Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 27 MAY 1874

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LEGISLATIVE COUNCIL.

Wednesday, 27 May, 1874.

Australian Joint Stock Bank Bill.—Supreme Court Bill.—The New Industry of Silk Culture.—Explanation.—Oyster Bill.—Navigation Bill.

AUSTRALIAN JOINT STOCK BANK BILL.

The Hon. W. D. Box moved the second reading of a Bill to amend an Act to incorporate the proprietors of a certain Banking Company called the Australian Joint Stock Bank, and for the purposes therein mentioned. He said he did so with confidence, as the House, last week, passed a similar measure in favor of a company trading in this colony under the title of the Bank of New South Wales. The privileges that the Bill asked for on behalf of the Joint Stock Bank were set forth in the first clause, which enacted that they should be enjoyed

"during and for the term of twenty-one years or until some general provision be made by the legislature"

respecting the issue of notes; and, wherever the corporation might open and establish any branch or agency, that the Joint Stock Bank should have power "to issue and circulate" therefrom

"any bank notes or bills for one pound or five pounds sterling each or for any greater sum than five pounds sterling each but not for any fractional part of a pound and from time to time during such further term to re-issue any such notes or bills when and so often as the corporation shall think fit."

He trusted that honorable members would consent to the motion.

Question put and passed.

SUPREME COURT BILL.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, observed that the Government had it in contemplation to increase the judicial staff of the colony. They found that a great increase of business had lately taken place, and owing, he might say, to the delays which had arisen also in the administration of justice—vexatious delays, in some instances amounting to a denial of justice—they had deemed it necessary to introduce the Bill. They proposed, also, that one judge of the Supreme Court should reside at Bowen. In fact, they proposed that the judge in the North should hold the same relation to the Supreme Court in Brisbane as the Moreton Bay judge had held to the Supreme Court in Sydney when Queensland was a portion of New South Wales. They chose Bowen owing to its geograpical position, to the north of Cape Palmerston, and for its certain means of communication with the other northern ports. Between Bowen and the other northern ports there was communication by steamers at least three times a month. Bowen was, for those reasons, the most suitable position in the northern part of the colony for the residence of the judge. He might also point out to honorable members that in the southern part of the colony there was a demand for the ramifications of the Supreme Court. Only last week, a public meeting was held in Dalby, and resolutions were passed, the effect of which was that the people desired to have a branch of the Supreme Court there. Probably, next week, Roma would make a similar demand. And those towns were just as much entitled to what they asked for as Ipswich and other places where sittings of the Supreme Court were held at the present time. Then, again, honorable members must consider that it was an extraordinary thing that in the appellate jurisdiction of the Supreme Court of this colony there were only two judges. In reality, the Chief Justice was the sole arbiter, in many cases that came before. He had to hear a case in court; an appeal was made against the judgment; and the appeal was heard by him, as he must be one of the judges to decide the appeal. It was the opinion of the Law Commission, at home, that a court of appeal should consist of at least three judges. The Bill proposed that there should be three judges of the Supreme Court in Brisbane; and that the three judges, or a majority of them, should decide all matters brought before them. The Bill aimed at finality in law proceedings: he would point to the thirteenth clause. Honorable members knew very well that, at the present time, in this colony, the judges, whether from want of firmness, or whether it was to favor brother practitioners, or to increase litigation in the colony—in fact, he could not understand it—in all cases that came before them, he might say, where juries returned verdicts, gave leave to counsel on the opposing side to move that the verdict should be set aside or for a new trial. He could not comprehend it; it seemed to him to be an extraordinary proceeding; but such was the result of all cases recently; and the expenses attending upon business in the court were very great indeed. With a view to remedy such a state of things, the thirteenth clause enacted that new trials should be granted only where substantial wrong had been occasioned; and he thought that it would prove a remedy, and would reduce litigation in the colony. At present, the man with the longest purse was bound to come off successfully at law. That, at any rate, was his experience of the practice of the Supreme Court in Brisbane. Honorable members were aware that the Bill provided for the increase of the salary of the Chief Justice to £2,500 per annum, and that the two puisne judges were to receive the same amount of salary as the present puisne judge. It did seem a strange anomaly that the Chief Justice should draw a salary of £500 less than the puisne judge. Under the Bill, solicitors and attorneys would have the right of audience before a single judge in all parts of the colony. He had no doubt that that provision was inserted as a convenience for the northern parts of the colony, where barristers were not very numerous, and where attorneys might do the work of solicitors and barristers. The Bill went on further, and proposed that attorneys of three years' standing might be admitted as barristers after passing an examination and being struck off the roll; and, *vice versâ*, barristers might become attorneys after passing a certain examination. It did appear strange that respectable attorneys and solicitors should be deprived of the emoluments and rewards for length of service that were within the reach of barristers. At the present time, in England, as he had noticed, the solicitor element was a little stronger in the House of Commons than it was before. An eminent London solicitor, named Lewis, member for Londonderry city, contemplated making great changes in the law department of the country; he did not see why the Lord Chancellorship should not be thrown open to respectable members of his branch of the legal profession as well as to barristers. He

(the Postmaster-General) should not be surprised if some steps were taken in the House of Commons this session by that honorable gentleman and his brother professionals to alter the law, or, he supposed, regulations, with regard to solicitors speculating on the higher offices of State, which, now, were open to barristers only. The Bill remedied, also, another great evil that had existed for some time. According to the *Regulæ Generales* of the Supreme Court, a person could only be admitted as a barrister after giving three years' notice, and during that time he must not be engaged in any trade or profession or salaried employment. The Bill proposed that a candidate for the bar need reside in the colony only twelve months before his admission, and that up to the time of his examination he might be engaged in any trade or business or salaried employment. That provision would remove a great obstacle from the path of legal students. In fact, he (the Postmaster-General) looked upon the bar of Queensland, at the present time, as a close corporation; no one could get to it unless after a very long time, and at great expense. With the view of removing that standing stigma, which no other Supreme Court in the Australian Colonies had upon its "rules of court," the clause to which he had last referred was embodied in the Bill. Running over the breviates, he pointed out that the first clause of the Bill repealed certain sections of the Supreme Court Act of 1867, of the Claims against Government Act, and of the Acting Judges Act of 1873. Under the eleventh clause of the Supreme Court Act, the judges could demand to retire on pensions of seven-tenths of their salaries, upon permanent infirmity or disability, or after service of fifteen years. That clause was repealed, but the rights of the Chief Justice and the Puisne Judge were reserved under clause five of the Bill. Clause fourteen of the Supreme Court Act referred to the salary of the Chief Justice, which was only £1,500 a-year; it was repealed, and the Chief Justice's salary would be increased to £2,500 a-year by clause four of the Bill. Clause nineteen of the Supreme Court Act was repealed also; it was, that when the two judges sat *in banco*, the opinion of the Chief Justice should prevail. Sections three and four of the Claims against Government Act, empowering a judge of the Supreme Court to certify that there was a *prima facie* case on a petition from a claimant under that Act, and requiring the petitioner to find security for costs, were repealed also. The sixth section of the Acting Judges Act of 1873 was repealed; it gave great powers to a single judge, which powers the Bill contemplated should be exercised by the three judges of the Supreme Court. Clause two of the Bill empowered the Governor forthwith to issue commissions appointing two additional puisne judges; clause three fixed the salaries of all puisne judges at the rate of £2,000 per annum; and clause four referred to the salary of the Chief Justice, which would hereafter be at the rate of £2,500 per annum. By clause five, every judge of the Supreme Court would be entitled, after twenty years' service, or on his being disabled by permanent infirmity from the performance of his duty, to demand a pension for life of one-half of his salary. There was a difference between this clause and the Supreme Court Act. Existing rights, as he had already pointed out, were preserved by the Bill. By clause six, the salaries and pensions of the judges were to be charged on the consolidated revenue fund. Clause seven enacted that the court was to be holden by and before the three judges, except in certain cases; clause eight referred to decisions in cases of difference of opinion, when, for any cause, two judges only were sitting; and clause nine provided that where two judges in appellate jurisdiction differed in opinion, they might direct that the case should be heard before the full court of three judges. Clause ten enacted that the Supreme Court should be a court of error for the colony; clause eleven gave power to the court to amend defects or errors; and clause twelve empowered a single judge to dispose of *ex parte* and unopposed motions. Clause thirteen, as he had said, provided for granting new trials only where substantial wrong was occasioned; it was a very important clause, and he desired to bring it particularly under honorable members' notice. Clause fourteen gave power to the judges of the Supreme and District Courts to issue writs of *habeas corpus* and to examine prisoners. Clause fifteen enacted that—

> "One judge of the Supreme Court shall reside at Bowen and shall be called the northern judge and shall have the powers and jurisdiction hereinafter provided."

