Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 17 JULY 1879

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LEGISLATIVE ASSEMBLY.

Thursday, 17 *July*, 1879.

Petitions.—Exportation of Meat Bill.—Formal Motion.—Electoral Rolls Bill—third reading.—Motion for Adjournment.—Bill Discharged.—Life Insurance Companies Bill—second reading.—Tooth Estate Bill—committee.—Travelling Sheep Bill—committee.—Bankers' Books Evidence Bill—second reading.—Bills of Exchange Bill—second reading.—Bathurst Burr and Thistle Bill—second reading.—Mercantile Bank of Sydney Bill—second reading.—Cure for Rust in Wheat.—Civil Servants Disfranchisement Bill.

The SPEAKER took the chair at half-past 3 o'clock.

PETITIONS.

Mr. GRIMES presented a petition from farmers, selectors, and others of the District of Oxley, against some of the provisions of the Divisional Boards Bill.

Petition read and received.

Mr. GRIMES presented a petition from farmers and selectors of the District of Brookfield, against some of the provisions of the Divisional Boards Bill.

Petition read and received.

Mr. GRIMES presented a petition from farmers and others resident at Fig-tree Pocket, against some of the provisions of the Divisional Boards Bill.

Petitions read and received.

EXPORTATION OF MEAT BILL.

Mr. KELLETT presented a Bill to encourage the Exportation of Meat.

Bill read a first time, ordered to be printed, and the second reading fixed for July 31.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. AMHURST—

That there be laid upon the table of this House, a return showing—

1. What was the Population of that portion of the colony of New South Wales which is now comprised under the name of Queensland, one year before it was formed into the colony of Queensland, and what was the population of that portion at the time of Separation?
2. What was the Population north of Cape Palmerston at the time of Separation, and what was it during the year 1878?
3. What was the total Revenue of Queensland during the year after Separation, and what was the calculated Revenue of that portion of New South Wales during the year before Separation?
4. What has been the Revenue derived from all sources each year, since Separation, from that portion of the Colony north of Cape Palmerston?
5. How much has been Expended north of Cape Palmerston, since Separation, on General Government, and how much each year?
6. How much has been Expended on Public Works of all descriptions north of Cape Palmerston, since Separation, and how much during each year?
7. How much has been spent out of Loan on all Public Works, Immigration, &c., in the whole Colony since Separation, and how much of it has been spent north of Cape Palmerston?

ELECTORAL ROLLS BILL—THIRD READING.

On the motion of the COLONIAL SECRETARY, the Electoral Rolls Bill was read a third time, passed, and transmitted to the Legislative Council by message in the usual form.

MOTION FOR ADJOURNMENT.

Mr. MACKAY moved the adjournment of the House to make an explanation. As he had said on a previous occasion, the return of expenditure connected with the purchase of labour-saving implements at the Phila-

delphia Exhibition had been given to the Auditor-General. He (Mr. Mackay) had called at the office of the Auditor-General that morning, and saw the return there, which would, no doubt, be laid on the table together with the other correspondence relating to the subject. He made this explanation because he wished to show that he was quite correct in his statement, and that there was no occasion for the attack made on him last evening, and over which so much of the time of the House was wasted.

The PREMIER (Mr. McIlwraith) said that he had also been correct in stating that no such return was to be found in any of the Government departments. The Auditor-General's Office was not a Government office. He had made inquiries as to the amounts which were passed through the Treasury, and all that was ascertainable in that department was, that two sums—one of £1,000 and another of £500—had been paid to Mr. Mackay on Executive minute, but there was no other voucher for the items than that.

The COLONIAL SECRETARY (Mr. Palmer) said he had that morning received a variety of papers on the subject from the Auditor-General, but at present they were not in such a shape as would allow them to be laid on the table. Everything, however, connected with the question would be laid on the table on Monday. It was only that day that he had been able to get any of them from the Auditor-General's Office.

Mr. MACKAY, in reply, said the Premier was perfectly correct in what he had said. The papers were in the office of the Auditor-General, and the Treasurer knew nothing at all about them.

Question put and negatived.

BILL DISCHARGED.

On the motion of Mr. AMHURST, Order of the Day No. 1—Port Pioneer Improvement Bill—was discharged from the paper.

LIFE INSURANCE COMPANIES BILL —SECOND READING.

Mr. RUTLEDGE moved the second reading of this Bill, and in doing so said he was actuated by a desire to do that which would meet with the approval of the House. The only question to be decided was, whether the way in which he proposed to accomplish his object would be considered the best. What he contemplated was, first of all, that insurances should be protected in the case of policies of deceased persons for the benefit of their wives and families; and, secondly, to secure that the business transacted by the various societies in the colony should be made public every year. One society—the Mutual Provident Society—at present occupied an exceptional position, owing to the fact that the Act under which it was incorporated was passed in New South Wales before Separation took place, and consequently that Act was as binding here as in New South Wales. The policies issued by that society were protected up to a certain extent, but there was not sufficient liberality in the terms on which the policies were protected. The period over which a policy must extend before a certain amount was protected was not sufficiently liberal, and not sufficiently conducive to the encouragement of the habit which, it must be admitted, should be encouraged, that of making provision by persons when in their health and strength for their wives and families after those persons were taken away from them. There were now several societies doing business in the colony, and until they offered to their customers the assurance that their wives and families should be protected, as well as those insuring in the Mutual Provident Society, they would not go far enough. It was a fact, with regard to the policies issued by any of the various companies here other than the Mutual Provident, that if a man had been insured for twenty years and died, leaving his affairs in an unprosperous state, his creditors could come in and claim the whole of his life policy. That was a state of things which should not be allowed to exist any longer. The Mutual Provident Society certainly would protect its policies to a certain extent, but that protection was, to his idea, of too limited a character. No policy was protected until it had been in existence two years; after two years it was protected only to the extent of £200; after five years to the extent of £500; and after ten years to the extent of £1,000. These provisions, though excellent in their way, were not sufficiently liberal. The Bill now before the House proposed that policies should be protected to the extent of £250 after they had been in existence for twelve months; £500 after two years; £1,000 after three years; and £4,000 after five years. He was not, however, wedded to those particular periods or amounts, and when the Bill went into committee he intended to make certain alterations in the clause. Owing to the rather hasty manner in which the Bill had been drawn up, he had made no provision for the protection of any amount between £1,000 and £4,000, and it might be very properly provided that, when a policy had been in existence for four years, it might be protected to the extent of £2,000. At the end of the clause there was this provision—

> Provided also that this section shall be held to apply to every policy or contract for a life assurance or endowment heretofore or that may be hereafter issued by the Australian Mutual Provident Society within the colony of Queensland.

Since the Bill had been in print he had been waited upon by gentlemen representing Victorian and other societies, who pointed out that this clause was likely to give considerable advantage to the Mutual Provident Society, inasmuch as it was singled out as the object for special legislation, and would be able to make use of that fact to recommend itself over other societies beyond its just claims. He had pointed out to those gentlemen that no such result would follow from the existence of such a proviso, because its object was simply to put the Mutual Provident Society on a footing of equality with other similar societies, and that society had a right to be considered to that extent—that it ought not to be placed at a disadvantage as compared with other societies. The first part of the clause proposed to deal generally with all societies that had not been incorporated by Act of Parliament in this colony, by which all policies issued by all other societies than the Mutual Provident would be protected in the way set forth. He had already shown that the provisions of the Mutual Provident Society were not so liberal as those, and that that society was incorporated in this colony under an Act passed before Separation, and which was consequently as binding as if it had been passed by this Legislature. In order to place the policies of that society on an equality with those issued by other societies, it was necessary to provide that there should be no conflict between the general law of the land and the particular statute under which the Mutual Provident Society was incorporated in the colony. If the Bill became law without that proviso, it would happen that, while under this Bill all policies were protected to a certain extent, those issued by the Mutual Provident Society would be only protected to a more limited extent. It was solely for the purpose of putting the policies of that society on an equality with those of other societies that it had been referred to in this special manner. Clause 3 provided that married women might effect policies protected from the debts of husbands. Some apprehension had been expressed on the part of a few lest a provision of this kind might give rise to a system of wife-poisoning. But if such an argument could be adduced on this point it would hold good with regard to all marine insurance risks. Cases sometimes had occurred of unscrupulous shipowners sending out rotten ships, and entering into a collusive agreement with the captains to scuttle or set fire to them, in order to obtain the amount for which they were insured; but it did not follow that, because such things had been done by unscrupulous persons, therefore the whole system of marine insurance was wrong. There was too little legislation on the subject of the property that might be vested in married women, and the time had come when they ought to have a Married Women's Real Property Act. It might be an innovation in this colony to enable women to effect policies notwithstanding their coverture; but it was not an innovation elsewhere, and it could hardly be supposed that unscrupulous men would attempt to get rid of their wives in order to obtain the amount of insurance on their lives. In all cases of that kind detection had followed, and the fact of such detection being so swift and so certain would act as an almost infallible deterrent. With reference to clauses 4 and 5, it had been represented to him that they were unnecessary, and if that were so he was ready to surrender his views to the superior judgment of the House. Clause 6 was very important, and many references had been made to him with regard to it by gentlemen representing insurance companies. It described the schedule, and necessitated on the part of insurance companies the publication of an annual statement of their business—first, the aggregate business done by the society, and, secondly, the particular kind and extent of business transacted by the society in Queensland. It had been represented to him by those gentlemen that it would be an unfair thing to designate as a liability the amount assured on policies. They said it did not follow that, because a society had issued policies representing two or three millions of money, therefore that sum should be set down as a liability. He was aware there was a system by which actuaries calculated the extent of a society's liabilities upon a certain amount assured—by which it did not follow that, because a society was responsible to the extent of, say, four millions, that sum was the amount of the existing liabilities. But if they did not compel those societies to set forth the actual amount for which they were responsible, the result would be that some societies, whose foundations were not very stable, and whose business was not carried on in the most open and straightforward manner, would have the opportunity of presenting to them, according to their own actuarial calculations, a statement of liabilities which, while it might be very satisfactory to the societies themselves, would not satisfy Parliament as to their stability. Without arguing the point, he held that they ought to have information as to the actual number of policies issued and the amount assured under those policies. It would be very easy for the societies to make an addendum to the schedule, setting forth that, although the society was responsible to a certain extent for the amounts assured under policies, yet that, according to all actuarial rules, only a portion of that could be regarded as liabi-

lities. This was explained in the published tables of the Mutual Provident Society. The policies issued by that society amounted to between four and five millions, and yet the balance-sheet presented at the last quinquennial investigation showed the liabilities to be only £1,200,000 or thereabouts. It was necessary that both items should be shown, and the difference between the responsibilities and the liabilities could be easily set forth in an addendum to the schedule. It was admitted by all that annual publications of these returns were necessary. It was only right that the public of Queensland should know to what extent the moneys raised by these societies had been disbursed in Queensland, for such disbursements in the shape of investments in Government securities and in other ways were a great advantage to a colony. They did not want to go into unnecessary details, but only to know to what extent moneys held by these societies was invested in Queensland. It had been shown to him that only one month after the expiration of the year was too short a period for the making of these returns, particularly in case of those societies which had their head offices in London. Acting on that consideration, he should move in committee, if the Bill got so far, that the period be extended to six months—that is, to the 1st of July in each year. The great thing he contended for was, that every year a return must be presented showing the actual state of the finances of each society, and the extent of its business, so far as Queensland was concerned. He had received a number of suggestions of great value from gentlemen interested in the subject, one or two of which he should endeavour to incorporate in the Bill hereafter. One of them was to the effect that, in the case of a person assured for only £100, it would not be necessary for the widow of the deceased to produce letters of administration or probate before being in a position to receive from the insurance company the sum of £100. At present this could not be done under a considerable cost—from £12 to £20—and that was a large item to be taken out of a poor widow's claim upon the society. Frequently, persons assured for that amount were exceedingly poor, and, after paying funeral expenses, there would be little left, and it would be a merciful provision to relieve those poor women from the necessity of taking out letters of administration or probate in cases of small sums like £100. It had also been pointed out that, notwithstanding the liberality of the provisions of clause 2, sufficient protection was not given to executors as against creditors. By the common law of England, after a man's testamentary and funeral expenses had been paid his debts must be paid, and this Bill said that a man's personal representatives were entitled to pay to the creditors a certain proportion of money under his policy. Clause 2 read as follows—

