Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 8 AUGUST 1877

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Secretary for Railways.

QUEENSLAND

PARLIAMENTARY DEBATES.

LEGISLATIVE ASSEMBLY.

FOURTH SESSION OF THE SEVENTH PARLIAMENT,

APPOINTED TO MEET

AT BRISBANE, ON THE FIFTEENTH DAY OF MAY, IN THE FORTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA, IN THE YEAR OF OUR LORD 1877.

[VOLUME 2 OF 1877.]

LEGISLATIVE ASSEMBLY.

Wednesday, 8 *August*, 1877.

Questions—Real Property Bill—committee.—Supply—resumption of committee.—Jurors Bill—second reading.

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

QUESTIONS.

Mr. PALMER, pursuant to notice, asked the Colonial Secretary—

1. Have the Government buildings at Thursday Island been completed and taken over from the contractor?
2. If so, when?
3. What is the total cost of the buildings?
4. By what officer were the buildings taken over, and who was left in charge of them?
5. Has the Government establishment been removed from Somerset to Thursday Island?
6. If so, when?
7. What establishment, if any, is still maintained at Somerset?

The COLONIAL SECRETARY (Mr. Miles) said—

1. Yes.
2. 16th May, 1877.
3. £6,614 1s. 3d.
4. The Colonial Architect; a man was sent from Somerset to stay, and others were sent to clear timber as they could be spared.
5 and 6. No.
7. Mr. Beddome, and two men.

REAL PROPERTY BILL—COMMITTEE.

On the motion of the ATTORNEY-GENERAL (Mr. Griffith), the House resolved itself into a Committee of the Whole for the consideration of this Bill in detail.

Preamble postponed.

Clauses 1 and 2, as read, agreed to.

On the question that clause 3—"Interpretation of terms"—as read, be agreed to,

Mr. THOMPSON said that there was a new term introduced, namely, "proprietor," which he saw was to include the mortgagee.

The ATTORNEY-GENERAL said that by the existing Act the mortgagee was declared to have no interest in the land, so that the word proprietor did not include the mortgagee; but in the present Bill the term proprietor was used to include mortgagee. It was, in fact, merely an extension of the word proprietor.

Mr. THOMPSON said that if the honourable member would consent to an amend-

ment in clause 31, when it came on for consideration, he would have no objection to allow the word to remain as it was.

Mr. MURPHY said that the objection raised by the honourable member for the Bremer had also struck him, and that he proposed to get rid of it when clause 31 came on.

Question put and passed.

Clause 4—"Repeal"—as read, agreed to.

Mr. THOMPSON proposed the following new clause, to follow clause 4:—

The Governor in Council may from time to time by commission under his hand and the seal of the colony appoint a fit and proper person to be Registrar of Titles or Deputy Registrar of Titles as the case may be. The Registrar of Titles shall have execute and perform all the rights powers and duties which by the principal Act and Acts relating to registration of deeds are conferred and imposed upon the Registrar-General. And whenever by the principal Act anything is required or authorized to be done by the Registrar-General the same shall and may hereafter be done by the Registrar of Titles instead of the Registrar-General and the principal Act shall hereafter be read and construed as if the words Registrar of Titles had been substituted for the words Registrar-General whenever the same occur therein. Whenever by this Act anything is authorized or required to be done by the Registrar of Titles the same may be lawfully done by any Deputy Registrar of Titles.

The object was to have a separate department to be devoted to land business, and he understood that the Government were not favourably disposed to it—principally, he believed, on economical grounds. He could not understand why, because that department was more than self-supporting; whilst, if the change which he proposed was adopted, the effect would be that the head of the new department would be more directly responsible than the head of the branch now was. As it was now, the responsibility was frittered away over a number of officers—namely, the Registrar-General, the Deputy Registrar, and the Master of Titles. He contended that the department was of sufficient importance to justify the appointment of a head who understood law and practice. Who that person should be he did not pretend to say. He did not know who would be the proper man to appoint for that office, and did not offer an opinion in that direction. If the objection was made that he was proposing an expensive process, his answer was, that if they did not have a responsible head—with plenty of overseeing power—a great mess would be made some day in the office, probably costing the Government a great deal of money, which would have to come from the insurance fund. It must be remembered that the Government were now doing the whole conveyancing business of the country; that it was no longer being done by trained lawyers. The forms of transfer, it was true, were filled up outside; but the transmission of titles took place in the Registrar-General's Office. It was, therefore, impossible for the Government to shirk the responsibility of having the department thoroughly efficient, and he argued it would be very unwise to make its efficiency a secondary consideration.

The ATTORNEY-GENERAL said the Government were not prepared to support the new clause, because they believed that the remedy proposed was no remedy for the objection, if any, complained of. The work of the office might now be done by a Deputy Registrar-General—by two if necessary; it did not matter by what name they were called, for precisely the same work would be done. He could not see the advantage of giving the present nominal head a new title. If the committee would bear in mind what the state of the office was when one gentleman did the work of Master of Titles and Registrar-General, and considered that these duties were now divided; and that, in addition, the Deputy Registrar-General never interfered in any other business outside of his own department, they must come to the conclusion that there was no necessity for the appointment of a new officer. He admitted that there was a great amount of work to do in the office and that it was self-supporting; but, on the other hand, it must be recollected that the Government guaranteed all the conveyancing. It was not a sufficient reason, because the department paid more than its own expenses, that the surplus should be expended in paying another officer. He held that the proposed clause would simply have the effect of giving a new title to the officer of the department, and probably lead to an increase of salary being asked. Immediately that a new title was given a new salary was generally demanded. He did not believe that the efficiency of the department would be in any way increased. If anything additional was wanted it was the appointment of a new clerk. He admitted that he had originally drawn up the clause now submitted, and that, *prima facie*, there had then appeared to him a necessity for it; but he did not hold that opinion now. On the contrary, it appeared to him that there was not sufficient ground for the proposed change, and he should oppose its adoption.

Mr. MURPHY said he considered the new clause a very useful one, and he regretted to hear the Attorney-General say that he would oppose it. He must say that it did seem somewhat singular that the work of the office should have been expedited immediately that Mr. Petersen was put at the head of it, when Mr. Scott went home; but the result was so beyond doubt. The

working head of the Registrar-General's office was Mr. Petersen, Mr. Jordan's duties being really ministerial, and the carrying out of what was brought before him by the Deputy Registrar-General and the Master of Titles. He maintained that the head of the department should be a gentleman who was qualified, by reason of his experience and knowledge, to deal summarily with matters which now had to be referred to the Master of Titles. The greatest possible expedition in the working of the Act should take place, and that could only be attained by appointing a gentleman who thoroughly understood it. He said, further, that no one who thoroughly understood the business of the office would refer to the Master of Titles many transfers which were now unnecessarily, he contended, passed to that officer; and that if this unnecessary reference were dispensed with, the work would be materially expedited. Then, as to the supposed extra cost which would be involved. Presuming that it did cost £400 or £500 additional, the money would be well spent. He was satisfied that the country at large would willingly accede to any expense which would render the office more efficient. The alteration suggested by the member for Bremer was a most important one; and believing that a state of quickness would be brought about in the office which was now altogether absent, he would support the new clause.

