

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 8 AUGUST 1877

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ERRATA.

Page 134, second column, resolution for appointment of committee—*read* “A. H. Brown,” *for* “W. D. Box.”

Page 135, second column, first line—*read* “A. H. Brown,” *for* “W. D. Box.”

Page 187, first column, twenty-second line from bottom—*read* “incapable,” *for* “capable.”

Page 211, second column, last line of the Honourable W. Thornton's speech—*omit* the word “not.”

Page 261, second column, twenty-fourth and twenty-fifth lines from top—*read* “Mr. Fryar was the Minister for Lands.”

Page 263, first column, first line—*after* “thought,” *read* “if it was necessary”; commencement of third line—*for* “and,” *read* “they should be”; sixth line—*read* “public-houses” *for* “stations”; and, at the end of the paragraph, *read* “for the consideration of Government.”

LEGISLATIVE COUNCIL.

Wednesday, 8 August, 1877.

Appointment of the Usher.—Privilege.—Lunacy Commission.—Native Birds Protection Bill.—Fortitude Valley Parsonage Bill.—Bank Holidays Bill.—Auditor-General's Pension Bill.—Chinese Immigrants Regulation Bill.—Railway Plans Records of Parliament.—Adjournment.

APPOINTMENT OF THE USHER.

The Hon. H. G. SIMPSON said, seeing the Postmaster-General in his place, he wished to draw his attention and that of the Council to a matter of privilege. It was this:—In the Blue Book for last year he noticed what he never noticed before, though he believed it had gone on for years. The Sergeant-at-Arms of the Legislative Assembly, Mr. Robert Douglas, was appointed by the Governor in Council on the nomination of the Speaker, by commission under the great seal of the colony. The Usher of the Black Rod of the Legislative Council, who held a corresponding position, was simply appointed by the Governor in Council upon the President's recommendation, without any commission under the great seal, or anything further than appertained to an ordinary Government official. He (Captain Simpson) did not know whether the Postmaster-General could give him any explanation of that, or whether the President was aware of it. He did not ask the honourable gentleman who represented the Government to answer him, if not prepared to do so, today; as he should table a question for an early date, and thus give him notice. He looked upon it as a matter of privilege; for he did not see why the Sergeant-at-Arms should be appointed by commission under the great seal and the Usher of the Black Rod be without a commission.

The PRESIDENT: Did the honourable gentleman intend to conclude with a motion?

The Hon. H. G. SIMPSON: He asked the Postmaster-General if he was prepared to answer the question now?—if not, he should give notice of it.

The POSTMASTER-GENERAL: The honourable member had raised a question of privilege which he certainly did not understand. As far as he gathered from the

honourable member's remarks, an officer of the Council had been appointed on the recommendation of the President, and the House had been so far content with the action taken by the Governor in Council with respect to that appointment. He did not see how it could be an invasion of the privileges of the Council if an appointment elsewhere had been made in a different form. So long as the Council were satisfied with the appointment of their own officer, he thought it was quite sufficient. However, he was not prepared to answer questions in this offhand way. If the honourable gentleman was in want of any information that he (the Postmaster-General) was in a position to supply, the proper course was to give notice of his question, that he might have time for consideration.

The Hon. H. G. SIMPSON then gave notice that he would, next day, ask:—

1. Why the Usher of the Black Rod is not appointed by commission under the great seal, as is the case with the Sergeant-at-Arms in the Legislative Assembly?

2. Whether the Government will take steps to rectify this discrepancy?

The PRESIDENT: Referring to a debate which took place in 1866, with respect to the privileges of the Council, he might state that he then informed the House, in reference to some appointments that were being done away with,

"That the Clerk of the Parliaments and the Usher of the Black Rod hold the Queen's commission, signed by the Governor, and affirmed under the great seal of the colony."

PRIVILEGE—LUNACY COMMISSION.

The Hon. K. I. O'DOHERTY said, in rising to call the attention of the House to the matter of which he had given notice, he confessed to feeling considerable regret that he should have been forced into the position to have to bring forward anything of the kind. He regretted it, first, because he was necessarily compelled to speak of what was largely personal to himself; and, secondly, because in speaking, as it were, in self-defence, he should occupy the time of honourable gentlemen for such a cause. He regretted it all the more, because the honourable gentleman whose statement he rose to impugn, and to resent, also, in a certain sense, should be not alone an old and most valued professional colleague, but a man for whom, in common with a great many others, he always felt great respect; and whom he was bound to recognize also as an honourable member of the Council, and, therefore, one of the last he should have expected to have been forced by into such a position as he occupied on the present occasion. The letters that he had to direct the attention of the House to were written by the Honourable Dr. Hobbs. One letter was written to the chairman of the commission

that had been appointed to inquire into the lunatic asylums of the colony; and others, of later date, were addressed to the Colonial Secretary, commenting on the report of that commission, and introducing his (Dr. O'Doherty's) name as well as the names of other honourable members of the Council in the commentary after a manner for which he, at least, failed to see the slightest justification. Now, he was too old in the world not to be perfectly conscious of the feeling that was generally engendered amongst the non-medical portion of the community at the sight of two doctors fighting. He knew perfectly well that nothing delighted such persons as he alluded to so much, and that the more bitter the combatants became the more the fight was enjoyed.

The Hon. A. H. BROWN: No, no.

The Hon. K. I. O'DOHERTY: Whether it was that they had a bitter recollection of the many black draughts which doctors had been forced to administer to them in times gone by, or whether they had some little recollection of the application of their cold steel, he did not know; but it seemed to him that there was nothing more true than that, if a thorough relish was to be given to a debate, it would be by setting two doctors fighting. So far was he aware of this, that he, for one, though he had just cause to feel resentment, should not in anything he said utter one word that he thought the Honourable Dr. Hobbs would have any fair ground for objecting to. But he should be less than human in nature, if, when charged with high crimes and misdemeanours that he was entirely unconscious of having given the least cause for—if, when those charges were made before Parliament, he should stand by and hear them and hold his tongue. He should not do it. He durst say most honourable members had seen the letters written by the Honourable Dr. Hobbs, as they had been printed and published in the form of comments, as he before said, on the report of the commission. Taking the last of the letters, first, addressed to the Colonial Secretary, he thought he should be able to convince the House that in the postscript of it—like the postscript of a lady's letter—would the key and kernel, the spirit, of the whole of the comments be found. Dr. Hobbs thought fit to state to the Colonial Secretary:—

"Throughout this report I recognize the 'fine Roman hand' of the writer of a letter in the *Telegraph*, of October 25th, 1876";—

it should have been October 23rd, for there was no letter or correspondence in any way connected with the question under dispute in any other number of the *Telegraph*;—

"and I beg to furnish you with what I consider to be 'evidences' from which I have formed this opinion."

That expressed opinion was, absolutely, that the writer of the letter in the *Telegraph*, of October 23rd, was the writer of the report also of the gentlemen who so laboriously and so well carried out their work, which they were competent to do, as shown in their report on "the Management of the Woogaroo Lunatic Asylum and the Lunatic Reception Houses of the Colony." He (Dr. O'Doherty) should not put before the House those paragraphs which the Honourable Dr. Hobbs set side by side as the evidence of the extraordinary discovery that he had made. Let it suffice that, to a certain extent, as pointed out by the honourable member, those paragraphs did bear a resemblance to one another. He confessed that he felt rather proud of the fact that the commission, by their report, showed that they approved of anything he had written or anything he had stated on medical matters; particularly when he regarded the gentlemen who constituted the commission. He merely brought that postscript under the attention of the House, in the first instance, to show, as clearly as anything in the world could, the animus with which the doctor must have written the whole of his comments with especial reference to himself (Dr. O'Doherty); and, whenever his name was mentioned, it was in terms not at all proper. It was perfectly clear from his deliberate written statement, sent into the Government, and in print before the country, that the Honourable Dr. Hobbs had a moral conviction that he (Dr. O'Doherty) wrote the report of the commission, and, therefore, that he was responsible for everything contained in that report bearing on the present state of the Lunatic Asylum. He thought he need scarcely say to any honourable gentleman in the House—indeed, it was scarcely necessary to say it to anybody outside of Dr. Hobbs himself and some of the honourable member's inmates of the Reception House—that he (Dr. O'Doherty) never had the slightest communication directly or indirectly with any member of the commission, except when he gave his evidence before the commission. Indeed, he should have a very small opinion of their common sense if, for one moment, they would sanction anything of the kind. He believed that every one of those gentlemen was much better fitted, from the information—medical minds, legal minds, and general business minds—placed before the commission, to give an impartial report upon it than either himself or Dr. Hobbs was. But, as he said, there was throughout the comments on the report a very extraordinary animus exhibited against himself personally; and, why or wherefore, was a puzzle to him. He always regarded Dr. Hobbs as one of the oldest medical men of this colony; and, until those comments were made, he never

uttered one syllable in dispraise of him, either in his private or professional capacity. Therefore, it was to him a matter of extraordinary surprise that, since that letter of his in the *Telegraph*, which was explanatory of evidence he had been forced to give on oath, in an open court of justice, Dr. Hobbs had lost no opportunity that he could avail of to bring discredit on him (Dr. O'Doherty). Honourable members who would cursorily look over the letters on the report of the commission would be astonished when he pointed out more particularly some of the statements made by the Honourable Dr. Hobbs with reference to himself. Could anything be more unjustifiable than language of this sort—unless it could be proved that it was true?—