No doubt, the Honorable Mr. Lambert would be able to enlighten the House as to the feeling of Rockhampton and other places that were agitating, at this time, on the subject of the official residence of the northern judge. For his (the Postmaster-General's) own part, he must state that although the judge would reside at Bowen, yet that would not, of course, deprive Rockhampton of the Supreme Court. While on this point he might state that, in the Insolvency Bill which had passed the other House, there was a clause which enacted that initiatory steps must be taken before a Supreme Court judge. Of course, honorable members must alter that. After proceedings might be taken before a judge of the District Court; and that being the case, it was an anomaly that initiatory proceedings should be taken before a Supreme Court judge. Clause sixteen referred to the jurisdiction of the northern judge and to the subject of appeal from his decisions to the full court in Brisbane. Clause seventeen empowered the Governor to appoint a sheriff and other officers of the northern court to

perform the like duties to those performed by corresponding officers in Brisbane. The eighteenth clause provided that causes might be transferred from the northern court to Brisbane and *vice versa*; the nineteenth referred to the construction of Acts; the twentieth related to process; and the twenty-first enacted that the court holden before the northern judge should be deemed the Supreme Court for the purposes of the Act. Clause twenty-two to twenty-five referred to solicitors having the right of audience before a single judge, and the other matters relating to practitioners which he had already mentioned—barristers becoming attorneys, and solicitors becoming barristers, and the conditions under which candidates were to be examined for admission to the bar. Without further remark, he moved—

That the Bill be now read a second time.

The Hon. J. TAYLOR: No doubt, the House had heard a speech, half legal, half the other way, from the Postmaster-General. But, it was surprising beyond measure to find that in this colony seven judges were required to try forty thousand male adults. He did not suppose it was paralleled in the history of the world. It would be useless, he supposed, to oppose the Bill in any possible way: salaries, pensions, and all the rest of it, no doubt, would pass. But he was rather amused at hearing the Postmaster-General say that the northern judge should live at Bowen—if he could get him to do so! The District Court judges were supposed to live in their districts; but they did not do so. He supposed it would be the same with the northern judge. He disapproved of the Bill, in every respect; and if there must be a division, he should most certainly vote against it. The Bill would give the colony four Supreme Court judges, and there were three District Court judges, to try, at the outside, forty thousand adult males in Queensland. No doubt, the rest of the population was made up of women and children, who, of course, could not be tried. It was surprising that the present liberal and economical Government should propose that there should be seven judges to try the unfortunate population of this colony. He trusted that the Bill would be thrown out, as it thoroughly deserved to be; and he, for one, should most cordially vote against it. The Postmaster-General had made the best speech he possibly could; and he had made a very bad case. He (Mr. Taylor) could not see how the honorable gentleman could hope for one moment that he could possibly carry the Bill through the Council; but, as there were certain honorable members who were in favor of the present Government, perhaps he would be able to do so—pensioners and otherwise. He trusted that those independent members of the House would vote conscientiously and not allow themselves in any possible way to be pressed or forced to vote for a measure which they highly disapproved of.

The Hon. H. B. FITZ: He must certainly take a different view from his honorable friend, Mr. Taylor. He thought three judges of the Supreme Court resident in Brisbane were required, and that the North was also entitled to a resident judge. This had long been his opinion. No doubt, the machinery for the administration of justice was very expensive; but it would not be requisite or necessary to extend it, or to incur a greater expense for the Supreme Court of the colony, when the population of Queensland was double what it was now. Owing to the sparse population, and the large territory of Queensland, it was necessary that the arrangements for the administration of justice should be costly; not because of the number of the population. It was perfectly absurd, upon important questions such as had been before the court, that the court should be constituted as it was at present: appeals were brought before two judges, of whom one, in case of disagreement, had a double vote, and was, therefore, sole arbiter, and there was no appeal from him or from the two judges. The Bill had been long called for, and urgently needed during the last three or four years. There were portions of the Bill to which he strongly objected. The latter clauses, with reference to practitioners, he regarded as another democratic innovation, and one that he thought the Council should set their faces against. No doubt, it was the thin end of the wedge; in fact, it was almost an amalgamation of the two branches of the legal profession. True, the Bill did not authorise such amalgamation; and although it allowed attorneys audience before a judge of the Supreme Court, it would not enable an attorney to take a seat on the bench, because it did not propose to repeal that clause of the Supreme Court Act which provided that no person should be eligible for the bench except he was a barrister of five years' standing. The most monstrous part of the Bill was that clause under which an attorney was allowed audience before a judge of the Supreme Court. Most important cases were brought before a single judge. A barrister, if he wished to practise as an attorney, must undergo an examination; whilst an attorney had to undergo no examination to practise as an advocate before a single judge. Surely the introducer of the Bill could not look upon that as free trade in the law. Another arbitrary clause with regard to the fourth, or northern, judge, was that to compel him to reside at Bowen. So long as the judge did his duty and held his courts in Bowen and elsewhere to the north of Cape Palmerston, it was a most arbitrary action on the part of the Government to say he should reside at Bowen. A residence clause, it was true, was in the District Courts Act; but it acted very harshly indeed—compelling a judge to reside in his district, when, perhaps, it was necessary for his health that he should reside in a cooler climate. The climate of Gladstone, for in-

stance, was cooler than that of Bowen; and if the northern judge should think fit to reside at Gladstone, was it not monstrous for the Government to say—"If you reside there, you shall lose your position." It should be discretionary in the hands of the Government to fix the residence of the judge. Why should a law be passed compelling the judge to reside in an unhealthy climate? Honorable gentlemen all knew that the North was a very unhealthy climate. He should not oppose the second reading of the Bill; but he should assist other honorable members to throw out those clauses with reference to practitioners. His reason was, that if an attorney—and honorable gentlemen were aware that there were some attorneys very anxious, indeed, to go into the Supreme Court, to air their eloquence there—wished to have audience before the judges, let him undergo the same examination as a barrister had to pass before he could be called to the bar.

An HONORABLE MEMBER: Hear, hear.

