

The clause was agreed to without amendment.

Clause 22, as it stood originally in the Bill, put:—

"Every attorney solicitor proctor of the Supreme Court of Queensland shall hereafter have and be entitled to audience before any circuit court or assize court held before a single judge of the Supreme Court."

The POSTMASTER-GENERAL said he made no amendment in the clause.

The Hon. H. G. SIMPSON said, that on a former occasion he supported the proposition of the Honorable Mr. Browne, to strike out the clause, as he considered that it hardly belonged to the Bill. It had been pointed out that the omission of the clause greatly decreased the efficiency of the northern judge; and there was cogency in the argument. But he was not prepared to allow the reinsertion of the clause in its integrity. The scarcity of barristers at the northern court was the main reason why attorneys should have audience before a judge of the Supreme Court; but that excuse could not apply to Brisbane. Therefore he moved, by way of amendment, that the words "out of Brisbane" be inserted between the words "court" and "held."

The Hon. H. B. FITZ: The people of Brisbane were not to have cheap law! If the House were going in for an amalgamation of the profession, go in for the whole thing, or not at all, and, therefore, if the clause was inserted in the Bill, he should propose an

amendment upon it, giving attorneys audience before a judge "or judges" of the Supreme Court. He felt convinced that there would be men on the bench who ought not to be judges.

The Hon. W. D. Box should vote against the clause as before. Let it be embodied in a new Bill.

The Hon. E. I. C. BROWNE pointed out in detail the difference practically in the two branches of the legal profession. If ever they should be amalgamated, differences would still be observed amongst practitioners; and there would be no amalgamation in reality. It was a mistake to suppose that there could be. But that was a question to be dealt with on its own merits. Meantime, the proposed reinsertion of the clause was for the convenience and efficiency of the court, particularly in the North.

The question on the amendment for the insertion of the words "out of Brisbane" was put and affirmed, on a division :—

Contents, 12.	Not-Contents, 9.
Hon. Sir M. C. O'Connell	Hon. G. Thorn
„ E. I. C. Browne	„ H. B. Fitz
„ T. L. Murray Prior	„ W. Thornton
„ H. G. Simpson	„ W. Hobbs
„ F. T. Gregory	„ W. Wilson
„ A. H. Brown	„ J. Gibbon
„ W. F. Lambert	„ J. Taylor
„ A. B. Buchanan	„ J. F. McDougall
„ W. D. Box	„ J. Mullen.
„ F. H. Hart	
„ G. Sandeman	
„ G. Harris.	

The Hon. H. B. FITZ said that the amendment he intended to move was not necessary now. He had been anxious to avoid an amalgamation of the legal profession. On this question he thought it would not be out of place to read an extract from a San Francisco newspaper which went to show what a deplorable state of things might ensue if, under such circumstances, an attorney not properly qualified for the position should get on the bench :—

"Finding that the law itself was in fault, the lawyers of San Bernadino wrote to the Code Commissioners on the subject, and were informed in reply that the commissioners were not responsible for it, as they had confined themselves to copying the work of that eminent codifier, David Dudley Field."

That was the gentleman who was in this colony a short time ago :—

"'For himself,' wrote the actual author of the reply, 'he had never pretended to be much of a codifier, but the position was offered to him with a good salary, and he did not feel called upon to decline it.' He added that he made it a rule never to decline anything that was offered on account of his own incompetency—that being a matter which concerned only those who employed him; that if anyone employed him to make a piano or a steam-engine—which was as much out of his line as codifying itself—he would accept the offer, provided always that it was on a salary; and, finally, that in his opinion 'the other commissioners were no better than himself.'"

He (Mr. Fitz) hoped that Queensland would have judges who would be an ornament to the bench.

The Hon. J. TAYLOR expressed himself as perfectly astonished that cheap law was refused to Brisbane. The clause would be thrown out by the other House, and he should be very glad.

The Hon. W. THORNTON said the amendment of the Honorable Captain Simpson was carried through some mistake or misunderstanding.

The clause was agreed to as amended.

The Hon. W. THORNTON moved the reinsertion of original clause 23, authorising barristers of three years' standing to become attorneys, on passing, an examination; and said he should move the following clause, also, giving similar privileges to attorneys to become barristers.

After a short discussion, the motion was rejected.

Clause 1 was amended by the restoration of the words repealing the sixth section of the Acting Judges Act of 1873.

The House resumed, and the Chairman reported the Bill with further amendments; and, in virtue of the suspension of the Standing Orders, the report was adopted.

SHIPPING LAW AMENDMENT BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to amend the law relating to the Engagement, Discharge, and Desertion of Seamen. The main object of the Bill, he said, was to exempt seamen employed in vessels under eighty tons burden, trading in Queensland waters, or within the ports of the colony, from the operation of the Act 17 Vic., No. 36. It did seem strange that, as the law now stood, all seamen employed in small craft must be engaged at the Shipping Office, and with the sanction of the Shipping Master, and that both the seamen and the master of the vessel must sign their names in the register book. The first clause of the Bill provided that its provisions should be read with, and as forming part of, the said Act. The second clause proposed a proviso, which should be read as part of sections 4 and 7 of the Act, to give effect to the exemption desired; and the same clause further proposed, with some smaller verbal amendments, that the words "or attempt to cause, induce, or persuade" should be interpolated in the clause 25 of the principal Act, relating to penalties on persons harboring deserters, or inciting to desertion. The third clause of the Bill substituted a new schedule of fees for matters transacted at the Shipping Office, which schedule was of a more simple character than that in the principal Act. In England, at the present time, small craft were exempted from the operation of a similar Act to 17 Vic., No. 36. The Bill would assimilate the practice of the colony with that of the mother country, and would be an improvement on the existing law, and would work for the general good.

