Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 30 JULY 1884

LEGISLATIVE ASSEMBLY.

Wednesday, 30 *July*, 1884.

Questions.—Grants and Leases to Deceased Persons Bill—third reading.—New Guinea and Pacific Jurisdiction Contribution Bill—third reading.—Formal Motions.—Native Labourers Protection Bill—committee.—Message from the Legislative Council.—Bills of Exchange Bill—second reading.—Insanity Bill—committee.—Adjournment.

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

QUESTIONS.

Mr. MACFARLANE asked the Colonial Secretary—

What towns in the colony have been gazetted as under the provisions of the Contagious Diseases Act?

The COLONIAL SECRETARY (Hon. S. W. GRIFFITH) replied—

The provisions of the Act have been extended to the city of Brisbane, the boroughs of Maryborough, Rockhampton, North Rockhampton, and Cooktown, the Shire of Toowong, and the Divisions of Woolloongabba, Ithaca, and Booroodabin.

Mr. BUCKLAND asked the Colonial Secretary—

1. If the immigrants now quarantined on Peel Island are denied the privilege of purchasing extra provisions beyond what is allowed by the dietary scale?

2. What arrangements are made for delivery of letters to persons in quarantine, complaints having been made as to the irregular delivery of letters and telegrams?

The COLONIAL SECRETARY replied—

1. At the request of certain of the immigrants by the "Crown of Arragon," now in quarantine, the superintendent of the Quarantine Station purchased some extra provisions for them at Cleveland, but, as they subsequently repudiated their orders and refused to take the goods when delivered, he declined to make any further purchases. I am not aware that the storekeeper at Peel Island, who is the ship's purser, has refused to sell any stores in his charge to the immigrants.

2. Letters for the Quarantine Station are sent from the General Post Office to the Immigration Agent, who forwards them by every opportunity to Dunwich. Telegrams for Peel Island are sent direct to Dunwich. The superintendent visits the Quarantine Station twice daily; so that no delay takes place in the delivery, at the Quarantine Station, of either letters or telegrams.

Mr. MOREHEAD asked the Minister for Lands—

Whether there has been any correspondence between the present Minister for Lands and the Governments of the other Australian colonies regarding the Rabbit question?

The MINISTER FOR LANDS (Hon. C. B. Dutton) replied—

No; there has been no official correspondence.

GRANTS AND LEASES TO DECEASED PERSONS BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

NEW GUINEA AND PACIFIC JURISDICTION CONTRIBUTION BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

FORMAL MOTIONS.

The following motions were agreed to:—

By Mr. BEATTIE—

1. That the Skyring's Road Bill be referred for the consideration and report of a Select Committee.

2. That such Committee have power to send for Persons and Papers, and leave to sit during any adjournment of the House, and that it consist of the following members namely:—Mr. Mellor, Mr. E. J. Stevens, Mr. E. Palmer, Mr. Bailey, and the Mover.

By Mr. MACDONALD-PATERSON—

That leave be given to introduce a Bill to enable the Bundaberg Gas and Coke Company (Limited), incorporated under the provisions of the Companies Act, 1863, to light with Gas the Town of Bundaberg and its suburbs, and for other purposes therein mentioned.

The Bill was read a first time, and ordered to be printed.

NATIVE LABOURERS PROTECTION BILL—COMMITTEE.

On the motion of the PREMIER, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill.

Question—That the preamble be postponed—put.

The PREMIER said he would take the opportunity of correcting some misapprehensions which the debate on the second reading of the Bill showed to prevail amongst some hon. members. In 1881, a Bill was introduced by the then Colonial Secretary, Sir Arthur Palmer, to regulate the pearl-shell and bêche-de-mer fisheries in the colony of Queensland. At that time the bêche-de-mer fishery was well established in our northern waters, and large numbers of native labourers, of Australia and from New Guinea, were employed in it. The Bill was brought in to regulate the fishery, and, among other things, it provided for the manner in which the men should be engaged, and for their being sent back home at the expiration of their engagement. The provisions of that Act had been found insufficient for the purpose of protecting those men, and the present Bill had been brought in for the purpose of supplementing and amending it. It was suggested, in the course of yesterday's debate, that the Bill had been introduced for the purpose of facilitating the employment of natives of New Guinea in Queensland vessels. That suggestion was, of course, absurd. The object of the Bill was to prevent the improper employment of any aborigines in vessels employed in Queensland waters. It was, in fact, a supplementary Kidnapping Act, and extended analogous protection to other native tribes who were equally unprotected, and who equally required protection. Another misappprehension seemed to exist amongst hon. members with regard to the 7th clause of the Bill—the punishment clause. The object was to prevent kidnapping. A policeman could not be always watching, or be on board every boat, and it became necessary to devise some means of finding out if anything wrong had been done. In order to effect that, it was proposed that none of those unprotected natives should be engaged except in the presence of a proper shipping master. That was analogous to a provision in the Bêche-de-mer Act, which they proposed to repeal. It then became necessary to make it worth the while of masters of vessels not to kidnap, and the only way to effect that was, that a vessel engaged in kidnapping should be liable to forfeiture. A similar provision was contained in the existing Kidnapping Act, applicable to islands other than New Guinea. This colony could only deal with such people when it caught them, and then, as they had nothing but their ship, or perhaps a few stores a long way off, it would be perfectly idle to attempt to enforce a fine, or sell their goods to pay the fine. The only way to enforce the law was to provide that kidnapping involved the forfeiture of the vessel, although the forfeiture could only be enforced at the suit of the Government. Even the Customs Act was fairly bristling with provisions of that kind; a vessel approaching the coast had to be very careful indeed to avoid rendering herself liable to forfeiture, but of course the penalty was not enforced, except where some real offence

had been committed. The only way out of the difficulty was to seize the ship when it was found in Queensland waters. A fine for kidnapping would be out of the question, besides being entirely disproportionate to the magnitude of the offence. Had he anticipated that the matter was not thoroughly understood, he would have explained it at greater length yesterday. Not having done so, he took advantage of the present motion to point out that the provisions of the Bill were only the ordinary provisions of all Acts, both Imperial and colonial, dealing with matters of that kind.

Mr. BLACK said the introduction of natives of New Guinea into Queensland had lately been prohibited by regulations issued by the Governor in Council. When had the necessity arisen for the introduction of a special Bill to allow those natives to be employed in Queensland waters? They were prohibited from being employed on the sugar plantations, where they were under strict regulations and control; and were now to be specially allowed to be employed on board Queensland vessels, where they would be without any proper supervision. When had the necessity arisen for that new departure from the Premier's recognised political principles?

The PREMIER said that natives of New Guinea were now, and had been for years, engaged in the pearl fisheries in the Torres Straits, and he saw no reason why they should not be so employed, provided they were not kidnapped. Those fishing boats were engaged within sight of New Guinea, and there was no reason, so far as he could see, why natives of New Guinea should not be allowed to do diving from those ships within sight of their own homes. He could see no connection between that and allowing them to work on sugar plantations in Queensland. The one was a case of working in a congenial occupation within sight of their home; the other was, carrying them away to a far country to work which was not congenial.

Mr. ARCHER said he thought the Premier made a great mistake in the last part of his statement, as the Bill provided that native labourers should not be engaged except in the presence of the shipping master of the port nearest to the place where such engagement was made, so that aboriginals of New Guinea would have to be taken out of sight of their island. The master of a vessel could take them to fish anywhere he liked, and could take them as far away from their homes as if they were brought down to the sugar plantations at Mackay. He did not think that the latter part of the Premier's statement could be considered an answer to the question asked by his friend the hon. member for Mackay.

Question put and passed.

On clause 1, as follows:—

"The 11th section of the Pearl-shell and Bêche-de-mer Fishery Act of 1881 is hereby repealed, but such repeal shall not prevent the recovery of any penalty for any breach of the provisions of that section, committed before the passing of this Act."

The HON. J. M. MACROSSAN said he found that the 11th section of the Bêche-de-mer Fishery Act of 1881, which was to be repealed by the 1st clause of the Bill before the Committee, gave power to the master of a vessel or other person to make an engagement with either Polynesians or native labourers, out of Queensland altogether, and enacted that such engagement should be strictly in accordance with the shipping laws of the colony. He would ask the hon. gentleman in charge of the Bill what was the reason for repealing that section? If, as he said, there was no objection to the natives of New Guinea being employed diving on their own coasts, why should they repeal the provision to which he had referred, and make it imperative that those who engaged the natives in diving should bring them from their homes to enter into an agreement at some port in Queensland?

The PREMIER said, as to the engagement of those Polynesians and native labourers, the existing provision merely meant that the agreement should be in accordance with the shipping laws of Queensland or of New Guinea. But there were no shipping laws in New Guinea, so that the provision was inoperative as to engagements made out of Queensland. The master of a vessel might bring the natives he intended to engage, to Thursday Island, which would be the nearest port for vessels engaged in the fishing trade off New Guinea.

Mr. CHUBB said he would ask the Premier whether there was any necessity for repealing the whole of the 11th section of the Bêche-de-mer Fishery Act. That section referred to two classes of labourers—native labourers who were aboriginals of the colony, and Polynesians. The first clause proposed to sweep that provision away entirely. He did not see any necessity for that, and thought the section ought to be allowed to stand so far as it affected Polynesians.

The PREMIER said there was a good deal of force in what the hon. gentleman had just pointed out, and he was disposed to think that it would be an improvement to provide that the engagement of a native labourer under the provisions of that Act should be a sufficient compliance with the provisions of the Bill before the Committee. He would therefore allow the clause under discussion to be negatived.

Question put and negatived.

On clause 2, as follows:—

"In the interpretation of this Act—

The term 'native labourer' means any aboriginal native of Australia or New Guinea, or of any of the islands adjacent thereto respectively;

The word 'vessel' means any ship or boat;

The term 'vessel trading in Queensland waters' means a vessel sailing from any port in Queensland, and engaged in any fishery, or in trading between Queensland ports, or between any Queensland port and any island or islands belonging to or dependent on Queensland."

The HON. J. M. MACROSSAN said he objected to the term "New Guinea" in the first paragraph, and should like to have it excised; also the last subsection:—

"The term 'vessel trading in Queensland waters' meant a vessel sailing from any port in Queensland, and engaged in any fishery, or in trading between Queensland ports, or between any Queensland port and any island or islands belonging to or dependent on Queensland."

He objected to that being applied to a trading vessel. There were dozens of boats along the coast which were engaged in fishery, owned by Chinamen, and those boats would come equally within the definition of that clause as boats engaged in the bêche-de-mer fishery; but they did not employ natives of New Guinea or aboriginals to assist them in fishing; they did not require such assistance. He should like the hon. gentleman in charge of the Bill to give some reason why the term "New Guinea" should be kept in the 1st subsection; also some explanation with regard to the last subsection.

The PREMIER said the hon. gentleman was absent when he explained the matter that afternoon, and came in just as he was finishing. He (Mr. Griffith) then pointed out that those men were employed on the fishing boats.

The HON. J. M. MACROSSAN: Natives of New Guinea?

The PREMIER said he had never seen them employed, but it was a matter of notoriety that natives of New Guinea were employed in the bêche-de-mer fishery. He also pointed out that the definition objected to by the hon. gentleman was copied from the Pearl-shell and Bêche-de-mer Fishery Act of 1881, which was introduced by Sir Arthur Palmer. It was thought necessary then that the term "labourer" should include natives of New Guinea as well as of Australia; and, without making any further inquiries into the matter, he took it on the authority of the preceding Government. They knew that those men were employed in pearl-fishing in vessels in Torres Straits; one of Queensland's islands was a station within a few miles of the coast of New Guinea.

The HON. J. M. MACROSSAN said there were fisheries on the coast of New Guinea, but he had no knowledge, nor did he think the hon. gentleman had, of any New Guinea natives being employed in them; only Polynesians and aboriginals were employed. He was very much mistaken if the late Government had any information at all on the subject. He thought the term "New Guinea" in the Act alluded to must have passed the House inadvertently, and it should not have been allowed to pass. But supposing that it was the case that New Guinea natives were employed, the present Bill would prevent their employment. He himself had no objection to that; but it would be contrary to the intention of the hon. gentleman. The hon. gentleman intended to prevent the men being kidnapped; but it was not likely that they would be kidnapped and employed on their own coast as well; if they were kidnapped they would be taken away to some other coast. It seemed to him (Mr. Macrossan) that the hon. gentleman's intention would be defeated by the stringency of the Bill. Besides that, had they any right to legislate for natives of New Guinea? They were outside the jurisdiction of Queensland to a certain extent, though Queensland did have the audacity to annex New Guinea last year.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said he did not see any difference between legislating in respect of the inhabitants of New Guinea and in respect of the inhabitants of any of the Polynesian islands. The natives of the New Hebrides and any of the South Sea Islands were outside the jurisdiction of Queensland just as much as the natives of New Guinea, and no one complained about regulations being made by which South Sea Islanders should not be unfairly treated. He did not think there was anything to frighten hon. members opposite in the mention of New Guinea. If it were not for the proclamation of the Colonial Secretary forbidding recruiting in New Guinea, it would be lawful to bring natives from there for the purpose of employing them on plantations.

Mr. BLACK said there was nothing in the Bill to forbid those natives being engaged in pearl-fishing. The only reference to pearl-fishing in the whole Bill was in the 18th line of the 2nd clause. He took it that it was a Bill to hold out facilities to vessels to go to New Guinea and bring crews to work on the Queensland coast; it distinctly said that. They need not necessarily be employed in pearl-fishing; they might be engaged in trade between Queensland ports. He was glad to find that the Premier was becoming awake to the difference of conditions in different parts of the colony: that the climatic conditions of the North necessitated coloured labour in ships. That was one concession to the North, at all events, which the hon. gentleman had made in the Bill. It would allow boats in the Brisbane River to go to New Guinea and obtain natives to take the place of the European sailor.