The Hon. H. B. FITZ: He thought that legislation should be directed to keep the higher branch of the profession as select as possible; because he looked upon the bar as a training school for the judges of the colony. Why should attorneys, who could not undergo that examination—and he knew one gentleman who was very anxious indeed to wear the wig and gown, but who could not undergo the examination that he would have to submit to, now, and his might be the case of many others;—why should they be allowed to share in the privileges of the bar without showing that they possessed the qualifications that were required in barristers? He should support the motion for the second reading of the Bill; but he trusted that it would be put into such a shape as to make it more acceptable than now, and that the provision as to the residence of the judge would not be passed.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. H. G. SIMPSON: He intended to support the second reading of the Bill. He could not agree with the Honorable Mr. Fitz that the clauses referred to by him required such amendment as he seemed to think; but he agreed with him as to the necessity for three judges of the Supreme Court in Brisbane. Such an improvement in the constitution of the court had been required for years. As the honorable gentleman had very justly said, the provision made by the Bill for the administration of justice in the colony would last when the population was doubled and trebled. In fact, he (Captain Simpson) did not look upon it as a matter of population at all; it was the size of the colony that demanded the number of judges, and the distance that had to be travelled to meet the requirements of the scattered population, not the number of the population to be tried, that necessitated the provision of such elaborate machinery for the administration of justice. With reference to the last remark that had fallen from his honorable friend, he could not agree with him as to the advisability of striking out altogether the provisions relating to the interchange of position between attorneys and barristers. He confessed to have considerable doubt as to the matter of the twenty-second, twenty-third, and twenty-fourth clauses; but it had been discussed for some time, and there was a very strong opinion in its favor amongst those colonists who had been involved a great deal in litigation. He could not speak from personal experience, he was happy to say; but he had heard from persons who had experience of lawsuits here, that the cost was something enormous under existing arrangements. All that the honorable member required might be met by striking out the twenty-second clause, seeing that the twenty-fourth provided for everything comprehended in the twenty-second, and that it provided for an examination to be undergone by an attorney before he could practise as a barrister. If an attorney was able to practise as a barrister before a single judge, he should be able to practise before the full court. He (Captain Simpson) looked upon the twenty-second clause as an unnecessary clause altogether. From what he could understand from persons who were mixed up in law affairs, they urged that the provision should be given a trial, and that if it did not answer, persons would not be found passing from the attorney's branch of the profession to that of the barrister, or barristers becoming attorneys. One other thing he should refer to, as to the position of the northern judge. If there were to be a northern judge, he was wanted for the North; and the most central position for the northern district was Bowen. It must be borne in mind that the judicial arrangements were guided by the geographical and local disposition of the population; and Bowen was about the most central place that could possibly be thought of in the northern districts, being about an equal distance from Townsville on one side and Mackay on the other—Cardwell was a very little further than Townsville, on the northern side. And he might say, as perhaps he knew more about it than the Honorable Mr. Fitz, that Bowen was about the healthiest place on the northern coast of this colony. It was fully exposed to all the sea breezes; it possessed a fine harbor; although not a place of much trade at present, it was very centrally situated; and there could be no doubt that it was the best place that could be fixed upon for the residence of the northern judge. Besides the court sittings there were many matters which came before a judge when his court was not sitting—orders, writs, and others which he (Captain Simpson) had forgotten the technical names of—and for which he should be accessible to all the people who were under his jurisdiction. Therefore, he could see no objection to the northern judge being a resident judge, or to

Bowen being the place where the judge should live. As to leaving his place of residence to the discretion of the Government of the day, that was about the worst thing that could be done. Political pressure would be brought to bear on the Government, and the unfortunate northern judge would be placed in a very unsatisfactory position; he would never know where his home was to be, or what was to become of him. Better name any place than leave it to the discretion of the Government of the day. With reference to the health of the judge and his family, he (Captain Simpson) could not see that very much weight need to be attached to that; because if the people over whom he had jurisdiction could live there, surely the man who administered justice amongst them could live there. As a whole, the Bill was a very good measure. The latter clauses were, perhaps, somewhat doubtful; but he thought that every objection to them would be met by leaving out the twenty-second clause. He should support the second reading of the Bill.

The Hon. W. D. Box was understood to say that he should support the second reading of the Bill. It was a very useful Bill, and would have a very good effect, indeed. Seeing that the salary of the puisne judge, as of the additional puisne judges to be appointed, was £2,000 a-year, clause four, which raised the salary of the Chief Justice to £2,500, was very necessary. Most honorable members knew that Mr. Justice Lutwyche enjoyed a higher salary than the Chief Justice, and it was time that such a state of things should be amended. But was it desirable that, as set out in the fifth clause—

"Every judge of the Supreme Court shall be entitled on his having served for twenty years as a judge in such court or on his being disabled by permanent infirmity from the performance of the duties of his office, to demand a pension by way of annuity to be continued during his life to the amount of one-half of the actual salary received by him at the time of such demand"?

It was quite possible that a barrister—barristers were but men—in his life, before he won the position of Supreme Court judge, might have been guilty of excesses of all sorts——

The Hon. J. Taylor: Hear, hear.

The Hon. W. D. Box: It was quite possible that a man might be appointed to the position of judge in this colony, and that, at the end of twelve months, aye, of six months, his health would give way—he would be unable to perform his duties—and he would be entitled under the Bill to demand a pension of £1,000 a-year! Honorable gentlemen knew that the Parliament was liberal where a man was disabled—and he referred to the case of Mr. Manning, who enjoyed a pension on account of being injured in the performance of duty—and that any man "disabled by permanent infirmity from the performance of his duties" might come to the Parliament with confidence for relief. But the Bill gave, as a matter of course, a pension of half-salary to the judges. With regard to the clauses relating to practitioners, if any honorable member would move that the twenty-second clause be struck out, he should support him. He regarded that particular clause as the introduction of the thin end of the wedge. The House had been prompt before in rejecting the Payment of Members Bill; but he now found that a resolution was to be moved in another place, which, if carried——

The President: The honorable member is referring to matters which are not before this House just now.

The Hon. E. I. C. Browne: He should certainly support the second reading of the Bill, though he reserved to himself the right to move, in committee, certain alterations which he thought were necessary. Some of them would be, he thought, of an important character. The first part of the Bill he had read with great satisfaction, with reference to the increase of the salary of the Chief Justice.

Honorable Members: Hear, hear.

The Hon. E. I. C. Browne: Some time ago, he brought the matter before the House in another form, and he was pleased to see that injustice under which the Chief Justice had so long suffered would now be remedied. He only regretted that the salary was not carried back to an earlier date than that of the passing of the Bill would be. He could not agree with the Honorable Mr. Taylor in his objections to the Bill. Granted that it was a small community, over which the judges would have to exercise their powers, as had been already pointed out by honorable members, it was not really the number of the population to be dealt with that was to be considered, but the largeness of the interests in which that population was concerned, and the vastness of the area over which the population was scattered. The House could not deal with a hundred and fifty thousand people in this colony in the same way as they could be dealt with in England when collected in one town; they must deal with them as they found them, scattered over this very large country. He was sure that the Honorable Mr. Taylor, from his acute observation, and from his knowledge of the country, must know, as he must have seen, the great inconvenience that had arisen from the position of the Supreme Court; and he must be aware that the arrangements now making would be sufficient for Queensland when the population had doubled, and trebled, and quadrupled. He (Mr. Browne) was glad that an alteration was to be made; and he should certainly support the clause that directed that the northern judge should reside at Bowen. He could not agree with the Honorable Mr. Fitz in his objection to that clause. If a gentleman felt that he could not reside at Bowen, it might be regretted that the necessity arose, but the Government must appoint somebody else who could. He always understood that

Bowen was an extremely healthy place. At any rate, if other people lived there, the residence of the judge in his district must be insisted upon. He might point out that, besides presiding in his court, the judge was often wanted on matters of extreme moment and urgency—the issuing of unusual processes of the court. If such could not be issued in a very brief period, at the shortest notice, sometimes, extreme injustice would be suffered, and the benefits of a resident judge for the North would be to a very great extent, if not altogether, lost. It was important, therefore, if there was to be a northern judge, that the should be a resident judge, and that his residence should be fixed; and it would be very much better to fix it by the Bill than to leave it to the discretion of any Government. As far as he could see, Bowen was the best place to fix upon. Preliminary to the Bill going into committee, he should take upon himself to suggest some alterations in the latter clauses.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. E. I. C. BROWNE: He should be very much inclined to support any honorable member who would propose that they should be struck out altogether.