Question put and passed,

NAVIGATION BILL.

The Hon. H. G. SIMPSON, in moving the postponement of the order of the day for the second reading of the Insolvency Bill, until after the third reading of the Navigation Bill, which was the next order on the paper, said the honorable gentleman in charge of the first-named measure was inclined to give way to him. There had been hardly a division on the Navigation Bill, and when there had been, it was in favor of the Bill by a large majority. It was absolutely necessary that the Bill should be sent down to the Legislative Assembly as soon as possible, in order that it might be passed into law this session. As he had before remarked, it was a compilation and condensation of twenty-one other Acts, and it would bring the law of the colony into accord with the Imperial law.

The Hon. G. HARRIS said he thought it was very objectionable to alter the orders of the day. So far as he understood it, there were some very objectionable clauses in the Navigation Bill, which required great attention. He had not paid much attention to it; but there was one arbitrary clause in particular, to the effect that captains of vessels were not to be allowed to be the best judges of what ballast their ships would carry. That was to be left to a landsman.

HONORABLE MEMBERS: No, no.

The Hon. G. HARRIS: He understood that it was so. The port officer was to be the sole judge of how much ballast any vessel should have upon discharging and leaving again without loading. That was a very important matter. The captain was supposed to be the best judge of what ballast his ship required to go to sea. The House might as well pass a law to regulate how much luggage a man should take in his buggy, and to leave it to a Minister of the Crown, not to a private owner or captain, to say what was best, on shore and at sea. Indeed, he (Mr. Harris) thought honorable members were very much at sea in this matter. The Navigation Bill ought to be postponed.

The Hon. W. THORNTON said he was very sorry to see such a want of accommodating spirit on the part of some honorable members. The Bill had been before the House a very long time; indeed, after its second reading, by some unfortunate series of accidents it had been crowded down to the bottom of the orders of the day, and by further delay it might be lost. The reasons urged by the Honorable Mr. Harris should not receive attention from the House. The honorable gentleman had had the same opportunity as other members of reading the Bill; and if he chose to absent himself from the House, and did not attend to his business, that was no excuse for delaying the proceedings.

The Hon. G. HARRIS: He did not say that he had not an opportunity of reading the Bill, but he had not had an opportunity of giving it full consideration. Nor did he absent himself from the House. If he chose to do so, it was his business, not the honorable member's.

The Hon. W. THORNTON: All he could say was, that the honorable gentleman had had plenty of time to have made himself acquainted with the Bill. The honorable member was bound upon a course of obstruction. The very clause that he had alluded to was taken from the Imperial Act; and he knew very well that the clause would never interfere with a ship-master.

The PRESIDENT: Honorable members were out of order. If the House were to discuss the Navigation Bill, they might as well take it in its proper turn. The question was, whether one order of the day should give place to another.

The Hon. W. THORNTON: The Honorable Mr. Harris was, he thought, more out of order than he. There would be an opportunity of introducing the Bill in another place, to-morrow, which might not occur again. If the House should not get through the Insolvency Bill, to-night, the unfortunate Navigation Bill might be put off until some day next week.

The Hon. A. B. BUCHANAN was disposed to accede to the request of the Honorable Captain Simpson. The House had had ample time to consider the Bill; and if honorable members had not taken advantage of it, surely that was not the fault of those who had introduced the Bill.

Question put and passed.

The Hon. W. THORNTON then moved—

That this Bill be now read a third time.

The Hon. H. G. SIMPSON stated that the Honorable Mr. Harris was altogether misinformed in supposing that a landsman would inspect ships outward bound in ballast. The shipping inspector was the person who would inspect ships, under the authority of the Marine Board. That officer must necessarily be a man of considerable experience in nautical matters. The gentleman at present holding the appointment was a master mariner, holding a high certificate, of many years' standing. He acted under the Marine Board, of whom three, at any rate, out of the five members that composed the Board ought to know something about nautical matters—two of them being commanders in the navy, and a third a master mariner in the merchant service of many years' standing. The shipping inspector was the officer who, under the Board, would decide, among many other things, whether a ship was properly ballasted. The provision existed in the Acts in force in England and in the other colonies; and in the old country it was likely to be carried out much more stringently in future years than now.

The Hon. G. HARRIS: It might be.

The Hon. W. F. LAMBERT: The Bill would apply to the whole colony. He could inform the Honorable Captain Simpson that there were several landsmen acting as harbor-

masters. He did not doubt the ability of the Marine Board to decide upon all matters that might come before them, but they could not be in all parts of the colony; and it was only reasonable, if the Bill should be passed, that proper persons should be appointed to carry it out. At the three ports of Broadsound, Maryborough, and Gladstone, the harbormasters were not nautical men. With respect, also, to the ability of nautical men to pass an opinion upon a ship, as to the quantity of ballast she could carry, he believed that she must be seen out of the water before they could decide. There were no docks in the colony yet, and the shipmaster must have some experience of his ship as to the quantity of ballast she ought to carry. A builder might build two ships of the same size exactly, of like material, and on the same lines; and yet it would be found that the two ships must be ballasted differently.

The Hon. H. G. SIMPSON said the harbormasters were not always shipping inspectors. He knew several ports of the colony where they were not. A shipping inspector must be a practical nautical man.