The PREMIER said he could not congratulate the hon. gentleman on his choice of words. The hon. gentleman talked about the "facilities" given by the Bill for employing New Guinea natives. Why, in the whole Bill there was nothing but restriction. He had been looking at the debate on the Pearl-shell and Bêche-de-mer Fishery Act, but he could not find the matter of New Guinea referred to at all. Sir Arthur Palmer only said that the Bill applied to Polynesians and aboriginals of Australia and New Guinea, but made no reference to New Guinea. There was no discussion on the clause in committee. However, there was every reason to anticipate that the Imperial Parliament would shortly do something with regard to New Guinea, and that made him less anxious about the term being retained in the clause. He was trying to make all Bills as perfect as possible, just as he did when he was on the other side of the House. He would therefore move that the words "or New Guinea" be omitted.

Mr. PALMER said he was well aware that natives of New Guinea were employed in the fisheries, because he had seen them; and he should like to know what regulation would apply to them if the words "New Guinea" were erased.

Mr. BEATTIE said the amendment would not meet the views of those who wished to protect islanders employed in the bêche-de-mer and pearl-shell fisheries. Supposing a vessel came from New South Wales, she might go to New Guinea beyond the jurisdiction of the Bill, and not call at any port of Queensland.

The PREMIER: We cannot help it if she does not come to a Queensland port.

Mr. BEATTIE: There would be no aboriginals of Australia on board; they would be all New Guinea men. They would convert aboriginals into New Guinea men at once, and the Act would become inoperative.

Mr. MOREHEAD said he was glad the Premier did not assume a jurisdiction over New Guinea, which he was not yet justified in doing. It appeared to him that, if the words "New Guinea" were erased, the words "or any of the islands adjacent thereto" would have to come out also. He quite agreed with the hon. member for Fortitude Valley—that what he had predicted to happen would happen.

The PREMIER said they could not help what vessels did when they were out of Queensland waters. They could only deal with them when they came into Queensland waters.

Mr. CHUBB said if the words "New Guinea" were struck out, and a Queensland vessel went to New Guinea and employed natives of that place and came back without them, or did any illegal act there, it could not be dealt with under the Bill.

The HON. J. M. MACROSSAN said as he understood the 3rd subsection it could only apply to vessels trading or fishing in Queensland waters. If all the vessels belonging to New South Wales or Queensland engaged in the business, they could not be stopped so long as they kept out of Queensland waters.

Mr. MOREHEAD said, referring more particularly to the amendment of the hon. the Premier, that if it were carried, the words "or of any of the islands adjacent thereto respectively" would have to be omitted, because if they annexed any island to the colony it became Australian territory, and the natives would be natives of Australia.

The COLONIAL TREASURER said the object of the Bill was to prevent abuses that had occurred in the employment of aboriginals in the pearl-shell fisheries, and to effect that they should extend their legislation so as to embrace natives of New Guinea, who were employed in those fisheries which were brought within the jurisdiction of the colony. Hon. gentlemen opposite seemed to ignore the fact that the jurisdiction of Queensland had been extended very close to the shores of New Guinea—as far as the Island of Saibai, which was within a few miles of the shores of New Guinea. Therefore, their jurisdiction extended almost to the shores of New Guinea; and although they could not restrict or regulate the employment of natives of that place who went out of their jurisdiction, he thought it would be wise to have the power of dealing with those natives when they were brought on board ships within Queensland jurisdiction. Therefore, he thought it wiser that the Bill should remain as it stood.

The PREMIER said he thought he was rather hasty in consenting to leave out "New Guinea," and must ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. PALMER said his remarks applied only to the amendment.

Mr. BLACK said he wished to know distinctly from the Premier, whether under the 2nd clause vessels trading along the coast—say between Brisbane and Southport—in the oyster fisheries, would be allowed to go to New Guinea and engage and bring down crews?

The PREMIER said there was nothing in the Bill to render it either lawful or unlawful. The only effect of its operation would be that, in addition to the restrictions at present existing, there would be a great many others imposed. It was doubtful whether the provisions of the Kidnapping Act applied to the recruiting and employment of men in New Guinea as sailors. Probably it would, but it was doubtful. The Bill in no way permitted anything that was not permissible at present, but it rendered a great many things, that were now lawful, unlawful.

Mr. BLACK: Then the clause he referred to specially encouraged such a thing being done—gave it encouragement that no previous Act had done.

The PREMIER said he did not see how it could give encouragement, when, in addition to existing restrictions, other restrictions were imposed. He did not understand the system of encouragement by restrictions. He could not explain the matter further than he had done.

The HON. J. M. MACROSSAN wished to know whether, for the purposes intended by the Bill, it was necessary that the words "or in trading between Queensland ports" in the 3rd subsection should be retained?

The PREMIER said he thought it was, because, between Thursday Island and Cooktown for instance, there were a large number of ketches which traded along the coast. They were not engaged in the fisheries, but in carrying goods, and he had reason to believe that they were the very vessels that committed most of the abuses the Bill was intended to remedy. He believed that they sometimes came down to the islands between Townsville and Cooktown and took islanders away up north. According to his information there had been a great many bad cases of kidnapping.

Mr. MOREHEAD said it would be as well for the hon. gentleman to tell the Committee some of the bad cases of kidnapping he referred to, as it might help them along. He had never yet heard what enormous harm was done to the blacks, even if they were kidnapped and put into a very much better state of life than they had followed previously. He had never heard of any particular case of injustice, or of any general injury that had been done to the black races on the coast of Australia, New Guinea, or the adjacent islands in that way. He thought that before they were asked to go any further they should have some statement of outrages which had been committed, if any had been committed. The hon. gentleman had stated that those things had come under his knowledge, but had not taken the Committee into his confidence, or given them any information on those points.

The PREMIER said that he could not argue on the same basis as the hon. member, if he did not see any harm in kidnapping so long as the condition of the natives remained equally good. He had not given any particular instance, but he was in a position to do so if the Committee wished it. He would remind the Committee that there were a great many cases which never became publicly known. He would mention first a case brought under the notice of the hon. member for Blackall, when he was Colonial Treasurer, in 1882. He did not like mentioning names, because it sounded like attacking persons who were not present and could not defend themselves.

Mr. MOREHEAD: If there are gross injustices, mention all the names.

The PREMIER said that, according to the report, two cutters, tenders of certain fishing smacks—

"Left this port (Cooktown) for Townsville to obtain 'boys,' and returned, one on the 28th ultimo, and the other on the 1st instant, with eighteen natives of both sexes, varying in ages from nine to forty years, and procured, I have reason to believe, under very suspicious circumstances, at Hinchinbrook and Dunk Islands, and in the vicinity of the Johnstone River.

"Having entered into a compact to 'recruit' in company, upon arrival here they drafted these 'boys' and gins after the manner of sheep, each captain taking nine of mixed sexes, and without the least reference to the inclination or feelings induced by the filial or friendly instincts of the parties concerned, some of whom, I know, manifested a strong aversion to being separated."

Amongst those who fell to the lot of one of the captains was—

"A girl eleven or twelve years old, a mere child comparatively, who must have received shameful treatment on the voyage between Hinchinbrook and here."

The reasons for that statement were then given, but he need not read them. The girl was afterwards taken charge of by the police. On the following day, the remaining seventeen were engaged by the masters of the vessels, under the Pearl-shell and Bêche-de-mer Fishery Act of 1881. The report proceeded—

"These discreditable circumstances indicate a necessity for vigilant supervision in administering the Act in Northern Queensland, until, at all events, some respect for its regulations is inculcated by meting out an exemplary measure of punishment to those whose illegal practices hastened its enactment, and who appear inclined to ignore every law, civil and moral, to carry out their ungodly behests. I am aware, however, that the natives along the coast are far better off when, and in most cases are willing to be, usefully employed, but the mode of obtaining their services should, in the interests of common humanity, be more legitimately pursued than by indiscriminately decoying them at every convenient point along the coast, irrespective of age or sex."

That was a complaint made to the late Government. There was another instance in which a man was concerned whose name had frequently been mentioned lately in correspondence connected with New Guinea, and which, he was afraid, would be mentioned much oftener. The first appeared on the records of the shipping at Cooktown, as having—

"Shipped seventeen aboriginals on the 22nd January 1882, here; eight at Cardwell, on the 29th March,

1882; and three more at this port three days subsequently—all natives of Palm, Hinchinbrook, and Dunk Islands. Twenty-five of these boys he discharged here in the presence of the shipping master, on the 9th January, 1883, and reported three as having died at New Guinea. On the 22nd January, 1883, he again appears on the record of the shipping office. On that date he shipped twelve aboriginals, and on the 9th February following he shipped seventeen—all natives of Hinchinbrook, Dunk, and Fitzroy Islands, and Liverpool Creek. In June of that year he reported two as having deserted; on the 26th March of this year he discharged twenty-one at the shipping office here; reported five as having died at New Guinea, which leaves one 'boy' unaccounted for, and neither from the shipping master nor the records of his office can I find a clue as to what became of him."

Then, as master of another ship—

"On the 21st April last he shipped eleven aboriginal natives of Dunk Island. The 'boys' in each case have been engaged for one year, at 10s. per calendar month, 'to procure bêche-de-mer on the coast of Queensland or New Guinea, or the islands adjacent thereto,' and at the termination of their engagement 'to be returned free of cost to their native places,' which latter condition, I believe, has invariably been carried out, unless where many of the 'boys' preferred re-shipping. * * * As to the system of recruiting natives along the Queensland coast, I would respectfully refer you to my letter to the Treasurer."

The HON. J. M. MACROSSAN: Was that report received from Cooktown?

The PREMIER; Yes, in May last. Another report had been received from Thursday Island, dated 12th June, which referred to two South Sea Islanders, who were supposed to have been murdered, as their boat was found with marks of blood on the deck and oars. It turned out afterwards that they had been attacked, but escaped. The report went on—

"At present any man, white or black, can go over to the coast and secure a number of natives by means of a bag or two of flour. The men come willingly enough, as they are in a state of semi-starvation, but invariably decamp on the first opportunity, and kill the men in charge of the boat if they cannot otherwise effect their object. They are brought here to be engaged, and, there being no provision in the Fisheries Act for their being signed in presence of the shipping master, they sign agreements under the Masters and Servants Act before the storekeeper or one of his clerks. It is impossible for these natives to understand the nature of the agreements they make, and on that ground I have always refused to enforce them, or to allow the police to be used for that purpose. The majority of the shellers have long since seen the folly of engaging these men, and it is only the small bêche-de-mer fishers who continue to employ them. The matter has assumed such serious proportions that I respectfully submit the engagement of aboriginals from the mainland should be absolutely prohibited."

Another report was received in June from Mr. Milman, Police Magistrate at Cooktown:—

"In reference to the employment of the natives of the mainland of the Cape York Peninsula, by the men engaged in the bêche-de-mer trade, some action is urgently necessary to prevent the forcible abduction that is at present taking place daily on this unprotected northern coast, or rather to place the employment of the said natives under some sort of supervision, as I am convinced in many cases the natives are benefited and civilised by being so used."

Then he suggested the employment of tin plates or tokens, to be given to the natives, and kept by them so that the individuals might be traced and recognised. If that were adopted—

"Permanent good might be done them, and the present system of kidnapping rendered unnecessary, and be done away with."

Then he went on to refer to a case now under investigation, which, according to the evidence, appeared to be a very bad case indeed. He (the Premier) thought he had given enough reasons to show that with such information in their hands the Government could not any longer refrain from attempting to deal with the matter, and put an end to those abuses.

The Hon. J. M. MACROSSAN said he was quite satisfied about that now, because he saw the object of the provision was to prevent vessels taking natives away to use them in the pearl fisheries, and entering into agreements with them afterwards. He was inclined to think, however, that the officer who wrote a portion of the report must have been in error when he said there were no means of making an agreement. The Act of 1881 especially provided for an agreement being entered into between the aboriginals of Australia and whoever was going to employ them in the fishery, before the custom-house officer; and it seemed strange to him if the custom-house officer at Cooktown, who was noted for being a very vigilant officer, would allow any agreement to take place, under any kind of suspicion whatever. He was quite willing to believe that natives were kidnapped north of Cooktown. But south of Cooktown he doubted it; he knew that natives were employed regularly at Townsville in fishing. He had seen them going out, and he had seen them returning. They went willingly and were accompanied by their gins when they went, and the gins dived as well as the men. They all came back fat and with plenty of money, for blacks, and were perfectly satisfied. He was not quite certain about the natives of Hinchinbrook and Dunk Islands. He believed the Hinchinbrook islanders had gone voluntarily, but whether any had ever been taken against their will he could not say. Dunk Island he knew nothing about. He knew where it was, but did not know whether the natives there had gone of their own accord or not. It would be difficult to do any kidnapping south of Cooktown; but north of that port it would be an easy matter enough, because the natives went out on to the reefs fishing, and were frequently taken from there against their wills and employed in diving farther away from home. So far as he was concerned, he was satisfied with the explanation the hon. Premier had given, and would allow the interpretation clause to pass in full.

Question put and passed.

On clause 3—

"No native labourer shall be employed or carried on board of any vessel trading in Queensland waters unless he is carried on the ship's articles in like manner as a seaman forming part of the crew of the vessel, and has been engaged to serve in accordance with the provisions of this Act."

Mr. SCOTT said that they were making no provision in the clause for passengers. There were many natives carried up and down the coast as passengers, and he thought that the clause ought to be altered to permit of such being done.