An HONORABLE MEMBER: Hear, hear.

The Hon. E. I. C. BROWNE: The question had not come before the Council, and he had not to come to any decision upon it; but he held a very strong opinion adverse to the amalgamation of the legal profession.

HONORABLE MEMBERS: Hear, hear.

The Hon. E. I. C. BROWNE: But, at the same time, he should rather go in for that than consent to the Bill as it stood. Some of the clauses that had been referred to would work in a very injurious manner, indeed; and he could not think that the person who drew them had well considered what he was about, or that must have occurred to his mind. The twenty-second clause, in particular, would act very injuriously to the public—to the clients of the legal practitioners. He should point out more especially in what manner:—Under that clause, if it should become law, an attorney would be able to conduct his case at the assize court—what was called *nisi prius*, in legal language. He conducted his case wholly by himself. In court, perhaps, he reserved certain points; at any rate, it became necessary for him to go up to the Supreme Court *in banco*, for a new trial, or to move the court on certain points which had been reserved in his favor in the court below. Though he had argued the case at *nisi prius*, when he went up to the *banco* court he must hand the whole matter over to another;—he could not appear before the full court—he must place the whole of his papers in other hands, and the case must be begun *de novo* by a barrister. For that, he must give a corresponding fee. Let honorable members understand that he (Mr. Browne) believed the clause would work injuriously to clients, because it would put them to increased expense. When an attorney gave a brief to counsel to go into the *banco* court to argue his case, the latter gentleman having to start from the beginning entirely, being new to the case, not having been engaged in it at *nisi prius*—which, under the present arrangement, he would have been, as, when a barrister argued at *nisi prius*, he did so *in banco*, too, and of course went before the full court with all the case on his mind and apt with his arguments—he would have to get up the whole case; and it would be very natural for him to take up the position that the points reserved were not the best to proceed upon, and to say that if he had conducted the case at *nisi prius* he should not have reserved those points but some others, that the case had been neglected at *nisi prius*, and that consequently he had no chance of succeeding *in banco;* he might have his mind prejudiced, and perhaps have no very strong wish to succeed for his client, because he would wish to impress upon his client's mind that it would have been very much better for him to have had a barrister from the beginning. It must be borne in mind that when a barrister had conducted a case at *nisi prius*, and had to carry it into the court *in banco*, he did not get such large fees as he would get under the circumstances supposed under the Bill, and his first knowledge of the case being the receipt of a brief to go before the court *in banco*. Then, again, suppose the attorney had conducted the case in the North, and he had to come down to the full court in Brisbane—because, he (Mr. Browne) defied him to get the case done justice to if he merely sent the papers down to counsel here—he would be at the expense of coming down, besides the expense attending on the consultation with the barrister who was to conduct the case *in banco*. Now, if a case was tried at *nisi prius*, a barrister was engaged, as well as the attorney who was employed by the client; but, if the case should go to the Supreme Court, the attorney was not needed—he would not have to come down from the North—as the barrister was well seized with the case, and he could do all the work before the judges *in banco*. If it was meant to give an attorney the right of audience in the assize court, let him go also into the court *in banco;* otherwise deny him to both courts. He (Mr. Browne) was quite satisfied that the provision made by the Bill would, if carried into law, increase the expenses of legal proceedings to the public—the legal gentlemen would not be damaged by it—very materially. The twenty-third clause he did not think at all fairly drawn. A barrister who wished to practise as an attorney had to pass an examination before the board of examiners for attorneys. That board consisted of two attorneys and two barristers. He might, therefore, get fair play from the barristers, at any rate, because he did not apply to be admitted to their part of the pro-

fession, but to another part, and his application would not damage them. But if an attorney wished to become a barrister, he had to submit to an examination before a board consisting wholly of barristers: he sought to be admitted to their body, and to come into competition with them.

An HONORABLE MEMBER: The board could be altered.

The Hon. E. I. C. BROWNE: Yes; but he was of opinion that it would be better to strike out those clauses from the twenty-second to the twenty-fourth. With a view to those alterations being made, he should support the second reading of the Bill.

The Hon. H. B. FITZ, in explanation, urged that the Honorable Mr. Browne must recollect that he had introduced a Bill authorising that power should be given to police magistrates to grant writs of *ca. sa.*, so that there was no need to compel the district court judges to reside in their districts; but on the contrary. And there could not be that urgent need that was advanced to fix the residence of the northern judge.

The Hon. E. I. C. BROWNE: The police magistrates were compelled to reside at their several places.

The Hon. G. SANDEMAN said he should consider it his duty to give his support to the second reading of the Bill. As a very old resident of the colony, he had long considered that a third judge of the Supreme Court was very desirable—in fact, really necessary. And, if a fourth judge was added, perhaps so much the better. He should have thought, some time ago, that a District Court judge might have been sufficient for the requirements of the northern parts of the colony; but he supposed the population had increased so much that it was now desirable to have a judge of the Supreme Court. He desired to draw attention to one point, which struck him as very desirable:—Was there any necessity for the fourth judge to reside all the year round in the northern part of the colony? He suggested that it would be desirable that the fourth judge should, on occasions of great interest, visit Brisbane and form part of the bench;—it might be of very great importance at certain times. Surely, there could not be sufficient to occupy the functions of a judge the whole year round at Bowen. Although he (Mr. Sandeman) should give his support to the Bill, yet he thought it would require very considerable amendments in committee, and some of them of great importance.

The question was put and passed.

THE NEW INDUSTRY OF SILK CULTURE.

The Hon. W. HOBBS moved—

That the report from the Select Committee on the petition of Mr. William Coote, for consideration of his efforts in the promotion of the new industry of silk-culture, be adopted.

He said he wished to draw the attention of the House to the importance of the industry which Mr. Coote had been the means of introducing and establishing in the colony, and to his claims on the country under the Encouragement of Native Industries Act of 1869. That Act, honorable gentlemen would remember, was passed for the purpose of giving encouragement to enterprising persons to introduce and establish new productions within the colony; and the only person, he believed, that had taken any steps in this matter was the petitioner himself, who, for the last four years, had been very industriously cultivating the mulberry, and propagating the silkworm for the production of silk. He need not point out to honorable gentlemen the importance of the production, when it was considered what an immense quantity of silk was consumed, and what a ready market there was for it, in England. From the statistics of 1872, it appeared that the quantity of silk imported into Great Britain in that year amounted to £13,000,000 sterling. There was no reason whatever why this colony, with its favorable climate for the cultivation of the mulberry and for rearing of the silkworm, should not contribute to the requirements of the manufacturers of the mother country; and by so doing, secure an important and most valuable export. This colony possessed peculiar advantages in its climate for the production of silk; and there could not be a more opportune time than the present for the establishment of that industry by reasonable encouragement of the efforts in that direction which had been already made. If honorable members had read the report of the Select Committee, they would have seen that for many years, in Italy, there had been a disease amongst the silkworms which had been very disastrous in its results; indeed, as much so as the potato disease had been in Ireland, and the disease amongst the cattle in this colony;—the consequence was, that it had made silk scarce and dear. From the evidence given before the committee, silk had risen in price about 100 per cent. within the last twenty years. There could not, therefore, be a more opportune period for this colony to take up the promotion of this industry in earnest. With regard to the quality of the silk produced, the committee had taken the evidence of a gentleman, Mr. Wilson, who had been for thirteen years a silk-thrower and dyer, and purchaser for a large manufacturing establishment; and his evidence went to show that the quality of the silk produced by Mr. Coote was fully equal to the best Italian; and the best Italian, he (Dr. Hobbs) might tell honorable members, was regarded as the best silk that was imported into England. Mr. Daintree, also, furnished confirmation of Mr. Wilson's estimate. In a letter which that gentleman had forwarded to the Government, it was reported, authoritatively, that if the silk grown in Queens-