"The property and interest of every person who has effected or shall hereafter effect any policy or contract with any insurance company for an assurance *bona fide* upon the life of himself or any other person in whose life he is interested or for any future endowment for himself or any other such person and the property and interest of the personal representatives of himself or such other person in such policy or contract or in the moneys payable thereunder or in respect thereof shall be exempt from any law now or hereafter in force relating to insolvency or bankruptcy or from liability to be seized or levied upon by or under the process of any court whatever."

Under ordinary circumstances that wording would be sufficiently conclusive; but he had been informed an evil had sprung up, and that instances had been known of executors being prevented from claiming even the portion of the proceeds of the policy due to them, because they had not taken a firm stand and refused to yield to the demands of creditors. Under this Bill executors were supposed, to a certain extent, to withhold from creditors a certain proportion of money assured under a policy. In his opinion executors would be sufficiently protected, but in any case the addition of a few lines would place the matter beyond doubt. It was not necessary for him to say more. The parties to be benefited were widows and orphan children, who very frequently, in a colony like this where men were exposed to dangers, were often suddenly and unexpectedly bereaved of the bread-winner, and it would be a most beneficent thing to assure, in the event of such calamities, that the sums for which their deceased husbands or fathers were insured should be paid to them in their hour of need. He moved that the Bill be read a second time.

The PREMIER said the hon. member was to be congratulated on his very clear and explicit explanation of the provisions of the Bill. He thoroughly agreed with the principle of the Bill, and with its provisions, as far as he understood them. With regard to clause 2 the hon. member might have gone a little further, and assured the whole amount of the policy to the insurer. With regard to the proviso, it was not quite clear to him whether a distinction was not being made in favour of one society. That might be remedied, and every society placed on the same footing, by inserting in the first part of the clause the words "nothwithstanding any statute at present in force in Queensland this clause shall have operation." With regard to schedule A it would contain information to which the public had

a right. An amendment might be inserted to remove the objection pointed out—that some of the colonial offices and all the London offices could not give the information required. He was inclined to think there should be no limitation in the 2nd clause, and he hoped that point would be considered during the debate.

The Hon. S. W. GRIFFITH said he joined with the Premier in congratulating the hon. member on the introduction of a Bill that was very much wanted. Clause 2 proposed to protect the life policies of insurers. At the present time no insurance policies were protected but those of the Australian Mutual Provident Society, which society consequently enjoyed a great advantage over other societies. No doubt all societies should be placed on the same footing; but the proviso was necessary, because the general rule was that the provisions of a general statute did not interfere with the analogous provisions of a particular one. This would be a general statute, and might, if there were no such proviso, be held to have no operation as respects the Australian Mutual Provident Society, whose policies were dealt with by a special statute giving less advantages, and that office would then be placed in a worse position than others. The objection that that society would be improperly advertised might be remedied by stating that the section applied as well to the Mutual Provident as to other societies. Some limitation was, he thought, necessary, because, if the protection was unlimited, a man might by a single premium of £300 or £400 buy a policy upon his life, and immediately afterwards become insolvent, when the money he had paid would be withdrawn from his creditors. That was, no doubt, why the limitation was made. There might be some cases on the border line where hardships might occur. A man might effect a *bonâ fide* insurance and die within two years: in that case it would be very hard that the insurance should be lost; but still he thought that some limitation should be inserted. Another limitation, also, should be introduced, so that a door might not be opened for another abuse. A man might lend another £1,000, and take as security a policy on that man's life—a not uncommon security in Great Britain and other parts, though not usual here—and in such a case the money-lender might, as the Bill stood, have the policy for his own benefit as against creditors. The protection desired to be given was to the family of the insurer, and not to himself or any other person. The only interest to be studied was that of relationship, and not pecuniary interest. Clauses 4 and 5 were a mistake, as they could not enforce them. Policies might be assigned, for instance, in foreign countries, where this Act could have no operation at all. Clause 6, requiring an annual statement of liabilities and assets, was a very desirable provision. In the case of foreign offices referred to by the hon. member for Enoggera, a statement might be sent in as to their assets and liabilities within the colony which would be very satisfactory and serve all purposes. In case of litigation, what a creditor of the company would want to have recourse to was property of the office in the colony. The provision would also tend to keep money in the colony, as money paid into the offices here would, probably, be invested in the colony. In that way the Bill would have a very beneficial effect. He should give it his hearty support.

The COLONIAL SECRETARY said the Bill was a step in the right direction; but only a step. The protection of policies proposed in the 2nd clause would have virtually no effect. According to the first proviso, there would be no security at all to the individual himself or creditors. For example, if he insured his life for £4,000—which was about the highest limit the companies recognised—for a year, his policy would be protected to the extent of £250, and the remainder at the mercy of any creditor. For the sake of securing £250 for himself he would not go on paying on £3,750 for the benefit of his creditors. A sensible man would throw up the policy at once, and insure again. If the hon. member wanted to do any good with the Bill, he must make the policy once entered into safe from all creditors. He would strongly advise the insertion of a clause making the policy good for the wife and family of the insurer, and to no one else. The insurer should not be able to assign it to anyone. Except where a man's life was insured as security for money, which was not very often the case, the clause would have no practical effect.

Mr. GRIFFITH: It is done now.

The COLONIAL SECRETARY said he had never heard yet of the verdant individual who went on paying a policy for the benefit of his creditors. He would like to hear his name, as such an individual ought to have a statue of very green brass.

Mr. GRIFFITH said he had not rightly understood the remark of the hon. gentleman.

The COLONIAL SECRETARY said the Bill might be made a very good one, and the hon. member deserved credit for bringing it in. The objection of the leader of the Opposition that a man might buy a policy by one premium of £300 or £400 would be met by providing that only policies effected under certain tables at annual payments should be protected. The Bill had a germ of good in it, and might be much improved. Schedule A would be very useful, as such societies should be bound to furnish statements the same as banks did. In the case of foreign offices, a statement might be

sent in three months beforehand, and afterwards annually from the same date. The hon. member for Maryborough had suggested that the Bill might be referred to a select committee, and he (the Colonial Secretary) would recommend the hon. member for Enoggera to accept the suggestion. In a small select committee the Bill could be well considered, and then it might be gone on with almost immediately. He made the suggestion in good faith, believing that the Bill could be made a very good one.

The Hon. J. DOUGLAS would reiterate what the hon. Colonial Secretary had said, that a reference to a select committee would probably simplify the passing of the Bill. The points which had been referred to would probably be better discussed and defined by a select committee, and then the Bill, having been fairly considered, would pass through committee of the House without difficulty, and probably without discussion. The Bill was admirably intentioned: on that point there was full agreement. There was some disagreement as to the operation of clause 2, and the doubts suggested by the hon. member for North Brisbane ought to be solved, so that it should be made quite clear that the object sought would be really attained. As to the preference supposed to be given to the Australian Mutual Provident Society, that could be easily set at rest. There could be no desire on the part of the promoters of the Bill to give that society any advantage over others;—in fact, to be really useful, the Bill must place all societies on the same footing. In reference to the bearing of clause 2, there was a much more comprehensive clause on the same subject in a Victorian Act relating to life assurance companies, passed in 1873. That clause provided that the property and interest of any person to the extent of £1,000 in any policies of assurance on his own life should not be seized or taken in execution, and, in the event of insolvency, should not vest in the assignee or trustee of his estate unless such insolvency occurred within two years after the date of the policy, and on the death of such person should not be assets for the payment of his debts; but that, if he died within two years after the date of the policy, a portion of the sum assured equal to the amount of premiums actually paid should be assets for the payment of his debts. He should prefer a clause of that kind to the one introduced into the Bill by the hon. member, though, no doubt, the hon. member had some reason for preferring his own. The operation of both clauses could be ascertained by an inquiry where evidence from the managers of those societies could be obtained. Those managers were entitled to make such a statement, and an opportunity should be afforded them of doing so, thereby setting at rest any doubts appertaining to the exact form the Bill should take. He might also mention, in connection with this subject, that the Victorian Act contained a clause providing that, upon the death of any holder of a policy upon his own life not exceeding £100, if no probate of his will or letter of administration to his estate be taken out within three months after his death, the company might pay the amount of such policy to his widow or any adult child of his, and the receipt of such widow or child should be a valid discharge. Before finally deciding upon the form of the Bill, he thought some of the managers of those societies would like to be heard. It would be quite impossible for some of them to comply with the schedule of the Bill as it now stood, and by not complying they became subject to a penalty not exceeding £50; so that the schedule would have to be altered, and they would best ascertain in which way it should be altered by obtaining evidence from the managers of those companies. The plan he had suggested would probably be the best the hon. member could adopt, and it would be the shortest way to give effect to the Bill.