The PREMIER said he had adopted the same provisions that they had in the Kidnapping Act: a steamer that took a kanaka down the coast was liable to forfeiture, but, of course, no one would dream of enforcing it. A clause like the one under discussion must have a general operation, but it need not be enforced. If a lot of elaborate exceptions were introduced, the evasion of the law would become practically easy. At present, Chinese were put on the ships' articles at 1s. per month in order to evade the Chinese Immigrants Regulation Act; but of course they could not be landed. If they provided loopholes it would become impossible to enforce the clause.

Mr. BLACK said he thought it would be very easy to insert the words, "except as a passenger," as had been suggested by the hon. member for Leichhardt.

The PREMIER said any man could say that a native was a passenger, and the Bill would

become inoperative. The Kidnapping Act provided—

"It shall not be lawful for any British vessel to carry native labourers, not being part of the crew of such vessel, unless under a license."

That was the only way of dealing with the matter.

Mr. NORTON said he had understood that the object of the Bill was to confine the natives to diving; but the Premier explained that boats trading north of Cooktown might employ them in any other way. The object of the Bill seemed to be to encourage their employment in opposition to white men, as sailors, and he did not see why they should do that. If they were allowed to be employed in that way north of Cooktown, why should they not be south of it?

The PREMIER said the Bill had nothing to do with the employment of aboriginals; under the existing law they might be employed, but the present Bill had nothing to do with that. It was to place restrictions in the way of their being kidnapped and employed improperly, and had nothing to do with the Black Labour question.

Mr. MOREHEAD said it had a very great deal to do with the Black Labour question. The Bill would allow black labour at sea, where certainly white men could work in all climates; while the Government were preventing it from being employed upon the sugar plantations, or were placing such restrictions upon it that it could not be used. If there was anything the Anglo-Saxon race prided itself upon, it was that it could man ships. That had been the strong point of the English race since it had been a race, and now they were asked to pass a Bill that induced the employment of blacks where whites could do the work.

The PREMIER said the hon. member would not see that the Bill had nothing to do with inducing the employment of black labour. The hon. member seemed to think that if he repeated it often enough he would get some people to believe it. The Government did not propose to bring in a law to prohibit the employment of aborigines of this colony in any capacity whatever.

Mr. MOREHEAD: Or of New Guinea?

The PREMIER: Or natives of New Guinea in Torres Straits waters. Nor did they intend to facilitate their employment. They left the law on that subject exactly where it stood: but brought in the Bill to prevent the natives being kidnapped.

Mr. BLACK said he would like to know where the expression "Torres Straits waters" occurred in the Bill, because if he found the natives were to be employed only there it would put an entirely new complexion to the Bill. However, as that expression did not exist in any part of the Bill, he read it as he found it. He thought it was a very good Bill. There were climatic conditions in the North which rendered the employment of blacks necessary, and the New Guinea men would be very useful for prosecuting the fisheries. He was going to assist the hon. gentleman in passing the Bill, but he could not help pointing out that the Bill informed people down here that if they wished to have a coloured crew to work their vessels they were encouraged to do so by the clause before them. There was nothing in the Bill about Torres Straits waters, and he maintained that shipowners over the whole colony were invited under the Bill to go to New Guinea if it suited them, and get a coloured crew to work their vessels.

Clause put and passed.

On clause 4—

"No native labourer shall be engaged to serve on board of, or in connection with, any such vessel for any voyage or period of time, by any person other than the master or owner thereof, nor shall any native labourer be so engaged except in the presence and with the sanction of the shipping master of the port at or nearest to which such engagement is made."

Mr. PALMER said he saw no provision in the Bill to limit the time of service by the islanders engaged under the Bill. There was, moreover, no specification as to wages, as he thought was provided for under the Polynesian Labourers Act; no supervision provided as to rations, care, or clothing. By the Bill, the natives might be taken away for one or five years; and he would recommend that the time-service should be stated at one year or under.

Mr. MOREHEAD said he agreed with what had fallen from the hon. member for Burke.

Mr. CHUBB: It was provided for in the 6th clause.

Mr. MOREHEAD said the 6th clause did not provide for it. There was nothing definite or settled under the Bill. The Polynesian Act provided a definite dietary scale, and laid down the period of engagement, and so forth; but the provisions of the 6th clause of the Bill left everything as vague as it could well be. He would read the 6th clause and point that out. It said:—

"Every such agreement shall contain the following particulars as terms thereof, namely:—

(1) The nature and, as far as practicable, the duration, of the intended voyage or engagement."

That might mean one or twenty years—

"(2) The capacity in which the native labourer is to serve."

That was also very crude—

"(3) The amount of wages which the native labourer is to receive."

There was every element of uncertainty there. By the Polynesian Act there was a fixed sum which the labourer must be paid, and there should at any rate be a minimum fixed under the present Bill.

"(4) A scale of provisions to be furnished to each native labourer."

That contained nothing more definite than the previous provisions. The agreement was to contain all those provisions; but there was nothing in the Bill to indicate on what lines those provisions should be drawn out. He was glad the hon. member for Burke had called attention to those omissions from the Bill, which had evidently been badly drafted. As it was not drafted in a very careful way, he thought it was probably drafted by the Attorney-General. At any rate, he hoped they would get it into shape between then and midnight.

The PREMIER said he hoped the hon. gentleman would, as he had offered to do, assist in passing the Bill. The Bill was not brought in for the purpose of regulating the nature of the engagements between aboriginal natives and their employers. He had not before him sufficient information to deal with that subject, and he did not propose to deal with it in the Bill before them, which was simply intended to prevent kidnapping. That was an urgent subject, and the extracts he had read showed that it was a subject which should be promptly dealt with. The Government asked hon. members to help them to deal with it. If it became necessary afterwards to put those natives on a similar footing to the Polynesians in other respects, they would deal with it; but at the present time the Government were not in a position to deal with it. But because they were not in a position to deal with one subject was not a reason why they should not deal with another, if they were in a position to do so. To ask the Government to frame a fixed dietary scale for those natives whilst at sea, under the Bill, was not unlike asking them to fix a dietary scale for them whilst on shore.

Mr. MOREHEAD said if they were to deal with the subject at all they might as well deal with it thoroughly. They had provisions for an agreement, and surely there should be something definite — some provision that the agreement made should be of such a nature that no injustice would be done to the aboriginal. He did not believe that kidnapping existed to the extent supposed by the Premier. If they introduced a measure of that sort, containing such a clause as clause 6 of that Bill, there should be some definiteness about it, and it should not be left so indefinite as it stood at present.

Mr. PALMER said he only suggested that the time of service should be fixed at one year or under. He knew the aboriginals were usually disgusted by long voyages or jobs of any sort, and he thought an agreement for service for a year or under would be quite sufficient for both owner and labourer.

Mr. CHUBB said he was informed that sometimes those ships remained away for a considerable time—eighteen months or two years—before they came back again. If that were so, it might perhaps be too long to allow aboriginals to be taken away on board those vessels.

Mr. MOREHEAD said they were very careful in dealing with the Polynesians, but they did not appear to be at all so careful about the aboriginals. The clause said:—

"Nor shall any native labourer be so engaged except in the presence and with the sanction of the shipping master of the port at or nearest to which such engagement is made."

There was no provision there for getting an interpreter, supposing a boy came from any of the islands mentioned.

The PREMIER: The next clause provides for that.

Mr. MOREHEAD said the next clause scarcely provided for it at all; in fact, it did not provide for it. He would read it:—

"Every agreement of hiring of a native labourer shall be signed by him in the presence of such shipping master, who shall carefully explain the agreement to him, or otherwise ascertain that he understands the same, before he signs it, and shall attest the signature of such native labourer."

Suppose, for the sake of argument, that the shipping master did not understand the language of the natives of Hinchinbrook, Dunk, and Palm Islands, or of New Guinea—and it was not a necessary qualification for his duty, so far as he knew, that he should be a linguist, and understand the different dialects of the natives of the North—how was he to carefully explain the nature of the agreement to one of those islanders? The hon. member for Burke had truly said that the aboriginals did not like to be kept very long at any one job. They were now dealing with the original inhabitants, and he thought they should deal even more carefully with them than they had done with the Polynesians. He maintained that under the Bill, as it stood, it would be impossible to make an agreement clear to the natives.

The PREMIER said the Bill was one to prevent kidnapping, not to regulate the employment of aborigines on board ships; and to make them understand the nature of their agreement was as far as the Government were at present prepared to go in that direction. It was a very long step—as long as he could see his way at present to ask the Committee to adopt—in the direction of protection; and he hoped hon. members would assist in removing the stigma on the colony's reputation. If the Bill was found in practice insufficient, he should be very willing to go further.

Mr. PALMER said he was quite certain that aborigines of Queensland would feel it very irksome if they entered into an agreement for more than a year's service.

The PREMIER said he agreed with the hon. member, and would move an amendment to that effect in the 6th clause.

Clause passed as printed.

On clause 5—

"Every agreement of hiring of a native labourer shall be signed by him in the presence of such shipping master, who shall carefully explain the agreement to him, or otherwise ascertain that he understands the same, before he signs it, and shall attest the signature of such native labourer.

"The shipping master shall enter particulars of every such engagement in a register book, to be kept by him for that purpose, and the native labourer and the master or owner engaging him shall respectively sign their names in the book in testimony of such engagement.

"The shipping master shall also enter in the register book particulars of the personal appearance of the native labourer sufficient to identify him, and shall deliver to him a metal token inscribed or impressed with such letters and figures as shall be sufficient to show where the entry relating to him can be found, and a copy of such particulars, letters, and figures shall be entered in the official log of the vessel."

Mr. MOREHEAD said he hoped the Premier would amend, or suffer to be amended, the 3rd subsection relating to the personal appearance and identification of native labourers. As to the metal token, the natives would give it away or exchange it for all sorts of commodities, and that would give rise to no end of trouble. Why should not an indelible mark be placed upon them? The proposed method of identification was most absurd, and he was sorry to hear that it had been introduced at the suggestion of the Police Magistrate of Cooktown.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said the suggestion of the Police Magistrate of Cooktown showed that he knew a great deal more about blackfellows than the hon. member for Balonne. If a token were given to a blackfellow, and he was made to understand that he was to keep it, for any purpose whatever, he would keep it with the most religious care, and for any number of years he might be entrusted with it. He knew no better means of identifying a blackfellow.

Mr. MOREHEAD said he was aware that the Minister for Lands used to run his station on those lines. The hon. gentleman found that by giving the blackfellows "king-plates" there was no need to employ white men. The hon. gentleman no doubt found it was a first-rate way of treating them.

The MINISTER FOR LANDS: And you shot them.

Mr. MOREHEAD said the Minister for Lands was stating what was untrue. He certainly would not have shot them for the plunder obtainable from the value of their "king-plates." If they had been shot it was no doubt owing to all the villainy they had learned from the Minister for Lands, and certainly not for plunder. It might be all very well if one, two, or three men out of forty or fifty were to be decorated in the way proposed; but they were all to be K.C.M.G.'s, or whatever the decoration was to be. He quite agreed with the Minister for Lands that where two or three out of a large number of blacks had a certain badge of distinction given them they preserved it very carefully, but if tokens were to be hung round all their necks they would care very little about them, and would swap them for other tokens or other commodities, and trouble would arise under that 5th clause. It would be far better to put some indelible mark on their hides—in fact, it might be advisable to brand them, if the wretched clause was to pass at all.

Mr. GRIMES said there would be no difficulty in describing a blackfellow so that he could be identified. Their features and general appearance could be described as well as those of a white man. Then they had a system of tattooing, and no two men were tattooed alike. Every one of them was already branded, and with a different mark.

Mr. MOREHEAD: As a matter of fact, the blacks of this colony are not tattooed.

Mr. BLACK said he did not agree with the last speaker, and he would point out how weak the clause was. The Bill was supposed to act as a preventive against kidnapping, and the rogues in the Torres Straits were to be specially looked after by it. Supposing one of those men went to New Guinea, got ten or a dozen blacks, and took them to Cooktown, where he registered them before the shipping master, when each of the men got a token given him. There was nothing to prevent that dishonest skipper from landing those men at New Guinea, when he had done with them, getting a fresh lot, and transferring the tokens to them; and even if the shipping master saw them, he would defy him to say they were not the original batch, unless he had photographed them, or adopted some similar means of identification.

Clause passed as printed.

On clause 6, as follows:—

"Every such agreement shall contain the following particulars as terms thereof, namely:—

(1) The nature and, as far as practicable, the duration, of the intended voyage or engagement;
(2) The capacity in which the native labourer is to serve;
(3) The amount of wages which the native labourer is to receive;
(4) A scale of provisions to be furnished to each native labourer."

The PREMIER said he proposed to accept the suggestion of the hon. member for Burke, and in order to carry it out he would move that in the 1st subsection the words "and as far as practicable the duration" be omitted, and that after the word "engagement" at the end of the same subsection there be inserted the words, "and as far as practicable its duration, which shall not exceed twelve months."

Question—That the words proposed to be omitted stand part of the Bill—put and negatived, and amendment agreed to.

Mr. CHUBB said he thought it might be well to exempt women from the operation of the Bill.

The PREMIER said it was most important that they should be included in its provisions.

Mr. BLACK said he noticed that there was no provision made for clothing of any sort for the islanders. They were to be taken to the shipping master at the nearest port and he was to turn them out with a token and a scale of of provisions in their hands. The Bill said nothing whatever as to what the scale of provisions was to consist of. He could scarcely imagine anything more absurd than that they should legislate for natives of New Guinea or aboriginals being turned out of a shipping office with a token and a scale of provisions in their hands. What was a native to do with a scale of provisions?

The PREMIER: Eat it.

Mr. BLACK said he thought that subsection was really too absurd, as there was nothing to show what the scale was to consist of, and, even if there were, the natives could not understand it. He moved that the 4th subsection be omitted.