The question was put, and the Bill was read a third time and passed, and ordered to be transmitted to the Assembly for their concurrence.

INSOLVENCY BILL.

The Hon. W. D. Box moved—

That this Bill be now read a second time.

Honorable members had had the advantage of "Hansard" to learn his opinion of the Bill and his interpretation of its various clauses. They had, also, since his first proposal for the second reading of the Bill, an expression of opinion from the influential part of the residents of the city of Brisbane, in favor of the Bill, with a request that the Council would, in their wisdom, amend the law relating to insolvency. They had, also, still later, various petitions from North and South Brisbane, from Ipswich, and from Toowoomba, each praying, as he took it, that the House would take some steps for the improvement of the Insolvency law. The petitions varied. That which he had the honor to present to the House was a spontaneous petition, numerously signed, for the passing of the Bill. The other petitions prayed the House to refer the Bill to a Select Committee. Personally, he had no objection to a Select Committee, —as a committee—and the persons who had signed the petition which he had presented had no objection, but for one reason, as to the effect of referring the Bill, now, to a Select Committee. He had the opinions of most honorable members of the Council that, if the Bill at the present stage of the session should be referred to a Select Committee, it would be absolutely shelved for the session. That was a conclusion he should deplore very much; and the majority of the House would deplore it. They could not, therefore, take such a step. They desired that the law should be amended; and the Bill, as he believed, if passed, would amend the Insolvency law and bring it into accordance with the wishes of the people. He trusted that, if he was successful in getting the second reading passed, honorable members would, in Committee of the Whole, treat the Bill in such a manner that it should be the best and wisest piece of legislation that the Parliament could give the country on the important subject which the Bill embraced. It was unnecessary to review the circumstances attending the introduction of the Bill to the House, or to go over the explanation he had given of its details. He left the Bill with confidence to the House, believing that he should be able to get sufficient support to enable him to take it into committee.

The Hon. G. HARRIS said he regretted that his honorable friend, Mr. Box, had not thought it advisable or necessary to inform the House a little more fully upon the matter which he had in hand. It might be in the recollection of honorable members that a few days ago the measure was under the consideration of the Council, and that it was rejected upon some slight informality; and that it now appeared before the House for the second time. As there were several honorable members present, now, who were not in attendance on the occasion of its last appearance, he thought it would be necessary for him, in support of the views he then expressed, and still held, to trouble the House with some few of his remarks. In so doing, he thought the shortest and most concise way would probably be to take the heads from his speech as reported in "Hansard." No doubt, all honorable members were aware that his opposition to the measure had been simply with the sole object of endeavoring to obtain as far as possible a good Insolvent law for this colony; and his action up to the present time clearly and distinctly showed that. He was very glad to hear the Honorable Mr. Box say that he had no objection to refer the Bill to a Select Committee, further than that he considered such action would have the effect of shelving it, and, he presumed, of losing it for this session. Now, the proceedings of the Select Committee would be entirely in the hands of the honorable member himself, and of those who supported him. He (Mr. Harris) desired particularly, on a former occasion, that the honorable member should be one of the committee, and the Honorable Mr. Hart, also, with such other members as the House should think proper to appoint. He was of the same opinion, still; and he said most distinctly, that if those honorable gentlemen had any desire that the Bill should become the law of the land, there was nothing whatever to prevent its passing before the end of the session, after the committee had reported. The whole of the evidence that he and other honorable members desired to obtain, inside and outside of the House, could

be obtained in a very short time, and the report of the committee brought up. It was simply trying to burke the question, to refuse to send the Bill to a committee; and this he said without the slightest hesitation. It had been said that his object was to get a committee for the express purpose of shelving the Bill; that was not the case at all. He should like to see the Honorable Mr. Hart, the Honorable Mr. Box, and the Honorable Captain Simpson, on the committee. They were three out of six whom it was known were strongly in favor of the measure. Then he should like to appoint three gentlemen who were of his own way of thinking. The House must agree with him that that was a fair and liberal solution of the matter. He believed he was correct in stating—at all events, it was so represented to him—that the Bill had been prepared to suit the opinions of one or two gentlemen in Brisbane, connected with mercantile operations, and had been put in shape by a legal gentleman of some standing, in the city. As one connected with the commerce of the colony, for a considerable number of years, he personally never had the slightest intimation of what was going on; nor was he in any way invited to render assistance in preparing such a measure. He certainly thought some slight recognition was due to him in an important business matter like an Insolvency Bill, which struck directly at the root of all the mercantile transactions of the country. Honorable gentlemen should pause before they declined to refer the Bill to a Select Committee, as, for the second time, it was his intention to ask them so to deal with the measure. He could have no stronger support in his view, than that four petitions had been presented to the Council, by himself and other honorable members, praying that such action should be taken in regard to the Bill. To those petitions there were five hundred and sixty-one signatures attached —from Ipswich, North Brisbane, South Brisbane and Kangaroo Point;—and he took this opportunity of informing honorable members that he was aware that a considerable movement had been made in Maryborough during the last few days with the same object in view; and, probably, as he was informed, the next mail would bring a petition from the Chamber of Commerce representing the views of the entire mercantile community of that part of the colony. He was also given to understand that some action had been taken in Rockhampton, with the same object in view. He was aware that a petition was in course of signature at Warwick, and also at Dalby. And he now asked the Honorable Mr. Box seriously, whether the opinions of business men throughout the colony, from Brisbane, northward, and westward, were to be disregarded? The House were aware, also, that a petition had been presented by the Honorable J. Taylor, signed by all the leading business men of Toowoomba. Was such an extremely moderate request as that, to refer the Bill to a Select Committee for the purpose of obtaining evidence to enable the House to make a proper Bill, to be refused? The Bill contained four hundred clauses and sub-clauses more or less contradictory; and if it should be passed in its present shape, it would lead to an enormous amount of litigation, and expense, and annoyance, to say nothing of the oppression it would inflict upon some persons in that community; which would cause the House to regret that they had so hurriedly passed such an imperfect measure. It ought to have been sufficient that it had been hurriedly passed in another place: the Council should act as a deliberative body and check hasty legislation. He thought that his experience in business, extending over a period of nearly a quarter of a century, ought to have some weight in connection with a subject of which he might be supposed to have a slight knowledge, at all events. He was sorry to notice, in "Hansard," that his honorable friend, Mr. Hart, when speaking on the subject——