Mr. STEWART said he failed to see the necessity for a new officer. He could well understand that the present Deputy Registrar-General would like to be the chief of the department; the arguments which had been used told in that direction — that because he had the responsibilities he should also have the office. He could only say that his experience went to show that the obstruction to the business of the office arose from the Deputy Registrar-General himself. He remembered that he once wished to expedite the passage through the office of certain documents about which he had been interviewed by a deputation, of which the honourable member for Bandanba formed one; but he found that the Deputy Registrar-General put obstructions in the way. Considering that transfers could be registered in three or four days, as had been stated by the Registrar-General, in the memorandum read by the Attorney-General, he could not see that the public had much to complain about. He thought, however, that mortgages might be put through faster. No case had been made out for a new officer, and less if the intention was only to give a new title to the present officer.

Mr. FRASER said the committee had nothing to do with any individual in connection with this matter, and it was a pity that the name of one should have been introduced. He did not call into question the statement of the Registrar-General; but he was in a position to say that his two predecessors were firmly of opinion that the time had arrived when the two departments of the Registrar-General should be entirely separated. What connection was there between the two? He believed that the whole time of the Registrar-General was now taken up with one of the departments, and that the issuing of deeds took place entirely independent of him,—that he never saw them, although he was the nominal head of that department. It had been stated that deeds were now registered in two or three days; but what did it matter to the public if they could be registered in one hour if they could not be got under four or five weeks, as he knew was actually the case. That was where the public convenience was involved. One honourable member, speaking to this question the other evening, said that additional clerical assistance only was required; but he did not think so. The fact was, that the time of the Deputy Registrar-General was so taken up with matters of detail—more than a thousand deeds in a week had to be gone through carefully by him—that he had no time left to organize the office in such a manner as to study the convenience of the public. It was not the conferring of a new title that was asked, but the severance of two offices which had nothing to do with each other. He submitted that if the department in question were made independent, such organization and discipline would be obtained as would enable simple documents—which could not now be got under four or five weeks—to be passed through expeditiously. As the character of the Deputy Registrar-General had been animadverted upon, he would say that it was notorious that for the last three or four years that gentleman's health had been breaking down entirely through the severe work which was put upon him.

Mr. BEOR said it seemed to him that the real question was, whether the person who had the responsibility and the work of the office should not have his position recognized by the creation of some different title, instead of appearing merely as the subordinate of an officer who had nothing to do with the office; but he was doubtful as to whether it was necessary to make another head, or add another office. The real head now was the Master of Titles. He must certainly take exception to the statement of the last speaker, that deeds could not be got through the office under four or five weeks. He did not know how it came about that the honourable gentleman's experience differed so widely from his own, but he had found no such great delay. Perhaps there was some confusion of ideas on the subject; for it must be remembered that some time must necessarily elapse after a

deed was registered before it could issue from the office. In connection with complaints of delay, it must be remembered that from thirty to fifty deeds came into the office every day, all of which had to pass through the hands of several officers. The argument that because a division of the offices of Registrar-General and Master of Titles had facilitated business, therefore a further division would have a more beneficial effect, was fallacious. If they went on splitting up the offices there was no knowing where the process would end. As a matter of fact, the Master of Titles was not called upon by the Act appointing him to examine these deeds, and he undertook the work gratuitously. It was not correct to say that the Deputy Registrar did the work; it was done by the Master of Titles, unless too much pressed by work, in which case the former undertook it. He (Mr. Beor) was not quite sure that it was proper for the Deputy Registrar to do this, as the work ought to come before the Master of Titles. The work which the Master of Titles was called upon to undertake, according to the letter of the Act, would not take him an hour in the day—his time was taken up by the inspection of these documents. What was wanted was not a new officer, but a provision by which the Master of Titles might be legally authorized to do the work which he, as a matter of fact, at present performed. He did not wish honourable members to understand that he imputed either negligence or incapacity to the Deputy Registrar-General, who was a most zealous and efficient officer. He would still have more work than he ought to do. He had often heard that the Registrar-General's Office was the busiest public office in the city, and he believed that the report was correct; but he certainly agreed with the Attorney-General, that if any new officer was appointed it ought to be a clerk to assist the Deputy Registrar, and that he should be entirely confined to real property work. The Deputy Registrar, also, should no longer have his attention divided between the different branches of work in the office. It would be better if the real property department were entirely by itself, so that there would be no danger of interference in it by an officer who took a different view of his duties from the present Registrar-General.

Mr. PERKINS said he believed the object of the present measure was to expedite the work under the Act, and it appeared to him that the proposed appointment would amend the state of affairs. The authorities of the office seemed now divided, and the objection to it was, that they had not one man who would be answerable to the public. The public objected to the time which elapsed before the issue of a document from the office. He saw by the report of the select committee last year, that the Deputy Registrar-General said that if the machinery of the office was in proper working order, a deed could be registered in a few hours after it had been received. He could not fail to see that the office was one of the most important in the colony, and its importance must surely increase, for people were compelled to go to it with their business. The present Deputy Registrar was acting under the present and also the old Act; and there was no wonder that delays occurred. What would be the advantage of a new clerk? He would not relieve the Registrar of his duties. Why not divide the office? If it had to be done some time it might as well be done now, and a permanent responsible head officer be appointed. If a blunder was now made he did not know who could be held responsible. In order to insure reform, and to adopt a system in existence in other colonies, he was in favour of the appointment of a responsible registering officer who would give his undivided attention to the working of the Act.

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

The committee divided:—

AYES, 18.

Messrs. G. Thorn, Palmer, Thompson, Fox, Kingsford, Hockings, McIlwraith, Fraser, Haly, Groom, Murphy, Macrossan, Grimes, Perkins, J. Scott, Foote, Buzacott, and Beattie.

NOES, 6.

Messrs. Douglas, Griffith, Miles, MacDonald, Beor, and Stewart.

Mr. THOMPSON said that he had another new clause to provide for the registration of instruments, which required that they should be attested by some known person. Under the existing Act the Registrar had no absolute power to compel such attestation; he could call for it in certain cases, but generally he registered a document whether witnessed by a person who was known or not. The evidence given by the Registrar before the select committee went to show the existence of the difficulty, and he said that, in order to remedy it, it would be desirable to give him authoritative instead of permissive power to call for attestation. He instanced the case of Chinese, who signed in characters with which he was unacquainted, and their documents were often witnessed in a similar manner. However, as he understood the clause would meet with no opposition, he would, after making some little alteration that had been agreed upon, move it without further comment. He moved accordingly, as a new clause, to follow after clause 4 of the Bill as printed:—

All instruments executed in this colony pursuant to the provisions of this Act unless the execution thereof be proved before the Registrar of Titles a notary public justice of the

peace or commissioner for taking affidavits as provided by section 115 of the principal Act shall b· attested by the Registrar of Titles a notary public justice of the peace commissioner for taking affidavits barrister or solicitor.