Mr. PALMER said he did not think the subsection could do any harm as it stood; it was better for the natives to have a scale of provisions than nothing at all. Perhaps it would be as well if it was specified where the wages to be received by a labourer were to be paid.

The PREMIER said that was provided for in the 8th section. Surely the hon. member for Mackay was not in earnest! The clause did not provide that a labourer should have a scale of provisions handed to him, but that the agreement should contain a scale of provisions.

The HON. J. M. MACROSSAN said he thought the hon. gentleman at the head of the Government was wrong when he said that a scale of provisions was not to be handed to each labourer. It was to be handed to him. The 4th subsection of the Act provided that "a scale of provisions to be furnished to each native labourer" was to be inserted in the agreement, and the 3rd subsection said there was also to be included in the agreement "the amount of wages which the native labourer is to receive." There could be only one meaning to that. Of course a labourer was to receive his wages, and was he not also to be furnished with a scale of provisions?

Mr. STEVENSON said the whole Bill was faulty and impracticable, and he should have thought the hon. the Minister for Lands would have been more practical in his suggestions to the Premier, and have made some provision for clothing the natives. He supposed the Minister for Lands was not going to allow them to run about naked, as he used to keep them years ago. He (Mr. Stevenson) thought some provision should be made for giving the natives some clothes, instead of a scale of provisions.

The HON. J. M. MACROSSAN said he thought a dietary scale should be attached as a schedule to the Bill.

Mr. MOREHEAD said he should like to hear a little more about that scale of provisions. He hoped the hon. the Premier would consent to the suggestion made by the hon. member for Townsville, and attach a schedule to the Bill showing what provisions a native was entitled to. He also thought that some provision should be made for clothing the aboriginals. It had been pointed out that to give a simple token and a scale of provisions to those men was not enough; and he hoped the Premier would accept the suggestion of the hon. member for Townsville. In that way the Committee would show that they had just as much regard for the aboriginals of Australia as for the Polynesians. If hon. members really took an interest in those men let them show it thoroughly, and do justice to them by having a schedule attached to the Bill, and by providing for clothing.

Mr. BROOKES said that the talk of hon. members opposite seemed to him to be exquisite fooling.

Mr. MOREHEAD: You want to have the monopoly of the Black question.

Mr. BROOKES said that hon. members were not serious, and all their talk was mere fooling.

The HON. J. M. MACROSSAN said he objected to the hon. member saying that they were not serious. He thought a scale of provisions should be attached to the Bill. They ought to see that all men employed in sailing and fishing had a dietary scale. Why should those men be left to the mercy of employers? Polynesians had a dietary scale; and as a matter of fact the Bill provided for Polynesians, because the natives of New Guinea were of that race. He claimed that hon. members had a perfect right to ask the Premier to allow a dietary scale to be put as a schedule to the Bill. The hon. member for North Brisbane was mistaken when he talked about fooling.

Mr. PALMER said he hoped the hon. member for North Brisbane did not include him among those who were fooling.

Mr. BROOKES : I do not.

Mr. PALMER said he quite approved of the suggestion to have a dietary scale attached to the Bill. The suggestion showed that hon. members on his side took great interest in the blacks. As to clothing, the men would not want a great deal.

Mr. BROOKES said he had not included the hon. member for Burke ; he alluded to the knot opposite. There was, it was true, a shade of sense in what the hon. member for Townsville had said ; and he (Mr. Brookes) was very sorry that the hon. member allied himself with the leader of the Opposition and the hon. member for Mackay. The Committee was on serious business, and wanted it to go through.

Mr. MOREHEAD said he sympathised with the hon. member for Burke in the remark made about him by the hon. member for North Brisbane. There was not a better judge of foolery in the House than the hon. member for North Brisbane ; but he would point out to the hon. member that he (Mr. Morehead) had previously taken exception to that 4th subsection of the 6th clause. He maintained then that the dietary scale should be set forth as well as the duration of the agreement. It was evident to him that the hon. member for North Brisbane was only desirous of destroying the black race ; that appeared to be his mission and his sole object. Hon. members on the Opposition side were attempting to alleviate the condition of the aboriginals as far as they could ; and no matter what objections might be raised on the other side, or what view the hon. member for North Brisbane might take, they would see that those aboriginals were protected. Because they were blacks it did not follow that they were any worse than other men ; and he and other hon. members were determined to see that they were protected as the Polynesians were.

Mr. BROOKES said he looked upon all that talk as hypocritical.

Mr. MOREHEAD : I rise to a point of order. Is the hon. member justified in saying that the statements of an hon. member are hypocritical ? I would like to know that, because the hon. member for North Brisbane may go beyond the latitude which is usually allowed him. I deny the truth of his assertion ; and say that when he states that what I said was hypocritical, he tells the Committee what is not true.

Mr. BROOKES : Mr. Fraser, I regard——

Mr. MOREHEAD : I ask your ruling, sir, on the point of order.

The CHAIRMAN : I think it is as well that such language should be avoided. I presume that any language that is offensive to an hon. member must be ruled out of order.

Mr. MOREHEAD : That is not a ruling on the point of order. I want your ruling as to whether the word "hypocritical" is a proper expression or not. I mean as applied to an hon. member by the hon. member for North Brisbane.

The CHAIRMAN : I am bound to say that it is not parliamentary language.

The PREMIER : I hope the hon. gentleman will himself follow the same practice.

Mr. BROOKES said the leader of the Opposition would be the first to suffer from the ruling. As it had been ruled that "hypocritical" was not a parliamentary term, he would withdraw it with pleasure, and would put what he had to say in a periphrase. He said that such language as they had heard from the leader of the Opposition and other hon. gentlemen on that side strikingly contrasted with what it was well known their real views on the matter were. They knew very well that they wanted to choke off the Bill. They opposed it on its introduction, and now they were using arguments which they themselves despised. Was that parliamentary ?

Mr. MOREHEAD : Ask Mr. Fraser.

Mr. BROOKES : He was only talking now because he really wanted the world outside to know what rubbish was talked in that House. That was his object, and he said again that such talk as they had heard was below the dignity of legislators. It was an important Bill, and it was not to be shelved by such arguments as those used by the hon. member for Mackay. If he wanted to transfix that hon. gentleman he would ask him what point there was in the allusion to a scale of provisions. He (Mr. Black) intended to leave the impression that a scale of provisions meant a pair of steelyards. And then to talk about clothes ! How anxious those hon. members were that those people should be clothed, when they all knew that the full-dress attire of South Sea Islanders on the plantations was such that even a token would be full-dress. He apologised to his own side of the Committee, but he thought he was perfectly justified in exposing the fallacies of the other side.

Mr. BLACK said he could only say—poor old gentleman ! He thought that was parliamentary. He did not apply it necessarily to anyone ; but he said—poor old man ! He was most undoubtedly anxious that the Bill should be made a good one, and he had done nothing to prevent it. Looking at the matter from his own point of view, he pointed out that if supervision was considered necessary in the case of South Sea Islanders employed on the sugar plantations in the North, as regarded both dietary scale and clothing, it might also be embodied in a Bill such as the one under discussion. There was no harm in that. It was simply for the protection of the islanders that he referred to the matter. He was not going to employ any of those men in the northern fisheries, but he certainly thought that if, in the employment of South Sea Islanders on the sugar plantations, it was necessary to pass provisions relating to their food and clothing —to fix a definite dietary scale—when these islanders were taken to the northern parts of the colony where there was far less opportunity of supervision than on the plantations, similar provisions were equally necessary. There was not a word about wages in the Bill. In that respect the islanders were to be left entirely at the mercy of men whom the Premier himself had referred to as being somewhat unscrupulous. The Bill was supposed to be for the protection of the islanders and the prevention of kidnapping, and he contended that it did not go far enough to effect that laudable object. As to whether hon. members on that side had been talking foolishly, that was a matter of opinion, and, certainly, any remonstrance coming from the hon. junior member for North Brisbane (Mr. Brookes) was very like Satan refuting sin. If there was a fool in the House, he was certainly not on that side.

Mr. KELLETT said he was not prepared to say whether hon. members opposite had been talking foolishly ; he supposed they were talking to the best of their ability. He had come to the conclusion that the course taken by those hon. members was simply obstruction, the same as last night. It commenced early yesterday afternoon, and seeing there was no business likely to be done he went home. Now he saw there was

another evening to be wasted, especially when he saw an hon. member bring a lot of books into the Chamber.

Mr. MOREHEAD: It is a dictionary, if you would like to be educated.

Mr. KELLETT: It was simply obstruction. That was all very well for one night at a time, but to carry it on night after night was rather tiresome, and he should recommend the Premier to adjourn the House early and let hon. members get home. Perhaps to-morrow hon. members opposite would be in a better frame of mind.

Mr. MOREHEAD said they had just heard a very extraordinary speech. The hon. member said that, seeing there was going to be obstruction last night, he went home early, and now he advised the Premier to adjourn early because he wanted to get home again. He (Mr. Morehead) should not care to have many men of that sort on his side of the House. As to the statement of the hon. gentleman, that any opposition the Bill had received had been in the way of obstruction, that was not the case. There was not the slightest intention to obstruct the Bill; and so far as the books, which the hon. gentleman's mind was apparently so much exercised about, were concerned, he (Mr. Morehead) thought that, in the event of any conflict of opinion between himself and his hon. and esteemed friend the junior member for North Brisbane with reference to the word "hypocritical," it might be necessary to refer to a dictionary and he had had the Imperial Dictionary brought in for that purpose. He had done with it for the present, and the hon. member or any hon. member was welcome to it. If that was the basis upon which the hon. member rested his idea that there was obstruction, it was just as good as the basis brought forward by many hon. members opposite, on many subjects with regard to members of the Opposition. The Premier could very easily meet the objection raised, by saying that he would insert a schedule in the Bill which would place the labourers in question in the same position as South Sea Islanders. There was no intention on the part of any hon. member on his side to obstruct the Bill.

The PREMIER said he was glad to hear the assurance of the hon. gentleman, because he had certainly thought there was obstruction. With respect to the question of a scale of provisions, he thought it would be impracticable in a measure of that kind. Was any member of the Committee prepared to sit down and write out a scale of provisions suitable for men employed in the pearl-shell fisheries of Torres Straits? Besides, that was not within the scope of the Bill. It was not a Bill to take a fatherly care of those men—to regulate the mode of their employment or treatment on board ship—but to prevent their being kidnapped, or engaged unless they knew the nature of their engagement, for how long they were to be employed, what fare they were to get, and what wages. If they understood those things, that was as far as the Government were prepared to go at present. As to the scale of provisions, it was unnecessary to provide for that, because those men would appear on the ship's articles, and by an Act in force in this colony the scale was required to be stated.

Mr. MOREHEAD said it would be better if the Bill were so amended that the dietary scale and rate of wages should be approved by the shipping master, who was a Government official and would see that the agreement was a fair one according to his lights. The Government would then have something to fall back upon, in the event of anything going wrong in connection with the matter.

Mr. STEVENSON said that if the Premier considered the scale of provisions was impracticable there was no good putting it in. The best thing in that case was to leave it alone altogether. Who was to make the scale? Was the man who employed the natives to give them what he liked, or was the shipping master to make out the scale?

Mr. BEATTIE said that if the natives made an agreement with a shipowner they would sign ship's articles before the shipping master. Those articles had to be read over and explained thoroughly even to white men, so that they would know what they were signing. He did not see that there would be any difficulty about the natives not getting enough to eat, because the dietary scale would have to be on the ship's articles which they signed. As to the quantity, he presumed whoever employed them would give them sufficient to eat. If the shipping master thought the scale was not sufficiently liberal, he thought it would be his duty to explain that matter to the men. It seemed to him they would have all necessary protection if they had to sign the articles the same as ordinary men on board a vessel.

The HON. J. M. MACROSSAN said he was quite aware that the hon. member who had just sat down was well acquainted with the subject; but he must also have known in his own experience many cases in which white seamen were starved although they had signed articles. There was a certain scale of diet laid down by Act of Parliament, and that or substitutes for it had to be on the ship's articles; but if a man were limited to that scale, very often it was not sufficient. He simply wanted to provide that those men should not be starved; that they should be allowed a certain quantity of beef and biscuits a day, and the master could give them whatever else he liked. He did not think they should be left to the mercy of the masters of vessels, some of whom probably were not very scrupulous in their dealings.

The ATTORNEY-GENERAL said that even if a dietary scale were fixed by the Bill there was no means of enforcing it. They might prescribe the amount of provisions to be given every day; but how were they to compel the master, hundreds of miles away from the port, to give the men the quantity he had contracted for? They knew that shipping Acts provided for giving seamen who had signed articles provisions according to a certain scale, and if that contract were broken the men had their remedy by invoking the interference of the authorities in any British port; and there was power given to inquire into the whole matter, and to deal with the master if he had defrauded his crew. It was no use providing a liberal scale if they had no means of enforcing compliance with it. It was simply adding to the law without doing anything to increase its efficiency.

The PREMIER said he was very glad to receive the suggestion that a scale of provisions should be approved by the shipping master. It was a practical suggestion, and he would accept it at once if the hon. member for Mackay would withdraw his amendment.

Mr. BLACK said he was willing to withdraw his amendment for that purpose.

Mr. CHUBB asked if the Premier would make the amendment apply to clothing as well as to the scale of provisions?

The PREMIER said he did not think the suggestion as to clothing had been made seriously.

Mr. STEVENSON said he did not think it should be left an open question whether or not the boys were to be provided with clothing. In the

Polynesian Act the employers of kanakas were bound to give them so many shirts, so many pairs of trousers, and so many blankets, and in the present case it should be the same. The boys very likely would have no clothing when they were taken, therefore the shipowner should be made to carry clothing for them. It was all very well for them to go about their own country with no clothing, where they had a camp-fire to go to in wet or cold weather; but it was very different on board ship. It was no paltry question; it should be clearly laid down in the Bill.