The PRESIDENT: The honorable member must not refer to a previous debate.

The Hon. G. HARRIS: Was he not at liberty to refer to "Hansard?"

The PRESIDENT: No. The 18th Standing Order is—

"No member shall digress from the subject matter of the question under discussion, or comment upon the words used by any other member in a previous debate"——.

You can refer to your own words in a previous debate, but not to the words used by any other member.

The Hon. G. HARRIS: In obedience to the President's ruling, he should not refer to any other member by name. But, he thought he should be in order in saying that he regretted to notice that on a certain occasion, in a certain place, a certain gentleman felt it his duty to state that the granting of a bill of sale was a swindling transaction:—

"He looked upon bills of sale as swindling by Act of Parliament."

He had taken the trouble to search the records of the Supreme Court of this colony, which were available to any person and which were published; because a great deal had been said in reference to himself personally, as well as his firm, and bills of sale, and that his opposition to the Bill was grounded entirely upon his desire that those securities should not be done away with. He had had occasion to mention before, and he said again, that so far as those securities were concerned, he cared personally as little about them as most other business men in the colony. He was quite as capable of doing, and as able to do, without them as most persons. It was unjust and improper that any particular reference should be made to his transactions in bills of sale. He had a list of bills of sale, from October, 1871, down to the present date, in which he found recorded the names of

almost all business firms in the colony as having those securities made over to them; and he saw George Raff and Co., merchants, who held three; Bright Brothers and Co., who held three.

The Hon. F. H. HART: At the present time?

The Hon. G. HARRIS: They appeared to be on record.

The Hon. F. H. HART: Then the record was wrong, certainly.

The Hon. G. HARRIS: Whether they had been released or not, he did not know;—they might have been. Clarke, Hodgson, and Co. appeared; and, he found the name of J. and G. Harris, who held bills of sale to the extent of four. That was the total number of bills of sale, about which there had been so much talk. His life, his existence, seemed to depend upon the possession of those documents! The various banking institutions of the colony generally held bills of sale, and almost every business man held them. It was the law to give bills of sale in England, as well as in the other colonies of Australia; and it was the law in Queensland. According to the last published returns, no less than 10,500 bills of sale were registered in England. The words which he had quoted as to bills of sale being a swindling transaction were recorded in a certain book, and he thought they must have been uttered in error or by mistake. He very much regretted them; because he found no less a personage than the Lord Bishop of Brisbane, according to the records of the Supreme Court of the colony, possessed such documents. He should like to ask the person—he presumed he was not to say, honorable member—who had made such remarks, whether he would be prepared to say that such an exalted personage as the Lord Bishop of the Diocese of Brisbane would be guilty of a "swindling" transaction by accepting a bill of sale?

The Hon. F. H. HART: The honorable gentleman must have forgotten that he alluded to the effect of secret bills of sale, not of registered bills of sale. The honorable member would find, if he looked further, that he (Mr. Hart) stated there was "one exception" justifying the giving of a bill of sale: if a man had only one creditor, he was justified in giving that creditor security over all he possessed. He mentioned that he had no objection to the Bills of Sale Act of 1857; but his objection was to secret bills of sale, as carried out now.

The Hon. G. HARRIS: Perhaps the honorable gentleman would assist him by referring to the particular part?

The Hon F. H. HART: Page 575, immediately below the remarks about "swindling."

The Hon. G. HARRIS: Well, the words of the honorable member were very strong, indeed, when it was considered that the documents referred to were good under the law of the land. The Chamber of Commerce, at Maryborough, took a considerable interest in the measure before the House, and, in meeting assembled, had decided to recommend that the Bill should be postponed until next session of Parliament, in order that the various clauses might be thoroughly discussed; and, with that view, the members were engaged in getting up a petition to the House. Honorable members would be going out of their way to disregard the wishes of so large a proportion of the community as desired the Bill to be referred to a Select Committee for consideration. He had had an opportunity of discussing the matter with gentlemen in another place, and one and all had informed him that they would like to see the Bill referred to a Select Committee for full consideration of its details. It was impossible that the Bill could be shelved, if honorable members were prepared to work on the committee. The honorable members he had suggested could be appointed, or he was willing that the committee should be appointed by ballot. That was fair, so far as he was concerned; though the usual way was, in a committee of six, that they should be equally divided, as in the case of the members he had named. The Honorable Mr. Box could depend upon all the assistance he could afford the committee in endeavoring to arrive at a proper decision upon the Bill. He believed he was correct in stating that Mr. Justice Lilley had said most distinctly that he was not very favorably disposed towards the Bill. That, coming from the Judge in Insolvency, should induce the House to pause before they rejected the proposal to refer the Bill to a committee. To take the evidence of such a distinguished member of the bar as Justice Lilley would be a matter of very considerable moment, and would assist the committee and the House very much in framing a measure suitable to the requirements of the colony. It was, also, known that other judges of the courts of the colony had expressed a desire to be examined at the bar in another place, and that their request had been declined. Such facts should open the eyes of honorable members and make them understand that the Bill ought to receive the most careful attention; and they peculiarly supported the view he took of the question. Having taken considerable trouble, and having had considerable assistance, in going through the Bill, he objected to it because it placed the insolvent entirely at the mercy of his creditors. That was improper. The insolvent should be left to the judge to be dealt with: the judge was neutral, and he would be guided by the evidence before him, as to the insolvent's operations; he would not be influenced, as creditors were, because his pocket was touched. A man who lost money by another was apt to be very sore, indeed. But, were the House ready to pass a Bill prepared to suit the views of one man? The Bill had hardly been discussed at all, further than what took place in the Council; in fact,