"CASE D.—Sudden death from atony of the heart." This patient made a sudden spring to get out of the bath, fell back, and died. The commission have endeavoured to attach blame to me for this accident, and remark that 'indiscriminate compulsory bathing is wrong and reprehensible.' I have already combatted this delusion, and I hope to their satisfaction."

He (Dr. O'Doherty) did not know whether the writer had any satisfaction:—

"I differ from the commission's remarks in this case upon the subject of *post mortem* examinations being made by 'a medical man *other* than the medical officer of the institution,' because the opinions of outside practitioners are more frequently modified by their feelings of regard or otherwise towards the medical officer of the institution than by any *post mortem* appearances. The case of the late Thomas Hassett (*Case J.*) is a notable illustration of this remark."

That was the case he (Dr. O'Doherty) was involved in:—

"The *post mortem* appearances plainly revealed the cause of death to be serous apoplexy, but the outside practitioner, whose experience of these diseases has been very limited, thought otherwise, and expressed his opinion that deceased had been 'erroneously, unscientifically, and inhumanely treated'—an opinion and nothing more."

Now, he (Dr. O'Doherty) should be glad to believe that when Dr. Hobbs added those words the honourable member was not aware exactly of the meaning of what he was penning. The Honourable Dr. Hobbs charged him very distinctly, though he did not mention his name; because he mentioned the case, with the knowledge of the practitioner who was connected with it, and accused him absolutely of perverting his evidence, on being sworn before a court of justice, to do him (Dr. Hobbs) an injury. The thing was so preposterous, so outrageous, that he (Dr. O'Doherty) confessed he was inclined to treat the charge with the contempt it deserved. He wished he could prove that the honourable member was utterly unconscious at the time of writing of the nature of the language he used. He

did not believe there was another professional man in Queensland, or elsewhere, that could be guilty of anything of the kind. So far from allowing that argument of Dr. Hobbs, he said that the commission never made a more valuable suggestion than that in all such cases as that mentioned, the *post mortem* should be made by professional men who were not directly connected with them. Otherwise, what was the use of such examinations? Lunatic asylums were public institutions, and the public required evidence of perfect impartiality and fairness in all doings within them. He spoke rather warmly; and he utterly denied the charge made. In another part of his comments, Dr. Hobbs brought in his name again, and he was unfortunately obliged to answer the honourable member's comments. In his letter to the chairman of the commission he made the following remarks:—

"I dissent from Dr. O'Doherty in the opinion that a resident medical officer is necessary for the superintendence of so small an establishment as this is at the present time; and I also differ from him in regard to that *very grave medical question* involved in the administration of a shower-bath and thirty grains of chloral to a lunatic patient, should the superintendent, in my absence, consider it to be necessary. I fail to discover the objection to such a course now, seeing that the superintendent has done so for the last six or seven years to my satisfaction. The Doctor forgets that he permits female nurses to do the very same thing every day; entrusting them with the administration of the most potent medicines—some of them more dangerous than chloral—such as strychnine, prussic acid, morphia, &c., and these, for the most part, measured in a spoon!"

Now, that was a very strong statement to make, and without a shadow of foundation. He should no more dream of allowing a patient of his to be treated in that manner than he would fly. He should consider that any nurse who would dare to administer doses of that kind, unless directed by him as to the particular hours—in a special case, no matter what state of mind the patient was in—was utterly unfit for her place; and he did not think there was a medical man who would allow it. He durst say there was not an honourable member present who, without any medical knowledge, could not see the difference between the duties of a nurse in a sick room and the discretion allowed in respect of those of the warder in the Reception House. The two cases were totally distinct; as not in the slightest degree were nurses allowed to perform duties at their discretion:—

"You, sir, are not perhaps aware that the superintendent, Mr. Adams, has been trained in the army hospital corps; was with the army in New Zealand during the war there; and when the company of H.M. 50th Regiment

was sent to Brisbane, the principal medical officer of the troops considered him to be sufficiently qualified to act as the hospital orderly here. With this experience, and the experience of about seven years in this institution, why should Dr. O'Doherty consider him incompetent to do that which is done by female nurses every day, many of whom cannot read the directions on the labels?"

The Honourable Dr. Hobbs gave a high opinion of the man; and he (Dr. O'Doherty) seconded him, so far as the man's ability as a wardman was concerned. But any intelligent medical gentleman of the present day would be unwise to come before the public and state, as his opinion, that a man utterly unqualified, without any knowledge whatever of diseases and diseased action of the human mind, should have the power actually to deal with life and death, as the warder was allowed to do, under circumstances of the greatest possible gravity; and the statement of the honourable member was most surprising! All that he (Dr. O'Doherty) would say, was, that when the Honourable Dr. Hobbs laid it down, *ex cathedra*—as an opinion not to be questioned for a moment—what had just been quoted to the House, honourable gentlemen might be asked to read the opinion of another medical practitioner who, as far as he could see, had as high qualifications as the Honourable Dr. Hobbs to form an opinion on the matter under notice. The gentleman referred to had been twice acting-surgeon-superintendent of the Woogaroo Lunatic Asylum, and he was a member of the Royal College of Surgeons—that was Dr. Prentice. Here was his opinion, in answer to the interrogations of the commission:—

"Have you remarked the shower-baths there?"

In the Reception House, Brisbane. His answer was:—

"I have not; I merely had to see a patient there, once."

"I may tell you there is one shower-bath very high and very heavy in the fall: do you consider it advisable, on the admission of a patient to the Reception House, to place the administration of such a bath in the hands of an unqualified man? Certainly not. It may be administered as an instrument of torture, or it may have a salutary effect. It should be very rarely used. You might almost drown a man."

"But to thrust a man into a box shower-bath and lock him in—would that not aggravate? It would aggravate, by producing intense dread. It would not be done under any pretext whatever."

"Where the shower-bath is necessary, do you recommend that the medical officer should be present? He ought to be; decidedly he should be, to be between the subordinate and the patient, and defend him from brutality or barbarity."

"Do you consider it possible that the shower-bath, in many cases of that nature, might actually cause death? It would be saying a great deal to say 'in many cases;' it might in heart disease; it should very rarely be used on any pretext whatever; they are getting entirely out of fashion."

"You think it a cruel mode of making a violent patient quiet? I think it cruel and dangerous. A moderate shower-bath is quite another thing, from a comparatively slight height."