MR. MOREHEAD said he understood that the hon. member for Maryborough had suggested that the Bill should be referred to a select committee. He agreed with the suggestion, and considered it was his duty to point out where an insidious attempt was made, as he took it, to benefit one institution in the colony. He had no hesitation in saying that the Bill was a counterpart of one which had been introduced and thrown out by the South Australian Legislature, and which purported on the face to be a public benefit, but in reality benefited one single office—the Australian Mutual Provident. If hon. members would look at clause 1 they would find this proviso: "Provided that they be incorporated or regulated or enabled to sue and be sued by charter or by any Act." The only society in the colony so entitled was the Australian Mutual Provident; and it was therefore clear, so far as the 1st clause was concerned, that the measure was to benefit them alone. Going on further, they showed their hand in the proviso at the end of the second clause. If his contention were erroneous, why was the society mentioned there? Was it not, under the cover of doing something else, to give a certain protection to persons insured in a particular office, which office was the Australian Mutual Provident? The clause was simply intended to be an advertisement for this society. He held it in respect, but he should not think much of a society which tried in an indirect way to get an advantage over rival societies which it could not secure by competition. If the Bill became law in its present form it would be used as an advertisement to foster the business of

that society; and, as a person who was insured in another office, he objected to the Australian Mutual Provident Society being put into the position that it would be by the measure. Every member in the House agreed with the general clauses of the Bill, but it was only fair and proper that it should be pointed out that, if it became law without alteration, it would be simply offering an extra premium to people to insure in the society to which he referred. The attempt had been bowled out in South Australia, and he hoped it would be here also. The trick was being tried here now—he did not for a moment attempt to accuse the hon. member (Mr. Rutledge) of being a party to the trick; he believed him to be a dupe. Why should this society be put in a better position than any other in the colony? If it was competent for him to move that the Bill should be referred to a select committee he should do so, because every institution, beyond the Australian Mutual Provident, had a right to express its views before such a committee before the measure became law. It was all very well to bring down a Bill purporting to create a general benefit, whereas it would only benefit those insured in one particular society. He was informed that he was wrong in the statement that the Australian Mutual Provident was the only society, and that there was another—the Liverpool, London, and Globe Company; but these two were not the whole insurance offices in the colony, and before a sweeping measure of this kind were passed every evidence should be taken. Every member of the House admitted that the general clauses of the Bill were good, but as it now stood it was simply a Bill to benefit the Australian Mutual Provident office. All the other insurance offices had a right to be heard before such a sweeping change in legislation took place. The general principles of the Bill, securing life insurance policies, were borrowed wholly and solely from the Victorian Act, and he should vote for the measure if it were made general; but, as it stood—he repeated—it was simply an insidious attempt on the part of the Australian Mutual Provident Society to get a Bill passed which would be a decided benefit to themselves and have a protecting interest. The society had failed in South Australia to get such a measure passed; they had not attempted to introduce it in any other colony, but they were now trying it here. The concluding parts of the 1st and 2nd clause bore out what he had said. He was told that the society had got into some difficulties with reference to a case of debt which had occurred in this city, and they now wanted by a side-wind to protect themselves by introducing a Bill as a general one which was, in reality, only applicable to them. He should not support the second reading; and if the Bill did go to a second reading he should do all he could to check it, not from any dislike to the society, but because he objected to any combination of speculators, or of men associated in the insurance of life, attempting, under the shadow of Parliamentary assistance, to advertise their association against any other in the colony. He held the hon. member who introduced the measure to be perfectly blameless, but he believed that he had been entrapped in the matter. Considering it in all its bearings, and that the hon. member for Maryborough had not moved for a select committee, he would now move that the Bill be referred to a select committee, to be chosen by ballot. He had no wish to be on the committee; but he wished that justice should be done to all insurance companies, and that no particular society should be bolstered up by the adventitious aid of an Act of Parliament.

The SPEAKER said it was more usual, in referring a Bill of this kind to a select committee, to move the reference after the second reading had passed, and he thought the amendment of the hon. member would come with more propriety on the motion for the committal of the Bill.

Mr. MOREHEAD said he should adopt the Speaker's suggestion, but he should still oppose the second reading.

Mr. O'SULLIVAN said he would think, from the statement made by the hon. mover of the resolution, that the Bill was intended to place all societies in the colony on an equal footing, and that the same view was held by other hon. members on both sides of the House. The speech of the hon. member who had just sat down was the strongest argument that he had heard why the measure should go to a second reading, and why it should also come before a committee of the House. He could not, unfortunately, see the matter in the same light as the hon. member for Mitchell. He must acknowledge that he was very much taken by the speech of the hon. member for Enoggera in proposing it, and by the support given to it by the leaders of both sides of the House. He was not interested in the matter, and had not studied the Bill; but as its object was, as he understood it, to place all the societies of the colony on the same footing, he should certainly vote for the second reading. There were some grave suspicions thrown over it by the hon. member who had last spoken, no doubt with good reason; and, as the hon. member who proposed the second reading of a Bill like this was prohibited from making a reply, and in order that the mover should have some opportunity of explaining a few little points that had thrown suspicion upon their minds, and to enable him at once to clear them up if he possibly could, he would move the adjournment of the debate.

Mr. RUTLEDGE said the hon. member for Mitchell might have been saved the trouble of making his observations had he been in the House when the Bill was explained. He was very sorry the hon. member had so very low an opinion of him (Mr. Rutledge).

Mr. MOREHEAD: No, no.

Mr. RUTLEDGE said the hon. member must have a low opinion of him to suppose that he should allow himself to be made a dupe of by anybody by making use of his legislative position in order to enable any society to promote its own advancement. He hoped that he had sufficient respect for his position, and for those with whom he was associated, to treat with scorn any attempt to use him as a tool to further the selfish ends of any man or body of men, and he was satisfied the hon. member would accept his assurance that not a single soul connected with the Australian Mutual Provident Society ever spoke to him about the subject. He could state as a positive fact that the first inducement to move in the matter came from a gentleman representing a society whose policies were not protected in the colony. This gentleman was the Queensland representative of the Mutual Life Association of Australia, and he pointed out to him that his society, and all others with the exception of the Australian Mutual Provident, were at a very great disadvantage because their policies were not protected as against creditors, and that no matter how long the assured was under the expense of keeping up his policy, if he died bankrupt his creditors would take all, and the wife and family would get nothing. He at once saw the necessity of legislative enactment, by which all societies should have their policies protected, and when he went into the matter he found that the Australian Mutual Provident Society was protected in a way that was too restricted. His views were certainly in the direction indicated by the Premier and Colonial Secretary, and had he studied his own feelings he should have said that all twelve months' policies should be protected to the very farthest extent; but, in conversation with commercial gentlemen, he found it was quite likely that some trafficking in policies would take place which was very undesirable, and that it would lead to great abuse. The suggestion of the Colonial Secretary seemed to open a way out of the difficulty, however. The hon. member for the Mitchell would not have accused him, he thought, of being made use of to advertise the Australian Mutual Provident Society had he been present when he (Mr. Rutledge) moved the second reading; he would have learnt that it was absolutely necessary to mention that society, so that it might be placed on a footing with other societies. If they passed the measure simply stating that all policies should be protected after an endurance of a certain number of years, not exceeding five in the case of the largest sums, it would follow that all policies, except the Australian Mutual Provident's, would be protected; but the persons assured in that society would be protected only according to the terms of its Act of Incorporation. That Act was passed before Separation, and was therefore law here as regards the society; and if there was no special reference to the society in the Bill it would go to the dogs, because policy-holders to the extent of £1,000 would have to wait for ten years before their policies were protected;—in order that the society might avail itself of the advantages of the Bill it was absolutely necessary that it should be mentioned. Unless it was particularly provided for it would be placed at a serious disadvantage, because it was incorporated under a particular enactment which over-rode a general one. He only wanted to give the society fair play. It was the only one that he knew of which was specially protected in this way, and between it and the Bill conflicts might arise by-and-bye if it were not mentioned. With reference to the 1st clause, he was prepared to admit that the proviso at the end of the 1st clause might operate injuriously; but he would appeal to the hon. member (Mr. Griffith) whether he did not say to him, two or three weeks ago, he should move that it be struck out at the proper time? He should be quite prepared to accept the suggestion of the Colonial Secretary, and the hon. member (Mr. Douglas), to refer the Bill to a select committee, if he had any guarantee that it would not be shelved; but it must be remembered that the session was getting late, and if they heard the representatives of the various societies, and did not adopt their respective ideas, they might have them running to members to get them to oppose the Bill on the second reading. He feared that would be the effect of a reference to a select committee. As the session was far advanced, he certainly thought that the interests of the State were of more concern, and that they ought to study the interests of the widows and their children before other interests. With reference to the statement of the hon. member (Mr. Morehead), that this was a similar attempt to one made in South Australia to advertise the Australian Mutual Provident Society, how could this be a parallel case when he had assured him that he had no communication with the society until after the Bill got into print? No suggestion or hint had been given until then, and then the secretary of the society came to him, as the secretaries of other societies did, with a suggestion. The hon. member also said that it was a general Bill brought in for a particular case. He

did not know what particular case he referred to. He would admit that he did get the clauses which were now proposed to be omitted, from the Victorian Act, and that he was indebted to others for valuable suggestions, especially to the Speaker; but he had, nevertheless, bestowed much thought upon the Bill, and he said it was not introduced to meet a particular case.

Mr. MOREHEAD thought the hon. member who had just sat down might have spared a little of the froth, and given the House a little more sound reason. He must have been perfectly aware—for, as a rule, he (Mr. Morehead) thought he made himself understood—that he distinctly disclaimed any intention of saying anything personally offensive to the hon. member. He would again state that the Bill, if carried in its present form, would have the effect of patronising, of benefiting, one of the insurance companies as against all others, and when that was pointed out the propriety of referring it to a select committee should be seen. If the hon. member would agree to strike out the last portions of clauses 1 and 2 he would not oppose the second reading;—it was quite clear that the 2nd clause was simply an attempt to induce the House to pass a measure which would benefit solely one particular association—an association which was quite able to bear the expense of getting a private Bill passed, if it was put in an unfair position as regarded other companies. He should be most happy to assist in putting that company in the same position as other insurance companies; but he did object to a public Act remedying what could be done by a private Act. The hon. member for Enoggera (Mr. Rutledge) had told them that the Australian Mutual Provident Society was in a worse position than other insurance companies; but he did not see why the country should be called upon to step in for the benefit of that particular society. The Bill, as it stood, in its general principles was a good Bill, and he should give them his hearty support; but there might be a great many arguments brought forward against the position taken up by the hon. member for Enoggera. He did not see that the hon. member had covered the whole of the ground in stating that a policy should be secured as against creditors. As a question of sympathy he believed in it, but as a matter of right it became another question altogether, and he was inclined to think if it became a matter of pure argument that the hon. member was wrong. If his life were insured and he paid the money and afterwards became insolvent, he did not see clearly that the policy should be the inalienable right of his widow and children; but his sympathies leant towards the argument adduced by the hon. member. That, however, was a matter that did not concern insurance companies at all. It did not affect them whether they handed over the money to the creditor or to the widow and children; but it became a matter for the consideration of other societies if they, by passing this measure, conferred a special benefit upon one society, or even an apparent or fictitious benefit—because these clauses would be advertised throughout the country in favour of the Australian Mutual Provident Society. He was certain that if this Bill became law as it now stood, the 1st and 2nd clauses would be advertised all over the colonies. There was hot competition for insurance business at the present time and at all times; and this particular society would use these clauses as a lever to get business. It would be unfairly handicapping all other insurance companies in the colony, and he thought it was only right and just that the name of the Mutual Provident Society should be expunged, together with the latter part of the second clause. If the hon. member would agree to that he (Mr. Morehead) would not object to the second reading of the Bill; nor would he do so if it was the opinion of the House that it should pass the second reading. He did not object to the passing of the general clauses, which he believed to be good, but still required modification and a great deal of consideration before they were passed. He gave the hon. member credit, after the statement he had made, that his object was to benefit those who came after the insured, but he should be careful in doing that benefit that he did not do an injustice elsewhere. He wished particularly to point out that the Bill, if passed as it now stood, would be a public Act embodying what should be in a private Act, and would be used as a great advertising instrument by the Australian Mutual Provident Society. He trusted the hon. member, holding the opinion he had expressed—that he desired the benefit of those who came after the insured, would at once fall in with the views he (Mr. Morehead) had expressed, and not push the claims of the Australian Mutual Provident Society—or, rather, want of claim, as it now appeared; and let that society, by private Bill, protect their own interests, and not endeavour to do so by this means.