very little consideration had been given to it in another place. If passed as it stood, the law would be in a beautiful state of confusion. It was not the Bill which Mr. Bramston had prepared, and which contained only one hundred and fifty clauses, because the present measure contained about four hundred clauses.

The Hon. F. H. HART: Two hundred and twenty-nine.

The Hon. G. HARRIS: The sub-clauses brought it up to four hundred. If the Bill should not be referred to a Select Committee, he should have to oppose nearly every clause. Referring particularly to clause 87, he objected that under it, although a bill of sale might be given for a valuable consideration and be a good security, yet the person in whose favor it was granted would be unable to transfer it, or to deal with it in any way before the date named in the third sub-section; and if he transferred it after that date, the security would be abolished. Under clause 93, the third sub-section provided that—

"No creditor shall vote in respect of any unliquidated or contingent debt or any debt the value of which is not ascertained."

He was informed that that would create a very great amount of litigation indeed. The time was late, and honorable members desired to retire. He should detain the House no longer, but move, by way of amendment—

That this order be discharged from the paper, and that the Bill be referred to a Select Committee, to consist of the Honorable W. D. Box, the Honorable F. H. Hart, the Honorable H. G. Simpson, the Honorable H. B. Fitz, the Honorable J. Taylor, and the Honorable G. Harris.

The Hon. F. T. GREGORY asked the President, whether it was competent to put to the House a motion which had already been rejected during the currency of the present session? Exactly the same motion as that moved by the Honorable G. Harris was put and rejected by a majority of the House at a former sitting.

The PRESIDENT: My attention was called to this question before. I think it is competent to put the question a second time, inasmuch as the Bill was discharged from the paper on a point of order, and has since been restored. The Bill was not discharged entirely by the House. It is now restored; and I think that the proposal for a committee may be renewed and is in order.

The Hon. F. H. HART said before the question went to a division, he had a few remarks to make. He had no intention to go into the details of the Bill; it would be quite time for that when the Bill was in committee. There might be a few contradictions in the Bill, as the Honorable Mr. Harris had said; but the House in Committee of the Whole would be in a position to rectify them. He was sorry that that honorable member had said that the Bill was the opinion of one man, and that the measure had been framed to suit his individual views. The honorable gentleman must be well aware that the framer of the Bill, before submitting it to Parliament, had the courtesy to send it to the Chamber of Commerce, and that the Secretary of the Chamber had sent circulars to all the members informing them that the Bill was on the table for their perusal and examination. The Bill, so far as he had been able to compare it, was taken from the English, the Scotch, and the Victorian Acts; and a portion of it was taken from a measure which was prepared by the Brisbane Chamber of Commerce about five or six years ago. Therefore, it could not be said truly that the Bill had been framed to suit the views or purposes of one man. The Honorable Mr. Harris had stated that he was not opposed to the passing of an Insolvency Bill, that he was as anxious as any other honorable member for the amendment of the existing law. He (Mr. Hart) was prepared to admit that; but he must say that the honorable member took the most extraordinary method of showing his desire to do what he professed. When the second reading of the Bill was first moved, the honorable member moved that the Bill be rerered to a Select Committee; and, in one part of his speech, he said he should move that it be read a second time this day six months. That showed his desire to effect an amendment of the law by passing the Bill! He thought he was correct in saying that the honorable member drew attention to the Bill being in contravention of the Standing Orders; and, to all intents and purposes, the Bill was for the time being shelved. That occasioned such a ferment and such consternation amongst the bankers and merchants of the city that he was induced to move the suspension of the Standing Orders, and his motion was immediately met by the Honorable Mr. Harris saying that he was out of order in taking such an extraordinary course with the view of getting the Bill replaced after the President declined to put it to the House for the reason stated. When the Honorable Mr. Box moved that the Bill should be restored to the paper, he was pulled up by the Honorable Mr. Harris, who again objected. Did that look as if the honorable member was so very anxious to get the Bill passed? But he was working against his own interests. The Bill was as much for the honorable gentleman's benefit, as for that of any other man—if the honorable gentleman could only be induced to see it in the proper light.

The Hon. J. TAYLOR: Hear, hear.