He (Dr. O'Doherty) did not want to make this in any sort a medical discussion; but he wished the House to have the opinion of other medical men in reference to the use of the shower-bath, simply because the Honourable Dr. Hobbs, writing *ex parte*, utterly ignored the evidence that had been placed before the commission, and placed himself on a pedestal of supreme authority, and would endeavour to lead the public as well as the Government to believe that any difference from his opinion was not to be thought of the slightest value whatever. He was not aware what special qualifications the Honourable Dr. Hobbs ever attained to justify an opinion of that kind. He understood the honourable member had been in Brisbane twenty-five or thirty years; but he did not see that this was a very grand school. The honourable member thought fit to speak of him as one having no experience of such matters, and so on; but really he did not recognize the ground upon which the honourable member took his position of such supreme superiority; and he denied that Dr. Hobbs had any right to assume it towards him. Another point upon which the honourable member was equally emphatic—and here the conduct of Dr. Hobbs must be spoken of as that of a Government officer in charge of a public institution—and it was now spoken of because he (Dr. O'Doherty) honestly believed that the opinions put forward by Dr. Hobbs were absolutely attended with great danger to the minds of patients in the institution, so long as it was carried out in the manner complained of—was respecting the administration of chloral. Now he would go further, and utterly deny the virtues of that grand panacea and remedy which Dr. Hobbs claimed for it in lunacy cases. And it was a remarkable fact that, in one of the latest numbers of the *Lancet*, the leading medical journal published in London, which was "The Times" of the profession, was a leading article devoted to combatting the now almost universal practice of administering chloral in cases of mental disease, to produce quietness. The idea was, that if quietness were once produced everything was accomplished in such cases. As far as he remembered, he had not heard of or read any evidence put forward by Dr. Hobbs, that anything else than quietness was attained or sought for by him in the

course that was adopted by him of giving baths, and chloral afterwards, in such cases. He asserted, however, that such treatment was attended with great danger; and he appealed to the latest authority from home, as evidence worthy to be brought forward, showing that the Government should not receive statements of the kind made by Dr. Hobbs in opposition to the recommendations of the Royal Commission, without, at all events, due inquiry as to the value to be attached to such statements. Another great point made by the Honourable Dr. Hobbs was in the comparison that he saw fit to make between the results of the treatment of patients at Woogaroo and the Reception House and at the Brisbane Hospital, enormously to the advantage of the Reception House and disadvantage of the Hospital. The honourable member knew perfectly well that there were several of his medical colleagues who were responsible, more or less, for the treatment of the patients in the Hospital; and it would have been but fair and courteous of him, when he put forward statements broadcast through the country, before the public that was interested in the management of the institution, to have taken the pains to assure himself that his statements approached somewhat to correctness. When he (Dr. O'Doherty) saw the statement made that, during 1874 and 1875, there were six cases of *delirium tremens* treated in the Hospital, of which five died, he was most certainly astonished; and he at once requested the resident surgeon of the Hospital to look over the books and make out a return of all the cases that had been treated there, so that the truth might be known. He should read the letter of the resident surgeon, and he should lay the return on the table for the inspection of honourable members:—

“Brisbane Hospital,

“August 3, 1877.

“DEAR DOCTOR—Accompanying this I forward a list of all the patients who have been treated in the Brisbane Hospital for *delirium tremens*, alcoholism, &c., from January, 1870, to July, 1877. You will notice I have given as full particulars of each case as the limited space will allow; but I have offered no opinions, nor volunteered any notes beyond what are to be found in the case books.

“There seems to be a great deal of ambiguity about the term ‘alcoholism,’ and I observe that occasionally, when the case is entered as such, if death follow, then the certificate is made out for *delirium tremens*.

“Dr. Hobbs's statements about the death-rate, &c., for 1874 and '75 are all adrift; he looked over the books *himself*, and a good many of the cases of D. T., let alone alcoholism, seem to have escaped his notice.

“JOHN THOMSON.

“Dr. O'Doherty.”

Attention was here drawn very completely by Dr. Thomson to the question in dispute;

and a list was given of seventy-nine cases that had been treated in the Brisbane Hospital from the 1st January, 1870, to the 31st July, 1877—that was, during the time the Reception House had been open—and he (Dr. O'Doherty) was very happy to see that the percentage of deaths was nothing at all to be compared to what had been alleged. Out of seventy-nine cases treated, there were but ten deaths; and, if it were any satisfaction to the Honourable Dr. Hobbs to know it, twenty of those cases had been in his (Dr. O'Doherty's) charge, and he had lost but one of them.

The Hon. W. HOBBS said he was sorry to interrupt the honourable member; but he had scarcely defined whether the cases were alcoholism or *delirium tremens*. They were very distinct.

The Hon. K. I. O'DOHERTY: According to the statement of Dr. Thomson, they were regarded as pretty much the same. If a patient died, it was certified as *delirium tremens*, though at first entered as alcoholism. All honourable members must know perfectly well that cases admitted as alcoholism frequently degenerated, in the course of twenty-four hours, into *delirium tremens*. However, there was the tabulated return, with nothing dragged into it in what he called an ungentlemanly manner—at any rate, in an ungentlemanly manner by one who raked out the books of the Hospital at night to bring about a distorted report of the results of treatment there in an especial way to the disadvantage of his brother professional men. He was happy to lay a correct return of the cases before the House. He was anything but gratified, but rather the contrary, at having to bring forward matters of this kind. There was not, he believed, an honourable gentleman present who would not relieve him from blame in so doing. There was not in the House, there was not in the colony, a medical man, he ventured to say, who had sought less to bring himself in any way into antagonism with his professional brethren than he. It was a thing he utterly detested and abhorred. And the Honourable Dr. Hobbs had no justification whatever for taking the course he did take with regard to him, in the present case. Anything that he (Dr. O'Doherty) had done in reference to the public institutions of the colony, especially the Lunatic Asylum—as he endeavoured to explain to the honourable member at the very commencement—was directed against the system, not against Dr. Hobbs. He had had no desire whatever to bring the honourable member's name into the controversy. The letter which had probably given rise to the inquiry by the Royal Commission he proposed to lay before the House. He believed it was the origin of the inquiry; and he was happy that it was so. He hoped sincerely that it would have

the effect of remedying what he conceived to be the very great defects of the present system of treating lunatics :—

“THE BRISBANE RECEPTION HOUSE.

“To the Editor of the ‘Telegraph.’

“SIR—My attention has been directed to the following paragraph in the last number of the *Week* :—

“Thomas Hassett died suddenly at the Reception House on Monday last. Dr. O’Doherty stated at the magisterial inquiry that the man had been subjected to inhumane and unscientific treatment. Serious apoplexy was the actual cause of death.”

Honourable members would bear in mind that the letter was written a few days after he had been compelled to give his sworn evidence in open court about the death of the man Hassett. If ever there was a case that should create warm sympathy in the hearts of honourable gentlemen it was the case of that unfortunate man. He was in the very prime of life, not more than five-and-thirty years of age, and had just come from the old country, where he had been recently married; he found himself getting the worse of drink, but he did not, like many others, go from bad to worse;—no, he came of his own accord to the police office and asked the police to take care of him. This was the care they took of him! They received him on the afternoon of one day; they threw him into one of the cells, in a state of drunkenness; they left him lying there for four-and-twenty hours, without assistance of any kind—no doctor saw him!—and he was then transferred to the Reception House. Did honourable gentlemen know what those cells were, at the old police office? He knew perfectly well what they were; and, possibly, they were as bad as the Black Hole of Calcutta! On the afternoon following his admission to the cells, the man was transferred to the Reception House. In that Reception House he was taken charge of by warder Adams, and put through the stereotyped treatment; he was put into the bath by Adams, under circumstances quite unjustifiable—for it was not merely a dash of water over him; but the man was kept in the cold water long enough to be washed;—and he came out shivering like an aspen leaf, was put into bed, and never rallied. He (Dr. O’Doherty) held that that was most improper treatment. But, worse;—before any directions were taken from a medical man called to see the patient, without any precaution, before reaction had set in, thirty grains of chloral were given to the man in his prostrate condition! Most emphatically, he said, from having seen the condition of that man’s brain after death, the whole treatment of that poor man, the terrible ordeal that he was put through, was calculated to kill him; and it did kill him—for Hassett died three hours after taking

the chloral! When he gave his evidence before the court of justice, he had not the least idea of saying a word except against the system that was in operation, and that he charged the Government with. He had a right, as well as anybody else in the community, to do so; and he said further, that any institution of that kind should not be without its resident medical man. He appealed, whether the Honourable Dr. Hobbs or anybody else had grounds for taking up his language in the way that had been done, and for endeavouring to bring discredit on him for what he had said :—

“As this statement is calculated to convey the impression that the officers of the Reception House were guilty of inhumanity, I hasten to deny that my evidence on the occasion was capable of such interpretation. Dr. Hobbs, the medical officer of the institution, did not prescribe at all for the man, and I took care in giving my evidence to state my belief that the superintendent, Adams, acted to the best of his ability.

“On the police magistrate demanding of me my opinion on oath as to the treatment the unfortunate man Hassett had been subjected to, from the time of his being shut up in the cell at the police office until his death, I felt it my duty to state that I considered the entire system adopted in such cases—a system aptly illustrated by this man’s case—as both unscientific and inhumane. I can conceive nothing less consistent with humanity than shutting up a man in the condition of Hassett in the police office cell from 12 o’clock at night until 5 o’clock the following day, without power of removal until some red-tape routine had been gone through, instead of allowing Dr. Hobbs—or any doctor who might be called in his absence—discretionary power to have the man at once sent for treatment to the Reception House. I do not presume to say who is responsible for this—but I do not think, in designating such treatment inhumane, I lay myself open to the charge of exaggeration.