Amendment, by leave, withdrawn.

Mr. MOREHEAD said he thought the word "clothing" should be inserted.

The HON. J. M. MACROSSAN said he would like to point out that in any case the shipowner would have to provide the men with clothing to go before the shipping master; they could not make their appearance in a town without clothing. The master always gave them clothes to go to the custom-house and sign the agreement.

Mr. STEVENSON said that clothing would not last for ever. The ship might be away for twelve months, and the boys might suffer very much indeed from cold or wet. Many a time he had seen blackfellows shivering who would have been very glad to get clothing, though people fancied they did not want any.

Mr. PALMER said he thought he was responsible for the suggestion about the clothing, and he had not made it from any idle motive, or with any idea of foolery. The natives attached a great deal of importance to even a small quantity of clothing, although they might think very little of it when they were paid off. It was a matter of comfort to them also on board vessels, away from their islands, to have some clothing—even a blanket—at night.

The MINISTER FOR LANDS said it would be useless to fix a scale of food and clothing, because there would be no Government officers to see that the provisions were carried out. All that must be left to the interest of the men who were employing them. It was to their interest to feed and clothe them if they expected them to do any work. That was always the case with regard to kanakas. At one time there was supposed to be a Polynesian inspector in each district to look after them; but a lot of kanakas went up to the Western districts with only half-a-blanket apiece in winter time. Several of them had their toes frost-bitten, one man especially whom he nursed at his place on the Barcoo for three months. He did not think fixing a scale would prevent ill-usage of the natives. If it would have any effect, he would be glad to see an amendment introduced; but he did not think it would be much good.

Mr. STEVENSON said that if there was anything in what the Minister for Lands said, what was the good of passing the Bill at all? It could be enforced just as well as any other part of the Bill. If it could not be enforced, what would be the good of passing the Bill at all, if there was no means of punishing those who broke the law? If it could be proved that the natives had not been fed and clothed, he supposed the owner of the vessel could be punished. The hon. gentleman did not know what he was talking about. The amendment about the clothing was very necessary.

Mr. MOREHEAD said that if the words "and clothing" were inserted after the word "provision," in the 4th subsection, it would meet the whole case

The PREMIER said he confessed he could not see the use of providing for clothing. It was not a Bill to regulate the employment of aboriginals. That would require a Bill framed on altogether different lines, and would require provisions for supervision. It was not proposed to do that. What the Government could do was to see that before they went on board the ships the islanders knew what they were going for and what they were to get. That was the scope of the Bill which he was trying to get through. The subject dealt with by the amendment had not entered into the consideration of the Government in preparing the Bill. The Kidnapping Act prohibited Polynesians being carried on board British ships unless they were licensed. It did not say what food or clothing was to be given to them on board. A provision of the kind mentioned would be perfectly nugatory, and would look as if they were trying to do things they did not understand. He saw no reason for providing for clothing. If they dealt with those subjects, there would have to be elaborate provisions for protecting the natives, as they could not do so themselves. It was useless to make provisions unless they took steps for their enforcement. Who was to know whether a man had his pound of bread for breakfast, unless there was someone there to see that he did get it? A provision of the kind mentioned was useless unless the Bill was framed in an altogether different way. It was not part of the scheme of the Bill.

Mr. MOREHEAD said he certainly never heard a more remarkable speech than that just made by the Premier. He said that if the amendment was introduced it would be nugatory; but what, in the name of goodness, was the use of the 6th clause at all? Supposing a man was engaged at 5s. a week, as had been suggested, he would have no power to recover that, under the Bill; and what was the use of putting in the amount of wages he was to receive if the agreement was worth nothing? The whole thing was too absurd. They should have a proper agreement framed, and have heavy penalties if the natives were not fed and clothed properly. The Premier said the Bill was to prevent kidnapping. If so, why did he not bring in a Bill for that special purpose? The present Bill was to regulate and restrict—although the word "regulate" was not used—the employment of the aboriginals of Queensland in the bêche-de-mer fisheries. The Premier then said that the amendment proposed was outside the scope of the Bill, and the Opposition were not doing their duty and assisting him to stop what he called kidnapping. The 4th, 5th, and 6th clauses of the Bill had nothing whatever to do with kidnapping. The Opposition had been trying all they could to ameliorate the condition of those aboriginals and restrict their employment to the particular work mentioned in the Bill. A few minutes ago the Premier said that the suggestion was a very practicable one, and when it was proposed to insert the words "and clothing" he turned round and said it was outside the scope of the Bill, and the Bill would not be what it was intended to be.

On the motion of the PREMIER, the clause was further amended in the 4th subsection, by the insertion of the words "or statement approved by the shipping master" after the word "scale"; by the insertion of the word "the" before the word "provisions"; by the insertion of the words "and clothing" after the word "provisions"; and by the substitution of the word "the" for the word "each." So that the subsection read:—

"4. A scale or statement, approved by the shipping master, of the provisions and clothing to be furnished to the native labourer."

Amendments agreed to, and clause, as amended, passed,

On clause 7—

"If any vessel trading in Queensland waters carries any native labourer with respect to whom the provisions of this Act have not been observed, such vessel and her cargo shall be forfeited to Her Majesty, and the master and owner shall be jointly and severally liable to a penalty not exceeding five hundred pounds.

"Any vessel, suspected on reasonable grounds of carrying any native labourer with respect to whom the provisions of this Act have not been observed, may be seized and detained by any police magistrate or officer of customs or other officer authorised by the Colonial Secretary."

Mr. CHUBB said he wished to suggest an amendment in the phraseology of the clause. As the clause at present stood, the moment the Act was infringed the vessel and cargo were forfeited. The phrase in the Kidnapping Act was that the vessel was liable to be condemned as forfeited.

The PREMIER: I do not object; it means the same thing.

Mr. CHUBB said the alteration he suggested might perhaps save a good deal of bother.

The PREMIER said the clause was worded according to the usual formula in Customs Acts. The Kidnapping Act was couched in a somewhat archaic form of language. However, he had no objection to the amendment.

Mr. CHUBB moved that the words "liable to be" be inserted after the word "be" in the 3rd line of the clause.

Amendment put and passed.

Mr. PALMER said he had stated on the previous day that he thought clause 7 was unnecessarily severe. At Thursday Island the Customs derived between £7,000 and £8,000 a year in connection with the fisheries trade, and he was afraid that if the clause were passed as printed it would interfere with the increase of that trade.

The PREMIER: No, no!

Mr. PALMER said it seemed to him unnecessarily severe. There was another fact in connection with the shipping movements at Thursday Island which might, perhaps, not be known to the Premier. For several years past a number of Chinese junks, of a very old-fashioned type, had been in the habit of trading at Cooktown and Thursday Island, but they never came further south than Cooktown, and they only stayed six or twelve months. Would the provisions of the Bill apply to those Chinese vessels?

The PREMIER said the Bill was intended to provide against kidnapping. He did not agree with the hon. gentleman as to the shape of those junks; they were very like English boats, although they were called junks. The clause would apply to Chinese as well as to others if they attempted kidnapping.

Mr. BLACK said he would ask one question. In the case of a New South Wales vessel—he believed a great many of them were engaged in trade up north, which need not necessarily come under the provisions of the Bill—would that clause apply?

The PREMIER: If they came into Queensland waters.

Mr. BLACK said he supposed that if by stress of weather a vessel not trading in Queensland waters had to come into a Queensland port, and the master had done what might amount to a breach of the provisions of the Bill, the ship and cargo would be liable to be forfeited and the master and owner be subject to a penalty not exceeding £500. He thought that perhaps some provision might be made respecting such vessels.

The PREMIER said that was a difficulty that had always arisen, and had nearly always been pointed out when a measure of that kind had been under consideration. For instance, under the Kidnapping Act, a vessel picking up a shipwrecked crew of Polynesians would be liable to forfeiture. And when the Chinese Bill was before the House it was pointed out that a vessel bringing a shipwrecked crew of Chinese would come under the provisions of the Act. The only practical way of meeting the difficulty was to leave the initiation of prosecutions to the officers of the Crown. They could not make any exception in the Bill, because that would render a conviction impossible.

Clause, as amended, put and passed.

On clause 8, as follows:—

"Every native labourer employed on board of, or in connection with, a vessel trading in Queensland waters, whether he was engaged before, or is engaged after the passing of this Act, shall be discharged and receive his wages in the presence of a shipping master.

"If the master or owner of any such vessel, or any other person, discharges a native labourer who has been employed on board of any such vessel, or pays his wages otherwise than as is herein provided, he shall be liable to a penalty not exceeding fifty pounds."

Mr. CHUBB said he wished to add a word or two to the clause. In the Polynesian Labourers Act it was provided that no deductions should be made from the wages of a labourer.

The PREMIER: In cash.

Mr. CHUBB said that provision was not in the Bill before the Committee.

The PREMIER: We will put that in if you like.

Mr. CHUBB said he would move that after the word "wages," in the 1st paragraph, there be inserted the words "in cash without any deduction."

Mr. ARCHER said some of the labourers were earning very high wages; in some cases they earned more than the master of a vessel, and he did not think they should be dealt with in the same way as Polynesians. At first the natives engaged in the fishery trade did not receive a great deal, but after a time many of them asked and received splendid wages.

Mr. CHUBB said what the hon. member for Blackall had stated was quite true. Many of the men were earning very high wages. He was informed the other day, by a gentleman who knew a great deal about the trade, that some of the men—Malays—earned as much as £200 a year as divers, and that a great deal of that money was spent in buying cases of grog at Thursday Island. Instead of having a drink, the men bought whole cases of grog, and took them away to drink. If that was so, then, in dealing with aboriginals, whom they all knew were fond of grog, they should see that large sums of money were not deducted from their wages for spirits. The provision in the Polynesian Labourers Act was, that no deduction should be made from the wages of a labourer except in the presence of and with the consent of an inspector or police magistrate.

Mr. STEVENSON said there was no provision in the Bill for supplying a native with tobacco. A native might buy a lot of tobacco and sell it to his mates, and afterwards repudiate the purchase before a police magistrate.

Mr. BEATTIE said he knew that some of the men who had been employed for many years in the fishing trade were receiving as much as £16 a month, which was more than many masters of English vessels received, some of whom were only paid £12 a month. They were actually going to pamper those men by the proposed amendment. Why should they place those men in a different position from anyone else? He thought the clause had better be left as it was. If the men got their wages they could pay for what they bought.

Mr. CHUBB said the amendment would not prevent them paying for what they ought pro-

perly to have, but for what they had no right to have, such as grog, which could be obtained at Thursday Island. It would not prevent them paying for tobacco and clothes.

Mr. BEATTIE said that at Thursday Island the men could make a draw on the captain, and they could then obtain grog. Afterwards they could repudiate the debt.

Mr. CHUBB said that a man would have to make a draw before the shipping master. A master was not entitled to make any advances or progress payments; whatever wages a man received must be in the presence of the shipping master. If a man drew the money and spent it, the amendment would not touch that; but it would prevent the master of a vessel taking grog to Thursday Island, selling it to the crew, and charging them with it afterwards.

Mr. MOREHEAD said the amendment was simply a premium for repudiation on the part of the men.

Mr. STEVENSON said he hoped the hon. member would withdraw the amendment. The hon. member seemed to think that it would prevent masters of vessels selling grog to the men; but there was not the slightest fear of anything of the sort if the master wanted them to work. It would be better to leave the matter in the hands of employers, who would take care that too much grog was not sold to the men.

Mr. MOREHEAD said he would point out that the clause as it stood would utterly prevent anything like the truck system. He hoped, therefore, that the hon. member would withdraw the amendment.

Mr. CHUBB said that, as hon. members seemed to think that the amendment was not required, he would withdraw it.

Amendment withdrawn accordingly, and clause put and passed.

Clauses 9 to 12 passed as printed.

On clause 13, as follows:—

"The provisions of this Act shall not apply to any native labourer who is employed as a boatman on board of any boat in any port in Queensland with the sanction in writing of the principal officer of customs of that port.

"In the case of a native labourer who is carried direct in a vessel to any such port for the purpose of being engaged under the provisions of this Act (the proof of which purpose shall lie upon the person alleging the fact), the provisions of this Act shall not apply in respect of such native labourer while he is being so carried."

Mr. MOREHEAD said he would like the Premier to give some explanation of the clause. It seemed to him as if the Government could employ black labour in their own service as the clause stood.

The PREMIER said the Bill of course ought not to apply to boats rowing in a harbour, though it was intended to apply to other vessels that were more properly boats than ships. Boats in a harbour were under supervision.

Clause put and passed.

The PREMIER moved the insertion of the following clause in place of clause 1, which had been struck out :—

The engagement of any native labourer in accordance with the provisions of this Act shall be a sufficient compliance with the provisions of the 11th section of the Pearl-shell and Bêche-de-mer Fishery Act respecting the engagement of native labourers.

Clause put and passed.

Clause 14—"Short title"—put and passed.

Preamble put and passed.

On motion of the PREMIER, the title of the Bill was amended to read as follows, and agreed to:—"A Bill to prevent the Improper Employment of Aboriginal Natives of Australia and New Guinea on Ships in Queensland Waters."

On motion of the PREMIER, the CHAIRMAN left the chair, and reported the Bill to the House with amendments and an amended title. The report was adopted, and the third reading made an Order of the Day for to-morrow.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

The SPEAKER informed the House that he had received messages from the Legislative Council, returning the following Bills without amendment:—A Bill to amend the Municipalites Act of 1881; and a Bill to continue the operation of the Marsupials Destruction Act of 1881.