The Hon. F. H. HART: The Honorable Mr. Harris and Mr. Fitz had presented petitions from Brisbane and Ipswich, which were very numerously signed. The Honorable Mr. Taylor had presented another from a part of the country with which he (Mr. Hart) was unacquainted; but he was quite willing to

take the honorable member's word that it was respectably signed. On the Ipswich petition, which had been presented by the Honorable Mr. Fitz, he saw the names of three or four very respectable persons, and he had no doubt that the rest, which were unknown to him, were also respectable; but he missed from it the names of G. H. Wilson and Co., Clarke, Hodgson, and Co.; and it was not signed by a single banker in Ipswich. Then, he came to one presented by the Honorable G. Harris from the "merchants" and residents of South Brisbane. He did not know that there were many merchants in South Brisbane; there were storekeepers—very respectable people—and no bankers. The petition from North Brisbane which the honorable gentleman had presented was signed by one of the leading firms of Brisbane, J. and G. Harris, and he saw the name of the Honorable G. Harris, M.L.C., signed by his own proper person. But the petition was not signed by more than one or two of the other large firms, and they had signed the petition for bringing the Bill before the House again. There were the names of many respectable tradesmen; but he did not think they had signed the petition to endanger the passing of the Bill.

The Hon. G. HARRIS: They did not.

The Hon. F. H. HART: They had signed in good faith, no doubt, believing that they were helping on the Bill, and desiring that it should get through the House this session. But the petition had not the name of a single banker in Brisbane attached to it; and, surely, the bankers were as much interested in the Bill as any other persons in the community. He (Mr. Hart) saw the names of a good many clerks in offices, and of one or two carters—very honest, decent, respectable men; but he could not believe that they were aware of the danger of their act in signing that petition. If the prayer of the petition was granted, it would be fatal to the Bill. The gentleman who took the petition about, he saw in Queen street, and he asked him how he was getting on; the answer was, that he was only short of paper. He then asked the gentleman to let him see the petition. The request was refused. He said he was a member of the mercantile community; but the gentleman refused to let him see the petition, saying that in the House he would see it. Now, he should ask the Honorable George Harris if that was like a "hole-and-corner" business—taking a petition about the streets, and ashamed to show it?

The Hon. G. HARRIS rose to order; and begged to say, in answer to the honorable gentleman, that Mr. Buckley had told him that the Honorable Mr. Hart with the Honorable Mr. Box ——

The Hon. F. H. HART: He never met Mr. Buckley with the Honorable Mr. Box.

The Hon. G. HARRIS: Mr. Buckley knew perfectly well that the honorable gentleman had no intention of signing the petition, and consequently he did not wish to take up his time. He (Mr. Harris) could assure the House that every signature to the petition was genuine. Every person who signed it understood distinctly what he was signing, and what for.

The Hon. F. H. HART: He never, in company with the Honorable Mr. Box, saw Mr. Buckley. He was alone when he met that gentleman in front of the Union Bank, in Queen street; and he repeated distinctly, in spite of what the Honorable Mr. Harris had stated, that he asked Mr. Buckley to let him see that petition. Mr. Buckley refused to let him see that petition. That had nothing to do with the Honorable Mr. Box. But, taking the petition for what it was worth, he was sure that those who signed it did not know what they were signing for. It seemed strange that the petitions should come in now, so late. Why did they not come in—why did not the Honorable Mr. Harris present the petitions for a Select Committee—when he first brought his motion before the House?

The Hon. G. HARRIS: Because it was not necessary.

The Hon. F. H. HART: Did not the honorable member tell the House, that if he spent his time and money, he could get petitions enough to break down the table with their weight?

The Hon. G. HARRIS: Yes.

The Hon. F. H. HART: The honorable member was keeping his word. Let the petitions be taken for what they are worth. They contained 651 signatures for a Select Committee. The first petition which was presented by the Honorable Mr. Box contained 113 signatures; but in that, the honorable member would see the name of no *employé*, but the names of the principals in the business houses and institutions of the city. If the 113 signatures were multiplied by five, to represent those who were employed in those establishments, the petition was about equal to all the others. It was not, however, the number of signatures, but the position of the persons signing the petitions that carried weight. The Honorable George Harris had made some remarks about what he (Mr. Hart) had stated with regard to bills of sale being swindling transactions. He did say distinctly, and he repeated it, that the taking of bills of sale under certain circumstances was swindling by Act of Parliament. The honorable gentleman, in referring to "Hansard," took only a part of what he (Mr. Hart) had said:—

"He looked upon bills of sale as swindling by Act of Parliament."

There, the honorable gentleman had stopped. But what more did he (Mr. Hart) say?—

"To take a bill of sale, under any circumstances, with one exception, was tantamount to assisting a

man to defraud all his creditors to favor one. If a man had one creditor, then he was not doing an act of injustice in giving that creditor security over all he possessed."

He did not think any one could take exception to that. He maintained that if a debtor gave a bill of sale in favor of one creditor to the prejudice of his other creditors, it was neither more nor less than swindling; and, if such a bill of sale was held good under any law, it was swindling by Act of Parliament. And the sooner the law that permitted such a thing was repealed the better. The honorable member said that he had gone over the registered bills of sale from 1871 to the present date, and he gave a list of the number and amounts — Bright Brothers and Co., £3,000.

The Hon. G. HARRIS : No ; three in number. He said nothing about the amounts ; he made no reference to the parties giving them, and none to the amounts.

The Hon. F. H. HART : If the honorable member said that three bills of sale were given to Bright, Brothers, and Co., it was perfectly right. Ever since he (Mr. Hart) was in business, twelve years, three bills of sale had passed through his hands; and he had no objection to give the circumstances :—One bill of sale he took from a storekeeper in the country, having previously paid all his liabilities and bound him down, so that he was to deal with no other firm but his (Mr. Hart's) own. The man adhered to the arrangement, until one day he was pestered by what the Honorable J. Taylor had described as a nuisance in the country, a commercial traveller —belonging to the firm of J. and G. Harris— who pestered him to give an order——

The Hon. G. HARRIS rose to order. He should like to know how the Honorable Mr. Hart could make a statement to that effect from his own knowledge.