“Again, as regards the stereotyped treatment of cases on admission to the Reception House, as described in the evidence of Dr. Hobbs and Mr. Adams, I think, on the very face of it, the charge of ‘unscientific’ is not misapplied. So long as a most unwise economy is permitted to have sway in the management of this institution, I quite admit that whoever is chief wardman must necessarily be allowed a certain amount of discretion in the treatment of cases on admission; but I cannot agree with Dr. Hobbs that that discretion should extend to the power of giving a cold bath, or what is quite as bad, washing all patients in cold water, and then administering such powerful remedies as chloral hydrate in thirty-grain doses.”

He was happy to say that, since the publication of the letter, that course had been remedied, and at present that erroneous system was done away with :—

“I know of very few conditions of disease that requires the exercise of greater medical skill than that in which the unfortunate man Hassett was when admitted to the Reception House;

and I will venture to say there is not a professional man in the colony who will not agree with me when I say that to leave such cases to be treated at the most critical period of their ailment by warder Adams is both unscientific and inhumane.

‘I need not repeat that I say this without the least desire to reflect upon Adams, whom I regard as a first-class warder, nor upon Dr. Hobbs either, who, no doubt, does the best he can with the aid all round him.

“It may be said it is very easy to find fault, but not so easy to find a remedy. Now, in this matter, I hold the remedy is plain. Dr. Hobbs, in his evidence at the police court informs us that close upon 700 cases of lunacy have passed through the Reception House during the past six years. Four-fifths of those cases were suffering from acute lunacy—i.e., from that form of disease most capable of relief and cure under skillful treatment, and, therefore, I maintain requiring, quite as much as in the general hospital, a resident medical officer of high qualifications, aided by a consulting staff.

“I think it a question open to argument, whether a system such as I propose, which would secure to patients in the early stage of attack the highest medical skill available, would not be in the end a saving system for the Government in reducing the cost of Woogaroo—the asylum for the chronic and hopelessly insane.”

Now, as he had no desire to back out of a word he said in that letter, he was very glad, indeed, to find that one, at all events, of the suggestions made by him had been carried out; and he wished sincerely to see very speedily the whole system on which the reception houses were worked placed upon a satisfactory footing. He congratulated the House and the country upon the fact that at length the Government had adopted the recommendation that was made, if he mistook not, in 1869, when the first commission on Woogaroo was appointed, and that was repeated by the last commission—to appoint a gentleman who had been trained and was properly qualified to take charge of the Lunatic Asylum. He understood and hoped, and he had no doubt, from the qualifications that the gentleman who had been selected brought to his work, that the colony would very speedily see a more satisfactory system carried out in the treatment of the insane. He had nothing more to say, only to apologize for occupying the House so long with matter personal to himself, and he should wind up by moving—

“That, in the opinion of this House, the statements contained in the letter to the Colonial Secretary, to which the attention of the House has been called, are uncalled for and unfounded.”

The Hon. W. HOBBS said he did not think it would be necessary for him to make any lengthened observations on the address of the Honourable Dr. O’Doherty, who had just repeated all that had been

written and said before, and that had evoked some comments from him, and that now he should not trouble the House by replying to. The honourable gentleman, in mentioning the circumstances of the case of Hassett, forgot a conversation that took place in the court-house just before he was called to give evidence. On the occasion, the honourable gentleman turned to him (Dr. Hobbs) and said, “I am going to pitch into this whole thing.” He went into court prepared, as he had said, to pitch into the whole thing.

The Hon. K. I. O’DOHERTY: The system.

The Hon. W. HOBBS: He was giving the same words as the honourable member had used; at any rate, they were the same in meaning.

The Hon. K. I. O’DOHERTY: The system.

The Hon. W. HOBBS: He remarked to the honourable gentleman that if he pitched into the institution he could not do it without pitching into the officers connected with it; and that if that was done by him, he should feel bound to reply to him. There was the challenge given. He had replied to it. And, now, the honourable gentleman came before the House to make a representation that he had been ill-treated.

The Hon. K. I. O’DOHERTY: No.

The Hon. W. HOBBS: After throwing down the gauntlet, the honourable gentleman ought to be the last man to complain because he had the worst in the contest.

The Hon. K. I. O’DOHERTY: He did not think so at all.

The Hon. W. HOBBS: He thought the honourable gentleman had the worst, or he should not now complain.

The Hon. K. I. O’DOHERTY: Not at all.

The Hon. W. HOBBS: However, that was one circumstance mentioned that the honourable gentleman had forgotten. The honourable gentleman treated very lightly the paragraphs from the *Telegraph*, compared with the extracts from the report of the commission. He passed over them, as a matter of course, and repudiated the idea that he had any connection with the report at all. But he (Dr. Hobbs) did not say that the honourable gentleman had; he only intimated that it was quite possible—that the letter and the report were connected in the same writer—that the latter might have been copied from the former. Extracts from both were shown in print, and the honourable gentleman did not, and could not, deny that, compared together, the report was like the letter of which he admitted he was the author. Anybody reading the paragraphs in juxtaposition must admit their similarity; they most certainly had the same meaning, and those from the report were almost the *verba ipsissima* of those from the newspaper. The honourable gentleman charged him (Dr. Hobbs) that, throughout his communication, an animus

was shown. Now, at any rate, there was evidence that the animus came from the honourable gentleman himself, in the first instance, because of his statement that he was going to pitch into the whole thing; and, of course, the honourable gentleman had pitched into him, also.

The Hon. K. I. O'DOHERTY: No, no! He denied that.

The Hon. W. HOBBS: Of course, the honourable gentleman could not pitch into the institution without pitching into the medical officer, and the animus was on his part. There was his letter, too. If he had no animus towards him, what could have induced the honourable gentleman to treat him to those remarks, that his treatment was erroneous, unscientific, and inhumane.

The Hon. K. I. O'DOHERTY: He spoke of the whole treatment; and the honourable member had nothing whatever to do with it.

The Hon. W. HOBBS: If that did not exhibit animus, he did not know what did.

The Hon. K. I. O'DOHERTY: The honourable member had nothing at all to do with it.

The Hon. W. HOBBS: It was those complaints, and that letter, which led to the appointment of the commission, to the report, and to his comments. The honourable gentleman began it; and he (Dr. Hobbs) finished. He merely quoted a few words. The honourable gentleman said that he had made a misstatement in regard to the Brisbane Hospital. Well, his reference was only to the years 1874 and 1875; and he found now, on looking over the list laid on the table by the honourable gentleman, that what he stated about the deaths in the Brisbane Hospital in those years was perfectly correct. The honourable gentleman was trying to mask the cases by connecting alcoholism with *delirium tremens*. If either he did not know the difference, or was not candid enough to admit them to be distinct, it was to be regretted. *Delirium tremens* arose from the effects of alcoholic poisoning of the brain; alcoholism arose from alcoholic poison affecting the other organs of the body and not the brain. The honourable gentleman said he (Dr. Hobbs) was ignorant; or, that he was not aware in what school his knowledge and experience were acquired. Well, that was pretty well known in this community; and no one knew it better than the honourable gentleman. But where had the honourable gentleman got his experience? He (Dr. Hobbs) could tell the honourable gentleman that pretty nearly all the cases of *delirium tremens* for the past twenty-five or thirty years—in fact, the whole of them—had passed mainly through his hands, and they amounted to a considerable number. He asked the honourable gentleman if he had a quarter, or one-tenth, of the experience

that he had had, in that branch of their profession? But he had not come to the House with the intention of making a speech; he had come merely to be a listener. He had put his views in writing, and they were before the country. He contended that he had not dealt severely with the commission, or with the Honourable Dr. O'Doherty.

AN HONOURABLE MEMBER: Hear, hear.

The Hon. W. HOBBS: He thought he had to complain of harsh treatment from the commission. If any report presented to the Government—or any Government in the world—was a one-sided one, theirs was. When the Governor appointed the Royal Commission, he expected, no doubt, a fair and impartial statement of facts. But what did he find? Nothing in the report but condemnation, from beginning to end, and not one word of commendation or satisfaction;—like a dishonest trader, keeping debits on one side of his book and putting no credits on the other. He thought he could charge the commission with disingenuousness—he repeated the word, disingenuousness—in suppressing the very short report he had made, or statement, rather, on the results of his treatment. The treatment was a secondary matter; results were of primary importance; and it was to this end that all treatment should be directed. He had shown that his proportion of deaths was 7 per cent., while that of other places was far greater; in fact, he knew of no returns that could equal, or compare with, the returns and results of successful treatment at the Reception House. Here was a remarkable passage:—

“That the administration of baths and chloral by a non-medical man is irregular and dangerous.”