Mr. MURPHY said that he quite agreed with the object of the new clause, although some difficulties might arise in getting the persons required to attest a document.

The ATTORNEY-GENERAL said he had no objection to the new clause, which he considered an improvement to the Bill.

Mr. FRASER said that he thought great inconvenience would arise from this new provision. A great many small transactions took place under the Act, and it would be a great hardship to compel a poor person to ride twenty or thirty miles to get a justice of the peace to witness a transaction of some £25. He had never heard of any serious complaints being made against the system at present pursued.

Mr. THOMPSON said that the difficulty would not arise. He had known gentlemen on the commission of the peace attest documents which they had not even seen executed.

Mr. FRASER said that, if so, the new clause afforded no protection.

Question—That the new clause, as read, be inserted after clause 4 of the Bill—put and passed.

Mr. MURPHY said he wished to move a new clause, of which he had given notice. At present, if the slightest error occurred in the issuing of a Crown grant, it took a long time and was most difficult to remedy. Under the Real Property Act the Registrar-General had power to amend a small error in description, and he wished to give the same power in the case of Crown grants. He moved, therefore, the insertion of the following clause:—

Notwithstanding the provisions of the Titles to Land Act of 1858 the Registrar of Titles may exercise in respect of grants from the Crown the powers given to him by sub-section four of section eleven of the principal Act authorizing him to correct errors in certificates of title or in the register book or in entries made therein respectively and otherwise as therein provided And such sub-section four of section eleven of the principal Act shall be read and construed in all respects as if it had expressly authorized the Registrar of Titles to correct errors in grants from the Crown as well as in certificates of title.

The ATTORNEY GENERAL pointed out that grants were issued from the Lands Office, and that it was impossible that the Registrar of Titles could know anything about any error made in them. If the clause were passed, it would put into the hands of the Registrar the power of attempting to rectify any error supposed to be made by the Government. He did not see that the clause, if passed, would effect any real good, and he hoped the honourable member would not press it.

The COLONIAL TREASURER said that a circumstance had come within his knowledge where a provision of this kind would have been of real advantage. An original grantee sold his land, and a certificate of title was issued. When the land came to be subdivided a serious error in the original description was discovered, and six months had to elapse before it could be rectified. He thought the amendment would do good in a case of that kind, as it would lead to the saving of a great deal of time.

Mr. THOMPSON also objected to the amendment, that it would not practically be of much use.

Mr. MURPHY said that, while still believing that his amendment would be of practical benefit, yet, as it was objected to by the Attorney-General, he would, with the permission of the committee, withdraw it.

Amendment withdrawn accordingly.

Clause 5—"Sworn appraiser to be appointed;" and clause 6—"Oath of the sworn appraiser"—passed with a verbal amendment, altering the word "Registrar-General" to "Registrar of Titles."

Mr. FRASER proposed the following new clause, to follow clause 6:—

It shall be lawful for any person to fill in any form or forms prescribed by the schedules of this Act or the principal Act or such alterations of the said forms as shall be officially recognized by the Registrar of Titles.

This, he said, was a very simple matter, and he had every confidence that the legal members of the House would not object to it. It was simply intended to give recognition to what was every day in practice at the present time. The object of the Bill, as had been said before, was to facilitate dealings with real property—to put it on the level of all other commodities. They had heard that Government had provided conveyancers under this Act, and what he intended to legalize could not bear the name of conveyancing, as it was well known that a very large part of the business done in the real property office was done by laymen—a fact which was well known and recognized by the legal profession. At present business of this kind must be carried on *sub rosa;* and whether the amendment was carried or not the traffic would still be continued all the same.

The ATTORNEY-GENERAL said it was evident the honourable member wished to allow persons to charge for filling up these schedules, and, if so, the amendment would not meet the object he had in view.

Mr. THOMPSON said in his opinion the amendment was totally unnecessary. Any-

body in this free country could fill in any form he pleased, and the only difficulty was about charging. If the honourable member wanted to protect himself against the officers of the Supreme Court the amendment should read somewhat in this form: "Anybody charging for conveyancing under the Real Property Act shall not be liable to attachment." There had only been one prosecution for charging for conveyancing by unqualified persons under the Real Property Act; and the means of getting round it in various ways were so well known as not to be worth troubling about.

Mr. FRASER then asked permission to withdraw the amendment; and the amendment was withdrawn accordingly.

Mr. THOMPSON moved the insertion of the following new clause, to follow clause 6:—

When any person claiming to be entitled beneficially to land for an estate of freehold in possession shall apply to have such land brought under the provisions of this Act it shall not be lawful for the Registrar of Titles to reject such application by reason only that a conveyance by the original grantee of the said land forming part of the title appears to have been executed by such grantee prior to the issue of the grant.

Question put and passed.

Clause 7—"Application when third party is interested only to be withdrawn with his consent"—was passed with the addition of the words "or his solicitor."

The following new clause was also inserted, without discussion, on the motion of Mr. THOMPSON:—

When the Registrar of Titles shall be of opinion that any application to bring land under the principal Act is defective on account of want of legal or equitable title in the applicant he may instead of rejecting the same accept the concurrence of the parties entitled to any legal or equitable estate therein the same to be indorsed on the application or referring thereto by number or other sufficient description and shall be sufficient if in the following form or in a form to the like effect:—

I concur in the above [*or* within] application.

Dated

A.B.

Witness

or—

I concur in the application of

to bring land [*describing it*] under the Real Property Act.

Dated

A.B.

Witness

Clause 8—"Leases not to be affected by lands being brought under the Act"—was, on the motion of the Attorney-General, negatived, in order to allow of the next amendment to be proposed by Mr. Thompson to be substituted for it.

Mr. THOMPSON proposed the following new clause, to be inserted instead of clause 8:—

Notwithstanding the provisions of section 44 of the principal Act the estate of a registered proprietor shall not be paramount or have priority over any tenancy from year to year or for any term not exceeding three years created either before or after the issue of the certificate of title of such registered proprietor.

Mr. STEWART said the Attorney-General proposed to make a verbal lease for three years or under binding on a purchaser who had no knowledge of the lease when the purchase was made. Suppose land was taken from a man who had no wish to part with it; he could say a verbal lease existed at a nominal rent for three years. It would also interfere with the sheriff's sales under the 22nd clause, and, in some instances, render the property unsalable.

Mr. THOMPSON said that, as a matter of fact, leases over three years must be in writing.

Mr. STEWART thought that if there was a lease for longer than one year it should be in writing, as he could not understand how people were to go on quarter after quarter for three years before they could get possession of the property.

Mr. MURPHY said that the object of the clause was to simplify matters, and to bring properties now outside the Real Property Act within the provisions of that Act. If the law made it illegal to deal with leases for less than three years, without such leases being in writing, then people would be led to make inquiries, and be more careful what they were doing. If land happened to be under the Act, surely a man living in the country should be able to lease it for a time without going through all the formalities over again.