The Hon. F. H. HART : Because he had a letter from the honorable gentleman himself, asking him about it. But it was a waste of time to talk about such matters : if the honorable gentleman did not like it, he should drop it. The other bill of sale came into his hands in consequence of his having to assist a sugar-planter to work his plantation. He found a bill of sale over the machinery, he paid it off, and the security was transferred to him. The man afterwards died, and the trustees sold off the property; and, to his (Mr. Hart's) cost, he found what it was to hold a bill of sale ; he lost about £1,500 by it. Those were the only transactions he had in his career with regard to bills of sale. But those were not the bills of sale that he had alluded to as objectionable. Registered bills of sale did not prejudice other individuals. He would go further and say he would not object to them, if carried out in strict accordance with the Act of 1857. His principal objection was that bills of sale were now taken which were never registered, and which were not known to the public until the holder took possession of the debtor's goods to the prejudice of all his other creditors. A man went to find out who had given registered security, and in his confidence at seeing nothing to lead him to do otherwise, he had transactions with another ; he supplied his goods and took a bill for them ;—ere the bill was due—before the time had expired— in stepped the holder of a secret bill of sale, and took everything. That he (Mr. Hart) looked upon as the curse of trade in Queensland ; it could not be done in New South Wales, and the sooner it was done away with in this colony the better. Bills of sale could be taken by any man and registered. He had taken care that the three bills of sale he had held were registered immediately, so that nobody could say he had hidden anything for his own advantage. The whole community was groaning from one end of Queensland to the other under secret bills of sale ; and that was the reason why the passing of the Bill was looked forward to with hope of relief. He trusted that honorable members would put the Bill in Committee of the Whole, and that they would then exercise vigilance over it and not let a single clause pass without close examination. That would be the time to enter into details. When it was first proposed to refer the Bill to a Select Committee, he made use of the words that if such a proposal was acceded to the Bill would be shelved ; and the same words were used to him by a banker who met him in Queen street, yesterday. If it should be found necessary, any honorable member would have the opportunity hereafter of moving that anybody be called to the bar whom it might be desirable for the House to hear ; but let the House do what was best to be done now and at once. If they sent the Bill from the chamber to a committee room, they would never see it again this session.

The Hon. H. B. FITZ said, that having been entrusted with a petition from Ipswich to present to the House, he had since received a telegram from the Chamber of Commerce at Maryborough, saying that that body looked upon the Bill as one-sided. He knew little about the Bill : no doubt it was a matter more for lawyers and commercial men to give opinions upon. Looking back in the records of Parliament, he found that in 1868 Judge Lutwyche gave his opinion that it would be far better to repeal the Insolvency Act and to have none than to go on under the existing state of things. That was the feeling of Sir William Burton, who was the first to introduce the Insolvency law in New South Wales. He (Mr. Fitz) did not coincide in that view, however ; as he saw, when a young man, the working of the antecedent law in the old colony, when a man was imprisoned for debt in Carter's Barracks, Sydney. In 1839, under a rule of court, certain limits were prescribed as the precincts of the court, embracing Elizabeth street, within which debtors who could

take lodgings were confined until they had arranged about their debts. He had known persons pay as much as ten shillings in the pound who were then re-arrested. The law was very hard, and no doubt relief for insolvents was required. This colony now required an amended Insolvency Act; but he did not understand why honorable gentlemen would disregard the prayer of 500 or 600 people who approached the Council by petition. He had no doubt that, by the time all the petitions came down, the number would amount to over 1,000 persons who had signed for the Bill to be referred to a Select Committee. He did not agree with the Honorable Mr. Hart that the Bill would be shelved if referred to a Select Committee. The proceedings of the committee need not necessarily extend over more than a few days for the examination of Judge Lutwyche, the Chief Justice, the Acting Judge, and one or two other legal men; and, certainly, such evidence as they could give would afford honorable members of the Council some idea as to the best way to decide on the Bill. The House would be voting in the dark without they had information from persons who could give opinions upon the Bill such as honorable members could rely upon. That was his sole reason for supporting the Honorable Mr. Harris' motion for referring the Bill to a Select Committee. Petitions were yet to come in from Warwick, Dalby, and Rockhampton, and also from Maryborough. He knew no one at Maryborough but a Mr. Barton, the secretary of the Chamber of Commerce, who had written to him that a petition would be down by the next steamer from Maryborough. Surely the House were not going to treat all the petitioners with contempt.

The Hon. T. L. MURRAY-PRIOR said, if there was time for the Bill to go to a Select Committee, he should vote for the motion of the Honorable Mr. Harris. But the Honorable Mr. Fitz, who had sat on many a committee with him, knew very well that the Bill would not come out of committee for a month or more. Under those circumstances, he must vote against that motion.

The Hon. A. H. BROWN said he should reply to one point, the only one of importance, that the Honorable Mr. Fitz had advanced. The honorable gentlemen seemed to think that it was absolutely necessary to refer the Bill to a Select Committee, in pursuance of the numerous petitions that had been received, and that were to come from various parts of the colony. As to Maryborough, he (Mr. Brown) thought he knew as much of that neighbourhood as the honorable gentleman, and he should be sorry to say anything upon the movement in that direction. But the honorable gentleman must remember that the opinion of the Committee of the Whole House was equally valuable with, and more important than, that of any select committee. It was a matter of course that the Bill should be passed through Committee of the Whole, and if it was found necessary to send for any evidence on the subject of the Bill, or to obtain the opinion of any persons of prominence and legal knowledge, the House had power to do so. The subject would be made more of in the hands of the whole House than in the hands of a Select Committee.