The Honourable Dr. O'Doherty was connected with the Brisbane Hospital in 1874, when he considered a non-medical man was quite capable of taking charge of that institution with 100 more beds.

The Hon. K. I. O'DOHERTY rose to explain.

The Hon. W. HOBBS: He did not interrupt the honourable gentleman.

The Hon. K. I. O'DOHERTY: He would not allow the honourable member to go on with a statement that was not in accordance with fact. He wished to explain that the medical authorities of the Brisbane Hospital gave the opinion that the patients might be safely entrusted to the care of the dispenser of that time, as a temporary measure, the resident medical officer being away; and the visiting surgeons, receiving pay, were bound to look more efficiently after the patients than they otherwise would be, with a house surgeon. That was the ground on which the Hospital was left to the dispenser.

The Hon. W. HOBBS: With the permission of honourable members he should continue, and refer further to the matter, to show the inconsistency of the honourable gentleman. Throughout the year, the average of patients in the Reception House occupied eight beds; yet the honourable gentleman was one to recommend that in the Brisbane Hospital a non-medical man should take charge of 100 beds. The committee drew up a report which contained this paragraph:—

“The committee being anxious to ascertain the character of the attendance to the patients, and supervision of the hospital since the resignation of Dr. McGrath, requested the *visiting surgeons* to give a report. *From each of these gentlemen* they have received a letter to the effect that the patients are well attended; the instructions given by the visiting surgeons are faithfully carried out, and the wards kept clean and neat. The present dispenser now in charge is reported to be carrying out, with care and intelligence, the measures deemed requisite by the visiting surgeons for the benefit of the patients, and is *well qualified* to deal with any case of emergency that may present itself. *The experiment of the committee has, therefore, thus far been a success.*”

And why should not a non-medical man in the Reception House be a success? There were many other topics that the honourable gentleman had touched upon; but he did not think it was worth his while to notice them, because they had before been placed under the notice of the House and the public.

The Hon. E. I. C. BROWNE said he had not intended to be engaged in a duel between two medical members of the Council; and he should have preferred to have left the Honourable Dr. Hobbs entirely to his antagonist, feeling that the honourable member had his hands quite full without any other antagonist, while admitting that the honourable gentleman had just shown himself as capable of defence by word of mouth as he had before proved himself with the pen in his hand. Therefore he had not intended to say anything reflecting upon him, until he heard him charge the commission, of whom he had the honour to be a member, with disingenuousness towards him. Of course, he could not sit quietly by under such an imputation as that; and for that reason he begged to draw the attention of the House to the report. He should not go through the report, which had been in the hands of honourable members for a long time, and, he believed, had been carefully studied by them and the evidence thoroughly sifted. That being so, he felt that he could safely leave to them that case which had been mentioned in connection with the Brisbane Reception House; and they would judge between the commission and the Honourable Dr. Hobbs, as to whether the latter

had been treated with unfairness. He could tell the honourable gentleman that he was only expressing the opinion of all his brother commissioners—and not only that, but he had had the same expression of opinion outside—when he said that, so far from being treated with unfairness, or disingenuousness, or severity, he was treated, he (Mr. Browne) was going to say, almost with improper mildness. The honourable member might laugh—

The Hon. W. HOBBS: No, no.

The Hon. E. I. C. BROWNE: He was smiling, then.

The Hon. W. HOBBS: No; he was not laughing.

The Hon. E. I. C. BROWNE: He might do so. But he (Mr. Browne) had no hesitation in saying, as was said by others more capable of judging than he was, that the honourable gentleman might consider himself a fortunate man—it might be for that reason that he thoroughly condemned the commission—if, in many of those cases of deaths arising in the Reception House, had a *post mortem* been held on them by a medical man unconnected with the institution, and a proper examination gone into, he had not made himself liable to a verdict of manslaughter. He could tell the honourable member that he was perfectly satisfied that there were some such cases reported to the commission;—beyond that he was not going into the charges that had been made. He had had no intention of going into that matter, or of rising to speak, but for the honourable member speaking against the commission. He merely meant now to express his opinion that the Government had made themselves liable to complaint on the part of the commission, for the way in which they had been treated. The report had been before Parliament for about three months, and, with the exception of one matter—the appointment of a surgeon-superintendent for Woogaroo, which was certainly necessary, the former officer being dead—he did not know that the Government had taken any action whatever upon that report; though many matters had been brought before them in it, more especially with regard to the serious charges against the management of the Brisbane Reception House. He might be wrong—probably the honourable gentleman who represented the Government would set him right—but the Brisbane Reception House was, he believed, left under the same control, and in charge of the same man, and under the same arrangements which were so seriously condemned by the commission. It seemed a strange thing that the Government, having appointed the commission, should so thoroughly ignore the report which the commission brought up. It had been referred to in another place, and perhaps it was unnecessary for him to say

anything upon the point; but he could not but remark upon the great delay that had taken place before the Government took any action to supply the place of the late surgeon-superintendent of Woogaroo. They did not carry out the advice which they sought before the commission brought up their report, as to the course they should take when Dr. Jaap died. They delayed for about six weeks before they sent home any instructions to the Agent-General to seek some person to supply Dr. Jaap's place; and, although the advice of the commission was that a surgeon-superintendent should be sought from the large field of Europe, and of England especially, the Government had got one from Victoria. He (Mr. Browne) was not going to condemn the appointment they had made, as, from all he knew, he trusted that it would prove to be a good one, and that they would find they had been successful in obtaining a very valuable person to fill the situation. What he mainly wished to point out was, that he thought the commission had cause to feel themselves ignored altogether by the Government that had appointed them, as regarded the Brisbane Reception House, which was the institution more particularly condemned by them, and which was still left to the same control, and under the same management, and subject to the same arrangements as the commission had such cause to find fault with.

The Hon. A. H. BROWN said he thought the debate was altogether irregular.

HONOURABLE MEMBERS: Hear, hear.

The Hon. A. H. BROWN: It had merged into an almost personal discussion between two gentlemen. Of course, he had great sympathy; but he did not, as an Englishman, feel altogether pleasure when two doctors differed, or when they were engaged in active hostility. If any portion of the community deserved sympathy in connection with the question raised, it was the commission; and it was only on that ground, he considered, that the question should be brought forward in the Council. There were members of both Houses of Parliament on the commission, and by the action of the Honourable Dr. O'Donerty in the Chamber, he thought honourable members had a right, in justice to the commission, to assert their privileges and to defend them from the accusations that had been heaped upon them. The commissioners were—William Graham, Esq., M.L.A. (chairman); the Honourable E. I. C. Browne, M.L.C.; the Honourable J. Mullen, M.L.C.—two members of the Council;—Dr. Bancroft; W. G. Bailey, Esq., M.L.A.; W. H. Groom, Esq., M.L.A.; and W. L. G. Drew, Esq. He (Mr. Brown) rose more to protest against the language used by the Honourable Dr. Hobbs in the letter he had written to the Government, and also in his place in the

Chamber, than for any other purpose. It struck him that the commission had taken a very large amount of trouble; they had sifted matters thoroughly and, he thought, impartially. The report said—

"1. Your Commissioners have held thirty-three meetings, and inspected the Woogaroo Asylum, the Brisbane and Toowoomba Reception Houses, and obtained evidence as to the state and conduct of the Reception Houses at Rockhampton and Townsville."

They had not confined their attention simply to the Reception House over which Dr. Hobbs presided. The report went on to say—

"With a view to obtaining evidence on the subject under inquiry, we caused advertisements to be inserted in several of the public newspapers, requesting persons desirous of giving evidence to communicate with the commission."

"We invited Dr. Manning, superintendent of the Hospital for the Insane, Gladesville, New South Wales, to give evidence; and, in reply, were informed that he could not be spared from his own duties for that purpose. This we much regret, because we feel assured that that gentleman's evidence, founded on large experience and attentive study of the whole question of the treatment of the insane, would have been of considerable value. To supply as far as possible this deficiency we submitted certain questions to Dr. Manning, which, with his replies thereto, will be found in separate Appendix B. We have also derived much information from that gentleman's report published in 1868, and from his annual reports on Gladesville. The other papers that have been of service to us for purposes of reference are:—

- "1. Report of Kew Lunatic Asylum Board of Inquiry, Victoria.
- "2. Report of the Joint Committee of both Houses (Queensland), published in 1869 (many of whose recommendations are still unattended to).
- "3. The Annual Reports of the various Medical Superintendents of Woogaroo Asylum.