land was reeled on the Italian or French system, with great care, the value of it would be 38s. to 40s. a-pound, for white, and 34s. to 38s. for yellow. The silk upon which that opinion was pronounced had been sent home to Mr. Daintree, and had been valued by Mr. Morris Pollock;—the particulars would be found in Appendix E, to the evidence accompanying the report before the House. He (Dr. Hobbs) might mention that Mr. Coote commenced his operations in 1870, and that in 1871, he had about 640 mulberry-trees growing. In 1873, he had 5,700 trees, old and young, of various ages and sizes; and, in two months' time from this, he would have some 12,000 young trees planted out. He mentioned these facts to show the earnestness and the industry with which Mr. Coote had gone into the production of silk. Not only had the House a guarantee of his earnestness in the matter, but honorable gentlemen would find, if they would refer to his statements, and they could see on the plan, the progress he had made in enlarging his shed:—In 1871, his shed comprised an area of 96 feet, which was sufficient for that year's operations; in 1872, he had to enlarge it to 420 feet; in 1873, to 1,372 feet; and, for the present year's operations he would require 7,020 feet, besides supplementary buildings. That would show the earnestness of Mr. Coote in the prosecution of his undertaking. No man, if he was not in earnest, would have taken so much trouble or have expended so much capital upon it; and all that had been done showed that Mr. Coote thoroughly believed in it. But silk was not the only production to be obtained from the mulberry plantation. There was what was commonly called grain, or silkworms' eggs, which constituted, at the present time, owing to the disease in Italy, a very valuable product. Quoting from the evidence—

"I have no doubt that 99-100ths of the silk produce in Europe, at the present moment, is produced from eggs imported from Japan and China;"——

and from Japan particularly. It was not more than a month ago, that he saw a paragraph in a paper in which it was stated that an Italian silk-buyer had been to Japan, and had made large purchases of silk-worms' eggs there, which he had conveyed from Japan over the Pacific to San Francisco, and thence across the American Continent by railway, and, finally, by steamer, to Italy—the eggs being packed in ice-chests throughout the journey. The nett value of those silkworms' eggs was—how much did honorable members think?—£250,000—a quarter of a million sterling! The production of silk-worm grain, as well as silk, made the new industry peculiarly valuable to this colony; because there was another feature in the industry that he (Dr. Hobbs) had omitted to mention before. It was, that, in this country, three crops of grain could be secured in the year, provided that the plantation was sufficiently extensive to yield mulberry leaves for food for the worms. Honorable gentlemen had the report in their hands. He did not think it was necessary for him to refer to any other points of the evidence. He believed that Mr. Coote had been most earnest in the industry, and had spared neither time nor expense on his plantation. He had expended all his means therein. Honorable members who understood agriculture would know that forty acres of mulberries required a good outlay in trenching and keeping the ground clean, and so forth; and the necessary buildings entailed expense. Mr. Coote had told the committee that he had expended something like £2,200. No doubt there had been much money wasted; Mr. Coote had had everything to learn; there had been no light upon the industry—there was no one to instruct him how to proceed—he had had to discover for himself, not only what trees were best for the climate, but what was the best time to plant them. The evidence would show that he had lost very considerably by planting in the wrong month, simply because he was ignorant of the proper time to plant. It had been necessary to learn, too, what were the most suitable trees for the worms; and, so to speak, Mr. Coote had had to serve two masters, and consequently he had probably wasted a good deal of money. However, it appeared that he was successful in the end. He had been able to send home 300 ozs. of grain within the last few months, of which he could not yet tell the commercial value, as sufficient time had not yet elapsed for him to receive the returns. Before that, he had sent home a sample of 30 ozs. for which he had received at the rate of 20s. per oz. That showed the value of the industry which Mr. Coote was endeavoring, and with encouraging results, to establish permanently in this colony. The importance of that industry must be apparent to everyone. The more numerous the exports of the colony, the greater the wealth of the community; and there were few exports which could be more valuable than that of silk, once the production was fairly established here. He (Dr. Hobbs) had said nothing to the House about the report of the committee. It was as follows:—

"THE SELECT COMMITTEE of the Legislative Council, appointed on the 9th April last, 'to inquire into the allegations contained in the petition of Mr. William Coote,' of Salisbury, in the Colony of Queensland, touching the promotion by him of the Cultivation of Silk, have the honor to report:—

"I. That your committee have taken the evidence submitted by the petitioner.

"II. That such evidence has conclusively established the importance to the colony of the industry referred to in his petition.

"III. That both from the inspection of Salisbury by members of the committee,"——

some members of the committee had visited Mr. Coote's establishment, and were per-

fectly satisfied with what they had seen there;—

"and from the evidence adduced, your committee believe that the petitioner has satisfactorily shown that he has established the cultivation of silk as a permanent industry in Queensland.

"IV. That, in consequence, he is entitled to a reward under '*The Encouragement to Native Industries Act of* 1869.'

"V. Your committee therefore recommend to your Honorable House the adoption of the following resolutions, believing that the conditions therein contained will be beneficial to the colony, as tending to the spread of a most important industry, and which they believe it is the intention of the petitioner to promote:—

"(1.) That by the petitioner's enterprise a new industrial pursuit has been commenced in the colony, with reasonable prospects of its permanent establishment.

"(2.) That such enterprise entitles the petitioner to encouragement, under the Act of the Legislature, 33 Victoria, No. 1, intituled '*An Act to authorise the 'Grant of Waste Lands of the Crown 'and of Land Orders for the Encourage-'ment of Native Industries.*'

"(3.) That the sanction of this House be given to the issue to the said William Coote of Transferable Land Orders to the value of £2,500.

"(4.) That the foregoing resolutions be transmitted to the Legislative Assembly, for their concurrence, by message, accompanied by a copy of this report with the Minutes of Evidence referred to."

It was proposed to add a rider to the resolutions, so that the bonus should not be all paid at once, but in two instalments on certain conditions that would be presented to the House.

The Hon. H. B. FITZ said, having been a member of the committee, of course he felt called upon to offer a few remarks on the matter before the House. He, in company with his honorable friend, Dr. Hobbs, had visited Mr. Coote's plantation. He had no hesitation in stating that, as far as they could judge, it showed a great amount of industry, a great amount of thought and painstaking, to have brought about the results which Mr. Coote had achieved. Of course, the thing was quite in its infancy. When they went there, they saw from the side of the road a nursery, if it might be termed such, showing varieties of mulberry trees growing, but certainly not in a nice state of cultivation, because the grass was growing amongst the trees; and they found that a certain amount of money had been expended in trenching a portion of land—he could not say how much, perhaps an acre or two—where the mulberry trees were growing most luxuriantly. They then went to a large shed, where the silkworms were to go, and were tended. They also saw a considerable quantity of cocoons. What the quantity was, he did not know; but there was a table about half the size of the table before him in the House, and it was covered with cocoons about six inches deep. He was not, of course, aware if honorable members had read the evidence. The evidence of one very valuable witness showed that silk culture would be a very valuable industry in this colony; and Mr. Coote had shown that it could be entered upon with a very large amount of profit. The main thing was, and he (Mr. Fitz) had no hesitation in saying it, that silk culture was an industry that must be looked forward to when there was a superabundance of population.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. H. B. FITZ: It might be suitable for large families, who, according to the evidence, might produce silk by the labor of their own members making them comparatively independent of hired labor. There was, however, one difficulty which presented itself, and that was the impossibility of meeting, in this colony, with skilled persons to wind the silk. As far as the evidence went, the business of silk-winders was an operation of skill, and, indeed, silk-winders were skilled persons in the same way that wool-sorters were. Simply, cocoons wound by hand, in the ordinary way, would realise but a very small price indeed in the London market, from the fact that coarse and fine silk, soft and harsh silk, would be put in the same hank. It required, in fact, a skilled silk-winder to superintend it. When silk culture should be largely entered upon, those engaged in it would have to introduce skilled men to attend to it. No doubt, Mr. Coote was entitled to some consideration under the Encouragement to Native Industries Act, for the way in which he had gone into the attempt to establish silk culture; but he (Mr. Fitz) could not really understand his honorable friend, Dr. Hobbs, when he said that 600 ozs. of grain had been exported. He did not remember it in the evidence.