The ATTORNEY-GENERAL said that the clause would simply place on the Statute what was already the law, although perhaps not generally known, and the enforcement of which was now attended with great expense, and sometimes with great hardship.

Question put and passed.

On clause 9—"Priorities of registration"—

The ATTORNEY-GENERAL moved the omission of the word "general" wherever it appeared, with the view of inserting the words "of Titles."

Amendment agreed to.

Mr. STEWART asked the Attorney-General whether there was any possibility of passing mortgages through more rapidly than was now the practice? His object in asking that question was, that it had been represented to him by a deputation that great inconvenience sometimes arose from the delay in passing mortgages, and he

understood that all that was required was simply an endorsement on the back of a deed.

The ATTORNEY-GENERAL said he confessed that what had to be done might sometimes be done in half-an-hour. The question was whether there was a sufficient number of people to do it.

Mr. THOMPSON said he had considerable doubts about the clause, and should oppose it unless the honourable gentleman could get over his objections. It appeared to him that a lot of documents affecting the same estate might be taken to the Registrar of Titles, and that they were to be dealt with as regarded the priority of date of production for registration, and not according to the dates of registration itself. The object, probably, was to facilitate registration; but he must confess that he did not understand the object of it. He thought the way to get over the difficulty altogether would be to have plenty of hands, so that matters might be dealt with quickly.

The ATTORNEY-GENERAL said that the clause was proposed to deal with such a case as this. Supposing a deed taken to the Registrar of Titles, and in the meantime, and before registration, some other instrument executed by the same owner should be produced, the Registrar of Titles would first register the instrument first produced.

Clause, as amended, agreed to.

Mr. THOMPSON proposed the following new clause, to follow clause 9:—

A separate register of powers of attorney affecting lands under the provisions of this Act or which may be the subject of an application to bring them under such provisions shall be kept And whenever a power of attorney shall be brought to the Registrar of Titles for the first time he shall enter a memorial thereof in such register and such entry shall be considered a compliance with the provision of section 104 of the principal Act requiring that a memorial of such power of attorney shall be entered in the register book and no entry of such memorial after the first such entry shall be necessary

It shall not be necessary for the Registrar of Titles to require proof that at the time of the execution of any instrument executed under any such power and tendered to him for registration such power was unrevoked.

The object of that clause was, that a separate registry of powers of attorney should be kept, and that when once a power of attorney was entered it should be considered done once and for all.

Question put and passed.

On clause 10—"Instrument to take effect from date of production for registration"—

The ATTORNEY-GENERAL said that in moving that clause, on which there was to be an amendment proposed by the honourable member for Cook, he might take the opportunity of mentioning that he believed if the amendment was adopted it might have the effect of opening the way to fraud, as a man who intended to become insolvent would put a false date in a deed. With regard to the clause itself, he moved the omission of the word "general," with the view of inserting the words "of Titles."

Amendment agreed to.

Mr. MURPHY proposed the following clause, to be substituted for the one just read:—

Subject to the proviso next hereinafter contained all instruments when registered shall take effect from the date thereof which date shall be expressed in the certificate of title or other instrument issued by the Registrar-General Provided that no such registration as last aforesaid which would interfere with the right of any person claiming under any instrument previously registered under this Act shall be made except subject thereto.

He said he could not understand why registration should not take effect from the date thereof, except on the possibility mentioned by the Attorney-General,—which, however, might arise in connection with any transaction; otherwise, taking the case of a person living hundreds of miles away, it might be six months after sending his deeds before he could get them registered. He thought that they should assist persons as far as they could in having their titles complete from the time of registration. At the same time he proposed that such registration should not interfere with the right of any person claiming under any instrument.

Mr. THOMPSON said he would have to go with the Attorney-General and against the amendment of the honourable member for Cook. The object of the clause was to give effect from the date of the instrument being registered; but how would that be if the instrument came before the Registrar of Titles defective in form?

The ATTORNEY-GENERAL said that informal instruments were never registered; they went away again and were not registered until complete. The object of the clause was that the public should not suffer through any accidental delay.

Mr. BEOR considered it was undesirable that the Real Property Act should conflict with the law more than possibly could be helped. Now the honourable member for Cook had proposed a clause which seemed to make the law under the Real Property Act and the registration of deeds correspond with the law as it stands. He thought it was most undesirable that people should have rights under the law, and that then the Real Property Act should step in and repeal that law by a side-wind. For that reason he should vote for the amendment, which he thought was proper and desirable.

Clause, as amended, agreed to.

On the motion of the ATTORNEY-GENERAL, the House resumed; the Chairman reported progress, and obtained leave to sit again to-morrow.

SUPPLY—RESUMPTION OF COMMITTEE.

On the motion of the COLONIAL TREASURER, the House went into Committee of Supply.

The COLONIAL SECRETARY moved that a vote of £19,270 be granted on account of Colonial Stores. He pointed out that there was an increase of £230 for salaries, of which £100 was to the clerk in charge in lieu of rent.

Mr. J. SCOTT asked for further information as to the increases of salary.

The COLONIAL SECRETARY replied that one clerk got an increase of £50, and another one of £30. Mr. Sutherland had received a gratuity of £20 over and above his salary, and it was now proposed to give him an increase of £50 and do away with the gratuity.

Mr. STEVENSON said he thought the committee should hear some further reason why the increases had been put on the Estimates.

The COLONIAL SECRETARY said that the clerk in charge had formerly a house free of rent. He was deprived of the house, and the Government thought that he should be made some allowance in lieu of that. Another clerk (Mr. Lyons), for whom £30 was set down, had been ten years in the service. Mr. Sutherland, as he had already explained, received a gratuity of £20 for two years, and was now put down for an increase of £50. Two storemen, who had been twelve years in the service, were to have £10 each; and the carter was set down for £20.

Mr. MOREHEAD said this was the first time the committee had heard of gratuities being given to clerks in the public departments. Honourable members should be very careful in permitting or allowing such payments without their sanction. Where was this practice to stop? The committee should have some information as to the principle upon which gratuities were granted in excess of the salaries voted by the committee.

The COLONIAL SECRETARY said his object in putting the increases on the Estimates in this case was to do away with gratuities altogether, and he would pledge his word that he would pay no money without the sanction of the House.

Mr. STEVENSON said he should like to know who authorized the payment of these gratuities? What was the use of bringing down the Estimates if Ministers were permitted to give gratuities to whom they thought fit? The committee ought to know who authorized the gratuity for last year. He also desired to know how it was that the free house was taken away from the chief clerk?

The COLONIAL SECRETARY said he believed that the house was required for another purpose. He also believed that during the time the honourable member for Port Curtis was in office the clerk was given permission to occupy the house, with the understanding that whenever it was required he was to leave. He had been deprived of it, and the Government thought he was entitled to an increase in lieu of the rent which he had previously saved. He was also given to understand that the honourable member for Port Curtis refused to increase the officer's salary on the ground that he had a house free.