Mr. GRIFFITH said he knew something about the origin of this Bill, perhaps more than the hon. member for Enoggera did. He was asked to take it in hand, but said that during the present session he could not undertake to do so, and recommended the gentlemen who applied to him to consult the hon. member for Enoggera. The whole object of the Bill, as represented to him, was to do away with the monopoly of the Australian Mutual Provident Society, and was in the interests of other insurance com-

panies. The last portion of the first clause was undoubtedly a mistake, and, with reference to the insertion of the name of the Australian Mutual Provident Society, the hon. member for Enoggera consulted him as to whether it was necessary to mention that society in the Bill, and he said he thought it was so as to make it distinctly applicable to them as well as other companies; but he now saw that that could be done without mentioning them by name—by altering the phraseology of the clause. That disposed of two of the objections. With regard to referring the Bill to a select committee, the object of so doing was generally one of two—first, when it was desirable to collect evidence to assist Parliament in coming to a correct conclusion as to the merits of the matter at issue; and, secondly, when the Bill itself was long and complicated—not involving any question in which there was likely to be any difference of opinion, but in which the revision of a select committee would be likely to facilitate the labours of the House. But no amount of evidence could give more information on this Bill than they had at present. It was principally a matter of law, and there was no means by which they could get the the opinions of legal gentlemen through a select committee. Then, it was not a long and complicated Bill, and the only difference of opinion was, whether the protection afforded should be limited or unlimited. He gave reasons before why it should be limited, but he was now inclined to think that the argument of the Colonial Secretary was right. If an amendment embodying the views of the Colonial Secretary were prepared when the Bill got into committee it would not take an hour to go through. He hoped the hon. member would not press for the Bill being referred to a select committee, because it would be practically useless; and in the interests of other insurance companies, not the Mutual Provident Society, he was anxious to see the Bill passed.

The COLONIAL SECRETARY thought the Bill might be allowed to pass with the amendments which the hon. member for Enoggera had agreed to, so far as he understood—that was, to omit the latter part of clause 1 and to strike out the name of the Australian Mutual Provident Society, although he (the Colonial Secretary) had no objection to it, as he was one of the oldest members of the society; still, he thought fair play was a jewel, and all these associations should stand upon their merits. But he objected to retrospective legislation, and policies that had been issued up to the present must stand by themselves;—it would be only policies that were issued after the passing of the Bill that would be legislated for. The amendment to be brought in should also be for total protection, not partial protection, because partial protection would be of no earthly use. With these amendments he would support the second reading of the Bill.

Mr. MOREHEAD rose to a point of order. The Colonial Secretary had admitted that he was a member of this society, and had, or his heirs would have, pecuniary benefit by his connection with that society. He found that that society was mentioned in this Bill, and he asked the Speaker's ruling whether those who had an interest in this society had a right to vote on the second reading of the Bill now before the House?

The COLONIAL SECRETARY said, before the Speaker gave his ruling, he would point out that before a member could be precluded from voting he must have a direct pecuniary interest in the question before the House; but as no pecuniary benefit could arise in this case until after his death, he did not see how he could possibly have an interest in it.

Mr. MOREHEAD said the hon. member might still have a direct pecuniary interest, because a policy in such an office might be pledged—a man might raise money upon his policy; and that was a fact worthy of consideration by the Speaker and by the House.

The SPEAKER said the question put by the hon. member could only be raised upon division. It had been ruled that a member having a direct pecuniary interest might speak on the question, although he could not vote.

Mr. O'SULLIVAN said, as his motion for adjournment had had the desired effect of clearing up little points and soothing the hon. member for Mitchell, he begged leave to withdraw it.

Motion, by leave, withdrawn.

Question—That the Bill be now read a second time—put and passed.

TOOTH ESTATE BILL—COMMITTEE.

On the motion of Mr. GRIFFITH, the House resolved itself into a Committee of the Whole to consider this Bill in detail, and the various clauses were passed with the amendments recommended by the Select Committee.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

The report of the Committee was adopted, and the third reading of the Bill made an Order of the Day for Monday next.

TRAVELLING SHEEP BILL—COMMITTEE.

The House went into Committee of the Whole, for the further consideration of this Bill.

Question—That clause 6 stand part of the Bill—put.

Mr. DAVENPORT was understood to object to the clause, as it would be impossible for anybody to say what were fat sheep.

Mr. MOREHEAD wished to point out that the clause as it stood would be of no use. It was quite possible that the clause might be agreed to, and that it might be eliminated in another place, as he considered it ought to be; but then hon. members would be entirely at the mercy of the member in charge of the Bill, as they could not discuss any of the other clauses when the Bill was sent back. He was perfectly certain that the hon. member who introduced the Bill was not capable of any dodge, but in these times they must look out for dodges. He should advise the hon. member to withdraw the clause, as, if passed, he (Mr. Morehead) should oppose all the other clauses. The Bill was quite unnecessary; for, although it was all very well to say that leaseholders had been injured by travelling stock, yet they knew very well that they were compelled to give half-a-mile on each side of the road through their runs for travelling sheep. As the 6th clause stood it would lead to a great deal of misrepresentation, as who could say what were fat sheep? The Bill was not necessary, and, if it was, the evil it proposed to cure was not properly dealt with. It was much better to leave an evil alone than to meddle with it in the wrong direction, as was done by the Bill. If hon. members imagined that they would save themselves by voting for the 6th clause they were greatly mistaken, as there was not the slightest doubt it would be excised elsewhere. As he had already said, he should oppose not only that clause but the rest of the Bill, and he should be happy to have an evening with the hon. member for the Warrego, when he would educate him on the question of sheep, from the merino downwards, and would read to him some very interesting articles on that subject; then, if the hon. member, with his (Mr. Morehead's) intention before him, was determined to proceed with the Bill, he would promise the hon. member that they should have a very pleasant evening. He intended to start with the subject of sheep in general, and then ask the hon. member to accompany him to Chili and Peru, which countries he believed were now at war, and go into a dissertation on the utility of ironclads in modern warfare, as that had been mentioned in the newspapers at home and would be an interesting matter to notice. He would also give the hon. member a lecture upon their place among the Infinities, as he had lately been reading a book on that subject by Mr. Proctor. But he did not mean that that should interfere with the hon. member's proceeding with his Bill, as he should be the last to interfere with any member, especially a new member, proceeding with a Bill. They had had an erratic member for Warrego before now; but of all the erratic members the present hon. member representing that district was the most. There was no doubt about it, that it was possible to ridicule any Bill out of the House; and he was going to try that course with regard to the Bill before them, and should not allow it to go any further.

Mr. STEVENSON said that he had on a previous occasion stated his intention of opposing the Bill, and he should do so now, as the Bill, if passed, would do no good except to the lawyers. Since the Bill was before the House on the last occasion he had taken the opportunity of consulting some of the largest stockholders in the colony, and he found that everyone to whom he had spoken said that there was not the slightest use for such a Bill. It was perfectly well known that when the leaseholders took up their runs they did so knowing that they would have to give a mile through those runs for the purpose of travelling stock; and, although it might be hard for them to have travelling stock go through their runs, yet they must submit to it. No person travelled stock from choice, and a good drought taught a far better lesson than this Bill was likely to do. Sheepowners did not travel their sheep from choice but from necessity; and, as he had said, a good drought—or, as the hon. member for the Balonne would have it, a bad drought—would do more to lessen the number of grass-pirates than any number of Bills which they could get through the House. He had only one desire in the matter—to do justice not only to himself, but to the majority of the squatters of the colony, who did not believe in the Bill or that such legislation was required. He would regret very much to be driven into talking against time, if the Bill were persevered with, for he did not take up the time of hon. members by talking on subjects of which he knew nothing. This was a subject he did know something about; and if hon. members on the other side were as well qualified to judge as members of his side of the House and himself, who had been for the last sixteen years engaged in sheep, they would be of the same opinion as he was. He did not hesitate to say that, by experience, he was better qualified to judge of this matter than many hon. members opposite who had never had any experience. The last time he spoke he tried to educate those hon. members to give a fair consideration and vote; and were they as well qualified as he, and several hon. members with him were, to come to a conclusion, the question could go to a vote and he would abide by the decision of the House at once. But, as it was, there were only a very few members who knew anything about the subject, and therefore he did not see why

they should have it rammed down their throats by the hon. member for the Warrego. As a matter of fact, that hon. member did not own any sheep—he might be an owner of cattle—and had most probably brought in the Bill in consequence of some injury done to his cattle-run by a grass-pirate with travelling sheep. But was that a reason for introducing a Bill like this, which seemed to be intended to prevent the recurrence of a private injury or to prevent the operations of a very few who abused the Act at present in force? To do such a thing on those grounds would be monstrous. He had as much interest in a Bill of this sort as anyone. Except in the bad drought of 1868 he had never travelled sheep; but having done it once under necessity he did not want to do it again. He had heard only that afternoon from one of the largest stockowners in the colony that he would prefer allowing the sheep to die on the run rather than travel them for grass and water; and he recollected a case where a squatter, in 1868, travelled 10,000 sheep and in a very little while got back to his station with only 2,000 of them left. The Bill was bad from beginning to end, excepting in one clause which did not affect him in the least. The one clause in the Bill worth retaining was the 7th—that anyone travelling sheep should give notice before entering on a cattle run. That was a provision of use to the squatter, and he would like to see it incorporated in the present Act; but further provisions they did not want. The Bill was only a piece of local legislation. As an instance of the uselessness of this Bill, he referred to clause 2, which was passed when he was not present in the House. The Colonial Secretary had pointed out at the time that that clause would vitiate the effect of the Bill and would render it perfectly useless; and so they might as well save their time now, and the time of the members of the other House, if they did not go on discussing it. The second clause proposed that every person intending to introduce one thousand or more sheep—why should the number be one thousand? Anyone intending to travel a less number than one thousand need not come under the Bill; but suppose a man started with one or two hundred sheep he need not give any notice at all or trouble himself about the Bill, but travel through the paddocks of the squatters and pick up a hundred sheep here and a hundred sheep there wherever he liked; and, in fact, go on a sheep-stealing expedition. That man could go on from run to run, until he had got a thousand sheep, and then he could turn back, having made a very profitable speculation. On behalf of his constituents, of whom the greater number were squatters, he objected to the Bill, and he would stand there as long as the hon. member for the Warrego liked and oppose it. The hon. member had no business to bring it forward, as he had done, without consulting the squatting members of both sides of the House and the squatters outside. He would even go so far as to say some of the hon. member's own constituents did not believe in the Bill, and he therefore advised him to withdraw it. He would do all he could to prevent its passing.