"We have examined a large number of witnesses, some of whom we thought were likely to give valuable evidence; and have inquired into several charges of ill-treatment of patients in the Woogaroo Asylum and the Brisbane Reception House brought under our notice.

"2. We propose first to report the conclusions we have arrived at touching these cases, the majority of which are in connection with the Brisbane Reception House; secondly, to express our opinion as to the present condition and management of the Woogaroo Lunatic Asylum, and the several reception houses of the colony, so far as we have been able to obtain information respecting them; thirdly, to suggest improvements which we consider necessary to be immediately carried out in connection with those several institutions; and, finally, to state our views as to the best means for providing for the increase in the number of the insane, which it may fairly be assumed, from past experience, is certain to take place."

He merely read that because it appeared to describe what the commission had done. It would take too long to enter into detail; but there was matter of great interest in the document, which entirely contradicted the assertion that Dr. Hobbs had made, that the report was one-sided. In proof of that he found, further on, in the second part of the report, the following:—

“On inspecting this institution we found ample accommodation for a greater number of patients than will probably be there for some years. The only apparent wants are a store-room of moderate size, and improved appliances for warm baths. It is clean, orderly, and well kept.

“The system of management, more particularly in relation to the treatment of patients, is however, defective and objectionable. There are no printed or written rules for the control or guidance of the chief warder, in whose hands too much power is placed.”

That was a point which Dr. O'Doherty had referred to. The honourable member complained that the person left in charge, who was not a medical man, was left to his own discretion very much:—

“He appears to be permitted to administer chloral and baths to patients whenever he deems necessary; in fact, the treatment in this respect seems to have assumed a stereotyped form to which all patients are indiscriminately subjected, and with, we believe, in at least one, if not two cases, fatal results. Considering the various constitutions of patients, the numerous causes and forms of insanity, and the fact that it is in the earlier stage of brain diseases proper and judicious medical treatment is most essential to recovery, we can not but express our strong disapproval of such practice. The opinions of the medical men—members of the commission and others—confirm our view that the administration of baths and chloral by a non-medical man is irregular and dangerous. Wherever personal restraint is deemed absolutely necessary, it should be immediately reported to the medical officer, and only continued under his direction. We dislike very much the form in which the large shower-baths are administered.”

The letter of Dr. Hobbs showed that the report and Dr. O'Doherty's letter were similar in tone; but there was no evidence that Dr. O'Doherty had anything to do with the report, and that was the point that Dr. Hobbs had to show. The gentlemen who formed the commission were men of education and intelligence, and were perfectly capable of arriving at a very proper conclusion in their report. Speaking in the first of his letters, the Honourable Dr. Hobbs described the report of the commission as “disingenuous and one-sided.” That was insulting in its tone to the commission. As he (Mr. Brown) said before, he had no sympathy with Dr. O'Doherty; he believed that the honourable member made a very good case; but he was getting impatient under the discussion that had been raised;—he stood up now to defend the commis-

sion, to whom both Houses of Parliament and the country were very much indebted. The Honourable Dr. Hobbs said, further—

“It must be evident to the most impartial reader of this report that, from its beginning to its ending, a *foregone conclusion* had been determined upon, and that was, the condemnation of the institution and its officers.”

Now, he (Mr. Brown) did not know why so sweeping a condemnation should be made of the commission, that those gentlemen were biased. He thought they would be the last to act as the Honourable Dr. Hobbs had asserted. Although it would be but just to the commission that a discussion should take place, yet there was other business of importance on the paper; and he should conclude by briefly expressing his regret that a letter characterized by so much bitter feeling should have been written, from which such a misunderstanding had arisen between two honourable members of the House whose services were so valuable.

The POSTMASTER-GENERAL said: It appeared to him that the discussion—which might have originated in a very proper motive on the part of the Honourable Dr. O'Doherty, to put himself, as he thought, right with the public, in regard to certain accusations—had become rather too discursive, and he thought it would be expedient for the House to abandon it, and proceed to the business on the paper.

HONOURABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL: He thought that the doctor would be satisfied.

AN HONOURABLE MEMBER: Which doctor?

The Hon. T. B. STEPHENS: Both of them.

The POSTMASTER-GENERAL: The learned doctor who introduced the resolution would be satisfied with the explanation that he had made to the House, and that would thereby go before the country. He (the Postmaster-General) did not himself see that there would be any good gained by the House approving or affirming the resolution that the honourable member had proposed; and he did not think that the honourable member should press the matter to a division at all. If the honourable member took his suggestion he would withdraw it.

HONOURABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL: If carried, the result would be nothing; and it would be just as well that the House, as at present advised, at all events, should refrain from expressing an opinion upon the honourable gentlemen's misunderstanding.

The Hon. E. I. C. BROWNE wished, by way of explanation, to say what he had meant to say before, and thought he did not say. It was this:—He thought it his duty, as one of the commissioners, to give

the most emphatic denial to the statement made by Dr. Hobbs, that Dr. O'Doherty had anything whatever to do with the report of the commission.

The Hon. K. I. O'DOHERTY said he was quite disposed to accept the proposal of the Postmaster-General to withdraw the resolution. The honourable gentleman was quite right in supposing that his only object was to set himself right with the House and the country, in consequence of the glaring charges that had been made against him by Dr. Hobbs. He regretted very much that the honourable member should have done so. However, he was not desirous to push matters further than merely to clear his own reputation and position in the House from any aspersions of the kind. He begged leave to withdraw his motion.

Motion withdrawn, by leave, accordingly.

NATIVE BIRDS PROTECTION BILL.

The House resolved into Committee of the Whole for the consideration of the message from the Legislative Assembly, returning the Native Birds Protection Bill with amendments.

In reference to the postponement of the close season, "from 1st October to the 1st of March,"

The Hon. W. D. Box, who was in charge of the Bill, said he did not care for the change; but the Bill contained a remedy within itself, as the Governor could vary the close season, if it should be found advisable, at any time. If the amendments of the Assembly should not be accepted, the Bill would be lost; and another season would pass over without any protection being afforded to the birds.

There were several other amendments, the next most important of which was the omission from the schedule of "pelicans," "butcher-birds," and "red-bills (all species)," and the addition of the following:—"Ibis, lyre-bird, mopoke or owl, wagtail, satin-birds and all bower-birds, cuckoos, woodpeckers, robins, wrens, finches, larks, water-rails." All were agreed to, and, on the resumption of the House, the report from the committee was adopted, and the concurrence of the Council was communicated to the Assembly by message in the usual form.

FORTITUDE VALLEY PARSONAGE BILL.

The House went into committee on the Fortitude Valley Parsonage Land Sale Bill.

The Hon. F. T. GREGORY, as he was not present at the second reading of the Bill, protested against the principle of permitting trustees of lands granted for public worship to divert them from the purpose

for which they were specifically vested by the original donor. It was becoming too much the practice to pass private Bills through Parliament with the object of alienating what might ultimately become a valuable estate for the permanent endowment of the institution for which land was in trust. He expected that some such course was intended in reference to the district in which he resided; and he should oppose it, as also all such action in future. He was not sufficiently acquainted with the circumstances of the case contemplated by the present Bill to move any amendment.

The Hon. W. THORNTON explained the circumstances which gave rise to the introduction of the Bill. A new parsonage was to be erected on part of the land now occupied by the new Church of England, Fortitude Valley, as most convenient for the incumbent; and the proceeds of the sale of the present parsonage and land, inconveniently situated, were to be devoted to the object in view.

The POSTMASTER-GENERAL admitted that there was great reason in what the Honourable Mr. Gregory had urged, that specific trusts should not be departed from. In this case, however, one freehold was to be exchanged for another, dedicated to church purposes, as set out in the original grant of the land. He saw no objection to the Bill passing, under the circumstances.

After further deliberation in respect to the details of the measure, the CHAIRMAN reported that the Bill had passed without amendment, and the report was adopted by the House.

BANK HOLIDAYS BILL.