Mr. PALMER said that before the Colonial Secretary took his name in vain he ought to make himself fully acquainted with the circumstances. Mr. Hassell, the clerk in charge, was, at his own request, allowed to occupy an empty house for which there was no use at the time; but he was distinctly told that he was given no claim whatever, and that he must leave the house when it was wanted.

Mr. STEWART said that when he was in office he authorized the payment of the gratuity of £20 last year. It was explained to him that the salary of the clerk to whom it was given was insufficient, and had he known the circumstances before the Estimates were prepared he (Mr. Stewart) would have put the amount of the gratuity in the shape of an increase of salary. With regard to the claim of the chief clerk, he thought it did not arise because he got permission to occupy a house of which he had since been deprived. He (Mr. Stewart) understood that when the general increases were set down this officer's increase was struck off because of a foot-note that he had a house free; he was deprived of the house soon after, and consequently lost both it and the increase intended for him.

Mr. MOREHEAD said he objected to the honourable member for Brisbane continually "step-fathering" the Colonial Secretary. The committee did not want to be continually reminded that that honourable member was once Colonial Secretary. With reference to Mr. Hassell, it had been clearly shown that that officer had no vested right to the building, and that he perfectly understood that he was to remove from the house whenever it was required. He could not, therefore, see how Mr. Hassell had any claim for an increase.

The COLONIAL SECRETARY said the honourable member for Brisbane had pointed out that Mr. Hassell lost his increase when the general increase of salaries took place, because he had a house free. He thought Mr. Hassell was fairly entitled to the addition proposed to his salary, seeing that he was immediately after deprived of his house.

Mr. STEVENSON said it seemed to him most extraordinary that the clerk in charge should get a salary of £150 more than the chief clerk in the Colonial Secretary's Office. He proposed that the item of £100 —allowance to the clerk in charge in lieu of rent—should be omitted.

Mr. PALMER said he did not say that Mr. Hassell was not occupying a very responsible office, and that he should not be paid better than he was; but he maintained that this was not the way the increase should be brought forward. He would advise the Colonial Secretary to withdraw the item, because there was no ground for it in this shape, and to bring it forward on the Supplementary Estimates, when he would support it. The clerk in charge filled a very responsible office, and was open to temptation, and had resisted it. When he (Mr. Palmer) was in office, he knew that Mr. Hassell was offered a commission on everything that he ordered and refused to accept it.

The COLONIAL SECRETARY replied that he would willingly adopt the suggestion of the honourable member for Port Curtis.

Question—That the allowance of £100 to the clerk in charge be omitted—put and passed.

Mr. W. SCOTT asked upon what system blankets were distributed to the aboriginals?

The COLONIAL SECRETARY replied that they were forwarded to the police magistrates, and distributed by them.

Mr. W. SCOTT asked whether they were sent to other parties for distribution?

The PREMIER said that in some few cases they were, and they had been advantageously distributed. During the last year they were distributed in the neighbourhood of Brisbane instead of in the city, it being considered undesirable that the blacks should congregate in town. Some were issued on the Pine River, others at Durundur, and some at the Logan.

Mr. W. SCOTT said he merely asked the question on account of a case which had occurred at Nanango. Blacks, to the number of 200 or 300, congregated there, and remained several weeks, expecting their blankets; but only fifty were sent up, which were given to old gins. He thought provision should be made by the Colonial Secretary to prevent anything like this occurring again. In this case nearly all the blacks went away without blankets. They were asked to give three cheers for the Queen, which they did heartily—without blankets.

Mr. MOREHEAD thought that the committee should have some fuller explanation regarding the item of £18,000, put down for contingencies. It should be shown how this money was proposed to be expended. He wanted to know what items were included in the sum asked for? It was a large amount, and very little information was given about it.

Mr. GRAHAM said he had been pleased with the remark of the Colonial Secretary, when he said that he proposed an increase to a salary in order to stop the system of giving gratuities. Honourable gentlemen should remember that the House looked upon him as the incarnation of economy, and he now hardly rose to the occasion. The honourable gentleman should remember, also, that he had belonged to their side of the House, and that when they gave him over, without a sigh, they expected something in return from him. He (Mr. Graham) should very carefully scrutinize every item in which there was a proposed increase, and thought that the Colonial Secretary would find it more easy to pass his Estimates through the committee if he gave them the fullest and most explicit information on every item of them.

Mr. MOREHEAD said that he sympathized with the Colonial Secretary under the insidious attack made upon him by the honourable member for Darling Downs.

Mr. PETTIGREW said that he would like to call the attention of the Colonial Secretary to the blankets supplied to the aborigines, which were nothing but shoddy of the worst description. This was all that was given them in return for taking their lands. The proposed increase to the clerk in charge of the Colonial Stores was more than the cost of the blankets supplied to all the aborigines in the colony. They grew wool in the country; and now they were having a factory started where blankets could be easily manufactured of pure wool, and so distinguished that the blacks would not be tempted to sell them for rum or a mere trifle in money.

Mr. HALY said that the cost of the blankets should be put separately on the Estimates. Not only were the blankets of bad quality, but insufficient in number. He had seen the blacks hanging about the police offices, waiting for weeks, and then more than half of them going away without blankets; yet they were asked to give three cheers for the Queen. He thought, for the honour of Parliament, that the blankets should be of better quality and sufficient in number; and he hoped that the Colonial Secretary would see to the matter.

Mr. IVORY said there was also a good deal of sense in the remark of the honourable member for the Mitchell, that the item on the Estimates was a very large one without proper details. The Premier was no doubt very serious, now that he had the responsibility of all the railways on his shoulders; but it would be better if, instead of lecturing honourable members, he saw that they had the information required. The item under consideration was either

too small this year, or it must have been too large last year; for in spite of the increase in population and in the number of the police force it remained the same.

The COLONIAL SECRETARY said that the items were put on the Estimates in exactly the same manner as they had appeared in previous years. With regard to blankets for the aborigines, he might say that he had already given orders that they should be manufactured with some distinguishing marks.

Mr. MOREHEAD said that the honourable member would not meet the charges made against him fairly. He was told that the blankets were of bad quality, and distributed in insufficient numbers; but he had not told the committee that he would see the fault amended. He told them that they should accept the item, as it was put on the Estimates in the same way as on previous occasions. They lived and learned, and he thought that, instead of being blamed, honourable members of the Opposition should be praised for their acumen in discovering a deficiency which had escaped even the keen vigilance of the Colonial Secretary when in Opposition.

Mr. GROOM said that although the item was put down on these in the same manner as in previous Estimates, that was not the answer which the Colonial Secretary himself would have taken when in Opposition. With regard to the blankets supplied to the aborigines, the committee were entitled to know what system was pursued in procuring them. Were they purchased or supplied by tender? There was no doubt that honourable members had a perfect right to demand full particulars of this item; and he was surprised, on referring to the Estimates of New South Wales, to find the same item put down as a lump sum of £70,000. He might remark, incidentally, that the clerk in charge of the Colonial Stores there had a smaller salary than the one in Queensland—to whom it was proposed to give an increase. Answers should be given to all these questions; and although the Colonial Secretary was new in office, he should have had his Under-Secretary to supply him with the required information.