The Hon. W. HOBBS: Page 8; answer to question 13.

The Hon. H. B. FITZ: He thought the seed was worth two guineas an ounce.

The Hon. W. HOBBS: No; not so much as that. For the first 30 ounces sent home, Mr. Coote had received £30.

The Hon. H. B. FITZ: He might say that the Honorable Dr. Hobbs and himself were the only members of the committee who had visited the plantation. He felt called upon to state exactly what had occurred, and that was the result;—a very large shed put up for the purpose of breeding the silkworms, and a great amount of thought, and industry, and pains to produce cocoons. If such a quantity as he had seen could be produced by Mr. Coote and members of his family, with a few hired servants, it was impossible to say how much could be produced by a large amount of hired labor.

The POSTMASTER-GENERAL: He did not speak on behalf of the Government, but as a member of the House; and he must, as a member of the Select Committee, say that he thought Mr. Coote was entitled, at the hands of the House and the Parliament, to some compensation, as, in fact, his case was one that clearly came under the Encouragement to Native Industries Act of 1869. Before the House consented to the whole recommendations of the report, they ought perhaps to ensure that the country had some further proof than that already given of Mr. Coote's undertaking being *bona fide*—they ought to make the grant of the land orders conditional on his raising, this season, a certain amount of silk.

An HONORABLE MEMBER: Hear, hear.

The POSTMASTER-GENERAL: He would suggest that, if the House went into committee, he should move that the following be added to the report:—

£1,500 worth of transferable land orders as soon after the passing of these resolutions as the Government may deem fit, and £1,000 worth of land orders in twelve months, conditionally on proof that produce (silk and grain) to the value of £1,500 has been shipped prior to applying for such balance.

That was to prove that Mr. Coote would not put the money in his pocket and leave the colony—not that he was likely to do that, for he (the Postmaster-General) was aware that Mr. Coote was going to great expense in raising an immense shed, and clearing a quantity of land in the extension of his operations at Salisbury. He was very sorry that he had not been able to view the whole plantation, as he could only speak of it from what he saw when passing along the road in the coach from Ipswich to Brisbane: and it looked well. With regard to what had fallen from the Honorable Mr. Fitz, he must state that there was only one difficulty in silk culture here, and that was the winding. Whenever silk had been sent hence to England, and he was aware that several samples had been exported, in all cases the price had been depreciated in consequence of bad winding. In the evidence taken by the committee, it was not shown what was proper winding. That was the only reason in connection with the subject why the House should withhold their final approval of the report as it stood; that it was not clearly established that properly wound silk could be got up here. The value of silk greatly depended on the way in which it was wound. Silk had been sent home by gentlemen in his district, and in all cases the reports returned were unfavorable because of the way in which it had been wound—it had been wound badly. The silk itself, apart from the winding, was as good as that produced anywhere else; and the evidence before the committee showed that such was the case.

The Hon. G. SANDEMAN said he thought it would be generally admitted that it was a very good principle to give encouragement to new industries in young communities. A precedent had been established in this colony in the encouragement given to the introduction of the sugar-cane. The introduction of sericulture, which was of very great importance, was likely to be advanced by the expected increase of population in this colony. From what he had heard and read on the subject, it appeared that Mr. Coote was entitled to very considerable credit for his indefatigable energy in carrying his various operations in the introduction of silk growing to such a result as was now shown; and he quite agreed with the Honorable Dr. Hobbs that, if the present opportunity was not taken advantage of to give encouragement to Mr. Coote's efforts, already made, it might be a long time before another person with equal energy and determination would be found to carry out an undertaking of so much importance. As regarded the amendment proposed, he thought it was well that the subject should be surrounded by such conditions as would restrict the grant to the purposes for which the money was to be given.

The Hon. G. HARRIS, as a member of the committee, begged to state that the evidence adduced had surprised him very much, as tending to show that Mr. Coote had exerted himself to a great extent in introducing a substantial industry, and certainly one which was likely to be of very great importance to the colony. He thought that Mr. Coote was entitled to the very fair and liberal remuneration which the report and the resolutions recommended. As far as he was concerned, he should feel quite justified in supporting the amendment as well as the adoption of the report, which he hoped would meet with the full consideration and approval of the whole House.

The Hon. W. D. Box said that he felt himself to be in a minority. The report might be a very valuable one, but he was astonished at the recommendations of the committee, and at the resolutions proposed, which were rather premature—that a grant of £2,500 should be made to Mr. Coote! From the evidence taken by the committee, there was no doubt that Mr. Coote had exerted himself most wonderfully, and had done a great deal. One question, however, 54, seemed to get at the pith of the matter very much:—

"When will you export any silk? Not before next December."

Before he read that, he thought that Mr. Coote had exported grain and silk and had got along very considerably before coming to the House; but, the fact was, there had been no silk exported at all. The only thing Mr. Coote had done was to sell a little grain. Since the commencement of his operations he had got about £900—he said he had got that. He said that he had not exported any silk; he would export some "next December," about five hundred pounds weight,

valued at £875. If he had told the committee that he "had" exported that amount, it would be another thing. Silk-culture was an entirely new feature in the industries of the colony: perhaps the silkworms would not be breeding, the trees would not be growing, when that time arrived. The resolutions were premature. When the industry was established would be the time for the petitioner to come forward. The report had better not be received by the House.

The Hon. W. WILSON said he had no doubt that it was desirable to introduce the cultivation of the mulberry in the colony; and, for his own part, he could not see why it should not be introduced. With regard to the question, whether it would pay or not, he rather thought there was not evidence to show that sufficiently. The object of the Encouragement to Native Industries Act was to reward success. In this matter, he did not think Mr. Coote had been called on to show that he had really established silk-culture. The House ought to wait until he had either grown or exported silk to the value of £1,000.

The Hon. J. GIBBON said he quite agreed in the opinion that Mr. Coote should be liberally rewarded for a successful attempt to establish sericulture; but he thought it was rather premature to vote the sum of £2,500 to him, when Mr. Coote had only planted a few trees and put up some bark sheds. The House should act more judiciously and require that some fruits of the new industry should be produced and shown. As to the money wasted, he considered that money was wasted in the attempt to establish cotton growing in this colony: it was now generally admitted that cotton growing would not pay, and the land that was cultivated for cotton would very soon be entirely out of that crop. With every wish that Mr. Coote and any other enterprising individual should be liberally rewarded, he thought the House should take care that the money of the colony was not wasted.