The House went into committee for the further consideration of this Bill; and, on the motion of the POSTMASTER-GENERAL, the new clause proposed by him at the previous sitting, for the repeal of certain sections of the Bills of Exchange Act, was agreed to. The schedule was amended, as recommended by the select committee, showing the bank holidays, as follow:—

"SCHEDULE.—The first of January the seventeenth day of March Good Friday the day after Good Friday Easter Monday the twenty-third day of April the first day of August the Birthday of Her Majesty or her successor the Birthday of the Prince of Wales the thirtieth day of November the tenth day of December Christmas Day the twenty-sixth day of December. When any of the above days falls upon a Sunday the next following Monday shall be a bank holiday and whenever the twenty-sixth day of December falls upon a Monday the day following shall be a bank holiday. All days which may from time to time be duly appointed for solemn fast or public thanksgiving."

The Bill was then reported to the House with amendments.

AUDITOR-GENERAL'S PENSION BILL.

The POSTMASTER-GENERAL said he should offer very few remarks on "A Bill to confer certain privileges on the Auditor-General," which was a measure to enable the present Auditor-General, on his retirement from office, to receive a pension of £500 per annum, payable monthly, and to provide that whenever an officer under the operation of the Civil Service Act of 1863 should be appointed to the office of Auditor-General, he should, on his retirement from office at or after the age of sixty years, or on his being disabled by permanent infirmity, be entitled to the same allowance as he would be entitled to if he remained under the Civil Service Act. The gentleman who was now Auditor-General had been in the Civil Service of this colony and New South Wales over twenty-nine years. Up to the time of his appointment as Auditor-General, in 1867, he contributed towards the Civil Service fund; but, by the 1st section of the Civil Service Act, when he became Auditor-General he ceased to be under the provisions of that statute. The result had been that he had forfeited his right to the superannuation allowance under the Civil Service Act; and no provision was made under the Audit Act for an allowance to him on his retirement. Accordingly, the effect of his promotion to be a Parliamentary officer had brought about the loss of rights that would have accrued to him had he remained a member of the Civil Service. That was considered a hardship; and as the officer in question was an old, and faithful, and valued servant of the Crown, it was but fair that, now, when infirmities were creeping upon him, he should be enabled to retire in as good a position as he would have had he continued under the Civil Service Act. And, in order that injustice might not be done to future occupants of the office, it was further provided by the Bill as he (the Postmaster-General) had already intimated. He did not know that he need say more. The primary object of the Bill was to recognize the services of a valuable public officer; the secondary object was to deal with future holders of the office in a similar manner to that in which it was now proposed to deal with the present holder of the office of Auditor-General. He begged to move—

That this Bill be now read a second time.

The Hon. F. T. GREGORY: The Bill was one which all honourable members would concur in. He believed it to be one which was very just and equitable. However much inclined the Council might be to watch with jealousy the expenditure of public moneys in the apportionment of pensions to any Civil servants who might not be entitled thereto, he thought that in the present instance there could be but one mind in the House as to the real claims of

the officer to whom the Bill referred. They had known him for a great many years as a very careful and praiseworthy Civil servant, who had conducted his business to the satisfaction of everyone he had to deal with. He should support the second reading of the Bill.

Question put and passed.

CHINESE IMMIGRANTS REGULATION BILL.

The House resolved into Committee of the Whole for the consideration of the Message of the Legislative Assembly, respecting amendments made by that House in the Chinese Immigrants Regulation Bill upon the amendments of the Council.

The Message set out that the Assembly—

"Agree to the amendment in clause 1, with the following amendment—

"Omit 'of any island in the Chinese seas,' and insert 'its dependencies,'

"Disagree to the amendment in clause 7,

"Because it is considered more equitable to require the deposit of a sum of money as security against Chinese immigrants becoming a charge upon the colony, than to impose a poll-tax upon such immigrants.

"Disagree to the amendment omitting clause 10,

"Because it is considered undesirable to subject *bona fide* residents of the colony at the present time, who may desire to be absent for a temporary purpose only, to the operations of the Bill.

"Disagree to the amendments in the title and preamble,

"Because such disagreement is consequent upon other disagreements.

"And agree to the remaining amendments."

On clause 1—

The POSTMASTER-GENERAL said it would be in the recollection of honourable members that considerable discussion took place as to the definition of Chinese when the Bill was previously before the Council. Some difficulty was felt by the Assembly as to the inhabitants of Hongkong, which was an island in the Chinese seas, but was, at the same time, a part of the British possessions. Hence the amendment. He moved that it be agreed to.

Question put and passed.

On clause 7—

The POSTMASTER-GENERAL said it would be observed that the Assembly had agreed to the Council's amendment in the 3rd clause of the Bill in regard to the number of Chinese that a ship should carry—in the proportion of one passenger to every ten tons burden;—but insisted upon the retention of the provision of the Bill which made the £10 returnable to a Chinese who should leave the colony within three years, and give proof that he had not, during his stay, been a burden on the colony or an offender against the laws. His own opinion was

that the Council's amendment was preferable; but, as the matter was a financial one, he should give way rather than have further disagreement upon the Bill. He moved—

That the Council do not insist upon their amendment.

The Hon. F. T. GREGORY contended for insisting upon the amendment of the Council, but for the thin House not allowing of a fair expression of opinion.

The PRESIDENT agreed with his honourable friend who had preceded him, that the Bill as shaped by the Council was the more honest way of dealing with the Chinese. He presumed that the object of the Bill was to interfere with and prevent the immigration of Chinese. The simple plan was, to put a poll-tax on Chinamen, as by the Council's amendments would be the case, without the cumbrous process of returning the £10 upon their going away. It seemed like offering a premium or a bonus to Chinamen to get rid of them. As £10 was collected from them on coming into the colony, it might serve to offer them £12 to leave. However, they had a thin House, and he did not very much care in what shape the Bill passed; so he should not dissent from the Postmaster-General's motion.

The Hon. W. HOBBS said he fully agreed with the remarks of the preceding speaker in so far that he thought the Council ought to insist upon their amendment on the 7th clause. He came in contact with a good many Chinamen; they were a very great expense to, and a burden on, the colony; and he thought it was but reasonable and fair that they should pay a poll-tax in order to meet the cost incurred on their account in various ways. Wherever he went, in hospitals, gaols, or charitable institutions—in lunatic asylums—Chinese were met; and they contributed very little towards the finances of the colony. Something should be got out of them.

The POSTMASTER-GENERAL pointed out that what the honourable member desired was the object of the clause in its original shape, to which the Assembly had restored it in the Bill.

The Hon. W. THORNTON advocated the "drawback" on Chinamen, as on other imported "goods" passing through the Customs.

The Hon. W. F. LAMBERT expressed his surprise at what the Honourable Dr. Hobbs had said as to Chinamen being a heavy tax on the charitable institutions of the colony. He had visited the Rockhampton Hospital pretty regularly for three years, and he never saw a Chinaman treated there; and he could say safely that during the number of years he had been in the bush only once was he asked by a Chinaman for rations. The Chinese when travel-

ling bought their rations; they took care of themselves; they were independent; and they did not go to stations as beggars. If they wanted anything on the way they went to the stores and bought rations. That was his experience during fifteen years. Therefore, he was surprised to hear that Chinese were a tax on the colony, in proportion to their numbers.

The Hon. W. HOBBS agreed that the Chinese were frugal and thrifty; they were clever, but practised all sorts of deception. If a Chinaman died there would be another to take his place and to claim the return of the £10; and it would be practically impossible to carry out the intention of the clause, because Chinese resembled one another so closely they could not be individually recognized.

The Hon. W. F. LAMBERT suggested that they should be photographed.

The Hon. F. T. GREGORY: Brand them.

The Hon. W. F. LAMBERT: That would be an improvement! Certainly.

The Hon. F. T. GREGORY said he should be sorry to see a law passed which would promote the practice of duplicity. Lawyers would say that to prove a negative was one of the most difficult matters. Yet under the clause a Chinese leaving the colony had to prove that he had not been an offender against the laws or a burden on the colony, and many other things, before he could get a certificate for the return of the £10. The country had had enough of that sort of thing in the land laws, under which a man charged with being a dummy, on the dictum of a Minister, had to prove that he was not a fraudulent person. Let the poll-tax be paid and there end.

The POSTMASTER-GENERAL never heard of a land law in this colony which enabled a Minister to charge a person with being a dummy and compelled him to prove that he was not. On the contrary, he knew of a statute whose provisions were very liberal in enabling persons to get possession of land against the interests of the public. All that those persons had to do was to make affidavit that they took up the land *bond fide* for their own benefit. Instances were known where they must have perjured themselves; but the fact could not be proved legally, from their acting in concert. However, the land was taken out of the possession of the public.