Mr. FOX said that he endorsed the remarks made by honourable members about the blankets given to the aborigines. The committee should know what those blankets cost; for he believed they paid a very high price for an inferior article, not only in quality but in size. He could also endorse the remarks that the supply was short of the demand. In his own district hardly one-third of the blacks got blankets, which were only sent in sufficient quantities for the gins and children. Some inquiry should be made in each district as to the quantity which should be sent to the blacks. He did not think that these people should be neglected because they were black. It was the duty of the Colonial Secretary to see that they all got their blankets.

Mr. J. SCOTT said it was no defence of the present system to say that it had been the practice heretofore. They had been told over and over again that this was a progressive Government, and certainly they ought to progress in the direction alluded to. When the Colonial Secretary sat on the Opposition side of the House he always took exception to this item, and asked for the information which he now, when in office, refused to give. This vote ought not to be allowed to pass until they were supplied with particulars about these five distinct items. The honourable member for Toowoomba had referred to the distribution of blankets to the aboriginals in New South Wales; but the blankets in that colony were not distributed in the miserable way in which the Government doled them out here. The Government of that colony took the trouble to ascertain the number of blacks, and then served out a sufficient number of blankets to supply them.

The COLONIAL SECRETARY said this item of £18,000 covered all the stores required in his department. With reference to the blankets, he might say that the storekeeper got a sample of blankets from New South Wales, as they had been issued to the aboriginals in that colony, and then called for tenders for similar ones. A tender was accepted in Brisbane; and the contractor, finding that he had tendered too low, asked to be allowed 2s. 6d. per blanket over and above the price tendered for. He refused to allow it, but gave him the opportunity of cancelling his tender. That, however, did not suit the contractor, and he lost some £200 or £300 on the contract.

Mr. W. SCOTT asked whether the saddlery for the police was not manufactured in the gaol?

The PREMIER said he had seen something of these blankets, and could give an opinion upon them; and he denied the statement which had been made as to the quality of the blankets issued this year. Their quality was excellent, and no one could wish to see better; and a much larger number had been distributed than in any previous year. Of course, a larger number might be served out, but it would increase the expenditure very much. It must also be remembered that in the several Government offices a large amount of stationery was required, and that the inmates of the gaols and the lunatic and benevolent asylums, as well as the police, had to be clothed. The raw material was furnished to the gaols, as also leather for saddlery, and they were worked up by the prisoners. No doubt his honourable friend the Colonial Secretary would willingly comply with the wishes of honourable gentlemen opposite by causing a

return to be made of the goods required in his department last year. An annual return of that kind would no doubt prove very useful.

Mr. McILWRAITH said the members of the Opposition did not complain of the extravagance of the vote, but that there was nothing before them to enable them to judge whether it was extravagant or not. No doubt the item appeared on the Estimates as it had done year after year; but the Colonial Secretary should be the last man to urge that as an argument for not affording the information asked for. On reference to the *Gazette* he found that the cost of this department last year was £19,845, and it would be a satisfaction to the committee had the Colonial Secretary been prepared to tell them how that money had been spent. It was all very well for the Premier to talk about preparing a return; but that ought to have been done long ago, as this was the only opportunity the committee would have of debating the matter. The statement of the honourable member for Toowoomba with regard to the New South Wales Legislature passing a similar item to this, with even less information to lay before that Parliament, was not exactly correct, for a proper subdivision was made in those Estimates, which gave at least some sort of information. The committee wished to know what they were passing this money for, and the Colonial Secretary ought to have been prepared with the necessary information. This was the first time in his experience that a Minister had not been backed up by his Under Secretary with all the information which the committee wanted; and it was the first time that he had seen information refused to the House on this item. Until they got the information they wanted, they ought not to allow the vote to make any further progress.

Mr. PALMER said he had just been looking at the Votes and Proceedings for 1873, and the Colonial Secretary was not correct in saying that the present system had always been followed. He noticed that in that year the item of goods supplied for the police was put down separately, although the others were certainly lumped together. What particularly struck him was, that while in 1873 the total of this vote was only £9,150 for the whole department, this year it was £19,270. The population of the colony had not nearly doubled during the last four years, while the expenditure in the Colonial Stores had more than doubled. That was a circumstance which ought to make honourable members ask a great many questions. It was a very serious matter indeed, and the Colonial Secretary ought to be prepared with information upon it. It had been said that the Colonial Secretary had always questioned him (Mr. Palmer) when he occupied that office. He admitted it; but when he asked his questions that honourable gentleman always got his answers. He knew the difficulty there was in making these subdivisions; but the Colonial Secretary seemed to think that he had come here to pass his votes without giving any information whatever. But he could assure that honourable gentleman that he would not pass many more votes unless he complied with the reasonable wishes of the Opposition. He entirely disagreed with the plan which had been followed last year of distributing blankets to the blacks through private hands. When he was in office many applications were made to him by gentlemen holding stations and owning private properties to give them blankets for their blacks; but they were invariably refused. He did not think that gentlemen who had blacks in their service should be allowed blankets at the expense of the public to pay their own servants with. That was what had been done by the Premier last year. He himself had made personal enemies by refusing to allow blankets to be issued in that way. When he was in office there were some police stations where there were bales of blankets that had never been opened, while other stations were short of them. The department ought to be responsible for the inquiry as to the number of blankets required in the different police districts, and more blankets ought to be sent. He could say nothing as to the quality of the blankets this year; but he believed that those issued last year were very good. The vote for blankets for aborigines should be very much increased. The quantity that had been lately served out was rather absurd; and he believed that in some of the outside districts they had been used by persons about stations whither they were sent, and that the blacks never got one of them. It was absurd to send blankets to the Northern districts where the blankets were never used, and the closest approach to them was a strip of bark.

The COLONIAL SECRETARY said that although the sum put down on the Estimates for 1873 for this item was only £9,000, yet in the Supplementary Estimates for that year there was an additional item of some £5,000 for that department, which would nearly bring up the figure to its present amount.

Mr. PALMER: Let us see what the item on this account in the Supplementary Estimates this year will be.

Mr. GROOM said that he wished to say, in reply to the Premier, that when he spoke of the inferior quality of the blankets he was not referring to those issued this year, which he had not seen, but to those issued last year, some of which were of very inferior quality indeed. It was absurd to tell the blacks that blankets were to be

given to them by Her Majesty the Queen, and then to supply them with one each, which was only worth half-a-crown.

The PREMIER said the blankets cost from 8s. to 10s. each, and were supposed to be very cheap. With regard to the statement of the honourable member for Port Curtis, that he did not approve of blankets being distributed through private hands, he might say that he quite agreed with him; but there were cases in which it was desirable to depart from that rule. There was no police office, for instance, between here and Gympie, and it was not desirable always to bring the blacks into the large towns, but to distribute the blankets near their own habitations. As a rule, it was much better that the blankets should be distributed by some officer of the Government, and that was in all ordinary instances adopted; but, like all rules, it might sometimes be advantageously departed from. As to the increase in this vote since 1873, he might say that in that year £5,000 were put upon the Supplementary Estimates to make up the deficit, and that fact, to some extent, met the objections of the honourable member for Port Curtis. Since then, also, there had been a large augmentation in the amount of work done in the gaols for general purposes, and all the raw materials sent to the gaols were charged to this account.