Mr. Hill said he could endorse everything the hon. member for Normanby had said with regard to the Bill. It was a bad one from first to last. When the Bill was last before the House he objected to the removal of clause 6, because the retention of it would stultify the whole measure. The hon. member for Warrego now saw the force of his argument, and wanted to let the clause slide so as to get on with the Bill, but he (Mr. Hill) did not intend to be got over by a side-wind. He intended that the Bill should not pass, and, if appealing to reason would not do, he would talk nonsense all night. Some of the hon. member's own constituents were opposed to the Bill. Two of them, Mr. Sandeman and Mr. Donkin, had expressed to him their aversion towards it;—indeed, he would stake his reputation that if he were to contest the Warrego at the next election against the hon. member, on the basis of this Bill, he would be returned by a large majority. The interests of the squatting members were identical, and he was sorry they were not united; and the hon. member, instead of trying to conciliate members on his own side, and inviting them to introduce suitable amendments, went over to the other side to make friends with the "Mammon of unrighteousness" in order to get his Bill through by sheer force of numbers. He would advise the hon. member to withdraw his Bill. He should be sorry to obstruct public business, but in the interests of his constituents he could not allow a thing of this sort to become the law of the land.

Mr. Archer said there might be reasons why the hon. member for Warrego had not consulted certain squatting members on this side, but he had consulted him (Mr. Archer), and he, though not a man of much experience in these matters, owned a few sheep. He had spoken on the subject with gentlemen of as much experience as the hon. members for Normanby and Gregory, and they did not see the same faults in the Bill. The tone in which the debate had been carried on by those two hon. members showed that there was some slight personal feeling in the matter. He would be perfectly willing to assist the hon. member for Warrego in getting the Bill through, but as that would be impossible in the face of the determined opposition raised against it he would advise him to withdraw it, so that

private members might get on with the other business on the paper. To try to push it on under present circumstances would be a sheer waste of time.

Mr. STEVENSON said there was not the slightest personal ill-feeling between himself and the hon. member for Warrego, and he had not the slightest personal feeling in the matter. No doubt the hon. member for Warrego did consult one or two hon. members on this side; but, seeing that they and their constituents were interested in it, he ought to have consulted them before bringing in the Bill. There was no occasion for the Bill. Squatters took up their runs with a distinct understanding that half-a-mile on each side of the road should be set apart for travelling sheep, and if the sheep strayed the parties travelling them could be brought up for trespass and fined. He would promise the hon. member that if he did not withdraw the Bill he would have a bad time of it; and if it came to a matter of talking against time he would be prepared to do his duty.

Mr. Low said he had been consulted by the hon. member for Warrego about the Bill, and he considered himself somebody. Of course, his experience did not go so far back as that of the youth who had just spoken, and that must be taken into consideration. If the hon. member for Warrego did not push his Bill through, all he would say was that, though the hon. member might belong to the noble army of martyrs, he did not belong to the noble army of squatters. The hon. member evidently had not cuddled and coaxed some hon. members enough, so they turned round and said, "Confound the fellow; we won't pass his Bill." He would read an extract from a lecture delivered by Professor Tams, a very high authority on wool culture. The Professor said—

"Sheep that are kept stinted in water cannot grow long wool in perfection, as water is as necessary to grow wool as water is necessary to the ground to grow grass. Without water the wool gets rotten, consequently will not realise a remunerating price to owner.

"Sheep ought to have a certain amount of food per day to supply the requirements of the system, and grow wool its proper length and of good quality. It is supposed a healthy sheep will consume food each day to the extent of one-sixth of the weight of its own carcase."

He would now read part of a letter he had received from a gentleman in the Balonne district, and to which he had replied by return of post. It was as follows:—

"DEAR SIR—Your letter of the 5th instant came to hand to-day, and I answer by return of post.

"The number of sheep travelled through the Donga Run in the latter part of 1877 and the first four months in 1878 was 422,000, all travelling for grass, except four lots—three lots of 1,000 each, and one lot of 9,000.

"The amount of damage done to the run by having two roads through it was a great deal; the two roads being so close together for about fourteen miles through the run that the travelling stock had two miles through the run instead of one, on account of having two roads going one and the same direction through the run; for when two mobs of sheep were coming along, one behind the other, one would take the river road and the other the back or coach road. The two roads are main roads through the run, and I could not make them all travel the one road. I tried to keep all on one road, but I could not do so. One lot would come along the river road, and the next lot would go along the back road, thinking to get the more grass by doing this."

The next case to which he would refer was Callandoon Station, the owner of which (Mr. W. Vaughan Jenkins) had informed him that during nine months upwards of 500,000 sheep had passed through his run, 200,000 of which belonged to one firm, and that on the night he wrote there were 42,000 camped on his run on their way home again, and he had been told there were tens of thousands trooping up behind them. To such an extent was his run injured by those grass-pirates that not only had he been compelled to keep three extra mounted men, but had actually been driven at an immense expense to send his own stock travelling. He (Mr. Low) thought it was clear that some step should be taken to put a stop to such piratage. If they did not pass this Bill exactly the same state of things would be repeated when the next drought in New South Wales occurred. Any further remarks on the subject he would defer till another occasion. He had said sufficient to make out a case that should satisfy any reasonable member of the House that the Bill was a good one, and that it should be carried through.

Mr. MOREHEAD said that he and the hon. member for the Gregory had the honour of representing a district which contained a third of the sheep in the whole of the colony, and they both objected to the Bill as it stood. It was a bad Bill, and, worse still, it was unnecessary. With the hon. members for the Gregory and for Normanby, he was quite prepared to take up a line of stone-walling to prevent what he considered a great injustice to the pastoral tenants, by the introduction of a measure ill-considered, ill-digested, and not the result of consultation among those interested. He admitted that many individuals suffered great losses through travelling stock, but it would be a greater loss to the State if proprietors were debarred by any such restrictions from travelling their sheep in case of necessity. As a measure of political economy they should in case of dire distress help the pastoral tenants who were so unfortunate as to be compelled through drought or

fire to travel their stock, and they should not pass any measure hampering them by restrictions. It did not pay any man to graze stock upon the mile of country belonging to the public. If it could be shown that a great advantage would result to the consuming public he would support the Bill; but that had not been shown, and the subject was one that might well be left alone. He maintained that improper travelling of stock had been very much exaggerated, and if this Bill became law it would simply mean a tax upon one of the greatest producing interests in the colony. Many cases had been mentioned in which travelling had been quite legitimate, had resulted in the proprietors not only losing the condition of the sheep, but having been further taxed for bringing them back. Assuming that a man decided upon sending sheep to the southern markets, and found, on reaching Cunnamulla or some other place, that prices had fallen from 15s. to 8s., if he elected to turn back and preferred to take another clip of wool off them and chance the market rising—for so doing he would be taxed. No doubt the Bill was intended to guard runholders against an invasion of stock during bad seasons; but he would point out that, whilst the area of sheep country had been more than doubled during the last ten years, there was an actual falling off in the number of sheep of between three and four millions, and yet they were asked to pass these restrictions. He would ask the hon. member (Mr. Low) whether he would not think it hard to be taxed if he had to travel stock for grass? Supposing a man who had studiously kept his stock down to the ordinary grazing limits of his run were burnt out and had to travel his sheep to save them, would he be a grass-pirate? Every beast that died was a loss to the State, and instead of passing a measure to restrict the salvation of stock they should legislate in the opposite direction. It was hard that stock should come from New South Wales to eat the grass of the runholders of this colony and destroy their roadway to market; but it must be borne in mind that their great market was not this colony, but the southern colonies, and that if they passed any prohibitory measures those colonies would retaliate. So far as stock was concerned, Queensland was but an appanage of New South Wales, Victoria, and South Australia; and if, therefore, they passed the restrictive measures proposed they should be cutting their own throats. He should do all that lay in his power to prevent the passage of the Bill, as matters were very well as they stood and did not want to be interfered with. He felt very much surprised that a new member of the House, and one who had not been so long in the colony as some members, should take upon himself to introduce such a measure; but it would never pass so long as he had a tongue and did not fall asleep.

Mr. Low said the case instanced by the hon. member of a man being burnt out of his run was a very extreme one indeed. If the grass on his neighbour's run were burnt off, and he had any to spare, he should let him have it, and no doubt others would do the same under such circumstances. If they travelled sheep in New South Wales they were met by a stringent Act, which had been found to be most detrimental to squatters here. During the twelve months that he had already alluded to, 1,200,000 sheep passed over his runs, taking three days to do so; which was equal to maintaining 10,000 sheep for twelve months; and at the same time he had to travel his own sheep, and get a bad name for doing so. He would leave it to hon. members whether these facts were not convincing proof of the necessity for the Bill.

Mr. Stevenson did not intend to say anything more about the Bill, and if the debate was continued he should take up some other subject—as, for instance, the reading of the reports about the Philadelphia Exhibition, for the edification of hon. members. The arguments of the last speaker proved that the Bill was not wanted, and his statistics served to show that the people who travelled the number of sheep stated over the road on his run must have had a very bad time of it. In any case, however, the hon. member had no legal right to complain at these parties travelling, and, no doubt, he had himself many a time done the same thing. Even during the last drought, he (Mr. Stevenson) had sheep from the hon. member's district going over his run; between 30,000 and 40,000 sheep had camped on his run every night, and he had not complained. It was not an extreme case that people were hunted off their runs by fire; he recollected a fire which was lighted on the Thompson, and came over and swept many runs on the Barcoo. They had no right to put restrictions on men trying to save the lives of their stock, and he should advise the withdrawal of the Bill. He would move that the Chairman leave the chair, and ask leave never to sit again.