BILLS OF EXCHANGE BILL—SECOND READING.

The ATTORNEY-GENERAL: In moving the second reading of this Bill, I do not suppose hon members will consider that very many words are necessary.

Mr. MOREHEAD: Yes, we do.

The ATTORNEY-GENERAL: I shall not use any fewer words than I think necessary, but in connection with a matter of this kind I do not think there is as much necessity for a lengthy explanation as there would be if the subject-matter of the Bill were a novelty to hon. members. There is a difference between the Bill, the second reading of which I now move, and Bills the second readings of which are ordinarily moved in this House. There is no attempt in this Bill, or very little, at originality, and there is nothing in the Bill, with a very few exceptions to which I shall advert presently, that is not now the law of the land. The object of introducing the Bill is simply that the entire law on the subject of bills of exchange, cheques, and promissory notes shall be codified, and placed before every man who is capable of understanding the English language, in a simple, straightforward way, so that he may know what is the law on a subject of great interest to the mercantile community generally. It has been frequently a matter of complaint in connection with mercantile transactions, that men are not able to understand what their rights are till they have recourse to men who are more or less learned in the law, in order that they may ransack, perhaps, a large number of volumes to disinter what is really the effect of a long string of judicial decisions on many points. This Bill will save all that, and mercantile men will have nothing further to do than to look at the law as codified here, to understand what their rights are on the one hand, and their liabilities on the other, with respect to matters affected by this measure. This Bill is one which is introduced into this House under exceptionally favourable circumstances as regards the likelihood of its commending itself to hon. gentlemen on the Opposition benches. In introducing it I am only doing that which was intended to be done by my two immediate predecessors in office. A former Attorney-General, who is now Mr. Justice Cooper, prepared this Bill, which I may say is, with a few exceptions, almost a transcript of the English law on the same subject. He revised it and prepared it in such a way as to adapt it to the circumstances of this colony; and, I think, had proceeded to a certain extent in the direction of procuring the consent of this House to its second reading. The hon. member for Bowen, who succeeded him, also had this Bill under his consideration, and gave it his most careful revision; and had that gentleman remained in office I have not the slightest doubt he would have done what now falls to my lot—move its second reading. I may state further, that last year this Bill was introduced in the Upper House and passed

through that Chamber with very few alterations—none of them of any importance; and during the present session it has been again introduced into the Upper Chamber, and has passed through without any alteration.

Mr. MOREHEAD: It has not. It was altered in the Upper House.

The ATTORNEY-GENERAL: Very slight alterations.

Mr. MOREHEAD: It has been altered, at any rate.

The ATTORNEY-GENERAL: I shall refer presently to what the alterations introduced by the Upper House are; but I wish in the first place to state for the information of hon. members that this Bill consists of five parts. The first part is simply formal and preliminary; the second relates to the law affecting bills of exchange; the third part relates to the law respecting cheques; the fourth, to the law respecting promissory notes; and the fifth is supplementary, containing a number of minor provisions, some of which are not to be found in the English law. There have been some slight alterations made to the Bill in the Upper House which make it to a slight extent different from what it was when it passed that Chamber last year. The fact that we are now meeting in July, 1884, made it necessary to effect an alteration in the 2nd clause, which read thus:—

"This Act shall come into operation on the first day of July, one thousand eight hundred and eighty-four."

That of course had to be altered. Another alteration made by the Upper Chamber was in the 77th clause, line 32, by inserting the words "and company" after the word "bank." The most material alteration made by the Upper Chamber since the Bill passed through that Chamber in January of the present year is the reintroduction of clauses 101 and 102, which relate to penalties for defacing any negotiable instrument. I shall refer, however, to them presently. I do not think I need take hon. gentlemen through the various clauses, and show what their effect is, because it would be merely treating hon. gentlemen to a dissertation on what is now the law upon the subject, which is not probably very interesting, relating as it does to these mercantile instruments. Suffice it to say, the Bill, speaking generally, is an exact copy, with such alterations as are rendered necessary by the circumstances of the colony, of the Act passed by the Imperial Parliament in 1882. I may say that the Bills of Exchange Act of 1882 was not passed by the Imperial Parliament until it had been referred to a committee consisting of some of the most eminent legal members of the House of Commons assisted by other legal talent; and it is admitted to contain the entire law bearing upon this most important subject. I do not think, therefore, that we are in any very great danger in following in the footsteps of the Imperial Parliament with regard to a measure of this kind. Even if we were not to accept this Bill, the law as it stands in Queensland would be regulated by such law as is actually brought in a compendious form here. We are not seeking to alter by this Bill any existing law in Queensland bearing upon this subject, with a few exceptions to which I shall refer directly; but there is an advantage in having on our Statute-book a law of this kind, which is law in England; which has also, I am informed, been passed into law in Victoria; and will very probably before long become a law appearing in the statute-books of all the Australian colonies. Now, with reference to the alterations that have been made in the Bill, I wish to draw hon. members' attention, first of all, to section 21. There is a slight departure here from the phraseology and from the provisions of the English Act. Hon. gentlemen will see in section 21 that—

"Where a simple signature, on a blank stamped paper, stamped with an impressed stamp, is delivered by the signer in order that it may be converted into a bill, it operates as a *primâ facie* authority to fill it up as a complete bill for any amount the stamp will cover, using the signature for that of the drawer, or the acceptor, or an indorser.

"When a simple signature, on unstamped paper, or paper stamped with an adhesive stamp only, is delivered by the signer in order that it may be converted into a bill, it operates as a *primâ facie* authority to fill it up as a complete bill for any amount not exceeding the amount (if any) written thereon as the maximum, using the signature for that of the drawer, or acceptor, or an indorser."

It will be noticed that there is a distinction drawn between the case of a stamped paper upon which a stamp is impressed, and that upon which the stamp is affixed by an adhesive substance, for this reason: That, in England, all those documents which are subject to be stamped are stamped by means of an impressed stamp; but inasmuch as in the colony we have not a law by which all our mercantile negotiable instruments are stamped with an impressed stamp, it is necessary to have a provision for the case of those documents upon which the stamp is affixed by means of an adhesive substance. There is this difference between the provisions in the two cases: In the first case, where the stamp is an impressed stamp, the holder of the bill bearing the signature of the drawer may fill it in for any amount which the impressed stamp will cover, according to the provisions of the Stamp Act for the time being. But in regard to the adhesive stamp placed upon a stamped paper bearing the signature of the drawer, the amount which he is left to fill in will be such an amount as is written upon the instrument itself, as the maximum amount for which the Bill is drawn. That is one departure from the provisions of the English statute upon the subject. There is also an alteration with regard to a most important subject affecting the interests of the mercantile community. This is the subject of crossed cheques. Hon. gentlemen will find the reference to crossed cheques in section 77 of the Bill. Now we have had in existence in Queensland for some time, in our Bills of Exchange Act, a provision by which persons who pay cheques are able to protect themselves against cheques falling into the hands of persons who have no right to them, and who might get these cheques passed to their own credit, by inserting within transverse lines, which are drawn across the face of the cheque, the word "bank" or the word "credit" or any abbreviation, followed by the name of any firm or individual. By our Bills of Exchange Act, which it is proposed to repeal by this Bill, a person can secure himself against his cheques going astray and becoming available for other people, by adopting this simple plan. I do not know that there is any provision in the law of any other colony to the same effect; at all events they do not seem to have that excellent provision in the law of England. I think it is an admirable provision, whereby a person who gives a cheque may secure that that cheque shall be passed to the credit of a person in a certain bank, and that if that cheque should be paid by the bank on which it is drawn to the credit of any other individual or firm, the bank shall be at the loss and not the drawer of the cheque. There are provisions here by which it shall be lawful to cross a cheque—in addition to crossing it with the transverse lines, and the word "bank," or some particular bank—by writing the name of the individual or firm, as well as the name of the bank. The provisions have been introduced in this way on the same

lines as the Bill is drawn upon in order to secure to the people of the colony the right, as heretofore, to protect themselves, and render any bank liable to the lawful holder who shall pay a cheque crossed specially in this way to any other credit than that of the individual or firm stated upon the face of the cheque. There are one or two additions to the English Act, consequent upon the introduction of this most excellent provision. In the last part of the Bill, which deals with general matters, there is this provision—which is not to be found in the English Act—section 97, as follows :—

"A negotiable bill, other than a cheque, and a negotiable note, other than a postal note, shall not be drawn or made for any sum less than twenty shillings.

"An instrument which contravenes this rule shall be void, and any person who issues or negotiates it shall be liable, on summary conviction before two justices in petty sessions, to a penalty not exceeding twenty pounds, and not less than twenty shillings.

"Provided that no complaint under this section shall be entertained, if made after the expiration of thirty days from the commission of the offence."

There is also a little departure from our statute law in Queensland upon this particular point. The Bills of Exchange Act does not permit—or rather, as a matter of fact, it forbids—the drawing of a cheque for a less sum than 20s. By this Bill it is proposed to legalise the drawing of a cheque, but not any other negotiable instrument, for any less sum than 20s. The Bill repeals the Bills of Exchange Acts of 1877 and 1879, and then there follow the provisions already referred to, making it an offence for persons to use bank-notes as a means of advertising their business. Hon. gentlemen must have seen bank-notes marked all over with the names of enterprising firms, who hoped in this manner to bring themselves into notice through the large number of people who handled these notes. This Act provides that any person who, in this or any similar way, defaces a note, or marks it, shall be liable to a penalty, if he does it, or is privy to its being done, or attempts to lodge any notes of this kind in a bank. Of course there is an exception to be made in favour of those occasions where it is necessary to mark notes for the purpose of identification, as happens in a court of justice, where they may have to be marked by the officers of the court. I do not think it necessary to enlarge upon the provisions of the Bill. I am perfectly satisfied, from all I have heard out-of-doors and have gathered from conversations with hon. members, that there can be but one opinion as to the necessity and propriety of introducing a measure of this kind, which will tend to remove doubts which exist in many minds, and will tend towards a simplification of the law upon matters which affect, more or less, every man in the community. I beg to move the second reading of the Bill.

Mr. CHUBB said: The hon. gentleman has introduced this Bill in a clear and concisive speech. The Bill is a codification of the existing law as regards bills of exchange, promissory notes, cheques, and other negotiable instruments which are dealt with by bankers. It has been a reproach upon our system for many years that our law has not more nearly approached the code system of France, and the attempt has been made, for several years now, to introduce a law in a codified form, of which this is one. This Bill, or a similar one, was before the House of Commons for some time, and, as was said by the hon. Attorney-General, it was referred to a very skilful and able committee, composed of eminent lawyers and bankers, and the Bill, or almost a fac-simile of it, met with their entire approval. It has been said that it is a mistake to re-enact the law. I once heard a very eminent practitioner in this colony, the late Mr. Justice Blake, express great objection at putting into a statute what he said was very well known. As the hon. Attorney-General has stated, with the exception of two or three clauses, there is nothing new in this Bill. It is a collation of judicial decisions for many years past on the subject. They have been accumulated and arranged in the form of a statute. That this Bill, if passed, will save the public much in law expenses, I hardly think likely. It will be of great benefit to the profession, to the judges, and to bankers and commercial men in conducting their business. The Bill presents the law in a concise form, yet I believe, myself, the public will have to go just as often to the lawyers to advise them upon the clauses of this Bill as they would have if it were not passed. Nevertheless, I believe the Bill to be a very good measure and one that will be found very beneficial to the public. There is one thing I see has not been dealt with, and I proposed to have dealt with it myself last session if I had been able to have brought in the Bill. The Bill, which was introduced by Mr. Justice Cooper, was framed or founded upon the Bill introduced into the House of Commons, but which was not passed at that time. The Bill received some alteration before it passed the House of Commons, and when I drafted the Bill I intended to have introduced it, as I had the benefit of the English statute, and, I may say, I kept as closely to that as I could. I did not depart from it any more than the hon. gentleman opposite has done, except in the 70th section, which deals with "Lost Instruments." That section refers to bills of exchange only, and I could not see why it should not be made to apply to other negotiable instruments, such, for instance, as promissory notes.

The PREMIER: Section 90 covers your objection.

Mr. CHUBB: I see that has been corrected in section 90. I did not think that was in the Bill before.

The PREMIER: Yes.

Mr. CHUBB: On that point I am evidently in error. I had considered the Bill at the time I spoke of, and it was not in the Bill as at first introduced. I see it is now provided for in the 90th section, and therefore the application of it to the 70th section, as I proposed, is now unnecessary. I think the sections which were added in the other Chamber—namely, the 101st and 102nd sections—are very useful additions to the Bill. There was a time when bank-notes were plastered all over with stamps—coloured stamps, which were merely advertisements of the names of business people; and they were very often so disfigured in this way that it was difficult to know really to which bank they belonged. I think, therefore, that the provisions inserted in the Bill passed through the other House are really useful additions to it. I do not know that there is any other portion of the Bill which calls for remark; but there is one thing which, although not immediately germane to the Bill, is worthy of notice, and it is this, referring to the 21st section: the 2nd subsection of that clause has been inserted to deal with adhesive stamps. On all our promissory notes and negotiable instruments, except cheques, adhesive stamps are used. I last year represented to my hon. colleague the late Colonial Treasurer that I had good grounds for believing that the Government was defrauded of a considerable amount yearly by the system of allowing adhesive stamps to be used, and suggested that it might be advisable to apply impressed stamps to negotiable instruments and deeds. In London you can buy bills of exchange, promissory notes, and such instruments up to any amount you wish, already stamped. The same with deeds;

you can buy your parchment stamped. You may buy them at so much a dozen, and I see no reason why we should not now introduce the system of impressed stamps as far as possible. I am satisfied that if the Colonial Treasurer could see his way to do that a good deal of money would be brought to the Treasury that it is now defrauded of. I have seen, myself, promissory notes and bills with stamps just attached to the corner of them, and I have no doubt that those bills are very often renewed, and the same stamps used again. We see in almost nine cases out of ten that documents are produced in evidence unstamped. Of course they are immediately impounded by the associate, and are not allowed to be used as evidence until they are stamped, and a fine paid; but those are only a tithe of the unstamped documents which we know nothing about. If the use of impressed stamps were made general, and adhesive stamps abolished as far as possible, I have no doubt that the Treasury would derive a great deal more from stamps than it does at present. I think, therefore, that the Bill is a very good one, and that when it becomes law it will form a very valuable addition to the Statute-book of the colony.