The COLONIAL TREASURER said that the system of subdivision had been especially insisted on in the Audit Act of 1874, for the convenience of the Audit department, in order that the unexpended balance under one subdivision might, if necessary, be transferred to another. He agreed with the Premier that it might be desirable that information should be given to the House as to past expenditure on this vote, and a return showing that could be prepared within twenty-four hours. Any attempt to give information as to the prospective outlay would only tend to mislead.

Mr. MURPHY said he believed the House would never hesitate to vote sufficient money to provide an ample supply of blankets for the aboriginals. They were rapidly dying out, and those honourable members who were living fifteen years hence would probably very rarely see one of them. While the blacks were still here the House should afford them all the protection possible in their miserable and impoverished condition.

Mr. MACROSSAN asked how it was that the rule with regard to subdivisions, as stated by the honourable the Colonial Secretary, had not been observed in the very next vote—where, under the contingent subdivision, each item was put down by itself, while in this one they were all lumped together. If passed in its present form all this money might be expended upon one of the subdivisions to the detriment of the rest.

Mr. MCILWRAITH said there were no amounts put down to each of the subdivisions of the present vote, and the committee wanted to know how the £19,000 was spent last year. If they were to pass the item without that information the committee would be stultifying itself by voting the sum of £18,000 without having the slightest idea as to how it was to be spent. He objected to the item being voted until the required information was given.

Mr. PALMER said he thought the item had better be postponed until the Colonial Secretary was prepared with the information asked for.

Mr. THOMPSON said that if no information were given he should move the reduction of the vote.

Mr. MCILWRAITH said all they wanted were actual facts, and the information required might have been given by the Under-Secretary in ten minutes. How the Colonial Secretary could have come to the House without the information he could not tell.

Mr. IVORY said it should be the first duty of the secretary of any department coming to the House to ask for large sums of money, to make himself acquainted with all facts connected with the Estimates. The Colonial Secretary must have known he would have been put through his facings, and should have made himself *au fait* with every item.

Mr. MACROSSAN said that, with respect to the item being larger this year than last, he would also point out the large increase in the vote for police. It was a great mistake of the Colonial Secretary's to come without having his Under-Secretary to assist him. It was not to be expected that the honourable gentleman's own head was an index; but he might have procured the assistance of the next officer in charge.

Mr. PALMER said the Colonial Secretary could not complain, for the last time the committee sat he was plainly told that the information would be required. It seemed the honourable gentleman was setting the committee at defiance. They were bound to have the information. He would be sorry to offer any personal obstruction, but the information he must have.

Mr. THOMPSON said he would cut the matter short by moving the reduction of the item by £17,000.

Mr. MCILWRAITH suggested that, as the Government had nothing to say, the vote should be postponed and other business proceeded with.

The PREMIER said he did not know if it was any use making a proposition to the honourable gentlemen opposite, but he would pledge himself that the most detailed information with regard to the expenditure of the past year should be prepared. If it were desired, it could be made a practice in the future that the expenditure on this

particular item should be given to the House. He could not see any practical merit in obstructing the passage of the Estimates because it was asserted that sufficient information had not been given on one particular matter.

Mr. McILWRAITH said that this pledge amounted to nothing, because any honourable member of the House, by giving notice, might have the information placed upon the table. What they wanted was, that full information should be given to the committee. The only time they had for discussing it was upon the Estimates.

Mr. IVORY said the Colonial Secretary must have known that the information would be required to-night, because at the last sitting the honourable member for Port Curtis said he had a great deal to say upon this item.

Mr. J. SCOTT said that the blame belonged to the Colonial Secretary, and the best way would be to negative the £17,000.

Mr. PALMER: The more simple plan will be to move that you now do leave the chair and report progress; and that I beg to move.

Question put.

The committee divided:—

AYES, 15.

Messrs. Palmer, Thompson, Graham, Haly, Macrossan, Stevenson, McLean, McIlwraith, Garrick, Groom, Morehead, Beor, Ivory, Buzacott, and J. Scott.

NOES, 17.

Messrs. Stewart, Kingsford, Hockings, Low, Perkins, Murphy, Grimes, Foote, Griffith, Fraser, Kidgell, Tyrel, MacDonald, Douglas, Miles, G. Thorn, and Dickson.

Question, therefore, resolved in the negative.

Question put—That £1,000 only be granted.

In a discussion which followed, on the course of procedure, the ATTORNEY-GENERAL said he could see no reason for objecting to the postponement of the item.

Mr. PALMER said the vote was put in a lump sum, and having been amended could not be postponed, but might be withdrawn. He had no doubt the vote would pass as soon as information was given, and it would have passed long ago, but it looked as if the committee were defied by the Colonial Secretary. He for one would not allow the estimate of any Minister to go through on such terms; but how a majority of the committee could submit to pass £18,000 in a lump sum, without any information was past his conception. If the Ministry were satisfied to take a vote for £1,000—or, more strictly speaking, £1,170—he should not object.

Mr. THOMPSON: Then I withdraw my amendment.

The PREMIER: Do I understand that the £1,170 will be put, and the other withdrawn? I have no objection to propose that.

After some discussion,

The CHAIRMAN said that, according to his reading of the Standing Orders, the only item he could put to the committee was the lump sum of £18,000.

The ATTORNEY-GENERAL said the items could be taken *seriatim*.

Mr. GROOM said he agreed with the Chairman that it was impossible to postpone or withdraw the item, as the original estimate had been amended.

The PREMIER wanted to know whether the Chairman really meant that the item, having been amended, could not be put in any other form than that of a lump sum. It was his (the Premier's) desire to postpone the consideration of the vote for £18,000, and he still thought that that was the most convenient way to deal with the question. Honourable gentlemen opposite, he must say, were rather unreasonable in refusing to deal with the question itself. The committee had practically affirmed that the Government were to proceed; but he was aware of the power honourable gentlemen possessed of obstructing proceedings if they chose. In order to meet the difficulty he was willing to propose that the vote of £18,000, still remaining to be discussed, should be postponed.

After some further discussion,

Mr. MACROSSAN said he believed, with the honourable member for Toowoomba, that the Chairman was perfectly right; the Standing Orders were plain and distinct, and he did not think there was much use to discuss the point further. Before the committee could proceed they must first suspend the Standing Orders. With regard to the Premier's accusation against the Opposition, he would point out that the item had been debated for the last two hours, during which time the Government had at their elbow the means of obtaining the information which was required by the committee, for the gentleman in charge of the stores had been in the gallery. Who were the real obstructionists? Were the Government not defying the committee?

Mr. PALMER said he believed the Chairman was quite right, and that the only way open to the Government to get out of the difficulty was to move him out of the chair.