Mr. Kellett objected to the tone of the debate. When he came into the House he understood that every member who had a Bill to bring forward, or had an opinion to give upon one, might fairly do so, and that young members especially would receive every consideration. He found, however, that on this occasion the discussion was not at all fair, and he considered it most objectionable that an hon. member should say he would upset a Bill, not by argument, but

by "stonewalling." Members who opposed this Bill said that they knew all about the travelling of sheep and that nobody else did, but that would carry no weight: people who sounded their own trumpets never did so to their own advantage. His own opinion was that the hon. member for the Warrego knew as much about the travelling of sheep as many of those who opposed him. The last speaker also said that nobody had been consulted about the Bill, but he knew that a great many members had been;—some were not because they could not be consulted, and because they had plainly intimated that they would obstruct in every way. It had also been said that this evil had been exaggerated. That hon. gentleman knew as well as he (Mr. Kellett) did that it had not been over-exaggerated. He did not say that the Bill in its present form, exactly, should be passed; but he understood that in committee they were to try and amend it and make it a good Bill, instead of trying to obstruct it in every way. It had been said that some hon. members knew nothing about grass-pirates; but he knew gentlemen who could give the number of stock that had travelled, to their knowledge, 250 miles, and had eaten up every blade of grass on the road and off the road and on runs, and wherever they could go. The hon. member must have forgotten these circumstances. If the Bill was fairly treated, and the mover of it found the weight of argument and the majority of the House were against him, no doubt he would withdraw it; but the hon. members who opposed it were going the wrong way to lead him to do so, saying they would obstruct and not allow it to pass. He thought it was rather early in the session to talk in that way, and that they would hear no more of it.

Mr. LUMLEY-HILL took very much exception to being lectured by a new member of the House. If one of the older members had got up and talked in the strain of the hon. member who had just sat down he should have submitted to it, perhaps, and might have felt himself open to a certain amount of censure; but the idea of a new member on a similar footing to himself getting up and talking in that way—lecturing them as to how they should behave and how they should treat the Bill and the father of the Bill—was perfectly ludicrous. It seemed to him as if the hon. member were taking the side of those who were opposing the Bill, and assisting them in the tactics which he had denounced so strongly—in their avowed intention of "stonewalling" the Bill. He occupied a little time in stating what he thought of them, but they did not care the least in the world about that. The father of the Bill himself had had very little to say in favour of it; but he was glad to say they had heard something from the hon. member for Balonne (Mr. Low), who was an authority in the matter of travelling sheep, in favour of it. He denied the authority of even the hon. member for Stanley (Mr. Kellett), as well as the father of the Bill, who, in his opinion, knew no more about sheep than sheep knew about him; and he was the last man in the House who should have brought in such a Bill. He knew where the hon. member's run was situated; there was a road through it but it was very seldom used, and he had suffered very little from travelling stock. What had moved the hon. member to bring in the Bill he (Mr. Lumley-Hill) could not understand; but he was certain it would not get through, and the sooner he took it back again the better. He had listened to the remarks of the hon. member for Balonne with a great deal of respect and attention as an authority on those matters, and that hon. member admitted that the best remedy was this—that he was accused of having been a grass-pirate, and one of the greatest—he (Mr. Lumley-Hill) would not say loafers in the country—but his sheep were to be found on all the roads in the colony at one time, and he has solved the mystery by finding out that it did not pay, and therefore he resolved to give it up for the future. He (Mr. Lumley-Hill) was certain it would not pay. The lessees of runs had plenty of means to protect their own interests; they could make it very hot and uncomfortable for people travelling sheep if they went too far off the road, or did not give proper notice, or travelled day stages—they could give any amount of annoyance. He had had experience of it both ways himself. He had travelled with sheep, and for four years they had been travelling through his run, and he could say that as long as a man did a fair thing when travelling stock he generally received proper treatment from the lessees, and if he did not act fairly he had to thank himself for what he got. If the Bill passed with this sixth clause in it, which the mover was very anxious to get rid of when it was last under discussion, but which he was now trying to keep in, it would simply make food for lawyers. No doubt, the lawyers would be glad to see it go through—it might provide them with some *pabulum;* but he did not think it would be very refreshing to the stockowners of the colony. It was an absurd Bill, and if the hon. member had any ordinary intelligence he would see the force of withdrawing it. At all events, some of them would be able to educate him. The hon. member for Mitchell was prepared to read a treatise on Japan, which he had no doubt would be more interesting than the *résumé* he (Mr. Lumley-Hill) had given of what had been said by previous speakers on this question.

Mr. MORREHEAD continued the argument against the Bill, and expressed his intention to read an essay on Japan, after which they could proceed to Java.

Mr. Low said if people travelling with stock were content with a mile he would not mind it, but they took up three or four miles, and when they came to a bit of good grass they were dastardly enough to "plant" their horses and stop there three or four days and consume the whole of the grass.

Mr. KELLETT took exception to the remarks of the hon. member for Gregory (Mr. Lumley-Hill), because he should be very sorry that any member of the House or the public should think that he was on the same footing as that hon. member, or any party who resorted to such an objectionable course as had been taken by the hon. members who opposed this Bill. The hon. member also placed him in the same category as the mover of the Bill, and he was quite happy to be placed in that category; but when the hon. member said he (Mr. Kellett) knew nothing about sheep, he would ask how he knew that? He knew something about sheep here before the hon. member came to the colony; and when the hon. member tried to damage him in his position in this colony, which must be his intention, by getting it into the public Press, he entirely objected to it. He had been amongst sheep for the last twenty-five years, and it was for those by whom he was employed to make that statement, and not any member of that House. That was his work, his way of making his living; and he objected to an hon. member making such statements, which he could not carry out and which were certainly not facts.

Mr. GRIFFITH said he rose to call attention to the ethics of the hon. member for Gregory (Mr. Lumley-Hill), who seemed to be regarded as a sort of leader of that section—or sub-section, as suggested by the hon. member for Mitchell—of the House, which he hardly knew how to describe, but which he thought he might call "the Right Centre." That hon. member said he could not understand why the mover of the Bill had introduced it, seeing that he had no personal interest in it, as not many sheep travelled through his run; and, later on, he said, no doubt lawyers would be glad to see the Bill passed because it would lead to litigation. The hon. member seemed to think that the only motive for legislation was personal interest. He should have thought that the fact of a member having no personal interest in a Bill would be the best reason why he, and not some person who had a personal interest, should introduce it.

Mr. HILL said he felt very much flattered at being placed by the leader of the Opposition in the envious position of a sort of leader of a sub-section of his (Mr. Hill's) side of the Committee. He had also felt pleased at the hon. gentleman's criticisms of his remarks, which might be misguided but were quite equal to the character of the Bill. As to the mover of a Bill, from not having any personal interest in it, being the most proper person to introduce it, he did not think much of it. He (Mr. Hill) had the interest of all the graziers in his district at heart, and they were the men he considered when opposing the Bill. He had merely alluded to the mover of the Bill as not being able to hold himself up as a man who had been a loser by travelling sheep, or as an "innocent cause." The leader of the Opposition might certainly have left him (Mr. Hill) alone, and not have employed his powers of dissection in such a heartless manner. In regard to the statement of the hon. member for Stanley (Mr. Kellett), that he had tried to take away that hon. member's character, he would apologise publicly to the hon. member, and state that, when he accused him of knowing nothing about sheep, he was under the impression that the hon. member's knowledge was confined to cattle. He dared say, however, that the hon. member would know more about sheep before the evening was over.

Mr. STEVENSON said that, although the member for Stanley (Mr. Kellett) was a young member, he was not going to allow him to lecture the Committee. The hon. member would have done much better if he had devoted his time to showing that the Bill was really likely to be of benefit to the leaseholders. He (Mr. Stevenson) and some other members had shown that it was not of any good, and they had not heard one single word from the hon. member for Stanley, or the hon. mover of the Bill, to show that it was likely to be of any good; and the remark of the leader of the Opposition was perfectly correct—that the mover of the Bill had shown no personal interest in it. The Bill was bad from beginning to end, and the introducer of it had not a word to say in its favour. The hon. members for Mitchell, Gregory, and himself were not the only opponents of the Bill, as the hon. member for Dalby opposed it when it was last before the Committee, and the hon. member for Toowoomba (Mr. Davenport) did not like it, he believed. They had been told by the hon. member for Stanley that they ought to allow fair argument on the Bill, and then go to a division; and they would be perfectly willing to do that if they knew that hon. members opposite were qualified to form an opinion of the Bill; but those hon. members he had spoken to told him they knew nothing about it, and therefore he and others did not consider themselves justified in being bound by their decision.

Mr. MOREHEAD said that if members on his side of the Committee, who knew all about the Bill, differed so much, what could they expect from members opposite? But he would proceed to give them some information about sheep. [The hon. member described from an Encyclopædia the different varieties of sheep.] That was the conclusion of the first lesson, and he hoped that the hon. member for Warrego was now satisfied that he (Mr. Morehead) and others intended to obstruct the passing of the Bill. It was not a Bill believed in or sympathised with by the people most interested in sheep. There was no crying injustice under the existing law, and he would not be one to allow an interference which would not only seriously affect every pastoral tenant, but every individual in the colony. The roads would be denuded by stock travelling—by fat sheep going to market, which would never get there, and have to be sold, so that the people of Brisbane would have to put up with very much worse meat than they had at present.

Mr. AMHURST called attention to the state of the Committee.

Quorum formed.

Mr. MOREHEAD was sorry there should be such a discussion on the measure. That the hon. member who introduced it had done so with every desire for the public good, and with no idea of benefiting himself, he fully believed; but under the circumstances his best course would be to move the Chairman out of the chair, report no progress, and ask leave to sit again. He had no personal feeling to the hon. member, but was grateful he had taken the trouble to bring forward the measure, which, if it did not succeed the way he proposed, would yet have drawn attention to the subject.

Mr. O'SULLIVAN said the hon. member for the Warrego had been told he had received such information on the subject as should induce him to withdraw the Bill. He (Mr. O'Sullivan) denied that. He had heard a good deal of bounce and threat, but that was all. When the Bill came on he (Mr. O'Sullivan) had not felt any interest in it; now, however, he had, for it seemed to be a fight all one way. When he saw two dogs fighting in the street he generally liked to see the little dog win; and that seemed rather the case here, and he should henceforth take an interest in the Bill and support it. If the business of the House was to be carried on as in the case of this Bill, a good many of them could play at that game. As the Bill had been allowed to go into Committee they should argue the question properly; but the great fault was, that this could not be done on account of the great knowledge of one hon. member who knew so much about sheep, cattle, and bullocks that nobody else could know anything. The point seemed to be that certain parties saved their own grass, and took their sheep on to other peoples' property for their grass in a dry season, and what knowledge of sheep could there be required for that? There were hon. members on the other side of the House who had a knowledge of sheep before the hon. member he alluded to had been born. There was one of the greatest judges of sheep in the colony sitting there—the member for Darling Downs (Mr. Miles). Did the hon. member for Maryborough know nothing about sheep? If he did not he ought to. It required no knowledge of sheep to deal with this Bill, and he did not see why the hon. member should be so anxious to obstruct it after he had openly acknowledged that, were it not that the other side of the House were so ignorant, he would not oppose the Bill. He (Mr. O'Sullivan) would support it—till Christmas, if necessary—and if the hon. member (Mr. Stevens) chose to push the Bill through Committee he (Mr. O'Sullivan) was prepared to "stonewall" as well as the best. The hon. member (Mr. Stevens) had been charged with saying nothing about the Bill. He was a new member, and a little reticent and modest; but he had not the brass, and did not blather as some did, and therefore he was told that he knew nothing.