Mr. MOREHEAD said: It is very satisfactory to find that the legal luminary on the Government side of the House, and my hon. and learned friend, the member for Bowen, on this side, are to a certain extent agreed as to the propriety of passing this measure. I can scarcely liken them to the lion and the lamb lying down together, because if the lion woke up hungry he would eat the lamb. Two vultures on the same perch would, perhaps, be the more proper way of referring to them. We have heard from the hon. member for Bowen that the public will not derive any great benefit from this measure when passed; that is to say, it will not lessen their expenditure, if they have to adopt legal proceedings. But I thoroughly believe that it will be of great use, not only to lawyers, but to the mercantile community of the colony. I do not for a moment endorse the statement of the hon. member for Bowen, with regard to the advisability of insisting on impressed stamps on bills, for the simple reason that people in business, if only impressed stamps were used, would have to keep a large stock of them on hand, which would mean a considerable locking-up of capital. The Bill is calculated to greatly simplify the matters within its scope, and I hope that it will become law. That such a measure is necessary has been clearly pointed out, both by the Attorney-General and by the hon. member for Bowen, and I need only add to that, that it was thought necessary by the late Government. In fact, it is one of those few measures that were considered necessary by the present Government;—they seem to think that promissory notes are necessary to their existence. It is one of the measures which they have greedily grasped, and which they have accepted, with little alteration, as they got it from their predecessors.

The COLONIAL TREASURER (Hon. J. R. Dickson): I think that the consolidation of the law relating to bills of exchange and promissory notes, as proposed by the Attorney-General this evening, will be of great benefit to the mercantile community, inasmuch as it will render the practice adopted by the banks of the colony and the law relating to bills of exchange, better known to them than it is at the present time. A great deal of the information now possessed by the mercantile community regarding bills of exchange and promissory notes is derived from the practice of the banks; and the law on the subject has been to a great extent a sealed book, except to members of the legal profession. The effect of the present Bill will be to make the law on those important subjects intelligible without their having to be constantly consulting such authorities as "Byles on Bills," and other legal works which are difficult of access. I have also been informed by several bankers in the colony that it is their intention, if the Bill becomes law, to circulate it through their different branches, so that the managers of country branches may have an opportunity of becoming better acquainted than they are now, not only with the practice with regard to bills of exchange, but also with the law on which that important matter rests. The Bill itself in its main features is good, and for the reasons I have mentioned will be a very valuable acquisition to our Statute-book, but there are one or two matters connected with it that I am at present rather dubious about, notwithstanding that it has been introduced by my hon. colleague, the Attorney-General. I venture to refer to one or two of those matters. I observe that in the 44th clause a new practice is introduced; I believe I am correct in stating that it is an alteration of the law. The 2nd subsection of that clause is as follows:—

"Subject to the provisions of this Act, when a bill is dishonoured by non-acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary."

According to my knowledge of the practice of banks, both in the mother-country and in the colonies, presentation for payment is necessary at the maturity of a bill, notwithstanding that the bill has been previously dishonoured for non-acceptance; and I can see no reason why there should be a departure from that principle. I can quite understand that a bill of exchange may be dishonoured for non-acceptance for want of advice, and in various other contingencies which may arise; but I contend that it is desirable—if it be the law, as I know it is the practice, both in the mother-country and here—that the privilege which the mercantile community now possess with regard to the presentation of bills at maturity should not be restricted. Then again there is the 97th clause, which states—

"1. A negotiable bill, other than a cheque, and a negotiable note, other than a postal note, shall not be drawn or made for any sum less than twenty shillings.

"2. An instrument which contravenes this rule shall be void, and any person who issues or negotiates it shall be liable on summary conviction before two justices in petty sessions, to a penalty not exceeding twenty pounds, and not less than twenty shillings.

"3. Provided that no complaint under this section shall be entertained if made after the expiration of thirty days from the commission of the offence."

The Stamp Act distinctly states that an order on a bank does not come under the necessity for stamps unless it amounts to 20s. and upwards. I believe that in practice very few cheques will be drawn for less than 20s.; for the banks, if troubled with cheques for smaller sums, would intimate their desire to close the account.

Mr. MOREHEAD: They cannot close it.

The COLONIAL TREASURER: It is undesirable that cheques should be drawn for less than 20s., except for squaring an account; and it is extremely undesirable that we should encourage the issue of cheques for a smaller amount, particularly when they are in violation of the Stamp Act. That is a matter deserving the attention of the House. I agree with the hon. member for Balonne with regard to impressed stamps to bills of exchange and promissory notes. It would be highly undesirable to introduce the practice here, considering the peculiar conditions

of the mercantile community along our large seaboard, in connection with the trade of the interior. No doubt that as a matter of mere revenue it would result in an increase in the Treasury, but it would be at the cost of great inconvenience to the mercantile community; and in that light I do not intend, so long as I have the honour of being Treasurer, to recommend for acceptance the suggestions of the hon. member for Bowen. I am not quite certain that clause 101, which was introduced in another place, and which provides for the punishment of persons passing bank-notes with the names of traders or private persons printed or stamped thereon, is desirable. I can see no objection to a bank-note being endorsed; indeed it might be insisted in certain cases that it should be endorsed by the holder for the time being, so that it may be traced. I have now briefly adverted to two or three matters in connection with the Bill. I recognise it as a very useful addition to our legislation, as a means of informing the mercantile community of the colony on the law and practice respecting bills, promissory notes, and cheques; and I think that, in committee, we may be fairly allowed to deal with the matters to which I have referred, without in any way detracting from the usefulness of the measure.

Question put and passed.

On the motion of the ATTORNEY-GENERAL, the committal of the Bill was made an Order of the Day for to-morrow.

INSANITY BILL—COMMITTEE.

On the Order of the Day being read, the House went into Committee to further consider this Bill.

Clauses 76 to 84, inclusive, passed as printed.

On clause 85, as follows:—

"When the court is satisfied upon the report of the curator or otherwise that any person has been found of unsound mind, and incapable of managing himself and his affairs, by any competent court in the United Kingdom, or in any British colony or foreign State, the court may appoint a committee of the insane person's estate or person, or both, and may give such other orders in respect of the management of his estate or person as it may deem expedient, and such committee shall have the same duties, powers, and liabilities as the committee of a person declared insane under this Act."

Mr. CHUBB said that the clause seemed to give power to a court to deal with a lunatic who was not in the colony.

The PREMIER: A most useful thing to do; it provides for the appointment of a committee of his estate.

Mr. CHUBB said it proposed to give power to the court to deal with both his person and his estate. It might be a useful thing to empower the court to appoint a committee to manage the estate of an insane person, so far as it was in the colony; but he did not see the wisdom of making provision for the court to deal with his person, which was not in the colony.

Mr. MOREHEAD said he would like to know from the hon. the Premier, who was in charge of the Bill—and who seemed to be in charge of nearly every Bill before the House—what was the meaning of a competent court in a foreign State. Timbuctoo was a foreign State, he supposed. What was a competent court in Timbuctoo? Or, coming nearer home, what was a competent court in the Transvaal, which he believed was under the suzerainty of the Queen?

The PREMIER said a competent court meant a court having jurisdiction according to the laws of the country in which it sat. He imagined that it would be very hard to satisfy the Supreme Court of this colony that there was a court of that kind in Timbuctoo.

Mr. MOREHEAD said very likely the Supreme Court would not refuse to act on a judgment of a court of the Transvaal. Would the hon. gentleman tell them what was a competent court there?

The PREMIER said he was not sufficiently familiar with the judicial arrangements of the Transvaal to answer that question, but he had no doubt that they had a Supreme Court there, whatever they called it.

Clause passed as printed.

Clauses 86 and 87 passed as printed.

On clause 88, as follows:—

"The Governor in Council may appoint some fit and proper person to be curator in insanity, who shall have and execute all the powers and duties hereby or under the authority hereof vested in and imposed upon him.

"Subject to the Regulations and Rules of the Court, the curator shall undertake the general care, protection, and management, or supervision of the management, of the estates of all insane persons and patients in Queensland.

"He shall also supervise and enforce the performance of the obligations and duties of all committees of insane persons, and receivers of their estates, heretofore or hereafter to be appointed, and shall take care of, collect, and administer under the provisions of this Act the property and estates of patients."

Mr. MOREHEAD said he thought the Premier should give some explanation with regard to the clause. It provided for the appointment of a new officer, and it would put an additional burden on the people. The work, too, was so great that it would take a man all his time to carry out all the provisions contained in Part VIII. of the Bill, which referred to his general powers and duties. He (Mr. Morehead) would like to know also what the emoluments were to be.

The PREMIER said he had not come to any definite conclusion on the subject. He hoped that an existing officer might be able to perform the duties; but the hon. gentleman who had devoted much thought to the subject thought otherwise. Of course there would be a great deal to do at first. Many of the patients possessed property, and no doubt there would be a good deal of work in that way. He was informed that in New South Wales, since a similar officer had been appointed, there had been a great saving to the State, as a large amount was contributed by patients in the asylums to the cost of their maintenance. The appointment there was, he thought, held by the prothonotary, or some other officer of the Supreme Court. The emolument that such an officer would receive here would be not less than £600 a year; the duties were analogous to those of the Curator of Intestate Estates.

Mr. CHUBB said he hardly thought any existing officer would be able to administer the provisions of the Act. There would be a great many inquiries to make, especially as to the property of patients, and if the Act was to be administered with any saving or benefit to the country a great deal of time would be taken up. It occurred to him that the Official Trustee in Insolvent Estates might be able to perform the duties; but he found that that officer's work was increasing every year, and he doubted whether he could undertake other duties. The man to perform the duties of curator in insanity would have to be a pretty good hand at figures, because he had to deal with accounts and to manage the estates of patients who might be possessed of all kinds of property.

Mr. MOREHEAD said that it appeared to him that whoever was appointed to the position would have an enormous amount of work and responsibility. The Committee were dealing in this and subsequent clauses, not only with permanently insane people, but people who were subjected to temporary aberration. The curator

ought to possess rare judgment in investing funds and dealing with the property of lunatics. That was a tremendous responsibility to cast on anybody. He thought that, perhaps, it would be wiser not to allow anybody to deal with those estates, but that the money should be put into the Savings Bank and dealt with by the Government as trust money. According to the clause, land and other property might be sold at the discretion of the curator. He doubted very much whether it was advisable to give such discretion to any officer; the property should be dealt with in that way only when death carried off an unfortunate patient. If a patient recovered his sanity he would, of course, be able to manage his own property. He admitted that it was a difficult question, and he did not think the clause dealt with it in the most perfect manner. In the case of a lunatic who had means, there should be a charge against him and against his estate for the cost of his maintenance in the asylum; but he did not think it should be in the power of any man to deal with a lunatic's property in a speculative or other way, as was allowed by the clause before them. They had just as much right to protect the property of the insane as of the sane.

Mr. GROOM said it would also be necessary that the curator in insanity should have representatives in the country districts. A case had come within his knowledge within the last fortnight, where a selector in the district of Highfields, who held a selection of 320 acres, which he had considerably improved—having erected a house, cultivated a large portion of it, and got a considerable number of cattle—had, within the last two months, been committed to the reception-house as insane, and been afterwards transferred to the Goodna Asylum, having been pronounced by the medical officer there to be unfit to be at large. That man's property was now left to the mercy of the waves. His wife and family were in their native country, and there was no one to look after it. That was a case in point showing the necessity of some provision being made for taking charge of estates in that position. On inquiry at the Lands Office, he found that that selector had made seven payments, and sufficient money was found on him to pay the eighth year's rent; but the unfortunate man was now a lunatic, and there was no one to look after his interests in any way. The curator, he took it, would be stationed in Brisbane, and, to meet cases of that kind, he would require to have country representatives. That case had come within his own knowledge, and had been brought under the notice of the Colonial Secretary, and no doubt there were others of a similar character. The curator in insanity would, therefore, hold a very responsible office, and, in passing the Bill, they should take care that every possible precaution was adopted to protect the estates of insane persons.

Mr. NORTON said he quite agreed with the object of the Bill, and also with the remarks just made by the hon. member for Toowoomba, but still he thought the matter under discussion was one that they should be very careful in dealing with. They proposed to give very large powers to the curator, and the danger was that, without any intention to give him power to do what might be a great injury to the estate of an insane person, he might act upon that power without knowing the harm he was doing. He believed that in cases where insane persons had property their estates should, as far as possible, be made to pay the cost of their maintenance in a public asylum; but, at the same time, they must bear in mind that those persons might have relatives, who might for a time be out of the country; the persons in charge of the estate might know nothing about them, and, before their return, the property might be so disposed of that they would not get anything from it. In that way a serious wrong might be done in dealing with the estates of insane persons. That was a danger they had to guard against, and in giving the curator in insanity the powers proposed by the Bill, he thought it was most important that there should be such a check placed upon him that nothing of that kind could happen as far as it was possible to prevent it. He did not know how such matters were arranged in New South Wales.