The CHAIRMAN required that the discussion should be confined to the question before the committee.

The Hon. J. C. HEUSSLER; If it was not that he feared that the Bill would be lost, he should certainly insist upon the Council's amendment.

Question put and passed.

On clause 10—

In answer to the Hon. W. HOBBS, who expressed his fears that the certificates of

exemption would be marketable commodities amongst the Chinese, and would be used to evade the payment of the immigrant's fee,

The POSTMASTER-GENERAL said that the certificates would only be issued to *bona fide* residents of the colony at the time of the passing of the Bill, and at the discretion of the Colonial Treasurer, who would not allow the clause to apply except to well-known persons who might desire to leave the colony for a temporary purpose. It was not likely that certificates would be issued indiscriminately to irresponsible persons.

The clause was restored, and all the consequential amendments were made in the Bill. Upon the CHAIRMAN presenting the report from the committee, the same was adopted by the House, and a message was ordered to be sent down to the Assembly stating that the Council agreed to their amendments in clause 1, and did not insist on those amendments to which the Assembly had disagreed.

RAILWAY PLANS RECORDS OF PARLIAMENT.

Messages were received from the Legislative Assembly as under :—

"1. *Plans of various Railways.*

"MR. PRESIDENT,

"The Legislative Assembly having agreed to the following resolutions, viz. :—

"1. That this House approves of the plans, sections, and book of reference of the extension of the railway from Warwick to Stanthorpe, laid up on the table of this House ;

"2. That this House approves of the plans, sections, and book of reference of the railway from Maryborough to Gympie, laid upon the table of this House ;

"3. That this House approves of the plans, sections, and book of reference of the railway from Bundaberg towards Mount Perry, laid upon the table of this House ;

"4. That this House approves of the plans, sections, and book of reference of the extension of the railway from Comet to Emerald Downs, laid upon the table of this House ;

"5. That this House approves of the plans, sections, and book of reference of the extension of the railway from Dulacca to Roma, laid upon the table of this House ;

"6. That this House approves of the plans, sections, and book of reference of the railway from Townsville towards Charters Towers, laid upon the table of this House ;

"beg now to forward to the Legislative Council for their approval the said plans, sections, and books of reference.

"H. E. KING,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 7th August, 1877."

"2. *Plans of the Highfields Branch Railway.*

"MR. PRESIDENT,

"The Legislative Assembly having agreed to the following resolution, viz. :—That this

1877—s

House approves of the plan, section, and book of reference of the branch railway line from Highfields Railway Station to Highfields Summit, laid upon the table of this House, beg now to forward to the Legislative Council for their approval the said plan, section, and book of reference.

"H. E. KING,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 7th August, 1877."

At a subsequent stage of the proceedings of the Council,

The PRESIDENT said he had to bring under the notice of the House a matter upon which he should be glad to have their advice, in reference to the railway plans, presumed, now, to have been laid on the table. It had been requested that the Clerk of the House should give a receipt to the Clerk of the Assembly for the documents so sent from the Assembly to the Council ; and he should like the House to advise him as to whether it was safe, without further consideration, to admit of that step. Those documents had been brought up, he fancied, by one of the messengers of the other House, and then laid on the table. Before any receipt could be given, of course, they would have to be examined very cautiously by the officer of the Council, who would, on giving the receipt, become responsible for them. But, before any step was taken and a precedent established, he (the President) thought it would be better that the matter should be referred to the Standing Orders Committee to consider and report upon. The practice hitherto had been that whatever documents approved were sent up from the other House for the consideration of the Council were under the charge of the Clerk of the Parliaments. By the Standing Orders—

"The custody of all documents and papers belonging to the Council shall be in the clerk, who shall not permit any to be removed therefrom without leave of the House."

It had been the practice to return plans and such documents to the department of the Government from which they had emanated, without asking the House for their permission ; and the matter had attracted attention, as, no doubt, honourable members were aware, and it was now under consideration by a joint committee of both Houses of Parliament. He presumed that, before long, the House would be in possession of the report of that committee, and would know what recommendations they would make. But, until further consideration was given to the matter, he thought it would be as well for the Clerk of the Council to take no step, unless he was authorized to do so by the House ; and perhaps it would be advisable, as he (the President) said before, that the Standing Orders Committee should give their consideration to it.

The POSTMASTER-GENERAL said he had no doubt that the unusual request made by the Clerk of the Assembly for an acknowledgment of the receipt of the plans had arisen in connection with the matter which had been already referred to a joint committee of the two Houses, and which originated in the circumstance that certain railway plans which had been sent from the Legislative Assembly to the Council had been subsequently delivered by an officer of the Council to one of the permanent heads of the Government departments. For his own part, without giving the subject any consideration, except what presented itself to him at the present moment, he did not see that it would be objectionable at all for the officials of the Council, upon comparing the plans and finding them to agree with the tabulated statement that the Clerk of the Assembly had furnished, to give a simple acknowledgment to that effect; because, the Railway Act required that no railway should be constructed unless the plans, sections, and book of reference had been approved of by resolution of both Houses of Parliament; and the plans, sections, and books of reference referred to had now reached the Council, after having met with the approval of the Legislative Assembly; and it was possible, from oversight, negligence, or accident, that some other plans might come before the House which were not identical with the plans which had passed through the Assembly. Therefore, it was desirable, as he took it, that there should be some means of identifying plans that had passed through one Chamber and come up to the other; and that, if any dispute did arise in the construction of a railway, it should be beyond a doubt that the plans were right as having received the approval of both Houses. Under the circumstances, it seemed rather to strengthen the approval of both Houses that an acknowledgment should pass from the officers of one to the officers of the other that the plans and books of reference had been received. However, as it was a novelty, and required more deliberate consideration than could be given to it at present, perhaps the suggestion of the President was the best one to adopt—let it be referred to the Standing Orders Committee. It was just possible that the report of the joint committee would bear upon the question. In the meantime, the President would give an instruction to the officer of the House to adopt means to compare the tabulated statement with the plans received, and to suspend further action. It would be a satisfaction to the House, and a security, to know that the plans received for consideration were under safe custody; otherwise, their efforts might be rendered useless.

The PRESIDENT: What he thought would be a better arrangement was, that the Acting-

Clerk of the Council should examine the plans and report to him that they were correct or according to description, and that he should stamp them with the stamp of the Legislative Council; and then the House could send a message to the Assembly stating that they had received certain plans; because, it struck him that the officers of one House communicating with the officers of the other might involve some inconvenience. He did not see it immediately; but such a mode of communication was unusual. Nothing was done between the Houses of Parliament except by message from one House to the other;—there was no communication otherwise. If it met with the approval of the House, he would instruct the Clerk to prepare for him, so that he could lay it on the table, to-morrow, a detailed statement of the plans received, with the assertion that he had put the stamp of the Council upon each plan.

The HON. F. T. GREGORY: It appeared to him, at first, that there was very little doubt that the recommendation of the President was the best, to refer the matter to the Standing Orders Committee; but it struck him that the form of certificate on Bills that passed from one House to the other was the most effective means of identification of documents approved of by Parliament, and would exactly meet the case. The plan suggested of sending a message would meet all requirements.

The HON. J. C. HEUSSLER concurred in the suggestion to stamp the documents. The committee would, doubtless, report in a few days.

The POSTMASTER-GENERAL: Since he spoke before, he considered that the suggestion thrown out by the President was the one that would meet all the requirements of the case entirely. No further action need be taken. If the officers of the Council verified the plans received from the Legislative Assembly by message of present date, that could be noted on the journals of the House, and there was evidence patent that the Council had received certain plans.

The PRESIDENT: As the House agreed with him he should take measures accordingly.

The matter dropped.

ADJOURNMENT.

In moving the adjournment of the House,

The POSTMASTER-GENERAL said he hoped, next day, to be in a position to determine, with the approval of honourable members, what adjournment the House would make over next week. There was a proposal before the other branch of the Legislature that there should be an adjournment from Friday next for a fortnight. As there was nothing on the Council paper they could

not readily get through in a day or two, no advantage would accrue from their meeting during the adjournment of the other House, and it would be judicious for the Council to adjourn over the same period as might be agreed to by the Assembly. It was very probable that he should, to-morrow, ask the House to adjourn for a fortnight.