Mr. MILES had not seen the Bill before, but gathered it was a Bill to prevent the travelling of sheep for grass. Without any reference to what had been done, he said that if they passed the 6th clause they might as well throw the Bill into the waste-paper basket. Hon. members would not be inclined to tax fat stock going to market, but under the Bill all sheep would be fat stock at convenience. Though he did not agree with the course hon. members on the other side were pursuing, he agreed that the Bill, with that clause, would be useless. Whether the measure was a good one or a bad one, it ought to be fairly argued and a decision taken by a majority of the House. If two or three hon. members were to get up in that way to oppose a Bill they might as well go home. The *Courier* had taken him to task for some words he used in reference to the Monday sitting;—they had now a far better case before them, and he hoped it would not pass unnoticed. Returning to the Bill, sheep would travel and could travel as fat sheep under this measure, and he advised the hon. gentleman in charge to withdraw it, for the hon. member was not prepared to put a tax on fat stock, which would affect not only the stock-owner but the consumer. He had travelled sheep himself, but it had only been when forced to do it, and he would much sooner suffer a little than travel.

There was half a mile each side of the road for travelling purposes, and if owners of runs chose to take the trouble they could confine travelling sheep to that distance and avoid all nuisance from the sheep trespassing. He did not know anything about the hon. member's object—it was not his business to inquire; but a great many people, he was aware, were anxious to get a Bill dealing with this subject passed. It did not require a man to be a judge of sheep to give an opinion on the measure; but the Bill was not required, and was a piece of over-legislation. Better let things remain as they were. He would be no party to any "stone-wall" arrangement, because he believed it was making a complete farce of legislation; and he did not like to see two or three members getting up and threatening to block a Bill.

The PREMIER hoped the debate had not been all in vain. They had had a very clear opinion from the hon. member (Mr. Miles) against obstruction. He hoped, therefore, that hon. member had turned over a new leaf, and had come to a determination to amend the error of his ways. He recollected that hon. member boasting that he would gain his point by obstructing if he could not get it by any other means; but he had now shown a good example, and, if for no other reason, the debate would not be without good results. As to the Bill, he (Mr. McIlwraith) liked it himself, but, considering the temper of the Committee, it was evident they should not do much with it. It would therefore be as well to defer further consideration for the present and get on with some other business. The hon. gentleman in charge of the Bill must see that there was important business lower down the paper to be proceeded with, and, knowing that from the temper of the Committee the hon. member would be able to make no progress, he would advance the business of the country by moving the Chairman out of the chair, and giving the Bill consideration further on. By the time it came on for discussion again all parties would be in a better temper, and would be able to consider it outside of the many subjects which had been introduced. Much valuable information had been given them, no doubt; but a great deal of extraneous matter had been forced into the debate, and they would have time to eliminate that by the time they met to consider it again. If the hon. member (Mr. Stevens) would take his advice, he would move the Chairman out of the chair for the present, and allow them to go on with the important and interesting business which appeared further on.

Mr. STEVENSON said the hon. member for Stanley had not made much out of the hon. member for Darling Downs, because that hon. member had expressed in a few words exactly what he (Mr. Stevenson) had been urging all night—that if the 6th clause was passed the Bill was useless. He was not going to be deterred by the hon. member for Stanley in carrying out his purpose in regard to the Bill, as that hon. member had only talked a lot of rubbish. He was also borne out that it was an injury to the squatter to travel from his run, and also that it was possible to keep travelling sheep to the mile of road, so that they did not injure the runholders. Hon. members who had had no experience of travelling sheep could not understand the Bill; and he spoke as a man having experience, not only in travelling sheep himself, but of having travelling sheep coming through his run. If the matter could be fairly argued by those qualified to form an opinion upon it, he would abide by the decision of the Committee; but it was the duty of those who felt strongly about it and were well acquainted with it to take a firm stand, and prevent a Bill like this becoming law. He considered he was perfectly justified in doing as he had done, and, even if he stood alone in his opposition, the Bill should never pass the House.

Mr. STEVENS said the discussion had been entirely one-sided, and no sound arguments had been brought against the Bill. He did not believe that the squatting members who opposed the Bill were, as they said, enunciating the views of their constituents,; and as to his own constituency, which was one of the largest squatting constituencies in the colony, a very large majority of his constituents were in favour of it and would be glad to see it become law. As to his experience amongst sheep, which some hon. members had twitted him about, he would inform them that he had had experience amongst sheep years before he came to Queensland. It had been said that two of his principal constituents were opposed to the Bill—Mr. Sandeman and Mr. Donkin. Mr. Sandeman had expressed himself in favour of it, provided a certain provision could be inserted, and Mr. Donkin had not spoken a word to him about it one way or the other. He had consulted all the squatting members on the subject, excepting four, and one of those was opposed to it because he (Mr. Stevens) would not introduce a clause by which sheep could be travelled on roads through freehold property. As there seemed no chance of getting the Bill through to-night, he would move that the Chairman leave the chair and report no progress.

The Chairman left the Chair, reported no progress, and obtained leave to sit again on this day fortnight.

BANKERS' BOOKS EVIDENCE BILL—SECOND READING.

Mr. GRIFFITH said that by this Bill it was proposed to amend the law of evidence with reference to transactions recorded in bankers' books. It was substantially a transcript of an Imperial statute, 39 Vic. 48, and was also in force in Victoria. Under the present law the only way to prove a bank transaction was to call the clerk who made the entry and had cognizance of the fact; the result being an enormous amount of inconvenience, and, sometimes, the impossibility of proving the thing at all. By this Bill the entry in the books of banks kept in the ordinary course of business, on proof that they were such, was to be admissible as evidence. The English Act provided that that provision should not apply in cases in which banks themselves were parties. This Bill, like the Victorian statute, allowed the same privilege to banks, but they had to produce the vouchers as well as the entries. Attested copies might also be received in evidence, as well as the books. Safeguards to prevent injustice were taken by providing that notice should in that case be given to the opposite party, and that he might inspect the originals, so that he might have an opportunity of seeing whether they were genuine or not. The Bill would be a great relief both to banks and to the public. From his experience in the profession, he could say that nothing was more difficult and expensive to prove than a bank transaction. Supposing a man had to prove, at Rockhampton, a bank transaction in Brisbane, he would have to take up the banker's book and to call the clerk by whom the entry was made. He had known a country bank closed two or three days from this cause, when the transaction could have been just as well proved by a copy. The statute had worked well in Great Britain and in Victoria, and the fact that the Imperial Legislature was particularly careful in all matters relating to the law of evidence was a sufficient warranty for the adoption of it here.

The PREMIER said he endorsed the opinion of the leader of the Opposition with regard to the Bill, and should support it. It had done good work in England and in Victoria, and the want of it had produced much inconvenience in this colony.

The MINISTER FOR WORKS said he had nothing to say against copies of entries being allowed to be used in courts of law as evidence; but why should such a favour be given to bankers alone, and not to merchants? The Bill seemed an instance of class legislation, and he should not support it.

The COLONIAL SECRETARY said that cases in which bankers' books were necessary to be produced in evidence were as a thousand to one compared with merchants' books. Hardly a court sat where bankers' books were not called into requisition, while merchants' books were rarely wanted except in cases of insolvency.

Mr. BEOR said he agreed with the Minister for Works. If the law of evidence with regard to business books was to be revised it should be revised for the benefit of all business men. He did not see why bankers alone should enjoy a special privilege of this sort. This Bill was first introduced into the House of Commons by a banker, Sir John Lubbock, and it passed without a debate.

Mr. GRIFFITH: It was discussed in the House of Lords and amended there.

Mr. BEOR said that one disadvantage of the Bill was, that it might, in many instances, throw additional expense on suitors, and that ought not to be done for the benefit of the banks. The 8th clause provided that—

> "No bank shall be compellable to produce the ledgers day books cash books or other account books of such bank in any legal proceedings unless a judge specially orders that such ledgers day books cash books or other account books shall be produced at such legal proceedings."

If a suitor thought it would be to the advantage of his case to have the original books produced, he would have to choose between two courses—he could go before a judge in his chambers, at some expense; or he might trust to the chance of obtaining an order from the judge, which would probably involve still more expense, especially if the case were tried at some distance from the bank. There was another matter which seemed to open the door to loose evidence. The 3rd clause provided that all entries in ledgers, day books, cash books, and other account books of any bank should be admissible in all legal proceedings as *primâ facie* evidence of the matters, transactions, and accounts recorded therein, on proof being given by the affidavit in writing of one of the partners, managers, or superior officers of such bank, or by other evidence that such ledgers, day books, cash books, or other account books were or had been the ordinary books of such bank, and that the said entries had been made in usual and ordinary course of business. How could the bank manager or superior officer say that any particular entry made by a junior had been made in the ordinary course of business? He objected to this special legislation, and considered that if the law of evidence were to be ameliorated the benefit should extend to other persons besides bankers. If they gave extended privileges to bankers they ought to amend

the whole law of evidence with regard to all business men.

Mr. J. Scott said that rather too much had been made of this being class or special legislation. Not more than two sessions ago the House had passed the Bank Holidays Act, which applied only to banks and was now the law of the land. With regard to extending the privilege to merchants, there were merchants and merchants: some were highly respectable, and some very low down in the scale. All banks were ostensibly of high respectability, but many so-called merchants were to be found in our towns whose books would not bear inspection.

Mr. Amhurst said there should be a provision in the Bill to ensure that the copy from the books should be a true one.

Mr. Griffith: That is provided.

Mr. Dickson said the Bill was a salutary one, and, notwitstanding the objections urged by the Minister for Works and the hon. member for Bowen, he submitted that there was a great difference between a banker's books and a merchant's, inasmuch as a merchant's books, as a rule, would only require to be produced in support of his own case, whereas the production of the books of bankers would often be necessary in the interests of the public; and while being brought forward the business of a large establishment might be completely interrupted. Such a measure was very necessary in a colony where the distances between commercial centres were so great, and branches of banks so remote from places where judicial inquiries might be held. The Bill might very advantageously become law, and it would not inflict any injustice or hardship upon the general public. Means were provided for the production of bankers' books by a judge's order if necessary; and the Bill, without any danger to the public interest, would be a great convenience to the banking institutions of the colony.