The Hon. J. TAYLOR said, that after the several petitions which had been presented, the House might with a great deal of credit to themselves refer the Bill to a Select Committee. Those petitions were numerously and respectably signed; and they should warn the House not to rush the Bill through, as some honorable members wished, little to their credit. He had no hesitation in saying that the Bill had been got up entirely by the Chamber of Commerce, and by no other parties. He could not for the life of him see why, on that account, it should be passed. The Honorable Mr. Hart had expressed his wonder that the petitions had not come in sooner. Did anyone suppose, for one moment, that the Bill would have been restored to the paper, after it had been disposed of by the ruling of the President, That the Bill could not be put to the House? The petitions could not be presented any sooner; as it was only after that irregular action was proposed, that the petitioners took alarm. The statement of the Honorable gentleman had no weight. The honorable Mr. Hart had said, likewise, that he condemned bills of sale. It was perfectly childish. Bills of sale were, in his (Mr. Taylor's) opinion, as good as mortgages in every respect. He did not see why, if he chose to advance a certain sum of money upon a bill of sale, the transaction should not be as good as if he advanced that money upon a regular mortgage. He trusted that the Bill would not be sent to the Committee of the Whole, but that it would be referred to a Select Committee.

The Hon. A. B. BUCHANAN called attention to the fact that an Insolvency Bill was referred to a Select Committee of the Legislative Assembly in the year 1867, and its passage through that committee occupied from the 21st November, 1867, to the 18th February, 1868. It was quite clear that if the present Bill was referred to a Select Committee, they would go over the same evidence, and would occupy as long a time; and the effect would be to shelve the Bill for this session. The report of the committee on that occasion was:—

"The Select Committee of the Legislative Assembly, appointed 'with leave to sit during any adjournment, and to report' on the Bill to amend the law relating to Insolvency within the colony of Queensland, and for the establishment of insolvency courts within the said colony, which was referred to them for their consideration, have agreed to the following report:—

"1. Your committee have taken evidence upon the operation of the present Insolvency laws, from which it appears that neither to the pre-

siding judge, nor to the officers under him, nor to the creditors in insolvent estates, is that operation in any way satisfactory.

"2. The petitions presented to your honorable House, and referred to the committee, show the sense of the whole mercantile community to be opposed to the existing system, and in favor of the Bill now under consideration."

The Bill under consideration was a similar one to that which the House now had before them. And there had been a petition presented to the Assembly; it was very influentially signed, and it represented—

"That your petitioners have suffered serious losses, and, in their belief, the credit of the colony has been affected by the operation of the Insolvency laws at present in force in the said colony.

"That your petitioners are aware that a Bill to amend such laws, and to give better and more equitable facilities than now exist, for the distribution of estates in insolvency, is now before your honorable House.

"That your petitioners believe that the passing of such Bill will be advantageous to the creditor, and afford a just relief to the honest debtor who may seek the protection afforded by its provisions."

He might mention that the very head of the list of signatures was that of "J. and G. Harris," followed by those of the principal firms of the place at that time. There were other clauses in the petition, and amongst them this :—

"That your petitioners are informed, and believe, that the provisions of the said Bill are in conformity with the principles embodied in the Bill for the consolidation of the laws relating to bankruptcy and insolvency lately introduced into the House of Commons by the Attorney and Solicitor-General, and the Home Secretary, for Great Britain, and adapted from the law in force in Scotland, relating to such matters, and which law has met with the approbation of the most eminent commercial jurists of the present day."

The long time occupied by that committee in pursuing their inquiries showed that, if the Bill was now referred to a Select Committee, it would be effectually shelved, which would be a matter to be deplored.

The Hon. W. F. Lambert said he quite agreed with the remarks of the Honorable Mr. Buchanan, that, if the Bill was sent to a Select Committee, it would be shelved. It was necessary that the country should have an amended Insolvency Act. His reason for voting before in favor of the motion to refer the Bill to a Select Committee, was, that the President had informed the House that he could not receive the Bill on account of certain clauses which were in contravention of the Standing Orders, and, at the same time, the honorable gentleman threw out a hint that the irregularity might be cured by sending the Bill to a Select Committee; and he, believing that it was desirable that such a Bill should become law in this colony, if possible, voted for the Select Committee to save the Bill, and so as not to lose the work of this session. Now that the Bill was restored to the paper, and the Standing Orders were no longer in the way of the second reading, he should vote for the original motion. There was a large number of members in the House, and the Bill would receive the fullest consideration in Committee of the Whole.

The question was put on the amendment, and the House divided :—

Contents, 4.	Not-Contents, 15.
Hon. G. Harris	Hon. A. H. Brown
„ D. F. Roberts	„ F. T. Gregory
„ J. Taylor	„ J. F. McDougall
„ H. B. Fitz.	„ E. I. C. Browne
	„ W. F. Lambert
	„ A. B. Buchanan
	„ W. Thornton
	„ W. D. Box
	„ G. Thorn
	„ T. L. Murray-Prior
	„ W. Wilson
	„ J. Gibbon
	„ W. Hobbs
	„ F. H. Hart
	„ H. G. Simpson.

The original question was then put, and affirmed.

Bill read the second time.