The PREMIER said he should be happy to take the Chairman's ruling in the first place.

The CHAIRMAN said the object of Standing Order 281 was clear and distinct. The sum of £19,270 had been first placed before the committee, and, having been amended, he must confine himself to putting the question regarding the £18,000.

The PREMIER said it would be impossible to give the details that evening in such a way as to satisfy honourable members. Such being the case, he had no alternative but to move that the Chairman leave the chair and report to the House.

Question put and passed.

The House resumed.

JURORS BILL—SECOND READING.

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said there were two matters in the present jury law which seemed particularly objectionable. The first was with reference to the qualification of jurors. At the present time only freeholders were qualified, and in consequence the selection was extremely limited. In Brisbane and the larger towns there might be no difficulty; but there were many towns in which there were scarcely any persons qualified. In Milchester and St. George, for example, it was almost impossible to get a freeholder. He saw no reason why the holders of business licenses on goldfields, or the lessees of Crown lands, should not be qualified, and the second clause of the Bill proposed to make these liable to serve. He might say that this was a matter to which attention had been called before his time and his predecessor's time. The other matter was as respected the rate of remuneration. At present it was 2s. 6d. a-day for a common juryman. When the jury rate was first fixed the rate of wages was probably much lower than it was now. At all events the remuneration was ridiculous and totally inadequate. For special jurors the rate was 5s., which was also absurd. It was now proposed to allow them 10s. a-day, if resident within five miles of the court, and 12s. 6d. if resident more than five miles, with a travelling allowance of 1s. for every mile beyond the five. Common jurors resident within three miles were to receive 5s. per day; if above three miles, 6s. 6d.; and if above five miles, 7s. 6d.; with a travelling allowance of 8d. per mile. He was aware that some honourable members thought that this remuneration was still insufficient, but they must admit that it was something considerably in advance of anything before paid. There was no doubt that men who were called upon to serve for the good of their country must give up some of their time, but that was no reason why they should not be paid the cost of living, and, in the case of those who came from a distance, the cost of keeping their horses on the road. The rate of remuneration was still low; but he was satisfied it would be found a great relief, and would be no great burden on the country. He would point out that under clause 3, when the journey could be made by railway or steam vessel, the travelling expenses must not exceed the first or second class fares of that mode of conveyance, according as to whether the juror was summoned under a common or special precept. If there was any further information required he should be very glad to give it. He begged to move the second reading.

Mr. MACROSSAN said he would ask the Attorney-General whether he considered 5s. a-day sufficient remuneration for a juror upon a goldfield, where the ordinary labour wages were 10s. per day?

Mr. PETTIGREW said he would like to know whether 5s. a-day was considered sufficient for residents in town, where the wages for labourers were 6s. 6d. and 7s. 6d. per day. He considered the allowance monstrous.

Mr. MCILWRAITH said he considered this a very good Bill as regarded the second clause; but the proposed increase, if it was to be looked upon as compensation for the juror's time, was against all common sense. The same reasons could be urged against it that had been put forward against the allowance of 2s. 6d. A fair compensation for a working man was 10s. per day; but it was no compensation for a professional man. Compensation was a principle that could not be made applicable to all classes, and, therefore, he held that the old-established allowance ought to remain under these circumstances.

Mr. PALMER said the allowance should not be put down as actual compensation for the work done, because serving as a juror was a duty which every man owed to his country. It was not a great hardship, as a rule, to serve on the jury. He did not object to a sufficient allowance to pay the cost of living, but he objected to it being made as compensation.

Mr. MCLEAN said something should also be done regarding the accommodation generally supplied when the jury had to retire to consider their verdict. He had served several times on juries, and had been shut up in a room which had nothing in it but a table and a sheet of paper to write on. It always occurred to his mind that this was something like coercing the jury to bring in a verdict as soon as possible, without reference to the merits of the case.

Mr. MURPHY said he hoped the objection of the honourable member for Logan would be cured by the new Supreme Court buildings now being erected in Brisbane. With regard to the question raised by the honourable member for Kennedy, as to the insufficiency of the remuneration, he might point out that the judges of the Supreme Court had the right to increase the allowance for jurors when the case extended over several days, and was of such a nature that an increased fee ought to be allowed. In such an event the parties to the suit would have to bear the increase.

The rate of remuneration mentioned in the schedule might be low; but, as the honourable member for Port Curtis had properly remarked, every man had a duty to perform to his country, and jurors ought to give up a certain portion of time without pay, in the same way that members of Parliament gave up their time to the country. It would have been more judicious, he thought, to have put the jurors under one heading; and he also held that it was an anomalous state of affairs that a special jury should be summoned to try a civil case, where perhaps only £100 was in issue, whilst a criminal case, where a man's life was at stake, should be determined by a common jury. It was true that criminal cases could be tried by a special jury, but there must first be a special application. If the Government would introduce a clause to meet this objection he would support it.

Mr. MOREHEAD said he merely rose to point out how thoroughly the honourable member for Cook represented Brisbane. The honourable gentleman, in replying to an objection very properly made by the honourable member for Logan, with reference to the bad accommodation for jurors, said it would be remedied by the increased accommodation which was to be given in Brisbane! This was of a piece with his conduct all through. He was not a member for a Northern constituency at all, but was a member for Brisbane.

Mr. MURPHY, in explanation, said the honourable member for Mitchell had rather overstepped——

Mr. MOREHEAD said the honourable member was going beyond the bounds of an explanation.

The SPEAKER ruled that the honourable member for Cook had a right to explain, and put himself right with the House.

Mr. MURPHY said he wished to explain that the honourable member had misinterpreted his remarks. In answer to the objection of the honourable member for Logan, he had pointed out that the new Supreme Court buildings in Brisbane——

Mr. GRAHAM said that he rose to a point of order. The honourable member was not confining himself to an explanation. He had distinctly made the statement imputed to him by the honourable member for Mitchell, that the complaint of the honourable member for Logan would be remedied by the erection of Supreme Court buildings in Brisbane. Nothing that the honourable member could say would explain that statement away.

Mr. MURPHY said he thought he was in possession of the chair.

The SPEAKER said that the honourable member for Cook seemed to be answering the speech of the honourable member for Mitchell, and not explaining his own statement.

Mr. MURPHY: Do you rule me out of order?

The SPEAKER: Yes.

Mr. GRAHAM said that, with regard to the fees proposed by the Bill, he quite agreed with what the honourable member for Port Curtis had said. They were certainly small as compared with the prevailing rate of wages; but he agreed with the remark that everyone was supposed to do something for the country. The honourable member for Stanley had complained of the hardship of being only paid 5s. for listening to a long speech made by a lawyer, who received £25 for making it; but he must remember that in that House, they had to listen to the honourable member's long tirades and get nothing at all for doing so. He thought that the proposed fees were very reasonable; they were sufficient to support a working man's family during the time he was serving on a jury, but they were not intended to compensate him for so doing.

Question—That the Bill be now read a second time—put and passed, and its committal made an Order of the Day for to-morrow.

The House adjourned at twenty-five minutes to ten.