Question put and passed.

The Bill was read a second time, and, on the motion of Mr. Griffith, the committal was fixed for the 31st instant.

BILLS OF EXCHANGE BILL—SECOND READING.

Mr. Griffith said the Bill was explained in the preamble. It had been the law for about a century that an acceptance of a bill of exchange must be in writing, and it had been supposed for a long time that the signature of the acceptor, without the word "accepted," was sufficient; but about two years ago some one raised the point that the simple signature of the acceptor was not sufficient, and the courts of Great Britain held that such was the case. A Bill was then immediately brought in to restore the law to what everybody supposed it had been all along. By this Bill, if an acceptor wrote his name across a bill of exchange it was sufficient, whether he put the word "accepted" or not. The question had arisen, and it was desirable that it should be at once set at rest.

Question put and passed.

The Bill was read a second time, and, on the motion of Mr. Griffith, the committal was fixed for the 31st instant.

BATHURST BURR AND THISTLE BILL —SECOND READING.

Mr. Tyrel said, in the absence of the hon. member for Toowoomba, and at his request, he begged to move that the Order of the Day, and the Bill, be discharged from the paper.

Question put and passed.

MERCANTILE BANK OF SYDNEY BILL —SECOND READING.

Mr. Griffith said this was a private Bill—introduced some time since and referred to a select committee—which was intended to give the Mercantile Bank of Sydney the privileges of an incorporated company in this colony. The original Bill proposed to give, by express legislation, certain rights to the institution, regulate their internal affairs, and do other things. The select committee, after considering the matter very carefully, came to the conclusion that the only grievances proved were that the bank, being a corporation in New South Wales, was not recognised by the law in this colony as a corporation capable of holding land, and that there was no provision under our law by which it could be incorporated. It was therefore decided that that defect should be remedied, and the other matters left alone. They had thought fit, however, to impose one extra restriction. According to law an English corporation could become registered in this colony under the Foreign Companies Act; but the provisions of that statute did not apply to companies formed in the neighbouring colonies. By this Bill, as amended, the company would have the same right; they were required to register a copy of their act of incorporation and deed of settlement, and were to have a seal in this colony. With respect to the note-issue, it was provided that all notes issued by the bank in this colony should be payable, not only at the place where issued, but also at the principal establishments of the company in Queensland and Sydney; and that the maximum amount of notes

issued should not at any time exceed three times the amount of reserve coin then held by the corporation within the colony. That was rather more severe than the condition which applied to some of the other banks. The Bill would simply place this bank on the same footing as an English bank, with that additional restriction. He begged to move the second reading of the Bill.

Mr. BEOR said one of the advantages of having a select committee was lost when they had the report sent round only on the same day as the Bill came on for the second reading.

HON. MEMBERS: It was sent days ago.

Mr. BEOR said that, glancing through the report hurriedly, the improvements certainly seemed to be advantageous and beneficial.

Mr. DOUGLAS said it was his intention to have said something upon the motion referring the Bill to a select committee, but, as he found that if it did not go through as formal the progress of the Bill would be somewhat retarded, he did not take any exception to the form in which the Bill stood. He availed himself, however, of the opportunity to request the select committee to summon him as a witness, and he deemed it his duty to draw attention to some objectionable features which existed in the measure. His main objections had been met, and the Bill now appeared in a more acceptable form; still he doubted very much whether, as a matter of public policy, it was desirable to give further facilities to banks established in the neighbouring colonies, or even in foreign places, for the purpose of issuing notes here—whether it was desirable to confer these privileges at the present time on such corporations without making some general banking provision with regard to the position of all banks. In the clause referring to the note issue a proviso had been inserted which did not exist in the original Bill, and it was to the effect that the power to issue notes should exist for twenty-one years, or until the Legislature should make other provisions in that behalf. This proviso had been lately inserted in similar Acts to this, and he presumed, of course, that it meant that at any time previous to the expiry of the twenty-one years the Legislature might step in and make a general provision—that it admitted the fact that the permission here given did not constitute a vested interest, which they should have to consider in making any general provision for the issue of bank notes. The hon. member (Mr. Griffith) had stated that the bank had no means of incorporating itself here: with all due deference to his hon. friend, he hardly took it that the bank had not the power of incorporation. It certainly could come under the provisions of the Companies Act, by which all companies could incorporate themselves, and he doubted very much whether it was desirable that they should give special provisions when there was a general Act under which any corporation of this kind could incorporate itself. This was a point of law, but it would be preferable, if there was a doubt as to the capacity to incorporate, that the provisions of the Bill should have enabled the bank to do so; it would be preferable that the bank should incorporate under a general law than that it should have a particular privileged law under which it proposed to set up business. He understood that the object of incorporation was chiefly to enable the bank to convey land, a power which it was supposed did not exist in its present legal position. It did business in New South Wales, and had a recognised agency here; but the corporation were advised that, in consequence of their legal position and without an Act of Parliament, they had not the power to convey land. It seemed to be a reasonable claim to have this power conferred upon them; but he doubted greatly that it was desirable they should avail themselves of the opportunity to obtain power for a further note issue. Again, in clause 10, which had been referred to by the hon. member (Mr. Griffith), the provision was made somewhat stricter as regarded the security to be provided for bank-notes. It provided that the issue should not exceed three times the amount of coin or gold bullion which the corporation should hold; still, that coin or gold bullion was not, apparently, available to meet note-issue. To make the note-issue as perfect as possible there ought to be specific assets to meet it. In this clause, though it was true they proposed to enact that the bank should have an amount of coin equal to three times the amount of note-issue—supposing that the bank ceased to meet its payments, the coin or gold bullion would not necessarily go to meet those notes: this was an important consideration. It was a high matter of public policy that no bank should issue notes at all unless there were ample provision for their validity. Note-issue was a currency which ought to rank as an equivalent with coin; and, unless special provision was made, people who held notes had no security that they were as good as gold, as they ought to be. He therefore pointed out that sufficient provision was not made to secure that object, and that without securing it they should confer no privilege on any banking institution at the present time, and under the present conditions under which banking was carried out. He should therefore have preferred to see

this Bill remitted to some future occasion, when the whole question of banking could be taken up as it must be ere long, because there were certain matters in connection with their banking institutions which required to be placed on a sounder foundation than they were. He need only now refer to the fact that the provisions made as a sort of security to the public dated back as far as an enactment passed in New South Wales in 1840—antecedent, even, to the great Banking Bill, which was the foundation of the English currency system of 1844. In this colony they were actually carrying out their banks under an old effete Act, the provisions of which were every day set aside; though they nominally had returns made under it, the provisions were not complied with because they could not be, he believed. The whole law was inapplicable, though the returns were made professedly in accordance with it. The banks carrying on business in the colony subjected themselves from quarter to quarter to penalties which were never inflicted; the returns were never made in proper time, because they could not be. The Act provided that at the close of business on every Monday every bank should make up a statement of weekly average liabilities and assets; and that on the last Monday of every quarter quarterly statements should be prepared and delivered within a specified time to the Government, verified on oath, in order to be published in the *Government Gazette*. The Act also provided that the penalty for neglecting to make or keep such returns should be £500; but the returns were not made within the prescribed time, because it was impossible. The accounts had to be collected from a considerable distance, and the returns could not be made in accordance with the Act: they were generally two or three months after the prescribed time, he believed. He merely pointed to this as indicating that their Banking Act was so utterly effete, and so inapplicable to their circumstances, that they ought to have a law which was really suitable. Further, the means which were now taken for verifying their returns were defective. Without questioning the accuracy of the returns now made periodically, they had sufficient experience to show that the accounts of banks might be falsified. A recent bank failure in Melbourne revealed that the returns had been "cooked," and that the note issue was considerably in excess of what it was made to appear by the statement. There was a distinct case of falsification, proving that falsification of banking accounts was possible. On the general question of banking it was necessary that some general and well considered enactment should be brought under the consideration of the Legislature. He said this should be done in an entirely friendly spirit to the existing banking institutions, who might be of the utmost benefit to the country; but an enactment should be framed in the interests of the country, for which these institutions did carry on large transactions whilst an unsound note currency remained. These were matters which were of very great importance, and he took this opportunity of drawing attention to them, because he felt that the time must very shortly come when they could not rest content with the present legislative position of their banking institutions as regarded currency. He thought it was worth while the consideration of the House whether it should not bestow some attention to this particular fact in connection with this Bill. He had no wish to oppose the Bill, but he thought it his duty to point out that this provision for coin by way of making the note-issue really in no way gave the guarantee which they were bound, in the interests of the public, to secure. The coin held by a bank ought to be held for the specific purpose of meeting these notes as a primary liability; but it might go to meet the liability of the bank in any form, and was no security for the note-issue itself. For instance, this Bank came in as a competitor with the Queensland National Bank, which was the only bank incorporated under our general enactment for incorporated companies, and under that enactment the security for the note-issue was practically unlimited, the shareholders of that Bank, as he understood, being liable for the whole value of that note-issue. There was no limit to the liability in that respect; but under this Bill there was no security for the note-issue. They therefore admitted a foreign corporation to compete with a corporation established here on terms superior to those of the local establishment. He did not think that was fair, and what was good for one ought to be good for another. It was clear to his mind that the note-issue of the Queensland National Bank was on an infinitely better footing, so far as the holders of those notes were concerned, than the security they offered to the public for the notes which this bank might issue; and yet under this Act they provided, ostensibly, that there should be three times the amount of coin available as against the notes issued. But this was only an appearance of security, and not reality. Although he did not profess to have a very intimate acquaintance with these matters, still he felt it his duty to draw the attention of the House to them.

Question—That this Bill be now read a second time—put and passed.

The committal of the Bill was made an Order of the Day for the 31st instant.

CURE FOR RUST IN WHEAT.

On the motion of Mr. HORWITZ, the resolution of the Committee of the Whole House agreed to on the 10th instant, to the effect that an Address be presented to the Governor, praying that a reward of £1,000 be offered for the discovery of a Cure for Rust in Wheat, such cure to prove to have been successful for three seasons, was adopted.

CIVIL SERVANTS DISFRANCHISEMENT BILL.

Mr. O'SULLIVAN moved for leave to introduce a Bill to disfranchise the paid servants of the State.

Mr. McLEAN said the hon. member ought to state the purport of the Bill, because, if it were similar to the resolution the hon. member attempted to introduce into the Electoral Rolls Bill, it would be far more comprehensive than, perhaps, he (Mr. O'Sullivan) had any idea of—it would include every person receiving Government money; and he thought the hon. gentleman ought to tell them what the Bill proposed.

Question put and passed, and, the Bill having been introduced and read a first time, the second reading was made an Order of the Day for the 31st instant.

The House adjourned at twenty minutes to 10 o'clock until Monday next.