The Hon. W. THORNTON observed that his honorable friend, Mr. BOX, was under some misapprehension. It was true that Mr. Coote had not exported any silk; but, at the same time, he had a large quantity of silk in cocoon, ready to be exported, as soon as it was wound; and he had already exported 330 oz. of grain. The Parliament had already bestowed a pretty large amount for the encouragement of cotton growing; and he did not think that, to-day, that industry was what would be called a success. Mr. Coote had, at any rate, proved that silkworms could be produced and matured here, and that this climate was favorable to the mulberry; and there could not be the slightest doubt that he had proved that silk culture would be successful in this colony. The difficulty about winding silk which the Honorable Mr. Fitz had mentioned did not disprove that. Doubtless the operation of winding was a difficult one at present, here; but he durst say that it was one that would be got over by the small farmers and others who should take to growing silk, selling their cocoons to the larger proprietors who might happen to have winding machines, just in the same way that the small sugar growers now sold their cane to the large planters who had mills. If Mr. Coote did not come under the Native Industries Act, he (Mr. Thornton) really did not know what good the Act was. As one of the committee, he said that as far as the evidence taken was concerned, it proved that Mr. Coote's undertaking was a success, as far as he had gone. With reference to the payment recommended to be made to Mr. Coote, and the conditions subsequently proposed, he begged to point out to the House that there was a difference between giving a money grant and granting land orders to the value of £2,500. There was plenty of land in the colony, and how it could be turned to better account than in bestowing some of it as a bonus for the encouragement of native industries, he could not see. The House should recollect that the cotton bonus was not given in money, and that a very large bonus in land was given to an honorable member of the Council for his having been the first to enter into the growing of sugar cane.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. W. THORNTON: He did not think it had been proved then, or that it was proved now, that the undertaking was a success. The honorable gentleman had not gone further in sugar growing than Mr. Coote had gone in silk growing. Mr. Coote had devoted his whole fortune, and the attention and industry of his family to the promotion of silk culture. He (Mr. Thornton) had had an opportunity of going to the plantation, and he must say that he was very much struck by what he saw there. He had not been aware that there was such an establishment in Australia. Mr. Coote's silk farm was the largest in the whole of Australia. He had a very large number of mulberry trees growing, and everything appeared to be conducted on a corresponding scale, and to be prosperous. The committee had the evidence of several persons who were skilled in silk, and who justified the conclusion which some of them expressed, that this colony was, perhaps, of all parts of the world, well adapted for silk culture. Several advantages could be obtained over other parts of the world in promoting the industry; and the House might fairly anticipate that, as Mr. Coote had shown the way, his exertions and his example would be taken advantage of by others who would engage in silk culture in Queensland. It would be very hard to delay this matter any further, so far as Mr. Coote was concerned. Mr. Coote had been at very great expense in carrying on his operations thus far, and if the report was adopted, which he (Mr. Thornton) trusted would be the case, and if the House went into committee to consider

the amendment proposed by the Postmaster-General, there would be no difficulty at all about Mr. Coote acting *bona fide*. He would have to show that he was really in earnest in what he had undertaken before he would get possession of the whole of the land orders. The Honorable Mr. Fitz was one of the members of the committee, and presumably had agreed to the report. The committee had paid very great attention to the matter which had been referred to them by the House, and had taken a great deal of trouble over it. Unless their recommendation was acted upon, and unless the House did it at once, the Encouragement to Native Industries Act had better be abolished altogether.

The Hon. A. H. BROWN said he should be very sorry that the report which recommended the remuneration of Mr. Coote for what it was his intention to do should fall to the ground. The real objection appeared to be the nominal sum of £2,500 proposed to be given. He should propose an amendment. He should always support any person who attempted to introduce and establish any native or new industry in the colony; and he certainly thought that, although Mr. Coote had not fully proved the success of sericulture, yet what he had attempted to do, the outlay he had incurred, and the plucky manner in which he had carried out his experiments, deserved some recognition from the country.

The Hon. H. B. FITZ: Hear, hear.

The Hon. A. H. BROWN: He could not say that the committee spoke in very emphatic terms, nor had they recommended the House very strongly, to contribute the amount. They had labored hard and they deserved great credit for the mode in which they had gathered information. There was a passage at the end by a person who appeared to have a very strong individual opinion, who had supplied a memorandum as an appendix to evidence of a certain kind given by him, and it was in language that he (Mr. Brown) should hardly have thought that the committee would have received. It was very like a piece of presumption to direct the committee as to what they should recommend or report. A point he wished to bring before the House was, that they should consider, in providing to reward Mr. Coote, whether he should not be obliged to supply the grain to the community in preference to exporting it; of course, at a resonable price. He presumed that if the report passed into committee honorable members could debate upon the appropriation of the £2,500; and in that case he should be prepared to move an amendment to the effect that the land orders should be issued to Mr. Coote at the discretion of the House, the conditions to be settled in committee. He presumed he could do that?

The PRESIDENT: It would be for the committe to alter the report as they chose.

The Hon. A. H. BROWN: Would the committee be empowered to reduce that sum?

The PRESIDENT: Yes; it would be in the power of the committee to do so. When the clause came on in committee, any honorable member could move any alteration he might think proper.

The Hon. A. H. BROWN: He had merely to observe that he should willingly give his cordial support to the report, so far as he might conscientiously do so.

The PRESIDENT: Honorable gentlemen—Before I put the question as to the House going into committee of the whole on the report, I am desirous of saying a few words in reference to the general question. I think that the labors of the committee have disclosed as an undeniable fact, that Mr. Coote has initiated and brought to a very fair hope of accomplishment, an industry which is likely to be one of the very highest importance in this colony.

The Hon. G. SANDEMAN: Hear, hear.

The PRESIDENT: There can be no doubt that every fresh means of utilising the produce of the soil in a manner which will provide for the foreign market, and not the home market only, is of the highest value not only to this colony but to the whole of the colonies of Australia. Now, this colony has a very great advantage over the neighboring colonies, because we have been fortunate enough to discover in Queensland three exportable commodities—cotton, sugar, and, if this succeed, silk—all of the very highest value in the markets of the world; not restricted by immediate and local demand, but *desiderata* of the whole commercial world, and each and all of value in some market or other, at all times. I must say, here, that there is a previous product of a similar character, but it is one which we have been so long accustomed to that we have almost forgotten its value; that is wool. These colonies have risen and thriven upon the production of wool; and, when we are asked to reward the enterprise of any person who enters upon a new industry, we must not forget that there was a time when even the production of wool was considered of very doubtful advantage to the country. I have been told by my father, who was an older colonist than myself, that there was a time when the settlers on the Hawkesbury used to throw their wool into the river, to get rid of it in that way, as to keep it was an encumbrance. About that time, Captain Macarthur suggested that wool might be grown very profitably in the colony, and, after great battling, he obtained from the Secretary of State an order for five thousand acres of land. He had not then proved that the export of wool was a certainty, or that the product would be a success or of advantage in any way to the country. It was not for many years afterwards that people began to believe in it or in the value of the product. Therefore, I take it that his enterprise was rewarded in its initiation, when he had shown a *prima facie* case;—at the beginning, not after he had induced people to

believe that there was something in it, did he get his grant. You all know, that from that small beginning has arisen the prosperity of the Australian colonies. Now, in the case before us I think there is very great promise. You see from the evidence, here, that the value of silk imported into Great Britain is something very large—it was £13,000,000 in 1872; and that the price of silk has been very much increased, from various causes, such as the war in Lombardy, which destroyed the mulberry trees, and from the disease which attacked the silkworms in Italy. Principally from those causes silk is a scarce commodity in England. Although the market is supplied from China and Japan, from Italy and France, and from other countries, still, silk is a scarce commodity; and, of course, there is at the same time a great demand for it. It would be an immense advantage to many persons who manufacture silk—and I may refer to the ribbon weavers of England, who suffered great distress not long ago from the difficulty of obtaining the raw material for their manufacture—if this colony should be enabled to supply some part of that demand. Here is a very fair prospect opening, as we may suppose. A committee of this House has been appointed, and they appear to have very carefully gone into the matter; and they have reported, I have no doubt conscientiously, their opinions on the subject. They recommend that certain remuneration, in consideration of what they have examined into, shall be given to Mr. William Coote—"transferable land orders to the value of £2,500." Very naturally a sense of doubt has arisen whether the recommendation of the committee in its entirety should be carried out; and the House is now asked to go into Committee of the Whole for the purpose of reconsidering it. I do not know why the matter cannot be settled in the House, if the House will agree with me, at once, by adding the conditions to the third section of the fifth paragraph of that report:—That the sanction of the House be given to £1,500 being paid at once, and the remainder under such conditions as may be imposed by his Excellency the Governor in Council.