The PREMIER: It is the same scheme.

Mr. NORTON: But he knew that large sums of money were collected there from the estates of insane persons. The difficulty was, that in trying to make the Bill work smoothly, they might create dangers they were not aware of.

The PREMIER said those parts of the Bill, with the exception of some verbal alterations, had been taken from the Bill which had been introduced during several successive years by the late Government, and which he knew had been taken from the law in force in New South Wales, which had worked so successfully. He had made a few verbal alterations, but there was no change in principle. One of the safeguards of the system was that the curator in insanity was an officer of the Supreme Court. At present, the way in which estates of insane persons were administered—when administered at all—was to appoint a person as a committee, who had to manage the estate, and who acted under the direction of the Supreme Court. With respect to cases where a committee had not been appointed, it was proposed that the curator should have general supervision of their estates, and acting under the direction of the Supreme Court and also under the control of the Minister. He could not dispose of any property, unless, in trifling matters, without the direction of the court or that of the Minister. He (the Premier) had very carefully considered the matter when the Bill had been introduced on previous occasions, and also since it had come directly under his charge, and he thought that no better safeguards could be devised. They were the same as those in force in New South Wales, where the Act had been operating in the most satisfactory manner.

Clause put and passed.

On clause 89, as follows:—

"For the purpose of giving effect to any order made under this part of this Act, the court may order any real or personal property of the insane person mentioned in such order to be sold, mortgaged, charged, or otherwise disposed of, and a conveyance, transfer, mortgage, charge, or other disposition thereof to be executed or made by any person on his behalf, and may order the proceeds of any such sale, mortgage, charge, or other disposition, or the dividends or income of such real or personal property to be paid to any relative of the insane person, or to some other fit and proper person, to be by such relative or other person applied to the payment of the debts, or to the maintenance or for the benefit of the insane person or his family, or for carrying on his trade or business, either at the discretion of such relative or person, or in such manner and subject to such control or supervision of the curator, and with or without such security for such application as the court directs."

Mr. MOREHEAD said he need scarcely say that he was perfectly certain that the Premier, in advocating the passage of the measure, had only one object in view—the same as every other member of the Committee—and that was, to do the best he could for those persons who were unfortunately afflicted with insanity. At the same time, that clause appeared to him to give immense powers to the curator.

The PREMIER: To the court.

Mr. MOREHEAD: Of course the curator was an officer of the court, and could not move until he had permission; but still it gave him

tremendous powers; and, although he was not prepared to move an amendment, he thought those powers should be limited, more particularly in the direction of persons who might not be hopelessly insane. Even at the present time, it was difficult to tell whether a person might not recover from insanity, because, as they all knew, extraordinary cases had taken place, where men who had been insane for years had recovered. He therefore thought that the Committee should be very chary in passing such a provision, dealing, as it did, with the property of those who were insane, which might be sacrificed at the sole judgment of the curator; because, although the Supreme Court was really the controlling power, it was only so up to a limited point. It was only by the authority of the court that the curator had power to dispose of property, but it did not limit him as to the manner in which it might be disposed of. It simply gave that power to the curator; and the curator might do as he thought fit.

Mr. CHUBB said he apprehended the discretion of the judges would be regarded in such a matter. They could deal with the estate on very much the same principle as they did with that of an infant—which was, not to sell the estate unless it became absolutely necessary. In the case of a large property belonging to an insane person, it would be unnecessary to sell it, because the income would be sufficient for his maintenance; while, if the estate were small, it might be better to realise than to put someone in charge and swallow up all the value of the property in maintenance. Each individual case would depend upon its own circumstances. The curator would be an officer of the court, and would represent the condition of the estate and what was required to be done. The court would then make an order in the nature of advice, instructing the curator to dispose of the property, or a portion of it, in some specified way, and pay the proceeds—

"To any relative of the insane person, or to some other fit and proper person, to be by such relative or other person applied to the payment of the debts, or to the maintenance or for the benefit of the insane person or his family, or for carrying on his trade or business, either at the discretion of such relative or person, or in such manner and subject to such control or supervision of the curator, and with or without such security for such application as the court directs."

So that if it were a matter of very great moment the court would direct additional security to be given; if it were a small matter the curator would be left to his own discretion; or possibly he would be associated with some merchant or other person accustomed to the business he had to carry on.

Mr. MOREHEAD asked how long the Act in New South Wales containing the provision, which the Premier said had worked so admirably, had been in force?

The PREMIER: Since 1877, I think.

Mr. MOREHEAD said he did not wish to impede the passage of the measure, but clause 89 appeared to him to give too much power to the curator. However, if the Premier assured the Committee that a similar clause had worked very well in New South Wales, he would not object to its passing.

The PREMIER said that practically the clause did not introduce any change into the law. The Court of Chancery assumed the jurisdiction long ago, and the Supreme Court exercised the same jurisdiction. He wished to make a verbal amendment, by leaving out the words "this part of" near the beginning of the clause.

Amendment agreed to, and clause as amended put and passed.

On clause 90, as follows:—

"Where on the trial of an information or indictment, any person has been acquitted on the ground of insanity, or upon arraignment upon a criminal charge has been found to be insane, the sheriff shall report the fact to the curator, who shall thereupon make inquiry respecting the property of such person, and the court may, on being satisfied by the report of the curator, of by affidavit or otherwise, of the continued insanity of such person, and of his being still in confinement, make any such orders with respect to the property of such person and the application thereof for the payment of his debts, or for his maintenance or benefit, or that of his family, or for carrying on his trade or business, as are mentioned in the last preceding section."

Mr. PALMER asked if it were imperative that the property should fall into the hands of the curator, irrespective of any claims that the family of an insane person might have, or their capacity for carrying on the business. A selector's wife or son might be competent to carry on his farm, and in such case it might be an injustice for the curator to step in and assume absolute control.

The PREMIER said that someone must be given legal power to control the estate. It was the duty of the curator to report all the circumstances to the court, who would then appoint a committee or direct the curator to take charge. The court acted as the guardian of all incapacitated persons, and would make the best arrangements possible for the management of the estate.

Clause put and passed.

Clauses 91 to 100 passed as printed.

On clause 101—"Curator may certify as to propriety of proposal with regard to costs"—being put—

Mr. MOREHEAD said that that and the succeeding clauses seemed to be rather strong. The curator seemed to be in a position to discover or declare who were the nearest of kin to an insane person. Some explanation ought to be given.

Question put and passed.

Clauses 102 and 103 passed as printed.

On clause 104, as follows:—

"Subject to the provisions hereinafter contained, the curator shall as soon as possible inquire and certify who are the next of kin of every insane person and patient, and, subject as aforesaid, due notice of attending on the proceedings in the matter shall be given to the persons for the time being found to be next of kin."

The PREMIER said the scheme of the clause was, as soon as a man became insane, to find out who were his next of kin, who were the persons interested in his estate, and who were entitled to know what was going on. It would be the business of the curator to find that out as soon as possible, because those persons were entitled to intervene. It was proposed that the curator should usually make inquiry at once; but there might be many reasons why it might be a good thing to put off that inquiry. One reason was given in section 106, where on account of the smallness of the property an inquiry might be unnecessary; or if a man were a foreigner, or a Polynesian, where it would be impossible to find the next of kin. Section 107 gave a similar case, where the cost of finding out who were the next of kin would be so great that it would swallow up the whole estate. In such matters the curator was entrusted with a large discretion. The 108th clause provided that the court might dispense with the attendance of the next of kin unless at their own expense. One person could represent a class, such as the eldest son might represent a family, and so on, so that expenses need not be multiplied by giving notice to a great number of persons where one would be sufficient. He thought the provisions were very satisfactory.

Mr. MOREHEAD said he did not think the clauses altogether satisfactory as as they stood. They appeared to give too much power to the curator: that he should have a right to decide with very little inquiry who was the nearest of kin to the insane person. Clause 112 was the most extraordinary one he ever read. The curator could take possession of and open the will of an insane person, or person who died insane, and treat it as if it was the will of a sane person, and devolve all his duties upon an executor who might have been nominated by an insane man, because the clause went on to say—

"Purporting or alleged to be the will of such person, for the purpose of ascertaining who is therein nominated executor thereof, and also whether or not there is any and what direction therein contained concerning his funeral or place of interment, and shall then deliver the same to the executor or one of the executors therein named, or some other proper person, to the intent that the same may be proved in the usual course and dealt with according to law, and shall certify the death and the opening and delivering out of the paper writing accordingly."

That was to say he transferred all his powers to an executor appointed by an insane person.

The PREMIER: By a man who has since become a lunatic.

Mr. MOREHEAD: He might have been a lunatic when he made the will.

The PREMIER: Then the will would not be proved.

Mr. MOREHEAD: The thing is handed over to the executor at once.

Clause put and passed.

Clauses 105 to 111, inclusive, passed as printed.

On clause 112:—

"The curator may on being satisfied of the death of an insane person, open and read without order any paper writing deposited with him, and purporting or alleged to be the will of such person, for the purpose of ascertaining who is therein nominated executor thereof, and also whether or not there is any and what direction therein contained concerning his funeral or place of interment, and shall then deliver the same to the executor or one of the executors therein named, or some other proper person, to the intent that the same may be proved in the usual course, and dealt with according to law, and shall certify the death and the opening and delivering out of the paper writing accordingly."

The PREMIER said that the clause provided that when an insane person died, and the curator had had deposited with him a document purporting to be the will of that person, he might open it in order to ascertain who was the executor named, and that he may give directions as to the interment of the deceased person. The clause applied to cases where the will was made by the insane person before he became insane. Of course the will of an insane person was void, but that was a question which had to be settled by the court, and determined when application was made for probate, and it had nothing to do with the Bill before them. The clause provided that the will of a deceased insane person should be opened by the curator, simply that he might hand it to the executor named therein. He placed it in the hands of the persons entitled to fight it out against the world if objection were raised to it. If probate were not granted the property devolved upon the Curator of Intestate Estates.

Mr. MOREHEAD said there appeared to him to be more in the clause than the hon. gentleman set forth. He assumed that the directions contained in such a will as to the funeral and interment of the deceased person, would not have to await the decision of the court. But was the hon. gentleman going to say, that if the deceased person were to be assumed to be sane with regard to that portion, he was not to be considered sane with regard to the rest? How was a will to be considered invalid as regarded the disposal of property, and valid as to the disposal of the deceased person's body? He would ask the hon. gentleman, as a lawyer, whether he could accept one portion of a will as made by a sane person, and another portion of the same will, as made by an insane person?

The PREMIER said, if the directions as to the burial were insane, he supposed they would not be carried out, but if they were tolerably sane they would be carried out and he did not think it would matter much if they were not.

Clause put and passed.

Clauses 113 to 115, inclusive, passed as printed.

On clause 116—

"The curator may, by certificate, disallow wholly or in part, the costs of any proceedings before him, and also of any affidavits, petitions, or other documents used for the purpose of this Act which contain unnecessary recitals or statements of proceedings or any documents previously taken or used in the same matter, or are improper in whole or in part or of unnecessary length."

Mr. CHUBB asked if there was any provision for appealing against the decision of the curator on that point?

The PREMIER: Yes; in the 119th section.

Clause put and passed.

Clauses 117 to 123, inclusive, passed as printed.

On clause 124—"Expenses and accounts of curator"—

Mr. PALMER said he noticed that the appointment of curator was a new one, and that there were many important duties to be carried out by that officer. Would the Premier inform the Committee who had carried out those duties before?

The PREMIER: Nobody.

Mr. PALMER: They must have been carried out, even imperfectly.

The PREMIER: They have been carried out so imperfectly that they may be described as not having been carried out at all.

Clause passed as printed.

Clauses 125 to 155, inclusive, passed as printed.

On clause 156—"Curator may pay maintenance, and manage property of patients"—

Mr. CHUBB asked whether, if a wife or other relative of an insane person was not satisfied with the allowance made by the curator, there was any provision for appeal to the court?

The PREMIER: Yes; in the second part of the section.

Clause passed as printed.

Clauses 157 and 158 passed as printed.

On clause 159—"Justices may make an order upon relatives of patients for his support"—

Mr. CHUBB said no doubt that provision was the same as the law in New South Wales, and he did not quarrel with it on general principles, because it was only right that parents should maintain their afflicted children, or that children should maintain their afflicted parents. But it might happen that a man might become insane by some criminal act, to which his relatives in no way contributed, or by his own folly and not by misfortune. In such a case he did not think that the mother of the insane person or his relatives should be compelled to contribute to his maintenance.

The PREMIER said under the present law there was no liability on the part of the relatives or friends of patients, and it was necessary that some provision should be made.

Clauses 160 to 167 passed as printed.

Clause 168 passed with a verbal amendment.

Clauses 169, 170, and 171 passed as printed.

On clause 172—"Penalties may be sued for summarily," and "Appeal"—

Mr. CHUBB said there were several modes of appeal provided in different Acts, and he should like to know which was to be adopted. There was one mode of appeal in the Masters and Servants Act, and another in the Small Debts Act.

The PREMIER said the clause was the same as in the New South Wales Act and he thought it was perfectly right.

Clause put and passed.

Schedules 1 to 4 put and passed.

On schedule 5—"Statement to accompany insane person"—

The PREMIER said that the hon. member for Bowen had suggested that the personal description of the patient should be stated, and he therefore moved that the words, "personal description," which were the best they could use, be inserted after "age."

Mr. CHUBB said "personal appearance" were the words used in an Act just passed.

Amendment agreed to; and schedule, as amended, put and passed.

Schedules 6 to 17 put and passed.

On motion of the PREMIER, the CHAIRMAN left the chair, and reported the Bill to the House, with amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

ADJOURNMENT.

The House adjourned at seven minutes past 10 o'clock.