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: I think that will provide for the protection of the public, if there should be cause to doubt about the matter; and I hope it will give sufficient to enable Mr. Coote to carry on his enterprise. If that meets the opinion of honorable members I shall be glad.

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: Well, then, I shall propose—

That paragraph 5 be amended by the insertion, at the end of section 3, of the following words, viz.:—"On the following terms—£1,500 worth of Transferable Land Orders on the passing of these Resolutions, and £1,000 worth of Land Orders in twelve months, conditionally on proof that produce (silk and grain) to the value of £1,500 has been shipped prior to applying for such balance."

And the other amendments having been withdrawn, the last-mentioned clause was put and agreed to.

The question was then put—That the Report of the Select Committee, as amended, be adopted—and agreed to.

EXPLANATION.

The Hon. G. SANDEMAN said: Honorable gentlemen—I desire to call the attention of the House to an error that has crept into the report of what fell from me———

The PRESIDENT: You rise to move the adjournment.

The Hon. G. SANDEMAN: I move the adjournment of the House. I desire to call attention to what fell from me in the debate on the Payment of Members Bill. A good deal has been said on this subject, it appears, from what I have read in the papers. I desire that I shall not be misunderstood in this matter. I here state, what I have already stated through the public press, that I did not refer, in what fell from me on that occasion, to the Queensland Legislature in particular; I referred to the different colonial legislatures. In this paragraph, it is stated [*referring to "Hansard," page 442, column 2*]:—

"I may state that already there are members who have been returned for various legislatures of this colony———."

Now, upon the face of it, I cannot understand how such a construction could be put on my words; because, what are "various legislatures"? There is only one legislature of this colony. I alluded, therefore, to the various colonial legislatures. I have no doubt that some of my honorable friends who heard me will be good enough to uphold, to corroborate, what I stated. It is a matter of justice to myself. I would ask those who were present and listened to what I said to bear me out, if I am correct in what I now state.

The Hon. H. B. FITZ: He must say that as far as the report of the Parliamentary Shorthand Writer for the Council went, he always found them very correct, certainly. He thought the mistake had originated in the difference between the words "this" and "these." His own impression was that the honorable gentleman had said "these colonies." It was reported by Mr. Byrne "this colony." That was where the mistake had arisen. It struck him that the Honorable Mr. Sandeman was alluding to all the colonial legislatures.

The Hon. A. H. BROWN: He could, perhaps, just explain what the Honorable Mr. Sandeman did say by what his impression was when the honorable member made that speech. He believed that, as the honorable gentleman had described it, he referred to the various legislatures of Australia; and,

in proof of that, his (Mr. Brown's) imagination at once took him to Victoria, where, he believed, such words as the honorable gentleman did apply were well suited to that colony. He could, therefore, endorse the correction of the honorable member—he thought it was what he had stated.

The Hon. A. B. BUCHANAN: He was sitting next the Honorable Mr. Sandeman, and he distinctly understood him to refer to the various legislatures, not to this colony. He firmly believed that had the honorable gentleman referred to the other House particularly, he should himself have called him to order.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. A. B. BUCHANAN: He certainly believed that the President would at once have called him to order.

HONORABLE MEMBERS: Hear, hear.

The Hon. W. THORNTON: When he saw in the paper, next morning, what was reported of the Honorable Mr. Sandeman, he thought it was a mistake. As the Honorable Mr. Buchanan had said, he was perfectly certain that the President would have called the Honorable Mr. Sandeman to order if he had spoken disrespectfully of the Legislature of the colony. He rose, however, more for the sake of saying that it was utterly impossible that any gentleman could report in the Council with satisfaction under circumstances such as he had observed on many occasions: when an honorable member was addressing the House a number of other honorable members were engaged in conversation which interrupted his speech.

HONORABLE MEMBERS: Hear, hear.

The Hon. W. THORNTON: He knew the difficulty that reporters in the Council labored under; and he thought this a very good time to call attention to the matter. Doubtless there was an error in "the various legislatures of this colony." Mr. Sandeman was too old a Parliamentary practitioner to make any improper allusion to this colony, at any rate.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. W. THORNTON: He was quite satisfied that there was the greatest difficulty in reporting in the House, when honorable members persisted in speaking together at the same time that an honorable member was addressing the House.

The Hon. H. B. FITZ must really endorse what the Honorable W. Thornton had stated. He might mention, too, that the Shorthand Writer had told him on the day in question that he really could not report, owing to the conversation that was kept up by honorable members on that side of the House.

The PRESIDENT: He could confirm what had been said by honorable members, inasmuch as he paid very particular attention, at the time, to what the Honorable Mr. Sandeman was saying. Some of his observations struck his ear as very probably requiring that he should interfere. The only Standing Order of the House under which he could have interfered was the eighteenth: it enjoined, amongst other things, that no honorable member should

"comment upon the words used by any other member in a previous debate, or upon any expressions said to have been used in the Legislative Assembly; and all imputations of improper motives, and all personal reflections on members, shall be considered highly disorderly."

So, any honorable member using expressions which were calculated, or supposed, to be injurious to the other branch of the Legislature, would be out of order. He thought that, had the honorable member done so—if any expression had been used by him bearing that complexion, in his opinion—he should at once have called him to order. As far as he could hear or understand what the honorable gentleman was saying, he referred in general terms to legislatures in the other colonies.

OYSTER BILL.

This Bill was considered in Committee of the Whole, and reported to the House without amendment. On the motion for the adoption of the report,

The Hon. A. H. BROWN moved the recommittal of the Bill for the reconsideration of the third clause. Unfortunately he had allowed two or three things to pass that he should like to see amended.

Question put and negatived, and the report was adopted.

NAVIGATION BILL.

The House went into committee for the further consideration of this Bill.

Clause 171—Regulating storage rent of gunpowder.

The Hon. H. G. SIMPSON explained that the clause had been postponed on his motion, for reconsideration of the table of rates, and to make fine and expensive powder pay a lighter rent than common powder. He had learned from Captain Heath that the table in the Bill contained the amended and revised rates; so that the clause had been postponed under a misapprehension.

The clause was passed, as were also all the other clauses that had been postponed.

The Hon. W. THORNTON, referring to the last clause, and the commencement of the operation of the Act, if passed, said that as Imperial interests were concerned the Bill would have to be reserved and sent to England for the Queen's Royal Assent; and he proposed that the blank in the clause should be filled up so as to set forth that the Act should be in force on the signification of Her Majesty's pleasure.

The Hon. H. B. FITZ: It ought to be by telegram.

The POSTMASTER-GENERAL: It was necessary to have a date.

The Hon. A. H. BROWN: There was something exceedingly indefinite about it.

The question was put and postponed, and the House resumed.